



The City is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at Sumner City Hall Council Chambers (1104 Maple Street) or virtually by using the meeting access link below:

<https://sumnerwa-gov.zoom.us/j/85115707843>

Or by phone: 253 215 8782 (Tacoma)

Webinar ID: 851 1570 7843

---MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE---

CALL TO ORDER

ROLL CALL

Roll Call: Andy Elfers, Sharon Fochtman, Mark Isaacs, Adriann LaMear, Kelly Locke, Bill Moody, Vincent Stoneking

Pledge of Allegiance

APPROVAL OF MINUTES

PUBLIC COMMENT

The public may comment on topics that are not on the meeting agenda, virtually or in person. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5pm on the day prior to the meeting. Your comments will be read into the record and limited to 3-minutes.

PUBLIC HEARING

1. Essential Public Facilities Code Update - Public Hearing

UNFINISHED BUSINESS

1. Essential Public Facilities - Discussion and Recommendations

NEW BUSINESS

1. 2024 Comprehensive Plan: Transportation Element, Overview of Transportation Mgmt Plan

CORRESPONDENCE

COMMISSION COMMENTS

STAFF COMMENTS

Overview - Planning Commission Practices Handout

ADJOURNMENT

SUBJECT: Essential Public Facilities Code Update - Public Hearing

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Essential Public Facilities Staff Report-102523
 2. Essential Public Facilities-Summary of Draft Code-102523
 3. Essential Public Facilities Draft Ordinance-102523
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STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

The proposal is to update Sumner Zoning Code regulations for Essential Public Facilities. The State Growth Management Act requires cities to have a process for identifying and siting essential public facilities. Sumner's current process consists of a half-dozen policies in the Comprehensive Plan that provide minimal guidance and do not reflect new State guidelines; further, there is no specific process or siting criteria spelled out in Sumner regulations. To address these gaps and new requirements, new regulations are proposed. An update to Essential Public Facilities regulations and policies was started with the Planning Commission earlier in 2023. Staff is recommending that the regulations move forward for adoption, rather than wait for completion of the Comprehensive Plan Update in December 2024.

The proposed ordinance adds a review process and siting criteria for Essential Public Facilities (EPF) and Behavioral Health Facilities (BHF). EPF and BHF may include regional transportation facilities, correctional facilities, opioid treatment programs, mental health facilities, and secure community transition facilities. Changes include adding definitions for EPF and BHF, siting criteria for facilities, a Conditional Use Permit requirement for most facilities, and prohibiting certain facilities in zones deemed unsuitable locations for facilities. More background is provided in the attached Staff Report.

Staff and BERK Consulting have prepared the draft ordinance and materials for Planning Commission review. As required by code, the Planning Commission must hold a public hearing on zoning amendments, and the hearing is scheduled for November 2, 2023.

COUNCIL COMMITTEE/STUDY SESSION: n/a
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Conduct a public hearing on the draft ordinance.



DATE: October 20, 2023
TO: Community Development Committee
FROM: Ann Siegenthaler, Senior Planner and BERK Consulting
RE: **Zoning Code Text Amendment – Essential Public Facilities**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The proposed code amendments address two types of facilities: Essential Public Facilities and Behavioral Health Facilities.

Essential Public Facilities

The State Growth Management Act requires local Comprehensive Plans to include a process for identifying and siting essential public facilities. Essential Public Facilities (EPFs) are public facilities that are typically difficult to site. These include facilities such as airports, state education facilities, state or regional transportation facilities, correctional facilities, solid waste handling facilities, opioid treatment programs, recovery residences, and inpatient facilities including mental health facilities, group homes, community facilities (group care for juveniles), and secure community transition facilities (for sex offender treatment). In 2023, new legislation (ESSB 5536) added a requirement for local Comprehensive Plans to include opioid treatment programs, recovery residences, and harm reduction programs (excluding safe injection sites) to the list of EPFs.

These State laws limit local control of EPFs, by requiring the following:

- Jurisdictions may not impose a maximum capacity on opioid treatment programs.
- Jurisdictions may require a Conditional Use Permit with reasonable conditions for the siting of opioid treatment programs only to the extent that such reasonable conditional use requirements are similarly applied to other essential public facilities and health care.
- No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

Behavioral Health Facilities

Behavioral Health Facilities (BHF) is a broad category of treatment facilities, most of which are also Essential Public Facilities. In 2020, under ESSB 6168 and in support of the goals of the Community Behavioral Health Services Act (RCW 71.24), the Washington State Legislature directed the Department of Commerce to develop a Model Ordinance for cities and counties to use in siting community-based behavioral health facilities. These facilities are designed to assist people experiencing mental illness and/or a substance use disorder in a residential setting and in the least-restrictive alternative treatment alternative appropriate to their needs. The Ordinance expands on the residential setting and proposes a 'Behavioral Health Facility, Outpatient' process to ensure that a spectrum of facilities are allowed within Sumner to meet community need and comply with State law.

The City of Sumner currently does not have code in place addressing EPFs or BHF. Staff recommends moving forward to adopt the new code and have it in place before any new facilities are proposed within Sumner. Otherwise, the EPF/BHF code would be adopted with the Comprehensive Plan Update to be completed in December 2024.

II. DESCRIPTION OF PROPOSAL

The Ordinance covers the following main topics:

A. Definitions.

The Ordinance includes amended, new, and deleted definitions for specific types of EPFs and BHF's proposed (SMC 18.04):

- New definitions are added for a variety of State-defined EPFs and BHF's.
- Existing definitions for Adult Family Home, Group Residence/Home, Congregate Care are updated, since these are considered BHF's, and definitions need to reflect new laws.
- The definition of Family is updated to be consistent with recent State law.

Proposed amendments to Definitions are consistent with state legislation and with Washington State Department of Commerce's Behavioral Health Facilities Model Ordinance, and are intended to improve clarity. Note that most of the definitions do not include a size or scale (e.g. number of patients or residents). This matches required State definitions which do not specify a cap, presumably, to accommodate a variety of future agency needs. Siting criteria (see below) will address facility-specific impacts.

B. Land Uses.

The ordinance adds specific types of EPFs and BHF's to the list of permitted/conditionally permitted uses in Sumner's zoning districts (SMC 18.08, 18.10, 18.12, 18.14, 18.16, and 18.18). The following new land uses are proposed:

- a. Behavioral Health Facility, Inpatient
- b. Behavioral Health Facility, Outpatient
- c. Opioid Treatment Program, Mobile Unit
- d. Small Group Home
- e. Large Group Home
- f. Secure Community Transition Facility

Determining the appropriate zones and permit processes for each type of facility was discussed with the Planning Commission, and several factors were considered. Sumner's zoning districts do not provide the same level of connections to community services, such as medical providers or commercial services, that most facilities need. Some facilities, like small group homes, are often indistinguishable from surrounding residences. Also, some outpatient facilities function more like medical offices than residential facilities. Therefore, the ordinance directs EPFs and BHF's to appropriate zones based on the size and nature of the facility and where more services are available, such as the Medium- and High-Density Residential Districts and Commercial Districts.

Some facilities in the current Sumner code, such as Group Homes and Adult Family Homes, are considered types of EPFs. However, the definitions are not clear and the code does not list them as land uses in the use tables, and some currently have no approval criteria. The ordinance proposes updates to these existing land uses to be consistent with State guidelines.

C. Siting Criteria.

The ordinance adds new sections to Sumner Municipal Code (SMC) to address facility siting:

SMC 18.33.010 – Siting Criteria for Behavioral Health Facilities and

SMC 18.33.020 – Siting Criteria for Essential Public Facilities.

The siting criteria for BHF's follows the State Commerce Department's Behavioral Health Model Ordinance. The siting criteria for EPFs and additional criteria for Secure Community Transition Facilities (SCTFs) are modeled from the City of Lakewood's siting process (Lakewood Municipal Code 18A.40.060). These criteria are also consistent with the adopted Countywide Planning Policies. Below is a summary of the proposed siting criteria.

Siting Criteria for Behavioral Health Facilities:

- a. Proximity to social services and other services to meet the needs of residents and support facility operations.
- b. Operations Plan
- c. Proposed development shall be licensed by appropriate State authority and subject to their building requirements.
- d. Consistency with zoning district
- e. Opioid Treatment Program Use Specific Provisions (may require a CUP as long as it is similarly applied, may not impose a maximum capacity)

- f. Opioid Treatment Program (OTP) Mobile Unit – Use Specific Provisions (follow licensing steps, may only provide mobile unit services associated with fixed-location licensed OTP).

Siting Criteria for Essential Public Facilities:

- a. Documentation of Need
- b. Consistency with Applicant's Plans
- c. Consistency with Other Plans
- d. Relationship of Service Area to Population
- e. Minimum Site Requirements
- f. Alternative Site Selection
- g. Distribution of Essential Public Facilities
- h. Public Participation
- i. Consistency with Local Land Use Regulations
- j. Compatibility with Surrounding Land Uses
- k. Proposed Impact Mitigation
- l. Secure Community Transition Facilities – Additional Use Specific Siting Criteria.

Group homes: While group homes are considered an essential public facility, the recommendation is to exempt group homes from siting criteria, as siting criteria may conflict with fair housing law (see analysis below). The ordinance proposes exemptions for small group homes (allowed in all residential zones) and for large group homes (allowed in MDR/HDR zones and commercial NC/GC zones).

III. ANALYSIS

The ordinance is consistent with State legislation, State and local guidelines, and the Sumner Comprehensive Plan, as discussed below.

A. State Legislation.

The ordinance is in response to and meets new state requirements passed in ESSB 5536, and includes the newly added EPFs as land uses in the zoning use table and provides a definition consistent with the legislation.

The ordinance meets the use-specific requirements laid out in ESSB 5536 for opioid treatment programs by including the following use-specific provisions in the siting criteria:

- a. The City may require conditional use permits with reasonable conditions for siting of opioid treatment programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings (RCW 71.24.590(1)(b)).
- b. The City may not impose a maximum capacity for an opioid treatment program (RCW 71.24.590(2)).

The ordinance meets the State requirement that jurisdictions may not preclude the siting of an EPF and must have a process for siting EPFs, by including the new code sections SMC 18.33.010 (Siting Criteria for Behavioral Health Facilities) and SMC 18.33.020 (Siting Criteria for Essential Public Facilities) and by listing specific types of EPFs as land uses in the use table and allow them in appropriate zones across Sumner.

The ordinance updates Sumner Municipal Code (SMC) definitions to be consistent with State definitions for EPFs, such as those regional facilities defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020 and secure community transition facilities as defined in RCW 71.09.020. The ordinance also addresses RCW 36.70A.200(1)(a) requirements to include opioid treatment programs (including both mobile and fixed-site medication units), recovery residences, and harm reduction programs (excluding safe injection sites) to the list of EPFs.

B. Department of Commerce Behavioral Health Model Ordinance.

Following State legislation ESSB 6168 and the Community Behavioral Health Services Act (RCW 71.24), the Department of Commerce developed a Behavioral Health Model Ordinance to guide local jurisdictions. The proposed Sumner ordinance is consistent with the Behavioral Health Model

Ordinance, specifically related to the zones that the proposed EPFs and Behavioral Health Facilities are allowed in and the proposed siting criteria for Behavioral Health Facilities.

The guidance in the Behavioral Health Model Ordinance identifies very low density residential zones, industrial zones, and isolated areas as not being appropriate for Behavioral Health Facilities due to building size requirements and the need for proximity to other services. Accordingly, Behavioral Health Facilities are not proposed to be allowed in Sumner's Resource Protection District, Residential-Protection District, Interchange Commercial District, and Manufacturing Districts.

Additionally, the Model Ordinance guidance recommends requiring an applicant to submit an Operations Plan to the local jurisdiction prior to application for a new Behavioral Health Facility. The Sumner ordinance includes this provision (and all components of the Operations Plan as identified in the Model Ordinance) in the proposed new code section SMC 18.33.010 (Siting Criteria for Behavioral Health Facilities).

The Model Ordinance also identifies criteria that Behavioral Health Facilities shall be subject to, including the facility being licensed by the appropriate State authority and considerations to fit in with the surrounding area and to minimize any impacts. These criteria are included in the proposed new code section SMC 18.33.010 (Siting Criteria for Behavioral Health Facilities).

C. Group Homes.

Group homes are listed as EPFs in RCW 36.70A. Sumner's existing code includes definitions for different kinds of group homes/residences but does not list them as land uses in the use tables. Further, some group homes may be relatively large facilities but currently have no approval criteria. In addition, there are a number of Federal and State limits on how a city may treat a group home (and adult homes). Generally:

- Under the Federal Fair Housing Act Amendments, no jurisdiction may treat residential structures occupied by persons with handicaps differently than a similar residential structure.
- Case law prevents a city from limiting the number of unrelated persons who could live together in a dwelling (e.g. *City of Edmonds v. Oxford House, Inc.*) in a single family zone.
- HB 5235 (2021) states that jurisdictions may not limit the number of unrelated persons that occupy a household (with few exceptions).

To address these requirements, the ordinance would add Group Homes (including Adult Family Homes) to the allowable list of EPFs. It would also exempt group homes from EPF siting criteria when located in residential zones, as siting criteria may conflict with fair housing law. Also the current SMC definitions for Group Homes and Adult Family Homes would be updated to be more aligned with Fair Housing Act guidelines to allow care facilities an occupancy similar to similar residential dwellings. Staff also considered guidance from the State Building Code. The Building Code (WAC 51-54A-0202) includes "adult family homes" (up to eight residents) and "care facilities within a dwelling" (up to five residents) in the same category as buildings with two or fewer dwelling units, i.e. same as what is allowed in a Low Density Residential zone. These occupancies between 5-8 residents for small facilities are slightly higher than in current Sumner code. Based on this background, definitions are proposed to be updated:

- Adult Family Home: Change from 4 residents to allow up to 6 residents (or 8 if approved by DSHS); allowed in Low Density Residential.
- Small Group Home: Change from 6-14 residents to allow up to 8 residents only; allowed in Low Density Residential.
- Large Group Home: Change from 15 residents to 9 or more residents. These would not be allowed in Low Density Residential.

With these changes, the ordinance would provide for Group Homes and Adult Family Homes consistent with State law and case law.

D. Countywide Planning Policies.

The Countywide Planning Policies (CPPs) contain policies related to required Comprehensive Plan elements, such as Essential Public Facilities (PCC Ord. No. 2022-29). CPPs direct counties and cities to create their own lists of EPFs, which, at a minimum, should include those facilities defined in State law. The CPPs also direct cities and counties to adopt policies in their comprehensive plans regarding the siting of EPFs. The CPPs also include standards and criteria for EPFs that jurisdictions may include in local policies. EPF policies in the CPPs include the following:

- EPF-1: “Adopt a policy in local comprehensive plan, regarding the siting of essential public capital facilities of a Countywide or statewide nature.”
- EPF-2: “Identify lands useful for public purposes and incorporate such designations in local comprehensive plans.”
- EPF-3: “Incorporate a policy and process in local comprehensive plans to identify and site essential public facilities...”
- EPF 3.2: Which requires “that the state establish a public process by which the residents... of municipalities have a reasonable opportunity to participate in the site selection process.”
- EPF-4: Which describes siting and review criteria such as transportation needs and services, zoning, health and safety, and which calls for addressing the impacts of the facility on surrounding areas.

The proposed ordinance includes all EPFs defined by state law, and contains policies, review processes and siting criteria consistent with the CPPs.

E. Sumner Comprehensive Plan

Sumner’s Comprehensive Plan has an Essential Public Facilities Element. The ordinance is consistent with the Element, including the following goal and policies:

1. Allow for the appropriate siting of essential public capital facilities of a Statewide or Countywide nature.
 - 1.4 Promote capital facility siting consistent with the Sumner Comprehensive Plan elements, capital facility plans, and implementing ordinances.
 - 1.5 Through the zoning ordinance or other implementing ordinances, prepare siting criteria for essential public facilities which are difficult to site.

This proposal would implement Essential Public Facilities Element Policy 1.5 by adopting siting criteria in the Sumner Zoning Code. Additionally, the City is considering amendments to the Element as part of the 2024 Comprehensive Plan Update that would add more detailed policies but that would be similar to the concepts in the proposed ordinance.

IV. OPTIONS & ISSUES

Staff and the Comprehensive Plan Update consultant (BERK Consulting) brought forward draft code amendments at the August 3 and September 21, 2023 Planning Commission meetings. Throughout the Planning Commission review process, the key points below were discussed, which ultimately informed the development of the proposed ordinance.

A. Permitting.

The original ordinance proposed to allow several types of BHF’s as permitted uses in Medium- and High-Density Residential zones and commercial zones. After Planning Commission discussions, the draft code was revised so that these facilities are allowed only through a Conditional Use Permit (CUP) process, as opposed to being permitted through a Type III,d decision process (a simpler administrative review with public notice versus a public hearing). This revision was made to ensure that the City is able to attach conditions to new facilities to ensure that they are compatible with the surrounding area and any impacts are adequately mitigated. Requiring a facility to meet existing CUP criteria in addition to the new siting criteria adds another local layer of review, which may slow the approval process for a needed facility. However, this recommendation is likely to allow more community input.

The ordinance allows inpatient behavioral health facilities (residential) in all residential zones through a CUP, but initially it did not require a CUP in higher density zones. The ordinance was revised to treat inpatient behavioral health facilities the same in all residential zones, so as to ensure that new facilities are not located disproportionately in higher density zones. Outpatient behavioral health facilities are recommended to be allowed only in commercial districts (with a CUP) as they would function most similarly to medical offices, with patients visiting throughout the day.

B. Siting Criteria – Access to Transportation and Services.

The ordinance includes access to services and transportation as one of the siting criteria for Behavioral Health Facilities and as recommended in the Department of Commerce Behavioral Health Model Ordinance. Access to such services is also a factor in the recommendations for zoning districts.

However, due to the limited public transportation access in Sumner, and lack of commercial services for

residents in some zones (e.g. Interchange Commercial), this could limit where Behavioral Health Facilities could locate. Additionally, some facilities may have alternative transportation options, such as engaging special transit providers or providing their own shuttles, which can also provide access to services like grocery shopping. An alternative to the recommended code would be to remove these siting criteria, and allow the proposing agency the flexibility to determine the best site matched to the services they provide.

C. Group Homes.

State law and case law require that group homes (including adult family homes) be treated the same as similar residential structures in similar zones, and prohibit limits on the number of unrelated persons that occupy a household. To address these laws, the occupancy limits of group homes is proposed to slightly increase. However, these occupancy limits could be revised slightly upwards or downwards at the local level, but would need to be consistent with the Fair Housing Act, Washington Building Code and other laws. Another issue related to group homes is the allowed zones. The recommended code would outright permit small group homes in zones that allow single-family dwellings, and large group homes in multi-family zones. An option would be to create more flexibility and allow group homes in all zones.

V. SEPA ENVIRONMENTAL REVIEW

Amendments to the Zoning Code are required to be reviewed through the State Environmental Policy Act (SEPA). SEPA analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on October 18, 2023.

VI. PUBLIC & AGENCY COMMENT

No public or agency comments have been received at the time of report publishing.

VII. STAFF RECOMMENDATION

Staff recommends that the Commission hold a public hearing to take public comments, followed by discussion of the proposal and recommendations to the City Council.

VIII. PLANNING COMMISSION RECOMMENDATION

Pending. The Planning Commission is scheduled to hold a public hearing on November 2, 2023.

IX. EXHIBITS

A. Draft Ordinance No. XXXX

ESSENTIAL PUBLIC FACILITIES RELATED CODE CHANGES

Draft 10/20/23

NOTE: TEXT SHOWN IN **GREEN** HIGHLIGHT IS REVISED SINCE THE PREVIOUS PLANNING COMMISSION REVIEW.

New Definitions (Title 18):

NOTE: NEW STATE LEGISLATION (ESSB 5536) REQUIRES CITIES TO INCLUDE RECOVERY RESIDENCES, HARM REDUCTION PROGRAMS, AND OPIOID TREATMENT FACILITIES, BOTH MOBILE AND FIXED, AS ESSENTIAL PUBLIC FACILITIES. THE DEFINITIONS BELOW COME FROM THE STATE LEGISLATION AND STATE DEPT. OF COMMERCE BEHAVIORAL HEALTH FACILITIES MODEL ORDINANCE.

- Behavioral Health Facilities, Inpatient– Inpatient facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or group home. Such facilities may include fixed-site opioid treatment programs, harm reduction programs, substance use disorder treatment facilities, and mental health treatment facilities, and enhanced services facilities. Behavioral health facilities, inpatient are deemed to be essential public facilities.

NOTE: ADJUSTED FOR CLARITY.

- Behavioral Health Facilities, Outpatient – Outpatient facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or medical office. Such facilities may include fixed-site opioid treatment programs, harm reduction programs, substance use disorder treatment facilities, and mental health treatment facilities. Behavioral health facilities, outpatient are deemed to be essential public facilities.

NOTE: ADJUSTED FOR CLARITY.

- Community Facilities – A group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.
- Enhanced Services Facility – Licensed residential facilities with up to 16 beds that will provide community placement options for individuals whose personal care and behavioral challenges do not rise to a level that requires an institutional setting. Rather than unnecessary and extended stays at state hospitals, patients who have been assessed as stable and ready for discharge can be referred to an ESF.

NOTE: ADDED DEFINITION. THIS FACILITY TYPE IS CONSIDERED A "BEHAVIORAL HEALTH FACILITY, INPATIENT" IN THIS DRAFT.

- Essential Public Facilities – Essential public facilities are typically difficult to site and include facilities such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, treatment programs (including both mobile and fixed-site medication units), harm reduction programs excluding safe injection sites, substance use disorder treatment facilities, mental health facilities, group homes, recovery residences, community facilities, and secure community transition facilities.
- Harm Reduction Programs – Programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.
- Less Restrictive Alternative – Court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

- Mental Health Facility – See “Behavioral Health Facility, Inpatient” and “Behavioral Health Facility, Outpatient”

NOTE: ADJUSTED FOR CLARITY.

- Opioid Treatment Program– A program that (a) engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and (b) provides a comprehensive range of medical and rehabilitative services.
- Opioid Treatment Program, Mobile Unit – A mobile medication unit established as an extension of an existing licensed opioid treatment program. The mobile unit must be a vehicle, lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground, from which behavioral health services are provided at a nonpermanent location(s).
- Recovery Residence – A home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer-recovery support. A recovery residence is considered ~~not~~ a type of group home ~~or group residence~~.

NOTE: THIS DRAFT INCLUDES RECOVERY RESIDENCE AS A TYPE OF GROUP HOME, SINCE THESE FUNCTION SIMILARLY.

- Risk Potential Activity – “Risk potential activity” means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the Washington State Department of Social and Health Services following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, “school bus stops” does not include bus stops established primarily for public transit.

NOTE: THIS DEFINITION HAS BEEN ADDED FOR CONTEXT AS IT RELATES TO A TERM IN “SECURE COMMUNITY TRANSITION FACILITIES” SITING CRITERIA.

- Secure Community Transition Facilities – A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.
- Substance Use Disorder Treatment Facilities – Facility that provides care to individuals, typically on a voluntary basis, with a diagnosis of a substance use disorder.

Amended Definitions:

- SMC 18.044 0070 Adult Family Home – “Adult Family Home” means a regular family abode of a person or persons who are providing personal care, room, and board to more than one, but not more than ~~four~~ ~~six~~, adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~ ~~eight~~ adults may be permitted if the Department of Social and Health Services determines that the home is of adequate size and that the home and provider are capable of meeting the standards and qualifications established in chapter 70.128 RCW.

NOTE: UPDATED TO MEET THE STATE’S UPDATED DEFINITION. ALSO, ADULT FAMILY HOME IS NOW INCLUDED IN THE DEFINITION OF “GROUP HOME(S).”

- SMC 18.04.0455 ~~Group Residence~~–To be revised and replaced with Group Home:
Group Home – “Group home” means a residential dwelling used as a home for unrelated persons to whom medical or psychological treatment, supervision, training, or other support services may be provided. Supervision may be provided by a resident or nonresident. Group homes may include adult family homes and recovery residences, and include:

"Group home, small:" a group home with 6 to 14 unrelated persons up to eight residents.

"Group home, large:" a group home for 15 or more – nine or more residents.

NOTE: "GROUP RESIDENCE" AND SUB-DEFINITIONS OF "GROUP HOME SMALL/LARGE" ARE NOT CURRENTLY USED IN ANY OF THE ZONING USE TABLES, JUST IN THE DEFINITIONS. THIS DRAFT PROPOSES REPLACING THE DEFINITION AND ADDING IT TO THE USE TABLES. THE CHANGE IN OCCUPANCY IS RECOMMENDED FOR CONSISTENCY WITH STATE LAW AND BUILDING CODE.

- ~~SMC 18.04.0480 Halfway House~~ – Remove from code. This term only appears in definitions and not in any use table.
- SMC 18.04.0375 Family – "Family" means an individual, or two or more persons related by blood or marriage, or adoption; or **For the purposes of this title, "family" includes a group of not more than five persons who are not related by blood, marriage, or adoption,** but who are living and sharing kitchen facilities together as a single housekeeping unit.

NOTE: CASE LAW ON THE FEDERAL FAIR HOUSING ACT PROHIBITS THE CITY FROM LIMITING THE NUMBER OF UNRELATED PERSONS IN A HOUSEHOLD.

- SMC 18.04.0280 Congregate Residence – "Congregate residence" means any building or portion thereof which contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity, or sorority house, but does not include jails, hospitals, nursing homes, hotels, lodging houses, **or group homes. Congregate residences are not essential public facilities.**

NOTE: ADJUSTED FOR CLARITY.

New Land Uses

NOTES:

THE ZONING DISTRICTS BELOW DO NOT PROVIDE THE SAME LEVEL OF CONNECTIONS TO COMMUNITY SERVICES, SUCH AS TRANSIT, MEDICAL PROVIDERS, COMMERCIAL SERVICES WITHIN WALKING DISTANCE, ETC. THEREFORE, TREATMENT FACILITIES ARE DIRECTED TO ZONES WHERE MORE SERVICES ARE AVAILABLE.

PROPOSAL ADDS "BEHAVIORAL HEALTH FACILITIES, INPATIENT;" "BEHAVIORAL HEALTH FACILITIES, OUTPATIENT," AND "OPIOID TREATMENT PROGRAM, MOBILE UNIT" TO THE LAND USE TABLES. THESE ARE CURRENTLY NOT COVERED IN SUMNER'S CODE.

	Resource Protection District	Residential-Protection District	Low-Density Residential District	Medium and High Density Residential Districts	Commercial Districts	Manufacturing Districts
Behavioral health facility, inpatient	X	X	CUP	CUP	NC – CUP GC – CUP IC – X	M-1 – X M-2 – X MICO – X
Behavioral health facility, outpatient	X	X	X	X	NC – CUP GC – CUP IC – CUP	M-1 – X M-2 – X MICO – X
Opioid treatment program, mobile unit	X	X	CUP	CUP	NC – CUP GC – CUP IC – CUP	M-1 – CUP M-2 – CUP MICO – CUP

CHANGES ABOVE FROM ORIGINAL PLANNING COMMISSION REVIEW:

REMOVED OUTPATIENT BEHAVIORAL HEALTH FROM RESIDENTIAL ZONES BECAUSE THEY ARE LIKELY TO FUNCTION MOST SIMILARLY TO MEDICAL OFFICES.

REMOVED OPIOID TREATMENT PROGRAM, MOBILE UNIT FROM RESIDENTIAL PROTECTION BECAUSE THIS ZONE IS VERY LOW DENSITY.

REMOVED RECOVERY RESIDENCES FROM THE LAND USE TABLES BECAUSE THEY ARE NOW CAPTURED UNDER DEFINITION OF "GROUP HOME" IN THIS DRAFT.

	Resource Protection District	Residential-Protection District	Low-Density Residential District	Medium and High Density Residential Districts	Commercial Districts	Manufacturing Districts
Adult Family Home	X	X	X	X	X	X

REMOVED "ADULT FAMILY HOME" AS A LISTED LAND USE IN CURRENT CODE, AS IT IS NOW COVERED UNDER "GROUP HOME, SMALL" DEFINITION.

	Resource Protection District	Residential-Protection District	Low-Density Residential District	Medium and High Density Residential Districts	Commercial Districts	Manufacturing Districts
Small Group Home	X	P	P	P	NC - X GC - X IC - X	M-1 - X M-2 - X MICO - X
Large Group Home	X	X	X	P	NC - P GC - P IC - X	M-1 - X M-2 - X MICO - X

CHANGES ABOVE FROM ORIGINAL PLANNING COMMISSION REVIEW:

ADDED SMALL GROUP HOME AND LARGE GROUP HOME TO THE LAND USE TABLES. THESE WERE DEFINED IN SUMNER CODE BUT MISSING FROM ZONING TABLES, AND RECOVERY RESIDENCES ARE INCLUDED AS A LARGE OR SMALL GROUP HOME.

CASE LAW (WASHINGTON HOUSING POLICY ACT) PROHIBITS THE CITY FROM TREATING GROUP HOMES DIFFERENTLY THAN SIMILAR RESIDENTIAL STRUCTURES. THEREFORE, SMALL GROUP HOMES ARE RECOMMENDED AS PERMITTED IN LOW-DENSITY RESIDENTIAL DISTRICTS.

HOWEVER, STAFF RECOMMENDS LARGE GROUP HOMES BE PERMITTED IN MDR/HDR SO AS TO BE TREATED THE SAME AS OTHER MULTIFAMILY RESIDENTIAL (AND TO NOT CONFLICT WITH CASE LAW), AND PERMITTED IN COMMERCIAL NC/GC ZONES, AS MANY APARTMENTS ARE PERMITTED.

	Resource Protection District	Residential-Protection District	Low-Density Residential District	Medium and High Density Residential Districts	Commercial Districts	Manufacturing Districts
Secure community transition facility	X	X	X	X	NC - X GC - CUP IC - CUP	M-1 - X M-2 - X MICO - X

AS REQUIRED BY THE STATE, PROPOSAL ADDS "SECURE COMMUNITY TRANSITION FACILITY" AS AN ESSENTIAL PUBLIC FACILITY.

New Table of Contents 18.33 – Essential Public Facilities and Behavioral Health Facilities

New Code Section 18.33.010 – Siting Criteria for Behavioral Health Facilities:

The following criteria will be considered when siting behavioral health facilities, including inpatient and outpatient facilities and opioid treatment mobile units:

1. Proximity and/or access to social services, **transportation** and other services to meet the needs of patients and support facility operations.
NOTE: AGENCIES MAY HAVE VARIOUS OPTIONS TO ENSURE ACCESS TO TRANSPORTATION, SUCH AS LOCATING NEAR TRANSIT, ENGAGING SPECIAL TRANSIT PROVIDERS, PROVIDING THEIR OWN SHUTTLES, ETC.
2. Prior to application, applicant should submit an Operations Plan that addresses the following:
 - Facility point of contact (email, phone)
 - Process for communicating with neighboring residents and businesses
 - Policies and procedures to address neighborhood concerns
 - Number of residents and expected length of stay
 - Facility rules and regulations
 - Staffing plans (number and shifts)
 - Onsite parking plan and anticipated response calls
 - Safety and discharge plan.
3. Proposed development shall be licensed by the appropriate state authority and subject to their building requirements.
4. The proposed development shall:
 - Be consistent with the purpose of the zoning district in which it is located;
 - Provide a landscaping plan which shall provide an aesthetic buffer adjacent to residential uses;
 - Make adequate provisions for drainage, vehicular, and pedestrian access (including emergency vehicle access), water, sewer, recreational areas, and any other relevant features necessary to serve the public interest; and
 - If sited in a residential area, the facility should be compatible with any bulk, scale, or design standards in the established zone.
5. Opioid Treatment Program Use Specific Provisions
 - Opioid Treatment Programs must be licensed by the State of Washington and follow the licensing and certification process directed by RCW 71.24.290, which includes the following:
 - Submitting a completed behavioral health agency licensing application, a community relations plan, and fee.
 - Submitting policies and procedures demonstrating compliance with chapter 246-341 WAC for review and approval.
 - Obtaining drug other controlled substance registration from the Pharmacy Quality Assurance Commission.
 - Obtaining accreditation from a federally recognized accrediting organization.
 - Obtaining approval from the federal Substance Abuse and Mental Health Administration (SAMHSA) and the federal Drug Enforcement Administration (DEA).
 - The City may require conditional use permits with reasonable conditions for siting of opioid treatment programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings.
 - The City of Sumner may not impose a maximum capacity for an opioid treatment program.
NOTE: ADDED CONTEXT ON LICENSING FROM DOH.

6. Opioid Treatment Program (OTP) Mobile Units Specific Provisions

- A mobile unit must be an extension of an existing, licensed opioid treatment program.
- Before operating a mobile unit, an established OTP must complete the following steps (in the order they appear below):
 - Obtain a Drug Other Controlled Substance Registration from the Pharmacy Quality Assurance Commission.
 - Obtain approval from the Drug Enforcement Agency (DEA) by contacting the local DEA office.
 - Submit a BHA Mobile Unit Notification form and a copy of the DEA approval for the mobile unit to Department of Health.
 - Obtain approval from the State Opioid Treatment Authority (SOTA).
 - Obtain approval from the Substance Abuse and Mental Health Services Administration.
- The mobile unit may only provide services for which the OTP is currently certified to provide. If the mobile unit will be providing additional services, those must be added to the BHA license before the mobile unit will be approved.

New Code Section 18.33.020 – Siting Criteria for Essential Public Facilities:

NOTE: THESE CRITERIA ARE CONSISTENT WITH THE ADOPTED COUNTYWIDE PLANNING POLICIES AND ARE MODELED AFTER CITY OF LAKEWOOD'S CODE.

The following Development and Operating Conditions shall be established for Essential Public Facilities, including airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, opioid treatment programs (including both mobile and fixed-site medication units), harm reduction programs excluding safe injection sites, substance use disorder treatment facilities, and mental health facilities, group homes, recovery residences, community facilities, and secure community transition facilities. Small group homes (with eight or fewer residents) are exempt from the siting criteria. Large group homes (greater than eight residents) are exempt from the siting criteria only when located in MDR or HDR zones.

NOTE: SUGGEST CREATING EXEMPTIONS FOR GROUP HOMES SO AS TO NOT TREAT DIFFERENTLY THAN OTHER RESIDENTIAL USES (AND TO COMPLY WITH FAIR HOUSING LAW).

1. Documentation of Need – The project sponsor must demonstrate the need for the proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
2. Consistency with Applicant's Plans - The proposed project should be consistent with the Applicant's own long-range plans for facilities and operations.
3. Consistency with Other Plans - The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted City plans. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities, transportation, housing, and utilities elements of these adopted plans.
4. Relationship of Service Area to Population – With the exception of linear transmission facilities, the facility's service area population should include a significant share of Sumner's population, and the proposed site should be able to reasonably serve its overall service area population.
5. Minimum Site Requirements – Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements shall be determined by the following factors: minimum size of the facility, access and transportation needs, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.
6. Alternative Site Selection – The project sponsor shall search for and investigate two (2) alternative

sites before submitting a proposal for siting review. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.

7. Distribution of Essential Public Facilities – In considering a proposal, the City shall examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.
8. Public Participation – Sponsors shall provide for local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor's efforts in this regard shall be evaluated.
9. Consistency with Local Land Use Regulations – The proposed facility shall conform to the City's land use and zoning regulations that are consistent with the applicable county-wide planning policies. Compliance with other applicable local regulations shall also be required.
10. Compatibility with Surrounding Land Uses – The sponsor's documentation shall demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.
11. Proposed Impact Mitigation – The proposal shall include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.
12. Additional Siting Criteria for SCTFs
 - a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Line-of-sight has been estimated to be six hundred (600) feet from a risk potential activity or facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line-of-sight may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line-of-sight to less than six hundred (600) feet.
 - b. The site or building shall meet all of the security requirements of RCW 71.09.285.
 - c. No SCTF may be located within six hundred (600) feet of any residentially zoned property.

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE ZONING CODE TO ADDRESS ESSENTIAL PUBLIC FACILITIES USES AND SITING CRITERIA AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS 18.04, 18.10, 18.12, 18.14, 18.16, AND 18.18; AND ADDING NEW CHAPTER 18.35.

WHEREAS, per RCW 26.70A.200(1)(a), Washington cities and counties planning under the Growth Management Act shall include a process for identifying and siting essential public facilities; and

WHEREAS, per RCW 26.70A.200(1)(a), essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020; and

WHEREAS, under RCW 27.70A.200(5) no local comprehensive plan or development regulation may preclude the siting of essential public facilities; and

WHEREAS, the Washington State Legislature adopted Engrossed Substitute Senate House Bill (ESSHB) 5536 in 2023, which amended the state definition of essential public facilities to include opioid treatment programs (including both mobile and fixed-site medication units), recovery residences, and harm reduction programs (excluding safe injection sites); and

WHEREAS, in 2020, in support of the goals of the Community Behavioral Health Services Act (RCW 71.24) the Washington State Department of Commerce developed a Model Ordinance for cities and counties to use in siting community-based behavioral health facilities; and

WHEREAS, the Washington State Legislature adopted House Bill (HB) 5235 in 2021 which states that jurisdictions may not regulate or limit the number of unrelated persons that occupy a household (except for any occupant limits on group living arrangements regulated under state law, short-term rentals, or occupant load per square foot in building code); and

WHEREAS, under the Federal Fair Housing Act Amendments, no jurisdiction may enact or maintain a policy or regulation that treats residential structures occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals; and

WHEREAS, the Countywide Planning Policies for Pierce County specify criteria that local comprehensive plan policies for essential public facilities shall be based upon; and

WHEREAS, the City of Sumner Comprehensive Plan includes a goal to “allow for the appropriate siting of essential public capital facilities of a Statewide or Countywide nature” and policies regarding essential public facility siting; and

WHEREAS, on October 18, 2023, the City issued a Determination of Non-Significance consistent with the State Environmental Policy Act; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on November 2, 2023 on the proposed amendments, followed by questions and discussion; and

WHEREAS, on --date-- the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed amendments to the Sumner Municipal Code; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on October 4, 2023; and

WHEREAS, the City Council has found the proposed amendments to be consistent with the Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Amended Section. That Sumner Municipal Code 18.04.0070, “Adult Family Home,” is hereby amended to read as follows:

“18.04.0070 Adult Family Home”

“Adult Family Home” means a regular family abode of a person or persons who are providing personal care, room, and board to more than one, but not more than ~~four~~ six, adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~ eight adults may be permitted if the Department of Social and Health Services determines that the home is of adequate size and that the home and provider are capable of meeting the standards and qualifications established in chapter 70.128 RCW.

Section 2. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Behavioral Health Facility, Inpatient” to read as follows:

“18.04.0166 Behavioral Health Facility, Inpatient”

“Behavioral Health Facility, Inpatient” means an inpatient facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or group home. Such facilities may include fixed-site opioid treatment programs, harm

reduction programs, substance use disorder treatment facilities, mental health facilities, and enhanced services facilities. Behavioral health facilities, inpatient are deemed to be essential public facilities.

Section 3. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Behavioral Health Facility, Outpatient” to read as follows:

“18.04.0167 Behavioral Health Facility, Outpatient”

“Behavioral Health Facility, Outpatient” means an outpatient facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or medical office. Such facilities may include fixed-site opioid treatment programs, harm reduction programs, substance use disorder facilities, and mental health treatment facilities. Behavioral health facilities, outpatient are deemed to be essential public facilities.

Section 4. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Community Facility” to read as follows:

“18.04.0261 Community Facility”

“Community Facility” means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

Section 5. Amended Section. That Sumner Municipal Code 18.04.0280 “Congregate Residence,” is hereby amended to read as follows:

“18.04.0280 Congregate Residence”

“Congregate Residence” means any building or portion thereof which contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity, or sorority house, but does not include jails, hospitals, nursing homes, hotels, ~~or~~ lodging houses, or group homes. Congregate residences are not essential public facilities.

Section 6. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Enhanced Services Facility” to read as follows:

“18.04.0364.2 Enhanced Services Facility”

“Enhanced Services Facility” means licensed residential facilities with up to 16 beds that will provide community placement options for individuals whose personal care and behavioral challenges do not rise to a level that requires an institutional setting. Rather than unnecessary and extended stays at state hospitals, patients who have been assessed as stable and ready for discharge can be referred to an ESF.

Section 7. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Essential Public Facility” to read as follows:

“18.04.0364.3 Essential Public Facility”

“Essential Public Facility” means a facility that is typically difficult to site including facilities such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, treatment programs (including both mobile and fixed-site medication units), harm reduction programs excluding safe injection sites, substance use disorder treatment facilities, mental health facilities, group homes, recovery residences, community facilities, and secure community transition facilities.

Section 8. Amended Section. That Sumner Municipal Code 18.04.0375, “Family,” is hereby amended to read as follows:

“18.04.0375 Family”

“Family” means an individual, or two or more persons related by blood or marriage, or adoption; or For the purposes of this title, “family” includes a group of not more than five persons who are not related by blood, marriage, or adoption, but who are living and sharing kitchen facilities together as a single housekeeping unit. (Six or more unrelated persons living together constitutes a “Group residence.” See “Group residence.”)

Section 9. New Section. That Sumner Municipal Code 18.04.0455 Group Residence is hereby amended to read as follows:

~~“Group residence” means any residence where six or more unrelated persons live together in a dwelling unit, or an institution where any number of unrelated persons are provided medical or psychological treatment or care as a primary function. For the purpose of this definition, any number of related family members shall be counted as one person. (A group of not more than five unrelated persons living together constitutes a “family.”; See “Family.”) Separate requirements are adopted for the following subcategories of group living situations:~~

~~A. “Group home” means any dwelling unit used as a home for six to 14 unrelated persons. Incidental medical or psychological treatment, supervision, training or other support services may be provided to members of the household. Supervision may be provided by a resident or nonresident.~~

~~B. “Institution” means any federally, state or locally approved dwelling used as a home for any number of unrelated persons where medical or psychological treatment or care is provided to residents and/or nonresidents as a primary function.~~

~~C. “Large group home” means any dwelling unit used as a home for 15 or more unrelated persons. Incidental medical or psychological treatment, supervision, training or other support services may be provided to members of the household. Supervision may be provided by residents or nonresidents.~~

“Group home” means a residential dwelling used as a home for unrelated persons to whom medical or psychological treatment, supervision, training, or other support services may be provided. Supervision may be provided by a resident or nonresident. Group homes may include adult family homes and recovery residences, and include:

“Group home, small” includes group homes with up to eight residents.
“Group home, large” includes group homes with nine or more residents.

Group home does not include dwellings in a federally, state or locally approved “institution” (see “Behavioral Health Facility, Inpatient”).

Section 10. Removed Section. That Sumner Municipal Code 18.04.0480, “Halfway House” is hereby removed.

Section 11. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Harm Reduction Program” to read as follows:

“18.04.0481 Harm Reduction Program”

“Harm Reduction Program” means a program that emphasizes working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

Section 12. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Less Restrictive Alternative” to read as follows:

“18.04.0538 Less Restrictive Alternative”

“Less Restrictive Alternative” means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

Section 13. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Mental Health Facility” to read as follows:

“18.04.0678 Mental Health Facility”

See “Behavioral Health Facility, Inpatient” and “Behavioral Health Facility, Outpatient.”

Section 14. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Opioid Treatment Program” to read as follows:

“18.04.0761 Opioid Treatment Program”

“Opioid Treatment Program” means a program that (a) engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and (b) provides a comprehensive range of medical and rehabilitative services.

Section 15. New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Opioid Treatment Program. Mobile Unit” to read as follows:

“18.04.0762 Opioid Treatment Program, Mobile Unit”

“Opioid Treatment Program, Mobile Unit” means a mobile medication unit established as an extension of an existing licensed opioid treatment program. The mobile unit must be a vehicle, lawfully used on public streets, roads, or highways with more than three wheels in contact with the ground, from which behavioral health services are provided at a nonpermanent location(s).

Section 16, New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Recovery Residence” to read as follows:

“18.04.0851 Recovery Residence”

“Recovery Residence” means a home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer-recovery support. A recovery residence is considered a type of group home.

Section 17, New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Risk Potential Activity” to read as follows:

“18.04.0906 Risk Potential Activity”

“Risk Potential Activity” means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the Washington State Department of Social and Health Services following the hearings on a potential site required in RCW 71.09.315. “School bus stops” does not include bus stops established primarily for public transit.

Section 18, New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Secure Community Transition Facility” to read as follows:

“18.04.0925.1 Secure Community Transition Facility”

“Secure Community Transition Facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include any community-based facilities established under Chapter 71.09 RCW.

Section 19, New Section. That Sumner Municipal Code chapter 18.04, “Definitions,” is hereby amended with a new definition “Substance Use Disorder Treatment Facility” to read as follows:

“18.04.1001 Substance Use Disorder Treatment Facility”

“Substance Use Disorder Treatment Facility” means a facility that provides care to individuals, typically on a voluntary basis, with a diagnosis of a substance use disorder.

Section 20. Amended Section. That Sumner Municipal Code 18.10 “Residential Protection District (RP),” 18.10.020 “Principal Uses,” is hereby amended to read as follows:

“18.10.020 Principal uses.”

Permitted principal uses in the RP district are as follows:

A. ~~Adult family homes~~ Small group homes;

[...]

Section 21. Amended Section. That Sumner Municipal Code 18.12 “Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12),” 18.12.020 “Principal Uses,” is hereby amended to read as follows:

“18.12.020 Principal uses.”

The following uses are permitted outright by right in the LDR district:

A. ~~Adult family homes~~ Small group homes;

[...]

Section 22. Amended Section. That Sumner Municipal Code 18.12 “Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12),” 18.12.040 “Conditional Uses,” is hereby amended to read as follows:

“18.12.040 Conditional uses.”

The following uses in the LDR district require a conditional use permit or, where specifically required, a planned residential development approval from the city:

[...]

U. Behavioral health facility, inpatient

V. Opioid treatment program, mobile unit

Section 23. Amended Section. That Sumner Municipal Code 18.14 “Medium and High Density Residential Districts (MDR, HDR),” 18.14.020 “Principal Permitted Uses,” is hereby amended to read as follows:

“18.14.020 Principal permitted uses.”

The following uses are permitted in all MDR and HDR districts unless otherwise specified:

[...]

C. ~~Adult family homes~~ Small or large group homes;

[...]

Section 24. Amended Section. That Sumner Municipal Code 18.14 “Medium and High Density Residential Districts (MDR, HDR),” 18.14.040 “Conditional Uses,” is hereby amended to read as follows:

“18.14.040 Conditional uses.”

The following uses are conditionally permitted uses in all MDR and HDR districts unless otherwise specified. A conditional use permit or a planned residential development approval, where specifically required, shall be in full force and effect in order to establish the uses:

[...]

- AA. Behavioral health facility, inpatient.
- AB. Opioid treatment program, mobile unit.

Section 25. Amended Section. That Sumner Municipal Code 18.16 “Commercial Districts (NC, GC, IC),” 18.16.020 “Principal and Conditional Uses,” is hereby amended to read as follows:

“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.

		NC	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P
	[...]			
XX	<u>Behavioral health facility, inpatient</u>	<u>CUP</u>	<u>CUP</u>	=
XX	<u>Behavioral health facility, outpatient</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
XX	<u>Opioid treatment program, mobile unit</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
XX	<u>Group home, large</u>	P	P	=
XX	<u>Secure community transition facility</u>	=	<u>CUP</u>	<u>CUP</u>

Section 26. Amended Section. That Sumner Municipal Code 18.18 “Manufacturing Districts (M-1, M-2),” 18.18.020 “Principal, Administrative, and Conditional Uses,” is hereby amended to read as follows:

“18.18.020 Principal, administrative, and conditional uses.”

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. 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 said conditional uses. Where “--” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[...]			
XX	Opioid treatment program, mobile unit	CUP	CUP	CUP

Section 27. New Section. That Sumner Municipal Code Title 18 “Zoning,” is hereby amended with a new chapter 18.35 “Essential Public Facilities and Behavioral Health Facilities” to read as follows:

“18.35 Essential Public Facilities and Behavioral Health Facilities”

“18.35.010 Siting Criteria for Behavioral Health Facilities”

The following criteria will be considered when siting behavioral health facilities, including inpatient and outpatient facilities and opioid treatment mobile units:

1. Proximity and/or access to social services, transportation and other services to meet the needs of patients and support facility operations.

2. Prior to application, applicant should submit an Operations Plan that addresses the following:

- a. Facility point of contact (email, phone)
- b. Process for communicating with neighboring residents and businesses
- c. Policies and procedures to address neighborhood concerns
- d. Number of residents and expected length of stay
- e. Facility rules and regulations
- f. Staffing plans (number and shifts)
- g. Onsite parking plan and anticipated response calls
- h. Safety and discharge plan

3. Proposed development shall be licensed by the appropriate state authority and subject to their building requirements.

4. The proposed development shall:

- a. Be consistent with the purpose of the zoning district in which it is located;
- b. Provide a landscaping plan which shall provide an aesthetic buffer adjacent to residential uses;
- c. Make adequate provisions for drainage, vehicular, and pedestrian access (including emergency vehicle access), water, sewer, recreational areas, and any other relevant features necessary to serve the public interest; and
- d. If sited in a residential area, the facility should be compatible with any bulk, scale, or design standards in the established zone.

5. Opioid Treatment Program Use Specific Provisions

- a. Opioid Treatment Programs must be licensed by the State of Washington and follow the licensing and certification process directed by RCW 71.24.290, which includes the following:
 - i. Submitting a completed behavioral health agency licensing application, a community relations plan, and fee.
 - ii. Submitting policies and procedures demonstrating compliance with chapter 246-341 WAC for review and approval.
 - iii. Obtaining drug other controlled substance registration from the Pharmacy Quality Assurance Commission.
 - iv. Obtaining accreditation from a federally recognized accrediting organization.
 - v. Obtaining approval from the federal Substance Abuse and Mental Health Administration (SAMHSA) and the federal Drug Enforcement Administration (DEA).
- b. The City may require conditional use permits with reasonable conditions for siting of opioid treatment programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings.
- c. The City of Sumner may not impose a maximum capacity for an opioid treatment program.

6. Opioid Treatment Program (OTP) Mobile Units Specific Provisions

- a. A mobile unit must be an extension of an existing, licensed opioid treatment program.
- b. Before operating a mobile unit, an established OTP must complete the following steps (in the order they appear below):
 - i. Obtain a Drug Other Controlled Substance Registration from the Pharmacy Quality Assurance Commission.
 - ii. Obtain approval from the Drug Enforcement Agency (DEA) by contacting the local DEA office.
 - iii. Submit a BHA Mobile Unit Notification form and a copy of the DEA approval for the mobile unit to Department of Health.

- iv. Obtain approval from the State Opioid Treatment Authority (SOTA).
- v. Obtain approval from the Substance Abuse and Mental Health Services Administration.
- c. The mobile unit may only provide services for which the OTP is currently certified to provide. If the mobile unit will be providing additional services, those must be added to the BHA license before the mobile unit will be approved.

“18.35.020 Siting Criteria for Behavioral Health Facilities”

The following Development and Operating Conditions shall be established for Essential Public Facilities, including airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, opioid treatment programs (including both mobile and fixed-site medication units), harm reduction programs excluding safe injection sites, substance use disorder treatment facilities, and mental health facilities, group homes, recovery residences, community facilities, and secure community transition facilities. Small group homes (with eight or fewer residents) are exempt from the siting criteria. Large group homes (greater than eight residents) are exempt from the siting criteria only when located in MDR or HDR zones.

1. Documentation of Need – The project sponsor must demonstrate the need for the proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
2. Consistency with Applicant’s Plans - The proposed project should be consistent with the Applicant’s own long-range plans for facilities and operations.
3. Consistency with Other Plans - The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted City plans. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities, transportation, housing, and utilities elements of these adopted plans.
4. Relationship of Service Area to Population – With the exception of linear transmission facilities, the facility’s service area population should include a significant share of Sumner’s population, and the proposed site should be able to reasonably serve its overall service area population.
5. Minimum Site Requirements – Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements shall be determined by the following factors: minimum size of the facility, access and transportation needs, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.

6. Alternative Site Selection – The project sponsor shall search for and investigate two (2) alternative sites before submitting a proposal for siting review. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor’s site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.
7. Distribution of Essential Public Facilities – In considering a proposal, the City shall examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.
8. Public Participation – Sponsors shall provide for local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor’s efforts in this regard shall be evaluated.
9. Consistency with Local Land Use Regulations – The proposed facility shall conform to the City’s land use and zoning regulations that are consistent with the applicable county-wide planning policies. Compliance with other applicable local regulations shall also be required.
10. Compatibility with Surrounding Land Uses – The sponsor’s documentation shall demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.
11. Proposed Impact Mitigation – The proposal shall include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.
12. Additional Siting Criteria for SCTFs
 - a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Line-of-sight has been estimated to be six hundred (600) feet from a risk potential activity or facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line-of-sight may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line-of-sight to less than six hundred (600) feet.

- b. The site or building shall meet all of the security requirements of RCW 71.09.285.
- c. No SCTF may be located within six hundred (600) feet of any residentially zoned property.

Section 28. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 29. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 30. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2023.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

SUBJECT: Essential Public Facilities - Discussion and Recommendations

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

This agenda item is for discussion of proposed Sumner Zoning Code regulations for Essential Public Facilities. As described in the materials for the preceding public hearing, cities are required to have a process for identifying and siting essential public facilities. Sumner does not currently have a process that is complete or compliant with new State laws.

The proposed ordinance adds a review process and siting criteria for Essential Public Facilities (EPF) and Behavioral Health Facilities (BHF). EPF and BHF may include regional transportation facilities, correctional facilities, opioid treatment programs, mental health facilities, and secure community transition facilities. Changes include adding definitions for EPF and BHF, siting criteria for facilities, a Conditional Use Permit requirement for most facilities, and prohibiting certain facilities in zones deemed unsuitable locations for facilities. More background is provided in the attached Staff Report.

Following the public hearing, the Planning Commission is scheduled to discuss the proposed ordinance and provide comments to staff. PLEASE SEE ATTACHMENTS TO THE PUBLIC HEARING AGENDA ITEM.

COUNCIL COMMITTEE/STUDY SESSION: n/a
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Depending on the comments and issues raised in the hearing and discussion, recommend approval to the City Council of the proposed ordinance.

SUBJECT: 2024 Comprehensive Plan: Transportation Element, Overview of
Transportation Mgmt Plan

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Transportation Element Final Draft -10/17/23

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Continuing the Planning Commission review of the 2024 Comprehensive Plan Update, consultants BERK and Transpo Group will present information and answer questions on the Transportation Element policies, and will give an overview of the upcoming Transportation Management Plan.

COUNCIL COMMITTEE/STUDY SESSION: n/a
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide comments on the proposed Comprehensive Plan materials to staff and the consultant.

TRANSPORTATION

NOTE TO REVIEWERS: THE CURRENT TRANSPORTATION ELEMENT HAS A LOT OF INTRODUCTION PARAGRAPHS THAT ARE NOT GOALS OR POLICIES BUT RATHER BACKGROUND THAT CAN BE PROVIDED IN THE TRANSPORTATION PLAN RATHER THAN THE ELEMENT (CHAPTER). THIS EDITED VERSION FOCUSES ON THE GOALS AND POLICIES AND REMOVES ALL THE INTRODUCTION PARAGRAPHS FOR EACH GOAL/POLICY SECTION. ONE INTRODUCTION IS SUGGESTED AT THE BEGINNING OF THE TRANSPORTATION ELEMENT. THE TRANSPORTATION PLAN IS THE CITY'S ROADMAP AND VISION FOR TRANSPORTATION. THE PLAN PROVIDES MORE DETAIL ON THE STATE OF THE CITY TRANSPORTATION SYSTEM AND FUTURE TRANSPORTATION PROJECTS.

INTRODUCTION

~~Sumner's existing and future transportation needs are addressed in the Sumner Comprehensive Transportation Plan as well as the Draft EIS. Issues discussed in these documents include: levels of service, travel forecasts, transportation improvements, alternate modes, funding strategies, and concurrency management. Planned transportation improvements are shown following the goals and policies.~~

The Transportation Element provides the link between the Land Use Element and the transportation facilities and services that the City of Sumner needs to support forecast growth during the next 20 years. It addresses issues related to mobility and access, safety, the impact of transportation systems on the natural environment, and the intrinsic relationship between transportation and land use. The availability of transportation facilities and resources is a major factor in determining land use development patterns. Similarly, the use of land influences the need for and location of new or expanded transportation facilities, as well as the required scope of ongoing repair and maintenance of existing facilities. A conscious effort shall be made to ensure a coordinated planning effort between land use and transportation to ensure that Sumner's transportation system is effective, efficient, and modally integrated.

The Transportation Element identifies the City of Sumner's goals and policies for transportation including future transportation system and facilities, level-of-service (LOS) standards and a concurrency monitoring system. Future land uses proposed as part of the Land Use Element inform the selection of transportation strategies and necessary transportation facilities (roadways, sidewalks, trails, bike lanes, etc.). Similarly, the Capital Facilities Element and the City's ongoing Transportation Improvement Program (TIP) present specific facility recommendations based on the goals and policies stated in the Transportation Element.

The City of Sumner transportation system is part of the larger Metropolitan Transportation Plan (MTP) assembled by the Puget Sound Regional Council (PSRC). Major improvements to arterials, freeways, non-motorized facilities, and transit system facilities/services identified by the City of Sumner need to be included in the MTP to be eligible for certain funding programs. Furthermore, inclusion of key projects in and around Sumner in the MTP provides for a regionally compatible system of multimodal improvements.

In accordance with the PSRC's focus on people and sustainability, the Transportation Element strives to emphasize the importance of pedestrians and bicycles and prioritizing the creation a network of multimodal transportation related improvements and policies to ensure that vehicle traffic can coexist with the community's need for a safe and comfortable active transportation environment. It also recognizes the need for the City to work with other transportation service providers to plan, design, fund, and implement transportation projects and programs to serve the community.

GOALS, POLICIES AND OBJECTIVES

Overall Transportation Goal

1. Provide an efficient and safe multimodal transportation system to improve mobility for all residents, employees, and visitors of Sumner while ~~maintaining the small town quality of life within the city and~~ balancing the city needs related to growth and supporting the economic vitality of the city consistent with the Regional Transportation Plan.

1.1 Provide a multimodal transportation system that is compatible with State and regional growth plans, plans of adjacent jurisdictions, and with public transit providers.

~~Meet the mobility needs of the people that live, work, or visit Sumner.
[NOTE: CAPTURED IN GOAL 1.]~~

1.2. Support a range of travel modes: auto and truck vehicles, pedestrian, bicycle, and bus and rail transit.

1.3 Maintain its small-town character by minimizing the development of transportation improvements that would increase the ability or desire of regional traffic to travel through the community. In managing transportation improvements that might increase regional traffic through the community, balance the desire to maintain the city character with future growth and diverse needs of the community.

1.4 The transportation system must provide improved access and circulation to support the economic development of the city. The system should be Design the transportation system to provide adequate access to the industrial and commercial areas while reducing freight conflicts in protecting residential areas from intrusion of auto and freight traffic.

Public Involvement

~~The City of Sumner transportation system is intended to serve...involving the community is very important...[UNECESSARY NARRATIVE DELETED]~~

2. Involve and educate the residents, employees, and business/property owners of Sumner in planning for and implementing transportation projects and programs in and around the city.

2.1 Encourage and solicit public participation in all on transportation-related decisions to help ensure planning and implementation have public support.

~~The City will continue to provide opportunities for the public to provide input on the transportation plans improvement projects, priorities and funding, and designs. These will include meetings with the Planning Commission, City Council, and special forums, as appropriate. Input from and education to the public will provide better use of available funds and integration of the transportation system to meet land use and other community goals. [NOTE: THIS IS ALREADY PART OF GOAL 2. HOW THE PUBLIC GETS INVOLVED WILL CHANGE OVER TIME SO THE CITY DOES NOT NEED TO HAVE A POLICY ON METHOD. ALSO SEE GOAL 9 FOR POLICIES RELATED TO CONSIDERING UNDERSERVED POPULATIONS.]~~

~~1.2 Include public review of transportation improvements proposed in public or private land development projects.~~

~~The public is most often concerned about the potential transportation impacts...The City will review the public's comments and issues related to transportation impacts based on the goals, policies, and criteria set forth in the Transportation Plan, the city's Comprehensive Plan, and other applicable requirements such as the State Environmental Policy Act (SEPA).~~

[NOTE: REVIEW OF OTHER PLANS AND SEPA ARE ALREADY REQUIRED SO NO NEED FOR A POLICY.]

- 2.2 ~~Continue to Strive to meet the user education the community on the needs of the Sumner UGA transportation system. These including traffic laws, transportation planning concepts, future Sumner transportation system needs for all travel modes, and other topics to help the community in understanding transportation and making decisions. e:~~
- ~~• Educating the public on transportation planning concepts such as levels of service, concurrency, traffic calming, and funding programs;~~
 - ~~• Increasing user awareness of existing traffic law abuses and the dangers associated with them;~~
 - ~~• Informing the public of advances in traffic safety from both system and vehicle perspectives;~~
 - ~~• Supporting driver education by having police meeting with high schooler, elderly, and other groups; and~~
 - ~~• Developing rider information packages that inform users of commuter, transit, rail, and air transportation opportunities;~~
 - ~~• Develop information packages on pedestrian and bicycle facilities and safety.~~

~~The more the public understands about transportation...the better the decisions...~~

Agency Coordination

~~Sumner is geographically located at the confluence of several regional transportation corridors...
[UNECESSARY NARRATIVE DELETED]~~

3. ~~***Provide a transportation system that is compatible with State and regional plans, plans of adjacent jurisdictions, and with public transit providers. Coordinate the planning and implementation of the Sumner Transportation Plan with the Regional Metropolitan Transportation Plan (MTP) and State and local agency plans.***~~

~~2.1 — Coordinate the development and implementation of the Sumner Transportation Plan with the State Highway Systems Plan.~~

~~3.1 The State highway system provides... Coordinate with the State and other major providers of regional infrastructure such as freight corridor operators to identify and implement improvement needs along the State highway system and other regional facilities serving Sumner. The coordination includes involving the State in:~~

- ~~• The development of the City's Transportation Plan;~~
- ~~• Working with the State to fund and implement improvements such as improvements to Traffic Avenue and SR 410 interchange in Sumner;~~
- ~~• Providing support for future extension of the SR 167 freeway from Puyallup to Tacoma;~~
- ~~• Future widening of SR 410 to add high occupancy vehicle (HOV) lanes and interchange improvements, including structural and vegetative sound abatement; and~~
- ~~• Future improvements at State interchanges and State highways that serve Sumner.~~

~~[NOTE: REMOVE SPECIFIC PROJECTS SO THIS SECTION STAYS RELEVANT.]~~

~~2.2 — Coordinate the planning and implementation of the Sumner Transportation Plan with the Regional Metropolitan Transportation Plan (MTP).~~

~~The City of Sumner transportation system is part of the larger MTP... major improvements to arterials, freeways, non-motorized facilities, and transit system facilities/services identified by the City of Sumner need to be included... [NOTE: UNECESSARY NARRATIVE DELETED AND CAPTURED IN GOAL 3.]~~

3.2 Coordinate planning and implementation of transportation improvement projects and programs with local agencies.

~~Sumner's Transportation Improvement Plan relies in part on improvements to transportation facilities under the jurisdiction of other agencies... These types of projects require coordination to... [UNECESSARY NARRATIVE DELETED]~~

- 3.2.1 Plan, design, and construct the improvements to provide continuity for vehicular and non-motorized transportation modes
- 3.2.2 Jointly fund significant improvements that serve regional travel patterns
- 3.2.3 Ensure compatibility of improvement projects and the timing of their implementation

~~Specific coordination is required for the following projects:~~

- ~~● 8th Street E (with Pierce County and City of Pacific);~~
- ~~● Shaw Road extension (City of Puyallup);~~
- ~~● SR 410/Traffic Avenue Interchange (WSDOT and City of Puyallup);~~
- ~~● East Valley Highway improvements (City of Auburn and Pierce County);~~
- ~~● 136th Avenue E (City of Pacific);~~
- ~~● Sumner Regional Trail (City of Pacific, City of Puyallup, City of Bonney Lake, City of Edgewood and Pierce County);~~
- ~~● SR 162 East and SR 410 Interchange (Pierce County and WSDOT);~~
- ~~● SR 162 widening (Pierce County and WSDOT);~~
- ~~● Sumner Tapps Highway East and SR 410 Interchange (Pierce County and WSDOT); and~~
- ~~● Bridge Street Bridge and West Valley Highway improvements (City of Edgewood and Pierce County);~~

~~[NOTE: RECOMMEND KEEPING POLICIES AT A LEVEL WHERE THEY DO NOT BECOME OUTDATED.]~~

3.3 Continue to Work with Sound Transit, Pierce Transit and other transit providers to support and enhance expand a multimodal transportation system by ensuring that the City's transportation plans and facilities are consistent with public transit plans and programs.

~~The City will continue to monitor growth and development and address the demand for transit through a local transit system or Pierce Transit. Prior to initiation of any expanded transit service the City will conduct a thorough demand study and fiscal analysis. The City of Sumner does not operate bus or rail transit services. These are provided by~~

~~[NOTE: CONDENSED AND MOVED TO TRANSIT SECTION]~~

Streets and Highways**Transportation System Mobility and Efficiency**

~~Streets and highways provide the basic framework for the City of Sumner transportation system. The system is comprised of freeways, arterials... [UNECESSARY NARRATIVE DELETED]~~

4. ***Plan, design, implement, and maintain-Develop a street and highway transportation system that provides safe and cost-efficient mobility and accessibility of goods, services, and people for the community of Sumner.***

4.1 Maintain The LOS D standard for arterials and collectors in the City of Sumner ~~shall be LOS D or better~~ except for the following locations:
[NOTE: FINAL LOCATIONS TO BE DETERMINED AFTER FUTURE TRANSPORTATION ANALYSIS IS COMPLETED DURING THE 2024 COMPREHENSIVE PLAN UPDATE. THIS POLICY WILL NEED TO BE REVISITED.]

- Traffic Avenue/Main Street/Fryar Avenue (LOS F)
- Main Street/Alder Avenue (LOS F)
- W Valley Highway/Sumner-Heights Drive E/Valley Avenue (LOS F)
- Main Street/Valley Avenue (LOS F)

4.1.1 The levels of service shall be measured using methodologies identified in the *Highway Capacity Manual* (HCM).

4.1.2 ~~The City desires to~~ Provide reasonable levels of traffic operations while ~~minimizing~~ optimizing the impacts and costs of creating wider roadways and intersections to improve transportation capacity and efficiency. ~~accommodate traffic.~~

~~The Transportation Plan identifies improvements...The LOS F standard at the Traffic Avenue/Main Street/Fryar Avenue and W Valley Highway/Sumner Heights Drive E/Valley Avenue intersections since providing LOS D would require extensive additional improvements...~~

~~[NOTE: EXPLANATION DELETED; IS NOT A POLICY. THE INTENT IS CAPTURED IN 4.1.]~~

~~3.2 Levels of service for non arterial collector roads, streets, or driveways intersecting with arterials will be evaluated at the time of development review. The City Engineer shall identify appropriate mitigation to address potential operations or safety impacts. [NOTE: RECOMMENDED FOR REMOVAL BECAUSE THIS IS NOT HOW THE CITY OPERATES PER M. KOSA.]~~

4.3.3 Left turns Allow left turns and through movements on side streets intersecting with arterials ~~may to~~ operate below the adopted LOS D standard, when the LOS affects relatively low traffic volumes and may not meet warrants for traffic signals.

~~Furthermore, installation of traffic signal Each location will need to be reviewed based on traffic engineering studies at the time of development review. Appropriate mitigation should be identified and implemented to reduce potential safety and operation impacts, even though the intersection may operate below the adopted standard.~~

~~[NOTE: NARRATIVE TO BE DELETED BECAUSE THIS IS NOT HOW THE CITY IDENTIFIES TRAFFIC IMPACTS OR MITIGATION.]~~

~~3.3 Transportation improvements or strategies shall be constructed to ensure that an adequate transportation system is in place to serve increased travel demands. [NOTE: THIS IS COVERED UNDER CONCURRENCY POLICIES BELOW]~~

4.2 Construct multimodal transportation improvements to ensure that an adequate transportation system is in place to serve increased travel demands.

4.2.1 Concurrency shall be defined as having a financial commitment in place to resolve the deficiency within six years, ~~is an acceptable strategy~~. Concurrency shall be implemented as part of the City's development review process under SEPA. The City will not approve new developments unless the LOS standards or concurrency requirements are met.

~~4.2.2 The City will not apply~~ Concurrency ~~shall not be applied to Highways of Statewide Significance (HSS) per State guidelines adopted on SR 167, a designated Highway of Statewide Significance (HSS), or its interchanges (per HB 1487).~~

~~4.2.3 Exceptions to concurrency, for non-HSS, also will be provided~~ are accepted at the following locations ~~in the City~~ until improvements identified in the transportation plan are funded and constructed:

[NOTE: FINAL LOCATIONS TO BE DETERMINED AFTER FUTURE TRANSPORTATION ANALYSIS IS COMPLETED DURING THE 2024 COMPREHENSIVE PLAN UPDATE. THIS POLICY WILL NEED TO BE REVISITED AND THE LIST WILL BE CONSISTENT WITH POLICY 4.1.]

- ~~● On SR 167, a designated HSS, or its interchanges (per HB 1487);~~
- ~~On~~ SR 410, SR 162, or the three interchanges of SR 410 state highways serving the city (Traffic Avenue, SR 162, and Sumner-Tapps Highway);
- ~~The~~ Traffic Avenue/Main Street/Fryar Avenue intersection;
- ~~The~~ East Valley Highway/Forest Canyon Road; and
- ~~The~~ Pacific Avenue/West Valley Highway corridor or Bridge Street Cannery Way

~~The above exceptions from denial under concurrency are identified since these corridors are affected by significant regional traffic growth and require regional funding solutions. Until improvements identified in the Transportation Plan are able to be implemented using State, other regional, and local funding, congestion will be allowed to occur. The City will review potential impacts and identify appropriate mitigation through impact fees and SEPA. The City will coordinate with the Washington State Department of Transportation (WSDOT) on identifying appropriate mitigation along SR 162 and at the interchanges of SR 410. [NOTE: UNECESSARY NARRATIVE DELETED]~~

~~4.3.4~~ 4.4 Streets and arterials shall be classified to reflect their desired functional use. ~~and be~~ Design ~~consistent with the design guidelines in the Sumner Transportation Plan and the City of Sumner Development Specifications and Standard Details. standards should be implemented based on the functional classification, location in the City, and land uses it serves.~~

~~The Transportation Plan identifies the general characteristics used to define the classification of freeways, arterials, collectors, and local streets in Sumner. Design guidelines are presented in Appendix B of the Transportation Plan, which further identify potential characteristics by classification and the type of area and land uses it serves. The design guidelines cover provisions for the various travel modes served by a type of roadway....~~

~~[NOTE: UNECESSARY NARRATIVE DELETED]~~

4.4 The City shall Plan for, design, construct, operate, and maintain an appropriate and integrated transportation system as outlined in its adopted Complete Streets Policy.

4.5 To minimize impacts of freight and commercial truck traffic on the city transportation system and the community, maintain ~~Establish~~ truck route restrictions based on functional classification, connectivity, and land uses, and require trucks to use only the designated routes and work with freight and regional partners to identify options for truck parking.

~~The truck route system primarily consists of principal and minor arterials... On other City streets, only local deliveries should be allowed by trucks... Trucks entering/exiting the City to/from a destination within the City should use only the designated truck routes between the regional system (or City limits) and the intersection nearest the destination. [NOTE: A TRUCK ROUTE MAP WILL BE INCLUDED. UNECESSARY NARRATIVE DELETED]~~

4.6 Ensure the efficient movement of goods and services to and from the Sumner-Pacific Manufacturing Industrial Center (MIC) and along trucks routes. Consider freight needs along truck routes including identifying existing areas that need improvements and accommodating truck travel with new transportation projects.

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

~~The City of Sumner recognizes that increasing connections throughout the City Provides efficiencies in traffic circulation and increases the sense of unity of the community. A through a flexible, interconnected grid system that avoids of roadways is preferred over the use of cul-de-sacs, dead-end streets, loops, and other designs that form barriers. Creating a pattern of continuous through streets with a system of highly integrated secondary access streets will provide long term economic and social benefits to the community. The City will Provide an interconnected system of sidewalks, trails and other non-motorized corridors that provide ease of encourage travel between neighborhoods and community centers.~~

To achieve an interconnected street transportation network, the City should:

- Allow cul-de-sacs only where the natural or built environment would logically preclude a grid street system.†
- ~~Consider future needs and opportunities for development of the local service street grid in project review of development proposals;~~
- Require new development to provide full or partial/half street improvements.‡ ~~where such streets will expand, complement or improve access to the larger street network, consistent with existing development patterns and environmental constraints;~~
- ~~Seek to establish a maximum interval between local access streets in industrial areas of ¼ mile;~~
- Seek to establish a maximum interval between local access streets in residential and pedestrian-oriented commercial areas of 500 feet and
- ~~Establish logical new transportation links at the first available opportunity, to avoid sacrificing future options.~~
- Prohibit private roads and gated access in new subdivisions, multifamily and mixed-use developments, except where there is a demonstrated need.
- Support multimodal travel by encouraging streetscape that enhances the pedestrian and bicycle environment.

~~The City should maintain flexibility in implementing these strategies. Requirements for improvements to establish a continuous grid street system should be determined on a case-by-case basis. The public benefit of new roadways should be considered [UNECESSARY NARRATIVE DELETED]~~

~~The provisions of this policy do not extend to a street connection in the Sumner Avenue/ Alder Avenue corridor to connect areas south of SR 410...[UNECESSARY NARRATIVE DELETED]~~

~~3.7 The City of Sumner discourages the use of private streets and will not agree to maintain them [NOTE: COVERED IN POLICIES ABOVE]~~

4.8 Retain existing and identify, acquire, and preserve rights-of-way to implement the interconnected transportation system identified in the Transportation Plan.

4.8.1 The vacation of public right of way should not be approved unless there will be an overriding public benefit.

~~The City intends to use the Transportation Plan's recommendations to identify current and future transportation system needs. The City has identified specific transportation corridors where rights of way should be protected to serve potential short or long-range transportation system needs. [UNECESSARY NARRATIVE DELETED]~~

~~The City also seeks protecting rights of way from encroachment by any structure, substantial landscaping, or other obstruction to preserve comprehensive plan recommendations. Protection methods may include minimum. [UNECESSARY NARRATIVE DELETED]~~

~~3.9 Limit and provide access to the street network in a manner consistent with the function and purpose of each roadway.~~

~~The City will seek to consolidate and minimize the addition of new access points to State highways, arterials, and collectors, as appropriate. This will help preserve capacity and improve safety of the highway and arterial system, reduce interference with traffic flows on arterials, and discourage through traffic on local streets.~~

~~To achieve this level of access control, the City:~~

- ~~• Supports the State's controlled access policy on all State highway facilities;~~
- ~~• May acquire access rights along some arterials and collectors;~~
- ~~• Encourages and may require landowners to work together to prepare comprehensive access plans that emphasize internal circulation and discourage multiple access points to major roadways;~~
- ~~• Encourages consolidation of access in developing commercial and high-density residential areas through shared use of driveways, local access streets, and cross-access corridors; and~~
- ~~• Requires defined access and circulation systems as part of subarea land use plans.~~

~~[NOTE: THIS SECTION ON ACCESS MANAGEMENT IS COVERED IN SMC CHAPTER 18.43 AND NEW POLICY 4.9 BELOW]~~

4.9 Implement the access management strategies including those in the East Main Street Design Strategy while balancing the rights of property owners with the public purpose of safe and efficient movement of vehicles and pedestrians.

4.10 Provide for the efficient movement of traffic through transportation system management strategies (TSM) such as advanced traffic control measures, intelligent transportation system (ITS) technologies, speed management, access management, channelization improvements and multimodal design features. Use advanced technologies to better manage traffic volumes on major arterials and improve the efficiency and coordination of traffic signals. Advocate for technology upgrades in adjacent jurisdictions and on state highways that affect the City's transportation network.

~~3.10 Strive to efficiently operate the transportation system through Transportation Systems Management (TSM) strategies.~~

~~These strategies will include:~~

- ~~• Signal interconnect systems, signal coordination and synchronization, and other signal systems to ease traffic flow;~~
- ~~• Turn lanes and pockets to allow turning vehicles to move out of through traffic lanes; and~~
- ~~• Access control for arterials and major collectors to minimize disruptions in traffic flow.~~

~~[NOTE: COVERED IN POLICY 4.10]~~

4.11 Maintain-Prioritize the maintenance and service needs of the transportation system so that it is safe and functional and preserves the existing facilities.

4.11.1 Maintain the existing and future arterial and street transportation system and associated facilities (e.g., sidewalks, transit stops, landscaping) through Pavement Management System (PMS) and traffic operations program transportation maintenance and preservation programs.

4.11.2 Coordinate with service providers and developers on the location of major utility and transportation corridors and the construction of roadway improvements. Such coordination will to help minimize transportation disruptions caused by construction. In addition, this will reduce costs, and maintain pavement integrity.

4.11.3 Continue to review and implement a systematic program for defining, designing, and implementing traffic control and pedestrian safety improvements in residential areas of the city. The City will d Define and prioritize locations for such programs improvements based on:

- Traffic engineering studies
- Traffic speeds
- Safety and accident crash data, and police department observations
- ~~Truck impacts~~
- Input from the community

4.11.4 Include mapped inventories of Sumner's transportation system, conduct studies, and review data to support operational changes and designs that improve safety.

3.144.12 Accommodate the transportation needs of special events and assess the costs of such accommodation to the event promoter, such as alley activation projects, temporary street closures, and construction zones, while safeguarding public safety and property. Follow the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) or other guidelines and standards in planning for special event accommodations.

3.14.1 Support special events as important for expanding the culture and quality of life of the community, while addressing the impacts of such events on the transportation system.

3.14.2 The City will seek to provide for such events by making appropriate provision such as bus transportation, traffic control, and temporary street closures. The City will notify affected businesses through mailings and the Sumner Promotions Association of Street Closures for special events. The City may assess some or all of the costs of such provisions will be assessed to the promoters or organizers of such events.

[NOTE: SPECIAL EVENTS ARE COVERED IN DETAIL IN SMC 12.52, SO NARRATIVE TEXT UNNECESSARY HERE.]

4.11 Allow food truck parking within City right-of-way, where appropriate and after consideration of public safety and health and impacts to private property.

Subarea Plan Transportation and Circulation System

5. Support implementation of the multimodal transportation system identified in adopted Sumner Subarea Plans.

- 5.1 For the Town Center Plan Area, apply form-based code and street design standards in new and upgraded street improvement projects, to promote a pedestrian-friendly, bicycle-friendly, landscaped, active streetscape.
 - 5.1.1 Implement the specific street designs in the form-based code for arterial streets, collector streets, local streets, and West Main Street as specified in the Town Center Plan.
- 5.2 For the East Sumner Neighborhood Plan Area, implement the transportation objectives of the plan and the circulation map.
 - 5.2.1 Provide vehicular routes through the neighborhood to diffuse traffic, reduce congestion, and complete the street/sidewalk grid.
 - 5.2.2 Improve local and regional transit service to reduce vehicle traffic and connect residential and commercial areas.
 - 5.2.3 Provide a non-vehicular network of sidewalks and pathways that supports alternate modes of travel and connects key amenities, such as the central wetlands and the YMCA, to residences and businesses.
- 5.3 Support the Sumner-Pacific MIC as a primary hub for regional, national, and international goods movement by ensuring the integrated development and operation of trucking and rail terminals to enhance the freight transportation system.
- 5.4 Recognize the critical role of safe, reliable and efficient movement of people and goods by identifying and addressing areas within the MIC or connecting corridors where access and circulation is hindered by infrastructure gaps and inadequate design. Ensure future transportation improvements allow for safe and efficient movement of both freight and people.
- 5.5 Pursue the expansion of the Pierce Transit benefit district to serve Sumner and eastern Pierce County and provide options for access to the Sumner Sounder Station.

Pedestrians and Bicycles

- 6. ***Promote ~~use the design of alternative transportation multimodal transportation facilities modes that support local and regional growth centers~~ by providing an interconnected system of pedestrian and bicycle facilities.***
 - 6.1 Develop pedestrian and bicycle level of service guidelines to assess completion of the established pedestrian and bicycle network in the Sumner Transportation Plan.
 - 6.2 Maintain the Sumner Link Trail as a regional non-motorized corridor and prioritize projects that enhance the trail with neighborhood connections, trailheads and amenities.
 - 6.3 Ensure design standards for ~~the transportation system principal and minor arterials, collectors and local streets will include provisions for travel by~~ should facilitates and encourage access and circulation by pedestrians and bicyclists, based on the Sumner/Pacific Master Trail Plan and the Sumner Transportation Plan and provides connections to schools, parks, community facilities, transit and commercial districts.
 - 6.4 Collector roads and local streets should be designed and constructed to facilitate access and circulation by pedestrians and bicyclists within the neighborhoods and provide connections to schools, parks, community facilities, transit, and commercial districts. Development application will proposals shall provide for convenient non-motorized connections where feasible, commensurate with the scale and occupancy of the development.

- 6.5 Sidewalks will be provided on both sides of all City streets unless special circumstances, such as topography or environmental constraints, make it cost prohibitive ~~as determined by the Public Works Director.~~
- 6.6 ~~The City will pursue the construction of interim asphalt walkways/sidewalks along city streets that are used by a considerable number of children walking to/from school. Interim asphalt walkways/sidewalks should include, but not be limited to, Parker Road, Elm Street, and 160th Street E. The construction of interim walkways/sidewalks is not intended to preclude future full street improvements. Prioritize sidewalks one side of the street where no sidewalks exist, particularly along school routes.~~
- [NOTE: THE CITY DOES NOT BUILD INTERIM ASPHALT SIDEWALKS, WE WANT TO HAVE PERMANENT SIDEWALKS.]
- 6.7 ~~Construct a separate~~ system of ~~separated,~~ multi-purpose trails ~~should be constructed~~ to serve transportation and recreation needs of the community. ~~It should also~~ Connect the system with adjacent communities to facilitate regional connectivity. Implement the trail system and connections to the arterial, collector, and other pedestrian and bicycle facilities ~~should be made~~ per the Sumner Parks and Trails Plan. Sumner/Pacific Master Trail Plan.
- 6.8 Develop and maintain street cross-section designs that promote street trees, separated sidewalks, and wide sidewalks along commercial uses; and develop and maintain cross-section designs for mid-block pedestrian and bike corridors that encourage non-auto circulation.

Rail, Transit, and Transportation Demand Management

Commuter Rail and Transit

- 7. *Reduce the need to expand the general capacity of arterials and collector streets in the city by developing and expanding an integrated system of public transportation alternatives and demand management programs options and strategies to provide mobility alternatives and reduce the need to expand the general capacity of arterials and collector streets in the City.***
- 7.1 ~~The City will continue to~~ Monitor growth and development for changes in transit demand and address ~~the demand for transit needs~~ through a local transit system.
- 7.2 Continue working with transit providers to expand and enhance bus transit service and a regional park-and-ride system to that serves regional destinations and growing neighborhoods and employment areas of Sumner. ~~Key connections that should be considered for new or expanded service include:~~
- ~~• Between Sumner and Auburn/Kent/Green Valley employment centers;~~
 - ~~• To connect Lakeland Hills residential area to Sumner and regional transit service;~~
 - ~~• To serve travel between Sumner, Bonney Lake, and Tehaleh development area;~~
 - ~~• To serve travel within Sumner and connections to the commuter rail station;~~
 - ~~• Connections between East Sumner Neighborhood and historic Downtown Sumner, including the commuter rail station.~~
 - ~~• From downtown commuter rail station to the Manufacturing/Industrial Center.~~
- 7.3 ~~Continue working with Sound Transit, WSDOT, and local agencies to enhance access to the regional commuter rail system and Sumner's commuter rail station, and bus transit connections to various Sumner neighborhoods. [NOTE: DELETED, REDUNDANT WITH ABOVE]~~

- 7.3 Prioritize agency coordination and funding for commuter connections to Sumner's primary employment center, the Sumner-Pacific Manufacturing Industrial Center (MIC).
- 7.4 Promote safety upgrades at railroad crossings to improve safety of the traveling public.
- 7.5 Support construction of improved pedestrian and bicycle connections with local and regional transit service. Work to provide ~~transit stops and shelters, and~~ pedestrian safety improvements along arterials. ~~Additionally, work to provide~~ and bike lockers and facilities at transit connections.
- ~~5.5 Support WSDOT and transit providers in implementing the regional plan for HOV lanes on SR 167 and SR 410, consistent with the State Highway Systems Plan. [NOTE: REDUNDANT WITH OTHER POLICIES]~~
- ~~7.7 Support and coordinate with Sound Transit and WSDOT on the development of an expanded regional park and ride system to support use of alternative transportation modes in the Sumner area. Seek to provide tax credits or other incentives for allowing public parking on private property. [NOTE: REDUNDANT WITH OTHER POLICIES RELATED TO AGENCY COORDINATION. ALSO, CITY CODE DOES NOT ALLOW PAID PUBLIC PARKING ON PRIVATE PARKING LOTS.]~~
- 7.6 Enhance safety and operations of rail service (freight and passenger) through grade separation of roadways and improving at-grade crossings.
- ~~5.10~~ 7.7 Explore the feasibility of a trolley system. Support a shuttle or autonomous transit that would connect the Historic Downtown area with eastern areas of the city.
- ~~1.1 Collaborate when possible with Sound Transit, Pierce County and surrounding cities to do joint planning on future services concerning the commuter rail and transit system. [NOTE: POLICY IS SIMILAR TO WHAT IS ALREADY UNDER AGENCY COORDINATION.]~~
- ~~7.10 Work with local property owners to encourage the development of commercial and residential uses compatible with the commuter rail station. [NOTE: POLICIES REGARDING TRANSIT-ORIENTED DEVELOPMENT ARE ALREADY COVERED IN THE HOUSING AND ENVIRONMENT ELEMENTS.]~~
- 7.8 Ensure that the commuter rail station does not have an unreasonable adverse impact on the residential character of the neighborhood.
- ~~1.4 Consider and pursue opportunities for an increased pedestrian connection to the West Sumner Neighborhood and the Downtown business core such as a pedestrian overpass across the railroad tracks. [NOTE: CONNECTIVITY FOR THE PEDESTRIAN SYSTEM IS ADDRESSED UNDER THE PEDESTRIAN AND BICYCLE SECTION.]~~
- ~~7.9 Continue to explore the parking options and access options for the commuter rail station that are compatible with the surrounding land uses, safe, convenient, and attractive. Address options for location of future parking for expanded service over time.~~
- 7.9 Promote Support the use of the Sounder high-capacity transit and commuter train by the entire Sumner community. Provide Encourage housing near the train station for households desiring the close transit availability, and provide services and businesses that cater to residents and train commuters, and provide safe connections for pedestrian and bicycle commuters.

- ~~7.14 — Promote and pursue the use of underutilized parking lots throughout the city as potential satellite sites for commuter rail station parking.~~
- ~~1.8 — Seek alternatives to the expansion of a stand-alone parking garage in the Town Center.~~
- ~~1.9 — Request that Sound Transit provide additional bicycle lockers at the station to encourage bicycle commuting to the station. Require that any expansions to parking for the station include increased bicycle lockers.~~
- ~~1.10 — Request, as part of any future expansion of the commuter rail station parking and access, that Sound Transit partner with the City and other entities to provide funding and support for improvement of the interchange on SR410 and Traffic Avenue~~
[NOTE: THE SOUNDER STATION IS ALREADY UNDER CONSTRUCTION SO POLICIES NO LONGER RELEVANT.]

Commute Trip Reduction and Transportation Demand Management (TDM)

8. ~~5.8 — Promote programs that reduce the demand on the transportation system. through the following strategies:~~

- ~~8.1 — Encourage the use of high occupancy vehicles (HOV) programs – buses, carpools, and vanpools – through both private programs and under the direction of Pierce Transit and Sound Transit.~~
- ~~8.2 — Promote flexible work schedules allowing the use of transit, carpools, or vanpools.~~
- ~~8.3 — Promote reduced employee travel during the daily peak travel periods through flexible work schedules and programs to allow employees to work part- or full-time at home for telecommuting or at an alternate work site closer to home.~~
- ~~8.4 — Encourage employers to provide TDM measures in the workplace through such programs as preferential parking for HOVs, transit pass subsidies, improved access for transit vehicles, and employee incentives for using HOVs.~~
- ~~8.5 — Implement the provisions of the State Commute Trip Reduction Act.~~
- ~~8.6 — Consider pricing programs as an option for reducing reliance on single-occupancy vehicle (SOV) travel.~~
- ~~8.7 — Incentivize transit oriented and higher density land uses that encourage walking or biking near transit stations.~~
- ~~5.9 — Ensure mobility for all residents within the UGA, including the elderly and persons with disabilities by providing an accessible and affordable transportation system. The City of Sumner will ensure that its transportation system meets the requirements outlined in the Americans with Disabilities Act (ADA). The City will apply design standards that respond to the needs of persons who are elderly, disabled, or have other special needs. The City will identify existing transportation facilities and locations that are not accessible or usable by such persons and will improve such facilities. The City will encourage public and private transportation operators to fit the special needs of such persons.~~

[NOTE: ACCESSIBILITY IS COVERED UNDER GOAL 9 BELOW.]

Equity in Transportation-Related Decisions

9. *Consider the impacts of transportation on underserved populations and provide transportation in an equitable manner.*

- 9.1 Prioritize improvements that will improve multimodal transportation in underserved neighborhoods.
- 9.2 Incorporate racial and social equity in planning for transportation improvements, programs, and services in historically underserved neighborhoods and vulnerable populations.
- 9.3 ~~[WAS ORIGINALLY POLICY 5.9]~~ Ensure mobility for all residents within the UGA, ~~including the elderly and persons with disabilities,~~ by providing an accessible and affordable transportation system and encouraging public and private transportation operators to meet the needs of such persons. The City ~~of Sumner~~ shall ensure that its transportation system meets the requirements ~~outlined~~ in the Americans with Disabilities Act (ADA), apply design standards responding to the diverse community needs ~~of persons who are elderly, disabled, or have other special needs,~~ and improvement improve existing City transportation facilities ~~and locations that are not accessible or usable by such persons to meet these needs.~~
- 9.4 Upgrade and improve infrastructure to meet Americans with Disabilities Act (ADA) and other federal requirements. [NOTE: COVERED IN ABOVE POLICIES.]

Land Use and Environmental Considerations

610. Establish a transportation system with minimal environmental impact and energy consumption that provides for a high quality of life to be enjoyed by the citizens.

~~6.1~~ 10.1 Incorporate environmental factors into transportation decision-making, including attention to human health and safety by designing transportation facilities within the Sumner UGA minimizing adverse environmental impacts resulting from both their construction and operation.

10.1.1 The City ~~of Sumner will~~ shall fulfill this need by:

- Considering environmental costs of development and operation of the transportation system
- Aligning and locating transportation facilities away from environmentally sensitive areas
- Working with the State to incorporate appropriate structural and vegetative sound abatement as part of highway widening projects
- Mitigating unavoidable environmental impacts wherever possible
- Soliciting and incorporating the concerns and comments of interested parties
Considering the social equity and environmental justice impacts of street transportation projects
- Evaluate street cross-sections for efficient and effective use of pavement and landscaping features and low impact design.

10.2 Ensure that transportation system improvements are compatible with adjacent land uses, ~~and will~~ minimize potential conflicts, and create safe and adequate connections to adjacent land uses. The City ~~will~~ shall:

- Prevent new residential areas driveways from ~~fronting on~~ having direct access to arterials, unless no other options exist
- Incorporate transit, pedestrian, and bicycle access to major developments
- Provide landscaping and noise buffers along major roadways
- Provide facilities for bicyclists and pedestrians to access transit

- ~~Provide changes to~~Promote development site plans that encourage pedestrian travel

10.3 Support continuing efforts for improving air quality and reducing greenhouse gas emissions throughout the Sumner area, and develop a transportation system compatible with the goals of the Federal and State clean air acts. ~~Federal and State legislation have made clean air a priority.~~

10.3.1 The ~~City will~~ shall:

- Support ~~and enforce~~ vehicle emissions reduction testing and cleaner burning fuels programs
- Coordinate with Sound Transit and other jurisdictions on Commute Trip Reduction (CTR) programs for major employers in the Sumner planning area
- Require air quality studies of future new major developments ~~on likely to have significant~~ impacts created by site-generated traffic
- Promote other TDM Programs
- Work with the private and other public sectors to introduce cleaner burning fuels for the existing motorized fleet, and vehicles powered by alternate fuel sources
- Support and implement projects that promote cleaner burning and alternative fuels such providing electric vehicle charging infrastructure.

~~6.4 — Allow major changes to the land use plan only when those proposals accompany specific analyses showing how the transportation system can adequately support existing and proposed development needs in a financially balanced manner. [NOTE: REQUIRING NEW DEVELOPMENTS TO MEET "CONCURRENCY" AND ADDRESS TRAFFIC IMPACTS IS ALREADY COVERED IN OTHER POLICIES AND CODES.]~~

10.4 Provide Promote, through regulations and incentives, ~~for~~ the use of low impact development techniques that will reduce impervious surfaces, provide for stormwater infiltration, and protect the natural environment and systems. Low impact development should be the ~~preferred alternatives for included in~~ new transportation projects where possible.

10.5 Increase the resilience of the transportation system and support security and emergency management to protect the transportation system against disaster, develop prevention and recover strategies, and plan for coordinated responses.

~~10.6 — Transportation Energy Conservation: Reduce the rate of energy use per capita, both in building use and in transportation activities. [NOTE: NOT SPECIFIC AND ALREADY COVERED IN OTHER POLICIES.]~~

10.6 ~~Transportation Greenhouse Gas Alternatives:~~ Reduce greenhouse gases by expanding the use of conservation and alternative energy fuel sources and by reducing vehicle miles traveled by increasing alternatives to driving alone.

Program Financing and Implementation

11. Fund and implement the transportation plan based on the relative benefits to various user groups and to meet the needs of the community in an orderly manner based on the community and regional priorities, benefits, and cost allocation.

11.1 Prioritize city improvement projects and participation in State and regional projects based on the following objectives:

- Human health and transportation safety of all modes

- Maintenance and preservation of existing transportation system facilities
 - Meet current and future demands. Upgrade or expand facilities needed to support growth within Sumner and maintain transportation concurrency
 - Expand facilities and services to improve connectivity of the transportation system
 - Environmentally beneficial
 - Addresses a need identified for underserved and/or vulnerable populations.
- 11.2 ~~Fund and implement the Transportation Plan based on the relative benefits to various user groups.~~ [MOVED TO GOAL 7] Funding programs that ~~will~~ should be considered by the City include:
- Local, State and Federal grant programs;
 - Development mitigation;
 - Local city transportation and general tax funds;
 - Local Improvement Districts (LIDs);
 - Expanded business license fees; and
 - Other local option taxes fees that are currently allowed or that may be available in the future.
- 11.3 Work with other transportation service providers and agencies. Continue to develop partnerships with WSDOT, Pierce County, Sound Transit, and local agencies to define and fund and implement improvement transportation projects and programs in the Transportation Plan to serve the community and connect to major transportation hubs.
- 11.4 Ensure that new growth pays a proportionate share of the costs of transportation facilities needed to support growth. Where applicable, new development shall contribute to the costs of needed improvements through such means as:
- SEPA-based mitigation
 - Transportation Impact Fees
 - Frontage Improvements
 - Low Impact Development (LID) that reduces public impacts and costs
 - Other means allowed by State and local law.
- 11.5 Ensure that the annual Six-Year Transportation Improvement Program (TIP) is financially feasible, leverages available City Funds, and is consistent with the priorities of the Transportation Plan.
[NOTE: THE TIP IS USED TO PROGRAM CITY FUNDING, SUPPORTS CONCURRENCY AND IS USED IN DEVELOPMENT REVIEWS, AND IS UPDATED ANNUALLY.]
- ~~The TIP used by the City to implement TIPs. It is used by the PSRC in developing the Regional TIP...The annual update of the TIP is also used to reevaluate project priorities...~~
[UNECESSARY NARRATIVE DELETED]
- 11.6 ~~If probable funding falls short of meeting the identified needs of the plan, the City will review and update the Plan, as needed. The City will Reassess improvement needs, priorities, level of service standards, and the land use plan if available and achievable funding falls short of meeting the identified needs.~~
- 11.7 Approve major land use changes only when those proposals accompany specific documentation or plans showing how the transportation system can adequately support existing and proposed development needs based on concurrency, access,

safety, and alternative travel modes level of service standards or guidelines.

~~7.8 Continue planning for transportation facilities within Sumner and its UGA on a continuing basis meeting changes in land use decisions. [NOTE: POLICY IS UNNECESSARY SINCE IT IS PART OF THE COMP PLAN PROCESS AND REQUIRED BY GMA.]~~

11.8 Develop and charge a multimodal transportation impact fee for the purposes of building a transportation network that supports multiple travel operations.

[NOTE: RECENT STATE LEGISLATION PROVIDED FLEXIBILITY FOR JURISDICTIONS TO CHARGE IMPACT FEES THAT SUPPORT NOT JUST AUTOS BUT PEDESTRIAN AND BICYCLE SYSTEM IMPROVEMENTS.]

11.9 Balance 20-year financing of transportation improvements between both existing and future users based on the principle of proportional benefit to all users.

~~11.10 The City will~~ Update the Transportation Plan when ~~ever~~ the Sumner Comprehensive Plan is revised or updated in such a way that it affects the Transportation Plan city's transportation demands or ~~—The City will also revise the Transportation Plan if~~ projects outside the city's control, such as special transportation related projects led by the WSDOT, PSRC, transit agencies, or Pierce County, cause a fundamental shift in transportation services demands or capacity with the ~~throughout the Sumner~~ UGA.

OVERVIEW OF PLANNING COMMISSION PRACTICES & MEETINGS

1. Who does what?

- The Planning Commission is advisory to the City Council. When the Commission makes a decision, it's not technically "adopting" an ordinance, but framed as "we recommend that the Council adopt the proposal."
- The Commission Chair is elected by the larger Commission and makes sure that the meetings are conducted fairly and follow the proper procedures. For example, he/she will manage moving through the agenda items, call for motions, call on speakers during public hearings, call for a vote, etc.
- The Vice Chair is also elected by the Commission and will run the meeting in the absence of the Chair.
- Staff is advisory to the Commission, sets or changes the meeting dates as needed, publishes the Meeting Agenda and Packet, and provides background reports, research and recommendations to the Commission.
 - At the meetings, staff orally presents items for Commission consideration.
 - Staff will electronically record every meeting and transcribe minutes of the meetings for future Commission review and approval.

2. Location of meetings

- The Commission meets in the Council Chambers at City Hall. During the pandemic, the City implemented a virtual/hybrid meeting where Commissioners, consultants and the public can participate via a Zoom webinar link if unable to attend in person.
- For Commissioners, the City expects them to attend most meetings in person. Attending in person reflects the importance of the Planning Commission's role in representing the community, confirms the Commission's interest in listening to the public who typically attend in person, and gives both Commissioners and staff a chance to interact to a higher degree than possible online. But the virtual meeting is a great option for attending meetings when out of town or if conflicts arise.
- The link to each City meeting is provided to the public by posting it on the Meeting Agenda and on the City website Calendar.

3. Meeting dates

Meetings are typically held once per month and last 1-2 hours. All Planning Commission meeting dates are posted to the City website and are open to the public. Meetings are subject to the Open Public Meetings Act (see separate handout). Therefore, Commissioners are discouraged from discussing items with other Commissioners outside of Commission meetings. This does not apply to discussions between a Commissioner and staff; Commissioners are encouraged to call staff for a one-on-one discussion any time questions arise.

- **Regularly scheduled meetings:**

The regular meeting date is each month on the first Thursday at 6:00 p.m. Regular meetings are the "formal" meetings where the Commission will discuss proposals, take action on an item or hold a public hearing.

- **Study sessions:**

Study sessions are held on the third Thursday of the month only on an as-need basis (infrequently). Staff asks Commissioners to try to keep that Thursday open if possible, but staff always provides notice ahead of time if there is need for a study session.

- **Special meetings:**

A special meeting is rare, but may be requested by staff if needed. This might be due to the need for additional meetings to cover project discussions, or due to a special project deadline that requires meeting on an "off-day." Staff typically calls Commissioners to take a poll on meeting dates. Special meetings require staff to prepare special public notices.

4. Agenda and Meeting Packet

- Staff prepares the Agenda and the other materials for the meeting packet, and posts that to the City's website. This happens on the Thursday 1 week before the Thursday meeting and staff sends the Commission an email with the link when it's posted. Note that the email always is to the Commissioner's City email address, not personal email.
- Staff asks that Commissioners respond, noting they've received the packet and if they cannot attend. Staff wants to make sure there is a quorum for an upcoming meeting, and needs some lead time if a meeting needs to be cancelled.

5. Sending/receiving emails with a City email address

- Planning Commissioners and City Councilmembers each have an assigned City email address that is separate from their personal email. The separation of City/personal email is important due to the Public Records Act (PRA). In short, if a "government" has records (like emails) related to government actions, even if stored on private devices, those records may be subject to disclosure under the PRA. To protect your privacy, the City tries to handle most everything through your City-assigned email. This is not typically an issue with short, non-substantive communications, like, "I'm stuck in a blizzard in Chicago so won't make the meeting tomorrow." See separate overview of the Public Records Act.
- **Checking your City email account:** The working agreement with the Planning Commission is that they check their City email each Thursday if possible. Thursday was chosen because Commission meetings are on Thursdays, and staff posts agendas and meeting materials on the Thursday prior to the meeting. In between, sometimes staff will have updates or meeting cancellations, so staff tries to send any Commissioner emails on Thursdays.
- **Cybersecurity training:** All City staff, Councilmembers and Commissioners who use City email are required to take occasional cybersecurity training. This is sponsored by the City's IT Department, and is typically a link to a short webinar that can be viewed from home, typically once per year. This is crucial training to help protect the City from hackers, ransomware, etc.

6. Quorums and attendance

- Planning Commissioners are asked to notify staff ahead of time if they cannot make a meeting. This is important to ensure a quorum (a majority of members) for the meeting. By law, the Commission cannot hold a meeting without a quorum. With advance notice of lack of quorum, staff can notify consultants, applicants, other Commissioners and the public who may have planned to join the meeting.
- When a Commissioner misses a meeting without notifying staff it is recorded in the minutes as an unexcused absence. The Planning Commission's adopted rules state that a Commissioner who has 3 unexcused absences in a row is deemed to have forfeited their position (very rare occurrence).
- Life happens, so staff and the Commission try to be flexible when an attendance issue comes up. Just let us know; there's no need to explain the reason.

7. Commissioner knowledge of plans and policies

Commissioners aren't expected to be experts on all of the adopted City plans. That's why staff's role is to advise the Commission and answer questions. But Commissioners should have some general knowledge of:

- **Sumner planning/policy documents:** Commissioners should be generally familiar with what the following plans are and their purpose: Sumner Comprehensive Plan; Sumner Zoning Code; and other adopted plans such as Critical Area/Resource Regulations, Shoreline Master Program, and Design and Development Guidelines.

- **State laws and doctrines, including:** Open Public Meetings, Appearance of Fairness, Conflicts of Interest, Public Records Act. See separate handouts for more on these rules.

8. General rules for meetings:

The Planning Commission follows general practices that are based on common sense and courtesy, and a commitment to fair, productive meetings.

- Commissioners are expected to allow each other equal opportunity to speak, to refrain from inflammatory comments, avoid interrupting each other, listen to public comments with an open mind and, in general, do their part to make sure the meeting is respectful and productive.
- Members of the public who wish to speak are first recognized by the Chair and asked to direct their comments to the Chair. Commissioners may ask direct questions of a proponent/opponent, but should avoid extensive conversation that monopolizes the discussion. Commissioners will often ask staff to respond to a question from the public. The Chair helps monitor discussions to ensure everyone has a chance to speak.
- The Planning Commission occasionally reviews highly controversial matters where sides are polarized, tempers flare up, and meeting attendees may become antagonistic towards staff and the Commission. Both staff and Commissioners are expected to be patient, keep listening, and not to engage in the same aggressive behavior. The Chair's role is to assist in these situations and help keep order.
- There is no formal dress code for Commission meetings, and most meetings reflect Sumner's more relaxed, small-town way of doing business. But Commissioners are asked to keep in mind that they represent the City government, residents of various backgrounds, and business owners, who expect City representatives to look and act as professionals.
- Staff expects Commissioners to familiarize themselves with the meeting materials ahead of time, so that the meeting time will be productive for all Commissioners. There's no need to know each item in depth; staff can provide additional information and details at the meeting.
- A working agreement is that Commissioners focus on substance/policy issues at the meetings and not on tech edits that don't affect policy. Commissioners can send tech edits to staff immediately before the meeting or after, and staff will incorporate those into the documents and bring those back to the next meeting. Commissioners are always encouraged to call staff ahead with any questions.

9. Parliamentary procedures for meetings:

- Roberts Rules of Order (RRs) are the adopted rules that govern the Commission meetings. RRs lay out parliamentary procedures for various components of meetings, such as: How to make and second a motion, in what order motions are to be considered, how to make a "point of order," waiting to be recognized by the Chair to speak, making sure all have a turn to speak, process for taking a vote, etc.
- Commissioners don't need to have detailed knowledge of RRs, but should understand the basic process for making/amending a motion and voting. The Chair and staff can assist with procedures during meetings.
- See separate handout overview on Parliamentary Procedures.