



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

LOG-IN TO JOIN ZOOM MEETING: <https://sumnerwa-gov.zoom.us/j/88655116217>

Or by phone: 12532158782 (Tacoma)

Webinar ID: 886 5511 6217

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

CALL TO ORDER

Roll Call: Sharon Fochtman, Rob Healy, Mark Isaacs, Kelly Locke, Bill Moody,

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. Minutes from May 2, 2024

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 anhsi@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. The time limit will be strictly enforced.

PUBLIC HEARING

UNFINISHED BUSINESS

NEW BUSINESS

1. Zoning Code Text Amendment - Multifamily Residential Infill Development Regulations
2. Zoning Code Text Amendment - Permit Review and Timelines

CORRESPONDENCE (NON-TESTIMONY)

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION
MINUTES
Thursday, May 2, 2024

CALL TO ORDER The hybrid meeting was called to order at **6:04** pm by Chair Moody.

ROLL CALL Commissioners Present (in-person): Fochtman, Healy, Isaacs, Moody
Commissioners Present (virtually): Locke Excused Absences: None

MINUTES APPROVAL Minutes from April 4, 2024: Motion by Fochtman, second by Isaacs, unanimously approved.

PUBLIC COMMENT None before the Commission.

PUBLIC HEARING None.

UNFINISHED BUSINESS

1. **2024-2030 Sumner Parks & Trails Plan update – Discussion, Recommendations**

Derek Barry, Community Services Manager for the City, presented a written list of edits proposed to the 2024-2030 Parks Plan that the Commission reviewed at the last meeting. These were edits intended for clarification and in response to comments from staff and consultants. The Commission asked questions about the community surveys, the Transportation Plan in the Comp Plan, Level of Service and parks impact fees. Mr. Barry showed the Commission the SumnerConnects website location of the Parks Plan and the Plan edits. The Commission took a vote on the Parks Plan. Moved by Commissioner Locke to recommend approval of the Parks Plan as presented, with the edits put forth May 2, 2024. Second by Fochtman. All were in favor.

2. **Battery Energy Storage Systems – Code Update discussion**

Ryan Windish, Community and Economic Development Director, presented an overview of a proposed code update to allow Battery Energy Storage Systems as a Conditional Use Permit in industrial zones. He provided example illustrations of a proposed facility on East Valley Highway. The Commission asked questions about operations, proximity to residential uses, environmental impacts, and potential fire hazards.

NEW BUSINESS None.

CORRESPONDENCE None.

COMMISSION COMMENTS

Commissioner Fochtman brought up a concern about short term rentals and conflicts with affordable housing for locals, the competition with corporate owners. Commissioner Moody expressed the same concern, noting that other cities have put moratoriums on nightly rentals because local workers can afford to live there. Mr. Healy said he would like to know how these affect affordable housing.

STAFF COMMENTS

Staff noted that the Commission's role is to make recommendations on the zoning code, so if the Commission has recommendations, such as on short term rentals, they can ask staff to explore code changes. The Commission put the question to a vote. Motion by Fochtman to ask the City to do research on short term rentals, pros/cons of restrictions, impacts on affordability. Second by Locke. All were in favor. Mr. Windish responded that staff will discuss this further with City Administration to determine timing and staff capacity.

ADJOURNMENT

Commissioner Fochtman motioned to adjourn the meeting; Commissioner Healy seconded; all were in favor. With no further business before the Commission, Chair Moody adjourned the meeting at 7:20 pm.

Minutes Submitted by: Ann Siegenthaler

DRAFT



SUBJECT: Zoning Code Text Amendment - Multifamily Residential Infill
Development Regulations

CATEGORY: Presentation

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Code_Amendments_Multifamily_Residential_Infill_20240801
2. Multifamily_Residential_Infill_Staff_Report
3. AGI_Bill_Multifamily_Residential_Infill

STAFF CONTACT: Scott Waller, Senior Planner

SUMMARY BACKGROUND:

Proposed amendments to Sumner Municipal Code will update regulations to allow infill additions to existing commercial and multifamily developments.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Pass

NOTE TO REVIEWER:

The DRAFT edits contained herein are presented in legislative form; text proposed for removal are presented as red text with a ~~strike-out~~; additional/new text proposed is presented as red underlined.

Chapter 18.04 DEFINITIONS

Sections:

18.04.0722 Multifamily Dwellings

18.04.0723 Multifamily Residential Infill dwellings

18.04.0722 Multifamily dwellings.

"Multifamily dwelling" means a type of housing contained in a single structure with three or more dwelling units. Examples of multifamily dwellings include, but are not limited to, ground-level or multi-level triplexes, fourplexes, Senior housing and Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.

18.04.0723 Multifamily residential infill dwellings (MRI).

"Multifamily residential infill dwelling" (MRI) means a type of multifamily housing exclusively permitted within commercial and mixed-use districts as may be permitted pursuant to, including but not limited to, the standards of SMC 18.16.040.E.

Chapter 18.16 COMMERCIAL DISTRICTS (NC, GC, IC)

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
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	P	P
3.	Artist’s studio and workshop having a retail component comprising at least 15% of the total floor area	P ¹	P	P
4.	Automotive sales and motorized vehicle sales	–	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P
6.	Business and consumer services, including advertising, property management, and consulting services ⁹	P	P	P
7.	Car wash ⁹	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC		
9.	Cemeteries	–	CUP	CUP
10.	Churches	P	P	P
11.	Contractor business ⁶	–	–	P
12.	Convenience store ⁹	CUP	P	P
13.	Dancehalls	–	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080 ⁹	–	P	P
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080	CUP	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025 ; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	–	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment repair, accessory to a permitted use ⁹	–	–	P
22.	Heavy equipment sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP

		NC	GC	IC
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
27.	Major utility facility	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P
30.	Miniwarehouses	–	–	–
31.	Existing miniwarehouses ¹²	–	P	P
32.	Minor utility facility	P	P	P
33.	Motels and hotels ⁹	–	P	P
34a.	Multifamily dwellings ² , rooming houses and boarding houses, senior apartments, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes subject to the standards and locations as applicable in SMC 18.16.040	P	P	–
34b.	Senior apartments, retirement homes or continuing care communities ² that exceed allowable densities or that do not meet other standards of the respective zone may be allowed through a planned residential development, pursuant to chapter 18.24 SMC, subject to the standards and locations as applicable in SMC 18.16.040	PRD	PRD	–
35.	Outdoor storage	–	–	–
36.	Public parks and public recreation facilities	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas, photographic studios, tailor-dressmaking shops ⁹	P	P	P
38.a.	Performing and cultural uses, minor	CUP	P	P
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P
39.	Public facilities	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	–
41.	Private off-street parking lots, paid	–	–	–
42.	Public off-street parking lots	P	P	–
43.	Public off-street parking lots, paid	–	–	–
44.	Public garage	–	CUP	CUP
45.	Recycling collection station	–	P	P
46.	Restaurants ⁹	P	P	P

		NC	GC	IC
47.	Retail business ⁹	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP
48.b.	Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area	CUP	P	P
49.	Storage/warehouse and distribution facilities	–	–	–
50.	Streets	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	–	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
53.	Truck-related retail and services ⁹	–	–	P
54.	Truck stops	–	–	–
55.	Truck terminals	–	–	–
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	–	CUP	P
57.	Utility yard	CUP	CUP	–
58.a.	Vehicle repair, minor ⁹	–	P	P
58.b.	Vehicle repair, automotive collision ¹⁰	–	–	P
59.	Veterinary clinics, excluding outdoor boarding kennels ⁹	–	P	P
60.	Vocational or fine arts school; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Car rental agency	–	P	P
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	P
65.	Truck sales with 10,000 square feet associated professional offices	–	–	P
66.	Indoor emergency shelters ¹³	–	CUP	CUP
67.	Indoor emergency housing ¹³	–	CUP	CUP
68.	Permanent supportive housing ¹⁴	CUP	CUP	CUP
69.	Transitional housing ¹⁴	CUP	CUP	CUP
70.	Behavioral health facility, inpatient	CUP	CUP	–
71.	Behavioral health facility, outpatient	CUP	CUP	CUP
72.	Opioid treatment program, mobile unit	CUP	CUP	CUP

		NC	GC	IC
73.	Group home, large	P	P	–
74.	Secure community transition facility	–	CUP	CUP
75.	Essential public facilities not otherwise listed above	CUP	CUP	CUP

¹Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

²~~Reserved~~ Including Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.

³Reserved.

⁴Reserved.

⁵Reserved.

⁶Contractor businesses are only permitted on lots within the IC zoning district in the vicinity of 24th Street East that abut industrial-zoned land on two sides. Contractor businesses shall meet the performance standards in SMC [18.16.080\(T\)](#) and are a prohibited use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map.

⁷Health and fitness clubs in the neighborhood commercial district shall not exceed 3,000 square feet in total floor area.

⁸Reserved.

⁹Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC [18.42.046](#).

¹⁰Vehicle repair, automotive collision subject to performance standards in SMC [18.16.080\(Y\)](#).

¹¹Reserved.

¹²No expansion of use or structure(s) allowed.

¹³See performance standards in SMC [18.16.080\(W\)](#).

¹⁴See performance standards in SMC [18.16.080\(X\)](#).

(Ord. 2878 § 25, 2024; Ord. 2824 § 2, 2022; Ord. 2812 § 9, 2022; Ord. 2798 § 8, 2021; Ord. 2794 § 11, 2021; Ord. 2774 § 11, 2021; Ord. 2699 § 1, 2019; Ord. 2695 § 1, 2019; Ord. 2690 § 1, 2019; Ord. 2683 § 1, 2019; Ord. 2656 § 6, 2018; Ord. 2642 § 4, 2018; Ord. 2615

§ 7, 2017; Ord. 2606 § 1, 2017; Ord. 2573 § 6, 2016; Ord. 2556 § 6, 2016; Ord. 2531 § 7, 2015; Ord. 2488 § 1, 2014; Ord. 2394 § 1, 2012; Ord. 2347 § 1, 2011; Ord. 2319 § 4, 2010; Ord. 2207 § 2, 2007; Ord. 2196 § 4, 2007; Ord. 2167 § 1, 2006; Ord. 2147 § 7, 2005; Ord. 2134 § 21, 2005; Ord. 2088 § 11, 2004; Ord. 2040 § 2, 2003; Ord. 1949 § 6, 2001; Ord. 1903 § 2, 1999; Ord. 1830 § 22, 1998; Ord. 1803 § 2 (part), 1997; Ord. 1694 § 1, 1995)

18.16.040 Residential uses.

A. Senior Housing in the NC District. Senior housing is a permitted use in the NC district, except that single-family homes, zero lot line dwellings, cottage housing, duplex dwellings, and townhomes are not allowed. Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter [18.24](#) SMC.

B. Senior Housing in the GC District. Senior housing is a permitted use in the GC district, except that single-family homes, zero lot line dwellings, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments. Zero lot line dwellings shall comply with the standards in SMC [18.14.070](#). Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter [18.24](#) SMC.

C. Other Residential Uses in the NC District. Only floor area above the first story commercial uses may be used for residential purposes; provided, that the maximum number of dwelling units shall not exceed a ratio of 25 dwelling units per net acre; and provided, that the dwelling units shall be provided with sufficient off-street parking at ratios required in chapter [18.42](#) SMC. Residential dwellings may be attached or included to the side or rear of the main commercial building. Such mixed use may be attached or included to the side or rear of the main commercial building.

D. Other Residential Uses in the GC District. Multifamily residential developments are permitted as part of a mixed-use development with commercial uses. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures. Except within the East Sumner urban village overlay district, a mixed-use structure is not required for a pipestem lot with street frontage that is less than 60 feet in width; instead the development may contain only single-use residential structures. Development shall occur such that:

1. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor building area designed to accommodate commercial uses along the entire length of the building facing the primary street. Ground floor building areas are

intended for commercial use but may be improved as residential use and converted over time when economically viable.

2. Single-use residential structures shall contain only ground-related dwelling units and shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

3. The maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district.

E. Multifamily Residential Infill (MRI) Uses in commercial and mixed-use buildings. MRI development shall be subject to compliance with the following standards and exemptions:

1. MRI standards:

a. Prior to any MRI construction or development activities, the property owner shall apply for and receive City approved building permit(s) for MRI development;

b. The maximum density (without other density bonuses) of the zone may be increased a maximum of 50% with MRI development;

c. All MRI development shall only be located within the current building envelope of an existing commercial or mixed-use building that received a certificate of occupancy a minimum of three (3) years prior to MRI permit application;

d. MRI development may not be located within spaces that are dedicated or required for commercial development;

e. MRI development may not be located within spaces of the current building envelope that are dedicated or required for parking;

f. Except as expressly exempted under SMC 18.16.040.E.2., new MRI dwelling units shall comply with current building code standards and requirements, including but not limited to energy code requirements;

g. The existing building and areas outside the existing building within the proposed MRI project site shall comply with all applicable life safety standards;

h. No building footprint expansions shall be allowed with an MRI proposal;

i. No exterior building alterations and/or updates that require a permit shall be allowed to be submitted or reviewed as part of an MRI building permit;

j. All exterior building alterations, updates and/or general site improvements (e.g. voluntary parking expansions, etc.) that require a permit shall be reviewed for compliance with all applicable codes, regulations and policies. Such applications may

be submitted concurrently with MRI permit applications, but must be provided under separate cover for independent review and processing;

k. Proposals that involve building footprint expansions shall not be accepted or reviewed concurrently with MRI permit applications;

l. Building footprint expansion proposals containing existing MRI units may only be allowed in compliance with all applicable codes, requirements and policies at the time an application is determined complete; said expansions shall not be processed under the MRI standards and Code Compliance Exemptions, SMC 18.16.040.E.;

m. As a condition of MRI approval and as reviewed and approved by the City, land owners shall record a permanent covenant on title identifying the MRI units within the building;

n. Except as expressly exempted under SMC 18.16.040.E.2., all MRI projects shall comply with all applicable land use codes, regulations and policies;

o. In the event of a conflicting land use code requirements, regulations or policies, the MRI standards and exemptions within SMC 18.16.040.E. shall prevail;

p. MRI permits shall be reviewed and processed as a Type I permit decision under SMC Chapter 18.56.; and,

q. The decision maker/administrator shall not approve an MRI permit until a written determination is made finding the proposal minimally meets all of the above MRI standards.

2. MRI Code Compliance Exemptions: MRI development permits shall be exempt from the following SMC code standards/requirements:

a. Parking standards under SMC 18.16, 18.29 and 18.42.

b. Design and Development Guidelines under SMC Chapter 18.40.

c. Updated energy code requirements under SMC Chapter 15.20 for existing unchanged dwelling units located within the existing building footprint.

d. Nonconforming use provisions under SMC Chapter 18.46.

e. Transportation concurrency under SMC Chapter 17.28.

f. SEPA review (Washington State Environmental Policy Act) under SMC Title 16.

F. Open space requirements for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with SMC [18.41.200](#). (Ord.

2842 § 15, 2023; Ord. 2812 § 10, 2022; Ord. 2774 § 12, 2021; Ord. 2550 § 2, 2015; Ord. 2531 § 8, 2015; Ord. 2444 § 1, 2013; Ord. 2199 § 1, 2007; Ord. 2147 § 8, 2005; Ord. 2134 § 22, 2005; Ord. 2088 § 10, 2004; Ord. 1949 § 7, 2001; Ord. 1694 § 1, 1995)

Chapter 18.24

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

18.24.060 Property development standards in a PRD.

A. Acreage Minimum. The minimum site for a planned residential development shall be as follows:

1. For low density residential zones, one acre.
2. For medium density residential zones, one-half acre.
3. For a senior housing PRD on a property owned or controlled by a church, public housing authority, or government agency that includes other uses, the site devoted to senior housing uses shall be a minimum of one-half acre. Density shall be calculated based on the area devoted to senior housing uses.

B. Minimum Lot and Yard Requirements. The minimum lot size, lot coverage and yard requirements of other sections of this title may be adjusted or waived within the planned residential development, where such adjustment minimizes impacts to surrounding properties, results in enhanced site design or amenities for future residents, and conforms with SMC [18.24.050](#).

C. Off-Street Parking. Off-street parking shall be provided in a PRD in the same ratio for type of buildings and uses as required by SMC [18.42.040](#), except that parking may be reduced based on findings that the circumstances specific to the proposed housing types, resident needs and other patterns, or the availability of alternate transportation modes, support reduced parking.

D. Density Standards. The maximum density permitted in the underlying zone shall serve as the base density. The base density may be adjusted based on conformance with the following:

1. Density Standards for General Residential Development. The total density for a planned residential development that does not include senior housing or affordable housing shall be the same as the density of the base zone, except that the allowed density may be clustered on the site.

2. Density Standards for Senior Housing. The base density for senior housing may be increased according to the zone in which it is located, as follows:

- a. Low density residential (LDR) zone: up to 50 dwelling units per acre to a total maximum of 200 units.
- b. Medium density residential and high density residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: up to 50 dwelling units per acre.
- c. Neighborhood commercial (NC, ESUV/NC) zones: up to 50 dwelling units per acre.
- d. General commercial (GC, ESUV/GC) zones: up to 50 dwelling units per acre.

3. Multifamily Residential Infill (MRI) proposed consistent with the SMC 18.24 allowances for Senior housing in the NC, ESUV/NC, GC and ESUV/GC Districts shall comply with SMC 18.16.040.E.

E. Building Height for Senior Housing. The maximum building height permitted in the underlying zone shall serve as the base height. Base height for senior housing may be increased according to the zone in which the development is located, as follows:

1. Low density residential (LDR) zone: Up to 35-foot building height; provided, that buildings greater than a 30-foot height have increased setbacks adjacent to single-family residential uses, based on the following guidelines: a) buildings adjacent to a rear yard should have a setback that increases by four feet for every one foot over the base height; and b) buildings adjacent to a side yard should have a setback that increases by two feet for every one foot increase over the base height.
2. Medium density residential and high density residential (MDR, HDR, ESUV/MDR, ESUV/HDR) zones: Up to 50-foot building height; provided, that buildings greater than a 35-foot height have increased setbacks based on the following guidelines: buildings adjacent to single-family rear yards and side yards should have a setback that increases by two feet for every one foot over the base height.
3. Neighborhood commercial (NC, ESUV/NC) zones: up to 50-foot building height.
4. General commercial (GC, ESUV/GC) zones: up to 50-foot building height.

F. Open Space. The minimum open space established in SMC [18.41.200](#) may be reduced as follows:

1. A single-family dwelling planned residential development shall provide not less than 30 percent of the lot area for common open space.

2. Attached single-family dwellings and multifamily developments may have reduced private open space, provided the area in common open space is not less than 30 percent of the lot area.

3. Senior apartments may have reduced private open space to zero, provided the area in common open space is not less than 20 percent of the lot area devoted to senior housing uses.

4. Required open space shall be:

- a. Concentrated in large usable areas and designed to provide either passive or active recreation;
- b. If under one ownership, owned and maintained by the ownership; or
- c. Held in common ownership by all the owners of the development by means of a homeowners' or similar association. Such association shall be responsible for maintenance of the common open space; or
- d. Dedicated for public use, if acceptable to the city and/or other appropriate public agency.

G. Adjustments to minimum lot and yard requirements in subsections (B) and (F) of this section, and increases in density and building height as specified in subsections (D) and (E) of this section are only allowed if the hearing examiner finds that:

- 1. A variety of housing types are offered, or the project provides a housing type needed in the community, such as attached single-family, multifamily senior housing, or affordable housing;
- 2. Advantage is taken of unusual or significant site features such as views, waterways or other natural characteristics;
- 3. The project provides attractive features and amenities such as open space, recreational amenities or pedestrian-oriented walks and spaces;
- 4. The project provides adequate separation of auto and pedestrian movement;
- 5. The surrounding street network contains sufficient capacity to accommodate anticipated pedestrian and vehicle traffic;
- 6. Measures have been taken to minimize any potential impacts to the surrounding area;
- 7. The PRD furthers the policies of the comprehensive plan; and

8. Some extraordinary public benefit is derived in exchange for the increased density and building height in the planned residential development such as providing affordable housing, providing a significant public open space/park, or similar public benefit.

H. Design Review. The PRD shall comply with the Sumner design and development guidelines and is subject to design review pursuant to SMC [18.40.020\(D\)](#), but shall not be entitled to an increase in density or building height outside of the PRD review process. (Ord. 2812 § 11, 2022; Ord. 1694 § 1, 1995)

Chapter 18.26

PLANNED MIXED-USE DEVELOPMENT (PMUD)

18.26.090 Property development standards.

A. Acreage Minimum. The minimum site for a planned mixed-use development shall be three acres.

B. Minimum Lot and Yard Requirements. The minimum lot size and yard requirement provisions of other sections of this title are waived within the planned mixed-use development. The number of dwelling units per acre and/or the maximum site coverage permitted in the underlying zone shall serve as the criteria to determine basic PMUD density.

C. Off-Street Parking. Off-street parking shall be provided in the PMUD in the same ratio for types of buildings and uses as required in chapter [18.42](#) SMC.

D. Density Standards.

1. In planned mixed-use developments which involve residential uses, the basic density in terms of dwelling units per net acre for the various zone districts are as provided in this title.

2. Multifamily Residential Infill (MRI) dwelling unit density in a PMUD may be increased pursuant to provisions of SMC 18.16.040.E., or when MRI development is not proposed but the applicant is seeking a density increase within a PMUD. ~~The~~ the hearing examiner may recommend and the city council may authorize a dwelling unit density in a PMUD of not more than 50 percent greater than that permitted by the underlying zone; provided, that the following criteria are met:

a. All residential units meet the design requirements for one or more of the following LEED or Built Green Certifications: LEED Homes; LEED Neighborhood; Built Green Single-Family Homes; Built Green Multifamily; or Built Green Community.

b. The project creates or rehabilitates a minimum 10 percent or two dwelling units, whichever is greater, of total proposed dwelling units that meet the definition of “senior housing” as provided in chapter [18.04](#) SMC.

c. In the case of a required PMUD, the density bonus does not result in an increase of the overall allowed number of dwelling units per subsection (D)(3) of this section.

d. The applicant voluntarily agrees to a condition of approval that the increased multifamily density authorized via the PMUD process will be controlling when applied to a project within the underlying NC, GC and TCC districts, and that no additional multifamily density increases under the MRI provisions of SMC 18.16.040.E., will be requested or permitted.

3. Where a PMUD is required residential uses shall occupy no more than 10 percent of the net developable area within the boundaries of the required PMUD area.

E. Open Space and Neighborhood Design. Each planned mixed-use development shall provide the following:

1. Not less than 10 percent of the gross site area shall be designated for community or site-user activity. Such activity space may be planned and designed for recreational use or involvement by employees, site visitors and/or the general public and may include common or community gardening space. The open space shall be in addition to parking and storage areas.

2. The project design provides for well defined neighborhood gateways and entrances.

F. Design Standards. Sumner design and development guidelines shall apply according to the district and/or use. In addition, design and development standards shall reflect the context and character of adjacent land uses such as industrial or agricultural depending on the specific neighborhood.

G. Green and Sustainable Development. The PMUD shall incorporate the following criteria related to green and sustainable design and development:

1. Project design incorporates one or more water conservation and management features not otherwise required by other city development regulations or standards (i.e., low flow toilets, Energy Star rated appliances, drip irrigation system, etc.).

2. Project design incorporates the use of one or more of the following low impact development (LID) techniques consistent with city design and construction standards: bio-retention, soil amendment, permeable paving, vegetated roofs, minimal excavation foundations, rooftop rainwater collection.

3. At least 10 percent of the gross floor area for nonresidential structures meets the design requirements for one or more of the following LEED Certifications: LEED Core and Shell; LEED New Construction; LEED Commercial Interiors; LEED Retail; and obtains at least a Silver Certification.

H. Transportation and Multimodal Design. The PMUD shall incorporate and encourage multimodal transportation options as follows:

1. Demonstrates coordination with local and regional transit agencies and when feasible includes new transit facilities and features, but at a minimum design does not preclude transit access and future transit service.

2. The PMUD improves adjacent public streets using a “complete streets” design to provide accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities.

3. Includes one or more transportation demand management features including but not limited to preferential parking for high occupancy vehicles, improved access for transit vehicles, etc. (Ord. 2531 § 9 (part), 2015: Ord. 2343 § 2 (part), 2010: Ord. 2147 § 14, 2005: Ord. 1694 § 1, 1995. Formerly 18.26.060)

Chapter 18.29

TOWN CENTER CODE (TCC)

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

- A. Accessory parks and recreation facilities for use by on-site employees or residents.
- B. Adult entertainment businesses subject to chapter [18.38](#) SMC.
- C. Artist’s studio and workshop having a retail component.
- D. Automotive and motorized vehicle sales.
- E. Wireless communication facilities¹.
- F. Churches.

G. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title.

H. Family child care home or family child day care home in accordance with the provisions of SMC [18.16.025](#); and child day care centers.

I. Health and fitness club.

J. Hospitals.

K. Hotels, bed and breakfasts and tourist homes.

L. Multifamily dwellings (including Multifamily Residential Infill (MRI) dwellings as may be permitted pursuant to SMC 18.16.040.E.); rooming houses and boarding houses; senior apartments, retirement homes, and continuing care communities; assisted living facilities, board and care homes, hospices, or nursing homes.

M. Private clubs, lodges, fraternal organizations, union halls and social halls.

N. Professional offices.

O. Public off-street parking lots.

P. Restaurants.

Q. Retail.

R. Streets.

S. Taverns, micro-breweries, brewpubs, and bars.

T. Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades.

U. Vocational or fine arts school.

V. Funeral homes, mortuaries, and funeral parlors.

W. Drive-through businesses. Drive-through businesses located in the Town Center historic central business district (historic district on map) are subject to performance standards at SMC [18.16.080\(V\)](#).

X. Large group homes. (Ord. 2878 § 27, 2024; Ord. 2812 § 12, 2022; Ord. 2774 § 22, 2021; Ord. 2667 § 1 (part), 2018)

18.29.060 Performance standards.

A. Required Landscaping. For each development in the Town Center, a landscape plan shall be submitted for approval by the development services director. The requirements of the city of Sumner design and development guidelines shall be met. Landscape plans shall be prepared and submitted in accordance with chapter [18.41](#) SMC.

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

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

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

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

E. School, Church and Public Parking Facility Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses. Conditionally permitted, school, church and public parking

facility uses may exceed building height requirements to a maximum of five stories in the Town Center zones upon approval of such height exception by the hearing examiner. A height exception does not require separate application for a special exception or variance.

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

1. Roasting is permitted to occur only during the hours of 5:00 a.m. to 7:00 a.m. and 11:00 p.m. to 1:00 a.m., unless the hearing examiner through the conditional use permit finds that other hours will have minimal impact on neighboring properties.
2. Volume of each roast shall not exceed 11 pounds of coffee beans, but may be increased through the conditional use permit, provided roasting occurs within the same time window allowed under subsection (F)(1) of this section.
3. Roasting operations shall comply with Puget Sound Clean Air Agency (PSCAA) regulations for emissions. In addition, at a minimum, roasting equipment shall be fitted with a roaster afterburner or similar infrared clean-burn technology designed to minimize the release of odors and smoke.
4. Exterior mechanical equipment shall be maintained and operated in a manner so as not to exceed 57 dBA, or the maximum permissible noise levels allowed from a Class B EDNA to a Class A EDNA, as defined in SMC [8.14.060](#).
5. Exterior mechanical equipment and refuse containers shall be screened from neighboring streets and sidewalks. To the extent practicable, screening shall be architecturally compatible with the historic character of the Town Center historic central business district (historic district), as determined by the hearing examiner through the conditional use permit.
6. Roasting operations shall remain incidental and accessory to the on-site retail use and shall not involve wholesale distribution.
7. The hearing examiner through the conditional use permit may modify the above standards, provided the applicant demonstrates that alternative measures can be put in place that will provide an equivalent or higher level of odor and noise control.

G. Indoor emergency shelters and indoor emergency housing shall:

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

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

H. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the district;
2. Not exceed a maximum housing density of 25 dwelling units per acre;
3. Not be located within one-half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

I. Multifamily Residential Infill (MRI) housing proposed in the Town Center Code (TCC) district shall:

1. Comply with SMC 18.16.040.E.;

(Ord. 2812 § 12, 2022; Ord. 2794 § 16, 2021; Ord. 2788 § 35, 2021; Ord. 2774 § 24, 2021; Ord. 2719 § 1, 2019; Ord. 2667 § 1 (part), 2018)

Chapter 18.30

EAST SUMNER URBAN VILLAGE OVERLAY DISTRICT (ESUV)

18.30.090 Performance standards.

A. Required Landscaping. For each development in the urban village district where the ESUV overlay is combined with HDR, MDR, NC, or GC base designations, a landscape plan shall be prepared to address landscaping of yards and screening of parking, and shall be submitted for approval by the development services director. The requirements of the city of Sumner design and development guidelines shall be met. Landscape plans shall be prepared and submitted in accordance with chapter [18.41](#) SMC.

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

1. The specified uses may expand up to 25 percent of their square footage, except that expansion shall not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage, and building height;

2. No additional dwelling units may be added, except that existing single-family dwellings may add an accessory dwelling unit if the performance standards to establish an accessory dwelling unit as found in chapter [18.12](#) SMC, Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12), are met;

3. Structures may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur, provided a complete building permit application has been submitted within three years;

4. Structures that were destroyed by a fire or other disaster prior to July 1, 2006, may be rebuilt to original dimensions unless a health or safety impact would occur without any limitation on time.

C. As applicable, the provisions of the city of Sumner design and development guidelines shall be met for new development, except that the following performance standards shall apply, and the design and development guidelines shall not supersede the standards of this section:

1. Community gathering places provided for public use in private development may count toward the common open space requirement in design guidelines.

2. New development at “pedestrian activity nodes” shown in the East Sumner Neighborhood Plan shall feature pedestrian amenities and shall have building setbacks deep enough to accommodate gathering areas such as plazas.

3. Building height shall be limited to four stories at the following locations: the blocks adjacent to the corners of Main Street East/60th Street East and 160th Avenue East, Main Street East/60th Street East and Parker Road, Main Street East/60th Street East and 162nd Avenue East; and along 160th Avenue East; and around the central wetlands preserve. The blocks where this applies are generally a depth of 300 feet from the street right-of-way, as determined by the director. Building height in these locations shall not be superseded by height exceptions in the design guidelines.

D. Banks, vehicle repair, drive-in businesses, car washes, gas stations, automotive sales, and other auto-oriented uses are not permitted in the ESUV/NC zone and, where allowed, shall meet the following provisions:

1. The buildings shall have a maximum front yard setback of 10 feet, except the maximum front yard setback shall be 25 feet when the primary pedestrian street is a principal arterial;

2. Drive-in businesses that are not adjacent to a principal arterial shall meet the performance standards set forth in SMC [18.16.080](#)(T). Regardless of location, all drive-up windows and queuing for cars shall be located behind buildings and obscured from the primary pedestrian street; and

3. Building openings/bays shall be oriented away from the primary pedestrian street; retail portions of the buildings may orient to the primary pedestrian street.

E. Multifamily Residential and Mixed Uses.

1. ESUV/NC District. In the ESUV/NC district multifamily residential uses are allowed as part of a mixed-use structure or detached single-use structure located to the side or rear of the mixed-use structure or commercial building(s); provided, that:

a. The ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East shall be occupied by a commercial use or is transitional residential to commercial space. "Transitional residential to commercial space" means a space designed with architectural and structural features that facilitate future conversion to commercial space, such as: building setbacks suitable for commercial, first floor ceiling height suitable for retail, modules of doors and windows in a pattern similar to a retail storefront, structural features and materials that allow wall sections to be demolished to accommodate windows and doors.

b. Senior housing is allowed in the ESUV/NC district as part of a mixed-use development; provided residential uses are not allowed on the ground floor fronting Main Street East/60th Street East and other street frontages within the ESUV/NC district. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to chapter [18.24](#) SMC.

2. ESUV/GC District. In the ESUV/GC district multifamily residential developments are permitted as part of a mixed-use development with commercial uses, except as follows:

a. Senior housing is a permitted use in the ESUV/GC district, except that single-family homes, zero lot line homes, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments.

b. Senior apartments or senior retirement homes may be located on the ground floor in the ESUV/GC district with no commercial component; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East.

c. Adjustments to development standards, density and building height may be allowed for senior housing through a planned residential development, pursuant to chapter [18.24](#) SMC.

d. In the area south of 64th Street East no multifamily residential uses or senior housing are allowed.

3. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures; provided, that the mixed-use structures shall be completed prior to occupancy of the single-use residential structures.

a. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street.

b. Single-use residential structures shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

4. Multifamily development in the ESUV shall comply with the off-street parking ratios required in chapter [18.42](#) SMC, except that the number of visitor stalls may be reduced at a 1:1 ratio for each charging station provided for electric vehicles, electric bikes and scooters.

5. Open space requirements for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except that open space requirements for senior housing shall be provided in accordance with SMC [18.41.200](#).

F. Fences. Fencing for development within the ESUV overlay district shall meet the following standards:

1. Within ESUV/NC and ESUV/GC fencing shall meet the standards for the neighborhood commercial and general commercial districts specified in SMC [18.16.080](#)(M).

2. Within ESUV/LDR, ESUV/MDR and ESUV/HDR fencing shall meet the standards specified in the underlying zoning districts.

G. Indoor emergency shelters and indoor emergency housing shall:

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

2. Comply with the performance standards of SMC [18.30.090](#), including location requirements;

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

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

H. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Comply with the performance standards of SMC [18.30.090](#), including location;
3. Not exceed a maximum housing density of 25 dwelling units per acre;
4. Not be located within one-half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use. (Ord. 2812 § 16, 2022; Ord. 2794 § 18, 2021; Ord. 2774 § 28, 2021; Ord. 2770 § 1, 2021; Ord. 2534 § 1 (part), 2015; Ord. 2436 § 7, 2013; Ord. 1694 § 1, 1995. Formerly 18.30.080)



STAFF REPORT

DATE: August 1, 2024
TO: PLANNING COMMISSION
FROM: Scott Waller, Senior Planner and Larson Consulting
RE: **Zoning Code Text Amendment – Multifamily Residential Infill development regulations.**
File #CTA-2024-0005

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The State House of Representatives passed bill 1042 creating regulations for allowing Multifamily Residential Infill of existing commercial and multifamily developments. This bill requires Cities to review their current land use codes and make necessary changes for compliance with the State.

II. SUMMARY OF PROPOSAL

The proposed amendments to Sumner Municipal Code will update regulations to allow infill additions to existing commercial and multifamily developments. These changes include:

- Creates definitions for “multifamily dwelling” and “multifamily residential infill”.
- Sets scope for what multifamily residential infill unit developments can and cant include
- Provides permitting and code exemptions for multifamily residential infill units
- Updates zones currently allowing commercial and multifamily developments to permit existing commercial and multifamily structures to allow multifamily residential infill units

III. ANALYSIS

Sumner code requires that proposals to amend the Zoning Code include an explanation of how the proposed amendment implements the comprehensive plan (SMC 18.56.149(2)). Relevant sections and policies related to the proposed text amendment are presented below.

Land Use Sub-Element

Goal 1. Provide for orderly development within the Sumner community.

1.2 Encourage infill development on vacant properties with existing public services and public utilities, and new development in areas with existing or planned public facilities.

1.7 Ensure new development is consistent with the policies of this Plan through implementation of regulations, programs, and project specific review

PERMIT PROCESS SUB-ELEMENT

Goal 1. Develop and implement a permit process for land use and other local government approvals which is timely and fair to all affected parties.

1.2 Review development regulations to ensure they are necessary and directly relate to implementation of the Comprehensive Plan and other state and federal mandates.

1.2.1 Eliminate duplicative, unnecessary, and unclear regulations.

1.2.2 Provide procedures to process permits in a timely fashion

1.3 Provide resources, staffing and procedures sufficient to ensure development permit review is adequate to achieve consistency with adopted City policies and regulations within reasonable timeframes.

1.5 Encourage in the community a continuous commitment to maintaining Sumner's character and quality of place, including land conservation and stewardship, wise management of streetscapes and public viewsheds, property maintenance, and historic preservation.

COMMUNITY CHARACTER ELEMENT

1.5 Encourage in the community a continuous commitment to maintaining Sumner's character and quality of place, including land conservation and stewardship, wise management of streetscapes and public viewsheds, property maintenance, and historic preservation.

5.1 In reviewing plans and development proposals, consider both long and short term environmental impacts and encourage design which complements the area's natural and cultural features. Natural and significant cultural features should be integrated into the design of the community.

CONCLUSION:

The amendments would bring Sumner's land use code into compliance with the State requirements for multifamily residential infill units and be consistent with Sumner's Comprehensive plan policies.

IV. PUBLIC & AGENCY COMMENTS

This proposed zoning code text amendment has not received any public comments to date. Any comments received will be included in the exhibits section.

V. SEPA ENVIRONMENTAL REVIEW

SEPA environmental review is underway on this proposed amendment.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments following a study session and public hearing.

VII. EXHIBITS & REFERENCES

A. DRAFT Zoning Code Text Amendment

EXHIBIT A
DRAFT Zoning Code Text Amendment

AG BILL #1 Multifamily Residential Infill – Planning Commission Study Session

DATE: Planning Commission August 1, 2024

TITLE: Multifamily Residential Infill – Study Session

ATTACHMENTS: STAFF REPORT, DRAFT ORDINANCE

The proposed amendments to Sumner Municipal Code will update regulations to allow infill additions to existing commercial and multifamily developments. These changes include:

- Creates definitions for “multifamily dwelling” and “multifamily residential infill”.
- Sets scope for what multifamily residential infill unit developments can and cant include
- Provides permitting and code exemptions for multifamily residential infill units
- Updates zones currently allowing commercial and multifamily developments to permit existing commercial and multifamily structures to allow multifamily residential infill units

Staff and Larson and Associates have prepared the draft ordinance and materials for Planning Commission review.

RECOMMENDATION:

Review proposed code amendments.

SUBJECT: Zoning Code Text Amendment - Permit Review and Timelines

CATEGORY: Presentation

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Code_Amendments Permit_Review_Timelines 20240801
2. Permit_Review_Timelines_Staff_Report
3. AGI_Bill_Permit_Review_Timelines

STAFF CONTACT: Scott Waller, Senior Planner

SUMMARY BACKGROUND:

The proposed amendments to Sumner Municipal Code Title 18.56 and 18.04 Zoning Code will update regulations related to land use permit timelines and processes.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION:
--

STAFF RECOMMENDATIONS/MOTION:

Pass

NOTE TO REVIEWER:

The DRAFT edits contained herein are presented in legislative form; text proposed for removal are presented as red text with a ~~strike-out~~; additional/new text proposed is presented as red underlined.

Chapter 18.04 DEFINITIONS

Sections:

- 18.04.0005** Undefined words and phrases.
- 18.04.0010** Definitions generally.
- 18.04.0015** Abutting.
- 18.04.0020** Access.
- 18.04.0025** Access easement or way.
- 18.04.0030** Accessory use or structure.
- 18.04.0032** Accessory antenna device.
- 18.04.0035** Accessory unit.
- 18.04.0040** Activity.
- 18.04.0045** Adjacent.
- 18.04.0050** Administrative decision.
- 18.04.0055** Adult bookstore.
- 18.04.0060** Adult day care.
- 18.04.0065** Adult entertainment businesses.
- 18.04.0070** Adult family home.
- 18.04.0075** Adult mini-motion picture theater.
- 18.04.0080** Adult motion picture theater.
- 18.04.0085** Adult retail store.
- 18.04.0090** Adult video store.
- 18.04.0092** Affordable housing.
- 18.04.0095** Agricultural activity.
- 18.04.0097** Air separation facilities.
- 18.04.0100** Alley.
- 18.04.0105** Antenna.
- 18.04.0106** Antenna, directional.
- 18.04.0107** Antenna, omnidirectional.
- 18.04.0108** Antenna, parabolic.
- 18.04.0109** Antenna, stealth.
- 18.04.0110** *Repealed.*
- 18.04.0115** Apartments.

18.04.0117 Appeal, closed record.
18.04.0120 Aquifer.
18.04.0125 Aquifer recharge areas.
18.04.0128 Arbor.
18.04.0130 Assisted living facilities.
18.04.0135 Automotive sales.
18.04.0140 Automotive repair.
18.04.0145 Auto-oriented.
18.04.0150 Bar.
18.04.0155 Barn.
18.04.0160 Basement.
18.04.0162 Battery storage, distribution, and processing business.
18.04.0165 Bed and breakfast.
18.04.0166 Behavioral health facility, inpatient.
18.04.0167 Behavioral health facility, outpatient.
18.04.0170 Block.
18.04.0175 Block front.
18.04.0180 Board and care homes.
18.04.0185 Brewery.
18.04.0190 Buffer area.
18.04.0195 Building.
18.04.0200 Building, detached.
18.04.0205 Building height.
18.04.0210 Building official.
18.04.0215 Building site.
18.04.0220 Cabaret.
18.04.0225 Carport.
18.04.0227 Car rental agency.
18.04.0230 Car wash.
18.04.0235 Cemetery.
18.04.0240 Church.
18.04.0245 Club.
18.04.0247 Collective garden.
18.04.0250 College.
18.04.0253 Commercial laundries.
18.04.0255 Commercial uses.
18.04.0260 Commission.
18.04.0261 Community facility.
18.04.0265 Comprehensive plan.
18.04.0270 Conditional use.
18.04.0275 Condominium.
18.04.0280 Congregate residence.
18.04.0285 Construction.
18.04.0290 Contiguous.

- 18.04.0295 Continuing care or life care communities.**
- 18.04.0297 Contractor business.**
- 18.04.0300 Convenience store or market.**
- 18.04.0303 Cottage houses or housing.**
- 18.04.0305 Council.**
- 18.04.0310 County.**
- 18.04.0311 Craft coffee roasting.**
- 18.04.0311.1 Craft production.**
- 18.04.0312 Curbline.**
- 18.04.0315 Day.**
- 18.04.0320 Day care facility.**
- 18.04.0322 Deck.**
- 18.04.0325 Density.**
- 18.04.0330 Density, gross.**
- 18.04.0335 Density, net.**
- 18.04.0340 Development.**
- 18.04.0342 Development regulations.**
- 18.04.0345 Director.**
- 18.04.0347 Distillery, micro.**
- 18.04.0350 Drive-through business.**
- 18.04.0352 Drive-through espresso/coffee business.**
- 18.04.0353 Duplex.**
- 18.04.0355 Dustless, hard surfaces.**
- 18.04.0360 Dwelling unit.**
- 18.04.0362 East Sumner Neighborhood Plan Area.**
- 18.04.0363 Electrical power generation and cogeneration.**
- 18.04.0364 Emergency housing.**
- 18.04.0364.1 Emergency shelter.**
- 18.04.0364.2 Enhanced services facility.**
- 18.04.0364.3 Essential public facility.**
- 18.04.0365 Existing residential dwellings lawfully constructed as of the effective date of this title.**
- 18.04.0368 Facade.**
- 18.04.0370 Factory built housing.**
- 18.04.0375 Family.**
- 18.04.0380 Fence.**
- 18.04.0385 Floor area.**
- 18.04.0390 Floor area, ground.**
- 18.04.0393 Floor area ratio.**
- 18.04.0395 Foster home.**
- 18.04.0397 Frontage.**
- 18.04.0398 Funeral home.**
- 18.04.0400 Garage, private.**
- 18.04.0405 Garage, public.**

- 18.04.0410 Garage sale.
- 18.04.0415 Gasoline service station.
- 18.04.0420 Grade, average.
- 18.04.0425 Grade, existing.
- 18.04.0430 Grade, finish.
- 18.04.0435 Grading.
- 18.04.0440 Grandfather clause.
- 18.04.0445 Ground cover.
- 18.04.0450 Ground water.
- 18.04.0453 Ground-related dwelling unit.
- 18.04.0455 Group home.
- 18.04.0460 Guest house.
- 18.04.0462 Guyed tower.
- 18.04.0465 Hazardous substance processing or handling.
- 18.04.0470 Hazardous waste.
- 18.04.0475 Hazardous waste treatment and storage facility.
- 18.04.0480 *Repealed.*
- 18.04.0481 Harm reduction program.
- 18.04.0482 Health and fitness clubs.
- 18.04.0485 Hearing examiner.
- 18.04.0486 Heavy equipment sales.
- 18.04.0488 Hedge.
- 18.04.0490 Historic landmark.
- 18.04.0495 Home for the aged.
- 18.04.0500 Home occupation.
- 18.04.0501 Homeless.
- 18.04.0502 Homeless encampment.
- 18.04.0503 Homeless shelter.
- 18.04.0505 Hospice.
- 18.04.0510 Hotel.
- 18.04.0515 Impervious surface.
- 18.04.0520 Infiltration.
- 18.04.0525 Infiltration rate.
- 18.04.0527 Interior alteration.
- 18.04.0530 Junkyard.
- 18.04.0532 Judicial system.
- 18.04.0535 Kennel.
- 18.04.0537 Lattice tower.
- 18.04.0538 Less restrictive alternative.
- 18.04.0539 Light-medium equipment sales.
- 18.04.0539.1 Live-work unit.
- 18.04.0540 Livestock.
- 18.04.0545 Loading space.
- 18.04.0550 Lot.

18.04.0555	Lot area.
18.04.0560	Lot area, net.
18.04.0565	Lot, corner.
18.04.0570	Lot coverage.
18.04.0575	Lot depth.
18.04.0580	Lot, interior.
18.04.0585	Lot line, front.
18.04.0590	Lot line, rear.
18.04.0595	Lot line, side.
18.04.0600	Lot line, side street.
18.04.0605	Lot of record.
18.04.0610	Lot, pipestem.
18.04.0615	Lot, reversed corner.
18.04.0620	Lot, through.
18.04.0625	Lot, unplatted.
18.04.0630	Lot width.
18.04.0633	Low impact development.
18.04.0635	Major division of land.
18.04.0637	Mansard roof.
18.04.0640	Manufactured home.
18.04.0643	Manufactured home, new.
18.04.0645	Manufactured home, specified.
18.04.0650	Manufactured home park.
18.04.0655	Manufactured home site.
18.04.0660	Manufactured home subdivision.
18.04.0665	Manufacturing or industrial, heavy.
18.04.0670	Manufacturing or industrial, light.
18.04.0671	Marijuana processor.
18.04.0672	Marijuana producer.
18.04.0673	Marijuana retailer.
18.04.0675	Marsh.
18.04.0677	Meeting, public.
18.04.0678	Mental health facility.
18.04.0679	Mineral extraction use.
18.04.0680	Minerals.
18.04.0685	Miniwarehouse.
18.04.0690	Mobile home.
18.04.0693	Mobile home, used.
18.04.0695	Modular home.
18.04.0697	Monopole.
18.04.0700	Motel.
18.04.0705	Motion picture theater.
18.04.0710	Motorized vehicle sales.
18.04.0715	Motor vehicle fuel-dispensing station.

18.04.0720 Motor vehicle wrecker.
18.04.0725 Multiplex.
18.04.0728 Noxious, volatile, toxic or explosive products.
18.04.0730 Neighborhood.
18.04.0735 Neighborhood shopping area.
18.04.0740 Nonconforming building or structure.
18.04.0745 Nonconforming use.
18.04.0750 Nursing home, convalescent home.
18.04.0755 Office.
18.04.0757 Open record hearing.
18.04.0760 Open space.
18.04.0761 Opioid treatment program.
18.04.0762 Opioid treatment program, mobile unit.
18.04.0765 Ordinary high water mark.
18.04.0770 Overlay zone.
18.04.0775 Owner.
18.04.0780 Park.
18.04.0785 Parking area.
18.04.0790 Pedestrian walkway.
18.04.0791 Performing and cultural arts uses, minor.
18.04.0792 Permanent supportive housing.
18.04.0793 Permittee.
18.04.0795 Person.
18.04.0797 Pharmaceutical plant.
18.04.0800 Plan.
18.04.0805 Planned development.
18.04.0810 Plat.
18.04.0812 Porch.
18.04.0815 Poultry.
18.04.0820 Premises.
18.04.0822 Primary street.
18.04.0825 Principal use.
18.04.0827 Private off-street parking lot.
18.04.0828 Public off-street parking lot.
18.04.0830 Preschool.
18.04.0831 Professional office.
18.04.0832 Project permit.
18.04.0835 Proposed.
18.04.0840 Public facilities.
18.04.0845 Railroad right-of-way.
18.04.0850 Recorded.
18.04.0851 Recovery residence.
18.04.0855 Recreational vehicle.
18.04.0860 Recycling center.

- 18.04.0865 Recycling collection station.
- 18.04.0867 Regional community center.
- 18.04.0870 Residence.
- 18.04.0875 Restaurant.
- 18.04.0880 Restaurant, drive-in.
- 18.04.0885 Restaurant, fast-food.
- 18.04.0890 Retail shopping.
- 18.04.0895 Retaining wall.
- 18.04.0900 Retirement home.
- 18.04.0905 Right-of-way.
- 18.04.0906 Risk potential activity.
- 18.04.0910 Rooming and boarding house.
- 18.04.0915 Salvage yard.
- 18.04.0920 School.
- 18.04.0925 School classroom, portable.
- 18.04.0925.1 Secure community transition facility.
- 18.04.0926 Senior apartments.
- 18.04.0927 Senior housing.
- 18.04.0930 Shelter home.
- 18.04.0935 Short plat or short subdivision.
- 18.04.0940 Single-family dwelling.
- 18.04.0943 Single-family dwelling, semi-attached.
- 18.04.0944 Site Plan.
- 18.04.0945 Specified anatomical areas.
- 18.04.0950 Specified sexual activities.
- 18.04.0955 Stable.
- 18.04.0960 Stock in trade.
- 18.04.0962 Storage container, metal.
- 18.04.0965 Storage/warehouse and distribution.
- 18.04.0970 Story.
- 18.04.0975 Story, first.
- 18.04.0980 Street.
- 18.04.0985 Street tree.
- 18.04.0990 Structure.
- 18.04.0992 Structure, tent.
- 18.04.0995 Structural alteration.
- 18.04.1000 Subdivision.
- 18.04.1001 Substance use disorder treatment facility.
- 18.04.1003 Tandem house(s).
- 18.04.1005 Tavern.
- 18.04.1007 Telecommunications equipment shelter or cabinet.
- 18.04.1009 Town Center Plan area.
- 18.04.1010 Townhouse.
- 18.04.1012 Tow truck operation.

- 18.04.1013 Tow truck operation/auto impoundment yard.
- 18.04.1015 Tract.
- 18.04.1020 Transfer of density, on-site.
- 18.04.1021 Transitional housing.
- 18.04.1022 Transmission tower.
- 18.04.1025 Travel trailer.
- 18.04.1027 Trellis.
- 18.04.1028 Truck sales.
- 18.04.1029 Truck stop.
- 18.04.1030 Truck terminal.
- 18.04.1031 Truck-related retail and services.
- 18.04.1035 University.
- 18.04.1040 Unplatted lot.
- 18.04.1045 Use.
- 18.04.1050 Use, nonconforming.
- 18.04.1055 Use, principal.
- 18.04.1060 Use or structure, accessory.
- 18.04.1065 Utility facility, major.
- 18.04.1070 Utility facility, minor.
- 18.04.1075 Utility yard.
- 18.04.1080 Value or valuation (of structure).
- 18.04.1085 Variance.
- 18.04.1090 Vehicle repair, major.
- 18.04.1092 Vehicle repair, automotive collision.
- 18.04.1095 Vehicle repair, minor.
- 18.04.1100 Vocational or fine arts school.
- 18.04.1105 Wall, exterior.
- 18.04.1105.1 Wetland mitigation bank.
- 18.04.1105.2 Winery, craft.
- 18.04.1106 Wireless communication facility.
- 18.04.1107 Wireless communication facility, attached.
- 18.04.1108 Wireless communication facility, co-located.
- 18.04.1109 Wireless communication facility, freestanding.
- 18.04.1110 Yards, types and measurements.
- 18.04.1115 Youth activity center.
- 18.04.1120 Zero lot line detached dwelling.
- 18.04.1122 Zero lot line dwelling.
- 18.04.1124 Zero lot line structures.
- 18.04.1125 Zone.
- 18.04.1130 Zone, overlay.
- 18.04.1135 Zone, underlying.

18.04.0527 Interior alteration.

"Interior alteration" means the modification of interior space(s) within an existing building, which expressly excludes modifications that: alter building height; alter the exterior building footprint; alter existing building parking facilities; or, alter any exterior building features or finishes that would typically require a permit.

18.04.0832 Project permit.

"Project permit" or "land use permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including, but not limited to, ~~building permits,~~ subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical areas ordinances, and site-specific rezones ~~authorized by a comprehensive plan or subarea plan, which do not require a comprehensive plan amendment.~~ Project permit or project permit application excludes but excludes the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically included in the section. (Ord. 1762 § 7, 1996)

18.04.0944 Site Plan.

"Site plan" means a plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, open space, buildings, major landscape features, both natural and man-made, and the locations of proposed utility features.

Chapter 18.56 PROCEDURES FOR LAND USE PERMITS¹

18.56.020 Land use decision framework.

A. Land use decisions are classified into seven categories based on the amount of discretion and level of impact associated with each decision. Procedures for the seven categories are distinguished according to who makes the decision, the type and amount of public notice required, whether appeal opportunities are provided, which parties have standing for an appeal, and the venue of the appeal. For two of the seven types of decisions, there are additional subtypes which distinguish the venue for an appeal or further review of a decision. Land use decisions are categorized by type in ~~Exhibit~~ 18.56.020A030.

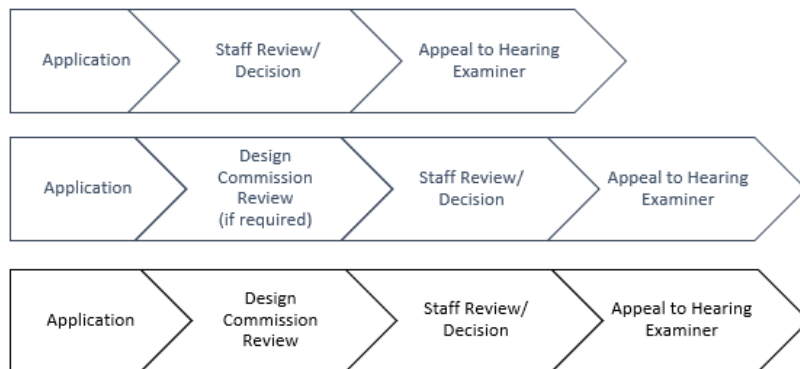
B. Type I decisions are made by the director and are appealable only through the judicial system. They require the exercise of little or no discretion. Refer to Example Type 1 Exhibit 18.56.020B flow chart.:



C. Type II decisions are discretionary decisions made by the director following public notice. Type II decisions are not subject to an administrative appeal. These decisions relate to procedural and substantive compliance with the State Environmental Policy Act and certain wetland determinations according to SMC 16.46.130. [Refer to Exhibit 18.56.020C Example Type II flow chart-:](#)



D. Type III decisions are discretionary decisions made by the director with an opportunity for an appeal and open record hearing by the applicant to the hearing examiner. Except for Type III.d decisions, there is no public comment period prior to the decision, and appeals from the hearing examiner's decision shall be made through the judicial system. Certain Type III decisions involving design issues may include advisory review by the design commission. [Refer to Exhibits 18.56.020D, E, and F Example Type III flow charts-:](#)



E. Type IV decisions are discretionary decisions made by the hearing examiner following a recommendation from city staff and an open record predecision hearing. No administrative appeal is provided, and any appeal from the hearing examiner's decision shall be made through the judicial system. [Refer to Exhibit 18.56.020G Example Type IV flow chart-:](#)

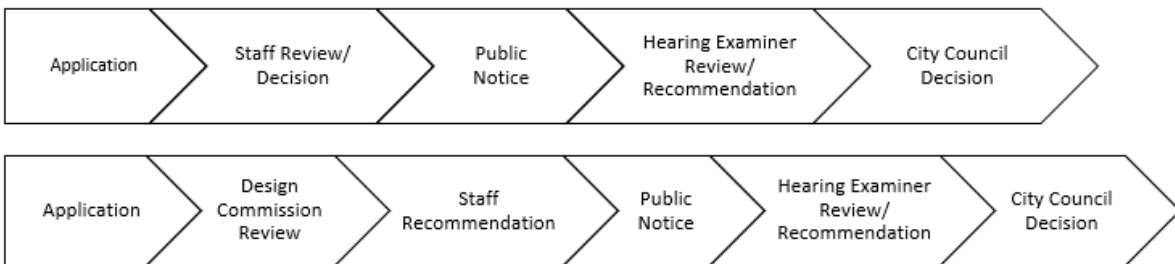


F. Type V decisions are discretionary decisions made by the hearing examiner following a recommendation from staff and an open record predecision hearing. Type V decisions are

appealable only through the judicial system. [Refer to Exhibit 18.56.020H Example Type V flow chart.:](#)



G. Type VI decisions are discretionary decisions made by the hearing examiner following a recommendation from staff and an open record predecision hearing. Type VI decisions are appealable only through the judicial system. Certain Type VI decisions involving design issues require advisory review by the design commission. [Refer to Exhibits 18.56.020I and J, Example Type VI flow charts.:](#)



H. Type VII decisions are legislative decisions made by the city council in its capacity to establish policy and create legislation. The city council will generally seek broad public participation and review by the planning commission or other advisory groups on these decisions. [Refer to Exhibit 18.56.020K Example Type VII flow chart.:](#)



[I. Optional Consolidated Review: Consistent with the requirements of RCW 36.70B.060, the city offers an optional integrated and consolidated review process. If an applicant submits a project permit application that involves two or more of the land use decision processes set forth in SMC 18.56, the applicant may, at the time of the application submittal, elect to have the project permit applications processed collectively under the highest numbered process required for any of the project permit applications submitted. If no such election is made at the time of application, each project permit application will be processed individually under each of the procedures and timelines in SMC 18.56.030. If the application is processed under the individual procedure option, the highest numbered land use decision type procedure must be processed prior to and separately from the subsequent lower numbered land use decision procedure. Consolidated review shall not be permitted where a variance or shoreline variance must be granted in order to allow the development to proceed.](#)

(Ord. 2715 § 9, 2019; Ord. 2691 § 1 (part), 2019; Ord. 2472 § 3, 2014; Ord. 1762 § 2 (part), 1996)

18.56.030 Land use permits required.

A. Land use permits may be composed of one or more classifications of land use decisions. A land use permit shall be required for all projects requiring one or more of these decisions.

Interior alterations of a conforming structure containing a conforming use shall be exempt from land use review where said alterations do not result in:

- (1) Modification of the existing site layout;
- (2) Modification of the current use;
- (3) Expansion of the existing building footprint;
- (4) Additional sleeping quarters or bedrooms;
- (5) The need for additional parking as required by city parking standards;
- (6) Nonconformity with federal emergency management agency substantial improvement thresholds; or
- (7) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

Nothing in this section exempts interior alterations from otherwise applicable requirements, including but not limited to, building, plumbing, mechanical, or electrical codes.

B. The following decisions are Type I decisions which require no public notice and are appealable only through the judicial system, except shoreline permits may be appealed per SMC [18.56.182](#):

1. Establishments or change of use for uses permitted outright and temporary uses in zones where the use is permitted;
2. Establishment of an outdoor seating area;
3. Lot line adjustments;
4. Manufactured home for resident during the construction of a single-family residence;
5. Temporary structure containing office and retail uses during the life of a building permit;
6. Minor revisions to an approved preliminary plat;

7. Resource, wildlife, and hazard area determinations;
8. Shoreline statement of exemption;
9. Revision to a shoreline substantial development permit;
10. Revision to a shoreline variance or shoreline conditional use permit; provided, that the revisions must be reviewed and approved by the Department of Ecology in accordance with chapter [173-27](#) WAC.

11. Signs:

C. The following decisions are Type II decisions which require public notice and are appealable only through the judicial system:

1. Determination of significance that an environmental impact statement is required pursuant to the city SEPA regulations, chapter [16.04](#) SMC;
2. Determination of nonsignificance that an environmental impact statement is not required pursuant to the city SEPA regulations, chapter [16.04](#) SMC;
3. The decision to approve, condition, or deny any land use permit (other than for shoreline decisions) based on the city's SEPA policies pursuant to chapter [16.04](#) SMC;
4. Certain wetland determinations according to SMC [16.46.135](#).

D. The following decisions are Type III.a decisions which require no public notice and are appealable to the hearing examiner:

1. Short subdivisions up to four lots;
2. Revocation of a land use permit pursuant to SMC [18.56.230](#);
3. Approvals pursuant to the resource, wildlife and hazard areas, chapter [16.40](#) SMC;
4. Zoning code interpretation;
5. Renewal of a land use permit pursuant to SMC [18.56.220](#);
6. Temporary caretaker's quarters;
7. Temporary continuing care quarters;
8. Final subdivisions.

E. The following decisions are Type III.b decisions which may be reviewed by the design commission pursuant to SMC [18.56.140](#) and are appealable to the hearing examiner: Applications for development subject to the thresholds of SMC [18.40.020](#)(B), called design commission requested review.

F. The following decisions are Type III.c decisions which shall be reviewed by the design commission pursuant to SMC [18.56.145](#) and which are appealable to the hearing examiner: Applications for development subject to the thresholds of SMC [18.40.020](#)(C), called design commission mandatory review.

G. The following decisions are Type III.d decisions which shall require public notice and be reviewed administratively and are appealable to the hearing examiner:

1. Administrative use permit;
2. Administrative variance;
3. Application of IDEA district overlay;
4. Short subdivisions of five or more lots.

H. The following decisions are Type IV decisions which require public notice and a public hearing before the hearing examiner and are appealable only through the judicial system:

1. Variances;
2. Special exception;
3. Reasonable use exceptions pursuant to the resource, wildlife and hazard areas regulations.

I. The following decisions are Type V decisions which require a public hearing and decision by the hearing examiner, and are appealable only through the judicial system:

1. Conditional use;
2. Shoreline conditional use¹; provided, that supplemental procedures for shoreline decisions are provided in SMC [18.56.150](#);
3. Subdivision preliminary plats; provided, that supplemental procedures for subdivision approval are established in SMC Title [17](#);
4. Binding site plans;

5. Shoreline substantial development¹ permits and shoreline variances¹; provided, that supplemental procedures for shoreline decisions are provided in SMC [18.56.150](#);

6. Planned residential development per SMC 18.24.070.

J. The following decisions are Type VI.a decisions which require a public hearing and decision by the hearing examiner and are appealable only through the judicial system:

1. Amendments to the zoning map;

2. including changes Amendments into overlay districts mapping;

3. Amendments to and shoreline environment redesignations, except those initiated by the city to implement new policies.

K. The following decisions are Type VI.b decisions which require a public hearing and decision by the hearing examiner following review by the design commission pursuant to SMC [18.56.145](#) and are appealable only through the judicial system: Applications for development subject to the thresholds of SMC [18.40.020](#)(D).

1. Planned Mixed-use Development.

L. The following decisions are Type VII decisions which require city council approval, generally after broad public participation and review by the planning commission:

1. Amendments to the zoning regulations, SMC Title [18](#).

2. Amendments to the comprehensive plan and subsequent policy document.

Footnote 1: Shoreline substantial development permit, variances and conditional uses have additional requirements to comply with the State Shoreline Management Act.

(Ord. 2851 § 14, 2023; Ord. 2774 § 35, 2021; Ord. 2715 § 10, 2019; Ord. 2691 § 1 (part), 2019; Ord. 2472 § 4, 2014; Ord. 2314 § 3, 2010; Ord. 2196 § 6, 2007; Ord. 2090 § 1, 2004; Ord. 1762 § 2 (part), 1996)

18.56.040 Preliminary site plan review.

Prior to submitting a complete application for a land use permit, an applicant for a project involving a Type II or Type III.c decision shall submit the necessary materials for preliminary site plan review, unless waived by the director. For all other land use permits, the applicant may Preapplication meetings are not a requirement for the submission of a project permit application. However, in order to streamline application development efforts and promote more efficient city review processes, all applicants are encouraged to request preliminary site

plan review by city departments. The preliminary site plan review shall be conducted according to procedures established by the director.

(Ord. 1762 § 2 (part), 1996)

18.56.050 Land use permit applications.

A. Applications for land use permits shall be made by the property owner, lessee, contract purchaser, or a city agency, or by an authorized agent thereof; provided, that any interested person may request to the city council that a Type VII decision be considered, or the city council may initiate such a Type VII decision.

B. All applications for land use permits shall be on forms provided by the director.

C. Applications shall be accompanied by payment of the applicable fees, if any, according to this chapter.

D. Land use permits include all components necessary for the project. An applicant at his/her discretion may choose to proceed with separate applications for each of the components associated with a project.

E. All applications shall be accompanied with appropriate drawings, plans, legal descriptions, and other information as determined necessary by the director and to satisfy the specific application requirements of the Sumner Municipal Code.

F. The following shall be required at a minimum:

1. Project application, indicating project address, legal description or parcel number, property owner name and address, proposed use of the property, project description, name and address of a single project contact person or entity to receive notices and correspondence;
2. Proof of ownership, if required;
3. Site plan showing building footprints, access areas, parking locations and dimensions, landscape areas, street locations, and other information necessary for a specific permit. For additional requirements for a shoreline permit application see SMC [18.56.150](#);
4. Architectural drawings when a structure is proposed, showing elevations and floor plans; and
5. If applicable, completed and signed environmental checklist, including responses to all questions and describing the nature of potential impacts, or reasons why there would not be impacts as well as supplying specific mitigation where necessary.

G. The timing of application submittals and review is governed by SMC [18.56.185](#), Timing of land use decisions.

H. Within 28 [calendar](#) days of receiving a land use permit application, the director shall determine if the application is complete and mail a written [determination of completeness identifying whether or not the procedural submission requirements have been met](#). ~~In the event the application is determined to be an incomplete application, the determination of completeness request shall outline the specific requirements and/or for corrections needed for a complete application, and include notice regarding nonresponsiveness limitations pursuant to the provisions of 18.56.050.~~ ~~If the application is incomplete.~~ If the director does not provide a written determination [of completeness](#) within the 28 [calendar](#) days, the application shall be deemed [procedurally complete on the 29th calendar day after receiving a project permit application by 5:00 p.m. of the twenty-eighth day](#). If additional information is needed to make the application complete, the applicant shall provide the information within 60 [calendar](#) days of the written [determination of incomplete application request](#). Within 14 [calendar](#) days after an applicant has submitted the ~~information requested~~ [information following a determination of incomplete application](#), the director shall [provide a written determination of completeness notifying](#) ~~notify~~ the applicant whether the application is complete or [is an incomplete application identifying](#) what additional information is necessary. An application is complete for purposes of this section when it meets the ~~procedural submission submittal~~ requirements [of Section F above and in the checklist for the applicable application](#) established by the director in subsection E of this section, and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. [The need for additional information or studies not included in the director's procedural submission requirements in subsection E of this section shall not be a basis for a determination of incomplete application.](#) ~~The Any~~ determination of completeness shall not preclude the director from requesting additional information or studies either at the time of the notice of completeness or, subsequently, if new information is required to complete review of the application or substantial changes in the permit applications are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested.

I. [None-Responsive Applicant: If an applicant is non-responsive for more than 60 consecutive calendar days after the Director has provided a written determination of completeness that additional information is required to further process the application, the director may:](#) ~~An application may be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within 60 days of a written request for it; provided, that the director may extend the period for such submission if it is determined that the delay was not the fault of the applicant or a good faith effort is being made to comply with the request.~~

[1. Deem the application abandoned and close the application on the 61st calendar day; or,](#)

2. Add a minimum of 30 calendar days to the time period for city action to issue a final decision. If the applicant is non-response during the extension period, the application may be determined abandoned and closed on the day following the extension period; or,

3. Once an application is determined abandoned and closed, a new project application submittal shall be required.

For the purposes of this subsection, "non-responsive" means that an applicant is not making demonstrable progress providing additional requested information to the city, or that there is no ongoing meaningful communication from the applicant with the city on the applicant's ability or willingness to provide the additional information.

(Ord. 2090 § 2, 2004; Ord. 1762 § 2 (part), 1996)

18.56.140 Design commission requested review.

A. Whenever a proposal involves a Type III.b decision, the applicant at any time prior to issuance of the building permit may request review of the proposal by the design commission. which may be reviewed prior to or concurrent with other project permits. Unless otherwise requested by the applicant in writing, the Design Review process shall not include more than one meeting before the design commission.

B. Whenever review of a Type III.b decision is requested from the design commission, the director shall prepare a staff report and make such report available at least seven days prior to the meeting of the design commission. The director shall provide notice of the design commission meeting to the applicant at least 10 days prior to the meeting to discuss the proposal.

C. The meetings of the design commission for such advisory review may be noticed to the public only by posting commission agendas at public information centers and on the official city website.

D. The design commission shall provide advisory review of the proposal to the director, who may concur, modify or overturn the advice of the design commission. The director shall give substantial weight to the recommendation of the design commission.

E. Advice of the design commission shall be based on the established guidelines for such review.

F. Following review by the design commission, the director shall issue a decision on the proposal. Such decision shall be appealable to the hearing examiner only. An appeal may be filed by the applicant only. In deciding the appeal of a Type III.b decision, the hearing examiner shall be guided by the criteria for design review. (Ord. 2625 § 3 (part), 2018; Ord. 1762 § 2 (part), 1996)

18.56.145 Design commission mandatory review.

A. Whenever a proposal involves a Type III.c or VI.b decision, the proposal shall be reviewed by the design commission, which may be reviewed prior to or concurrent with other project permits. Unless otherwise requested by the applicant in writing, the Design Review process shall not include more than one meeting before the design commission.

B. Whenever design commission review of a proposal is required, the director shall prepare a staff report to the commission and public and make such report available at least seven days prior to the meeting of the design commission. The director shall provide notice of the design commission meeting to the applicant at least 10 days prior to the meeting to discuss the proposal.

C. The meetings of the design commission for such review may be noticed to the public by posting commission agendas at public information centers and on the official city website. The design commission may decide to hold a public hearing or provide additional notice for a particular Type III.c or Type VI.b decision.

D. The design commission shall provide advisory review of the proposal to the director, who may concur, modify or overturn the advice of the design commission. The director shall give substantial weight to the recommendation of the design commission.

E. Advice of the design commission shall be based on the established guidelines for such review.

F. Following review by the design commission, the director shall issue a decision on the proposal. Such decision shall be appealable to the hearing examiner only. An appeal may be filed by the applicant only, except that for Type VI.b decisions, appeals may be sought by any other party with a substantial interest in the proceeding. In deciding the appeal of such a decision, the hearing examiner shall be guided by the criteria for design review.

G. For Type VI.b decisions, the review by the design commission shall precede the issuance of the staff recommendation in order to allow the decision on the design issues to be consolidated with the staff recommendation on the underlying action. (Ord. 2625 § 3 (part), 2018; Ord. 1762 § 2 (part), 1996)

18.56.185 Timing of land use decisions.

A. When a project involves compliance with the State Environmental Policy Act, the city shall complete its review of applications received, and make threshold determinations as follows:

1. A SEPA checklist will not commence processing nor be accepted as complete until the SEPA responsible official provides, in writing, certification of completeness and

acceptance of the SEPA checklist. This certification will be accomplished through transmittal of a form signed by the responsible official.

2. If after review of the SEPA checklist it is determined that there is insufficient information to make a threshold determination, additional information will be required using any one of the following actions in accordance with WAC [197-11-335](#):

- a. The applicant will provide more information on subjects in the checklist.
- b. The city makes its own further study.
- c. The city will consult with other agencies, requesting information on the proposal's potential impacts which lie within other agency's jurisdiction or expertise.

3. The certificate of SEPA checklist completeness, or a request for further information by the responsible official, will be mailed to the project applicant within 15 calendar days of submittal.

4. The responsible official shall make a threshold determination within 90 days after the applicant and supporting documents are complete.

- a. The applicant may request in writing an additional 30 days for the threshold determination.

B. The time required to prepare an environmental impact statement associated with a land use permit application shall be agreed to by the director and applicant in writing.

C. Except as otherwise provided in this section or otherwise agreed to by the applicant, pursuant to RCW 36.70B.080 notice of final decision for land use decisions on applications filed on or after January 1, 2025~~April 1, 1996~~, shall be made within the application type decision timeframes detailed below~~120 days~~ after the ~~local government~~director notifies the applicant that the application is complete. In determining the number of days that have elapsed after the notice of complete application, consistent with RCW ~~36.70B.090~~36.70B.080, periods for pending plan corrections, environmental impact statement preparation, and submission of additional information, and administrative appeals shall be excluded. Pursuant to RCW 36.70B.140, the following exclusions shall also apply to these time requirements: Except as noted in 18.56.485(D), and unless the applicant provides the City with a written request to extend the decision timeline, the director shall issue a land use decision within the following calendar days:

1. Type I decisions - 65

2. Type II decisions - 110 (except as otherwise provided in this section for SEPA).

3. Type III decisions - 110

4. Type IV decisions - 170

5. Type V decisions - 170

6. Type VI decisions - 170

7. Type VII decisions - no decision timeline.

~~1. Type VI decisions where the director shall issue his or her decision within 120 days and the hearing examiner shall issue his or her decision within 90 days of the issuance of the director's decision as that time is calculated in RCW 36.70B.140.~~

~~2. Type VII decisions where there shall be no time limit. (Ord. 1762 § 2 (part), 1996)~~

D. Decision Timeline Calculation Exemptions: The number of days shall be calculated by counting every calendar day and excluding the following time periods:

1. Any period between the day that the city has provided written notice to the applicant that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

2. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

3. Any applicable Decision Timeline Adjustment pursuant to 18.56.185(E).

E. Decision Timeline Adjustments

1. Change of Scope: The Directors decision timelines shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original land use application that would make the application fail to meet the determination of procedural completeness for the new use. In the event the director makes such determination, the director shall provide the applicant a determination of completeness for an incomplete application pursuant to the procedures of 18.56.050.

2. Requests for Extension or Temporary Suspension: Applicants may request an extension or temporary suspension of a final decision timeframe as follows:

a) The applicant may provide a written request for extension of the review decision timeline for a maximum of 60 calendar days. If approved, the extension of the time for issuance of a final decision may be increased by the director in minimum 15-day increments; or.

b) The applicant may provide a written request to temporarily suspend review of the project permit application for more than 60 days until the applicant provides written notice to the City that the applicant would like to resume processing. If approved, the temporary extension of the time for issuance of a final decision may be increased by the director in minimum 30-day increments.

F. Applications Exempt from Decision Timelines: The following land use applications shall be exempt from the decision timelines of 18.56.185(C):

1. Street vacations, or other approvals relating to the use of public areas or facilities.

2. Lot line adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

G. Corrections Review Meeting (CRM): Within 14 calendar days following the City's second project permit application review request for additional information and/or corrections, an applicant may request, in writing, a Corrections Review Meeting (CRM) with applicable city staff. If the CRM does not resolve the issues and the City later completes a third review of a complete resubmittal that again results in a request(s) for additional information and/or correction(s), the City shall take final action to approve or deny the application, unless otherwise agreed to by the applicant and the director.

Exhibit 18.56.020A

Land Use Decision Framework

(The term "nonappealable" refers to the status of an administrative appeal as contrasted to a judicial appeal which remains an option in all cases.)

Type I

(Nonappealable staff decisions)

- Uses permitted outright
- Temporary uses in permitted zones
- Lot line adjustments
- Manufactured home for resident during construction of single-family residence
- Temporary structure containing office and retail uses during the life of a building permit

- ~~Minor revisions to an approved preliminary plat~~
- ~~Resource, wildlife, hazard area determinations~~
- -

~~Type II~~

~~(Comment period followed by staff decision with no appeal)~~

- ~~Determination of significance (DS)~~
- ~~Determination of nonsignificance (DNS)~~
- ~~SEPA conditions~~
- ~~Certain wetland determinations according to SMC 16.46.130~~
- -

~~Type III.a~~

~~(No notice staff decision appealable to hearing examiner)~~

- ~~Short subdivisions~~
- ~~Permit revocation/suspension~~
- ~~RWHA approvals~~
- ~~Permit renewal~~
- ~~Code interpretation~~
- ~~Caretaker's quarters~~
- ~~Continuing care quarters~~
- ~~Final subdivisions~~
- -

~~Type III.b~~

~~(Voluntary design commission review and hearing examiner appeal of staff decision. No council appeal)~~

- ~~Signs~~
- ~~Minor exterior renovations~~
- ~~Accessory units in residential zones~~
- ~~Minor permit amendments~~
- -

~~Type III.c~~

~~(Mandatory design commission review and
hearing examiner appeal of staff decision. No
council appeal)~~

- ~~• Multifamily~~
- ~~• New commercial~~
- ~~• Construction in neighborhood centers~~
- ~~• Industrial parks~~
- ~~- -~~

~~Type IV~~

~~(Public notice and hearing examiner decision. No
council appeal)~~

- ~~• Variances~~
- ~~• Shoreline variance¹~~
- ~~• Shoreline substantial development permit¹~~
- ~~• Special exception~~
- ~~• Reasonable use exception~~
- ~~- -~~

~~Type V~~

~~(Public notice and hearing examiner decision. No
council appeal)~~

- ~~• Conditional uses~~
- ~~• Shoreline conditional uses¹~~
- ~~• Preliminary subdivisions~~
- ~~• Binding site plans~~
- ~~- -~~

~~Type VI.a~~

~~(Public notice and hearing examiner
recommendation. City council decision)~~

- ~~• Zoning map amendment~~
- ~~- -~~

~~Type VI.b~~

~~(Public notice, design commission review,
hearing examiner recommendation and city
council decision)~~

- ~~• Planned community~~
- ~~- -~~

Type VII

(City council legislative decision following broad public notice and planning commission recommendation)

- Zoning code text amendment
- Comprehensive plan amendment

1. Shoreline substantial development permits, variances and conditional uses have additional requirements to comply with the State Shoreline Management Act.

(Ord. 2691 § 1 (part), 2019; Ord. 1762 § 2 (part), 1996; Ord. 1694 § 1, 1995)

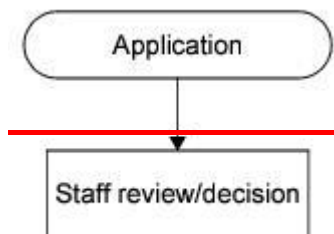


Exhibit 18.56.020B

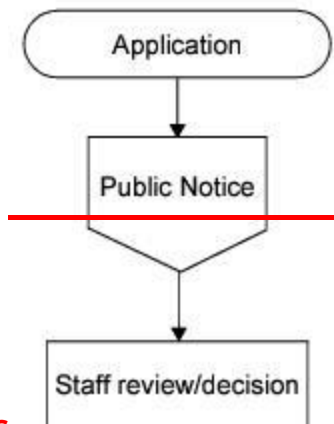


Exhibit 18.56.020C

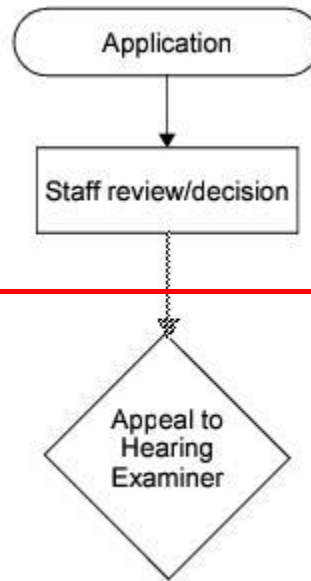


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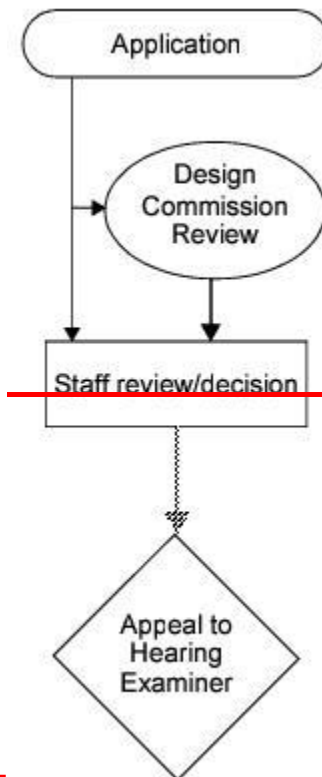


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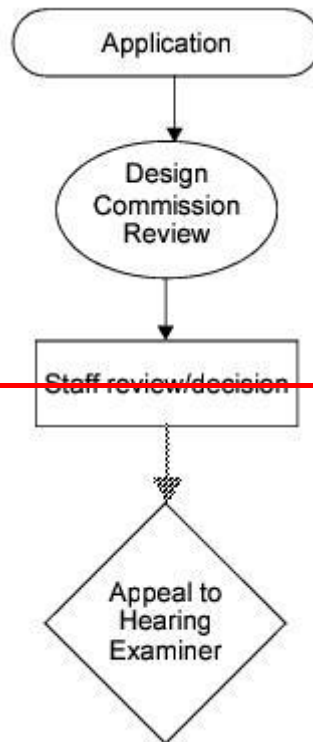


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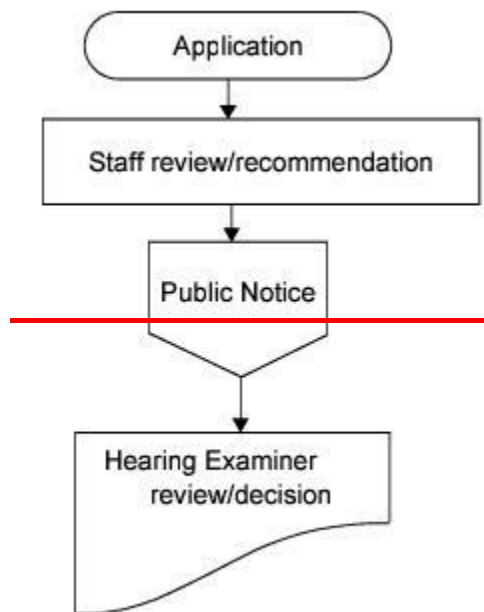


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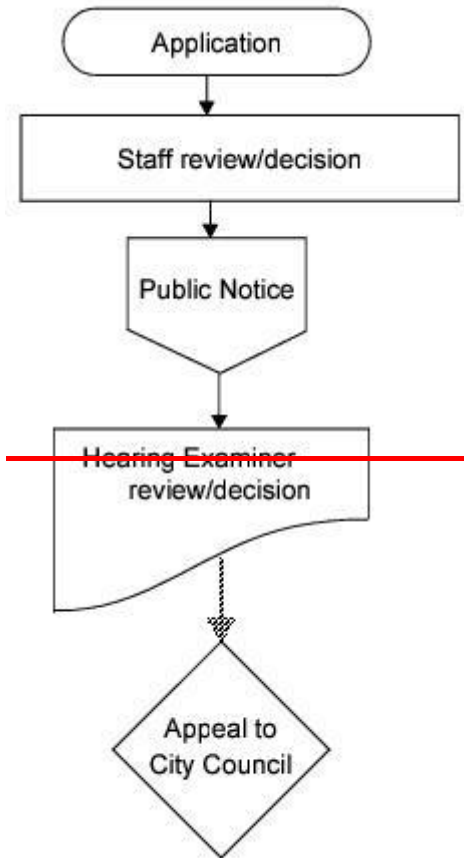


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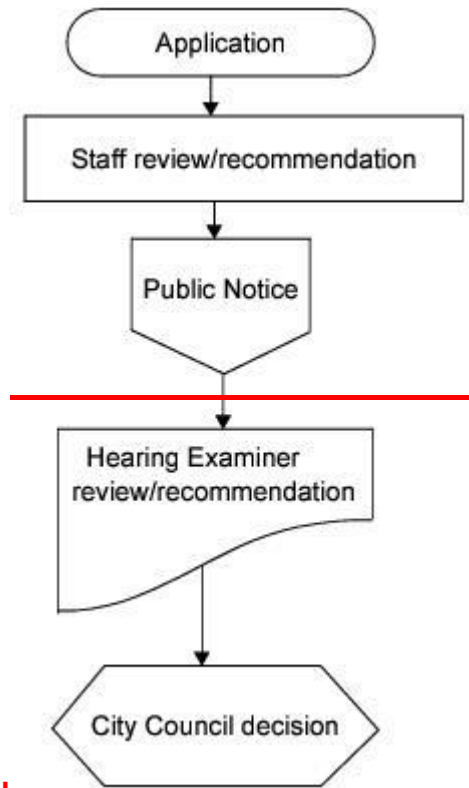


Exhibit 18.56.020I

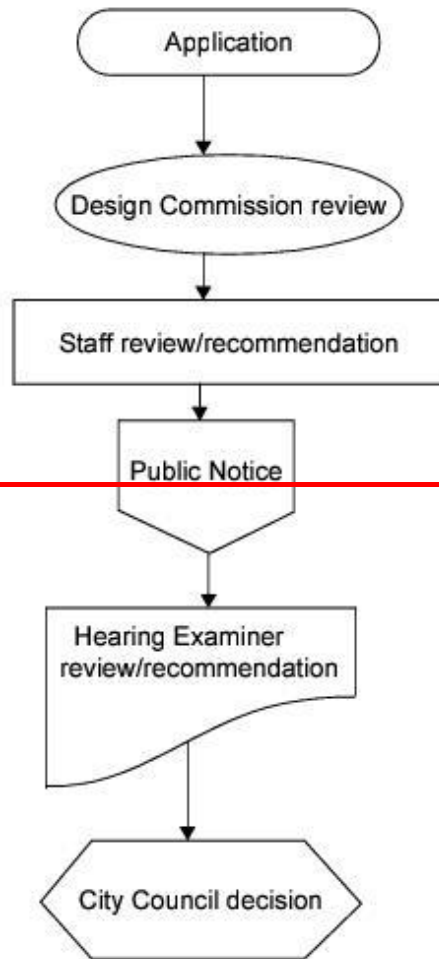


Exhibit 18.56.020J

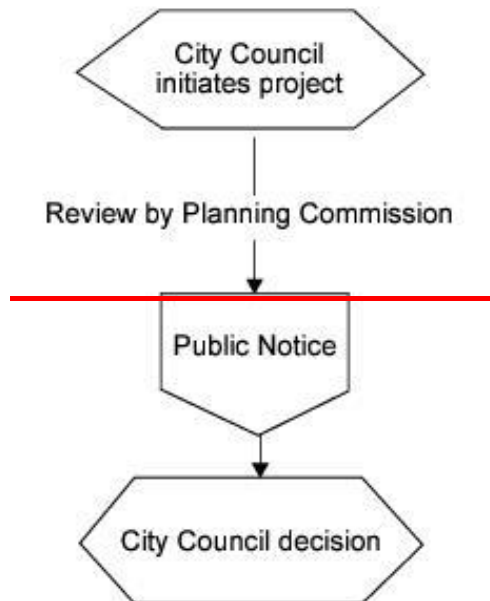


Exhibit 18.56.020K

[1](#)

Prior legislation: Ords. 1694, 1739 and 1749, repealed by Ord. 1762.



STAFF REPORT

DATE: August 1, 2024
TO: PLANNING COMMISSION
FROM: Scott Waller, Senior Planner and Larson Consulting
RE: **Zoning Code Text Amendment – Permit Review and Timelines.**
File #CTA-2024-0004

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The State House of Representatives passed bills 5290 and 1293 related to land use permit timelines and processes. These bills require Cities to review their current land use codes and make necessary changes for compliance with the State.

II. SUMMARY OF PROPOSAL

The proposed amendments to Sumner Municipal Code Title 18.56 and 18.04 Zoning Code will update regulations related to land use permit timelines and processes. These changes include:

- Updates to the time requirements for each type of land use permit
- Limiting Design Commission review to one required meeting for any project
- Format changes to Sumners land use code to include flow charts in permit type descriptions
- Creates definitions for site plan and interior alterations
- Creates a consolidated permit review option
- Removes pre-application requirements
- Clarifies what constitutes a complete application
- Outlines permit resubmission and non responsive applications
- Sets up a corrections review meeting process

III. ANALYSIS

Sumner code requires that proposals to amend the Zoning Code include an explanation of how the proposed amendment implements the comprehensive plan (SMC 18.56.149(2)). Relevant sections and policies related to the proposed text amendment are presented below.

Land Use Sub-Element

Goal 1. Provide for orderly development within the Sumner community.

1.7 Ensure new development is consistent with the policies of this Plan through implementation of regulations, programs, and project specific review

PERMIT PROCESS SUB-ELEMENT

Goal 1. Develop and implement a permit process for land use and other local government approvals which is timely and fair to all affected parties.

1.2 Review development regulations to ensure they are necessary and directly relate to implementation of the Comprehensive Plan and other state and federal mandates.

1.2.1 Eliminate duplicative, unnecessary, and unclear regulations.

1.2.2 Provide procedures to process permits in a timely fashion

1.3 Provide resources, staffing and procedures sufficient to ensure development permit review is adequate to achieve consistency with adopted City policies and regulations within reasonable timeframes.

COMMUNITY CHARACTER ELEMENT

1.5 Encourage in the community a continuous commitment to maintaining Sumner's character and quality of place, including land conservation and stewardship, wise management of streetscapes and public viewsheds, property maintenance, and historic preservation.

5.1 In reviewing plans and development proposals, consider both long and short term environmental impacts and encourage design which complements the area's natural and cultural features. Natural and significant cultural features should be integrated into the design of the community.

CONCLUSION:

The amendments would bring Sumner's land use code into compliance with the State requirements for permit timelines and processes.

IV. PUBLIC & AGENCY COMMENTS

This proposed zoning code text amendment has not received any public comments to date. Any comments received will be included in the exhibits section.

V. SEPA ENVIRONMENTAL REVIEW

SEPA environmental review is underway on this proposed amendment.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

VII. EXHIBITS & REFERENCES

A. DRAFT Zoning Code Text Amendment

EXHIBIT A
DRAFT Zoning Code Text Amendment

AG BILL #2 Permit Timelines and Review – Planning Commission Study Session

DATE: Planning Commission August 1, 2024

TITLE: Permit Review and Timelines – Study Session

ATTACHMENTS: STAFF REPORT, DRAFT ORDINANCE

The proposed amendments to Sumner Municipal Code Title 18.56 and 18.04 Zoning Code will update regulations related to land use permit timelines and processes as required under House Bills 5290 and 1293. These changes include:

- Updating the time requirements for each type of land use permit
- Limiting Design Commission review to one required meeting for any project
- Format changes to Sumners land use code to include flow charts in permit type descriptions
- Creates definitions for site plan and interior alterations
- Creates a consolidated permit review option
- Removes pre-application requirements
- Clarifies what constitutes a complete application
- Outlines permit resubmission and non responsive applications
- Sets up a corrections review meeting process

Staff and Larson and Associates have prepared the draft ordinance and materials for Planning Commission review.

RECOMMENDATION:

Review proposed code amendments.