



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

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

Pledge of Allegiance

ROLL CALL

Sharon Fochtman, Rob Healy, Mark Isaacs, Kelly Locke, Bill Moody

APPROVAL OF MINUTES

1. Minutes- Special Meeting 09-19-2024

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 anssi@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 public may comment on topics that are not on the meeting agenda. Written comments must be submitted via email to chrissandaw@sumnerwa.gov no later than 5:00pm on the day prior to the meeting, or oral comments may be submitted at the meeting. Written comments will be read into the record; all comments are limited to 3 minutes, and the time limit will be strictly enforced.

PUBLIC HEARING

1. Ordinance No. 2899 - Battery Energy Storage Systems Code Amendment
2. Ordinance No. 2900 - Multifamily Residential Infill Code Amendment
3. Ordinance No. 2901 - Permit Review & Timelines Code Amendment
4. Ordinance No. 2902 - Group Homes Code Amendment

UNFINISHED BUSINESS

1. Action: Battery Energy Storage Systems Code Amendment
2. Action: Multifamily Residential Infill Code Amendment
3. Action: Permit Review & Timelines Code Amendment
4. Action: Group Homes Code Amendment

NEW BUSINESS

CORRESPONDENCE (NON-TESTIMONY)

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION
MINUTES
Special Meeting
Thursday, September 19, 2024

CALL TO ORDER

The hybrid meeting was called to order at 6:09 pm by Chair Moody.

ROLL CALL

Commissioners Present: Fochtman (virtual), Moody, Issacs (virtual), Locke (virtual)
Excused Absences: Healy

APPROVAL OF MINUTES

1. Minutes – September 5th, 2024
Moved to approve (Fochtman), Second (Locke); passed unanimously.

PUBLIC COMMENT

Nick Bierman- 5802 Parker Rd Sumner, WA asked general questions about the recommendations from Planning Commission to Council.

Staff answered his questions. No other public comments were brought to the Planning Commission.

PUBLIC HEARING None

UNFINISHED BUSINESS

1. 2024 Comprehensive Plan Update - Capital Facilities Element & Capital Facilities Plan revisions-
DISCUSSION

Senior Planner Ann Siegenthaler and Stefanie Hindmarch at BERK Consulting presented a summary of the several Comp Plan chapters and documents where there have been notable changes since the last meeting. The changes were included in the meeting packet and presented to the Commission for consideration.

2. 2024 Comprehensive Plan Update –Comprehensive Plan, DEIS, Transportation Plan, Capital Facilities Plan- *ACTION*

Senior Planner Ann Siegenthaler presented an overview of the summary ordinance and requested recommendations of approval.

Commissioner Fochtman – made a motion to recommend to the City Council approval of the 2024 Comprehensive Plan, DEIS, Transportation Plan, Capital Facilities Plan, seconded by Commissioner Locke.

All were in favor. Motion passed unanimously.

3. Zoning Code Text Amendment - Housing/Land Use Regulations- *ACTION*

Commissioner Issacs made a motion to recommend to the City Council approval of the draft ordinance for Housing/Land Use Regulations dated September 10, 2024, seconded by Commissioner Fochtman.

All were in favor. Motion passed unanimously.

4. Zoning Code Text Amendment –Historic/Cultural Resource Regulations- *ACTION*

Commission Fochtman made a motion to recommend to the City Council approval of the draft ordinance for the Historic/Cultural Resource Regulations dated September 10, 2024, seconded by Commissioner Locke.

All were in favor. Motion passed unanimously.

5. Zoning Code Text Amendment - Critical Areas Regulations- *ACTION*

Commission Locke made the motion to recommend to the City Council approval of the draft ordinance for Critical Area Regulations dated September 10, 2024, seconded by Commissioner Issacs.

All were in favor. Motion passed unanimously.

6. Municipal Code Amendment -Multifamily Tax Exemption Regulations -*ACTION*

Commissioner Locke made a motion to recommend to the City Council approval of the draft ordinance for the Multifamily Tax Exemption Regulations dated September 10, 2024, seconded by Commissioner Issacs

All were in favor. Motion passed unanimously.

Staff informed the Commission that these ordinances will move to City Council on October 16th, 2024, during a special study session, which starts at 2:00pm for review of the comp plan recommendations. On October 28th, 2024, Council agenda may include discussion about the Historic/Cultural Resources element and housing elements. A public hearing held before Council is tentatively scheduled for December 2nd, 2024.

NEW BUSINESS None

CORRESPONDENCE None.

COMMISSION COMMENTS None

STAFF COMMENTS

Community Development Director, Ryan Windish announced that Ann Siegenthaler, Senior Planner will be retiring, and this is her the last Planning Commission meeting. She was at the helm with the planning commission for 5 years taking the commissioners through two (2) Comp Plan updates.

Taking her place in long-range planning and as staff liaison to the Planning Commission moving forward is Chrissanda Walker, Associate Planner who was introduced. Commissioners expressed great appreciation for all of Ann's past work and she will be greatly missed.

ADJOURNMENT Motion by Fochtman, Seconded by Locke; all in favor; meeting adjourned at 6:56 pm.

Minutes Submitted by: Chrissanda Walker

SUBJECT: Ordinance No. 2899 - Battery Energy Storage Systems Code Amendment**CATEGORY:** Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 1-BESS Staff Report 9/24/24
2. 2-Draft Ordinance No. 2899- BESS Code Amendments 9/25/24

STAFF CONTACT: Chrissanda Walker, Associate Planner

SUMMARY BACKGROUND: The City of Sumner recently reviewed and approved an industrial scale Battery Energy Storage System (BESS), a 200-megawatt (MW)/800-megawatt hour (MWh) facility to store electrical energy in the Light-Manufacturing (M-1) zone. The BESS will store electricity in lithium batteries arranged in modules on about 8 acres. The project includes a new transmission line through an existing utility corridor which connects to the PSE White River power station to provide critical energy storage to the region, while providing reliability for Puget Sound Energy (PSE) customers. The area where the BESS facility and transmission poles are proposed is designated under Sumner's Comprehensive Plan zoning as public and private facilities land use.

Battery Energy Storage Systems or BESS are a new land use requiring zoning codes around the country to be updated including new zoning definitions, regulations and permit processes to better address the growing technology of alternative energy storage and generation. Under the current Zoning Code, the land use "major utility facility," is an outright permitted use in M-1 and M-2 zones and does not require a Conditional Use Permit. In 2022, Sumner provided a zoning code interpretation for the proposed BESS to fall under the subsection "electrical substation" of the land use "major utility facility", which is considered comparable to other listed uses under Sumner Municipal Code (SMC) 18.04.1065. This interpretation was similar to the permitting approach in the County and the inclusion of battery energy storage into definitions for electrical facilities is consistent with State statutes.

However, through the current permitting process, it became clear that these large "grid-scale" BESS should be defined in the zoning code and regulated to better manage potential impacts. Since the current zoning code allows "major utility facilities" outright permitted in all manufacturing zones and as a conditional use in commercial zones and residential zones, this proposed amendment would only allow BESS in industrial/manufacturing zones with distance requirements to separate these facilities from residential uses. By designating BESS a Conditional Use in the industrial zones only, the code can establish performance standards that set a standard for design, location and noise abatement.

In April, City staff presented a memo to the Planning Commission summarizing the proposal in more detail and provided a summary of the draft code sections which were reviewed by the Planning Commission.

The proposed zoning code amendments will:

1. Add a new land use definition for BESS under SMC 18.04;
1. Update the use table under SMC 18.18 to specify BESS as a conditional use. This will promote the siting of BESS in a manner that is compatible with existing zoning districts, land uses, and character of the surrounding area;
1. Add a new code section under SMC 18.18.060 manufacturing district performance standards.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:

Move to recommend approval by the City Council of Ordinance No. 2899 amending the zoning code pertaining to Battery Energy Storage Systems.



STAFF REPORT

DATE: October 3, 2024
TO: Planning Commission
FROM: Chrissanda Walker, Associate Planner
RE: **Zoning Code Text Amendment - Battery Energy Storage Systems (BESS)**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The City of Sumner recently reviewed and approved an industrial scale Battery Energy Storage System (BESS), a 200-megawatt (MW)/800-megawatt hour (MWh) facility to store electrical energy in the Light-Manufacturing (M-1) zone. The BESS will store electricity in lithium batteries arranged in modules on about 8 acres. The project includes a new transmission line through an existing utility corridor which connects to the PSE White River power station to provide critical energy storage to the region, while providing reliability for Puget Sound Energy (PSE) customers. The area where the BESS facility and transmission poles are proposed is designated under Sumner's Comprehensive Plan zoning as Public and Private Facilities land use.

Battery Energy Storage Systems are a new land use requiring zoning codes around the country to be updated including new zoning definitions, regulations and permit processes to better address the growing technology of alternative energy storage and generation. Under the current Zoning Code, the land use "major utility facility," is an outright permitted use in M-1 and M-2 zones and does not require a Conditional Use Permit. In 2022, Sumner provided a zoning code interpretation for the proposed BESS to fall under the subsection "electrical substation" of the land use "major utility facility", which is considered comparable to other listed uses under Sumner Municipal Code (SMC) 18.04.1065. This interpretation was similar to the permitting approach in the County and the inclusion of battery energy storage into definitions for electrical facilities is consistent with State statutes.

However, through the current permitting process, it became clear that these large "grid-scale" BESS should be defined in the zoning code and regulated to better manage potential impacts. Since the current zoning code allows "major utility facilities" out-right permitted in all manufacturing zones and as a conditional use in commercial zones and residential zones, this proposed amendment would only allow BESS in industrial/manufacturing zones with distance requirements to separate these facilities from residential uses. By designating BESS a conditional use in the industrial zones only, the code can establish performance standards that set a standard for design, location and noise abatement.

In April, City staff presented a memo to the Planning Commission summarizing the proposal in more detail and provided a summary of the draft code sections which were reviewed by the Planning Commission.

The proposed zoning code amendments will:

- (1) Add a new land use definition for BESS under SMC 18.04;
- (2) Update the use table under SMC 18.18 to specify BESS as a conditional use. This will promote the siting of BESS in a manner that is compatible with existing zoning districts, land uses, and character of the surrounding area;
- (3) Add a new code section under SMC 18.18.060 manufacturing district performance standards.

II. DESCRIPTION OF PROPOSAL

The proposed code amendment would define large scale BESS in the municipal code and allow them through conditional use in the manufacturing districts (M-1 and M-2 zones). Updates to SMC 18.18 includes a new section that addresses performance standards for BESS facilities such as: screening requirements, lighting, fencing and noise standards, and siting criteria consistent with the current code criterion for Essential Public Facilities. Key provisions in the proposed code are summarized below.

A. Zones allowed

The proposal will allow BESS as a conditional use in all manufacturing zoning districts, prohibited within 1,000 feet of residentially zoned lands. BESS facilities will also be prohibited in commercial and mixed-use zones.

B. Definitions

The existing zoning code includes definitions for “major utility facility” and “minor utility facility” that is not clearly inclusive of battery energy storage. Changes proposed include clarification of BESS as not a major utility facility and a new section to add a definition of BESS based on industry definitions and standards. Major utility facilities are necessary, can be public or private and can be co-located with other land uses, BESS will be subject to siting criteria.

C. Performance Standards

The proposal amends SMC 18.18.060 to include new standards applicable to BESS that are similar to existing standards in the code for industrial uses and more specifically adds standards for siting and for BESS facilities to develop a necessary emergency management plan with the local fire district.

III. ANALYSIS

The proposed zoning code amendments are consistent with the intent and policies of the Comprehensive Plan, specifically the policies and goals discussed below.

Community Value: Foresight

“The City plans ahead for its future. Through comprehensive planning, utility and infrastructure planning, coordination with neighboring jurisdictions, and capital facilities programs, the City is able to ensure it has the resources for future needs. The City uses this foresight to maintain its vision of the future. We communicate regularly and determine if we are achieving the vision we desire.”

As emerging technologies in renewable and clean energy continue to grow, the city can maintain the value of foresight by addressing necessary utility infrastructure in advance and better defining these land uses within the manufacturing/industrial areas.

Land Use Element

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

Policy 1.1 Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.

1.1.1 Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.

The proposed amendment to specify BESS as a conditional use in the manufacturing/industrial center is consistent with the following land use element goals and policies:

Utilities Element

Goal 2 “Plan and allow for regional and local improvements to electric facilities and coordinate service plans

for facility development.”

- Policy 2.1 Make decisions with respect to electric utility facilities so that safe, adequate and efficient availability of electrical service in other jurisdictions is not negatively affected.
- Policy 2.2 Accommodate additions and improvements to electric utilities in a manner consistent with the needs and resources of Sumner as well as other jurisdictions. In addition, the City recognizes that decisions regarding utility corridors and facilities cannot be made solely on the basis of local considerations if multi-jurisdictional or regional interests would be affected.
- Policy 2.3 Encourage Puget Sound Energy to make additions to and improvements of electric utility facilities that provide adequate capacity for future planned growth.
- Policy 2.4 Recognize the need for electric utility facilities that are sufficient to support economic development.
- Policy 2.7 Encourage the joint use of utility corridors, provided that such joint use is consistent with limitations as may be prescribed by applicable law and prudent utility practice.

The proposed zoning code amendment meets the intent of the Utility Element by encouraging planned development of utility facilities, specifically BESS projects that may need additions and improvements of transmission lines in a manner consistent with the needs and resources of Sumner as well as other jurisdictions.

Environment Element

- Policy 1.1 Protect air quality from adverse impacts
 - 1.1.2 Require air quality impact analysis for major new developments which could adversely impact the air quality levels in the vicinity.
 - 1.1.3 Work with other agencies to educate the public about air quality impacts.
 - 1.1.4 Work with other agencies to monitor air quality within the planning area.
- Policy 2.1 Encourage a reduction in noise impacts associated with human activity
 - 1.2.1 Require new developments which could generate substantial levels of noise or could expose people to substantial levels of noise from existing noise generators to submit an analysis of potential noise impacts and propose mitigation.
 - 1.2.2 Maintain the noise ordinance to address various noise sources and require mitigation of noise impacts if they are sufficient to cause environmental health problems or will exceed recognized health standards.
- Policy 1.6 Encourage the efficient use of energy as a means of practicing environmental stewardship.

The proposed zoning code update will establish performance standards that will meet the goals of the Environment Element, consistent with the policies above.

Capital Facilities and Public Services Element

- Policy 1.3 Through the inter-local agreement with East Pierce Fire and Rescue, provide and maintain suppression, prevention, education, and medical response, including advanced life support (ALS) response system. Refer to the EPFR capital facilities plan for a complete list of levels of service and planning assumptions.
 - 1.3.1 East Pierce Fire & Rescue shall strive to maintain sufficient personnel and equipment, strategically located such that the first-due response units arrive at fire and emergency medical incidents in urban areas served by staffed fire stations (as characterized by the City of Sumner) within 5 minutes to the 90th percentile.

- 1.3.2 East Pierce Fire & Rescue shall strive to maintain sufficient personnel and equipment, strategically located to provide a minimum acceptable (effective) response force capable of arriving at emergency incidents within 10 minutes to the 90th percentile. "Sufficient personnel" is further defined in the EPFR Capital Facilities Plan.

The proposed zoning code amendment acknowledges the inter-local agreement with East Pierce Fire and Rescue and the need to equip the local fire district with an emergency management plan. As technology improves and best science is made available for battery energy storage, fire-fighting training and response is critical and integral to any emergency management plan.

Conclusion: Sumner's Comprehensive Plan provides a general policy basis for orderly development of necessary utility land uses. The proposed updates to allow Battery Energy Storage Systems as a conditional use in the manufacturing districts remains consistent with the Land Use Element for proper siting and allows for the city to ensure intensive uses like BESS remain located within the manufacturing center and does not adversely impact adjacent land uses. Proposed code amendments will further adopt performance standards that address BESS in terms of screening, noise and aesthetics. These performance standards address the policies of the Environment Element, by regulating new developments which could generate substantial levels of noise to be a conditional use and subject to additional standards. The proposed code amendments further advocate the Capital Facilities and Public Service Element, creating opportunities to strengthen partnerships with the local fire district by requiring BESS proposals to submit an emergency management plan. The proposed changes would also support the development and expansion of utility facilities in Sumner consistent with the Utilities Element and thereby supporting economic development and needs of the community. While this proposal generally advances the City Value of Foresight with new industries, the proposed code change includes a requirement to demonstrate how a proposed BESS facility avoids placing undue burden on the city to manage the distribution of such uses.

IV. SEPA ENVIRONMENTAL REVIEW

A SEPA environmental checklist and analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on September 11, 2024.

V. PUBLIC & AGENCY COMMENTS

No agency comments or public comments were received.

VI. STAFF RECOMMENDATION

Move to recommend approval by the City Council of Ordinance No. 2899 amending the zoning code pertaining to Battery Energy Storage Systems.

VII. EXHIBITS

- A. Draft Ordinance No. 2899

DRAFT
ORDINANCE NO. 2899
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE ZONING CODE PERTAINING TO BATTERY ENERGY STORAGE SYSTEMS INCLUDING DEFINITIONS AND LAND USE REQUIREMENTS AND AMENDING CHAPTERS: 18.04 DEFINITIONS; 18.18 MANUFACTURING DISTRICTS; AND SECTIONS: 18.04.0162; 18.04.1070; 18.18.020; 18.18.060 AND ADDING A NEW SECTION 18.04.0163 “BATTERY ENERGY STORAGE SYSTEMS (BESS).”

WHEREAS, technological progress and innovation have fueled a surge in the development of battery storage facilities, widely known as BESS (Battery Energy Storage Systems), marking a significant leap forward in renewable energy storage solutions; and

WHEREAS, BESS can offer benefits compared to other energy storage solutions, such as improved efficiency and adaptability, quicker reaction times for energizing equipment or devices, and overall reduced expenses; and

WHEREAS, the intent of the City, by making these modifications is to ensure that this new technology is clearly defined and allowed in the municipal code, and that all large, grid-scale, BESS facilities are processed through a Conditional Use Permit to better address potential impacts to the surrounding area, including the heightened risk of fire and environmental contamination, and to provide a flexible process for permitting facilities improvements as technology changes or operational needs change.

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

Section 1. Amended Section. Sumner Municipal Code Section 18.04.0162 is hereby amended as follows:

18.04.0162 Battery ~~storage~~, distribution, and processing business.

“Battery ~~storage~~, distribution, and processing business” means a retail or wholesale business engaged in any one or more of the following activities: importation of prepared batteries from either a foreign or domestic source; repackaging, relabeling, or other cosmetic alteration of batteries; shipping, reselling, or otherwise distributing batteries to retail or wholesale customers; minor additions of fluids to batteries to restore their electrical properties; storage of batteries incidental to on-site retail or wholesale operations, related office activities.

Section 2. New Section. Sumner Municipal Code Section 18.04 Definitions is hereby amended to add a new definition, as follows:

18.04.0163 Battery Energy Storage Systems (BESS)

“Battery energy storage systems” or BESS is a facility consisting of any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems and/or associated electrical equipment, including transmission lines, whether assembled together or

separately, capable of storing at least 200 megawatt hours of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).

Section 3. Amended Section. Sumner Municipal Code Sections 18.04.1065 and 18.04.1070 are hereby amended as follows:

18.04.1065 Utility facility, major.

“Major utility facility” is a facility for providing service to an area including, ~~but not limited to:~~

- A. Telephone exchanges;
- B. Electrical switching substations;
- C. Natural gas gate stations and regulating stations;
- D. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is directly distributed to individual users, but does not include the storage and distribution by truck or rail transport;
- E. Natural gas transmission pipelines;
- F. ~~Sewage Wastewater~~ treatment plant; and
- G. Utility facilities that are not minor utility facilities.

For the purposes of this title, “major utility facility” does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, “Battery Energy Storage Systems,” or uses included in the definition of “public facilities:” or “essential public facilities.”

18.04.1070 Utility facility, minor.

“Minor utility facility” means:

- A. Natural gas distribution lines, not located in a street right-of-way.
- B. Developments within the confines of any electric substation, telephone exchange buildings, reservoir, pump station, well and similar.
- C. Electrical facilities, lines, equipment or appurtenances with an associated voltage of 55,000 volts or less.
- D. Upgrade of existing electrical transmission lines in commercial and industrial districts.
- E. Detention ponds and other similar tracts dedicated to the city.
- F. Wastewater pump or lift stations.

For the purposes of this title, “minor utility facility” does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, or uses included in the definition of “public facilities:” “Battery Energy Storage Systems,” or “essential public facilities.”

Section 4. Amended Section. That Sumner Municipal Code 18.18 “Manufacturing Districts (M-1, M-2),” 18.18.020 “Principal, Administrative, and Conditional Uses,” is hereby amended to read as follows:

“18.18.020 Principal, administrative, and conditional uses.”

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. Where a “CUP” is indicated, the respective use in the same row is

conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where “--” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[...]			
6.	Battery storage , distribution, and processing business	P	P	P
	[...]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP ¹	P	CUP ¹ /P
	[...]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
<u>73.</u>	<u>Battery Energy Storage Systems⁹</u>	<u>CUP¹</u>	<u>CUP¹</u>	<u>CUP¹</u>

¹Prohibited within 1,000 feet of residentially zoned lands.
[...]

⁸See performance standards in SMC 18.18.060(W).

⁹See performance standards in SMC 18.18.060(X).

Section 5. Amended section. That Sumner Municipal Code section 18.18.060 Performance Standards is hereby amended to add new performance standards for Battery Energy Storage Systems, as follows:

18.18.060 Performance Standards.

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

[...]

X. Battery Energy Storage Facilities.

1. The site shall be screened from adjacent properties except those zoned M-2 with at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting.
2. Outdoor lighting shall comply with SMC 18.18.060(D).
3. Fencing shall comply with SMC 18.18.060(S).
4. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.

5. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.
6. An emergency management plan shall be developed for each facility in coordination with the local fire district.
7. Applicants for a proposed facility shall evaluate the overall distribution of other BESS facilities within the county and city, and demonstrate how the proposed facility avoids placing an undue burden on the city over other cities and on any one neighborhood within the city.

Section 6. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 7. Effective date. This ordinance shall take effect five (5) days from the date of publication in the City's official newspaper.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date:

SUBJECT: Ordinance No. 2900 - Multifamily Residential Infill Code Amendment

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Multifamily Residential Infill Staff Report PC Hearing
2. Ordinance No. 2900 Multifamily Residential Infill-Draft-9/25/24

STAFF CONTACT: Scott Waller, Senior Planner

SUMMARY BACKGROUND: 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.

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
-

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Staff recommends that the Planning Commission move to recommend the approval of this draft ordinance No. 2901 for a code amendment (CTA-2024-00) for Multifamily Residential Infill developments.



STAFF REPORT

DATE: October 3, 2024
TO: PLANNING COMMISSION
FROM: Scott Waller, Senior Planner and Larson Consulting
RE: **Zoning Code Text Amendment – Multifamily Residential Infill development regulations Ordinance No. 2900**
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.

HOUSING ELEMENT

Provide a range of housing types for all life stages and economic segments of the Sumner community.

2.1 Strive to meet the City's fair share of housing needs by planning that 25% of the growth population allocation is satisfied through affordable housing.

2.1.1 Develop a housing strategy to implement fair share objectives. It shall include an inventory of affordable housing, an analysis of Sumner's fair share as compared to surrounding cities, and a phased approach to meet the community's fair share housing allocation. Milestone dates and interim objectives shall be established to allow for progress in meeting the overall fair share targets. The housing strategy should be completed by December 2017.

2.2 Plan for an adequate supply of land in appropriate land use designations and zoning categories to accommodate projected household growth.

2.2.1 Through the Comprehensive Plan, Zoning Code, and Subdivision code, and Design Guidelines allow for a variety of housing types and lot configurations including multi-family housing, mixed use development, cluster development, zero-lot line and similar subdivisions, planned unit development, and non-traditional housing forms such as adult family homes.

2.2.2 Allow for a variety of lot sizes in low density residential districts including a percentage of lots larger and smaller than the minimum lot size.

2.3 Encourage a variety of housing available to all economic segments of the community.

2.3.1 Review the Zoning Code, Subdivision Code, Building Codes, and other development-control ordinances to identify and remove excessive, duplicative, or unnecessary regulations. The analysis shall consider in particular lot width, access widths, street improvement standards, parking, common service lines as well as other issues.

2.3.2 Review the City's administrative procedures and streamline the permit process for affordable housing developments.

2.3.3 Consider implementing strategies such as an inclusionary housing program, minimum densities, density bonuses, adaptive re-use, and others to promote affordable housing.

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 has been completed for this proposed amendment under SEPA-2024-0013.

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission move to recommend the approval of this draft ordinance for a code amendment (CTA-2024-0005) for Multifamily Residential Infill developments.

VII. EXHIBITS & REFERENCES

A. DRAFT Zoning Code Text Amendment

EXHIBIT A
DRAFT Zoning Code Text Amendment

DRAFT

**ORDINANCE NO. 2900
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF SMC CHAPTERS 18.04, 18.16, 18.24, 18.26, 18.29 AND 18.30 RELATING TO MULTIFAMILY RESIDENTIAL INFILL DEVELOPMENTS (MRI).

WHEREAS, The Washington State Legislature passed Houser Bill 1040 requiring jurisdiction to allow for Multifamily Residential Infill developments; and

WHEREAS, Sumner’s Municipal Code currently does not address Multifamily Residential Infill developments; and

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

Section 1. New Section. A new section under definitions, 18.04.0722 “Multifamily Dwellings” and 18.04.0723 “Multifamily residential Infill dwellings (MRI)” are hereby added to the Sumner Municipal Code to read as follows:

[...]

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.

[...]

Section 2. Amended Section. An amended section, 18.16.020 “Principle and Conditional uses” is hereby amended in the Sumner Municipal Code to read as follows:

Chapter 18.16 COMMERCIAL DISTRICTS (NC, GC, IC)

18.16.020 Principal and conditional uses.

[...]

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	–
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[...]

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

[...]

18.16.040 Residential uses

[...]

F. 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. e. Transportation concurrency under SMC Chapter 17.28.
 - f. f. SEPA review (Washington State Environmental Policy Act) under SMC Title 16.

[...]

Section 3. Amended Section. An amended section, 18.24.060 “Property development standards in a PDR” is hereby amended in the Sumner Municipal Code to read as follows:

[...]

- 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 SMC18.16.040.F.

[...]

Section 4. Amended Section. An amended section, 18.26.090 “Property development standards” is hereby amended in the Sumner Municipal Code to read as follows:

[...]

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.F., or when MRI development is not proposed but the applicant is seeking a density increase within a PMUD, Tthe 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.F., will be requested or permitted.

[...]

Section 5. Amended Section. An amended section, 18.29 “Town Center Code (TCC)” is hereby amended in the Sumner Municipal Code to read as follows:

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

[...]

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

[...]

18.29.060 Performance standards.

[...]

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:
[...]

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

1. Comply with SMC 18.16.040.F.:

Section 6. Amended Section. An amended sections, 18.30 of “East Sumner Urban Village Overlay District (ESUV)” are hereby amended in the Sumner Municipal Code to read as follows:
18.30.030 Principal and conditional uses.

[...]

23.	Multifamily dwellings, including apartments, subject to density maximums in SMC 18.30.080(B) and locations as applicable in SMC 18.30.040 and provisions in SMC 18.16.040(F) for multifamily residential infill (MRI).	P	P
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[...]

18.30.090 Performance standards.

[...]

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:
[...]

I. Multifamily Residential Infill (MRI) housing proposed in the East Sumner Urban Village District (ESUV) district shall:

1. Comply with SMC 18.16.040.F.:

Section 7. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 8. Effective date. This ordinance shall take effect five (5) days from the date of publication in the City’s official newspaper.

Section 9. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date:

SUBJECT: Ordinance No. 2901 - Permit Review & Timelines Code Amendment

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Permit Review Timelines Staff Report
2. Ordinance No. 2901 Permit Process & Timelines Draft 9/25/24

STAFF CONTACT: Scott Waller, Senior Planner

SUMMARY BACKGROUND: 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.

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
-

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Staff recommends that the Planning Commission move to recommend the approval of this draft ordinance No. 2901 for a code amendment (CTA-2024-0004) for Permit Process and Timeline amendments.



STAFF REPORT

DATE: October 3, 2024
TO: PLANNING COMMISSION
FROM: Scott Waller, Senior Planner and Larson Consulting
RE: **Zoning Code Text Amendment – Ordinance No. 2901 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 has been completed for this proposed amendment under

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission move to recommend the approval of this draft ordinance for a code amendment (CTA-2024-0004) for Permit Process and Timeline amendments.

VII. EXHIBITS & REFERENCES

A. DRAFT Zoning Code Text Amendment

EXHIBIT A
DRAFT Zoning Code Text Amendment

DRAFT

**ORDINANCE NO. 2901
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF SMC CHAPTER 18.04 AND 18.56 RELATING TO PERMIT PROCESS AND TIMELINES.

WHEREAS, The Washington State Legislature passed Houser Bills 1293 and 5290 requiring jurisdiction to implement permit process and permit timelines; and

WHEREAS, Sumner’s Municipal Code currently does not currently meet the required changes under the House Bills; and

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

Section 1. New Section. A new section under definitions, 18.04.0527 “Interior Alterations” and 18.04.0944 “Site Plan” are hereby added to the Sumner Municipal Code and amendments have been made to 18.04.0832 “Project Permit” to read as follows:
[...]

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.
[...]

Section 2. Amended Section. Section 18.56.020 “Land use decision framework” is hereby amended in the Sumner Municipal Code to read as follows:

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~~. Exhibits provided are for reference only, in case of discrepancy, the code text prevails.

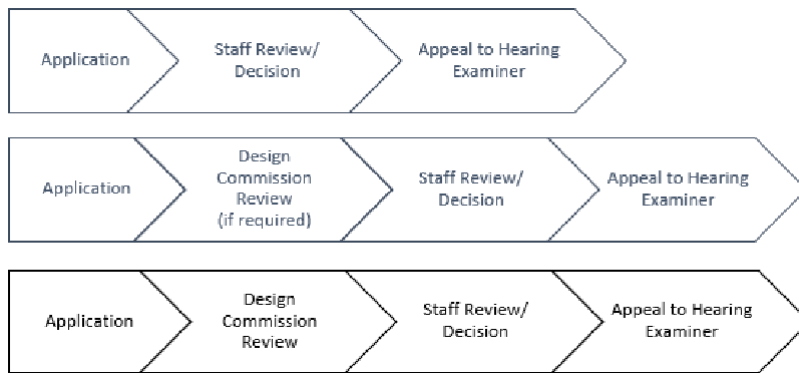
B. Type I decisions are made by the director and are appealable only through the judicial system. They require the exercise of little or no discretion. ~~Refer to Example Type 1 Exhibit 18.56.020B~~flow chart.:



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.:



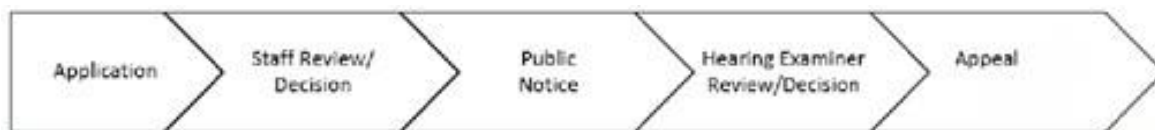
D. Type III decisions are discretionary decisions made by the director with an opportunity for an appeal and open record hearing by the applicant to the hearing examiner. Except for Type III.d decisions, there is no public comment period prior to the decision, and appeals from the hearing examiner’s 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.:



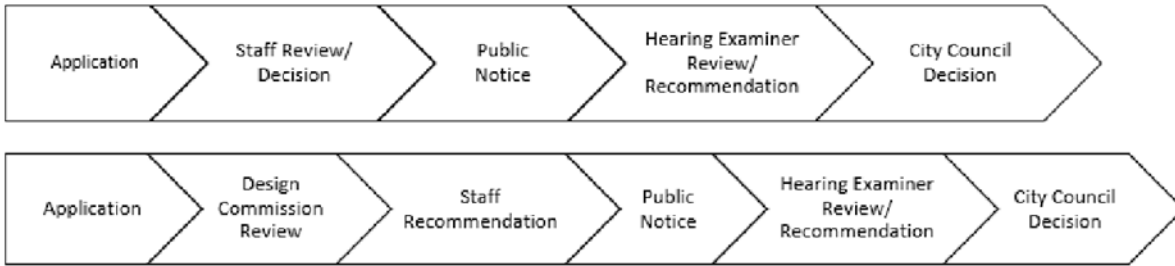
E. Type IV decisions are discretionary decisions made by the hearing examiner following a recommendation from city staff and an open record predecision hearing. No administrative appeal is provided, and any appeal from the hearing examiner's decision shall be made through the judicial system. Refer to 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.

Section 3. Amended Section. Section 18.56.030 “Land use permits required” is hereby amended in the Sumner Municipal Code to read as follows:

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:

[...]

11. Signs

[...]

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:

[...]

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.

Section 4. Amended Section. Section 18.56.040 “Preliminary site plan review” is hereby amended in the Sumner Municipal Code to read as follows:

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.

Section 5. Amended Section. Section 18.56.050 “Land use permit applications” is hereby amended in the Sumner Municipal Code to read as follows:

18.56.050 Land use permit applications.

[...]

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.I.~~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.

Section 6. Amended Section. Section 18.56.140 "Design commission requested review" is hereby amended in the Sumner Municipal Code to read as follows:

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.

[...]

Section 7. Amended Section. Section 18.56.145 “Design commission mandatory review” is hereby amended in the Sumner Municipal Code to read as follows:

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.

[...]

Section 8. Amended Section. Section 18.56.185 “Timing of land use decisions” is hereby amended in the Sumner Municipal Code to read as follows:

18.56.185 Timing of land use decisions.

[...]

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 - 100 (except as otherwise provided in this section for SEPA).

3. Type III decisions - 100

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.

Section 9. Amended Section. Section of exhibits found after 18.56.240 “Timing of requirements for shoreline permits” is hereby amended in the Sumner Municipal Code to read as follows:

18.56.240 Timing requirements for shoreline permits

[...]

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.~~

~~Exhibit 18.56.020B~~

~~Exhibit 18.56.020C~~

~~Exhibit 18.56.020D~~

~~Exhibit 18.56.020E~~

~~Exhibit 18.56.020F~~

~~Exhibit 18.56.020G~~

~~Exhibit 18.56.020H~~

~~Exhibit 18.56.020I~~

~~Exhibit 18.56.020J~~

~~Exhibit 18.56.020K~~

Section 10. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 11. Effective date. This ordinance shall take effect five (5) days from the date of publication in the City's official newspaper.

Section 12. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

Andrea Marquez, City Attorney

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

SUBJECT: Ordinance No. 2902 - Group Homes Code Amendment

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Group Homes Staff Report 092524
 2. Ordinance No. 2902- Group Homes Draft 092524
-

STAFF CONTACT: Chrissanda Walker, Associate Planner

SUMMARY BACKGROUND:

The City of Sumner recently codified an Essential Public Facilities (EPF) code that intends to appropriately condition, mitigate and regulate certain land uses. Group Homes, listed as an Essential Public Facility, includes adult family homes and recovery residences, with less than 8 residents, in a residential dwelling used as a home for unrelated persons seeking medical or psychological treatment, supervision, training or other support services. The proposed Zoning Code Text Amendment would update the way that Group Homes will be regulated and require licensing by the state if licensing is required prior to occupancy. Registration and licensing for recovery residences will have to be consistent with by RCW 41.05.760. The additional registration and licensing requirements are necessary for the safety and security of the residents of Group Homes, and these new requirements will address the operations of the facility such that it has minimal impacts to the surrounding neighborhoods.

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

STAFF RECOMMENDATIONS/MOTION:

Move to recommend approval by the City Council of Ordinance No. 2902 amending the zoning code pertaining to the licensing and registration of Group Homes.

STAFF REPORT

DATE: October 3, 2024
TO: Planning Commission
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendment – Group Homes**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The City of Sumner recently codified an Essential Public Facilities (EPF) code that intends to appropriately condition, mitigate and regulate certain land uses. Group Homes, listed as an Essential Public Facility, includes adult family homes and recovery residences, with less than 8 residents, in a residential dwelling used as a home for unrelated persons seeking medical or psychological treatment, supervision, training or other support services. The proposed Zoning Code Text Amendment would update the way that Group Homes will be regulated and require licensing by the state if licensing is required prior to occupancy. Registration and licensing for recovery residences will have to be consistent with by RCW 41.05.760. The additional registration and licensing requirements are necessary for the safety and security of the residents of Group Homes, and these new requirements will address the operations of the facility such that it has minimal impacts to the surrounding neighborhoods

II. DESCRIPTION OF PROPOSAL

The proposed amendment would update the "Essential Public Facilities" code (Sumner Municipal Code 18.35) by adding a new section, 18.35.030 to read as follows:

- Group Homes as defined in SMC 18.04.0455 shall be licensed by the appropriate state authority as required by state law; and
- Recovery residences shall be registered per RCW 41.05.760.

Proposed amendments to SMC 18.35 are consistent with state legislation and code requirements. The proposal affects both adult-family homes and recovery residences used for the purposes of Group Homes as defined in SMC 18.04.0455.

A. Licensing and Registration

The amendment adds specific requirements for the licensing and registration of Group Homes, consistent with state legislation as referenced below:

RCW 41.05.760

Recovery residences—Registry.

- (1) The authority shall establish and maintain a registry of approved recovery residences. The authority may contract with a nationally recognized recovery residence certification organization based in Washington to establish and maintain the registry.
- (2) The authority or the contracted entity described in subsection (1) of this section shall determine that a recovery residence is approved for inclusion in the registry if the recovery residence has been certified by a nationally recognized recovery residence certification organization based in Washington that is approved by the authority or if the recovery residence is a chapter of a national recovery residence organization with peer-run homes that is approved by the authority as meeting the following standards in its certification process:
 - (a) Peers are required to be involved in the governance of the recovery residence;
 - (b) Recovery support is integrated into the daily activities;
 - (c) The recovery residence must be maintained as a home-like environment that promotes healthy

- recovery;
 - (d) Resident activities are promoted within the recovery residence and in the community through work, education, community engagement, or other activities; and
 - (e) The recovery residence maintains an environment free from alcohol and illicit drugs.
- (3) Nothing in this section requires that a recovery residence become certified by the certifying organization approved by the authority in subsection (2) of this section or be included in the registry, unless the recovery residence decides to participate in the recovery residence program activities established in this chapter.
- (4) For the purposes of this section, "recovery residence" means a home-like environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support.

III. ANALYSIS

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

A. State Legislation.

The amendment follows the recent state requirements for EPF allowance and state law requiring certified service providers, licensed and registered with the correct agency.

The amendment updates Sumner Municipal Code (SMC) regulations to be consistent with State requirements for Group Homes, as defined in in SMC 18.04.0455.

B. Group Homes.

Group Homes are now defined under the Zoning Code in SMC 18.04.0455 and are specified as a land use type under EPF code section SMC 18.35. While Group Homes are considered an essential public facility, they are exempt from siting criteria.

State law and case law require that group homes be treated like similar residential structures in similar zones, and prohibit limits on the number of unrelated persons that occupy a household. To address these laws, the recently adopted EPF ordinance increased occupancy limits for group homes. Occupancy limits are consistent with the Fair Housing Act, Washington Building Code and other laws.

The proposal does not conflict with state or case law by requiring licensing and registration regulations.

C. Sumner Comprehensive Plan

Sumner's Comprehensive Plan has general policies related to Land Use, Governance Sub-element, Family and Human Services and Housing element that support this proposal:

Land Use Element. *The proposal requires facilities to meet the development standards of the underlying zone and other standards, which is consistent with the following:*

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

Policy 1.1 Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.

Governance Sub-Element. *The proposal adopts clear regulations for Group Homes, consistent with the following policy:*

Policy 5.3 Adopt regulations that are clear, concise, and enforceable and periodically review regulations for improvement.

Family and Human Services. *The Comprehensive Plan contains policies related to providing support services in support of Group Homes, including the following:*

Goal 2. "Support human service programs that focus on prevention, education, and families."

Policy 2.1 Provide human services that directly relate to other City services and programs and facilitate the delivery of services with emphasis on families, prevention and education.

Goal 3. "Support programs and services for intervention and treatment."

Policy 3.1 Support efforts to provide access and to educate the public about counseling services, domestic violence, suicide, elder care issues, and other resources.

Housing Element. *The proposal accommodates for in-patient/residential Group Home facilities, which are a small but important component of housing in Sumner. The proposal is consistent with:*

Policy 2.5 Promote fair and equal access to housing for all persons in accordance with state law.

Conclusion: The proposal is consistent with the intent and vision of the City's Comprehensive Plan in that it furthers the goals and policies related to regulating Group Homes to ensure safe and secure housing and human service support. Further, the amendment helps protect the city from unlicensed facilities and provides for the regulatory framework for licensing. The proposed ordinance allows for Group Homes and Adult Family Homes, and recovery residences to operate and be consistent with State law and case law and furthers the safety of residents of group homes and minimizes impacts to surrounding neighborhoods.

IV. SEPA ENVIRONMENTAL REVIEW

Amendments to the Zoning Code are required to be reviewed through the State Environmental Policy Act (SEPA). SEPA analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on September 11, 2024.

V. PUBLIC & AGENCY COMMENTS

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

VI. STAFF RECOMMENDATION

Move to recommend approval by the City Council of Ordinance No. 2902 amending the zoning code pertaining to the licensing and registration of Group Homes.

VII. EXHIBITS

A. Draft Ordinance No. 2902

DRAFT

ORDINANCE NO. 2902
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF SMC CHAPTER 18.35 ESSENTIAL PUBLIC FACILITIES AND BEHAVIORAL HEALTH FACILITIES: 18.35.010.

WHEREAS, The City recently codified an Essential Public Facilities code that was intended to appropriately condition, mitigate and regulate certain land uses; and

WHEREAS, “Group Homes” including adult family homes and recovery residences are a residential dwelling used as a home for unrelated persons whom medical or psychological treatment, supervision, training or other support services are provided; and

WHEREAS, Group homes are required, are required to be “licensed by the appropriate state authority” prior to occupancy; and

WHEREAS, recovery residences shall be registered on the state registry per RCW 41.05.760.

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

Section 1. New Section. A new section, 18.35.030 “Registration and Licensing Requirements for a Group Home” is hereby added to the Sumner Municipal Code to read as follows:

18.35.030 Registration and Licensing Requirements for a Group Home.

It is a condition of occupancy for Group Homes, as defined in SMC 18.04.0455, that the provider of the housing has obtained the correct license from the appropriate state authority, if the State of Washington requires licensing for the type of facility. In addition, recovery residences, as defined in SMC18.04.0851, shall be listed on the registry of approved recovery residences maintained by the state Health Care Authority pursuant to RCW 41.05.760.

Section 2. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 3. Effective date. This ordinance shall take effect five (5) days from the date of publication in the City’s official newspaper.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance,

including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date: