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3 **BEFORE THE HEARING EXAMINER FOR THE CITY OF SUMNER**

4 Phil Olbrechts, Hearing Examiner

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RE: Outpatient Drug & Alcohol Treatment Facility Conditional Use Permit CUP-2026-0001	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION
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11 **OVERVIEW**

12 Brian Franchini on behalf of Clubwealth Real Estate Holdings LLC requests approval of
13 a conditional use permit to operate an outpatient behavioral health facility within two
14 existing buildings with a combined square footage of 4,864 square feet at 1230 & 1310
Fryar Ave. The application is approved subject to conditions.

15 **ORAL TESTIMONY**

16 A computer-generated transcript of the July 10, 2024 hearing has been prepared to
17 provide an overview of the hearing testimony. The transcript is provided for
informational purposes only as Appendix A.

18 **EXHIBITS**

19 Exhibits A-J on page 10 of the Staff Report are entered into the record during the August
20 10, 2026 hearing.

21 **FINDINGS OF FACT**

22 **Procedural:**

- 23 1. Applicant. Brian Franchini on behalf of Clubwealth Real Estate Holdings
24 LLC, 1012 Thompson Street, Sumner WA 98390 (Franchini address).
25 2. Hearing. The Examiner held a hybrid public hearing at Sumner City Hall on
August 10, 2026 at 10:00 am via the Zoom application.

Substantive:

3. Site/Proposal Description. Brian Franchini on behalf of Clubwealth Real Estate Holdings LLC requests approval of a conditional use permit to operate an outpatient behavioral health facility within two existing buildings with a combined square footage of 4,864 square feet at 1230 & 1310 Fryar Ave. No revisions are proposed to the site or interior spaces.

4. Characteristics of the Area. The project site is in a mixed-use area. Land to the north is zoned light industrial and vacant, to the east is a post office and a church, adjoining on the south is a multi-family development and to the west is the White River with single-family residential development to the west of the river.

5. Adverse Impacts. No adverse impacts are associated with the site.

The proposal doesn't involve any interior or exterior alterations so no impacts to environmental resources are anticipated. The days and hours of operation, Monday through Saturday from 8:00 AM to 5:00 PM, are similar to those of an office use and would not include overnight stays or after-hours operations that would generate irregular traffic activity comparable to the surrounding area. The Fryar Avenue corridor is characterized by commercial and professional office development. A conversion of the site from professional offices to an outpatient behavioral health facility is functionally similar to a clinical office and would be compatible with the surrounding land uses. The Proposed 26 parking spaces meets the City of Sumner's minimum criteria for an "Office and professional buildings, banks, dental and medical clinics" use of 2.5 parking stalls for each 1,000 square feet of gross floor area per SMC 18.42.040(M), which would require 12 parking stalls for the 4,685 square feet of building space.

At hearing the Applicant emphasized that the facility will not engage in any heroin treatment and will not be dispensing any medication such as methadone. The Applicant runs four other similar facilities and has not had any issues with long outdoor lines of people. As required for essential public facilities, the Applicant has submitted an operations plan that details measures that will be taken to minimize operational impacts. The measures include secure check-in/check-out process, schedule-based appointments, standard hours of operations and no overnight residency. The site is also ideally located for mixed-model transportation access since it is within approximately 1/4 mile from the Sumner Transit station through a walkable connection and is adjacent to the Sumner Link trail.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. Conditional use permits are Type V decisions requiring a public hearing and decision by the hearing examiner (SMC 18.56.030.I and SMC 18.56.020.F).

1 **Substantive:**

2 2. Zoning Designation. Town Center (TCC), Riverfront District.

3 3. Review Criteria. SMC 18.29.040R requires a conditional use permit for
4 outpatient behavioral health facilities in the TCC district. The criteria for a conditional
5 use permit are governed by SMC 18.48.050, which are quoted below and applied through
6 corresponding conclusions of law.

7 **SMC 18.48.050:** *The director or hearing examiner shall be guided by the following
8 criteria in granting an administrative or conditional use permit:*

9 *A. The proposed use will not be materially detrimental to the public welfare or injurious
10 to the property or improvements in the vicinity of the proposed use or in the district in
11 which the subject property is situated;*

12 4. The criterion is met for the reasons identified in Finding of Fact No. 5.

13 **SMC 18.48.050.B:** *The proposed use shall meet or exceed the performance standards
14 that are required in the district it will occupy;*

15 5. The criterion is satisfied. Performance standards for the TCC zone are set by
16 SMC 18.29.060. As outlined in the staff report, all of those standards are triggered by
17 new development. Since no new development is proposed, the performance standards
18 do not apply.

19 **SMC 18.48.050.C:** *The proposed development shall be compatible generally with the
20 surrounding land uses in terms of traffic and pedestrian circulation, building and site
21 design;*

22 6. The criterion is met for the reasons identified in Finding of Fact 5. Since no
23 new development is proposed, the proposal is considered fully compatible with its
24 physical surroundings. As outlined in Finding of Fact No. 5, given the type of use
25 proposed and the controls the Applicant proposes to implement to regulate the use, the
use impacts such as traffic, noise and crime should be indistinguishable from the mixed
uses of the surrounding area.

SMC 18.48.050.D: *The proposed use shall be in keeping with the goals and policies of
the Sumner comprehensive plan;*

7. This criterion is met for the reasons identified in Section 4 of the staff report.
Additionally, Chapter 10 of the City's Comprehensive Plan requires the City to adopt
and implement a process for the siting of essential public facilities. SMC 18.04.0364.3
defines essential public facilities to include treatment programs, which in turn includes

the type of use proposed. SMC 18.35.010 outlines the essential public facility standards for behavioral health facilities. As outlined in the staff report those standards are met since the proposal is within proximity of multi-modal transportation facilities, includes an operations plan (Ex. F) tailored to minimize impacts on surrounding uses and meets all development standards (primarily because no new development is proposed). To further meet the essential public facility standards, a condition of approval requires the Applicant to demonstrate it has acquired required state licensing.

SMC 18.48.050.E: *All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.*

8. This criterion is met for the reasons identified in Finding of Fact No. 5.

DECISION

Based upon the application and Findings of Fact and Conclusions of Law, the requested conditional use permit is approved, subject to the following conditions:

1. Prior to issuance of the Certificate of Occupancy, it shall be demonstrated that the development is licensed by the appropriate state authority.
2. All operations shall be conform to the Applicant's operations plan, Ex. F.

Dated this 24th day of August 2026.



Phil A. Olbrechts
City of Sumner Hearing Examiner

Appeal Right and Valuation Notices

Appeals of this decision are appealable to Pierce County Superior Court¹ as required by SMC 18.56.030.I. Superior Court appeals are subject to the Land Use Petition Act (LUPA), Chapter 36.70C. As required by LUPA, superior court appeals must be filed and served within 21 days of the issuance of this decision.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

¹ Some appeals involving federal law are appealable to federal district court. An attorney should be consulted as to how to appeal to federal district court.