CITY OF SUMNER WASHINGTON

PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
SEPTEMBER 16, 2021 6:00 PM

Members:

Staff Liaison:

CALL TO ORDER

Agenda 09-16-21

ROLL CALL

Bowman, Elfers, Isaacs, Locke, Suznevich

APPROVAL OF MINUTES

1. Minutes from July 2021

Public Comment

The public may comment on topics that are not on the meeting agenda.
Due to the COVID-19 pandemic, public comment will be accepted only via email or call-in to the meeting. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm the day prior to the meeting. Your comments will be read into the record and limited to 3 minutes each.

NEW BUSINESS

1. Interchange Commercial Regulations - Public Hearing
2. Emergency Housing Regulations - Public Hearing

OLD BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

SUMNER PLANNING COMMISSION MEETING

AGENDA – REGULAR MEETING

September 16, 2021 6:00 p.m.

Governor Inslee recently issued the "Washington Ready" guidelines, effectively re-opening the State of Washington and removing Covid-19 restrictions. The City of Sumner looks forward to welcoming members of the public, but until further notice will continue to conduct its meetings 100% virtually, using the ZOOM platform. The public is invited to attend using the ZOOM meeting access information below.

Planning Commissioners
Carla Bowman
Andy Elfers, Vice Chair
Mark Isaacs
Kelly Locke
Sam Suznevich

Staff Members
Ryan Windish, CD Director
Ann Siegenthaler, Associate Planner

Cc:
Mayor Pugh
City Administrator
City Council

1. **Call to Order** - - - - -
2. **Roll Call Planning Commission:** Bowman, Elfers, Isaacs, Locke, Suznevich - - - - -
3. **Approval of Minutes –** Minutes from July 2021 Action
4. **Public Comment** - - - - -
   The public may comment on topics that are not on the meeting agenda. *NOTE: Due to the COVID-19 pandemic, public comment will be accepted only via email or call-in to the meeting. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm on the day before the meeting. Your comments will be read into the record and limited to 3 minutes each.*
5. **New Business**
   a. Interchange Commercial Regulations – Public Hearing - - - - -
   b. Interchange Commercial Regulations - Recommendations Action
   c. Emergency Housing Regulations – Public Hearing - - - - -
   d. Emergency Housing Regulations - Recommendations Action
6. **Old Business** - - - - -
   n/a
7. **Commission Comments**
8. **Staff Comments**
9. **Adjournment** - - - - -
   Action

Planning Commissioners and the public can join this meeting remotely by clicking on the link below or calling into the appropriate phone numbers. Staff will be managing the meeting's audio and visual controls.

Join Zoom Meeting:
https://sumnerwa-gov.zoom.us/j/7439702158
Meeting ID: 743 970 2158 Or call in by phone: 253-215-8782 (Tacoma)

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

Phone in from other locations:	
+1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston)	+1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York)

SUMNER PLANNING COMMISSION
Regular Meeting

Thursday, July 8, 2021
6:00 p.m.

MEETING MINUTES

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S "ROADMAP TO RECOVERY" ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:02 p.m. by Vice Chair Elfers.

ROLL CALL

Commissioners Present: Bowman, Butterfield, Elfers, Issacs, Suznevich.
Absences Excused: Mintz, Locke.

APPROVAL OF MINUTES

Commissioner Suznevich motioned to approve the meeting minutes as presented for June 3rd, 2021, seconded by Commissioner Butterfield. All were in favor.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

a. Updating regulations to transfer authority from Community Development Director to Development Services Director - Public Hearing: Discussion

Staff presentation: Community Development director Ryan Windish describes the draft ordinance on the transfer of authority over approval of development services permit applications, from Community Development director to Development Services director. Those permit applications that require Director decision include design review, short plat and subdivision approvals, among others like business licenses will transfer to Development Services director, keeping certain type of approvals under the same department. Community Development director will maintain authority as SEPA official and retain approval authority within the purview of long-range planning and EIS review and maintain director responsibility with economic development as well as community development of the parks, cemetery, and community events. The draft ordinance for these proposed changes were presented before the commission for recommendation.

Commissioners raised questions about how this change in authority approval benefit the applicants and will this process change reduce permit turnaround. Vice Chair asked about the success in any of the processes since the department changed.

Staff provided information on the changes implemented since the formation of the development services department, to include a new online permit tracking system and hiring on a new fire inspector

and plans examiner. A lean analysis determined the city' growth opportunities in the permit process and this change in authority over development services function allows for more efficiency.

Public Hearing closed at 6:19 pm

b. Recommendations on proposed code updates – Action

The draft ordinance on the proposed code changes to reflect director authority over development permit approval was discussed. Commissioners raised questions about the transfer of authority and the impact on applicants in the permit process. An overview of the changes within the Development Services department and new online permit system was presented.

Brief discussion ensued

Commissioner Butterfield made a motion to recommend to city council the approval of updating the code to transfer authority from Community Development Director to Development Services Director as presented, seconded by Commissioner Issacs. All were in favor.

OLD BUSINESS

a. Housing Action Plan – Prioritization of strategies: Discussion

Community Development Director Windish shared that in May, Council adopted the Housing Action plan to promote and encourage affordable housing in Sumner. As a condition of approval, Council has asked to have the Planning Commission revisit the list of strategies to provide a recommendation on the list of prioritized actions. Thirteen (13) Actions were proposed in the Housing Acton plan, and staff presented the list of Housing action priorities to the planning commission based on the following Tiers: High priority, Moderate, and Low priority.

Commissioner Bowman, questioning why maintaining drug free housing and property maintenance and incentive program, would be categorized as low priority. Raised questions about how the city will implement these actions over the timelines presented.

Commissioner Suznevich asked how these efforts makes it into the day-to-day workings with the city staff. What actions would differ between high priority and moderate priorities. How often will this be looked at and adjusted.

Staff explained that a recommendation from the planning commission can state that these priorities are looked at every other year or in alignment with the comprehensive plan update. These actions and efforts will fall under the authority of the Community Development director. Example of implementation efforts include future amendments to SEPA regulations and ordinance changes to the multi-family tax emption.

Discussion ensued

Commissioner Elfers asked about HB 1406 sales tax credit and incentives for larger development and how to balance out those housing tax dollars.

Mr. Windish responded to commissioner questions and shared information on how sales tax credit can support these housing action plans though several options.

Brief discussion ensued.

b. Recommendations on Housing Action Plan priorities– Action

Commissioner Suznevich recommend to approve the list of Housing Action Priorities as presented for the Housing Action plan in addition to modifying the priority of the property maintenance incentive program and move it to Tier 2, seconded by Commissioner Bowman. All were in favor; motion passed.

COMMISSION COMMENTS

Commissioner Elfers shared comments about his housing changes in Sumner.

STAFF COMMENTS

Director Windish thanks the planning commission on their deliberation on the action items. Staff provides an update on the Community Development department projects. Comments on the growing food truck interest in the community and summer events with the Arts Commission like the calk art festival, and night markets.

Staff shared the permit activity that keeps development services department busy, with design review progress on the old Red Apple Ste, potential multi-use proposals in East Sumner and the Windmill site. Updates on the 7-11 proposal on the corner of Main and Valley. Community Development directors also shared that the vacant site may be approved for temporary food truck parking. New business coming is Nordstrom proposing to move into 500,000 sq ft warehouse

Commissioner Suznevich raised a project follow up question on the Traffic Ave, asking what the city has decided to do at the NW corner. Staff will connect the city engineering on this project with the commissioner.

Commissioner Elfers asked about future planning commission meetings and in person meetings.

Staff clarifies that meetings will remain on zoom and remote until September and when the city is able to implement future hybrid meetings. Discussion on the upcoming planning commission meetings and ordinance topics discussed.

ADJOURNMENT

Commission Suznevich moved to adjourn the meeting, seconded by Commissioner Butterfield. Meeting adjourned at 7:01 P.M.

Minutes Submitted by: Chrissanda Walker

DRAFT

CITY OF SUMNER WASHINGTON

PLANNING COMMISSION MEETING
DATE: September 16, 2021
AGENDA BILL: 21-1456

SUBJECT: Interchange Commercial Regulations - Public Hearing **CATEGORY:** Public Hearings

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Interchange Comm Code Staff Report-090121
2. Exhibit A-Interchange Commercial Changes Summary-073021
3. Exhibit B-Interchange Commercial Ordinance-Draft 073021

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:
The proposal is for an update to the Zoning Code to allow: 1) limited automotive collision services in the Interchange Commercial and Industrial zones; and 2) boat sales as an outright permitted use in the IC zone. This includes updating allowed use tables, updating related definitions, and adding performance standards for collision services. No project is proposed at this time.

The Planning Commission reviewed this proposal at a study session on August 19, 2021. This meeting will include a public hearing to take public comments on the proposal.

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

STAFF RECOMMENDATIONS/MOTION:
Forward recommendations to City Council

CITY OF SUMNER WASHINGTON

STAFF REPORT

DATE: September 1, 2021
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Associate Planner
RE: **Zoning Code Text Amendment - Interchange Commercial Zone Public Hearing**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPSOSED

The Planning Commission reviewed this proposal at a study session on August 19, 2021. The upcoming Commission meeting will include a public hearing to take public comments on the proposal, followed by discussion and recommendations.

In June 2021, the City received a request from a property owner in the Interchange Commercial (IC) zone to update the zoning code to allow: 1) auto collision services and 2) boat sales as permitted uses. These uses are not permitted outright in the IC Zone. Auto collision services are prohibited and boat sales are considered heavy equipment sales and require a conditional use permit. In many instances these uses are comparable to, and can be compatible with other uses currently allowed in the zone, particularly if subject to performance standards to address potential impacts.

II. DESCRIPTION OF PROPOSAL

The goal of this update is to expand opportunities for businesses that may be compatible with other uses in the IC zone, while minimizing associated impacts on surrounding properties. There are two areas of proposed code changes: adding boat sales and auto collision services as outright permitted uses. Staff recommends updating the regulations to permit these uses, and adding performance standards to address potential impacts.

A. BOAT SALES

"Boat sales and repair" is currently included with heavy equipment sales, which is only allowed as a conditional use. Heavy equipment includes equipment like cranes and large excavation machinery. While *repair* of large boats could have negative impacts, *sales* of boats could be compatible with surrounding commercial uses. It would be similar to sales of recreational vehicles (e.g. Poulsbo RV) and sales of large commercial trucks (e.g. Peterbilt) which are currently allowed. Staff proposes allowing boat sales but not boat repair, given the potentially greater impacts. In order to support boat sales as an outright permitted use, staff proposes separating it out from heavy equipment sales. Updates to definitions are proposed to distinguish boat sales from other types of uses.

B. AUTO COLLISION SERVICES

Auto body repair/collision services (defined as "vehicle repair major") is prohibited in the IC zone. This is a use allowed only in industrial zones due to the impacts of noise, odors, etc. However, collision services for passenger vehicles only, if conducted indoors, could have minimal impacts on neighboring properties. In other cities, collision centers are often located in commercial zones, service only passenger vehicles, and work is conducted indoors with few external impacts. With performance standards that require indoor repair work only and that require screening of outdoor storage of vehicles in disrepair, a collision center can be compatible with other commercial uses in the IC zone. Staff is proposing to create an "automotive collision center" use that would be allowed outright in Interchange Commercial, but not for collision work on heavy duty commercial trucks, boats or heavy equipment. This use would also be added to allowed uses in industrial zones. Staff proposes updating definitions to distinguish different types of collision services.

Attached in Exhibit A is a table summarizing the proposed amendments. The draft ordinance is presented in Exhibit B, attached.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below. Further, the proposal is consistent with the purpose of the IC zone in SMC 18.16.010: *"The IC district is intended to provide for retailing and other commercial services that are easily accessible from the freeway, yet are not located near residential districts. Such commercial developments primarily rely on the automobile as their principal source of access."*

LAND USE ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for establishing land uses in appropriate areas. Goals to minimize incompatibility between land use types while allowing for a mix of land uses would be met. Further, the proposal is consistent with the following specific policies:

1.1 Ensure... 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.

1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.

ECONOMIC DEVELOPMENT ELEMENT

The proposal is consistent with the overall intent of the Economic Development Element as it would support a variety of businesses that may benefit from proximity to a freeway interchange, while minimizing impacts on adjacent businesses. Further, the proposal is consistent with the following specific policies:

1.0 Seek and maintain a strong and diverse economy with a variety of different types and sizes of business, industry and employment.

1.1 Provide adequate land for different kinds of businesses and development to support this element.

COMMUNITY CHARACTER ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for maintaining community character. Goals to minimize incompatibility between land use types while allowing a range of land uses would be met. Further, the proposal is consistent with the following specific policies:

1.2 Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.

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.

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would promote the economic vitality and prosperity of Sumner. It is also consistent with the purpose of the IC zone. The amendment would allow a wider range of businesses to locate in the Interchange Commercial zone, and bring additional commercial opportunities to Sumner. At the same time, the proposed amendment includes performance standards to minimize impacts to the streetscape, public ways and surrounding properties, thereby maintaining community character, and protecting the public safety and welfare.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on August 10 2021.

V. PUBLIC & AGENCY COMMENT

No public or agency comments have been received since the publication of this report.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation is pending the public hearing.

VIII. EXHIBITS

A. Table summarizing amendments
B. Draft ordinance for adopting changes

EXISTING CODE & PROPOSED CHANGES	NOTES ON CHANGES
18.04.0135 Automotive sales. "Automotive sales" means a retail sales and service use in which automobiles and small motorized vehicles, ~~including~~ such as cars, light duty trucks up to 14,000 pounds gross vehicle weight rating, similar passenger vehicles, ~~and~~ motorcycles, and ATVs, snowmobiles, and similar small passenger vehicles are leased or sold. This does not include heavy duty commercial trucks, buses, boats, or recreational vehicles. **18.04.0710 Motorized vehicle sales.** "Motorized vehicle sales" means a retail sales and service use in which motorized vehicles, such as buses, recreational vehicles, ~~or~~ travel trailers, and boats, are leased or sold. **18.04.0486 Heavy equipment ~~and/or boat~~ sales.** "Heavy equipment ~~and/or boat~~ sales" means a retail sales and service use in which equipment, including, but not necessarily limited to, construction and farm tractors, excavating machinery, and machinery for mining and similar uses, ~~and boats~~ are rented or sold. **TABLE 18.16.20 allowed uses:** • "Automotive sales and motorized vehicle sales," = P in IC & GC • Heavy equipment ~~and/or boat~~ repair, accessory to a permitted use[9] = P • Heavy equipment ~~and/or boat~~ sales = CUP • Truck sales with 10,000 sq.ft. associated professional offices = P	a. To allow **collision services for passenger cars** only, need to better define passenger cars/trucks as distinct from heavy equipment and large vehicles. b. To distinguish different types of vehicles, staff proposes updates to definitions of **motorized vehicle sales**, and **automotive sales**. c. A weight limit is added to further distinguish between passenger vehicles (note that many newer passenger trucks are at 14,000 pounds and commercial trucks exceed that). d. Remove **boats** from heavy equipment definition; place boats under "motorized vehicles sales" so that boat sales can be outright permitted. This will expand the uses allowed in the IC zone. e. **Table listing allowed uses:** • Both automotive sales and motorized vehicle sales (which will now include boats) would be allowed outright in the IC zone.
18.04.0140 Automotive repair. See Vehicle repair, automotive collision," "Vehicle repair, minor" and "Vehicle repair, major." **18.04.1095 Vehicle repair, minor.** "Minor vehicle repair" means an automotive sales or motorized vehicle ~~retail~~ sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles ~~of 10,000 pounds or less gross vehicle weight~~; but not including any operation included in the definition of "major vehicle repair." **18.04.1090 Vehicle repair, major.** "Major vehicle repair" means a~~n automotive retail sales and service~~ use in which one or more of the following activities are carried out: A. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ~~10,000~~ 14,000 pounds gross vehicle weight rating; B. Collision services, including body, frame or fender straightening or repair; C. Overall painting of vehicles ~~or~~ including painting ~~of vehicles~~ in a paint shop; or D. Dismantling of motorized vehicles in an enclosed structure.	f. **Minor vehicle repair** currently includes incidental service for both automobiles and recreational vehicles (e.g. dealerships). g. Remove vehicle weight from definition because many RV's being serviced are larger. h. Revise definition to clarify that **major vehicle repair/collision** does not need to be (and is usually not) associated with sales. Update vehicle weight.
18.04.1092 Vehicle repair, automotive collision. "Automotive collision repair" means a use in which one or more of the following activities are carried out on passenger vehicles and similar small vehicles listed under automotive sales at SMC **18.04.0135,** but not on boats, recreational vehicles or heavy equipment: A. Reconditioning; or B. Collision services, including body, frame or fender straightening or repair; or C. Overall painting of vehicles, including painting in a paint shop; or D. Dismantling of vehicles. **Table 16.18.020 allowed uses:** • Vehicle repair, automotive collision = P • Vehicle repair, minor = Already allowed outright in IC • Vehicle repair, major = Not allowed, No change	i. Add new definition for **automotive collision work on passenger cars/trucks.** j. Continue the current prohibition on collision repair for semi-trucks, boats and heavy equipment. Such repair brings more noise, odors, aesthetic impacts, and also impacts of traffic and large tow trucks. Screening may not be adequate for storing tall vehicles and equipment. k. Boat repair of any kind is currently not allowed as "minor vehicle repair" and also would not be allowed as "vehicle repair, automotive collision." Would be considered major vehicle repair and only allowed in industrial zones. l. **Table listing allowed uses:** • Allow passenger vehicle collision repair as outright permitted use in Interchange Commercial if performance standards are met (see section below).

18.16.080 Commercial districts – Performance standards. **W. Vehicle repair, automotive collision.** 1) All reconditioning, body work, painting, dismantling and similar repair shall be conducted indoors. No outdoor storage of vehicles in disrepair is allowed, except temporary staging of a reasonable duration while awaiting repair. 2) Outdoor staging of vehicles awaiting repair is allowed, provided staging area does not exceed two hundred percent of indoor repair floor area or one acre, whichever is less; and provided staging area is screened in accordance with subsection 4) of this section. 3) Outdoor staging shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor staging is allowed between a building and a side street lot line; 4) Outdoor staging areas shall be screened from view of adjacent commercial properties, public right-of-way and public bicycle or pedestrian paths. a) Such screening may be accomplished by blocking sight lines with building walls, tall opaque fencing, or similar tall structures; or providing a landscape buffer as described herein; or a combination of these methods. b) Landscape buffers shall be a minimum of 10 feet wide, shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper at time of planting. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub shall be planted, that reaches a mature size of 3 feet tall. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. 5) The director may modify the requirements for screening, spacing, number and size of plantings, and berms upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.	m. Add **performance standards** for collision centers to require repair work indoors only and screening for outdoor vehicle staging areas. • A 10 foot wide landscape strip is the minimum practical to accommodate a berm and mature evergreen trees. This is what's required in the Sumner design guidelines, but is less than the 15 to 20 foot required setbacks in IC zone. • All screening requirements may be modified by the director, depending on site characteristics and visibility.
MANUFACTURING ZONES **Table 18.18.020 allowed uses:** • Vehicle repair, major = P all zones, No change • Vehicle repair, automotive collision = P	n. Collision centers (aka "vehicle repair major") are already allowed in manufacturing zones. It follows that regular passenger vehicle-type collision centers should also be allowed. o. Staff proposes adding a permitted use for regular automotive collision service. In industrial zones, performance standards are deemed unnecessary.

ORDINANCE NO. XXXX

CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTION, UPDATING ZONING CODE REGULATIONS FOR THE INTERCHANGE COMMERCIAL ZONE CHAPTER 18.16 AND INDUSTRIAL ZONES CHAPTER 18.18; AND AMENDING CHAPTER 18.04 DEFINITIONS.

WHEREAS, the Sumner Municipal Code allows uses in the Interchange Commercial zone that are more intensive than those in other commercial zones, and that are suitable for locations visible and accessible from the freeway; and

WHEREAS, boat sales is not a use permitted outright in the Interchange Commercial zone but is comparable to, and compatible with, other motorized vehicle sales that are currently allowed in the zone; and

WHEREAS, automotive collision services is not a use permitted outright but, with appropriate performance standards, would be compatible with other Interchange Commercial uses; and with other uses allowed in industrial zones; and

WHEREAS, the Sumner Municipal Code contains performance standards for various uses in all zones, to reduce potential impacts from certain uses, to maintain the city's community character and visual quality and to protect public health and safety; and

WHEREAS, in order to allow a broader range of opportunities for commercial uses to locate and operate in the Interchange Commercial zone, Light Industrial zone and Heavy Industrial zone, it is necessary to amend the Zoning Code;

WHEREAS, the Planning Commission held a duly-advertised public hearing on (date XX) on the proposed amendments, followed by a study session on (date)XX; and

WHEREAS, on (date) XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed allowable use updates to the Zoning Code as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on____(date); and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Zoning Code amendments;

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

Section 1. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0135 is hereby amended to read as follows:

18.04.0135 Automotive sales. "Automotive sales" means a retail sales and service use in which automobiles and small motorized vehicles, ~~including~~ such as cars, light duty trucks up to 14,000 pounds gross vehicle weight rating, similar passenger vehicles, ~~and~~ motorcycles, and ATVs, snowmobiles, and similar small passenger vehicles are leased or sold. This does not include heavy duty commercial trucks, buses, boats, or recreational vehicles.

Section 2. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0710 is hereby amended to read as follows:

18.04.0710 Motorized vehicle sales.
"Motorized vehicle sales" means a retail sales and service use in which motorized vehicles, such as buses, recreational vehicles, ~~or~~ travel trailers, and boats, are leased or sold.

Section 3. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0486 is hereby amended to read as follows:

18.04.0486 Heavy equipment ~~and/or boat~~ sales.
"Heavy equipment ~~and/or boat~~ sales" means a retail sales and service use in which equipment, including, but not necessarily limited to, construction and farm tractors, excavating machinery, and machinery for mining and similar uses, ~~and boats~~ are rented or sold.

Section 4. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0140 is hereby amended to read as follows:

18.04.0140 Automotive repair. See Vehicle repair, automotive collision," "Vehicle repair, minor" and "Vehicle repair, major."

Section 5. That Sumner Municipal Code Chapter 18.04, Definitions, is hereby amended to add a new definition as follows:

18.04.1092 Vehicle repair, automotive collision. "Automotive collision repair" means a use in which one or more of the following activities are carried out on passenger vehicles and similar small vehicles listed under automotive sales at SMC 18.04.0135, but not on boats, recreational vehicles or heavy equipment:
A. Reconditioning; or
B. Collision services, including body, frame or fender straightening or repair; or
C. Painting of vehicles including painting in a paint shop; or
D. Dismantling of vehicles.

Section 6. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.1095 is hereby amended to read as follows:

18.04.1095 Vehicle repair, minor.
"Minor vehicle repair" means an automotive sales or motorized vehicle ~~retail~~ sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles ~~of 10,000 pounds or less gross vehicle weight~~; but not including any operation included in the definition of "major vehicle repair."

Section 7. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.1090 is hereby amended to read as follows:

18.04.1090 Vehicle repair, major.
"Major vehicle repair" means a~~n automotive retail sales and service~~ use in which one or more of the following activities are carried out:
A. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ~~10,000~~ 14,000 pounds gross vehicle weight rating;
B. Collision services, including body, frame or fender straightening or repair;
C. ~~Overall painting~~ Painting of vehicles ~~or~~ including painting ~~of vehicles~~ in a paint shop; or
D. Dismantling of motorized vehicles in an enclosed structure.

Section 8. That Sumner Municipal Code Section 18.16.080, Performance standards, is hereby amended to add a new subsection as follows:

W. Vehicle repair, automotive collision.
1) All reconditioning, body work, painting, dismantling and similar repair shall be conducted indoors. No outdoor storage of vehicles in disrepair is allowed, except temporary staging of a reasonable duration while awaiting repair.
2) Outdoor staging of vehicles awaiting repair is allowed, provided staging area does not exceed two hundred percent of indoor repair floor area or one acre, whichever is less; and provided staging area is screened in accordance with subsection 4) of this section.
3) Outdoor staging shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor staging is allowed between a building and a side street lot line;
4) Outdoor staging areas shall be screened from view of adjacent commercial properties, public right-of-way and public bicycle or pedestrian paths.
a) Such screening may be accomplished by blocking sight lines with building walls, tall opaque fencing, or similar tall structures; or providing a landscape buffer as described herein; or a combination of these methods.
b) Landscape buffers shall be a minimum of 10 feet wide, shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper at time of planting. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub shall be planted, that reaches a mature size of 3 feet tall. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting.

5) The director may modify the requirements for screening, spacing, number and size of plantings, and berms upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.

Section 9. That SMC Section 16.18.0620, Principal and Conditional uses, is hereby amended to read as follows:

"**18.16.020 Principal and conditional uses.**
The following table details permitted and conditionally permitted uses in the commercial districts. Where a "P" is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a "CUP" is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses."

		NC	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	P	P
3.	Artist's studio and workshop having a retail component comprising at least 15% of the total floor area	P[1]	P	P
4.	Automotive sales and motorized vehicle sales	–	P	P[9]
5.	Banks, business and professional offices and drive-up banking	CUP	P	P
6.	Business and consumer services, including advertising, property management, and consulting services[9]	P	P	P
7.	Car wash[9]	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC		
9.	Cemeteries	–	CUP	CUP
10.	Churches	P	P	P
11.	Contractor business[6]	–	–	P
12.	Convenience store[9]	CUP	P	P
13.	Dancehalls	–	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080[9]	–	P	P
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080	CUP	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P

		NC	GC	IC
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales[9]	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club[9]	P[7]	P	P
21.	Heavy equipment ~~and/or boat~~ repair, accessory to a permitted use[9]	–	–	P
22.	Heavy equipment ~~and/or boat~~ sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes[9]	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
27.	Major utility facility	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	P
29.	Medical and dental services[9]	P	P	P
30.	Miniwarehouses	–	–	–
31.	Existing miniwarehouses[12]	–	P	P
32.	Minor utility facility	P	P	P
33.	Motels[9]	CUP	P	P
34.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040	P	P	–
35.	Outdoor storage	–	–	–
36.	Public parks and public recreation facilities	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas, photographic studios, tailor-dressmaking shops[9]	P	P	P
38.a.	Performing and cultural uses, minor	CUP	P	P

		NC	GC	IC
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P
39.	Public facilities	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	–
41.	Private off-street parking lots, paid	–	–	–
42.	Public off-street parking lots	P	P	–
43.	Public off-street parking lots, paid	–	–	–
44.	Public garage	–	CUP	CUP
45.	Recycling collection station	–	P	P
46.	Restaurants[9]	P	P	P
47.	Retail business[9]	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP
48.b.	Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area	CUP	P	P
49.	Storage/warehouse and distribution facilities	–	–	–
50.	Streets	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	–	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
53.	Truck-related retail and services[9]	–	–	P
54.	Truck stops	–	–	–
55.	Truck terminals	–	–	–
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field[9]	–	CUP	P
57.	Utility yard	CUP	CUP	–
58.a.	Vehicle repair, minor[9]	–	P	P
58.b.	Vehicle repair, automotive collision[10]	--	--	P
59.	Veterinary clinics, excluding outdoor boarding kennels[9]	–	P	P
60.	Vocational or fine arts school; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Car rental agency	–	P	P

		NC	GC	IC
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	P
65.	Truck sales with 10,000 square feet associated professional offices	–	–	P

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

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

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

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

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

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

Section 10. That Sumner Municipal Code section 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

		M-1	M-2	MICO (M-1/M-2)
2.	Adult entertainment businesses, subject to chapter 18.38 SMC	P	P	P
3.	Agricultural activities, including mitigation banks	P	P	P
4.	Air separation facilities	--	P	CUP/P
5.	Auction houses, wholesale	--	--	--
6.	Battery storage, distribution, and processing business	P	P	P
7.	Breweries	CUP[1]	P	CUP[1]/P
8.	Cemeteries and crematories	CUP	CUP	CUP
9.	Contractor business[3]	P	P	P
10.	Colleges and universities with no dormitories	CUP	CUP	CUP
11.	Commercial laundries	CUP[1]	P	CUP[1]/P
12.	Indoor commercial recreation and/or clubs, gymnastics facilities, baseball practicing facilities, tennis clubs, but not including racetracks	P	P	P
13.	Outside commercial recreation fields and/or clubs, baseball fields, fairgrounds, golf driving ranges, animal race tracks, stadia, and tennis clubs	CUP	CUP	CUP
14.	Day care centers	CUP	--	CUP/--
15.	Electrical power generation and cogeneration	--	CUP	--/CUP
16.	Enclosed salvage and wrecking operations	P	P	P
17.	Existing residential dwellings lawfully constructed as of the effective date of this title	P	P	P
18.	Film processing plant	CUP[1]	P	CUP[1]/P
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP[1]	P	CUP[1]/P
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A[1]	P	A[1]/P
21.	Hazardous waste off-site treatment and storage facilities	--	--	--
22.	Hazardous waste on-site treatment and storage facilities	CUP	--	CUP/--
23.	Hospitals	CUP	CUP	CUP
24.	Hotels and motels	P	P	--

		M-1	M-2	MICO (M-1/M-2)
25.	Indoor kennels	P[1]	P[1]	P[1]
26.	Lumber and wood products manufacturing or assembly	P	P	P
27.	Major utility facilities	P	P	P
28.	Assembly of heavy equipment, airplanes, or vehicles	P	P	P[5]/P
29.	Manufacturing, processing or assembly of metals, heavy equipment, airplanes, or vehicles	P	P	P[5]/P
30.	Manufacturing, refining or storage of noxious, volatile, toxic or explosive products as a principal use	--	--	--
31.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP
32.	Medical equipment manufacturing plant	P	P	P
33.	Minor utility facilities	P	P	P
34.	Mini-warehouses	P	--	--
35.	Outside storage yards as a principal use	P	P	P
36.	Paper and allied products manufacturing	CUP[1]	P	CUP[1]/P
37.	Parks	CUP	CUP	CUP
38.	Pharmaceutical plants	P	--	P/P[1]
39.	Prepared material, manufacturing, processing or package plants	P	P	P
40.	Prepared metal processing and assembly plant	P	P	P
41.	Professional and business offices	P[2]	P	P[2]/--
42.	Professional and business offices, accessory to an allowed or conditional use on the same lot and/or in the same complex	P	P	P
43.	Public facilities	CUP	CUP	CUP
44.	Wireless communication facilities	See chapter 18.37 SMC	See chapter 18.37 SMC	See chapter 18.37 SMC
45.	Recycling centers	CUP	P	CUP/P
46.	Restaurants, with no bar	P	P	P
47.	Rock, stone, brick, concrete or asphalt, batching or assembly	--	CUP[6]	CUP[6]

		M-1	M-2	MICO (M-1/M-2)
48.	Sales and rental of heavy machinery and equipment	P	P	P
49.	Salvage and wrecking yards	--	P	--/P
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
52.	Smelting, blast furnace or forging plants	--	P	--/P
53.	Storage/warehouse and distribution facilities	P	P	P
54.	Streets	P	P	P
55.	Taverns, micro-breweries, brewpubs, and bars	P	P	P
56.	Tow truck operation/impoundment yard[4]	--	P	--/P
57.	Tow truck operations	P	P	P
58.	Truck terminals	P	P	P
59.	Utility yard	P	P	P
60.a.	Vehicle repair, major	P	P	P
60.b.	Vehicle repair, automotive collision	P	P	--
61.	Vocational and art schools	P	--	P/--
62.	Water towers and water supply plants	CUP	CUP	CUP
63.	Commercial use, accessory to an industrial use on the same lot and/or in the same complex	P	P	P
64.	General commercial uses which are not otherwise listed above	P	--	P[2]/--
65.	Churches	P	P	P
66.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP

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

[2]Within MICO, limited to 10,000 square feet of gross floor area per development site unless it is an accessory use.

[3]Contractor businesses with accessory outdoor storage shall meet the requirements of SMC 18.18.060(C).

[4]An auto impoundment yard shall meet the screening requirements for outdoor storage in SMC 18.18.060(C).

[5]Prohibited within 1,000 feet of residentially and neighborhood commercial zoned lands.

[6]Asphalt batching operations shall meet the following requirements: (a) loaded trucks leaving the site shall be covered using best available technology; (b) comply with the noise control code of chapter 8.14 SMC; and (c) meet or exceed regional, state, and federal air and emission levels.

Section 11. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 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.

Section 13. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2021.

_____
Mayor William L. Pugh

Attest:

_____
City Clerk Michelle Converse

Approved as to form:

_____
City Attorney Andrea Marquez

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

PLANNING COMMISSION MEETING
DATE: September 16, 2021
AGENDA BILL: 21-1457

SUBJECT: Emergency Housing Regulations - Public Hearing **CATEGORY:** Public Hearings

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Emergency Housing Staff Report-090121
2. Emergency Housing Ordinance-Draft-090121

STAFF CONTACT:

SUMMARY BACKGROUND:
In April 2021 the State legislature passed new legislation related to emergency housing, Engrossed Second Substitute House Bill 1220 (ESSHB 1220). ESSHB 1220 requires local jurisdictions to adopt regulations to allow emergency housing and emergency shelters. The legislation requires that four types of housing be allowed; the types of housing units and the zones where they are to be allowed are as follows:

- Permanent supportive housing - to be allowed in residential and hotel zones
- Transitional housing - to be allowed in residential and hotel zones
- Indoor emergency shelters - to be allowed in hotel zones
- Indoor emergency housing - to be allowed in hotel zones.

In addition, the legislation allows jurisdictions to "adopt reasonable occupancy, spacing, and intensity of use requirements." For example, jurisdictions may limit the number of beds or density, require a minimum distance between shelters, or require compliance with development standards. The standards cannot be so restrictive as to preclude the siting of these facilities. Staff is proposing updates to the Sumner zoning code that include updated definitions and allowances for these facilities in the required zones.

This state has established a deadline of September 30, 2021 for jurisdictions to update their regulations to allow these new types of housing facilities.

COUNCIL COMMITTEE/STUDY SESSION: Study Session
MEETING/STUDY SESSION DATE: 8/23/2021
COMMITTEE RECOMMENDATION: NA

STAFF RECOMMENDATIONS/MOTION:
Move to approve a recommendation that the City Council adopt the ordinance in Exhibit A.

DATE: September 1, 2021
TO: Planning Commission
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendment – ESSHB 1220—Emergency Housing and Shelters**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPSOSED

In 2019, the Washington State Legislature adopted Engrossed Second Substitute House Bill (ESSHB) 1220, which, after a partial veto by Governor Inslee, became Chapter 245, Laws of 2021, and was effective on July 25, 2021 as it relates to transitional and permanent supportive housing in residential zones or where hotels are allowed. Per ESSHB 1220, effective September 30, 2021, the city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.

The statute allows the City to control for reasonable occupancy, spacing, and intensity of use requirements to be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety.

The Zoning Code text amendment and draft ordinance (Exhibit A) contains regulations and "reasonable controls" to reduce potential impacts related to these types of housing facilities.

Staff recommends that the amendments be approved prior to the effective date of September 30, 2021.

II. DESCRIPTION

The Ordinance covers three main areas in response to the ESSHB 1220:

1. Permanent supportive housing and transitional housing within residential zones or where hotels are allowed;
2. Indoor emergency shelters and indoor emergency housing in commercial zones where hotels are allowed.
3. Added new definitions for permanent supportive housing, transitional housing, emergency shelters and emergency housing largely based on state definitions.

A. Residential Zones. Permanent supportive housing and transitional housing cannot be prohibited from being located within residential zones, but reasonable controls related to occupancy, intensity and spacing requirements are allowed to protect public health and safety. The following is a summary of the approach that is proposed:

a. Meet standards & densities of the zone;
b. Require Conditional Use Permit;
c. Limit to no more than 10 dwelling units;

d. Require ½ mile spacing between permanent supportive housing or transitional housing or emergency housing or emergency shelters; and
e. In Low Density Residential zones each unit of permanent supportive housing or transitional housing shall be limited to occupancy by one family.

B. Commercial zones: Permanent supportive housing, transitional housing and indoor emergency shelters and indoor emergency housing cannot be prohibited where hotels are allowed. However, as with residential zones, the law allows for reasonable restrictions related to occupancy, spacing and intensity of uses. The commercial zone requirements are as follows:

a. Removed "hotels" from permitted list of uses in Neighborhood Commercial. There are no hotels in these zones and they remain unimpacted;
b. Require a Conditional Use Permit for permanent supportive housing, transitional housing and indoor emergency shelters and indoor emergency housing;
c. Meet all requirements for density, height, setbacks, etc. in the zone;
d. Indoor emergency shelters and indoor emergency housing are limited to 5 families or 20 occupants whichever is smaller;
e. Permanent supportive housing, transitional housing are limited to 25 dwelling units regardless of underlying zoning density;
f. Require a ½ mile separation between permanent supportive housing, transitional housing and indoor emergency shelters and indoor emergency housing uses; and
g. Where a mixed use is required, commercial uses must be on the ground floor when residential is allowed.

C. Industrial zones: Hotels are allowed in M-1 and M-2 zoning within the City, but not within the Manufacturing Industrial Center Overlay (MICO), therefore, the restrictions on permanent supportive housing, transitional housing and indoor emergency shelters and indoor emergency housing also apply. There is no specified housing density in industrial zones because residential is prohibited, so the ordinance proposes 25 dwelling units per acre with a 10 unit maximum on any one parcel. Industrial properties and locations do not have the normal services and uses that would be beneficial to these housing uses.

III. ANALYSIS

The proposed Sumner Municipal Code amendments, and specifically, the development regulations amendments, are consistent with the intent and policies of the Comprehensive Plan, specifically the policies discussed below.

LAND USE ELEMENT
Goal 1.Provide for orderly development within the Sumner community.

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.

1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.

HOUSING ELEMENT
Goal 2. Provide a range of housing types for all life stages and economic segments of the Sumner community.
…
2.2 Plan for an adequate supply of land in appropriate land use designations and zoning categories

to accommodate projected household growth.

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

…

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

Goal 4. Provide for a variety of housing types and densities in the town center in close proximity to the train station.

4.1 Promote the construction of housing stock in the Town Center by at least 500-1000 dwelling units by 2035.

The ordinance addresses permanent supportive housing, transitional housing and indoor emergency shelters and indoor emergency housing and is consistent with the goals and policies of the Comprehensive plan in that it promotes "housing types for all life stages and economic segments" including those that are experiencing homelessness or need special accommodations such as permanent supportive housing and transitional housing. Further, the ordinance would "promote fair and equal access to housing" by creating the opportunity for non-traditional housing and housing to address emergency sheltering and emergency housing needs. These housing types are allowed with reasonable restrictions to "provide for orderly development" and to "ensure that… more intense uses do not adversely impact adjacent uses" and to protect public health and safety, therefore the ordinance contains limits on density, spacing, occupancy and requires, in most instances, a conditional use permit.

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan and that it furthers the goals and policies related to minimizing impacts between uses and providing a variety of housing options for all life stages and economic segments of the community. Furthermore, the regulations are necessary to protect public health and safety.

IV. SEPA ENVIRONMENTAL REVIEW

Zoning Code text amendments are required to be reviewed under the State Environmental Policy Act (SEPA) WAC 197-11. A SEPA environmental checklist and analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on August 3, 2021.

V. PUBLIC & AGENCY COMMENT

No public or agency comments at this time.

VI. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve a recommendation that the City Council adopt the ordinance as presented in Exhibit A.

VII. PLANNING COMMISSION RECOMMENDATION

The Planning Commission is scheduled to hold a public hearing and vote on a recommendation to Council on approving or not approving the ordinance.

VIII. EXHIBITS

A. Draft Ordinance

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTION, AMENDING THE ZONING CODE TO ADDRESS NEEDS FOR TRANSITIONAL HOUSING, PERMANENT SUPPORTIVE HOUSING, INDOOR EMEGENCY SHELTERS AND INDOOR EMERGENCY HOUSING AS REQUIRED BY WASHINGTON STATE LAW (ESSHB 1220); AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS 18.03.020, 18.10.040, 18.12.040, 18.12.080, 18.14.040, 18.14.080, 18.16.020, 18.16.080, 18.18.020, 18.18.080, 18.29.040, 18.29.060, 18.30.030, AND 18.30.090; AND ADDING NEW SECTIONS 18.04.0364, 18.04.0364.1, 18.04.0792, 18.04.1021

WHEREAS, the Washington State Legislature adopted Engrossed Substitute Senate House Bill (ESSHB) 1220, which, after a partial veto by Governor Inslee, became Chapter 245, Laws of 2021, and was effective on July 25, 2021; and

WHEREAS, per ESSHB 1220, effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit.

WHEREAS, ESSHB 1220, allows for reasonable occupancy, spacing, and intensity of use requirements to be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on XX (date) on the proposed amendments, followed by questions and discussion; and

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

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on July 28, 2021; and

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

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

Section 1. That Sumner Municipal Code section 18.03.020, "Prohibited Uses," paragraph F is

"**18.03.020 Prohibited Uses.**

…

~~F. Homeless shelters.~~"

Section 2. New Section. That Sumner Municipal Code chapter 18.04, "Definitions," is hereby amended with a new definition "Emergency housing" to read as follows:

"**18.04.0364 Emergency housing.**

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement."

Section 3. New Section. That Sumner Municipal Code chapter 18.04, "Definitions," is hereby amended with a new definition "Emergency shelter" to read as follows:

"**18.04.0364.1 Emergency shelter.**

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations."

Section 4. New Section. That Sumner Municipal Code chapter 18.04, "Definitions," is hereby amended with a new definition "Permanent Supportive Housing" to read as follows:

"**18.04.0792 Permanent supportive housing.**

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW."

Section 5. New Section. That Sumner Municipal Code chapter 18.04, "Definitions," is hereby amended with a new definition "Transitional Housing" to read as follows:

"**18.04.1021 Transitional housing.**
"Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living."

Section 6. That Sumner Municipal Code section 18.10.040 "Conditional Uses," is hereby amended to read as follows:

"**18.10.040 Conditional uses.**
The following uses are permitted on any parcel of land within the RP district subject to the issuance of a conditional use permit:

…

V. Permanent supportive housing; and

W. Transitional housing."

Section 7. That Sumner Municipal Code section 18.12.040 "Conditional Uses," is hereby amended to read as follows:

"**18.12.040 Conditional Uses.**
The following uses in the LDR district require a conditional use permit approval from the city:
…

S. Permanent supportive housing that exceeds one dwelling on any one lot, subject to the performance standards in SMC 18.12.080(R); and

T. Transitional housing that exceeds one dwelling on any one lot, subject to the performance standards in SMC 18.12.080(R)."

Section 8. That Sumner Municipal Code section 18.12.080 "Performance Standards," is hereby amended with a new paragraph R, to read as follows:

" R. Permanent supportive housing and transitional housing shall:
1. Comply with all applicable setbacks, height and other dimensional standards as required in this chapter;
2. Be limited to occupancy by one family per dwelling unit;
3. Comply with the maximum housing density for the zone, except that in no case shall density exceed a maximum of 10 housing units on any single parcel of land; and

4. Where the number of housing units exceeds one unit per lot, such housing shall not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use."

Section 9. That Sumner Municipal Code section 18.14.040 "Conditional Uses," is hereby amended to read as follows:

"**18.14.040 Conditional uses.**
The following uses are conditionally permitted uses in all MDR and HDR districts unless otherwise specified. A conditional use permit shall be required and in full force and effect in order to establish the uses:

…

Y. Permanent supportive housing subject to the performance standards in SMC 18.14.080(P); and

Z. Transitional housing subject to the performance standards in SMC 18.14.080(P).

Section 10. That Sumner Municipal Code section 18.14.080 "Performance Standards," is hereby amended with a new paragraph P, to read as follows:

"**18.14.080 Performance standards.**
The following special requirements and performance standards shall apply to properties in the multifamily districts:
…

P. Permanent supportive housing and transitional housing shall:
1. Comply with all applicable setbacks, height and other dimensional standards as required in this chapter;
2. Comply with the maximum housing density for the zone, except that in no case shall density exceed a maximum of 10 housing units on any single parcel of land; and
3. Not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use."

Section 11. That Sumner Municipal Code section 18.16.020 "Principal and Conditional Uses," is hereby amended to read as follows:

"**18.16.020 Principal and conditional uses.**
The following table details permitted and conditionally permitted uses in the commercial districts. Where a "P" is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a "CUP" is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column.

A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.

		NC	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	P	P
3.	Artist's studio and workshop having a retail component comprising at least 15% of the total floor area	P[1]	P	P
4.	Automotive and motorized vehicle sales	–	P	P[9]
5.	Banks, business and professional offices and drive-up banking	CUP	P	P
6.	Business and consumer services, including advertising, property management, and consulting services[9]	P	P	P
7.	Car wash[9]	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC		
9.	Cemeteries	–	CUP	CUP
10.	Churches	P	P	P
11.	Contractor business[6]	–	–	P
12.	Convenience store[9]	CUP	P	P
13.	Dancehalls	–	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080[9]	–	P	P
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080	CUP	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P

		NC	GC	IC
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales[9]	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club[9]	P[7]	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use[9]	–	–	P
22.	Heavy equipment and/or boat sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP
24.	~~Hotels,~~ ~~b~~Bed and breakfasts and tourist homes[9]	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
27.	Major utility facility	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	P
29.	Medical and dental services[9]	P	P	P
30.	Miniwarehouses	–	–	–
31.	Existing miniwarehouses[12]	–	P	P
32.	Minor utility facility	P	P	P
33.	Motels and hotels [9]	~~CUP~~ --	P	P
34.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes,	P	P	–

		NC	GC	IC
	hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040			
35.	Outdoor storage	–	–	–
36.	Public parks and public recreation facilities	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas, photographic studios, tailor-dressmaking shops[9]	P	P	P
38.a.	Performing and cultural uses, minor	CUP	P	P
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P
39.	Public facilities	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	–
41.	Private off-street parking lots, paid	–	–	–
42.	Public off-street parking lots	P	P	–
43.	Public off-street parking lots, paid	–	–	–
44.	Public garage	–	CUP	CUP
45.	Recycling collection station	–	P	P
46.	Restaurants[9]	P	P	P
47.	Retail business[9]	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP
48.b.	Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area	CUP	P	P
49.	Storage/warehouse and distribution facilities	–	–	–
50.	Streets	P	P	P

		NC	GC	IC
51.	Taverns, micro-breweries, brewpubs, and bars	–	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
53.	Truck-related retail and services[9]	–	–	P
54.	Truck stops	–	–	–
55.	Truck terminals	–	–	–
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field[9]	–	CUP	P
57.	Utility yard	CUP	CUP	–
58.	Vehicle repair, minor[9]	–	P	P
59.	Veterinary clinics, excluding outdoor boarding kennels[9]	–	P	P
60.	Vocational or fine arts school; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Car rental agency	–	P	P
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	P
65.	Truck sales with 10,000 square feet associated professional offices	–	–	P
66.	Indoor emergency shelters[13]	–	CUP	CUP
67.	Indoor emergency housing[13]	–	CUP	CUP
68.	Permanent supportive housing[14]	CUP	CUP	CUP
69.	Transitional housing[14]	CUP	CUP	CUP

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

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

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

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

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

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

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

Section 12. That Sumner Municipal Code section 18.16.080 "Performance Standards," is hereby amended with new paragraphs W and X, to read as follows:

"W. Indoor emergency shelters and indoor emergency housing shall:

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

2. Be limited to no more than five (5) families or twenty (20) occupants, whichever is fewer;
3. Not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

X. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Comply with the maximum residential density and mixed use requirements for the zone as specified in SMC 18.16.040, except that in no case shall density exceed 25 dwelling units per acre; and
3. Not be located within one half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use."

Section 13. That Sumner Municipal Code section 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
2.	Adult entertainment businesses, subject to chapter 18.38 SMC	P	P	P
3.	Agricultural activities, including mitigation banks	P	P	P
4.	Air separation facilities	--	P	CUP/P
5.	Auction houses, wholesale	--	--	--
6.	Battery storage, distribution, and processing business	P	P	P
7.	Breweries	CUP[1]	P	CUP[1]/P
8.	Cemeteries and crematories	CUP	CUP	CUP
9.	Contractor business[3]	P	P	P
10.	Colleges and universities with no dormitories	CUP	CUP	CUP
11.	Commercial laundries	CUP[1]	P	CUP[1]/P
12.	Indoor commercial recreation and/or clubs, gymnastics facilities, baseball practicing facilities, tennis clubs, but not including racetracks	P	P	P
13.	Outside commercial recreation fields and/or clubs, baseball fields, fairgrounds, golf driving ranges, animal race tracks, stadia, and tennis clubs	CUP	CUP	CUP
14.	Day care centers	CUP	--	CUP/--
15.	Electrical power generation and cogeneration	--	CUP	--/CUP

		M-1	M-2	MICO (M-1/M-2)
16.	Enclosed salvage and wrecking operations	P	P	P
17.	Existing residential dwellings lawfully constructed as of the effective date of this title	P	P	P
18.	Film processing plant	CUP[1]	P	CUP[1]/P
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP[1]	P	CUP[1]/P
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A[1]	P	A[1]/P
21.	Hazardous waste off-site treatment and storage facilities	--	--	--
22.	Hazardous waste on-site treatment and storage facilities	CUP	--	CUP/--
23.	Hospitals	CUP	CUP	CUP
24.	Hotels and motels	P	P	--
25.	Indoor kennels	P[1]	P[1]	P[1]
26.	Lumber and wood products manufacturing or assembly	P	P	P
27.	Major utility facilities	P	P	P
28.	Assembly of heavy equipment, airplanes, or vehicles	P	P	P[5]/P
29.	Manufacturing, processing or assembly of metals, heavy equipment, airplanes, or vehicles	P	P	P[5]/P
30.	Manufacturing, refining or storage of noxious, volatile, toxic or explosive products as a principal use	--	--	--
31.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP
32.	Medical equipment manufacturing plant	P	P	P
33.	Minor utility facilities	P	P	P
34.	Mini-warehouses	P	--	--
35.	Outside storage yards as a principal use	P	P	P

		M-1	M-2	MICO (M-1/M-2)
36.	Paper and allied products manufacturing	CUP[1]	P	CUP[1]/P
37.	Parks	CUP	CUP	CUP
38.	Pharmaceutical plants	P	--	P/P[1]
39.	Prepared material, manufacturing, processing or package plants	P	P	P
40.	Prepared metal processing and assembly plant	P	P	P
41.	Professional and business offices	P[2]	P	P[2]/--
42.	Professional and business offices, accessory to an allowed or conditional use on the same lot and/or in the same complex	P	P	P
43.	Public facilities	CUP	CUP	CUP
44.	Wireless communication facilities	See chapter 18.37 SMC	See chapter 18.37 SMC	See chapter 18.37 SMC
45.	Recycling centers	CUP	P	CUP/P
46.	Restaurants, with no bar	P	P	P
47.	Rock, stone, brick, concrete or asphalt, batching or assembly	--	CUP[6]	CUP[6]
48.	Sales and rental of heavy machinery and equipment	P	P	P
49.	Salvage and wrecking yards	--	P	--/P
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
52.	Smelting, blast furnace or forging plants	--	P	--/P
53.	Storage/warehouse and distribution facilities	P	P	P
54.	Streets	P	P	P
55.	Taverns, micro-breweries, brewpubs, and bars	P	P	P
56.	Tow truck operation/impoundment yard[4]	--	P	--/P
57.	Tow truck operations	P	P	P

		M-1	M-2	MICO (M-1/M-2)
58.	Truck terminals	P	P	P
59.	Utility yard	P	P	P
60.	Vehicle repair, major	P	P	P
61.	Vocational and art schools	P	--	P/--
62.	Water towers and water supply plants	CUP	CUP	CUP
63.	Commercial use, accessory to an industrial use on the same lot and/or in the same complex	P	P	P
64.	General commercial uses which are not otherwise listed above	P	--	P[2]/--
65.	Churches	P	P	P
66.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
67.	Indoor emergency shelters[7]	CUP	CUP	--
68.	Indoor emergency housing[7]	CUP	CUP	--
69.	Permanent supportive housing[8]	CUP	CUP	--
70.	Transitional housing[8]	CUP	CUP	--

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

[2]Within MICO, limited to 10,000 square feet of gross floor area per development site unless it is an accessory use.

[3]Contractor businesses with accessory outdoor storage shall meet the requirements of SMC 18.18.060(C).

[4]An auto impoundment yard shall meet the screening requirements for outdoor storage in SMC 18.18.060(C).

[5]Prohibited within 1,000 feet of residentially and neighborhood commercial zoned lands.

[6]Asphalt batching operations shall meet the following requirements: (a) loaded trucks leaving the site shall be covered using best available technology; (b) comply with the noise control code of chapter 8.14 SMC; and (c) meet or exceed regional, state, and federal air and emission levels.

[7]See performance standards in SMC 18.18.060(V).

[8]See performance standards in SMC 18.18.060(W).

B. Use Interpretations. Whenever a property improvement permit is applied for, for property in the manufacturing districts, the director shall determine under which of the use classifications set forth above the proposed use shall be classified. All such determinations shall be based upon a finding that the use is consistent with the description and purpose for the respective manufacturing districts set forth and that such uses are similar to and no more detrimental than

the types of use examples provided in the definition of the relevant use classification set forth. All determinations pursuant to this section may be appealed as a request for interpretation to the hearing examiner."

Section 14. That Sumner Municipal Code section 18.18.080 "Performance Standards," is hereby amended with new paragraphs V and W, to read as follows:

"V. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Be limited to no more than five (5) families or twenty (20) occupants, whichever is fewer;
3. Not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

W. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Not exceed a maximum housing density of 25 dwelling units per acre;
3. In no case exceed a maximum of 10 housing units on any single parcel of land; and
4. Not be located within one half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.

Section 15. That Sumner Municipal Code section 18.29.040 "Conditional Uses," is hereby amended to read as follows:

"**18.29.040 Conditional uses.**

Conditional uses allowed in the Town Center districts are as follows:

A. Churches.

B. Cemeteries.

C. Major utility facility.

D. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots.

E. Public parks and public recreational facilities.

F. Public facilities.

G. Public off-street parking lots, paid.

H. Public garage.

I. Schools, colleges and universities.

J. Temporary homeless encampments in accordance with SMC 18.36.060.

K. Water towers and water supply plants.

L. Craft coffee roasting in the historic district, subject to the standards at SMC 18.29.060(F).

M. Indoor emergency shelters subject to standards at SMC 18.29.060(G).

N. Indoor emergency housing subject to standards at SMC 8.29.060(G).

O. Permanent supportive housing subject to standards at SMC 18.29.060(H)

P. Transitional housing subject to standards at SMC 18.29.060(H).

Section 16. That Sumner Municipal Code section 18.29.060 "Performance Standards," is hereby amended with new paragraphs G and H to read as follows:

"G. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the District.
2. Be limited to no more than five (5) families or twenty (20) occupants, whichever is fewer; and
3. Not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

H. Permanent supportive housing and transitional housing shall:

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

Section 17. That Sumner Municipal Code section 18.30.030 "Principal, Administrative and Conditional Uses," is hereby amended to read as follows:

"**18.30.030 Principal and conditional uses.**

A. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the MDR, HDR and LDR districts, except that apartments may be allowed as a permitted principal use in the MDR and HDR districts; and professional offices and services shall not be allowed in the MDR or HDR district as a conditional use.

B. Those uses listed below shall govern the uses permitted and conditionally permitted where the base designations GC and NC are combined with the ESUV overlay district. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.

		NC/ESUV	GC/ESUV
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	--	--
3.	Artist's studio and workshop having a retail component	P[2]	P
4.	Automotive and motorized vehicle sales and rental agencies	--	P
5.	Business and consumer service	P	P
6.	Banks, business and professional offices and drive-up banking, including medical office buildings and similar activities	P	P
7.	Bed and breakfasts and tourist homes	P	P
~~7.~~8.	Car wash	--	P
~~8.~~9.	Wireless communication facilities	See chapter 18.37 SMC	See chapter 18.37 SMC
~~9.~~10.	Cemeteries	--	--
~~10.~~11.	Churches	P	P
~~11.~~12.	Convenience store	P	P
~~12.~~13.	Dancehalls	--	CUP
~~13.~~14.	Drive-through businesses[1]	--	P
~~14.~~15.	Existing residential dwellings lawfully constructed as of the effective date of this title	P	P
~~15.~~16.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025, and child day care centers	P	P
~~16.~~17.	Gasoline service stations and convenience stores with gasoline sales	--	CUP
~~17.~~18.	Health and fitness club	P[3]	P
~~18.~~19.	Hospitals	--	CUP
~~19.~~20.	Hotels~~, bed and breakfasts, and tourist homes~~, excluding motels	~~P~~ --	P
~~20.~~21.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP
~~21.~~22.	Minor utility facility	P	P

		NC/ESUV	GC/ESUV
~~22.~~23.	Multifamily dwellings, apartments, in accordance with the city of Sumner design and development guidelines, and subject to density maximums in SMC 18.30.080(B) and locations as applicable in SMC 18.30.040	P	P
~~23.~~24.	Public parks and public recreation facilities	P	P
~~24.~~25.	Personal services including barber and beauty shops, photographic studios, and tailor/dressmaking shops	P	P
~~25.~~26.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P
~~26.~~27.	Public facilities	CUP	CUP
~~27.~~28.	Private off-street parking lots	CUP	P
~~28.~~29.	Public off-street parking lots	P	P
~~29.~~30.	Regional community center	P	P
~~30.~~31.	Restaurants	P	P
~~31.~~32.	Retail business	P	P
~~32.~~33.	Schools, colleges, and universities	CUP	P
~~33.~~34.	Senior housing including retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes, in accordance with the city of Sumner design and development guidelines, and subject to density maximums in SMC 18.30.080(B)	P	P
~~34.~~35.	Streets	P	P
~~35.~~36.	Taverns, micro-breweries, brew pubs, and bars	P	P
~~36.~~37.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	CUP[4]	P
~~37.~~38.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, and miniature airplane field	CUP	CUP
~~38.~~39.	Vehicle repair, minor	--	P
~~39.~~40.	Veterinary clinics, excluding outdoor boarding kennels	--	P
~~40.~~41.	Vocational or fine arts school except on the ground floor	--	P
~~41.~~42.	Water towers and water supply plants	CUP	CUP

		NC/ESUV	GC/ESUV
~~42.~~43.	Retail and wholesale nurseries and greenhouses	P	P
~~43.~~44.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP
~~44.~~45.	Funeral homes, mortuaries, and funeral parlors	P	P
~~45.~~46.	Accessory uses to an existing mineral extraction use[5]	--	CUP
47.	Indoor emergency shelters[6]	--	CUP
48.	Indoor emergency housing[6]	--	CUP
49.	Permanent supportive housing [7]	CUP	CUP
50.	Transitional housing[7]	CUP	CUP

[1]Drive-through businesses and drive-through espresso/coffee businesses within the area defined as East Main Street in SMC 18.43.020 and in the GC district within the Town Center Plan area shall meet the provisions of SMC 18.16.080(T).

[2]Artist studios shall not exceed 3,000 square feet in gross floor area not counting the retail component.

[3]Health and fitness clubs shall not exceed 3,000 square feet in gross floor area.

[4]Theaters and other enclosed commercial recreation establishments shall not exceed 10,000 square feet in gross floor area.

[5]Accessory uses to an existing mineral use may be allowed as follows:

a. Equipment maintenance, repair and storage;

b. Mineral conveying, sorting, screening, washing, storage, crushing, and loading;

c. On-site mineral processing, including concrete batching, concrete recycling and other mineral recycling, but does not include asphalt batching;

d. Administrative offices and sales of mineral, soil and compost products;

e. Light manufacturing of precast concrete products;

f. The operation shall not create:

i. Noise in violation of chapter 8.14 SMC;

ii. Light, glare or vibration in any amount determined to disturb the peace, quiet, and comfort of neighboring residents, business or properties;

g. All mechanical devices shall be screened from surrounding properties and public streets and shall be so operated that they do not disturb the peace, quiet and comfort of neighboring residents;

h. Consistent with the city's comprehensive plan maps, the property shall continue to be designated a mineral resource land pursuant to chapter 16.44 SMC.

[6]See performance standards in SMC 18.30.090(G).

[7]See performance standards in SMC 18.30.090(H).

Section 18. That Sumner Municipal Code section 18.30.090 "Performance Standards," is hereby amended with new paragraphs G and H to read as follows:

"G. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Comply with the performance standards of SMC 18.30.090, including location requirements;
3. Be limited to no more than five (5) families or twenty (20) occupants, whichever is fewer; and
4. Not be located within one half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.

H. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Comply with the performance standards of SMC 18.30.090, including location;
3. Not exceed a maximum housing density of 25 dwelling units per acre;
4. Not be located within one half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use."

Section 19. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 20. 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, incaluding the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 21. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2021.

_____
Mayor William L. Pugh

Attest:

City Clerk Michelle Converse

Approved as to form:

City Attorney Andrea Marquez

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