

**ORDINANCE NO. 2878**  
**CITY OF SUMNER, WASHINGTON**

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

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, on November 2, 2023 the Planning Commission voted by a 6-1 vote to recommend adoption by the City Council of the proposed amendments to the Sumner Municipal Code; and

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

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

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

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

**“18.04.0070 Adult Family Home”**

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

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

**“18.04.0166 Behavioral Health Facility, Inpatient”**

“Behavioral Health Facility, Inpatient” means an inpatient facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or

group home. Such facilities may include fixed-site opioid treatment programs, harm reduction programs, substance use disorder treatment facilities, mental health facilities, and enhanced services facilities. Behavioral health facilities, inpatient are deemed to be essential public facilities.

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

**“18.04.0167 Behavioral Health Facility, Outpatient”**

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

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

**“18.04.0261 Community Facility”**

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

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

**“18.04.0280 Congregate Residence”**

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

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

**“18.04.0364.2 Enhanced Services Facility”**

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

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

**“18.04.0364.3 Essential Public Facility”**

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

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

**“18.04.0375 Family”**

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

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

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

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

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

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

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

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

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

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

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

**“18.04.0481 Harm Reduction Program”**

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

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

**“18.04.0538 Less Restrictive Alternative”**

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

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

**“18.04.0678 Mental Health Facility”**

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

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

**“18.04.0761 Opioid Treatment Program”**

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

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

**“18.04.0762 Opioid Treatment Program, Mobile Unit”**

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

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

**“18.04.0851 Recovery Residence”**

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

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

**“18.04.0906 Risk Potential Activity”**

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

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

**“18.04.0925.1 Secure Community Transition Facility”**

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

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

**“18.04.1001 Substance Use Disorder Treatment Facility”**

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

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

**“18.10.020 Principal uses.”**

Permitted principal uses in the RP district are as follows:

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

[...]

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

**“18.12.020 Principal uses.”**

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

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

[...]

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

**“18.12.040 Conditional uses.”**

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

[...]

U. Behavioral health facility, inpatient;

V. Opioid treatment program, mobile unit;

W. Essential public facilities not otherwise listed above.

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

**“18.14.020 Principal permitted uses.”**

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

[...]

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

[...]

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

**“18.14.040 Conditional uses.”**

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

[...]

- AA. Behavioral health facility, inpatient;
- AB. Opioid treatment program, mobile unit;
- AC. Essential public facilities not otherwise listed above.

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

**“18.16.020 Principal and conditional uses.”**

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

		<b>NC</b>	<b>GC</b>	<b>IC</b>
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P
	[...]			
<u>XX</u>	<u>Behavioral health facility, inpatient</u>	<u>CUP</u>	<u>CUP</u>	=
<u>XX</u>	<u>Behavioral health facility, outpatient</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>XX</u>	<u>Opioid treatment program, mobile unit</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>XX</u>	<u>Group home, large</u>	P	P	=
<u>XX</u>	<u>Secure community transition facility</u>	=	<u>CUP</u>	<u>CUP</u>
<u>XX.</u>	<u>Essential public facilities not otherwise listed above.</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>



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

**“18.18.020 Principal, administrative, and conditional uses.”**

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

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[...]			
64.	General commercial uses which are not otherwise listed above	P	P	P
	[...]			
XX	<u>Opioid treatment program, mobile unit</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
XX	<u>Essential public facilities not otherwise listed above.</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>

**Section 27. Amended Section.** That Sumner Municipal Code 18.29 “Town Center Code,” 18.29.030 “Principal uses,” is hereby amended to read as follows:

Permitted uses in the Town Center districts are as follows:

[...]

X. Large group homes.

**Section 28. Amended Section.** That Sumner Municipal Code 18.29 “Town Center Code,” 18.29.040 “Conditional uses,” is hereby amended to read as follows:

Conditional uses allowed in the town center districts are as follows:

[...]

- Q. Behavioral health facility, inpatient.
- R. Behavioral health facility, outpatient
- S. Opioid treatment program, mobile unit.
- T. Secure community transition facility.
- U. Essential public facilities not otherwise listed above.

[...]

**Section 29. Amended Section.** That Sumner Municipal Code 18.30 “East Sumner Urban Village Overlay District (ESUV),” 18.30.030 “Principal and conditional uses,” is hereby amended to read as follows:

A. Residential Districts. Permitted principal, accessory, and conditional uses in the ESUV shall be the same as those specified in the underlying zoning districts for the LDR, MDR, and HDR districts...

[...]

B. Commercial uses. 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.

[...]

		<b>NC/ESUV</b>	<b>GC/ESUV</b>
50.	Transitional housing	CUP	CUP
	[...]		
<u>51.</u>	<u>Behavioral health facility, inpatient</u>	<u>CUP</u>	<u>CUP</u>
<u>52.</u>	<u>Behavioral health facility, outpatient</u>	<u>CUP</u>	<u>CUP</u>
<u>53.</u>	<u>Opioid treatment program, mobile unit</u>	<u>CUP</u>	<u>CUP</u>
<u>54.</u>	<u>Group home, large</u>	<u>P</u>	<u>P</u>
<u>55.</u>	<u>Secure community transition facility</u>	<u>=</u>	<u>CUP</u>
<u>56.</u>	<u>Essential public facilities not otherwise listed above.</u>	<u>CUP</u>	<u>CUP</u>

**Section 30. New Section.** That Sumner Municipal Code Title 18 “Zoning,” is hereby amended with a new chapter 18.35 “Essential Public Facilities and Behavioral Health Facilities” to read as follows:

**“18.35 Essential Public Facilities and Behavioral Health Facilities”**

**“18.35.010 Siting Criteria for Behavioral Health Facilities”**

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

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

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

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

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

4. The proposed development shall:

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

5. Opioid Treatment Program Use Specific Additional Provisions

- a. Opioid Treatment Programs must be licensed by the State of Washington and follow the licensing and certification process directed by RCW 71.24.290, which includes the following:
  - i. Submitting a completed behavioral health agency licensing application, a community relations plan, and fee.
  - ii. Submitting policies and procedures demonstrating compliance with chapter 246-341 WAC for review and approval.
  - iii. Obtaining drug/controlled substance registration from the Pharmacy Quality Assurance Commission.
  - iv. Obtaining accreditation from a federally recognized accrediting organization.
  - v. Obtaining approval from the federal Substance Abuse and Mental Health Administration (SAMHSA) and the federal Drug Enforcement Administration (DEA).
- b. The City may require conditional use permits with reasonable conditions for siting of opioid treatment programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings.

- c. The City of Sumner may not impose a maximum capacity for an opioid treatment program.

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

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

**“18.35.020 Siting Criteria for Essential Public Facilities”**

The following Development and Operating Conditions shall be established for Essential Public Facilities, Small group homes (with eight or fewer residents) are exempt from the siting criteria. Large group homes (greater than eight residents) are exempt from the siting criteria only when located in MDR or HDR zones.

1. Documentation of Need – The applicant or project sponsor must demonstrate the need for the proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
2. Consistency with Applicant’s Plans - The proposed project should be consistent with the applicant’s own long-range plans for facilities and operations.
3. Consistency with Other Plans – The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted City plans. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities, transportation, housing, and utilities elements of these adopted plans.
4. Relationship of Service Area to Population – With the exception of linear transmission facilities, the facility’s service area population should include a significant share of Sumner’s population, and the proposed site should be able to reasonably serve its overall service area population.

5. Minimum Site Requirements – Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements shall be determined by the following factors: minimum size of the facility, access and transportation needs, support facilities, topography, geology, and mitigation needs. The applicant or sponsor shall also identify future expansion needs of the facility.
6. Alternative Site Selection – The applicant or project sponsor shall search for and investigate two (2) alternative sites before submitting a proposal for siting review. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The applicant’s site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.
7. Distribution of Essential Public Facilities – In evaluating a proposal, the City shall examine the overall distribution of essential public facilities within greater Pierce County and within the city, to avoid placing an undue burden on any one city and any one neighborhood within the city.
8. Public Participation – The applicant or sponsor shall provide for local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor’s efforts in this regard shall be evaluated.
9. Consistency with Local Land Use Regulations – The proposed facility shall conform to the City’s land use and zoning regulations that are consistent with the applicable county-wide planning policies. Compliance with other applicable local regulations shall also be required.
10. Compatibility with Surrounding Land Uses – The project documentation shall demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.
11. Proposed Impact Mitigation – The proposal shall include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.
12. Additional Siting Criteria for Secure Community Transition Facilities.

- a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Line-of-sight has been estimated to be six hundred (600) feet from a risk potential activity or facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line-of-sight may be considered to be less than six hundred (600) feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line-of-sight to less than six hundred (600) feet.
- b. The site or building shall meet all of the security requirements of RCW 71.09.285.
- c. No SCTF may be located within six hundred (600) feet of any residentially zoned property.

**Section 31. 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 32. 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 33. 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 2024.

\_\_\_\_\_  
Mayor Kathy Hayden

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk Michelle Converse

\_\_\_\_\_  
City Attorney Andrea Marquez

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