

ORDINANCE NO ~~2668~~XXXX

AN ORDINANCE OF THE CITY OF SUMNER, WASHINGTON, ESTABLISHING A PLANNED ACTION FOR THE TOWN CENTER SUBAREA PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT.

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of planned actions by jurisdictions planning under the Growth Management Act (GMA), such as the City of Sumner (“City”); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC), and Section 16.04.170 of the Sumner Municipal Code (SMC) allow for and govern the adoption and application of a planned action designation under SEPA; and

WHEREAS, the designation of a planned action expedites the permitting process for projects of which the impacts have been previously addressed in a supplemental environmental impact statement (SEIS); and

WHEREAS, a subarea of the City commonly referred to as the “Town Center”, as depicted on the map attached hereto as Exhibit A and incorporated herein by this reference, has been identified as a planned action area for future development (“Planned Action Area”); and

WHEREAS, the City has developed and adopted a subarea plan titled the Town Center Plan and Form Based Code adopted December 3, 2018 through Ordinance No. 2666 and Ordinance No. 2667, respectively, complying with the GMA (RCW 36.70A) to guide the development of the Town Center; and

WHEREAS, [TCP and Code Amendments 2025](#); and

NOTE: THE PROPOSED CHANGES NEED TO BE EVALUATED WITH THE PLANNING COMMISSION

WHEREAS, after extensive public participation and coordination with all affected parties, the City, as lead SEPA agency, issued the Sumner Town Center Subarea Plan Update and Planned Action Final Supplemental Environmental Impact Statement (“Final SEIS”) dated November 26, 2018, [the Sumner Comprehensive Plan Update 2024 Final EIS January 6, 2025, and the Town Center Plan Update 2025 and SEPA Determination of Non-Significance](#) which ~~collectively identifies~~ identify the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Comprehensive Plan; the ~~Final SEIS includes by incorporation the associated Draft SEIS issued on September 12, 2018~~ (SEPA documents are collectively referred to herein as the “Planned Action SEISSEPA”); and

WHEREAS, the City desires to designate a planned action under SEPA for the Town Center Plan (“Planned Action”); and

WHEREAS, adopting a Planned Action for Town Center with appropriate standards and procedures will help achieve efficient permit processing and promote environmental quality protection; and

WHEREAS, the City has adopted development regulations and ordinances that will help protect the environment and will adopt regulations to guide the allocation, form, and quality of development in the Town Center; and

WHEREAS, the City Council finds that adopting this Ordinance is in the public interest and will advance the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section I. Purpose. The purpose of this Ordinance is to:

A. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the ~~Planned Action SEIS~~[Planned Action SEPA](#) to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;

B. Designate the Town Center shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;

C. Determine that the ~~Planned Action SEIS~~[Planned Action SEPA](#) meets the requirements of a ~~planned action SEIS~~[Planned Action SEPA](#) pursuant to SEPA;

D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as “Planned Action Projects” consistent with RCW 43.21C.440;

E. Provide clear definition as to what constitutes a Planned Action Project within the Planned Action Area, the criteria for Planned Action Project approval, and how development project applications that qualify as Planned Action Projects will be processed by the City;

F. Streamline and expedite the land use permit review process by relying on the ~~Planned Action SEIS~~[Planned Action SEPA](#); and

G. Apply applicable regulations within the City’s development regulations and the mitigation framework contained in this Ordinance for the processing of Planned Action Project applications and to incorporate the applicable mitigation measures into the underlying project permit conditions to address the impacts of future development contemplated by this Ordinance.

Section II. Findings. The City Council finds as follows:

A. The Recitals above are adopted herein as Findings of the City Council.

B. The City is subject to the requirements of the Growth Management Act (GMA).

C. The City has adopted a Comprehensive Plan complying with the GMA and an associated subarea plan with text and policies specific to the Town Center.

D. The City is adopting zoning and development regulations concurrent with the Comprehensive Plan to implement said Plan, including this Ordinance.

E. The Town Center Subarea Plan Update ~~(2018 and 2025) Planned Action SEIS~~[Planned Action SEPA](#) adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.

F. The mitigation measures identified in the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#), attached to this Ordinance as Exhibit B, and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.

G. The Sumner Town Center Subarea Plan Update and Planned Action ~~SEIS~~ identifies the location, type, and amount of development that is contemplated by the Planned Action.

H. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.

I. The City provided several opportunities for meaningful public involvement and review in the Sumner Town Center Subarea Plan Update and Planned Action ~~SEIS~~ process, including a community meeting consistent with RCW

43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

J. Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.

K. The designated Planned Action Area is located entirely within an urban growth area (UGA).

L. Implementation of the mitigation measures identified in the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#) will provide for adequate public services and facilities to serve the proposed Planned Action Area.

Section III. Procedures and Criteria for Evaluating and Determining Planned Action Projects within the Planned Action Area.

A. Planned Action Area. This “Planned Action” designation shall apply to the area shown in Exhibit A of this Ordinance.

B. Environmental Document. A Planned Action Project determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Sumner Town Center Subarea Plan Update and Planned Action ~~SEIS~~. The mitigation measures contained in Exhibit B of this Ordinance are based upon the findings of the SEIS [and Final EIS](#) and shall, along with adopted City regulations, provide the framework the City will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.

C. Planned Action Project Designated. Land uses and activities described in the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#), subject to the thresholds described in Subsection III.D of this Ordinance and the mitigation measures contained in Exhibit B of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Subsection III.D of this Ordinance and all other applicable laws, codes, development regulations, and standards of the City, including this Ordinance, are met.

D. Planned Action Qualifications. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the ~~Planned Action SEIS~~[Planned Action SEPA](#):

(1) Qualifying Land Uses.

(a) A primary land use can qualify as a Planned Action Project land use when:

- i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;
- ii. it is consistent with land use categories and activities studied in the SEIS and consistent with form-based code districts and other zoning and development regulations applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

(b) Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: city roads, city utilities, parks, trails, and similar facilities developed consistent with the ~~Planned Action SEIS~~[Planned Action SEPA](#) mitigation measures, City and special district design standards, shoreline master program, critical area regulations, and the Sumner Municipal Code.

(2) Development Thresholds:

(a) Land Use: The following thresholds of new land uses are contemplated by the Planned Action:

Projected Net Land Use ~~2015-2035~~2020-2044

Use	No Action Alternative	Action Alternatives	<u>Periodic Update and Town Center Plan Update</u>
New Housing Units	339	1,194	1,245
New Employment (Jobs)	408	460	430

- (b) Shifting development amounts between land uses in identified in Subsection III.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the Sumner Town Center Subarea Plan Update and [Planned Action SEIS](#)[Planned Action SEPA](#); the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Sumner Comprehensive Plan and Municipal Code Update SEIS are mitigated consistent with Exhibit B of this Ordinance.
- (c) Density: The form-based code allows unlimited density provided height, setbacks, parking, and landscaping standards are met, which indirectly control density. For the purposes of environmental impact analysis, densities were assumed. Development that is consistent with the form-based code and other applicable zoning and development regulations and is within the limits of the net land use in Subsection (2)(a) is considered a Planned Action even where density proposed is different than the SEIS assumed density. However, the SEPA responsible official may request supporting information demonstrating consistency with the City's transportation, infrastructure, and public services levels of service standards and applicable codes and standards.
- (d) Height: The form-based code regulates height by stories, establishing minimum floor-to-floor heights. For the purposes of environmental impact analysis, the SEIS studies both stories and height in feet that is consistent with the form-based code and modestly higher than the minimum floor-to-floor heights. Development that is consistent with the form-based code standards but taller than the heights assumed in the SEIS, but no greater than 10 percent taller, are considered Planned Actions. Proposals with building heights that are greater than 10 percent above SEIS assumptions are subject to additional technical analysis. The City may require aesthetic or shade/shadow analysis or modeling to determine that applicable design standards and mitigation measures in Exhibit B reduce impacts to a less than significant level.
- (e) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Sumner Comprehensive Plan and Municipal Code Update SEIS.

(3) Transportation Thresholds:

- (a) Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action [SEIS](#) for ~~2035-2044~~ is as follows. [To be considered a planned action trips together with other cumulative trips may not exceed the Total PM Peak Hour Trip Generation maximum considered in the Transportation Master Plan and Planned Action SEPA \(Alternative 2\) since the Transportation Master Plan and EIS showed the same necessary system improvements for all of the studied alternatives:](#)

Alternative	Total PM Peak Hour Trip Generation
Existing (2023)	1,769
2044 Baseline (Pref Alt from 2024 Comp Plan)	2,343
2044 Alternative 1	2,594
2044 Alternative 2	2,674

~~Action Alternative Estimated Weekday PM Peak Hour Town Center Trip Generation¹~~

Alternative	Inbound	Outbound	Total
Alternative 1: Density Option A	2,004	1,775	3,778
Alternative 1: Density Option B	2,009	1,789	3,799
Alternative 2	2,004	1,776	3,779

~~1. Trip generation based on the City of Sumner travel demand model and land use plan for each Alternative.
Source: Transpo 2018~~

- (b) Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in the Sumner Transportation Master Plan and implementing code, as appropriate.
- (c) Transportation Impact Mitigation. Transportation impact fees shall be paid consistent with Chapter 12.36 SMC. ~~Transportation mitigation shall also be provided consistent with mitigation measures in Exhibit B, Attachment B-1 of this Ordinance attached hereto and incorporated by this reference.~~
- (d) The City SEPA responsible official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection III.D(3)(a) are not exceeded, that the project meets the concurrency standards of Subsection III.D(3)(b), and that the project has mitigated impacts consistent with Subsection III.D (3)(c).
- (e) Discretion.
- i. The Public Works Director or designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action.
 - ii. The responsible City official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Sumner Municipal Code.
 - iii. The responsible City official shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.
 - iv. Densities may differ in levels and location studied in the SEIS as described in (2)(c). If development is within the overall land use and trip maximums in (2)(a) and (3)(a) and meets City levels of service and mitigation requirements in Exhibit B, the City may determine a development is considered a Planned Action proposal.
- (4) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Sumner Town Center Subarea Plan Update and Planned Action SEISPlanned Action SEPA would not qualify as a Planned Action Project.

- (5) Changed Conditions. Should environmental conditions change significantly from those analyzed in the [Planned Action SEISPlanned Action SEPA](#), the City's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Project Review Criteria.

- (1) The City's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:
- (a) the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;
 - (b) the proposed uses and activities are consistent with those described in the Sumner Town Center Subarea Plan Update and [Planned Action SEISPlanned Action SEPA](#) and Subsection III.D of this Ordinance;
 - (c) the project is within the Planned Action thresholds and other criteria of Subsection III.D of this Ordinance;
 - (d) the project is consistent with the Town Center Plan including the regulations of the Town Center Form Based Code integrated into the Sumner Municipal Code;
 - (e) the project's significant adverse environmental impacts have been identified in the Sumner Town Center Subarea Plan Update and [Planned Action SEISPlanned Action SEPA](#);
 - (f) the project's significant impacts have been mitigated by application of the measures identified in Exhibit B of this Ordinance and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
 - (g) the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
 - (h) the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.
- (2) The City shall base its decision to qualify a project as a Planned Action Project on review of the Subarea SEPA Checklist form included in Exhibit B to this Ordinance and review of the Planned Action Project submittal and supporting documentation, provided on City required forms.

F. Effect of Planned Action Designation.

- (1) Designation as a Planned Action Project by the City's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the [Planned Action SEISPlanned Action SEPA](#).
- (2) Upon determination by the City's SEPA Responsible Official that the project application meets the criteria of Subsection III.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an SEIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable City, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Project Permit Process. Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

- (1) Development applications shall meet all applicable requirements of the Sumner Municipal Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.
- (2) Applications for Planned Action Projects shall:

- (a) be made on forms provided by the City;
 - (b) include a SEPA checklist consistent with WAC 197-11;
 - (c) provide a conceptual site plan to scale and narrative documenting how the planned action project meets the requirements of this Ordinance and the Town Center Plan as well as relevant Form Based Code standards and other Sumner Municipal Code requirements. The written summary shall identify the consistency of the Planned Action Project application with the Town Center Plan “Plan Elements” concepts and strategies. and
 - (d) meet all applicable requirements of the form-based code and other development standards contained in the Sumner Municipal Code and this Ordinance.
- (3) The City’s SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
- (4) (a) If the City’s SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a “Determination of Consistency” and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.
- (b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 18 SMC, except that no SEPA threshold determination, SEIS, or additional SEPA review shall be required.
- (c) The Determination of Consistency shall remain valid and in effect if the underlying project application approval is also in effect.
- (d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.
- (6) (a) If the City’s SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a “Determination of Inconsistency” and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21c.440.
- (b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.
- (c) Upon issuance of the Determination of Inconsistency, the City’s SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City’s SEPA regulations and the requirements of state law.
- (d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the ~~Planned Action SEIS~~[Planned Action SEPA](#), as well as other relevant SEPA documents, to meet the non-qualifying project’s SEPA requirements. The City’s SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the ~~Planned Action SEIS~~[Planned Action SEPA](#).
- (7) To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.
- (8) A Determination of Consistency or Inconsistency is a Type II land use decision subject to the procedures established in Title 18 SMC. An appeal of a Determination of Consistency shall be consolidation with any pre-decision or appeal hearing on the underlying project application where applicable.

Section IV. Monitoring and Review.

A. The City should monitor the progress of development in the designated Planned Action area as deemed appropriate to ensure that it is consistent with the assumptions of this Ordinance and the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~Planned Action SEPA regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area. The City should monitor the subarea plan as part of monitoring reports under RCW 36.70A.130(9), as well as periodic reviews of its Comprehensive Plan (RCW 36.70a) and Shoreline Master Program (RCW 90.58).

NOTE: RECOMMEND THE ABOVE LANGUAGE TO BE ADDED IN LIEU OF ATTACHMENT C.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five (5) years from its effective date in conjunction with the City's regular Comprehensive Plan review cycle, as applicable. The timing of subsequent reviews after the first review shall be determined with the completion of the first review. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) ~~and Public Agency Actions and Commitments (Exhibit C)~~. Based upon this review, the City may propose amendments to this Ordinance or may supplement or revise the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~Planned Action SEPA.

Section V. Conflict. In the event of a conflict between this Ordinance or any mitigation measures imposed thereto, and any ordinance or regulation of the City, the provisions of this Ordinance shall control.

Section VI. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

Section VII. Effective Date. This Ordinance shall take effect and be in force ten (10) days after publication as provided by law.

Passed by the City Council of the City of Sumner the day of , 20182025.

Mayor

ATTESTED:

PUBLISHED: XXX, 20182025

EFFECTIVE: XXX, 20182025

City Clerk

First Reading:

Second Reading:

Date Adopted:

Date of Publication:

Effective Date:

APPROVED AS TO FORM:

City Attorney

EXHIBIT A SUMNER TOWN CENTER PLANNED ACTION AREA Excludes M-1

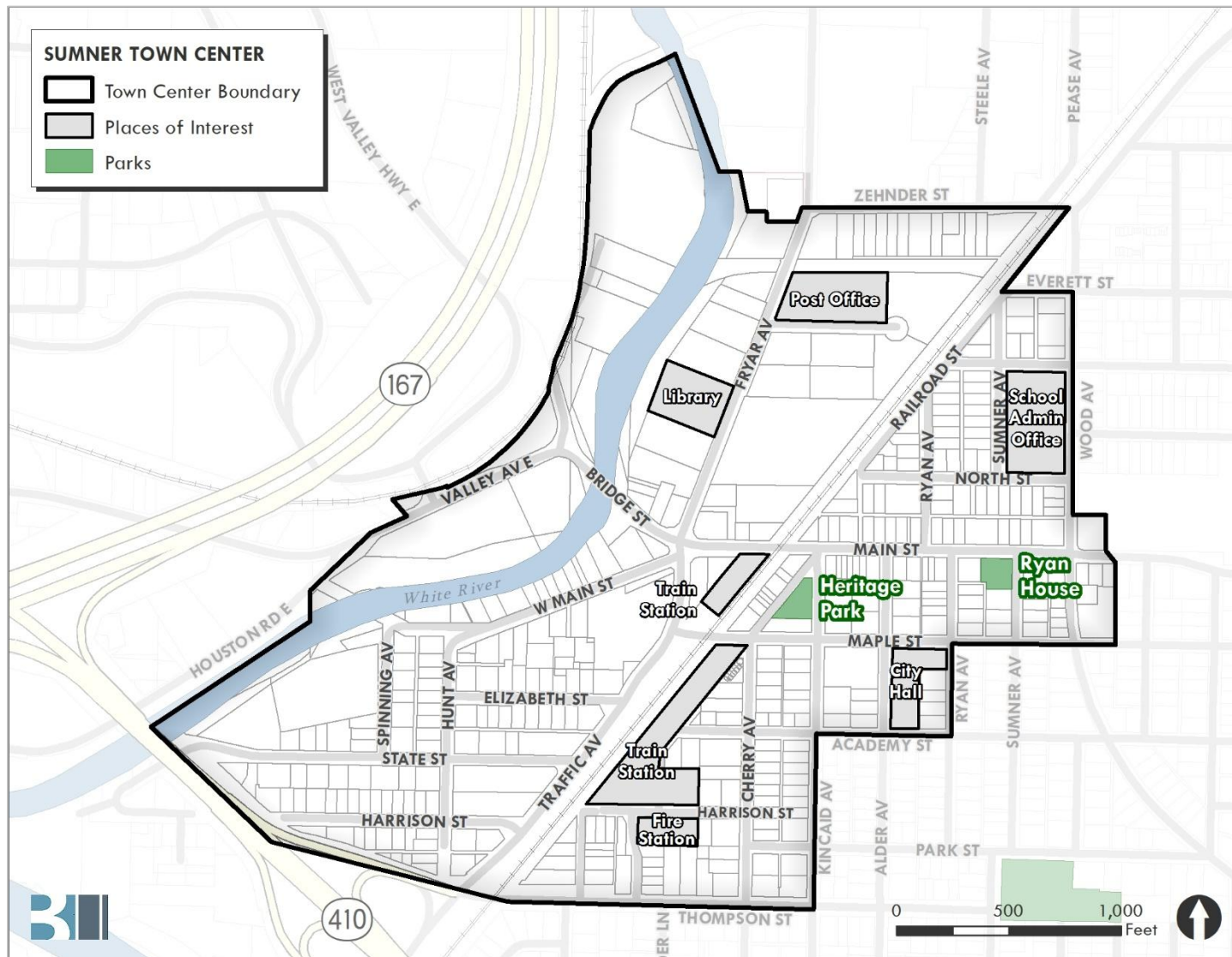


EXHIBIT B MITIGATION MEASURES

INTRODUCTION

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that are likely to have adverse impacts upon the environment. To meet SEPA requirements, the City of Sumner issued the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#), as defined in this Town Center Planned Action Ordinance (“Ordinance”) in which this Exhibit is attached. The Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#) has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with several possible measures to mitigate those significant adverse impacts.

The City of Sumner has established a Planned Action designation for the Town Center (see **Exhibit A**) based on the Sumner Town Center Subarea Plan Update and ~~Planned Action SEIS~~[Planned Action SEPA](#). SEPA Rules indicate review of a Planned Action Project is intended to be simpler and more focused than for other projects (WAC 197-11-172).

MITIGATION DOCUMENT

A Mitigation Document is provided in **Attachment B-1** to this Exhibit B and establishes specific mitigation measures, based upon significant adverse impacts identified in the ~~Planned Action SEIS~~[Planned Action SEPA](#). These mitigation measures shall apply to future development proposals which are found consistent with the Planned Action thresholds in Subsection III.D of this Ordinance and located within the Planned Action Area (see **Exhibit A**).

APPLICABLE PLANS AND REGULATIONS

The ~~Planned Action SEIS~~[Planned Action SEPA](#) identifies specific regulations that act as mitigation measures. These are summarized by SEIS topic in **Attachment B-2** to this Exhibit B and are advisory to applicants. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable, including those listed in the ~~Planned Action SEIS~~[Planned Action SEPA](#) and those not included in the ~~Planned Action SEIS~~[Planned Action SEPA](#).

ATTACHMENT B-1

Mitigation Required for Development Applications

INTRODUCTION

The ~~Planned Action SEIS~~[Planned Action SEPA](#) has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with several possible measures to mitigate those significant adverse impacts. Please see [2018 Final SEIS Chapter 1 Summary](#) ~~and the Sumner Comprehensive Plan Update 2024 Final EIS Chapter 1 Summary~~ for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this **Attachment B-1** to establish specific mitigation measures based upon significant adverse impacts identified in the ~~Planned Action SEIS~~[Planned Action SEPA](#). The mitigation measures in this **Attachment B-1** shall apply to Planned Action Project applications that are consistent with the Preferred Alternative range reviewed in the ~~Planned Action SEIS~~[Planned Action SEPA](#) and which are located within the Planned Action Area (see **Exhibit A**).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in Planned Action Project application plans is mandatory to qualify as a Planned Action Project. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform.

All references to decisions to be made or actions to be taken by the City’s SEPA Responsible Official may also be performed by the City’s SEPA Responsible Official’s authorized designee.

MITIGATION MEASURES

Earth (2015 SEIS; [Sumner Comprehensive Plan Update 2024 Final EIS](#))

- Conditions of approval for development include pre-loading, foundation and footing system design considerations, parking area asphalt design, and compliance with the International Building Code standards, among other requirements and considerations.

Air Quality and Greenhouse Gases (2015 SEIS; [Sumner Comprehensive Plan Update 2024 Final EIS, January 6, 2025](#))

- All construction contractors are required to implement air quality control plans for construction activities in the study area. The air quality control plans include Best Management Practices to control fugitive dust and odors emitted by diesel construction equipment.
- The following Best Management Practices shall be used to control fugitive dust:
 - Use water sprays or other non-toxic dust control methods on unpaved roadways.
 - Minimize vehicle speed while traveling on unpaved surfaces.
 - Prevent track-out of mud onto public streets.
 - Cover soil piles when practical.
 - Minimize work during periods of high winds when practical.

ATTACHMENT B-1 TO EXHIBIT B
CITY OF SUMNER – TOWN CENTER PLANNED ACTION ORDINANCE

- Minimize air quality and odor issues caused by tailpipe emissions maintaining the engines of construction equipment according to manufacturers' specifications and minimizing idling of equipment while the equipment is not in use
- Burning of slash or demolition debris is not be permitted without express approval from the Puget Sound Clean Air Agency.
- Table B.1.1 *Other Potential GHG Reduction Mitigation Measures* lists a variety of mitigation measures that could reduce GHG emissions caused by transportation facilities, building construction, space heating, and electricity usage (Ecology 2008). The table lists potential GHG reduction measures and indicates where the emission reductions might occur. The City SEPA Responsible Official or his/her designee shall require development applicants to consider the reduction measures shown in in Table B.1-1 *Other Potential GHG Reduction Mitigation Measures* and Table B.1-2 *Emission Reduction Measures* for their projects and identify which measures are feasible and incorporated into their projects, and which measures are infeasible together with a rationale and explanation. The City SEPA Responsible Official or his/her designee may condition development applications to incorporate GHG reduction measures found to be feasible.

Table B-1.1. Other GHG Mitigation Measures for Consideration

Reduction Measures	Comments
Site Design	
Retain and enhance vegetated open spaces.	Retains or increases sequestration by plants.
Plant trees and vegetation near structures to shade buildings.	Reduces onsite fuel combustion emissions and purchased electricity, and enhances carbon sinks.
Minimize building footprint.	Reduces onsite fuel combustion emissions and purchased electricity consumption, materials used, maintenance, land disturbance, and direct construction emissions.
Design water efficient landscaping.	Minimizes water consumption, purchased energy, and upstream emissions from water management.
Minimize energy use through building orientation.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Building Design and Operations	
Apply LEED standards (or equivalent) for design and operations.	Reduces onsite fuel combustion emissions and offsite/indirect purchased electricity, water use, waste disposal.
Purchase Energy Star equipment and appliances for public agency use.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Incorporate onsite renewable energy production, including installation of photovoltaic cells or other solar options.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Design street lights to use energy-efficient bulbs and fixtures.	Reduces purchased electricity.
Construct “green roofs” and use high-albedo roofing materials.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Install high-efficiency HVAC systems.	Minimizes fuel combustion and purchased electricity consumption.
Eliminate or reduce use of refrigerants in HVAC systems.	Reduces fugitive emissions. Compare refrigerant usage before/after to determine GHG reduction.
Maximize interior day lighting through floor plates, increased building perimeter and use of skylights, clerestories, and light wells.	Increases natural/day lighting initiatives and reduces purchased electrical energy consumption.
Incorporate energy efficiency technology such as super insulation motion sensors for lighting and climate-control-efficient, directed exterior lighting.	Reduces fuel combustion and purchased electricity consumption.
Use water-conserving fixtures that surpass building code requirements.	Reduces water consumption.
Reuse gray water and/or collect and reuse rainwater.	Reduces water consumption with its indirect upstream electricity requirements.
Use recycled building materials and products.	Reduces extraction of purchased materials, possibly reduces transportation of materials, encourages recycling and reduction of solid waste disposal.
Use building materials that are extracted and/or manufactured within the region.	Reduces transportation of purchased materials.
Use rapidly renewable building materials.	Reduces emissions from extraction of purchased materials.
Conduct third-party building commissioning to ensure energy performance.	Reduces fuel combustion and purchased electricity consumption.

Reduction Measures	Comments
Track energy performance of building and develop strategy to maintain efficiency.	Reduces fuel combustion and purchased electricity consumption.
Transportation	
Size parking capacity to not exceed local parking requirements and, where possible, seek reductions in parking supply through special permits or waivers.	Reduced parking discourages auto-dependent travel, encouraging alternative modes such as transit, walking, and biking. Reduces direct and indirect VMT.
Develop and implement a marketing/information program that includes posting and distribution of ridesharing/transit information.	Reduces direct and indirect VMT.
Subsidize transit passes. Reduce employee trips during peak periods through alternative work schedules, telecommuting, and/or flex time. Provide a guaranteed-ride-home program.	Reduces employee VMT.
Provide bicycle storage and showers/changing rooms.	Reduces employee VMT.
Use traffic signalization and coordination to improve traffic flow and support pedestrian and bicycle safety.	Reduces transportation emissions and VMT.
Apply advanced technology systems and management strategies to improve operational efficiency of local streets.	Reduces emissions from transportation by minimizing idling and maximizing transportation routes/systems for fuel efficiency.
Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes. This includes the Town Center Plan bus/wheeled trolley route.	Reduces idling fuel emissions and direct and indirect VMT.
LEED = Leadership in Energy and Environmental Design; HVAC = heating, ventilation, and air-conditioning	

Source: Ecology, 2008.

- In addition to the representative GHG reduction mitigation measures listed in Table B-1.1, additional GHG reduction measures have been published by the California Air Pollution Control Officers Association (CAPCOA) for purposes of assisting municipalities to develop land-use related GHG reduction measures. Trip reduction measures and GHG emission reduction measures suitable for California will likely also be suitable in Washington. For example, Table B-1.2 lists additional emission reduction measures that could be adopted or incentivized (CAPCOA 2010). The table lists CAPCOA's estimated range of effectiveness for reducing VMT or GHG emissions for each measure.

Table B-1.2 Emission Reduction Measures

Measure Number	Title	Description	Range of Effectiveness
Transportation			
TRT-1	Voluntary Commute Trip Reduction	A successful program will include all of the following: carpooling encouragement; ride-matching assistance; preferential carpool parking; flexible work schedules for carpools; half-time transportation coordinator; vanpool assistance; bicycle end-of-trip facilities.	1.0 – 6.2%
TRT-11	Provide Employer-Sponsored Vanpool/Shuttle	A successful program will entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration, if not more. The driver usually receives personal use of the van, often for a mileage fee.	0.3 – 13.4%
Building Energy			
BE-1	Use Building Insulation Methods That Surpass State Energy Code	Greenhouse gases (GHGs) are emitted as a result of activities in residential and commercial buildings when electricity and natural gas are used as energy sources. New buildings must be designed to meet the building energy efficiency standards of the state energy code, which regulates energy uses including space heating and cooling, hot water heating, and ventilation. By committing to a percent improvement over the state code, a development reduces its energy use and resulting GHG emissions.	0.2 – 5.5% for electricity usage 7-10% for natural gas usage
BE-2	Install Programmable Thermostat Timers	Building management can decrease heating energy use by lowering the wintertime thermostat setting by 10 – 15 degrees for at least eight hours per day (during business/bed time hours). Likewise by increasing the summertime thermostat setting. There is large variability in individual building occupant programming behavior; therefore this mitigation measure is considered a Best Management Practice (BMP) to allow educated occupants to have the most efficient means of controlling their heating/cooling energy use.	BMP – In order to take quantitative credit, the project applicant would need to provide substantial evidence supporting reduction in energy use.
BE-4	Install Energy Efficient Appliances	To reduce GHG emissions from electricity use: For residential dwellings, typical builder-supplied appliances include refrigerators and dishwashers and, for commercial land use, energy efficient grocery store refrigerators. Energy use of a building is dependent on building type, size and climate zone but typical reductions with ENERGY STAR refrigerators, clothes washers, dishwashers, and ceiling fans use 15%, 25%, 40%, and 50% less electricity than standard appliances, respectively.	2 – 4% (residential) 17 – 22% (grocery stores)

Measure Number	Title	Description	Range of Effectiveness
Alternative Energy			
AE-2	Establish Onsite Renewable Energy Systems – Solar Power	Using electricity generated from photovoltaic (PV) systems displaces electricity demand that would ordinarily be supplied by the local utility. Since zero GHG emissions are associated with electricity provided by PV systems, the GHG emissions reductions are equivalent to the emissions that would have been produced had electricity been supplied by a local utility.	Variable
Water Use			
WUW-3	Design Water Efficient Residential & Commercial Landscapes	As an indirect decrease of GHG emissions through reduced energy consumption for pumping, treating, and distributing water, decrease water use by reducing lawn sizes, planting vegetation with minimal water needs, such as Washington native species, and choosing complimentary plants with similar water needs which can provide each other with shade and/or water.	0 – 70%
WUW-4	Use Water-Efficient landscape Irrigation System	“Smart” irrigation control systems use weather, climate, and/or soil moisture data to automatically adjust watering schedules in response to environmental and climate conditions, such as the change in temperature or levels of precipitation. Expected reductions have been as high as 30% with historical high water users.	1 - 6.1%
Vegetation			
V-1	Urban Tree Planting	Planting trees sequesters CO ₂ while the trees are actively growing. The amount of CO ₂ sequestered depends on the type of tree. Typically, the active growing period of a tree is 20 years and after this time the amount of carbon in biomass slows and will be completely offset by losses from clipping, pruning, and occasional death.	Variable by number of trees

Source: California Air Pollution Control Officers Association, 2010.

- [Greenhouse gas emissions mitigation shall be in compliance with the City of Sumner Vehicles Miled Traveled and GHG Reduction Plan \(Resolution No.: 1793\). Planned actions shall identify their consistency with their City of Sumner VMT and GHG Reduction Plan, May 2025, included in the Resolution 1793.](#)

Historic and Cultural Resources (2010 EIS; 2018 Scoping Checklist; [Sumner Comprehensive Plan Update 2024 Final EIS, January 6, 2025](#)~~2024 Comprehensive Plan and Final EIS~~)

- ~~The City shall require developers of projects on sites with structures more than 45 years old to request a project review with State Department of Archaeology and Historic Preservation (DAHP) to determine whether the property is considered an historic resource. If it is found to be a historic resource, consultation and appropriate mitigation shall be required.~~
~~The City will request consultation with the State Department of Archeology and Historic Preservation (DAHP) for demolition or construction projects on sites located in Town Center, with structures older than 45 years old, or with structures identified by DAHP as potentially eligible for listing.~~
- The City shall require Inadvertent Human Remains Discovery Language recommended by DAHP as a condition of project approval consistent with RCWs 68.50.645, 27.44.055, and 68.60.055:

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.

- 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.

Aesthetics (2018 SEIS and Town Center Plan 2025 SEPA)

- As part of the design review process, require new projects meeting the following criteria to prepare a shading study that evaluates potential impacts of the project on adjacent lower-intensity uses and public spaces. If shading impacts are identified, impose permit conditions and mitigation measures to address such impacts, such as upper-story setbacks or modifications to roof forms that minimize shading effects
 - Meets the criteria for design commission review, and
 - Is 2-3 stories higher than adjacent development (or taller than 35 feet if located within the Shoreline Management Area); and meets one or more of the following conditions
 - ~~Adjacent to property zoned Low-Density Residential, or,~~
 - Required to address shade and shadow in the Design Guidelines, or
 - Adjacent to a public park, or
 - Adjacent to an activity node, or public space designated or required in the Town Center Plan, or
 - Within shoreline management area.
- In the Main Street corridor, use the design review process to ensure the design of new development is consistent with the historic character and architectural style present in this area.
- In the portion of the Town Center adjacent to the White River, require preservation and/or enhancement of riparian vegetation and encourage development to incorporate pedestrian access to the White River Trail, where possible.

Transportation (2018 SEIS, Sumner Comprehensive Plan Update 2024 Final EIS, January 6, 2025; and Town Center Plan 2025 SEPA)

- The City shall require implementation of street sections and multi-modal priorities required in the Town Center Plan, Town Center Transportation Study/Transportation Master Plan, and Form-Based Code, through street frontage requirements. The City may allow exceptions per the Complete Streets code at SMC 12.02.040.
- ~~The City shall require a Planned Action project to pay its fair share of Intelligent Transportation Systems (ITS) improvements identified in the SEIS and Town Center Transportation Study, such as adaptive signal control (ASC) systems where not included in the City's impact fee funded capital improvements.~~
- ~~The City shall require a Planned Action project to pay its fair share of capacity improvements identified in the SEIS and Town Center Transportation Study, including at the following locations where not included in the City's impact fee funded capital improvements~~
 - ~~Traffic Avenue/Bridge Street/Main Street~~
 - ~~Alder Avenue/Main Street~~
 - ~~Wood Avenue/Main Street~~
 - ~~Traffic Avenue/SR 410 WB Ramps/Thompson Street~~
 - ~~Traffic Avenue/SR 410 EB Ramps~~
 - ~~Fryar Avenue/Zehnder Avenue~~
- The City shall determine the fair share of implementing capacity projects in the City's Capital Facility Plan and Transportation Improvement Program by requiring payment of its impact fee in place at the time of application. For improvements not included in the impact fee basis and required to mitigate impacts per the 2018 SEIS and Town Center Transportation Study, or the 2025 Transportation Master Plan, the City may approve a voluntary agreement for a fee-in-lieu collection.

Public Services, Capital Facilities and Utilities (2015 SEIS; 2018 Scoping Checklist; Sumner Comprehensive Plan Update 2024 Final EIS, January 6, 2025)

- The City shall require new development to design street layouts and recreation areas that promote visibility for residents and police. Street and sidewalk lighting and safety measures for vehicles, cyclists, and pedestrians shall be implemented per the Sumner Municipal Code and to meet Crime Prevention through Environmental Design principles.
- ~~The City is in progress with Water System Plan Updates as of 2018. Until adopted, the current Water System Plan will apply.~~ The City may require improvements to achieve water system plan needs and to ensure adequate fire flow consistent with the Capital Facility Plan and Water System Plan and municipal code.
- Future development will be subject to system development charges necessary to implement Water System Plan improvements at the time of application.
- ~~The City is in progress with a Sewer System Plan Update as of 2018. Until adopted, the current Sewer System Plan will apply.~~ The City may require sewer system improvements to achieve system plan needs and to ensure adequate collection and treatment consistent with the Capital Facility Plan and Sewer System Plan and municipal code.
- Future development will be subject to system development charges necessary to implement Sewer System Plan improvements at the time of application.

ATTACHMENT B-2

Advisory Notes to Applicants: Applicable Regulations and Commitments

The ~~Planned Action SEIS~~[Planned Action SEPA](#) identifies specific regulations that act as mitigation measures. These are summarized in Table B-2.1 by SEIS topic. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable including those listed in the ~~Planned Action SEIS~~[Planned Action SEPA](#) and those not included in the ~~Planned Action SEIS~~[Planned Action SEPA](#).

Table B-2.1. Applicable Regulations and Commitments

Topic	Regulation/Commitment
Earth	<ul style="list-style-type: none"> The City has adopted the International Building Code (SMC 15.08.010) and a City Erosion Control Ordinance (SMC 16.05) to reduce impacts caused by earthquakes, soil instability and erosion. Critical areas ordinances provide restrictions and regulations on certain types of development and provides notices and reporting requirements for development within landslide and erosion hazard areas, seismic hazard areas, and volcanic hazard areas (SMC 16.50, 16.52, and 16.54.)
Flooding	<ul style="list-style-type: none"> The City implements requirements of the National Flood Insurance Program to protect new and existing development in and near floodplains (SMC 15.52). <p>Water quality protection is also enacted by the stormwater management regulations in SMC Chapter 13.48. These regulations also adopt use of the:</p> <ul style="list-style-type: none"> 2012 Ecology Stormwater Management Manual for Western Washington, as amended in December 2014, together with any amendments or corrections. NPDES Western Washington Phase II Municipal Stormwater Permit – Minimum Technical Requirements for New Development and Redevelopment, of the 2013-2018 Western Washington Phase II municipal stormwater permit. 2012 Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound together with any amendments or corrections. The City enforces the Shoreline Master Program (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36) and critical area regulations (SMC 16.05, 16.46, and 16.48).

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Topic	Regulation/Commitment
Plants and Animals	<ul style="list-style-type: none"> • City of Sumner Shoreline Master Program (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36) • National Flood Insurance Program and compliance with the National Marine Fisheries Service 2008 Biological Opinion for Puget Sound. • Critical Area Regulations address wetlands, streams, and wildlife habitat areas (SMC 16.05, 16.46, and 16.56). • City of Sumner stormwater regulations and implementation of the National Pollutant Discharge Elimination System requirements • SMC Chapter 18.41, Required Landscaping, specifies landscaping requirements for non-single-family land use permits. Standards include drought tolerant plant materials the complement the natural character of the Pacific Northwest, plant species that enhance sensitive or critical areas, and landscaping options that strive to protect or restore the natural hydrology of a site through low impact development landscaping.
Water Resources	<ul style="list-style-type: none"> • Critical Areas Regulations. The City’s critical area regulations provide provisions for the protection of wetlands, aquifer recharge areas, and buffer zones around local rivers and streams. SMC 16.05 regulates erosion and sedimentation to reduce sediment pollution from construction activity. SMC 16.48 regulates development and land use in aquifer recharge areas. SMC 16.46 regulates development in or near wetlands and mitigation for wetland filling. • Stormwater Management. Water quality protection is enacted by SMC 13.48. These regulations “establish minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff and water quality degradation for all sites located within the city...” These regulations also adopt use of the 2012 Ecology Stormwater Management Manual for Western Washington, the NPDES Western Washington Phase II Municipal Stormwater Permit, - Minimum Technical Requirements for New Development and Redevelopment, and the 2005 Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound. • Shoreline Master Program. The City of Sumner updated and adopted a revised Shoreline Master Program in December 2014 (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36). The revised SMP regulates approximately six miles of the White River and 1.5 miles of the Puyallup River. • Safe Drinking Water Act. Requires public water system wells be protected from potential sources of contamination.

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Topic	Regulation/Commitment
Air Quality and Greenhouse Gases	<ul style="list-style-type: none"> • National Ambient Air Quality Standards (NAAQS). The EPA establishes NAAQS and specifies dates for states to develop and implement plans to achieve these standards. • State Ambient Air Quality Standards. The Washington State Department of Ecology establishes state ambient air quality standards for the same six pollutants that are as stringent as the national standards; in the case of SO₂, state standards are more stringent. • Indoor Burning Smoke Reduction Zone. PSCAA and Ecology's regulatory framework for wood smoke includes: more stringent emission standards for new wood burning devices than the federal EPA standards; opacity standards for wood-burning appliances; prohibitions on burning of certain materials or non-certified wood stoves; burn ban curtailment program; and special attainment area provisions. • Outdoor Burning. Burning yard waste and land-clearing debris is not allowed in the City of Sumner or in Pierce County. PSCAA enforces state outdoor burning regulations required by RCW 70.94.743. • Puget Sound Clean Air Agency Regulations. All construction sites in the Puget Sound region are required to implement rigorous emission controls to minimize fugitive dust and odors during construction, as required by PSCAA Regulation 1, Section 9.15: Fugitive Dust Control Measures. All industrial and commercial air pollutant sources in the Puget Sound region are required to register with PSCAA. Facilities with substantial emissions are required to obtain a Notice of Construction air quality permit before construction is allowed to begin. • State of Washington GHG Laws. Washington enacted a new law establishing GHG reduction limits. <p>City of Sumner Ordinance 1587<u>2925</u>. This ordinance requires affected employers (employers with 100 employees or more at a single worksite) to implement a Commute Trip Reduction program for their employees. (SMC 16.06)</p>
Land Use Plans & Policies	<p>Shoreline Master Program. The City applies SMP goals, policies, and regulations to lands approximately within 200 feet of the White and Puyallup Rivers. Land uses, impervious area, building height, and vegetation management conditions apply.</p> <p>Historic Properties. Chapter 18.39 of the Sumner Municipal Code establishes procedures for listing properties on the Sumner Historic Register and the consultation steps required before alteration of listed properties.</p>
Public Services and Utilities:	
Law Enforcement	The Sumner Police department enforces various City regulations such as Title 9 Criminal Code and Title 10 Vehicles and Traffic.

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Topic	Regulation/Commitment
Fire and Emergency Medical Services	<p>All future development will be required to comply with the provisions of Chapter 15 – Building and Construction. Specifically:</p> <ul style="list-style-type: none"> SMC 15.24 Fire Code, which is comprised of the International Fire Code with Sumner amendments. Fire department access requirements, permitting procedures, and requirements for fire prevention and suppression technology will be provided as required by the code. <p>SMC 15.28 Fire Flow and Hydrants, which codifies fire flow and hydrant requirements as established in the City’s 2009-2020 Water System Plan. Adequate fire flow to serve potential development will be provided as required by the code.</p> <p>The East Pierce Fire & Rescue Fire Prevention Division reviews proposed street improvements on a project-by-project basis to identify potential negative impacts on response times and ensure street improvements are consistent with the City’s Fire Code.</p>
Schools	<p>The Sumner School District has established impact fees for new residential construction. The City collects the fee based on the District capital plan (SMC 3.50)</p>
Sewer	<ul style="list-style-type: none"> The U.S. Environmental Protection Agency (EPA) regulates wastewater discharge under the Federal Water Pollution Control Act and the Clean Water Act. EPA administers the National Pollutant Discharge Elimination System, which requires permits for various types of discharge to streams and rivers, including treated wastewater effluent. In Washington State, EPA delegates its permitting authority to the Washington State Department of Ecology. Public sanitary sewer system operations in Washington State are regulated under Chapters 35.67 and 36.94 of the Revised Code of Washington (RCW), as well as RCW Title 57. The City manages its sewer system under Sumner Municipal Code Title 13, Public Services.
Water	<ul style="list-style-type: none"> The Washington State Department of Health requires water systems with 1,000 or more connections to submit water system plan updates every six years. Ecology regulations apply to water rights and source development, including rules for the appropriate treatment of groundwater. The City has adopted the 2009 Water System Plan Update and 2010-2020 Water System Plan Revisions. The City manages its water system under Sumner Municipal Code Title 13, Public Services.
Stormwater	<ul style="list-style-type: none"> The City is required to comply with the National Pollution Discharge Elimination System (NPDES) permit program. See Water Resources for City water quality and stormwater standards. Implement the capital improvement projects described in Sumner’s Stormwater Comprehensive Plan. Washington State Hydraulic Permit Approval requirements apply to City outfalls and secondary standards also apply to new development utilizing those outfalls.
Solid Waste	<ul style="list-style-type: none"> The City participates in an interlocal agreement with Pierce County for solid waste and recycling services.
Utilities	<ul style="list-style-type: none"> The City implements the Washington State Energy Code.
Parks and Recreation	<ul style="list-style-type: none"> Per Ordinance 2628<u>2916</u>, the City collects a SEPA park and trail mitigation fee

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Topic	Regulation/Commitment
Transportation	<ul style="list-style-type: none">• Traffic Impact Fee – All new development requiring a building permit is required to pay a transportation impact fee based on the number of new weekday P.M. peak hour equivalent car trips generated by the development.• Concurrency - Transportation improvements or strategies shall be constructed to ensure that an adequate transportation system is in place to serve increased travel demands. Concurrency is defined as having a financial commitment in place to resolve the deficiency within six years. Concurrency is implemented as part of the City’s development review process under SEPA. The City will not approve new developments unless the LOS standards are met; therefore, additional projects would likely need to be incorporated into the TIP as part of the Town Center plan to meet concurrency and/or concurrency policies may need to be revisited.• Commute Trip Reduction (CTR) - The City of Sumner has adopted a CTR program. The CTR program establishes goals consistent with State legislation. The individual demand management strategies that are typical elements of the CTR and Transportation Demand Management (TDM) programs are tailored to employment and residential developments. A 5 to 10 percent reduction in overall vehicular traffic in the study area would reduce delays at the study intersection and improve overall LOS.

EXHIBIT C

Public Agency Actions and Commitments

INTRODUCTION

Under some elements of the Planned Action SEIS, specific City or other agency actions are identified. Generally, incorporation of these actions is intended to provide for consistency within the City's Comprehensive Plan and implementing regulations; to document pending City actions; to establish a protocol for long term measures to provide for coordination with other agencies; or to identify optional actions that the City may take to reduce impacts. These actions are listed below in Table C.1.

Actions identified as "Proposed Concurrent Actions" refer to legislative actions proposed for adoption together with the Comprehensive Plan and Municipal Code Update. Actions identified as short term are currently underway and expected to be adopted in the next five years. Longer term and other agency actions will occur in the future, depending on need. The projected timeframe and responsible departments are identified and will be used in monitoring the implementation of this Ordinance.

This Exhibit C will be used in the monitoring process established in Section IV of this Ordinance.

Table C.1. Public Agency Mitigation Measures

Mitigation Measures	Proposed Synchronous Amendments	Short Term: Next Docket or Periodic Review	Long Term	Other Agency	Responsible Department
Earth:					
The City could pursue implementation of mitigation measures outlined in the Pierce County Natural Hazard Mitigation Plan.		X			Public Works, Community Development
Plants and Animals:					
The City could work with the Pierce County Biodiversity Alliance to implement conservation activities along the White River per the May 2016 Lower White River Biodiversity Management Area (BMA) Stewardship Plan.			X		Community Development
Water Resources:					
The City could fund more public education on water quality for residents and businesses.			X		Public Works

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Mitigation Measures	Proposed Synchronous Amendments	Short Term: Next Docket or Periodic Review	Long Term	Other Agency	Responsible Department
Air Quality and Greenhouse Gases:					
The City could expand the zones to which incentives and standards are applied to reduce GHG emissions beyond the M-1 zone; the commercial and heavy industrial zones could be included. For example, the City could allow greater building heights or relaxed parking standards for new non-residential construction if the owner or operator adopts one or more of the following mitigation measures:		X			Community Development
<ul style="list-style-type: none"> ● Provide end-of-trip bicycle facilities to employees. ● Construct LEED-certified buildings. ● Participate in the PSE Green Power Program. 					
The City could require the use of energy efficient outdoor lighting for all new non-residential construction in all commercial and industrial zones and not just the M-1 zone.		X			Community Development
Transportation					
LOS Policy —Increasing capacity at intersections and along the roadway system may improve LOS for vehicles; however, it could create impacts for other modes. The City may desire to revisit LOS policies to have a more multimodal LOS that gives priority to other modes and considers connectivity of the pedestrian and bicycle network and/or minimizing barriers for non-auto modes. The LOS policy could be changed for just the Town Center or the City as a whole.		X			Public Works, Community Development

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Mitigation Measures	Proposed Synchronous Amendments	Short Term: Next Docket or Periodic Review	Long Term	Other Agency	Responsible Department
Traffic Impact Fee—With adoption of the Town Center Plan, the City should revisit the traffic impact fee to determine if the appropriate transportation improvements in the Town Center are included and if adjustments should be made to the Town Center Fees based on the land uses changes		X			Public Works, Community Development