



CITY OF SUMAS

433 Cherry Street/PO Box 9, Sumas, WA 98295

P: (360) 988-5711 F: (360) 988-8855

Memo

To: The Honorable Mayor and Sumas City Council

From: Carson Cortez, City Planner, City of Sumas

Date: October 27, 2025

Re: 2025 Comprehensive Plan and Development Regulations Update

On August 26, 2025, the City submitted its formal notice to various agencies of Washington State and published a legal notice in the Lynden Tribune notifying the public regarding the beginning of a 60-day public review period with respect to the 2025 comprehensive plan update. Draft updated documents were made available at City Hall and on the City website. Comments from the public and from State agencies were received through October 26, 2026. The City has scheduled a public hearing starting today, October 27, 2025, to review public and State agency comments and to consider proposed comprehensive plan and development regulations updates. Following the closure of this public hearing, a new public hearing will be scheduled for the City Council to take final action regarding the proposed comprehensive plan and development regulations updates.

Public Comments

The City received one public comment today, October 27, 2025, from Mr. David Heeringa, 9525 Easterbrook Road. Mr. Heeringa's property is currently zoned Residential, High Density. The proposed zoning map shows Mr. Heeringa's property as proposed to change to Residential, Medium Density. Mr. Heeringa would like his property to stay in its current zoning district.

Agency Comments

The City received several comment letters from various State agencies regarding the proposed comprehensive plan and development regulations updates. The Washington State Department of Commerce submitted comments regarding the City's proposed comprehensive plan updated and proposed accessory dwelling unit (ADU) ordinance on October 24, 2025. The Washington State Department of Natural Resources submitted comments regarding the proposed comprehensive plan update and critical areas

ordinance (CAO) update on September 11, 2025, and the Departments of Ecology and Fish and Wildlife submitted comments on the same two items on October 15, 2025. Below is a summarized list of the comments that we received from these agencies.

Department of Commerce Comments (Comprehensive Plan Update)

- Highlighted the City's intention to expand our UGA boundaries into designated resource lands in the Land Use Element and recommends more explanation into the reasoning behind the City's intention and how we plan to meet the criteria.
- Housing Element does not properly show sufficient consideration of moderate-density housing options, accessory dwelling units, and show proper housing capacity for all income levels.
- Housing Element does not sufficiently show capacity for low-income housing such as permanent and non-permanent supporting housing.
- Housing Element does not show sufficient consideration of racially-disparate impacts from our housing goals and policies
- Housing Element does not highlight areas that may be at higher risk of residential displacement from market factors.
- Transportation Element is incomplete and must meet all relevant requirements before adoption.

Department of Commerce Comments (Development Regulations)

- Development Regulations do not show sufficient allowance of permanent supportive housing or transitional housing, emergency shelters, alternative parking surfaces, or family day care providers.

Department of Commerce Comments (ADU Ordinance)

- Several proposed requirements in the ADU Ordinance include stricter requirements on the ADU than what are imposed on the principal dwelling unit. This is inconsistent with RCW 36.70A.681(1)(h) and must be amended. These requirements include:
 - Placement of the door in ADU entry door in relation to the Principal Dwelling Unit
 - Requirement that type, size, and placement material must be similar to that of the Principal Dwelling Unit
 - Landscaping requirements for ADUs that are different than those imposed on the Principal Dwelling Unit.
- Additional Commerce comments regarding the proposed ADU ordinance include number of parking spaces, placement of detached ADUs on lot lines, and setback and lot coverage requirements for converted ADUs.

Department of Natural Resources (DNR) Comments (Critical Areas Ordinance)

- DNR has questions regarding the proposed critical areas variances section. This section was taken from the City of Nooksack critical areas variance section and may be somewhat outdated. City staff will review this language and make corrections as necessary.
- DNR suggests adding an additional definition to the definitions section regarding geologically hazardous areas.

Department of Ecology (Critical Areas Ordinance)

- Section 15.20.090 provides certain exemptions to the critical areas review requirements based on a specific set of criteria. Number one on the list of criteria is if the activity is considered emergency activity to reduce or prevent threat to public health and safety. The Department of Ecology recommends adding a limit to the amount of time restoration or rehabilitation projects can be exempt from the critical areas review requirements.
- Proposed additional section 15.20.220 SMC requires that activities meeting the forest practices definition require approval of required forest practices permits with the Department of Natural Resources, specifically a Class IV General Permit. The Department of Ecology suggests that the City should also review and regulate Class IV general permits based on our CAO.
- Section 15.20.230 SMC provides a list of methods of critical area mitigation, organized by priority. The Department of Ecology recommends a 6th method; "Monitoring the impact and taking appropriate corrective measures."
- Section 15.20.280 SMC requires that a detailed critical areas study be performed by a "qualified wetland biologist." The Department of Ecology suggests adding additional criteria to determine the qualifications of the wetland biologist, such as college degree, work experience, and/or certifications.
- Subsections 15.20.290(B) and (C) define standard development buffers from wetlands. The Department of Ecology recommends extending the standard buffers and adding additional requirements that the vegetation in those buffers be native vegetation.
- Subsection 15.20.300(C) provides standard ratios to determine the amount of mitigation required based on the amount of wetland area lost to development. The Department of Ecology recommends adding additional mitigation ratios of how much wetland is preserved compared to how much is lost.
- Subsection 15.20.310(G) outlines potential recreation facilities that may be beneficial in wetland and stream buffers, specifically walking trails. The Department of Ecology recommends adding additional language requiring that the walking trail be placed as far away from the wetland or stream as possible.
- The Department of Commerce recommends additional language added to the Critical Areas Ordinance's definition section regarding agricultural activities, stating that if the activity has been idle for more than five years, then it should no longer be considered exempt from the critical areas review requirements.

Department of Fish and Wildlife (DFW) Comments (Comprehensive Plan).

- The DFW recommends adding additional language to Policy 3.4.1 in Chapter 3, highlighting the need to prioritize infill development in urban areas to minimize conversion of natural and agricultural lands, and to direct higher-density growth away from flood risk and other environmental constraints.
- The DFW recommends adding an additional policy to the Chapter 3 goals and policies section, incorporating the linkage between wildlife habitat connectivity and critical areas in our trail planning.
- The DFW recommends prioritizing capital improvement projects that enhance our local ecosystem.

- The DFW recommends that the City add language to Chapter 6 encouraging environmentally sustainable development and promoting energy efficiency and green building design.
- The DFW recommends that the City add additional language to Chapter 6, allowing more flexibility in development for the purpose of addressing environmental sustainability.
- The DFW recommends adding an additional policy to the Chapter 6 goals and policies section, allowing for the establishment of wildlife habitat corridors that facilitate safe wildlife movement and reduce the amount of wildlife-related collisions.
- The DFW recommends modifications to the Chapter 9 goals and policies adding additional language regarding shoreline setbacks and to conduct a tree canopy assessment to gain existing conditions for the establishment of a long-term tree canopy management plan.

Department of Fish and Wildlife (DFW) comments (Critical Areas Ordinance)

- Section 15.20.090 SMC includes exemptions from the critical areas review requirements for specific actions. One of those exemptions is for activities involving artificially created wetlands or watercourses created from nonwetland sites. The DFW would like to add additional language saying that the artificially created wetlands or water courses may not contain fish and were not created to convey a stream or portion of a stream the existed prior to development.
- Subsection 15.20.090(C) SMC includes language requiring exempt activities to use reasonable methods or acceptable best management practices to reduce potential impacts to critical areas. The DFW recommends changing the word “reduce” to “avoid”
- Subsection 15.20.230(B) SMC requires that all mitigation activities be contained in a mitigation plan. The DFW would like to add additional requirements in the mitigation plan assessing potential avoidance measures.
- The DFW recommends prioritizing low impact development approaches to maximize use of wetland and stream buffers.
- The DFW recommends the addition of language related to Wildlife Habitat Corridors and Riparian Management Zones in Section 15.20.320 SMC. They also recommend the installation of fish exclusion devices in artificial watercourses.
- The DFW recommends modification of stream buffers to Riparian Management Zones (RMZs) and recommend increasing buffers/RMZs to a minimum of 111 feet for all streams. This is based on the best available science which shows the 111 feet to be the minimum sufficient buffer for our area. However, our effective Shoreline Master Plan, adopted in 2023, overpowers this recommendation until a new Shoreline Master Plan is adopted.
- The DFW recommends amending the reasonable use exemptions requirement to ensure that the exemption would not result in a net loss of critical area functions and values.

- The DFW recommends the addition of several definitions to the Critical Areas Ordinance's Definitions sections, including:
 - Channel Migration Zone
 - Ecosystem functions
 - Ecosystem values
 - Fish habitat
 - Hazard tree
 - Monitoring and Adaptive Management
 - No Net Loss of Critical Areas
 - Priority Habitat
 - Priority Species
 - Riparian management zone
 - Watershed Plan