

STAFF REPORT

DATE: October 25, 2017
TO: Mayor Enslow and City Council
FROM: Eric Mendenhall, Senior Planner
RE: **Homeless Encampment Regulations**

I. BACKGROUND

The Sumner Municipal Code currently does not have standards or regulations addressing homeless encampments or shelters. The proposed code will create standards for these uses. The City of Sumner staff has presented the homelessness topic to Council and the Planning Commission as it relates to the impacts on the community. The Planning Commission at their February 2, 2017 meeting instructed staff on some recommended changes to the proposed regulations. Staff has made those corrections and reviewed with the Planning Commission in the March 2nd meeting. The Planning Commission held a Public Hearing on the matter at their September 7, 2017 meeting and voted unanimously to approve the proposed ordinance. CD Council Committee recommended due pass at their September 12, 2017 meeting. City Council held study sessions on October 9 and 23, 2017 and discussed the proposed ordinance.

Attached is the proposed ordinance that places limits on homeless encampments. This amendment addressed prior concerns and comments by the Planning Commission.

II. SUMMARY OF PROPOSED AMENDMENTS

The specific amendments are summarized as follows:

A. Temporary Homeless Encampment use permit (SMC 18.36.060).

This amendment creates regulations and performance standards for religious institutions to establish a temporary homeless encampment. These encampments must be associated with the religious institution.

B. Definitions (SMC 18.04.0501-0503).

This section establishes definitions for homeless, homeless encampments and homeless shelters.

C. Conditional Use Permit (SMC 18.10.040, 18.12.040, 18.14.040, 18.16.020, 18.18.020, and 18.30.030).

The amendment would provide temporary homeless encampments as a Conditional Use Permit in the Residential Protection, Low Density Residential, Medium and High Density, Commercial, Industrial, and East Sumner Neighborhood Overlay District.

III. COMPREHENSIVE PLAN

The following pertinent sections and policies related to the amendment are presented below:

LAND USE ELEMENT

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

PERMIT PROCESS SUB-ELEMENT

- 1.2 Review development regulations to ensure they are necessary and directly relate to implementation of the Comprehensive Plan and other state and federal mandates.
- 1.4 Strive to involve the public in the permit process such that their comments may be heard and considered.

GOVERNANCE SUB-ELEMENT

- 2.3 Protect the rights of property owners from arbitrary and discriminatory actions.

ECONOMIC DEVELOPMENT ELEMENT

- 1.5 Build upon existing strength of community, small town character, and location to drive future policy decisions and actions.

COMMUNITY CHARACTER ELEMENT

- 1.1 Encourage development which enhances the human, pedestrian scale, creating a sense of community and place.
- 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.

HOUSING ELEMENT

- 1.5 Accommodate local non-profit housing agencies' efforts to purchase and rehabilitate housing to meet affordable housing needs and special needs of the

- community.
- 2.5 Promote fair and equal access to housing for all persons in accordance with state law.
 - 2.9 Establish programs focused on promoting good management and reducing criminal activity in multi-family developments and areas. This could include crime free/resistant housing programs and “safe street” concepts in multi-family design and maintenance.

FAMILY AND HUMAN SERVICES ELEMENT

1. Support and monitor collaborative and cost-effective human services to meet community needs.
 - 1.1 Utilize the following criteria when supporting human services delivery:
 - 1.1.1 *Demonstrated Need.* Encourage the development of programs that address specific, identified needs.
 - 1.1.2 *Priority Needs.* Encourage programs to serve the basic human needs of the community with a strong emphasis on prevention.
 - 1.1.3 *Accountability.* Support activities that meet applicable performance standards and provide a measurable unit of service.
 - 1.1.4 *Families.* Emphasize programs which support strong, healthy and nurturing families.
 - 1.1.5 *Diverse Funding Support.* Encourage human service programs to consider multiple funding sources so as not to be dependent on one. For example, municipalities could partner with private agencies, businesses and with public funding agencies to share the expense of providing service so that no single entity would bare the total cost.
 - 1.1.6 *Accessibility.* Support local programs that are affordable, physically accessible, and culturally sensitive.
 - 1.1.7 *Feasibility.* Support programs that have a history of success and that have the necessary resources to provide the services.
 - 1.1.8 *Evaluation.* Support programs that have proven systems of evaluation.
 - 1.1.9 *Coordination.* Support programs that value, and have demonstrated the ability to coordinate with other human service delivery systems on both the local and regional levels.

- 1.1.10 Consistency with existing services and plans. Support proposals that are consistent with the goals of the Comprehensive Plan.
- 1.1.11 Community Partnerships/Involvement. Encourage programs that promote the active participation of Sumner community in their development and implementation.
- 1.1.12 Community Information and Education. Encourage programs that develop and implement a community education plan to increase the community's awareness of services and resources.
- 1.4 Partner and collaborate with other human service organizations (faith-based, human service providers, health care agencies, not-for-profits, etc.) to coordinate the implementation of these goals, policies, and objectives.
- 2. Support human service programs that focus on prevention, education, and families.
 - 2.1 Provide human services that directly relate to other City services and programs and facilitate the delivery of services with emphasis on families, prevention and education.
 - 2.1.1 Promote efforts that assist with access to primary health care with an emphasis on prevention.
 - 2.1.2 Review jurisdictional land use, development codes, charges, fees, and other actions that encourage human service programs in the community.
 - 2.1.3 Use non-financial jurisdictional resources. (i.e., grant applications, support letters, or shared space to support primary health facilities)
 - 2.1.4 Support disease prevention and early intervention services on the condition that people have the right of refusal and are educated about choices.
 - 2.1.5 Support local efforts to prevent the occurrence of substance abuse.
 - 2.1.6 Encourage the provision of pre-natal and maternal programs and educate the community on the importance of maternal care.
 - 2.1.7 Promote basic prevention activities that may include bicycle safety information, driver education for seniors and teens, fire prevention, tobacco prevention and training in CPR and first aid.
 - 2.1.8 Maintain a Comprehensive Emergency Management Plan.

- 2.1.9 Support school based education programs that prevent alcohol, tobacco and other drug use and teach about other unsafe health practices and habits.
- 2.1.10 Support substance abuse referral programs and local efforts to educate the public and City employees about substance abuse and local services.
- 2.1.11 Support efforts for adequate and affordable child and adult daycare.
- 2.1.12 Promote the City's land use, development codes, and fees that encourage day care.
- 2.1.13 Support neighborhood, school and business plans, and both public and public-private projects that include provision for daycare.
- 2.1.14 Advocate for efforts to maintain or develop after-school activities.
- 2.1.15 Support linkages that promote work programs, job retraining, internships, the private industry council, and similar opportunities for training and placement.
- 2.1.16 Support local efforts that prevent the initiation of tobacco use, promote cessation, and encourage smoke-free environments.
- 2.1.17 Emphasize programs which support developing and sustaining healthy families.
- 2.2 As prescribed in the City of Sumner's Housing Element, support the development and implementation of programs that offer housing for all stages of life.
 - 2.2.1 Support programs that develop adequate access to emergency and temporary housing.

IV. ANALYSIS

The proposed amendments would implement the comprehensive plan in that the regulations would provide a way for local churches to fulfill support services to homelessness in Sumner while providing measures to ensure that the temporary encampments do not have detrimental impact on neighboring communities. The amendments include specific language and requirements for temporary homeless encampments and limit the use to churches in the community. Currently, there are no standards for this type of use or a way to notify neighboring property owners of this use. Therefore, it was necessary to establish standards by which, if desired, a local church could provide these services for a temporary period of time.

V. CONCLUSION

The proposed amendments provide for standards for a homeless encampment to help guide churches and Sumner officials. These standards are similar in nature to other jurisdictions that have adopted regulations for homeless encampments. The proposed amendment would allow churches solely to host a homeless encampment on their property and establishes timelines for such a use on that property. The proposal also prohibits homeless shelters outright.

VI. RECOMMENDATION

The CD Committee, Staff and the Planning Commission recommend that the City Council approve the amendments as presented in Exhibit A.

VII. NEXT STEPS

City Council will consider adoption of these amendments at the October 16, 2017 meeting.

VIII. EXHIBITS

Exhibit A: Draft Ordinance

DRAFT
ORDINANCE NO. 2615
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE ZONING CODE TO PROVIDE PERMIT PROCESS AND REASONABLE STANDARDS FOR TEMPORARY HOMELESS ENCAMPMENTS, WHICH AMENDS CHAPTER 18 OF THE SUMNER MUNICIPAL CODE.

WHEREAS, the City of Sumner’s zoning code is currently lacking standards or a permit process and conditions for temporary homeless encampments; and

WHEREAS, On August 28, 2017 the city’s SEPA responsible official issued a Determination of Nonsignificance for the impacts of the proposed amendment; and

WHEREAS, these code updates will create a process for religious organizations that wish to accommodate temporary homeless encampments consistent with state and federal mandates, including RCW 35A.21.360 and the Religious Land Use Institutionalized Persons Act of 2000; and

WHEREAS, the text amendment is consistent with the goals and policies of the Comprehensive Plan; and

WHEREAS, the City forwarded the proposed amendment to Washington State Department of Commerce for a preliminary review on August 22, 2018; and

WHEREAS, the Planning Commission held a public hearing on, September 7, 2017, and voted 4-0 with a recommendation to the City Council for approval; and

WHEREAS, the City Council Community Development Committee recommended a due pass approval at their September 12, 2017 meeting, and ~~a~~ the City Council held a study sessions on October 9, 2017 and, October 9, 2017~~October 23, 2017~~

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

Section 1. That section 18.36.060 “Temporary Homeless Encampment use permit” in the Commercial districts of the Sumner Municipal Code is hereby amended to read as follows:

“18.36.060 Temporary Homeless Encampment use permit.

- A. Pursuant only to a Homeless Encampment use permit, which shall be a Type IV permit issued by the director, Homeless Encampments are ~~only~~ allowed in accordance with the following conditions:
- B. For the purposes of this section a Homeless Encampment, as defined below in SMC 18.04.0502, may only be hosted by a Church, and must be located on real property owned or controlled by that Church.

~~B~~-C. Duration and Frequency.

1. No Homeless Encampment shall operate within the City of Sumner for more than four consecutive calendar months, except that the director may allow up to five additional days to accommodate moving onto or off the site on which the Homeless Encampment is/was being operated.
2. Only one Homeless Encampment shall be allowed within the City limits at any one time, and no less than 270 days must pass between the occupancy of each Homeless Encampment.
3. The director shall not grant a Homeless Encampment use permit that is proposed on a site that contained a Homeless Encampment within the last eighteen (18) calendar months. For purposes of this subsection, the eighteen (18) months shall be calculated from the last day of the prior Homeless Encampment's permitted occupancy.

~~C~~-D. Only an established Church may be a "managing agency."

~~D~~-E. The Homeless Encampment shall be located on the church's property.

~~E~~-F. All Homeless Encampments shall obtain, prior to occupancy, all applicable City of Sumner permits, licenses and approvals, and shall obtain any other applicable permits, licenses and approvals required by other agencies.

~~F~~-G. Permit Process Requirements.

1. Neighborhood Meeting. No less than thirty (30) days prior to submittal of an application, the applicant shall conduct a neighborhood meeting to inform all residents within 500 feet of the proposed Homeless Encampment and the public about the proposed Homeless Encampment as follows:
 - a) Notice of the neighborhood meeting must be provided by the applicant by mail, first class and postage prepaid, to all owners of real property within 500 feet of the lot(s) containing the proposed Homeless Encampment. The notice of the neighborhood meeting shall be mailed at least 30 days prior to the neighborhood meeting.
 - b) Prior to the neighborhood meeting, a representative of the sponsor and managing agency shall meet and confer with the following entities regarding the neighborhood meeting and any proposed security measures for the Homeless Encampment: the Sumner police department; the administration of any public or private elementary, middle, junior high, or high school; and the operators of any properly licensed child care service, within 500 feet of the boundaries of the proposed site, and unaffiliated with the sponsor.
 - c) At the neighborhood meeting, a representative of the sponsor and managing agency shall present, both in writing and orally, the proposed Homeless Encampment location, timing, site plan, code of conduct, encampment concerns, and a security management plan. The presentation shall also include copies of all previously submitted comments received on the proposed Homeless Encampment, including comments from neighbors (whether they received notice of the neighborhood meeting or not) the Sumner police department, schools, and child care services. Copies of the

agenda and the other specified comments and materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Homeless Encampment site whenever feasible.

2. Application. An applicant shall submit a complete application for a Homeless Encampment use permit at least 3090 days before the occupancy of a Homeless Encampment.
3. Notice of Application. The City shall provide a notice of application in accordance with SMC 18.56.070.
4. Outstanding Warrant and Sex Offender Checks. Managing agencies shall obtain warrant and sex offender checks from the Pierce County Sheriff's office (collectively the "Warrant Check") for all proposed Homeless Encampment residents. For Homeless Encampment residents initially moving onto the site with the Homeless Encampment, the Warrant Check must be completed at least seven (7) days prior to the Homeless Encampment moving onto the site. For residents moving into the Homeless Encampment during the permit period, the Warrant Check must be completed on or before the date that the new resident moves on site. If a Warrant Check reveals a Homeless Encampment resident or prospective resident is or is required to be a registered sex offender or has an active warrant for his/her arrest, the managing agency or sponsor shall immediately contact and so advise the City or Sumner police department. The sponsor shall be responsible for verifying and ensuring that the Warrant Checks timely occur for each resident.

G.H. Parking, Transportation, and Security.

1. Parking.
 1. Each site upon which a Homeless Encampment is operated must provide or have available a parking and vehicular maneuvering area.
 2. A Homeless Encampment and the parking of any vehicles associated with a Homeless Encampment shall not displace the sponsor site's parking lot in such a way that the sponsor site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has first been approved by the director.
 3. The use of vehicles as a location for sleeping is not allowed.
2. Transportation Plan.
 1. The sponsor or managing agency shall submit a plan with the permit application demonstrating the ability for residents to obtain access to methods of communication and services such as grocery, supplies, and medical care.
 2. The plan shall provide for a means of transportation to an appropriate public transportation stop and include any proposed alternative means of transportation such as private or volunteer shuttle service and/or reasonable bicycle/pedestrian paths.
3. Security Management Plan.

1. The sponsor or managing agency shall submit a plan with the permit application demonstrating security measures, site specific or otherwise, necessary to ensure the safety of the residents of the temporary encampment and the public.
2. At a minimum, the plan shall specify the following:
 - a) The person or entity responsible for providing security;
 - b) The type of security to be used, e.g., private security firm, volunteers, or other means; and
 - c) Recommendations and/or requirements provided by the police department.

⇒I. Timing Plan. The sponsor or managing agency of the Homeless Encampment shall be required to submit a plan outlining, at a minimum, the move-in and move-out procedures that will be implemented and followed to ensure compliance with the duration and frequency requirements above.

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H.J. Maximum Occupancy. A Homeless Encampment shall be limited to a maximum occupancy not to exceed 100 residents and shall provide a minimum of 100 square feet per person, depending on the conditions of the proposed site (e.g., physical size, topography, site constraints, etc.). A Homeless Encampment use permit may be conditioned or limited to establish an allowed occupancy of less than 100 residents, depending on the conditions of the proposed site. After a Homeless Encampment reaches its maximum capacity, any individual who arrives after sundown (and who meets all screening criteria) will be allowed to stay for one night, after which the individual shall not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the director on a weekly basis.

I.K. Minor Residents. No children under the age of 18 shall be allowed to stay overnight in a Homeless Encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at a Homeless Encampment, the managing agency shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.

J.L. Structures. Any permanent structures, as determined by the director, shall meet the requirements of all SMC provisions and receive any necessary permits. All temporary structures for Homeless Encampments shall comply with the following requirements:

1. Homeless Encampment structures and facilities shall be located a minimum of 20 feet away from any property line, and 40 feet from any property line of an adjacent residential use, unless otherwise approved by the director;
2. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a Homeless Encampment and any abutting residential property. The director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is substantially achieved by other means;
3. Exterior lighting must be directed downward, away from adjoining properties, and contained within the Homeless Encampment; and
4. If the Homeless Encampment includes tents or membrane structures in excess of 400 square feet, or canopies in excess of 400 square feet, as defined by the International Fire

Code, then a permit and approval for the tent, canopy or membrane structure shall first be obtained from the fire marshal.

~~K~~.M. Smoking Area. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.

~~L~~.N. Debris. Each site occupied by a Homeless Encampment shall be kept free of debris, litter, or other evidence of the Homeless Encampment, and shall be left free of all debris, litter or other materials upon the Homeless Encampment moving from the site.

~~M~~.O. Health Department Compliance. Homeless Encampments shall comply with all applicable standards of the Washington and Tacoma-Pierce County health departments, or its successor.

~~N~~.P. Code Compliance and Hours of Service. Homeless Encampments shall comply with all codes and regulations of the state of Washington, City, and other agencies with jurisdiction concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking, food handling, and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 9:00 p.m. and 7:00 a.m. on Mondays through Fridays, and between the hours of 9:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under the terms of a permit condition approved by the director in the case of demonstrated necessity.

~~O~~.Q. Inspections. Homeless Encampments shall be subject to regular inspections by regulatory personnel, including but not limited to, City staff, police department personnel, fire department personnel, Tacoma-Pierce County health department representatives, and any other regulatory agencies with jurisdiction to check for permit and other code compliance by the Homeless Encampment.

~~P~~.R. Required Services. Homeless Encampments shall be required to provide onsite the following services:

1. Food, water, and waste disposal supervised by the sponsor or managing agency; and
2. Mental health and substance abuse counseling.

~~Q~~.S. Resident Log. The managing agency shall maintain a resident log of all people residing at the Homeless Encampment. Such log shall be kept on site at the Homeless Encampment. When signing the log, prospective encampment residents shall provide a state of Washington driver's license, state of Washington identification card, a driver's license or identification card issued by another state, or other similar document that confirms a person's identity. The sponsor shall be responsible for verifying that the log is being properly kept and that the required identification is being provided.

~~R~~.T. Code of Conduct. Sponsors and managing agencies shall ensure enforcement of a code of conduct at Homeless Encampment sites. The code of conduct shall substantially include the following:

- a) Possession or use of illegal drugs and marijuana is prohibited;
- b) Alcohol possession and/or consumption are prohibited;
- c) No weapons are permitted;
- d) All knives over three and one-half inches must be turned in to the managing agency for safekeeping;

- e) No violence is permitted;
- f) No open flames are permitted;
- g) No trespassing onto private property in the surrounding neighborhoods is permitted;
- h) No loitering in the surrounding neighborhoods;
- i) Littering on the Homeless Encampment site or in the surrounding neighborhoods is prohibited; and
- j) No convicted sex offender shall reside in the Homeless Encampment.

~~S.U.~~ Nothing within this section shall prohibit a sponsor or managing agency from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with the required minimum conditions outlined above.

~~T.V.~~ Permit Violation Process. Upon a determination that there has been a violation of any condition of permit approval, the director may give written notice to the sponsor describing the alleged violation pursuant to SMC Chapter 15.06 and other applicable code authority, or may instead immediately pursue available judicial or other remedies. Any violation of a subsequently issued stop work or use order under Chapter 15.06 SMC is declared a nuisance and may be remedied by injunctive relief, revocation of the Homeless Encampment use permit and vacation of the site by the Homeless Encampment, or any other available remedy in law or equity.

~~U.W.~~ Health and Safety Permit Conditions. The director may modify or establish any requirements necessary to mitigate impacts from Homeless Encampments on the public health and safety of the City and its residents in accordance with the purpose of this chapter.

~~V.X.~~ Encampment Removal. The applicant shall post an assignment of funds or performance bond for the removal costs associated with encampment removal.

~~W.Y.~~ Application. An applicant for a Homeless Encampment use permit shall submit all of the following, unless modified by the director:

1. Application form for a Homeless Encampment use permit;
2. A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
 - a) All existing structures;
 - b) Existing parking stalls;
 - c) Parking stalls proposed to be unavailable for parking vehicles during the Homeless Encampment;
 - d) All proposed temporary structures;
 - e) Proposed electrical and plumbing connections;
 - f) Location of trash receptacles, including trash dumpsters;
 - g) Location of toilets and other sanitary facilities, and the frequency by which they will be cleaned;
 - h) Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
 - i) Proposed and existing ingress and egress;
 - j) Proposed screening detail;

- k) Any permanent alterations on the lot to the site or structures;
- l) A designated smoking area; and
- m) Access routes for emergency vehicles;
- 3. Proposed fencing, vegetative screen or other screening detail or a typical section of same;
- 4. Written authorization from the sponsor on whose property the Homeless Encampment is to be located;
- 5. A copy of any agreements with other parties regarding use of parking, either on site or off site;
- 6. A copy of any agreement between the sponsor, the managing agency, and any schools and/or child care services;
- 7. A copy of the code of conduct;
- 8. The applicant shall provide the following neighborhood meeting documentation:
 - a) The date, time, and location of the meeting;
 - b) Contact information for all persons representing the managing agency and sponsor at the meeting;
 - c) A summary of comments provided for the meeting attendees by the applicant, managing agency or sponsor prior to or during the meeting;
 - d) A summary of comments received from meeting attendees or other persons prior to or during the meeting; and
 - e) Copies of documents submitted or presented at the meeting;

~~X-Z.~~ The Transportation and Security Management Plans;

~~Y-AA.~~ Any other information deemed necessary by the director to protect public health and safety for the processing of a Homeless Encampment use permit; and

~~Z-BB.~~ Application filing fees in an amount established by City resolution.

~~AA-CC.~~ Modification for Emergencies. The provisions herein shall not apply when for the preservation of public health and safety the situation necessitates a need for emergency management planning.”

Section 2. That section 18.36.060 “Temporary Homeless Encampment use permit” in the Commercial districts of the Sumner Municipal Code is hereby amended to read as follows:

18.04.0501 Homeless

“Homeless” means an individual or family who lacks a fixed, regular, and adequate nighttime residence.

18.04.0502 Homeless Encampment

“Homeless Encampment” means a group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency. A managing agency may only be an established church.

18.04.0503 Homeless Shelter

“Homeless Shelter” means a facility set up to provide for the needs of homeless people; including shelter, food, sanitation and other forms of support. This definition does not include Homeless Encampments or community food banks.”

Section 3. That section 18.03.020 “Prohibited uses” of the Sumner Municipal Code is hereby amended to read as follows:

18.03.020 Prohibited uses.

A. Collective gardens, as defined in SMC 18.04.0247, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, and cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

B. Marijuana processors, as defined in SMC 18.04.0671, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, and cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

C. Marijuana producers, as defined in SMC 18.04.0672, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, and cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

D. Marijuana retailers, as defined in SMC 18.04.0673, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, central business district, interchange commercial, mixed use development, East Sumner urban village overlay, and cluster overlay;
4. All industrial and manufacturing districts, including: light manufacturing and heavy manufacturing and the manufacturing/industrial overlay; and
5. Any new district established after November 19, 2012.

E. Homeless shelters.

Section 4. Conditional Use Required in Resource Protection District. That subsection U of 18.10.040 “Conditional uses” of the Sumner Municipal Code is hereby added 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:

“U. Temporary homeless encampments in accordance with SMC 18.36.060.”

Section 5. Conditional Use Required in Low Density Residential District. That subsection Q of 18.12.040 “Conditional uses” of the Sumner Municipal Code is hereby added 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:

Q. Temporary homeless encampments in accordance with SMC 18.36.060.”

Section 6. Conditional Use Required in Medium and High Density Districts. That subsection W of 18.14.040 “Conditional uses” of the Sumner Municipal Code is hereby added 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:

W. Temporary homeless encampments in accordance with SMC 18.36.060.”

Section 7. Conditional Use Required in Commercial Districts. That section 18.16.020 “Principal and conditional uses” of the Sumner Municipal Code is hereby amended to read as follows:

		NC	CBD	MUD	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	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	–	P	P ¹	P	P
4.	Automotive and motorized vehicle sales	–	–	– ⁸	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer service ⁹	CUP	P	P	P	P
7.	Car wash ⁹	–	–	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC				
9.	Cemeteries	–	CUP	CUP	CUP	CUP
10.	Churches	P	P	P	P	P
11.	Contractor business ⁶	–	–	–	–	P
12.	Convenience store ⁹	CUP	P	P	P	P
13.	Dancehalls	–	CUP	–	CUP	P
14.	Drive-in businesses ^{4,9}	–	–	–	P	P
15.	Drive-in espresso/coffee business ⁴	CUP	–	–	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025 ; and child day care centers	P	P	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	CUP	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	–	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use ⁹	–	–	–	–	P

		NC	CBD	MUD	GC	IC
22.	Heavy equipment and/or boat sales	–	–	–	–	CUP
23.	Hospitals	CUP	CUP	–	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ^{2,9}	P	P	CUP	P	P
25.	Light manufacturing, fabrication, assembling and repairing ¹⁰	–	–	–	CUP	–
26.	Light-medium equipment sales	–	–	–	–	P
27.	Major utility facility	CUP	CUP	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	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P	P	P
30.	Miniwarehouses	–	–	–	–	P
31.	Minor utility facility	P	P	P	P	P
32.	Motels ⁹	CUP	–	–	P	P
33.	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 ³	P ³	P ³	P
34.	Outdoor storage	–	–	–	–	–
35.	Public parks and public recreation facilities	CUP	CUP	CUP	CUP	CUP
36.	Personal services including barber and beauty shops, photographic studios, tailor-dressmaking shops ⁹	P	P	P	P	P
37.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P	P	P
38.	Public facilities	CUP	CUP	CUP	CUP	CUP
39.	Private off-street parking lots	P	P	–	P	–

		NC	CBD	MUD	GC	IC
40.	Private off-street parking lots, paid	-	-	-	-	-
41.	Public off-street parking lots	P	P	P	P	-
42.	Public off-street parking lots, paid	-	CUP	-	-	-
43.	Public garage	-	CUP	CUP	CUP	CUP
44.	Recycling collection station	-	-	-	P	P
45.	Restaurants ⁹	CUP	P	P	P	P
46.	Retail business ⁹	P	P	P	P	P
47.	Schools, colleges and universities	CUP	CUP	CUP	CUP	CUP
48.	Storage/warehouse and distribution facilities	-	-	-	-	-
49.	Streets	P	P	P	P	P
50.	Taverns, micro-breweries, brewpubs, and bars	-	CUP	CUP	CUP	P
51.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades	-	P	CUP	P	P
52.	Truck-related retail and services ⁹	-	-	-	-	P
53.	Truck stops	-	-	-	-	-
54.	Truck terminals	-	-	-	-	-
55.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	-	CUP	-	CUP	P
56.	Utility yard	CUP	CUP	-	CUP	-
57.	Vehicle repair, minor ⁹	-	CUP	-	P	P
58.	Veterinary clinics, excluding outdoor boarding kennels ⁹	-	-	-	P	P
59.	Vocational or fine arts school; in CBD allowed except on ground floor	-	P	P	P	P
60.	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP
61.	Car rental agency	-	-	-	P	P
62.	<u>Temporary homeless encampments in accordance with SMC 18.36.060</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>

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

²Hotels may be stand-alone developments within the MUD zone and are not required to contain other commercial or residential uses.

³Reserved.

⁴Drive-in 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\(T\)](#).

⁵Reserved.

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

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

⁸Existing permitted automotive and motorized vehicle sales and rental dealerships operating as of November 1, 2010, are allowed as a permitted use in the MUD zone. Existing dealerships may be sold, but must continue primarily as a new car dealership.

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

¹⁰Must have a retail component that represents at least 15 percent of the gross floor area."

Section 8. Conditional Use Required in Industrial Districts. That section 18.18.020 "Principal and conditional uses" of the Sumner Municipal Code is hereby amended to read as follows:

"18.18.020 Principal 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 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	CUP	CUP	CUP

		M-1	M-2	MICO (M-1/M-2)
	fields and/or clubs, baseball fields, fairgrounds, golf driving ranges, animal race tracks, stadia, and tennis clubs			
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.	Hazardous waste off-site treatment and storage facilities	--	--	--
21.	Hazardous waste on-site treatment and storage facilities	CUP	--	CUP/--
22.	Hospitals	CUP	CUP	CUP
23.	Hotels and motels	P	P	--
24.	Indoor kennels	P ¹	P ¹	P ¹
25.	Lumber and wood products manufacturing or assembly	P	P	P
26.	Major utility facilities	P	P	P
27.	Assembly of heavy equipment, airplanes, or vehicles	--	P	CUP ¹ /P

		M-1	M-2	MICO (M-1/M-2)
28.	Manufacturing, processing or assembly of metals, heavy equipment, airplanes, or vehicles	--	P	--/P
29.	Manufacturing, refining or storage of noxious, volatile, toxic or explosive products as a principal use	--	--	--
30.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP
31.	Medical equipment manufacturing plant	P	P	P
32.	Minor utility facilities	P	P	P
33.	Mini-warehouses	P	--	--
34.	Outside storage yards as a principal use	P	P	P
35.	Paper and allied products manufacturing	CUP ¹	P	CUP ¹ /P
36.	Parks	CUP	CUP	CUP
37.	Pharmaceutical plants	P	--	P/P ¹
38.	Prepared material, manufacturing, processing or package plants	P	P	P
39.	Prepared metal processing and assembly plant	P	P	P
40.	Professional and business offices	P ²	P	P ² /--

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

		M-1	M-2	MICO (M-1/M-2)
58.	Utility yard	P	P	P
59.	Vehicle repair, major	P	P	P
60.	Vocational and art schools	P	--	P/--
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Commercial use, accessory to an industrial use on the same lot and/or in the same complex	P	P	P
63.	General commercial uses which are not otherwise listed above	P	--	P ² /--
64.	Churches	P	P	P
65.	<u>Temporary homeless encampments in accordance with SMC 18.36.060</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>

¹Within 1,000 feet of residentially zoned lands.

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

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

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

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 9. Principal and Conditional Uses in East Sumner Neighborhood District. That section 43 of subsection B of 18.30.030 “Principal and Conditional uses” of the Sumner Municipal Code is hereby added to read as follows:

“18.30.030 Principal and conditional uses.

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.

43. Temporary homeless encampments in accordance with SMC 18.36.060.”

Section 10. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the 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 11. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 12. Effective Date. This ordinance shall be in full force and effect five (5) days from and 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 [November, 2017](#)

Mayor David L. Enslow

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse

City Attorney Brett C. Vinson

First Reading: [Click here to enter a date. \(Postponed\)](#)
Date Adopted: [Click here to enter a date.](#)
Date of Publication: [Click here to enter a date.](#)
Effective Date: [Click here to enter a date.](#)