



Planning Commission Meeting

433 Cherry Street, Sumas
Monday, August 19, 2024 at 5:30 PM

Agenda

Open Meeting

1. Old Business

[A.](#) July 15, 2024 Draft Minutes

2. Old Business

[B.](#) Comprehensive Plan Review

3. New Business

4. Adjournment

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SUMAS, WASHINGTON, AMENDING CHAPTERS 20.36 AND 20.40, REPEALING CHAPTER 20.42, AND ADOPTING CHAPTER 20.43 OF THE SUMAS MUNICIPAL CODE ESTABLISHING REVISIONS TO TITLE 20 OF THE CITY'S DEVELOPMENT REGULATIONS AS REQUIRED BY THE GROWTH MANAGEMENT ACT.

WHEREAS chapter 36.70A RCW, commonly known as the Growth Management Act (GMA), requires that the City adopt development regulations that are consistent with the City's comprehensive plan and specifies the required components of said development regulations; and

WHEREAS section 36.70.130 RCW requires that the City take legislative action by June 30, 2025, to review and revise the City's development regulations as necessary to ensure the development regulations comply with the requirements of chapter 36.70A RCW; and

WHEREAS Washington Substitute House Bill 2296 amended section 36.70.130 RCW to require that the City take legislative action by December 31, 2025, to review and revise the City's development regulations as necessary to ensure the development regulations comply with the requirements of chapter 36.70A RCW; and

WHEREAS the Sumas Planning Commission has prepared updates to the City's development regulations in accordance with the requirements stated in chapter 36.70A RCW and has forwarded those updates to the Sumas City Council with a recommendation for adoption; and

WHEREAS on _____, 2025, the City notified the public and the Washington State Department of Commerce, of the City's intent to adopt updates to the development regulations and the beginning of a 60-day public review and comment period, and solicited comments about said updates; and

WHEREAS the City Council closed the oral testimony portion of the public hearing on _____, 2025, but held the written record open through _____, 2025; and

WHEREAS the responsible SEPA official reviewed a SEPA checklist describing environmental impacts associated with the proposed development regulations updates and issued a Determination of Nonsignificance on the proposed development regulations updates on _____, 2025; and

WHEREAS comments on the development regulations have been received from various parties, including the Washington State Department of Commerce, and the development regulations have been modified in response to said comments; and

WHEREAS the City Council finds that the development regulations update process conducted from _____, 2024, through _____, 2025, constitutes a review and evaluation of the development regulations in accordance with the requirements of chapter 36.70A RCW; and

WHEREAS the City Council finds that the proposed revisions to the development regulations are in compliance with the provisions of chapter 36.70A RCW; and

WHEREAS the City Council finds that the proposed revisions to title 20 of the Sumas Municipal Code are in the public interest and will support the public health, safety, and welfare of the citizens of Sumas;

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

SECTION 1: The title of Chapter 20.36 of the Sumas Municipal Code shall be amended in its entirety to read as follows:

Chapter 20.36 Highway Business District (HBD)

Sections:

20.36.010 Purpose.

20.36.020 Permitted uses.

20.36.030 Conditional uses.

20.36.040 Service station standards.

20.36.050 Prohibited uses.

20.36.060 Setbacks from streams.

20.36.070 Existing residences.

20.36.010 Purpose.

This district is reserved for businesses along Washington State Highway 9 whose primary base of customers are visitors to Sumas who are travelling through on their way to their destination and whose business is best accompanied with high amounts of vehicle traffic.

20.36.020 Permitted uses.

Permitted uses in the HBD district are as follows:

- a) Hotels and motels;
- b) Drive-in restaurants;
- c) Car washes;
- d) Restaurants;
- e) Convenience stores;
- f) Electric vehicle battery charging stations.

20.36.030 Conditional uses.

Conditional uses in the HBD district are as follows:

- a) Any use identified as a permitted or conditional use in Chapter 20.40 Central Business District (CBD);
- b) Uses that are identified as a permitted or conditional use in Chapter 20.22 Recreation (REC) District;
- c) Uses that are identified as a permitted or conditional use in Chapter 20.24 Public (PUB) District;
- d) On-site hazardous waste treatment and storage facilities accessory to a use permitted in the district; provided, that in addition to the criteria set forth in Chapter 20.66, the facility also complies with the State Hazardous Waste Siting Standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations
- e) Service stations; provided, that in addition to the standards for conditional uses set forth in Chapter 20.66 the city council finds that:
 - 1) The proposal complies with the service station standards set forth in Section 20.36.040.
 - 2) Pump islands and other structures are positioned on the site in such a manner that there is provided adequate holding and maneuvering area for vehicles to enter and leave the site with minimum disruption to traffic flow on adjoining streets.
 - 3) The location and number of driveways is consistent with city traffic design standards and has been approved by the city utilities superintendent and adequate provisions have been included in the design both to clearly identify driveways and to physically prevent vehicle ingress and egress at points other than at the approved driveways.

20.36.040 Service station standards.

- a) No structure on the site, including pump/gas dispenser islands and canopies, shall be located closer than five hundred feet from the property line of any property upon which a service station is presently located.
- b) The horizontal distance between any part of the pump/gas dispenser island the vertical plane of the property line shall be no less than twenty feet.
- c) All aboveground storage tanks shall be completely screened from neighboring uses and be installed and maintained in conformance with the applicable provisions of the Uniform Fire Code edition in effect at the time of application.
- d) All below ground storage tanks shall be installed and maintained in conformance with the applicable provisions of the Uniform Fire Code edition in effect at the time of application, and the Federal Regulations for Underground Storage Tanks, 40 CFR 280.

- e) At least one public restroom for each sex shall be provided. The fixtures in each restroom shall be no less than one water closet and one lavatory. Each restroom shall be accessible by individuals with physically disabilities consistent with the regulations outlined in WAC 162-38-070, as well as the federal Americans with Disabilities Act of 1990. The restroom facilities shall be available for use by the public and accessible to all individuals with physical disabilities during all hours that the service station is open for business.

20.36.050 Prohibited uses.

All uses not otherwise permitted shall be prohibited.

20.36.060 Setbacks from streams.

- a) All development on the shoreline of streams within the jurisdiction of the city shoreline program shall comply with the shoreline setback requirement of that program.
Where there is a conflict between this chapter and the shoreline program the more restrictive provision shall apply.
- b) On all other streams within the city, all structures and other development shall be set back from the ordinary high water mark a distance of no less than twenty-five feet; provided, that ground level parking lots and parking areas may be set back from the ordinary high water mark a distance of no less than fifteen feet.

20.40.070 Existing residences.

In the event of an existing residence located in a commercial zoning district, development regulations applied to said residence shall be as prescribed in Chapter 20.32 High Density Residential (HDR) district.

SECTION 2: Chapter 20.40 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

Chapter 20.40 Central Business District (CBD)

Sections:

20.40.010 Purpose.

20.40.020 Permitted uses.

20.40.030 Conditional uses.

20.40.040 Prohibited uses.

20.40.050 Height.

20.40.060 Setbacks from streams.

20.40.070 Existing residences.**20.40.010 Purpose.**

This district is reserved for businesses which provide the day-to-day goods and services required by residents of the city and surrounding farms.

20.40.020 Permitted uses.

Permitted uses in the CBD district are as follows:

- a) Retail stores;
- b) Professional and businesses offices;
- c) Establishments offering personal services, such as barber and beauty shops, shoe repair, dressmaking and tailoring, cleaning and pressing, coin-operated laundry and dry cleaning;
- d) Financial institutions such as banks, savings and loan associations and finance companies;
- e) Restaurants, taverns and cocktail lounges;
- f) Hotels and motels;
- g) Dental and medical offices and clinics;
- h) Schools for business, trade, and art and music;
- i) Printing and publishing establishments;
- j) Brokerage offices;
- k) Public libraries;
- l) Government offices and related facilities;
- m) Electric vehicle battery charging stations;
- n) Accessory use to a use permitted in subsections (1) through (13) of this section.

20.40.030 Conditional uses.

Conditional uses in the CBD district are as follows:

- a) Entertainment facilities;
- b) Dwelling units above the first story in buildings housing a primary permitted use;
- c) On-site hazardous waste treatment and storage facilities accessory to a use permitted in the district; provided, that in addition to the criteria set forth in Chapter 20.66 of this title, the facility also complies with the State Hazardous Waste Siting Standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations;
- d) Multifamily dwellings of less than ten units per project;
- e) Uses that are identified as a permitted or conditional use in Chapter 20.36 Highway Business District (HBD);

- f) Uses that are identified as a permitted or conditional use in Chapter 20.42 Municipal Business District (MBD);
- g) Uses that are identified as a permitted or conditional use in Chapter 20.32 High Density Residential (HDR) district;
- h) Uses that are identified as a permitted or conditional use in Chapter 20.22 Recreation (REC) District;
- i) Uses that are identified as a permitted or conditional use in Chapter 20.24 Public (PUB) District.

20.40.040 Prohibited uses.

All uses not otherwise permitted are prohibited.

20.40.050 Height.

Structures shall not exceed forty feet in height or exceed three stories.

20.40.060 Setbacks from streams.

- a) All development on the shoreline of streams within the jurisdiction of the city shoreline program shall comply with the shoreline setback requirement of that program.
Where there is a conflict between this chapter and the shoreline program the more restrictive provision shall apply.
- b) On all other streams within the city, all structures and other development shall be set back from the ordinary high water mark a distance of no less than twenty-five feet; provided, that ground level parking lots and parking areas may be set back from the ordinary high water mark a distance of no less than fifteen feet.

20.40.070 Existing residences.

In the event of an existing residence located in a commercial zoning district, development regulations applied to said residence shall be as prescribed in Chapter 20.32 High Density Residential (HDR) district.

SECTION 3: Chapter 20.42 of the Sumas Municipal Code is hereby repealed in its entirety.

SECTION 4: The following is added as Chapter 20.43 to the Sumas Municipal Code to read in its entirety as follows:

CHAPTER 20.43 Municipal Business District (MBD)

Sections:

20.43.010 Purpose.

20.43.020 Permitted uses.

20.43.030 Conditional uses.

20.43.040 Prohibited uses.

20.43.050 Residential development.

20.43.060 Commercial development.

20.43.070 Setbacks from streams.

20.43.010 Purpose.

This district is reserved for businesses for which the primary customer base are the residents of Sumas.

This district is also meant to act as a transition zone between the residential zoning districts and the commercial zoning districts. As such, both residential and commercial uses are permitted.

20.43.020 Permitted uses.

Permitted uses in the MBD district are as follows:

- a) Detached single-family dwellings, including site-built and manufactured;
- b) Accessory buildings such as garage, carport, greenhouse;
- c) Adult daycare, subject to administrative conditions hours of operation, parking, and pick-up and drop-off.
- d) Professional and businesses offices;
- e) Establishments offering personal services, such as barber and beauty shops, shoe repair, dressmaking and tailoring, cleaning and pressing, coin-operated laundry and dry cleaning;
- f) Dental and medical offices and clinics.

20.43.030 Conditional uses.

Conditional uses in the MBD district are as follows:

- a) Uses that are identified as a permitted or conditional use in Chapter 20.40 Central Business District (CBD);
- b) Uses that are identified as a permitted or conditional use in Chapter 20.32 High Density Residential (HDR) District;
- c) Uses that are identified as a permitted or conditional use in Chapter 20.22 Recreation (REC) District;
- d) Uses that are identified as a permitted or conditional use in Chapter 20.24 Public (PUB) district.

20.43.040 Prohibited uses.

All uses not otherwise permitted are prohibited.

20.43.050 Residential development.

All residential development which occurs in the MBD district shall follow the development regulations as prescribed in Chapter 20.32 High Density Residential (HDR) district.

20.43.060 Commercial development.

The purpose of this district is to provide a transition zone from residential to commercial uses. For this reason, all commercial development which occurs in the MBD district is to be designed and constructed to be synonymous with the physical characteristics of the surrounding residences.

20.43.070 Setbacks from streams.

- a) All development on the shoreline of streams within the jurisdiction of the city shoreline program shall comply with the shoreline setback requirement of that program.

Where there is a conflict between this chapter and the shoreline program the more restrictive provision shall apply.

- b) On all other streams within the city, all structures and other development shall be set back from the ordinary high water mark a distance of no less than twenty-five feet; provided, that ground level parking lots and parking areas may be set back from the ordinary high water mark a distance of no less than fifteen feet.

SECTION 5: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clauses or phrase thereof separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this ordinance shall remain in full force and effect.

SECTION 6: Effective date. This Ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Sumas, Washington, on the __th day of ____, 202__, and approved by its Mayor on the same date.

Chapter 20.36

BUSINESS (BT) DISTRICT, TRAFFIC ORIENTED

Sections:

20.36.010 Purpose.

20.36.020 Permitted uses.

20.36.030 Conditional uses.

20.36.040 Service station standards.

20.36.050 Prohibited uses.

20.36.060 Setbacks from streams.

20.36.010 Purpose.

This district is reserved for businesses serving the needs of travelers, and whose development may be achieved in harmony with surrounding areas. (Ord. 1002 (Attachment A) (part), 1989)

20.36.020 Permitted uses.

Permitted uses in the BT district are as follows:

- (1) Motels;
- (2) Drive-in restaurants;
- (3) Car washes;
- (4) Restaurants;
- (5) Convenience stores;
- (6) Electric vehicle battery charging stations. (Ord. 1686 § 16, 2016; Ord. 1002 (Attachment A) (part), 1989)

20.36.030 Conditional uses.

Conditional uses in the BT district are as follows:

- (1) Retail stores other than convenience stores;

- (2) Professional and business offices;
- (3) Establishments offering personal services, such as barber and beauty shops, shoe repair, dressmaking and tailoring, cleaning and pressing, coin-operated laundry and dry cleaning;
- (4) Financial institutions such as banks, savings and loan associations and finance companies;
- (5) Restaurants with cocktail lounges;
- (6) Dental and medical offices and clinics;
- (7) Schools for business, trade, art and music;
- (8) Printing and publishing establishments;
- (9) Brokerage offices;
- (10) Public libraries;
- (11) Government offices and related facilities;
- (12) Accessory use to a use permitted in subsections (1) through (11) of this section;
- (13) On-site hazardous waste treatment and storage facilities accessory to a use permitted in the district; provided, that in addition to the criteria set forth in Chapter [20.66](#), the facility also complies with the State Hazardous Waste Siting Standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations;
- (14) Service stations; provided, that in addition to the standards for conditional uses set forth in Chapter [20.66](#) the city council finds that:
 - (A) The proposal complies with the service station standards set forth in Section [20.36.040](#).
 - (B) Pump islands and other structures are positioned on the site in such a manner that there is provided adequate holding and maneuvering area for vehicles to enter and leave the site with minimum disruption to traffic flow on adjoining streets.
 - (C) The location and number of driveways is consistent with city traffic design standards and has been approved by the city utilities superintendent and adequate provisions have been included in the design both to clearly identify driveways and to physically prevent vehicle ingress.

and egress at points other than at the approved driveways. (Ord. 1002 (Attachment A) (part), 1989)

Item B.

20.36.040 Service station standards.

- (a) No structure on the site, including pump/gas dispenser islands and canopies, shall be located closer than five hundred feet from the property line of any property upon which a service station is presently located.
- (b) The horizontal distance between any part of the pump/gas dispenser island the vertical plane of the property line shall be no less than twenty feet.
- (c) All aboveground storage tanks shall be completely screened from neighboring uses and be installed and maintained in conformance with the applicable provisions of the Uniform Fire Code edition in effect at the time of application.
- (d) All below ground storage tanks shall be installed and maintained in conformance with the applicable provisions of the Uniform Fire Code edition in effect at the time of application, and the Federal Regulations for Underground Storage Tanks, [40 CFR 280](#).
- (e) At least one public restroom for each sex shall be provided. The fixtures in each restroom shall be no less than one water closet and one lavatory. Each restroom shall be accessible by the physically handicapped consistent with the criteria set forth in the State Barrier Free Standards. The restroom facilities shall be available for use by the public and accessible to the physically handicapped during all hours that the service station is open for business. (Ord. 1002 (Attachment A) (part), 1989)

20.36.050 Prohibited uses.

All uses not otherwise permitted shall be prohibited. (Ord. 1002 (Attachment A) (part), 1989)

20.36.060 Setbacks from streams.

- (a) All development on the shoreline of streams within the jurisdiction of the city shoreline program shall comply with the shoreline setback requirement of that program. Where there is a conflict between this chapter and the shoreline program the more restrictive provision shall apply.
- (b) On all other streams within the city, all structures and other development shall be set back from the ordinary high water mark a distance of no less than twenty-five feet; provided, that ground level parking lots and parking areas may be set back from the ordinary high water mark a distance of no less than fifteen feet. (Ord. 1002 (Attachment A) (part), 1989)

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Item B.

City Website: <https://cityofsumas.com/>

City Telephone: (360) 988-5711

Codification services provided by [General Code](#)

Chapter 20.40

BUSINESS (BG) DISTRICT, GENERAL

Sections:

20.40.010 Purpose.

20.40.020 Permitted uses.

20.40.030 Conditional uses.

20.40.040 Prohibited uses.

20.40.050 Theater restrictions.

20.40.060 Setbacks from streams.

20.40.010 Purpose.

This district is reserved for businesses which provide the day-to-day goods and services required by residents of the city and surrounding farms. (Ord. 1002 (Attachment A) (part), 1989)

20.40.020 Permitted uses.

Permitted uses in the BG district are as follows:

- (1) Retail stores;
- (2) Professional and business offices;
- (3) Establishments offering personal services, such as barber and beauty shops, shoe repair, dressmaking and tailoring, cleaning and pressing, coin-operated laundry and dry cleaning;
- (4) Financial institutions such as banks, savings and loan associations and finance companies;
- (5) Restaurants, taverns and cocktail lounges;
- (6) Hotels and motels;
- (7) Dental and medical offices and clinics;
- (8) Schools for business, trade, art and music;

- (9) Printing and publishing establishments;
- (10) Brokerage offices;
- (11) Public libraries;
- (12) Government offices and related facilities;
- (13) Electric vehicle battery charging stations;
- (14) Accessory use to a use permitted in subsections (1) through (13) of this section. (Ord. 1686 § 17, 2016; Ord. 1002 (Attachment A) (part), 1989)

20.40.030 Conditional uses.

Conditional uses in the BG district are as follows:

- (1) Entertainment and recreational facilities;
- (2) Dwelling units above the first story in buildings housing a primary permitted use;
- (3) On-site hazardous waste treatment and storage facilities accessory to a use permitted in the district; provided, that in addition to the criteria set forth in Chapter [20.66](#), the facility also complies with the State Hazardous Waste Siting Standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations;
- (4) Multifamily dwellings of less than ten units per project on property located north of Front Street that do not have frontage on Cherry Street or Front Street. (Ord. 1725 § 1, 2018; Ord. 1719 § 1, 2017; Ord. 1002 (Attachment A) (part), 1989)

20.40.040 Prohibited uses.

All uses not otherwise permitted are prohibited. (Ord. 1002 (Attachment A) (part), 1989)

20.40.050 Theater restrictions.

No theater, as defined in Chapter [20.80](#), shall be permitted within one thousand feet of any church, as defined in this title, or other religious building or within one thousand feet of any establishment whose usual business or trade consists of the selling of alcoholic beverages including wine, spirits, or beer by the drink and licensed by the Washington State Liquor Control Board. (Ord. 1002 (Attachment A) (part), 1989)

20.40.060 Setbacks from streams.

(a) All development on the shoreline of streams within the jurisdiction of the city shoreline program shall comply with the shoreline setback requirement of that program. Where there is a conflict between this chapter and the shoreline program the more restrictive provision shall apply. Item B.

(b) On all other streams within the city, all structures and other development shall be set back from the ordinary high water mark a distance of no less than twenty-five feet; provided, that ground level parking lots and parking areas may be set back from the ordinary high water mark a distance of no less than fifteen feet. (Ord. 1002 (Attachment A) (part), 1989)

The Sumas Municipal Code is current through Ordinance 1813, passed March 11, 2024.

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Chapter 20.42

BUSINESS DISTRICT III—LOW IMPACT

Sections:

20.42.010 Title—Purpose.

20.42.020 Permitted uses.

20.42.030 Conditional uses.

20.42.040 Prohibited uses.

20.42.050 Parking.

20.42.060 Building setbacks.

20.42.010 Title—Purpose.

This chapter shall be known as the business district III—low impact. This district would be reserved for businesses which would provide services required by the local community and whose development would harmonize with neighboring residential areas. Businesses in this zone must be non-traffic oriented and should not generate excessive noise. (Ord. 1091 § 6, 1993)

20.42.020 Permitted uses.

Permitted uses in the business district III are as follows:

- (1) Single-family dwellings;
- (2) Professional and business offices;
- (3) Establishments offering personal services, such as barber and beauty shops, shoe repair, coin operated laundry, dry cleaning;
- (4) Dental and medical offices and clinics;
- (5) Public libraries and museums;
- (6) Government offices and related facilities;
- (7) Electric vehicle battery charging stations;

(8) Accessory use to a use permitted above. (Ord. 1686 § 18, 2016; Ord. 1188 § 2, 1996)

20.42.030 Conditional uses.

Conditional uses in the business district III are as follows:

- (1) Financial institutions such as banks, savings and loan associations and finance companies;
- (2) Schools for business, trade, art and music;
- (3) Printing and publishing establishments;
- (4) Dwelling units above the first story in buildings housing a primary permitted use. (Ord. 1091 § 8, 1993)

20.42.040 Prohibited uses.

All uses not otherwise permitted are prohibited. (Ord. 1091 § 9, 1993)

20.42.050 Parking.

Same requirements as business district II. (Ord. 1091 § 10, 1996)

20.42.060 Building setbacks.

The setbacks for new construction in this zone shall remain the same as for the residential high density. (Ord. 1091 § 11, 1993)

The Sumas Municipal Code is current through Ordinance 1813, passed March 11, 2024.

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