

Development Regulations

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SUMAS, WASHINGTON, ADOPTING REVISIONS TO TITLE 20 OF THE CITY'S DEVELOPMENT REGULATIONS AS REQUIRED BY THE STATE GROWTH MANAGEMENT ACT.

WHEREAS, chapter 36.70A RCW, commonly known as the Growth Management Act, 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 36.70A.130 RCW requires 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 public notifications identified the dates and times of public hearings to be held before the Sumas City Council regarding adoption of updates to the development regulations; and

WHEREAS, the Sumas City Council held public hearings related to the proposed updates to the development regulations on _____ and _____, 2025, where opportunity for public testimony was provided; and

WHEREAS, the City Council closed the oral testimony portion of the public hearing on _____, 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 by the City from _____, _____, 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: Section 20.10.010 of the Sumas Municipal Code is amended to read in its entirety as follows:

20.10.010 Districts – Official map.

The city is hereby divided into use zones or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted and declared to be a part of this title. The district names and designations are as follows:

FULL NAME		DESIGNATION
OS/AGO A	Open Space/Agricultural District	“ OS/AGO A” District
RS-15	Single-Family Residential District, Low Density	“ RS-15 ” District
R-10RM	Residential District, Medium Density	“ R-10RM ” District
R-6RH	Residential District, High Density	“ R-6RH ” District
BT	Business District, Traffic Oriented	“BT” District
BG	Business District, General	“BG” District
BL	Business District, Low Impact	“ BL ” District
I	Industrial District	“I” District
P	Public District	“ P ” District
MW	Mini-Warehouse District	“MW” District

SECTION 2: Chapter 20.24 of the Sumas Municipal Code is hereby repealed in its entirety.

SECTION 3: Chapter 20.28 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

Chapter 20.28

RESIDENTIAL (~~R-7RM~~) DISTRICT, MEDIUM DENSITY

Sections:

- 20.28.010 Purpose.
- 20.28.020 Permitted uses.
- 20.28.030 Conditional uses.
- 20.28.040 Prohibited uses.
- 20.28.050 Height.
- 20.28.060 Rear yards.
- 20.28.070 Side yards.
- 20.28.080 Front yards.
- 20.28.090 Setbacks from streams.
- 20.28.100 Lot area and width.
- 20.28.110 Signs.
- 20.28.120 Uniform design standards – Residences.

20.28.010 Purpose.

The purpose of the ~~R-7RM~~ district is to permit the establishment of medium density residential uses that are primarily single-family.

20.28.020 Permitted uses.

Permitted uses in the ~~R-7RM~~ district are as follows:

- a) Single-family dwelling, including site-built and manufactured;
- b) Accessory buildings such as garage, carport, greenhouse, workshop;
- c) Private swimming pool;

- d) Adult daycare, subject to administrative conditions addressing hours of operation, parking, and pick-up and drop-off.

20.28.030 Conditional uses.

~~1)~~ Conditional uses in the ~~R-7RM~~ district are as follows:

- a) Churches of all faiths and accessory schools and residences;
- b) Public schools;
- c) Public parks, community centers and public libraries;
- d) Duplex.

~~2)~~ ~~Additional conditional uses in the R-7 district are as follows:~~

- ~~a)~~e) Wireless communication facilities, including their support structures, antennas, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer personal wireless communications service to the public;
- ~~b)~~f) Water storage reservoirs owned and operated by a public utility, water district, or water association.

In addition to being subject to the conditions set forth in Chapter 20.66 of this code, any conditional use allowed pursuant to this subsection (2) is also subject to such additional conditions and requirements as the city council may deem appropriate, including those necessary to minimize impacts and to protect and promote the general health, safety, and welfare of the city of Sumas and its residents. Included among those set forth in Chapter 20.13 of the Whatcom County Code pertaining to wireless communications facilities.

20.28.040 Prohibited uses.

The following uses are prohibited in the ~~R-7RM~~ district:

- ~~a)~~ Mobile homes not meeting the definition of manufactured home under the International Residential Code;
- ~~a)~~b) Animal kennels or breeding facilities.
- ~~b)~~c) All other uses not otherwise permitted.

20.28.050 Height.

Structures shall not exceed thirty-five feet in height or exceed two stories.

20.28.060 Rear yards.

The depth of the rear yard shall not be less than five feet as measured from the foundation line of any structure, provided that accessory buildings may be located in the rear yard if located no closer than two feet from the rear property line.

20.28.070 Side yards.

The depth of each side yard shall not be less than eight feet as measured from the foundation line of any structure.

20.28.080 Front yards.

The front yard depth shall be not less than twenty feet as measured from the foundation line of any principal or accessory structure.

20.28.090 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.

20.28.100 Lot area and width.

Minimum lot area shall be seven thousand two hundred square feet for a single-family residence and nine thousand square feet for a duplex and shall be increased as required so that no more than thirty-five percent of the lot area shall be covered by buildings. Minimum lot width shall be sixty feet; provided, that cul-de-sac lots may have a minimum width at the street line of thirty feet if the lot width at the building line meets the minimum width standard of sixty-feet.

20.28.110 Signs.

Signs shall be permitted as follows:

- a) Nameplates with a maximum surface of one square foot.
- b) "For Sale" or "For Rent" signs with maximum surface of six square feet, and set back from property line ten feet.
- c) Church, park or school signs with maximum surface of twenty square feet, and set back from property line ten feet.e
- d) Illuminated signs shall:

- 1) Not glare on adjoining property;
- 2) Be of constant light intensity;
- 3) Not conflict with traffic controls; and
- 4) Not be exposed neon.

20.28.120 Uniform design standards – Residences.

No building or housing-type structure moved onto or constructed within this residential zoning district which is to be used as a single-family dwelling or duplex shall have less than one thousand one hundred square feet of enclosed floor space, excluding garage and/or carport areas. Each such building or housing-type structure shall have eaves with a minimum overhang of twelve inches.

SECTION 4: Chapter 20.32 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

Chapter 20.32

RESIDENTIAL (~~R-6RH~~) DISTRICT, HIGH DENSITY

Sections:

20.32.010 Purpose.

20.32.020 Permitted uses.

20.32.030 Conditional uses.

20.32.040 Prohibited uses.

20.32.050 Height.

20.32.060 Rear yards.

20.32.070 Side yards.

20.32.080 Front yards.

20.32.090 Setbacks from streams.

20.32.100 Lot area and width.

20.32.110 Signs.

20.32.120 Uniform design standards.

20.32.130 Attached single family

20.32.140 Planned developments.

20.32.150 Duplexes, multiple dwellings, attached single-family dwellings and planned developments.

20.32.010 Purpose.

The purpose of the ~~R-6~~RH district is to permit the establishment of high density residential development of both single- and multiple-family dwellings.

20.32.020 Permitted uses.

Permitted uses in the ~~R-6~~RH district are as follows:

- (1) Detached single-family dwellings, including site-built and manufactured;
- (2) Accessory buildings such as garage, carport, greenhouse;
- (3) Private swimming pools;
- (4) Accessory uses;
- (5) Adult daycare, subject to administrative conditions addressing hours of operation, parking, and pick-up and drop-off.

20.32.030 Conditional uses.

Conditional uses in the ~~R-6~~RH district are as follows:

- (1) Duplexes and multiple dwellings;
- (2) Attached single-family dwellings on two adjoining lots;
- (3) Attached single-family dwellings on up to a maximum of six adjoining lots where located within a planned development established consistent with Section 20.32.140;
- (4) Nonprofit club houses;
- (5) Churches of all faiths and accessory school and residence;
- (6) Public parks, community centers, and public libraries;
- (7) Mobile home parks.

20.32.040 Prohibited uses.

The following uses are prohibited:

- (1) Mobile homes outside of a mobile home park;
- ~~(2)~~ Attached single-family dwellings on more than two adjoining lots, except within a planned development;
- ~~(2)~~~~(3)~~ Animal kennels or breeding facilities;
- ~~(3)~~~~(4)~~ All other uses not otherwise permitted.

20.32.050 Height.

Structures shall not exceed thirty-five feet in height or exceed ~~two~~three stories.

20.32.060 Rear yards.

The depth of the rear yard shall be not less than five feet as measured from the foundation line of any structure; provided, that the accessory buildings may be located in the rear yard if located no closer than two feet from the rear property line.

20.32.070 Side yards.

The depth of each side yard shall be not less than eight feet as measured from the foundation line of any structure; provided, that no side yard shall be required for attached single-family dwellings on the side where the two dwellings are attached.

20.32.080 Front yards.

The depth of the front yard shall be not less than twenty feet as measured from the foundation line of any principal or accessory structure. In older areas in which fifty percent or more of the lots in a block are developed, the front yard may be the average depth of those existing yards.

20.23.090 Setbacks from streams.

- a) All the 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.

20.32.100 Lot area and width.

Minimum lot area for all users except attached, single-family dwellings shall be six thousand square feet and shall be increased as required so that no more than thirty-five percent of the lot area shall be covered by buildings. Minimum lot area for attached single-family dwellings shall be three thousand feet and shall be increased as required so that no more than thirty-five percent of the lot area of any end lot and forty-five percent of the lot area of any interior lot shall be covered by buildings. Except as provided below, the

minimum lot width shall be sixty feet; provided, that cul-de-sac lots may have a minimum width at the street line of thirty feet if the lot width at the building line meets the minimum width standard of sixty feet. The minimum lot width for a lot containing or planned for an attached single-family dwelling shall be thirty feet; provided, the such lots may have a minimum width of twenty feet if the lot width at the building line meets the minimum width standard of thirty feet.

20.32.110 Signs.

Signs shall be permitted as follows:

- (1) Nameplate with a maximum surface of one square foot;
- (2) "For Sale" and "For Rent" signs with maximum surface of six square feet, and set back from property line ten feet;
- (3) Church, park or school signs with maximum surface of twenty square feet, and set back from the property line ten feet;
- (4) Illuminated signs shall:
 - (A) Not glare on adjoining property;
 - (B) Be of constant light intensity;
 - (C) Not conflict with traffic controls; and
 - (D) Not be exposed neon.

20.32.120 Uniform design standards – Residences.

No building or housing-type structure moved onto or constructed within this residential zoning district which is to be used as a detached single-family dwelling shall have less than one thousand square feet of enclosed floor space, excluding garage and/or carport areas. Each such building or housing-type structure shall have eaves with a minimum overhang of twelve inches.

20.32.130 Attached single-family dwellings – Lot frontage requirements.

For attached single-family dwellings, the city council may waive the lot frontage requirements established under Division II of this title through the approval of a conditional use permit where a finding is made that adequate access to said lot or lots can and will be provided through use of a properly recorded easement.

20.32.140 Planned developments.

- a) Planned developments are those developments authorized in the residential high density zoning district that allow increased variation in lot coverage and dwelling types based on review and approval of a master plan submitted in conjunction with an application for approval of a preliminary plat for a long subdivision pursuant to Division II of this title.
- b) Planned developments may only be approved for those projects located on a minimum of one acre of gross land area. Such developments are not authorized within the developed portions of the city located north of Front Street.
- c) In addition to the information required for an application for preliminary plat approval, the master plan for a planned development shall include the following information: a description of the proposed development, including its purpose and design goals; a listing and description of the dwelling types and other uses planned, as well as their distribution throughout the development; architectural design, landscaping and parking standards proposed; a description of proposed open space and park areas; and other information necessary to allow the city council to review the proposed development.
- d) The development of specific uses within areas approved as planned developments shall be subject to the regulations established in this chapter.

20.32.150 Duplexes, multiple dwellings, attached single-family dwellings and planned developments.

In reviewing applications for approval of duplexes, multiple dwellings, attached single-family dwellings and planned developments, the city council shall retain broad authority to approve, approve with conditions, or deny a specific projection application based on the unique circumstances specific to that proposal. Such authority shall be based on consideration of factors including, but not limited to, the character of the neighborhood within which the project is proposed, the development plan for the subject neighborhood as expressed in the comprehensive plan, the presence of other similar developments in the surrounding area, the proximity of the development to public services, and the availability of adequate on- and off-street parking.

SECTION 5: Chapter 20.40 of the Sumas Municipal Code is amended to read in its entirety as follows:

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~~ 20.40.050 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.

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 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.

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. Theatre or cinema;
5. Churches, clubs, and lodges;
- ~~3.6. Veterinary hospital or clinic;~~
7. 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.~~
- 4.8. All uses not otherwise identified as permitted or prohibited uses.

20.40.040 Prohibited uses.

All uses not otherwise permitted are prohibited.

~~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.~~

~~20.40.060~~20.40.050 Setbacks from streams.

1. 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.

2. 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 6: Chapter 20.42 of the Sumas Municipal Code is amended to read in its entirety as follows:

Chapter 20.42

BUSINESS (BL) DISTRICT, ~~HI~~—LOW IMPACT

Sections:

- | | |
|-----------|-------------------|
| 20.42.010 | 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 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.

20.42.020 Permitted uses.

Permitted uses in the ~~business district III~~ HBL zone 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;
- ~~7-8.~~ Additions and expansions to pre-existing single-family residences;
- ~~8-9.~~ Accessory use to a use permitted above.

20.42.030 Conditional uses.

Conditional uses in the ~~business district III~~ HBL zone 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;
- ~~3-4.~~ Veterinary hospital or clinic;
- ~~4-5.~~ Dwelling units above the first story in buildings housing a primary permitted or conditional use.

20.42.040 Prohibited uses.

All uses not otherwise permitted are prohibited.

20.42.050 Parking.

~~Same requirements as business district II.~~

20.42.~~060-050~~ Building setbacks.

The setbacks for new construction in this zone shall remain the same as for the residential high density zone.

SECTION 7: Chapter 20.44 of the Sumas Municipal Code is amended to read in its entirety as follows:

**Chapter 20.44
INDUSTRIAL (I) DISTRICT**

Sections:

- 20.44.010 Purpose.
- 20.44.020 Permitted uses.
- 20.44.030 Conditional uses.
- 20.44.035 Conditional use permit criteria.
- 20.44.040 Prohibited uses.
- 20.44.050 Yard requirements.
- 20.44.060 Setbacks from streams.
- 20.44.070 Lot coverage.
- 20.44.080 Open Space.
- 20.44.090 Signs.
- 20.44.100 Improvement and performance standards.

20.44.010 Purpose.

The purpose of the industrial district is to encourage the development of manufacturing, wholesale, and selected retail business establishments.

20.44.020 Permitted uses.

Permitted uses in the I district, unless otherwise specifically prohibited or allowed only as a conditional use, are as follows:

- 1) Warehousing and wholesaling establishments; excluding the storage and handling of explosives, ammonia, chlorine, and any other similarly dangerous or toxic substance;
- 2) Light manufacturing and assembly of products or material, excluding any manufacturing or assembly requiring approval of a conditional use permit pursuant to Section 20.44.030;
- 3) Retail sales of products manufactured in the district when accessory to the primary use;
- 4) Offices;
- 5) Plant nurseries;

6) Small scale animal hospitals;

~~7) Transportation-related facilities (such as freight operations and terminals), excluding freight operations and terminals involving the storage or transport of garbage or refuse;~~

~~8)7) Construction business including contractor's storage yards and offices;~~

~~9) On-site hazardous waste and treatment facilities accessory to a use permitted in the district; provided, that such facilities comply with the state hazardous waste siting standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations;~~

~~10)8) Food processing and/or production not involving the presence of livestock, such as cattle or chickens, on site, including the manufacturing of value-added food products;~~

~~11)9) Trucking, warehousing, and parcel delivery operations not involving the storage or transport of garbage or refuse;~~

~~12)10) Light manufacturing and fabrication, including the fabrication of apparel, textile products, furniture and fixtures, leather products, stone products, glass products, electric equipment, communications equipment, and other products of a similar nature and the manufacturing and fabrication of jewelry, silverware, plate ware, metal products, musical instruments and parts, toys, sports and athletic goods, recreational goods and equipment, and other similar products, but excluding any manufacturing and fabrication requiring approval of conditional use pursuant to Section 20.44.030;~~

~~13)11) Machines shops and workshops;~~

~~14)12) Cold storage;~~

~~15)13) Vehicle and heavy equipment repair;~~

~~16)14) Boat building, excluding any boat building requiring approval of a conditional use permit based on use of materials or processes identified under Section 20.44.030(1);~~

~~17)15) Grain milling;~~

~~18)16) Business firm headquarters;~~

~~19)17) Testing laboratory;~~

~~20)18) Wood drying kilns;~~

~~21)19) Power generation plants utilizing natural gas as a single fuel that generate less than three hundred fifty megawatts per hour;~~

~~22)20) Utility and communication transmission facilities;~~

~~23)21) Electric vehicle battery charging stations.~~

20.44.030 Conditional uses.

Conditional uses in the I district, unless otherwise specifically prohibited, are as follows;

- 1) Light manufacturing and assembly using significant quantities of the following materials and/or the following processes, where a “significant quantity” is defined as a barrel or more at a single time:
 - a) Acetylene;
 - b) Distilled alcohol;
 - c) Asphalt or tar, petroleum products, and petroleum by-products;
 - d) Brick, tile, or terra cotta;
 - e) Chemicals such as acid, ammonia, bleach, chlorine, dye stuff, glue, gelatin or size;
 - f) Concrete, cement, lime, gypsum, or plaster of paris;
 - g) Fats, oils, and soap;
 - h) Forging or smelting of metal;
 - i) Highly flammable materials;
 - j) Lumber mills and wood planing operations within an enclosed structure;
 - k) Oilcloth, linoleum, or vinyl;
 - l) Paint, shellac, turpentine, lacquer or varnish;
 - m) Paper manufacturing within an enclosed structure;
 - n) Any combustible fuel;
 - o) Storage of “significance quantities” of any of the above materials or products;
 - p) Wood fired boilers;
 - q) Temporary or permanent uses that typically do not require the construction of permanent buildings and that involve the use of equipment to stockpile, process, or recycle raw materials or create a product. Examples include but are not limited to asphalt batch plants; rock, sand, and/or gravel storage or sorting operations; log or mineral storage operations; and similar uses;
- 2) Heavy manufacturing and assembly of any product or material not prohibited hereunder;
- 3) The following retail trade establishments:
 - a) Lumber and building materials;
 - b) Motor vehicle and heavy equipment dealers (new and used);
 - c) Boat dealers;
 - d) Heating fuel and ice dealers;
 - e) Farm suppliers;
 - f) Industrial equipment and supplies;
- 4) Crematories
- 5) Monument and stone works;
- 6) Go-kart tracks for karts with an engine displacement under two hundred fifty cubic centimeters;

- 7) Live-work combined uses where an attached, accessory dwelling unit or apartment is located within a structure occupied by a nonresidential use allowed in the industrial district; provided, that the following criteria are met at all times throughout the residential occupancy of the structure:
- a) The accessory dwelling unit or apartment shall be occupied by the owner of the business or someone employed by the business providing the principal permitted use;
 - b) The accessory dwelling unit or apartment shall not exceed eight hundred square feet of living area;
 - c) The structure shall comply with all applicable zoning and building code requirements, including those set forth in the International Building Code addressing fire suppression and minimum separations between occupancies;
 - d) Approval of the structure under this subsection shall not eliminate the requirement for the principal use to obtain approval of a conditional use permit where such approval is required pursuant to this chapter, except for the following uses:
 - i) Uses included under Sections 20.44.020 and subsection (3) or (5) of this section; or
 - ii) Equipment and vehicle repair; or
 - iii) Industrial, commercial, and residential service providers; or
 - iv) Other similar uses proposed by the applicant and approved by the city council in conjunction with approval of the conditional use permit for the structure;
 - e) The structure is located within that portion of the industrial district bounded by the Burlington Northern main line, West Third Street, the Burlington Northern spur line, Bob Mitchell Way and Garfield Street, all as they are now presently located;
 - f) No more than one accessory dwelling unit or apartment shall be provided per nonresidential structure, except that in structures containing more than one non-residential use no more than one accessory dwelling unit or apartment per nonresidential use shall be provided and each residential unit or apartment shall be directly connected to the nonresidential use to which it is accessory.
 - g) The required number of parking spaces shall be as specified for each business use or type of use under Chapter 20.56; and
 - h) The city council is authorized to establish conditions addressing the live-work structure, site improvements and uses allowed in the structure through the conditional use permit approval process; and all use of a live-work structure shall be in compliance with all such conditions of approval;
- 8) Recycling centers and facilities processing recycled materials within an enclosed structure;
- 9) Power generation plants utilizing natural gas as a single fuel that generate three hundred fifty megawatts or more per hour, and all dual-fuel power generation plants;

- 10) Indoor shooting ranges;
- 11) Transportation-related facilities (such as freight operations and terminals), excluding freight operations and terminals involving the storage or transport of refuse;
- 12) On-site hazardous waste and treatment facilities accessory to a use permitted in the district; provided, that such facilities comply with the state hazardous waste siting standards and the requirements of the State Environmental Policy Act and local environmental standards and regulations;
- ~~10)~~13) Mini-warehouse uses subject to the requirements to chapter 20.46 of this title.
- ~~11)~~14) Other uses similar to the above and all uses not otherwise identified as permitted or prohibited uses.-

20.44.035 Conditional use permit criteria.

In addition to reviewing a proposed conditional use for consistency with the conditional use permit criteria set forth under Section 20.66.020, the city council shall consider the following criteria when reviewing applications for conditional use permits in the I district:

- 1) The extent to which the proposed use is consistent with the purpose established under Section 20.44.010;
- 2) The benefits to the public that will result from permanent improvements associated with the proposed use that increase the city's tax base;
- 3) The number, duration, and quality of jobs that will result from establishment of the proposed use;
- 4) The extent to which potential impacts to the public and neighboring properties and resources, including to neighboring zoning districts, will be mitigated to within acceptable levels such that the use will not result in adverse impacts to private property, property values, quality of life, and community and environmental health; and
- 5) The extent to which the use will generate benefits or contribute revenue that will offset impacts to or use of public facilities.

20.44.040 Prohibited uses.

The following uses are prohibited in the I district:

- 1) Manufacture, compounding, processing, refining, and treatment of significant quantities of the following materials, products or operations is prohibited. For the purpose of this section, "significant quantities" consist of a barrel or more at a single time:
 - a) Explosives,
 - b) Distillation of bones, rendering of inedible fat,
 - c) Disposal of dead animals,
 - d) Slaughterhouses and stockyards,

- e) Petroleum or gas refining
- 2) Freight operations or terminals involving the storage or transport of garbage or refuse;
- 3) Outdoor log chipping, rock crushing, and auto crushing or demolition;
- 4) Gravel pits;

~~5) All other uses not permitted or conditionally permitted are prohibited.~~

20.44.050 Yard requirements.

- 1. Front Yard. The depth of the front yard for properties containing a structure which is at least two stories shall be not less than forty-five feet as measured from the foundation line of any principal or accessory structure. The depth of the front yard for properties containing a structure which is one story shall be not less than twenty feet as measured from the foundation line of any principal or accessory structure.
- 2. Rear Yard. The depth of the rear yard shall be not less than [of] five feet as measured from the foundation line of any structure, provided that accessory buildings may be located in the rear yard if located no closer than two feet from the rear property line.
- 3. Side Yard. The depth of each side yard shall be not less than ten feet as measured from the foundation line of any structure.
- 4. Exemptions from Yard Requirements. The depth of yard requirement shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like.

20.44.060 Setbacks from streams.

- ~~5.6.~~ 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.

- ~~6.7.~~ 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.

20.44.070 Lot coverage.

~~Lot coverage by buildings and other structures shall not be more than the sixty percent of the lot area~~Structures in the I district shall not cover more than sixty percent of the area of the lot on which it is located.

20.44.080 Open space.

At least fifteen percent of the parcel shall be open space devoid of structures, accessory facilities and impervious surfaces.

20.44.090 Signs.

1. Permanent Signs – Industrial Uses.

- a. All signs must be an integral and coordinated part of a site design plan for the entire complex.
- b. One free-standing sign shall be permitted at the entrance to each individual site provided that the total sign area for any face does not exceed sixty-four square feet.
- c. Wall signs shall be flush against the building and shall not exceed twenty-five percent of the total wall area, on which they are located less windows and doors.
- d. Roof signs not greater than five feet above the peak of the roof and not exceeding beyond the roof it is located on shall be permitted.

2. Permanent Signs – Other Uses.

- a. One free-standing sign not to exceed sixty-four square feet in surface area per sign face. A maximum of two sign faces shall be allowed. Height of this sign shall not exceed twenty-five feet.
- b. Single-faced signs on walls or eaves not to exceed a cumulative total of one hundred square feet in area.
- c. Roof mounted signs with a maximum of two faces per sign not to exceed a cumulative total of one hundred square feet in surface area per face (or faces visible from one direction). These signs shall not extend laterally beyond the roof nor more than five feet above the highest point of the roof.

3. Temporary Signs.

- a. Unlighted temporary building signs not to exceed sixty-four square feet in area, with message limited to the name, address, and phone number of the project, contractor, architect, and financial source shall be permitted.
- b. Real estate signs shall be limited to one sign per street frontage, shall be unlighted and shall not exceed sixty-four square feet in area.

20.44.100 Improvement and performance standards.

The following improvement and performance standards shall be applicable to all permitted, accessory and conditional uses in the industrial district. The ~~utilities superintendent~~public works director shall ensure

that the following standards are met prior to a new use being established and at all times through the course of operation.

1. Emissions of smoke, dust, and other particulate matter, and of toxic and/or noxious gases and fumes shall meet or exceed standards set by the local air pollution authority (Northwest Clean Air Agency) and all Washington State and federal air quality standards.
2. Vibration caused by each use shall be so minimized that the ground vibration does not occur and is not detectable at any point on or beyond the exterior boundary of the industrial district.
3. Uses producing heat, glare, and/or steam shall be carried on in such a manner that the heat, glare or steam shall not intrude beyond the boundary lines of the district within which the use is located. Building materials with high light-reflective qualities shall not be used in construction of buildings so that reflected sunlight will not result in intense glare affecting vehicles on public roadways and areas surrounding the zone. Artificial lighting shall be hooded or shaded so that direct light or high-intensity lamps will not result in glare when viewed from areas surrounding the zone.
4. Noise and sound levels shall not exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels within the zone and beyond the zone boundaries shall be as established by the State of Washington Department of Ecology under WAC 173-60-040 and as adopted by the Sumas city council under Chapter 8.26.
5. All operational areas where authorized activities are proposed to be carried out, including areas used for storage of input materials, finished products or waste materials, shall be elevated through the placement of fill to at a minimum the base flood elevation as established on the flood insurance rate map prepared by the Federal Emergency Management Agency and adopted by the city. This provision shall not apply to areas mapped as being within the special flood risk zone or special flood corridor established pursuant to the city's flood damage prevention ordinance, codified as chapter 14.30, where establishment of such operational areas as described above is prohibited. The ~~utilities superintendent~~public works director is authorized to waive the requirement set forth in this provision when it is determined that the activities, operations and materials at the specific location proposed will not pose a risk to public health, safety, and welfare if such area is not elevated as required herein. In cases where strict conformance to this standard would constitute a hardship, the ~~utilities superintendent~~public works director is authorized to establish alternative mitigating measures that will ensure that risks to the public health, safety, and welfare will be minimized to within acceptable levels.

6. Access Driveways, Travel Routes and Vehicular ~~Turn-Arounds~~Turnarounds. Where determined by the ~~utilities superintendent~~public works director to be necessary and applicable to the proposed use, access driveways, on-site vehicular travel routes and vehicular turn-arounds meeting city and fire district requirements shall be installed prior to commencing operations.
7. Frontage Improvements. Where determined by the ~~utilities superintendent~~public works director to be necessary and applicable to the proposed use, frontage improvements shall be completed prior to commencing operations that include driveway access aprons, roadway widening, turn lanes, sidewalks, curbs and gutters, and stormwater management facilities per the Washington Department of Ecology Stormwater Management Manual for Western Washington.
8. Screening. Where determined to be necessary by the ~~utilities superintendent~~public works director, screening such as fencing or landscaping shall be installed prior to commencing operations.

SECTION 8: Section 20.54.010 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

20.54.010 Nonconforming use of land.

Where ~~a lawful~~lawful use of land exists at the effective date of adoption or amendment of the ordinance codified in this title, which would not be permitted by the regulations imposed by this title, or amendment thereto, the use may be continued so long as it is lawful, subject to the following provisions:

- a) Expansion of a nonconforming use of land onto other areas of the property may be permitted as a conditional use, ~~unless otherwise allowed as a permitted use in a specific zoning district~~. The expansion must be on the parcel as it existed at the time the use becomes nonconforming and not onto other parcels.
- b) ~~if~~If any such nonconforming use of land without buildings is discontinued for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
- c) No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

SECTION 8: Section 20.56.060 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

20.56.060 Off-street automobile parking requirements.

Off-street automobile parking having dimensions not less than as set forth in Figure 1 in Section 20.56.080 for each automobile shall be provided and approved by the zoning administrator in the amounts not less than those listed below:

Use	Amount Required
(1) Residential Uses:	
(A) Single-family dwellings;	Two <u>Three</u> spaces per dwelling unit.
(B) Multifamily dwelling;	Two <u>Three</u> spaces per dwelling unit.
(2) Commercial Residential Uses:	
(A) Hotel	One space per guest room or suite.
(B) Motel	One space per guest room or suite plus one additional space for the owner or manager.
(C) Club; lodge	Spaces to meet the combined minimum requirements of the daytime uses being conducted, such as hotel, restaurant, auditorium, etc.
(3) Places of Public Assembly:	
(A) Church	One space per four seats or every eight feet of bench length in the main auditorium.
(B) Library; reading room	One space per 400 square feet of floor area plus one space per two employees.
(C) Preschool nursery; kindergarten	Two spaces per teacher, plus off-street student loading and unloading facilities.

- | | |
|--------------------------------------|---|
| (D) Elementary or junior high school | Two spaces per classroom, plus off-street student loading and unloading facilities. |
| (E) High school | One space per classroom plus one space per administrative employee plus one for each six students plus off-street student loading and unloading facility. |
| (F) Other auditorium, meeting room | One space per four seats or eight feet of bench length. |

(4) Commercial Amusements:

- | | |
|------------------------------|---|
| (A) Bowling alley | Five spaces per alley plus one space per two employees. |
| (B) Dance hall, skating rink | One space per 75 square feet of gross floor area, plus one space per every two employees. |

(3) Commercial:

- | | |
|---|--|
| (A) Retail store except as provided in subsection (5)(B) of this section | One space per 200 square feet of gross floor area, plus one space per every two employees. |
| (B) Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture | One space per 400 square feet of gross floor area, plus one space per every two employees. |

(C) Bank; office buildings (except medical and dental)	One space per every 400 square feet of gross floor area plus one space per two employees.
(D) Medical and dental clinic	One space per 150 square feet of gross floor area plus one space per two employees.
(E) Eating and drinking establishments	One space per 100 square feet of gross floor area.
(F) Mortuaries	One space per four seats or eight feet of bench length in chapels.
(6) Industrial:	
(A) Storage warehouse; manufacturing establishment; rail, or trucking freight terminal	One space per employee or per 1,000 square feet of gross floor area whichever is greater.
(B) Wholesale establishment	One space per employee or per 1,000 square feet of gross floor area whichever is greater plus one space per 700 square feet of patron-serving area.
(C) Municipal Buildings	One space per 600 square feet of gross floor area plus one space per two employees.

SECTION 8: Section 20.56.080 of the Sumas Municipal Code is hereby amended in its entirety to read as follows:

All parking and loading areas except those for single-family dwellings shall be developed and maintained as follows; provided, that single-family dwellings shall ~~confirm~~ conform to the surfacing and dimensional requirements established in this section:

1. Location on Site. ~~The required yard areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and maintained in a neat and well-appearing manner; provided, that required front yard areas adjacent to a street may be used for parking for a duplex. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this title.~~ The location of parking and loading areas for a proposed development is subject to the approval of the City Public Works Director, prior to issuance of a building permit. Proposed parking and loading areas must be clearly shown on the proposed project's site plans with detailed notes regarding angles and measurements for each parking space.
2. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the ~~zoning administrator~~ City Public Works Director; provided that in the industrial district gravel parking surfaces may be authorized by the ~~zoning administrator~~ Public Works Director.
3. Bumper Guards or Wheel Barriers. Bumper guards and wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover.
4. Size of Parking Spaces and Driveways. The parking area, each parking space and driveway shall be of sufficient size and all curves and corners of sufficient radius to permit the safe operation of a standard sized automobile, to-wit:
 - a. Parking space: see Figure 1;
 - b. Maximum eight percent grade for driveways;
 - c. Directional signs and pavement markings shall be used to control vehicle movement in the parking lot.
5. Access. All industrial parking or loading areas shall be served with either separate ingress or egress driveways or with an adequate turnaround which is always available and usable. All entrances and exits onto a public right-of-way shall first have the approval of the ~~zoning administrator~~ Public Works Director.

6. Fences, Walls and Hedges.

- a. When the parking or loading area is within any of the residential districts, such area shall be enclosed with a sight-obscuring ornamental fence, wall or hedge, except along an alley;
- b. When the parking or loading area is adjacent to any of the residential districts, there shall be a sight-obscuring ornamental fence, wall, or hedge between the parking or loading area and the residential district, except along an alley;
- c. The ornamental fence or wall shall be erected and maintained at a height of at least four feet but not more than seven feet; a compact evergreen hedge shall be not less than three feet. Fences, walls or hedges shall set back from all streets and vision clearance areas the same as if it were a one-story building in the district in which such parking or loading area is located. In yard areas other than those adjacent to a street, the fence may be located on the property line.

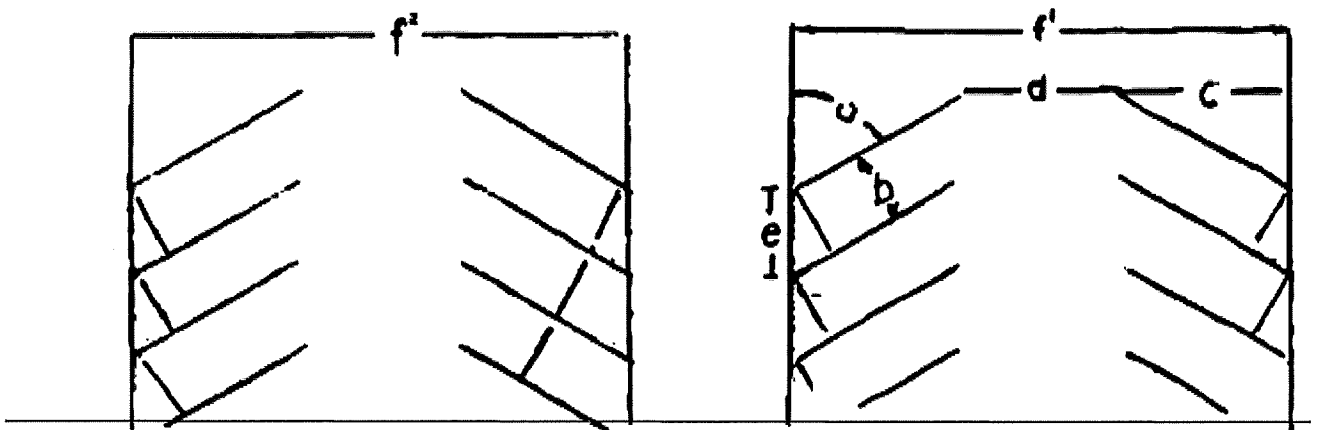
7. Lighting. Any lighting use to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.

8. Plans and Permits. Plans at a worktable scale shall be submitted to the ~~zoning administrator~~Public Works Director for ~~his~~ approval prior to ~~his~~ issuing a permit for a parking or loading area.

Figure 1

A	B	C	D	E	F ¹	F ²
Parking Angle (Degrees)	Stall Width	Staff to Curb (19'-Long Stall)	Aisle Width*	Curb Length	Center to Center Width of Two- Row Bin with Access Road Between	
					Front of Stall – Front of Stall	Overlap Front of Stall – Front of Stall
0°	9'0"	8.0	12.0	22.0	28.0	-
	9'0"	15.0	11.0	26.3	41.0	32.5
20°	9'6"	15.5	11.0	27.8	42.0	33.1
	10'0"	15.9	11.0	29.2	42.8	33.4
30°	9'0"	17.3	11.0	18.0	45.6	37.8
	9'6"	17.8	11.0	19.0	46.6	38.4

	10'0"	18.2	11.0	20.0	47.4	38.7
40°	9'0"	19.1	12.0	14.0	50.2	43.3
	9'6"	19.5	12.0	14.8	51.0	43.7
	10'0"	19.9	12.0	15.6	51.8	44.1
50°	9'0"	20.4	12.0	11.7	52.8	47.0
	9'6"	20.7	12.0	12.4	53.4	47.3
	10'0"	21.0	12.0	13.1	54.0	47.6
60°	9'0"	21.0	18.0	10.4	60.0	55.5
	9'6"	21.2	18.0	11.0	60.4	55.6
	10'0"	21.5	18.0	11.5	61.0	56.0
70°	9'0"	21.0	19.0	9.6	61.0	57.9
	9'6"	21.2	18.5	10.1	60.9	57.7
	10'0"	21.2	18.0	10.6	60.4	57.0
80°	9'0"	20.3	24.0	9.1	64.3	62.7
	9'6"	20.4	24.0	9.6	64.4	62.7
	10'0"	20.5	24.0	10.2	65.0	63.3
90°	9'0"	19.0	24.0	9.0	62.0	-
	9'6"	19.0	24.0	9.5	62.0	-
	10'0"	19.0	24.0	10.0	62.0	-



* For two-way circulation the minimum aisle width shall be twenty feet; adequate ingress, egress and turnaround spaces shall be provided.

No portion of a parking space or aisle shall be located in a required landscaped yard.

SECTION 10: 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 11: This Ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council and approved by the Mayor of the City of Sumas, Washington this _
_____ th day of July, 2024.

CITY OF SUMAS, WASHINGTON

Bruce Bosch, Mayor

Attested/Authenticated:

Michelle Quinn, City Clerk

Approved as to form:

James J. Wright, City Attorney

