



## SUMNER PLANNING COMMISSION

### MINUTES

### *FINAL* – REGULAR MEETING

Thursday, August 5, 2010

7:00 p.m.

Sumner City Hall  
1104 Maple Street

### CALL TO ORDER

SWANSON called the meeting to order at 7:00 p.m.

### FLAG SALUTE

SWANSON led all in the flag salute.

### ROLL CALL

Members Present: Bush, Hayden, Storey, Stuard and Swanson  
Members Absent: Powers  
Also Present: Ryan Windish, Planning Manager  
Paul Rogerson, Community Development Director

### APPROVAL OF MINUTE

On page 3 of the July 1, 2010 regular meeting minutes, BUSH noted that “Yoter” should be spelled “Yoder”. BUSH further discussed the public comment of Sara Hoime, however, after further discussion it was determined that Sara Hoime’s comment needed no further clarification.

**SWANSON motioned to approve the July 1, 2010 regular meeting minutes as amended. HAYDEN seconded the motion and it passed unanimously.**

### PUBLIC COMMENT

There was no public comment.

## OLD BUSINESS

### **a) 2010 Comprehensive Plan Amendments – Schedule (Discussion)**

WINDISH directed the Commissioners to Staff's cover memo as to the 2010 Comprehensive Plan Amendment Calendar. At this time we are working with our consultants and planning on issuing the Draft EIS for comment on August 9<sup>th</sup>. The schedule for review of the document is as follows. We can discuss further any issues or logistics related to distributing the DEIS to the Commissioners at this meeting. Looking ahead, the PC has some busy months ahead:

Aug 9: Draft EIS Issued and begin 60-day comment period (Deadline Oct. 8)  
Aug 19: Tour of Gig Harbor YMCA (6 PM) and Discussion of Draft EIS Summary and Findings and Staff Recommendations  
Aug 30: SPECIAL MEETING—Joint Planning Commission/City Council Meeting  
(Monday) Public Hearing on 2010 Comprehensive Plan Amendments  
Sept 2: 2010 Comprehensive Plan Amendments-Deliberation  
Sept 16: Study Session—2010 Comprehensive Plan Amendments  
Oct 7: 2010 Comprehensive Plan Amendments—Decision

WINDISH further noted, per Staff's cover memo, as to the Shoreline Master Program—Ecology, due to scheduling and timing issues, Sarah Lukas, Shoreline Planner with the Department of Ecology, will not be able to give a brief presentation regarding the update to the Shoreline Master Program until the October meeting. She will cover the role of DOE in the process and how they can assist the City during the update. This will be a discussion item.

As to the August 30<sup>th</sup> joint meeting, the Planning Commission and City Council will review the Comprehensive Plan Amendments and there will be a public hearing on the draft EIS. This is to allow the Council to become familiar with comments as to these items first hand. It is not planned that there will be any deliberations at this meeting. We do not want to appear to be attempting to influence anybody at this point in the process. Then, that Thursday, there will be the regular Planning Commission meeting on September 2<sup>nd</sup>, which will give the Planning Commission a chance to discuss what they heard at the August 30<sup>th</sup> meeting. The big questions can then be asked of Staff and Staff can then research those. It will be a good time to start asking those questions. September 16<sup>th</sup> is the third Thursday of the month, and could be a potential study session date. Then at the October 7<sup>th</sup> meeting we will talk about potentially pushing out the deadline for the decision to October 14<sup>th</sup>, which is the date that Staff would recommend.

SWANSON asked if the Commission could just decide by general agreement to move the meeting date to October 14<sup>th</sup>?

BUSH stated that she does not know if she will be able to be there on the 14<sup>th</sup>, as her husband may be in therapy for his stroke. They may be leaving mid-September for his therapy, however, they may be able to bump that out.

SWANSON suggested penciling the date in.

WINDISH indicated that date would work for Staff.

ROGERSON stated that they will go over protocol for the order of business for the joint meeting on August 30<sup>th</sup>. Staff will provide a script and will discuss it with the Mayor and with Commissioner Swanson.

STOREY asked if Staff anticipated that this would be a lengthy meeting?

ROGERSON stated that he expects that there will be a lot of public testimony.

BUSH asked if residents would receive notice?

WINDISH stated that they would not be sending notice to every resident, but only the residents affected by the proposed amendments.

SWANSON asked what the legal requirements are as to providing the public notice?

WINDISH stated that they are required to provide notice to the people in the affected areas. There are about 500 people on that list. Staff will also provide notice to everybody who has commented thus far.

SWANSON asked if notice would be published in the newspaper?

WINDISH stated that it would be and further that it will be posted on signboards in the areas affected. Also, multiple different agencies would be notified, along with the Puyallup and Muckleshoot Indians, and that some of the agencies will be sent an electronic copy of the draft EIS.

ROGERSON added that they will also be trying to get a lot of press coverage.

BUSH asked if that coverage would be before the meeting?

ROGERSON stated that it would be.

WINDISH stated that there are 21 days before the scheduled meeting, which is a good amount of time.

SWANSON directed his attention to the audience and invited Mayor Dave Enslow to make comment.

MAYOR ENSLOW stated that he just stopped by on his way to another meeting. He commented that we are really chasing the YMCA, which he would like to see located in Sumner. Bonney Lake would like the YMCA to be in Bonney Lake. He thinks that it is

a big opportunity for the City of Sumner, and he is pleased to see that we are going forward with this. This process needs to go rapidly, as the YMCA will locate in Bonney Lake otherwise. He is glad to see that this is moving forward. It has been a great endeavor. He appreciates the Planning Commission's participation in the process. He will be going on the bus tour to see the Gig Harbor YMCA. He thanked the Commissioners for their hard work.

SWANSON asked Mayor Enslow if he knew what Bonney Lake was doing with regard to getting the YMCA to locate there?

MAYOR ENSLOW stated that Bonney Lake has the WSU forest.

SWANSON noted that they do not own it.

MAYOR ENSLOW agreed that they do not own it, however the plan is to build a YMCA here and to build a smaller one there. The School District is thinking about funding a competition sized pool. Personally, he likes to see this kind of thing in the Valley. He is surprised at the enthusiasm around town.

SWANSON commented that the fact that citizens have donated land out of pocket is a tremendous gesture.

MAYOR ENSLOW stated that the Rotary and Peterson are both kicking in a quarter of a million dollars. This is the best funded YMCA. It is all coming along well.

SWANSON commented that if you poll the country as to the quality a YMCA adds to a community, it just cannot be beat.

MAYOR ENSLOW commented that he just lost 70 pounds and so he has a new interest in health. He thanked the Commissioners for having him.

## **NEW BUSINESS**

### **a) Zoning Code Amendment – Battery Storage and Distribution (Discussion)**

ROGERSON presented information regarding a zoning code amendment to distinguish battery storage and distribution uses from those that are “manufacturing, refining or storage of noxious, volatile, toxic or explosive products”. There have been a number of inquiries from existing and potential battery businesses interested in locating in Sumner or expanding current operations. In light of economic development interests and being responsive to existing businesses, Staff is asking the Planning Commission to consider these amendments. This is a discussion item. The Planning Commission will hold a public hearing on these amendments on September 2.

ROGERSON reviewed for the Commissioners Staff's report as follows:

*Attached to Staff's Report is a draft ordinance amending the principal and permitted uses list for the Industrial districts. The effect of the ordinance is to add, "Battery storage, distribution, and processing business" as a permitted use in both the M-1, and M-2 zones. The draft ordinance also adds a definition of, "Battery storage, distribution, and processing business" to the Code. Under the new definition, these uses are retail or wholesale businesses engaged in any one or more of the following activities; importation of prepared batteries from either a foreign or domestic source; repackaging, relabeling, or other cosmetic alteration of batteries; shipping, reselling, or otherwise distributing batteries to retail or wholesale customers; minor additions of fluids to batteries to restore their electrical properties; related office activities. The effect of this code amendment is to make at least two businesses currently operating in Sumner legal conforming businesses. The businesses had been legal and conforming previously but were forced into legal non-conforming status when the City removed another use from the permitted uses list approximately three years ago. This was the broader, "manufacturing, refining or storage of noxious, volatile, toxic or explosive products" listing that was removed after a controversy arose regarding chemical tank farms. Battery operations had been allowed previously using this permitted use. The new more narrowly defined "Battery storage...." use does not include manufacturing of batteries and will limit the amount of acids only small amounts needed to top-up an occasional battery. The change allows businesses that are very safe to operate in the City without the limitations to expansion and growth imposed by legal non-conforming status. Staff will recommend approval of this amendment.*

STOREY asked Staff what the phrase "very safe to operate" is based on?

ROGERSON commented that we have never had a problem with any of these uses.

STOREY asked if the City used a toxic use expert to make these determinations?

ROGERSON stated that if the Planning Commission wishes they could do that.

STOREY stated that he is concerned because he has seen batteries blow up before. There has to be somewhere through the EPA or the State of Washington where they have a coding that says this is safe to do?

ROGERSON stated that he will look for something along those lines.

STUARD asked if the City has been approached by any other business, not in Sumner, that has an interest in this type of business?

ROGERSON stated that, coincidentally, right after preparing this packet that another business did approach Staff.

SWANSON asked who the other battery systems are, and if they rebuild batteries?

ROGERSON stated that they would not allow that. They just ship batteries. They put labels on them and distribute and sell them. Occasionally, if a battery loses charge, they may recharge them.

SWANSON asked if they are primarily talking about auto batteries?

ROGERSON stated that they are. They deal with consumers and contractors with larger users of batteries.

SWANSON asked if most batteries are sealed these days?

ROGERSON confirmed that they are.

STOREY asked if they were then basically wholesalers?

ROGERSON stated that they are primarily distributors. We created an unfair image of them when we categorized them that way.

STOREY confirmed that they are then not re-conditioners?

ROGERSON stated that they are not, they just label and distribute them.

SWANSON reiterated that the public hearing on this will be September 2<sup>nd</sup>.

### **CORRESPONDENCE**

WINDISH noted that there was no additional correspondence.

### **COMMISSION COMMENTS**

BUSH asked if at the public hearing, Staff could have Google Earth set up so that they can visualize the areas being discussed? She also suggested having handouts explaining what General Commercial might entail.

WINDISH stated that they would have Google Earth up and would provide a list of the permitted uses in General Commercial.

ROGERSON stated that they could also provide a PMUD for review.

STOREY felt that any information provided would be good.

ROGERSON stated that they would like to know what the people want early on, as to give them time to look at it. The joint meeting will be a good for that.

BUSH asked what is going on next to the library?

SWANSON noted that they are staging for new construction.

HAYDEN asked if they would stop the staging for the festival?

ROGERSON did not think that they would be stopping the staging, as Public Works is coordinating with flaggers.

### **STAFF COMMENTS**

WINDISH stated that Pierce County went through a Comprehensive Plan Amendment process last year at this time. In that process the City was interest in a text amendment for Urban Growth expansion. It was challenged by Futurewise and others, and T6 prevailed. It gives the ability as to residential capacity that each City can individually ask for growth as opposed to the whole county. Also, there is clarification as to agricultural lands. In the previous code it was a two Comprehensive Plan Amendment cycle process. The change allows agricultural land to go straight from agricultural land to urban. To do that you must purchase agricultural land in the valley and keep it that, so there is no loss of agricultural land. Further, as to other amendments, there were indicators that Futurewise will appeal just about anything. We anticipate that what we are doing this year will very likely be appealed by Futurewise. There were a couple of proposals last year, like an urban development that was a one to one swap, that were upheld by the Hearings Board. U5, the one in Eatonville, ended up with a slight net gain in their urban growth area. The Board said they could not do that. They pointed out that Eatonville did not come back in with a different land capacity analysis. They relied on the Buildable Lands Report. The last Buildable Lands Report was published in 2007. It showed an enormous amount of residential capacity as a whole. They also did not show a net loss. Those are things we have kept in mind as we are working through our process. Be aware that Futurewise will appeal. They are a watch dog group. It is an important role, but they are very active. That is what we are sort of up against.

ROGERSON stated that the good news is that we were already aware of these pitfalls. We have been designing this with that in mind. This helps identify the lay of the land. Our attorney is somewhat concerned, but excited to get these decisions so he knows better what we are looking at.

STOREY asked if there has been any input or interaction with the Tribes?

ROGERSON stated that they have had a lot of input from the Tribes.

WINDISH added that they received a pretty lengthy letter from the Tribe, particularly on the Fleischmann's site. They will receive notice on this as well.

SWANSON asked if there are any updates on properties sitting idle in town?

ROGERSON stated that there are no updates at this time.

WINDISH stated that a small microbrewery may be coming to the valley.

**ADJOURNMENT**

SWANSON adjourned the meeting at 7:48 p.m.

*Sarah M. Heckman*  
*Minutes Taker*