



CITY OF SUMAS

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

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

Memo

To: Honorable Mayor and Members of the Sumas City Council

From: Carson Cortez, City Planner, City of Sumas

Date: August 15, 2025

Re: Development Regulations, Critical Areas, Floodplain Development, and Accessory Dwelling Units

At the City Council meeting on August 11, 2025, Sumas City Council members were able to review an initial draft of the proposed amendments to the City's development regulations drafted as part of the overall update to the City's Comprehensive Plan. Since that initial review, certain additional proposed revisions have been added for the Residential, Medium Density and Residential, High Density zones. Because of this, and on request of City Council, City Staff will be including these development regulations in the agenda packet for the City Council meeting on August 25, 2025. However, beyond these development regulations, there are three other proposed amendments to the City Code being proposed as part of this overall Comprehensive Plan Update. This memo will review what each proposed ordinance is regarding in order to prepare City Council to discuss the material at the August 25, 2025, meeting.

Critical Areas Ordinance

This memo is a standard part of the Comprehensive Plan update process wherein the City reviews Chapter 15.20 of the Sumas Municipal Code, entitled "Critical Areas," and makes any amendments necessary to keep the chapter in conformance with State standards. The purpose of the Critical Areas chapter is to ensure that areas of the local environment that are specifically vulnerable to development can be protected to ensure the sustainability of the local environment. Some examples of these areas include wetlands, stream shorelines, floodplains, and steep slopes. Amendments to the Critical Areas Ordinance (CAO) include additional requirements for land clearing and forest practices and the inclusion of a critical areas variance section.

The additional requirements for land clearing and forest practices are quite limited in scope and mostly are meant to ensure that businesses who intend to remove forest areas in Sumas and then sell them after going through the proper permitting process with the State. No additional work is required from the City to enforce this requirement. The addition of a Critical Areas Variance provides developers with an opportunity to receive permission from the City to develop in a way that is not to the exact requirements of this chapter provided that they are able to prove that the strict following of those requirements restrict their ability to gain reasonable economic use from the property, and show that every step is being taken to minimize the amount of encroachment into the critical area needed to gain said reasonable economic use.

Floodplain Development Ordinance

This ordinance is a follow-up to Ordinance No. 1801, passed by the City Council in 2023 which, among other things, increased the building elevation requirement in Sumas so that all new construction shall have the foundation be built at least two feet above the base flood elevation (BFE). This is an increase from the previous requirement, which was that new buildings only had to be built at least one foot above BFE. However, a section was missing in Ordinance No. 1801, leaving a location which still has the one-foot requirement. This ordinance would be meant to amend that error. No other changes of note are meant to be included in this ordinance.

Accessory Dwelling Units Ordinance

The permitting of the construction of Accessory Dwelling Units (ADUs) is being required of all jurisdictions as a part of Washington State House Bill 1337 (HB 1337), passed in 2023. The requirement was further amended by Washington State Senate Bill 5558 (SB 5558) which set the deadline for when ADU ordinances need to be adopted to December 31, 2025. If a jurisdiction's ADU ordinance is not passed by then, the State's default ADU regulations will go into effect, and the City will be subject to those requirements without the ability to amend them.

There are two kinds of ADUs, there are attached ADUs and detached ADUs. Attached ADUs are additional dwelling units that are in some way attached to the primary residence. Detached ADUs are those that are in no way attached to the primary residence but do still exist on the property. HB 1337 requires that jurisdictions allow at least two ADUs on any property located in a residential zone, provided that it meets the rest of the requirements. These two ADUs could be both attached, detached, or a combination of both. The ADU also needs to be allowed to be at least 1,000 square feet, the owner of the ADU is not required to live on the property, and the City must allow any ADU to be converted and sold as a condominium unit, separate from the primary residence, provided that there is no other reason to deny the sale of the condominium unit. One way in which the City will be able to control the amount of ADUs that are constructed in Sumas is the lot coverage requirement. All residential lots will

still have the requirement that no more than 35% of the lot can be covered by buildings. This means that only properties that have large enough lots are able to have ADUs.

Similar to the development regulations reviewed at the August 11 Council meeting, these ordinances shall go through the same public comment process as the Comprehensive Plan update. This means that Council will not be required to decide on any of these ordinances until at least the October 27 Council meeting.

