



**PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
JUNE 9, 2022 6:00 PM**

The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

Join Zoom Meeting: <https://sumnerwa-gov.zoom.us/j/7439702158>

Meeting ID: 743 970 2158 Or call in by phone: 1 253 215 8782 (Tacoma)

CALL TO ORDER

1. Agenda Planning Commission 6/9/22

ROLL CALL

APPROVAL OF MINUTES

1. Minutes from May 5, 2022

Public Comment

The public may comment on topics that are not on the meeting agenda. Public comment can be accepted only via email or by joining the meeting in-person or virtually. The public is strongly encouraged to submit comments ahead of time to annsi@sumnerwa.gov no later than 5:00pm on June 8, 2022. Your comments will be read into the record and limited to 3 minutes each.

NEW BUSINESS

1. Training on Council Chambers hybrid meetings
2. Election of Vice Chair
3. Accessory Dwelling Units – Code Update Public Hearing

OLD BUSINESS

1. Accessory Dwelling Units - Discussion and Recommendations

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION MEETING

AGENDA – SPECIAL MEETING

June 9, 2022 6:00 p.m.

The City is conducting this public meeting using a hybrid model. The public is welcome to attend in-person at Sumner City Hall Council Chambers 1104 Maple Street, or virtually by using the meeting access link below.

Planning Commissioners

Andy Elfers, Chair
Sharon Fochtman
Mark Isaacs
Kelly Locke

1. **Call to Order** - - - - -
2. **Roll Call Planning Commission:** Elfers, Fochtman, Isaacs, Locke; and new commissioners if confirmed by this meeting date - - - - -
3. **Approval of Minutes** Action
Minutes from May 5, 2022

Staff Members

Ryan Windish, CD Director
Ann Siegenthaler, Senior Planner

Copy:

Mayor
City Administrator
City Council

4. **Public Comment** - - - - -
The public may comment on topics that are not on the meeting agenda. *Public comment can be accepted only via email or by joining the meeting in-person or virtually. The public is strongly encouraged to submit comments ahead of time to annsi@sumnerwa.gov no later than 5:00pm on June 8, 2022. Your comments will be read into the record and limited to 3 minutes each.*
5. **New Business**
 - a. Training on Council Chambers hybrid meetings Discussion
 - b. Election of Vice Chair Action
 - c. Accessory Dwelling Units – Public Hearing Hearing
6. **Old Business** Discussion (Action)
 - a. Accessory Dwelling Units - Discussion
 - b. Accessory Dwelling Units – Recommendations (Tentative)
7. **Commission Comments** - - - - -
8. **Staff Comments** - - - - -
9. **Adjournment** Action

Planning Commissioners and the public can join this meeting remotely by clicking on the link below or calling into the appropriate phone numbers. Staff will be managing the meeting's audio and visual controls.

Join Zoom Meeting

<https://sumnerwa.gov.zoom.us/j/7439702158>

Meeting ID: 743 970 2158

Or call in by phone: 1 253 215 8782 (Tacoma)

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

Phone in from other locations:	
+1 669 900 6833 US (San Jose)	+1 312 626 6799 US (Chicago)
+1 346 248 7799 US (Houston)	+1 929 205 6099 US (New York)



SUMNER PLANNING COMMISSION

SUMMARY MINUTES for Thursday, May 5, 2022

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:00 pm by Chair Andy Elfers.

ROLL CALL

Commissioners Present: Elfers, Fochtman, Locke

Commissioners Absent: Isaacs (arrived at 6:25) Bowman, excused/resigned

APPROVAL OF MINUTES

Commissioner Fochtman motioned to approve the meeting minutes for April 7, 2022 as presented, seconded by Commissioner Locke. All were in favor.

PUBLIC COMMENT

No public comments were submitted via email to the City prior to the meeting; no comments were received during the meeting.

NEW BUSINESS

a. 2022 Comprehensive Plan/Zoning Code Amendments- Public Hearing **Public hearing was open at 6:04pm**

Senior Planner Ann Siegenthaler, presented to the Planning Commission the opening of the cycle for the 2022 Comprehensive Plan Amendment. The City did not receive any public proposals. The docket items presented before the Commission include a proposed amendment to the comprehensive plan policies related to residential zone densities, a zoning code text amendment restricting gas stations to the interchange commercial and industrial zones; and an update to the sign code expanding electronic reader board signs. Staff also proposed a public outreach method to allow public participation in the comprehensive plan update process.

STAFF explained the updates to the density descriptions and allowed uses in the comprehensive plan. The density descriptions and table in the Comprehension Plan will be updated to reflect the allowed densities in the zoning code, and the allowed densities through a PRD process.

STAFF presented the proposal to expand allowance for electronic reader boards to library districts and to add other standards (such as lighting) to these signs to minimize impacts to residential areas. The proposal

would also update the digital message sign provisions to allow schools, governments and public facilities to have digital message signs.

STAFF followed with the proposal to restrict gas stations to interchange commercial and industrial zones. This zoning code text amendment would create 3 new non-conforming sites currently zoned general commercial. An update to the nonconfining use regulations would prohibit gas station expansion.

CHAIR Elfers asked if there were any written public comments and staff confirmed none were submitted. The public comment period was open to the public.

PUBLIC Olberg, Rachel 15103 61st Street Sumner, WA provided a public comment as Chair on behalf of the Sumner Healthy Neighborhood Alliance, who formed after hearing about the proposed 7-11 gas station; comments on benzene exposure and health concerns were shared. Olberg asks the Planning Commission to support and approve the recommendation to prohibit any more gas stations in the general commercial zones. Website was shared ceds.org/shna

CHAIR Elfers invited Commissioners to ask any clarifying questions.

Public Hearing closed at 6:20pm

b. Accessory Dwelling Units- Draft code with consultant LDC- Discussion

Senior Planner Ann Siegenthaler introduced Matt Covert LDC consultant, who was hired by the City to assist in implementing the Housing Action Plan that was adopted in 2021, Staff briefly shared the upcoming items that Staff and LDC will look into such as unit subdivisions, a different type of home ownership and how the City regulates short plats and pipestem lots. Mr. Covert presented the discussion and concepts on the ADU draft code changes. Draft items discussed include a recommended 1,000 square foot area, height allowance of 18 feet, a rear-yard setback of 15 feet, window restrictions for privacy, and parking space requirements.

Commissioner Fochtman raised concerns about the impact of allowing ADU parking along streets. Commissioners raised questions about first and second story windows. Brief discussion ensued.

Staff provided Commissioners with a zoning map visual of the low-density residential zones. Brief discussion ensued.

OLD BUSINESS

a. 2022 Comprehensive Plan/Zoning Code Amendments --Discussion

Chair Elfers opened the discussion on the proposed changes in the comprehensive plan and zoning code amendments. Commissioner Locke raised a clarifying question on specifying higher densities on affordable senior housing.

Brief Discussion ensued.

Commissioner Fochtman made a motion to approve the staff recommendations for the proposed 2022 comprehensive plan changes and zoning code text amendments; Commissioner Locke seconded that motion. All were in favor.

COMMISSION COMMENTS

None.

STAFF COMMENTS

Senior Planner Ann Siegenthaler provided an update on the vacancies in the planning commission, a total of 3 and the recruitment efforts of the Mayor to interview and fill a position in the Planning Commission. The next Council meeting on June 6th could be the next date of confirmation of any new members.

In-person meetings will commence at the next meeting to hold a public hearing and discuss the ADU ordinance; another item on the next planning commission meeting will be to vote for a vice chair. The Commission discussed problems with the normal June 2 meeting date and all agreed to move the meeting to June 9. Staff will send a notice to hold a special meeting for June 9, 2022.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Locke motioned to adjourn; Commissioner Issacs seconded the motion.

Meeting adjourned at 7:45 pm.

Minutes Submitted by: Chrissanda Walker

SUBJECT: Accessory Dwelling Units – Code Update Public Hearing

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. ADU Regulations Staff Report - 051922
2. ADU Ordinance XXXX Draft - 051922
3. ADU Code Options Memo LDC - April 2022

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Sumner's 2021 Housing Action Plan (HAP) identified strategies and implementation actions for addressing housing needs in the community. The City Council subsequently ranked the HAP strategies/actions into priorities and adopted "Priorities for Action." City staff is working on implementing the Council's housing priorities, including expanding where Accessory Dwelling Units (ADUs) can be built.

The proposed ADU code would allow attached and detached ADUs in Low Density Residential Zones LDR-6 through LDR-12, and attached ADUs in LDR-4. Standards will also be updated to:

- Reduce building setbacks for ADUs which expands ADU options on more lots;
- Increase the height limit to 1.5 story which expands options for converting structures like garages to ADUs;
- Reduce parking requirements which reduces costs and area needed for an ADU;
- Restrict window position and coverage to address privacy.

At a study session on May 5, 2022, the Planning Commission reviewed the proposed ADU code. The June 9th meeting will be a public hearing on the proposal.

COUNCIL COMMITTEE/STUDY SESSION: n/a

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

After public hearing, depending on comments or concerns, provide a recommendation to City Council.



STAFF REPORT

DATE: May 31, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **ACCESSORY DWELLING UNITS – Zoning Code Update**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The adopted Sumner Housing Action Plan (HAP) identified Accessory Dwelling Units (ADUs) as an important housing option for Sumner. ADUs can provide:

- A more affordable single family dwelling option.
- Increased ability for seniors to age in place in their home or neighborhood.
- Supplemental income, especially for moderate income households.
- An opportunity for multigenerational living.

In August 2021, the City Council ranked the HAP strategies/actions into priorities, and adopted their Priorities for Action, which includes expanding opportunities for Accessory Dwelling Units (ADUs). The City has received a grant from the State to start implementing the Council's housing priorities. The first strategy that is being further developed is expanding where ADUs can be built.

The Sumner code currently allows ADUs, but is relatively restrictive in terms of the standards for ADUs and where they are allowed. The purpose of this code update is to expand where attached and detached ADUs can be built; and update standards such as size and setbacks to make ADUs more feasible on more lots. The Planning Commission reviewed the proposed code at a study session in May 2022 and is holding a public hearing in June 2022.

II. DESCRIPTION OF PROPOSAL

The proposed code would allow attached and detached ADUs in Low Density Residential Zones LDR-6 through LDR-12, and attached ADUs in LDR-4. Standards will be updated to reduce building setbacks for ADUs, increase the height limit, reduce parking requirements, and restrict window position and coverage to address privacy. Key provisions in the proposed code are summarized below. The City's consultant, LDC Inc., prepared a memo summarizing the proposal in more detail, and a summary of the draft code sections which were reviewed by the Planning Commission in May 2022.

A. Zones allowed

The proposal will allow attached and detached ADUs in all residential zoning districts, except in the LDR-4 zone where only attached ADUs will be allowed, due to the very small lot sizes.

B. Owner occupancy

The existing requirement that the homeowner live in the primary dwelling or the ADU would be maintained. The ADU online survey indicated residents support keeping this provision; this can help maintain oversight of the property.

C. Size of ADU

Maximum size is proposed to be increased from 800 s.f. to 1,000 s.f. This size is consistent with what other cities allow, and provides more options for ADUs. Limits on height, lot coverage and setbacks will likely keep square footage lower than this except on the largest of lots.

D. Parking spaces

Current code requires 2 parking spaces for ADUs that are 2 or more bedrooms. Proposal would standardize that as 1 parking space per ADU. ADUs are likely to have small households and are unlikely to need more than 1 space. Eliminating the parking requirement for ADUs within a half-mile of the Sounder station is a response to new State legislation that eliminates parking for ADUs within one-quarter mile. Proposed code would also allow the main house to have 1 of their 2 required stalls to be uncovered. This creates more options to turn a garage or carport into an ADU.

Providing parking can be a significant factor in determining whether even a small ADU is feasible on a property. Reducing required parking also supports conversion of a garage to an ADU, which otherwise would not be feasible if the garage was required for on-site parking.

E. Attached versus Detached

Current code does not allow detached units on lots that are smaller than 12,000 s.f., which prohibits detached ADUs on most lots in Sumner. Removing the restriction on detached units allows homeowners to decide how close their ADU should be to the house, and allows many more homeowners to have an ADU.

F. General appearance – design character

Existing code requires certain design characteristics that can be excessive and unnecessary. The new code would modify some of these provisions:

- Most ADUs will be in the back of the main house, and not visible from the street. The City doesn't regulate architectural style of the main house so should be cautious about setting a design requirement for ADUs. The goal is to not limit options. However, the code would require ADUs that are close to the front of the house to be consistent with the house architecture.
- Building height and setbacks will be the most important factors for ensuring an ADU is an appropriate fit to the lot.

G. Building height

Building height is proposed to change from 16 feet to 18 feet. Height is measured to the mid-point of the gabled roof or slanted "shed" roof. The change in height is minimal. However, this will allow many more ADUs to be 1 story with a loft, and allow many more options for converting a garage to an ADU. For example, the attic above a 1-story garage may not have enough clearance under the roof pitch to make a feasible ADU living space. Increasing the height to 18 feet could make conversions much more feasible. Note that this increased height would not be allowed if converting a garage that does not meet the minimum setbacks; such a structure would be limited to 1 story.

H. Setbacks

Proposed code generally keeps the existing ADU setbacks, with some modifications.

1. Current code allows a rear yard setback of 15 feet for detached ADUs. Proposed code allows that for both attached and detached ADUs. (Note the rear yard setback for the primary dwelling is 30 feet.)
2. Side yard setback for ADUs remains 5 feet.
3. After the Planning Commission discussion, staff further reviewed lot configurations where ADUs could be built. There could be instances where a side yard abuts a rear yard on another lot. In such case, the ADU setback should be 15 feet. The goal is to maintain a greater setback next to rear yards, to protect privacy in rear yards. Staff now recommends requiring a 15-foot setback (versus 5-foot) where an ADU on a side lot line abuts the rear lot line of another lot.

I. Windows

The current code restricts window placement to help address privacy concerns. Proposed code

maintains these standards but clarifies them. Windows above the first floor must face into the interior. Windows on the first floor are limited in area if the ADU is closer than 10 feet to a side yard or closer than 30 feet (main house setback) to the rear property line.

J. Subdividing an ADU into separate lot

See the discussion below under **Section P**.

K. Conversions

The new code clarifies that accessory structures like garages may be converted to ADUs, and adds standards for those.

1. Converted structures must comply with all of the current ADU standards.
2. However, accessory structures like garages are currently allowed to be built closer to property lines than ADUs. Current code allows 3-foot setbacks for garages, if they are located in the rear 33 percent of the lot or in back of the front 75 feet of the lot. Many garages could never be converted to ADUs if they had to meet the current ADU setbacks.
3. To expand opportunities for more conversions, the setbacks for conversions are proposed to be relaxed for structures 20 years or older. Under the new code, a garage ADU may be built with a 3-foot rear yard and 3-foot side yard setback, but it may not be taller than 1 story. It must be set back 10 feet if next to an adjacent rear yard.

L. ADUs in the Residential Protection District SMC 18.10

There is an allowance for ADUs in the Residential Protection (RP) District that was inadvertently overlooked in the first draft of the code that the Planning Commission reviewed at the study session.

The ADU provisions in the RP zone are almost the same as in the Low Density Residential (LDR) zones. Main exceptions: RP has slightly different restrictions on size of lots for a detached ADU and setbacks are greater. Staff proposes making the ADU standards in the RP zone the same as in other residential zones, with the same flexibility.

M. Subdividing ADU lots

The existing code allows ADUs to be subdivided from the main house. Since the Planning Commission study session, staff has reviewed more closely these subdivision allowances and recommends that the Planning Commission accept the additional revisions below.

1. Proposed code would clarify that a new ADU parcel can only be created if it meets all of the standards for a regular single family lot (setbacks, lot size, etc.). Another revision proposed by staff requires that the full single family dwelling permit fees be paid at the time of the ADU subdivision, since an ADU would have only been charged half of what a single family home construction is charged.
2. Current code allows ADUs constructed before 2008 to be subdivided from the main parcel without having to meet side yard or rear yard setbacks. Proposed code would eliminate this special exception for older ADUs. The code also allows an ADU constructed prior to 2008 to be subdivided into a "pipestem" shaped lot without having any side yard or rear yard setbacks.

Staff does not recommend allowing ADUs to be turned into nonconforming single family lots. These two provisions are recommended to be deleted from the ordinance for several reasons.

- The goal is to expand opportunities for an ADU on a lot, not to create new lots with nonconforming dwellings.
- The 2008 subdivision allowances were added at the request of 1 or 2 property owners, and it creates special property treatment for only a few lots. To staff's knowledge, there are only 3 lots where the special subdivision was requested.
- With greatly expanded ADU allowances, there's no need to allow subdivisions that create nonconforming lots and dwellings that don't meet current setbacks.

N. Design Review:

Another minor revision that was not included in the first code draft is an existing code section (SMC 18.40.020) that requires Design Review for ADUs. This is an additional staff review process. Extra review adds to permit processing time, and there are actually no adopted guidelines for ADUs in the Sumner Design Guidelines. Staff proposes to delete this Design Review requirement.

O. Requirement for land use permit:

The Zoning Code establishes land use review fees (in addition to building permit fees) for a variety of proposals. For small projects (e.g. ADU) there is a general "land use review" fees of \$30 to \$150. This was not addressed in the first draft of the code. Staff now recommends that this fee be removed because it is not necessary to have a special staff review of an ADU in addition to the building permit review.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, specifically the policies discussed below.

Land Use Element

The proposed code update will allow another development option for infill development. It also includes development standards to minimize impacts of increased density and to apply design review to senior housing, consistent with the following policies:

- 1.1 "Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.
 - 1.1.1 Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.
 - 1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur."
- 1.2 "Encourage infill development on vacant properties with existing public services and public utilities, and new development in areas with existing or planned public facilities."

Land Use Element - Land Use Designations

The Comprehensive Plan recognizes ADUs as a traditional accessory use in residential zones, noting that "Primary uses include detached single-family residential dwellings, private garages, and other accessory buildings. Secondary allowed uses include, accessory units ("mother-in-law units")..."

Community Character Element

The proposed code update will expand housing types allowed in zoning districts, while applying development standards to minimize impacts to community character, consistent with these policies:

- 1.1 "Encourage development which enhances the human, pedestrian scale, creating a sense of community and place."
- 1.7 "Preserve the single-family residential scale and historic character of existing residential streetscapes through various means such as floor area ratio and setback requirements."
- 2.6 "In recognition of the need for a variety of housing, allow through the Comprehensive Plan and Zoning Code a mix of residential uses as appropriate to the neighborhood character."

Housing Element

The proposed code update will increase the variety of housing available at all life stages and will help meet Sumner's housing targets, consistent with the following policies:

- 1.4 "In order to balance the protection of viable neighborhoods and the need to provide for a range of housing to all life stages and economic segments, allow for accessory units in single-family neighborhoods."
- 1.4.2 "Allow for accessory dwelling units in low density residential districts."
- 1.4.3 "Review development regulations for obstacles to permitting accessory dwelling units."
- Goal 2: "Provide a range of housing types for all life stages and economic segments of the Sumner community."
- 2.2.3 "Allow for accessory units in low density residential districts."
- 2.3 "Encourage a variety of housing available to all economic segments of the community."
- 2.3.1 "Review the Zoning Code, Subdivision Code, Building Codes, and other development-control ordinances to identify and remove excessive, duplicative, or unnecessary regulations..."
- Goal 3 encourages "energy efficiency in housing developments" and recognizes that infill increases efficiency.
- 3.2 "Promote higher density and infill developments that are located near major transportation links such as the Sumner Commuter Rail Station."

Conclusion:

Sumner's Comprehensive Plan provides a general policy basis for promoting Accessory Dwelling Units (ADUs) as a means to provide housing options and increased housing densities at appropriate scale to the neighborhood. Proposed code amendments will further adopted policies by expanding opportunities for ADUs. The ordinance also contains development standards to minimize impacts to surrounding homes, and will help ensure that ADUs fit into the character of adjacent single family residential uses.

IV. SEPA ENVIRONMENTAL REVIEW

A SEPA environmental checklist and analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on May 9, 2022.

V. PUBLIC & AGENCY COMMENTS

No agency comments or public comments were received as of the report publication date.

VI. STAFF RECOMMENDATION

That the Commission consider public hearing comments on proposed ADU code changes, consider the draft ordinance and, if appropriate, make recommendations to the City Council.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending.

VIII. EXHIBITS

- A. Ordinance No. XXXX – Draft ADU code
- B. Summary memo from consultant LDC, Inc., April 22, 2022

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR ACCESSORY DWELLING UNITS IN CHAPTER 18.10 RESIDENTIAL PROTECTION DISTRICT; CHAPTER 18.12 LOW DENSITY RESIDENTIAL DISTRICT; AMENDING SECTIONS 18.12.030 RELATED TO CRITERIA FOR ACCESSORY DWELLING UNITS, 18.12.060 RELATED TO PARKING, 18.12.080 PERFORMANCE STANDARDS; 18.40.020 RELATED TO DESIGN REVIEW; AND 18.56.060 RELATED TO FEES.

WHEREAS, the City Council finds that accessory dwelling units can provide options for affordable housing, multigenerational living, senior housing and other needed housing in Sumner; and

WHEREAS, the City Council has expressed a desire to expand opportunities for creating accessory dwelling units; and

WHEREAS, the City Council finds that it is in the public interest to establish standards for accessory dwelling units in order to minimize impacts to surrounding low density residential uses, and to maintain the character of existing neighborhoods; and

WHEREAS, on May 5, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on June 9, 2022; and

WHEREAS, on _____ (date) the Planning Commission voted by a _____ vote to recommend adoption by the City Council of the proposed regulations updates as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on May 17, 2022; and

WHEREAS, on _____, the City Council held a study session to review the Planning Commission's recommendation(s); and on _____ voted by a _____ vote to adopt the proposed amendments; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

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

Section 1. That Sumner Municipal Code Chapter 18.10 Residential Protection District, Section 18.10.030 is hereby amended to read as follows:

18.10.030 Accessory uses.

Permitted accessory uses in the RP district are as follows:

A. Accessory dwelling units subject to the ~~following criteria:~~ criteria at SMC 18.12.030(A).

- ~~1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single-family structure;~~
- ~~2. Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the development services department;~~
- ~~3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;~~
- ~~4. The accessory dwelling unit shall not contain less than 300 square feet and not more than 800 square feet, excluding any related garage area; provided, that if the accessory unit is completely located on a single floor, the director may allow increased size in order to efficiently use all floor area, so long as all other standards set forth in this section are met;~~
- ~~5. The square footage of the accessory dwelling unit, excluding any garage area, shall not exceed 40 percent of the total square footage of the primary residence and accessory dwelling unit combined after rehabilitation, excluding any garage area. This percentage shall apply to both attached and detached accessory dwelling units. Where the director allows increased size per subsection 4, the square footage shall not exceed 50 percent of the total square footage of the primary residence and accessory dwelling unit combined after rehabilitation, excluding any garage area;~~
- ~~6. There shall be one off-street parking space in a carport, garage, or designated space provided for the accessory dwelling unit in addition to that which exists on the site for the primary residence;~~
- ~~7. Accessory dwelling units shall be located only in the same building as the principal residence unless the lot is at least 8,500 square feet in area or unless the accessory dwelling unit will replace a detached, pre-existing structure of at least 400 square feet. Where lots contain at least 8,500 square feet in area or there is a detached, pre-existing structure of at least 400 square feet, the accessory dwelling unit may be part of the principal residence or located in a detached structure;~~
- ~~8. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. If the accessory unit extends beyond~~

~~the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition, only one entrance for the main building will be permitted in the front of the principal residence. A separate entrance for the accessory dwelling unit shall be located either off the rear or the side of the building;~~

- ~~9. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements.~~

Section 2. That Sumner Municipal Code Chapter 18.12 Low Density Residential Districts, Section 18.12.030 is hereby amended to read as follows:

18.12.030 Accessory uses.

Accessory uses permitted in the LDR district are uses and structures customarily appurtenant to the principally permitted uses, such as:

A. Accessory dwelling units subject to the following criteria:

1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with ~~any single family structure~~ the one single family detached dwelling allowed under SMC 18.12.020(D) which, for the purposes of this section, is the primary dwelling unit;
2. Either the primary dwelling unit residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit ~~main building~~, except in accordance with subsections (A)(14), (15), (16) and (17) of this section. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their ~~principal~~ primary residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the development services department.
3. The accessory dwelling unit and primary dwelling unit together may account for a total of two families established by the definition of family in this title. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;
4. The accessory dwelling unit shall ~~not~~ contain a maximum floor area of ~~less than 300 square feet and not more than 800~~ 1,000 square feet, excluding any related garage area used for vehicle parking; provided, that if ~~the an attached~~ accessory unit is completely located on a single floor story, with no basement, the director may allow

increased floor area up to the minimum area necessary in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

5. *Repealed by Ord. 2300;*
6. There shall be one off-street parking space provided for accessory dwelling units, except that no off-street parking shall be required for accessory dwelling units that are located within a half-mile of the Sumner transit station if the applicant demonstrates that on-street parking is available. ~~with one bedroom and two off-street parking spaces provided for accessory dwelling units with two or more bedrooms.~~ Off-street parking spaces for ADUs shall be in addition to that which exists on the site for the primary dwelling unit residence and located in a ~~earport, garage, or~~ designated space located outside of any required landscape;
7. Accessory dwelling units may be located as an attached unit in the same building as the primary dwelling unit or in a detached accessory building, Except that in the LDR ~~12,000~~ 4,000 zone, accessory dwelling units shall be located only in the same building as the primary dwelling unit~~principal residence~~;
8. General appearance and layout regulations for accessory dwelling units are as follows:
 - a. ~~An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single family residence. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition~~ Detached accessory dwelling units for which any portion of the structure is located closer to the front of the lot than the rear of the primary dwelling unit shall be consistent with the existing roof pitch~~exterior architectural style of the primary dwelling unit, including style of siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition, only one entrance for the main building will be permitted in the front of the principal residence. A separate entrance to the main building for the accessory dwelling unit shall be located either off the rear or the side of the building;~~
 - b. The entrance for an attached accessory dwelling unit shall be located either on the rear or the side of the primary dwelling unit;
9. **Height.** ~~Detached accessory dwelling units shall have a maximum building height of 16 18 feet for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs, except that the height may be increased to 18 feet when it is necessary to match the existing roof pitch of the principal structure.~~ In no case shall the second story contain exterior walls exceeding five feet in height on more than 50 percent of the perimeter of the second story. Attached accessory dwelling units may match the height of the primary dwelling unit, except that attached units located closer than 30 feet to the rear property line shall have a maximum building height of 18 feet;

10. Setbacks, detached units. Minimum yard setbacks for detached accessory dwelling units are as follows:

- a. Front yard setback ~~in feet~~: equal to or greater than existing front setback of the primary dwelling unit principal structure or the required setback, whichever is greater;
- b. Rear yard setback ~~in feet~~: minimum of 15 feet, except when the rear property line is abutting an alley, ~~then five feet or in which case the setback shall be~~ that required for garage ingress and egress per SMC 18.12.080(E);
- c. Interior side yard ~~in feet~~: minimum of five feet, except as follows:
 - i. if the interior side property line is abutting an alley with vehicular access to a garage, then the setback is per SMC 18.12.080(E); and
 - ii. if the interior side property line is the rear property line of an adjacent lot, the side yard shall be a minimum of 15 feet.
- d. Street side yard ~~in feet~~: same as required for the primary dwelling unit principal structure;

11. Setbacks, attached units. Minimum yard setbacks for attached accessory dwelling units shall be the same as the setback requirements for the primary dwelling unit principal structure; except that the rear yard setback is a minimum of 15 feet if the attached accessory dwelling unit is 18 feet or less in height.

12. Windows.

- a. Windows in living, dining, and great room areas located ~~on the second story within 10 feet of a side property line above the first floor~~ shall face interior to the site. ~~Window area above the first floor shall not exceed 30 square feet in total cumulative window area for all windows on any one side facing the rear or side yards, unless bordering an alley where there is no limit on window area. There is no limit on window area located on the first story;~~
- b. If the ADU is closer than 10 feet to a side setback or closer to the rear setback than the rear setback for the primary residence (except at an alley), window area on the ground floor is limited to 30 percent of the area of the façade.

13. The accessory dwelling unit shall meet all technical code standards including building, electrical, fire, plumbing and other applicable code requirements;

14. The accessory dwelling unit may be subdivided from the original parcel; provided, that the minimum lot size, all yard requirements as well as other applicable dimensional standards for a single family dwelling, such as lot coverage and building height, of this title are met; and provided that the subdivision is assessed the difference between the ADU fees already paid and the full permit fees for a single family home in effect at the time of subdivision;

- ~~15. Accessory dwelling units constructed prior to January 1, 2008, may be subdivided from the original parcel; provided, that the minimum lot size, lot coverage, building height, and all other applicable dimensions in SMC 18.12.070 are met, except that interior side and rear yard setbacks do not have to be met;~~
- ~~16. If a pipestem lot is created in the LDR-6 zone for an accessory dwelling unit that existed prior to January 1, 2008, then the minimum lot size may be 6,000 square feet; provided, that the maximum lot coverage is 30 percent and all other applicable dimensional standards, including building height, in SMC 18.12.070 are met, except that the interior side and rear yard setbacks do not have to be met.~~
- ~~17~~15. Accessory dwelling units that are subdivided from the original parcel shall meet the off-street parking standards for a single family dwelling in SMC 18.12.060 for the applicable zone;
- 16. Conversion of existing accessory structure to ADU.** Existing accessory structures may be converted into an accessory dwelling unit, subject to the following provisions:
- a. An accessory structure can be converted to an accessory dwelling unit so long as the building height, setbacks, and other standards and provisions of SMC 18.12.030(A) are met, unless otherwise provided in this section.
 - b. Setbacks. No conversion of an accessory structure to an accessory dwelling unit shall encroach further into the setbacks established in SMC 18.12.030(A) for accessory dwelling units; except for preexisting structures as provided in subsection (c).
 - c. Where the structure to be converted was constructed prior to 2012, the converted unit may have a minimum rear yard of 3 feet, and a minimum interior side yard of 3 feet, if located in the rear 33 percent of the lot, or in back of the front 75 feet of the lot; except as follows:
 - i. an accessory structure with vehicular access from an alley shall have a rear setback and interior side setback established by SMC 18.12.080(E); unless the interior side property line is the rear property line of an adjacent lot, in which case the setback shall be a minimum of 10 feet at the abutting rear yard.
 - ii. the converted unit shall be no taller than 1 story and 16 feet; and
 - d. The structure to be converted shall be of sound condition and meet current fire, building and safety regulations, as determined by the building official.
 - e. Parking. If off-street parking spaces for the primary dwelling unit are removed as part of converting an existing accessory structure to an accessory dwelling unit, the applicant shall demonstrate on a site plan how the provisions in subsection A(6) of this section and the parking requirements in SMC 18.12.070(J) are being met.

f. Conversion of a nonconforming structure to an accessory dwelling unit shall not result in an increase in the nonconformity.

[...]

Section 3. That Sumner Municipal Code Section 18.12.060 is hereby amended to read as follows:

18.12.060 Special conditions-location of parking, single-family dwellings

- A. In the LDR-7.2, LDR-8.5 and LDR-12 districts ~~at least one~~ required parking space for single-family dwellings is to be covered and such spaces shall be located within a garage or under a carport. Each required space is to be located so as to be independent of any other required space and access drives. Further, all required spaces shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with dustless, hard surfaces.
- B. In the LDR-4 and LDR-6 district all single-family dwellings shall have two on-site automobile parking spaces with at least one space located within a garage or under a carport. Each required space is to be located so as to be independent of any other required space. Required spaces and access drives shall be improved with a dustless, hard surface. Tandem parking may be allowed.

Section 4. That Sumner Municipal Code Section 18.12.080 is hereby amended to read as follows:

18.12.080 Performance standards

The following special performance standards shall apply to properties located in the LDR district:

- A. Exterior Mechanical Devices. [...]
- B. Required Landscaping. [...]
- C. Outdoor Storage and Parking of Vehicles. [...]
- D. Detached Accessory Structures. Detached accessory structures, except for detached accessory dwelling units, are permitted not closer than three feet to rear or interior side property lines if located in the rear 33 percent of the lot, or in back of the front 75 feet of the lot; ~~provided, that~~ The maximum building height for a detached accessory structure, ~~except for an accessory dwelling unit~~, shall be 16 feet for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs.
- E. Setbacks from Alleys. Garage structures which are directly attached to a principal structure or attached with no greater than an enclosed breezeway, and have vehicular access from an adjacent alley, may ~~encroach into the rear yard~~ reduce the rear yard setback such that the total of the alley width and setback from the alley is equal to a

setback of no less than 24 feet. In such case, only a garage attached to the principal structure by no greater than a breezeway may exceed a height of one story.

[...]

Section 5. That Sumner Municipal Code Section 18.40.020 is hereby amended to read as follows:

18.40.020 Types of review.

- A. All development which falls under the thresholds provided in this section shall be subject to design review as provided for in chapter 18.56 SMC, Procedures for Land Use Permits.
- B. The following types of projects shall require design review according to the procedures for Type III.b decisions, chapter 18.56 SMC, Procedures for Land Use Permits:
 - 1. Sign permits for permanent signs which are regulated by the design guidelines.
 - ~~2. Accessory units in residential zones.~~
 - 32. Building permits for exterior renovations on commercial, multifamily, light and heavy manufacturing, or mixed-use structures, including, but not limited to, new awnings, alterations to exterior treatments, changes to windows and doors, and similar activities which do not increase the square footage more than a minimal amount.

[...]

Section 6. That Sumner Municipal Code Section 18.56.060 is hereby amended to read as follows:

18.56.060 Fees.

- A. Unless otherwise noted, all applicable fees for land use permits and components shall be paid at the time of application. Sign permit fees shall be paid at the time of permit issuance.
- B. The following fees shall be paid by any applicant for a land use permit based on the requested land use decisions:

[...]

Permits less than \$200,000:	\$30
Permits \$200,000 – \$1,000,000:	\$150
Permits over \$1,000,000:	\$250

[...]

- I. For purposes of this chapter, a land use review fee shall be charged whenever a land use permit results in any of the following:
 - 1. Establishment of a new principal use which was not the subject of a conditional use approval;

2. Change of a principal use;
3. A nonincidental expansion of a commercial or industrial building;
4. An increase to a multifamily structure which increases the number of units; or
- ~~5. Establishment of an accessory dwelling unit.~~

[...]

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 9. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

DATE: April 22, 2022

FROM: Matt Covert, AICP – Senior Planner, LDC, Inc.

TO: Ann Siegenthaler, Senior Planner, City of Sumner

CC: Ryan Windish, Community Development Director, City of Sumner
Clay White, Director of Planning, LDC, Inc.

SUBJECT: Code options for expanding where Accessory Dwelling Units (ADUs) can be built in Sumner

Background

LDC, Inc. is assisting the City of Sumner with researching and developing code options for three different housing actions stemming from the Housing Action Plan that was completed in 2021: Expanding where Accessory Dwelling Units (ADUs) can be built, improving unit-lot subdivisions, and raising the short plat subdivision threshold.

For the first topic, expanding where ADUs can be built, LDC has worked with the City to analyze existing code, develop concept site sketches, and develop an online survey implemented by the City through the Sumner Connects website. This memo will help outline potential code changes the City could implement as part of the final phase of the code project – drafting, revising, and adopting new code.

Discussion points

Sumner ADU Survey results

Working with the City, LDC created a public survey related to ADU issues and preferences. Staff posted the survey on March 2, 2022 and after the survey ran for 2 weeks, over 200 responses were received. Key themes that emerged from the survey:

- Majority of respondents supported expanding where ADUs can be built.
- Majority of respondents indicated that privacy, views, and parking were the biggest concerns that need to be addressed.

Impact and Permit Fees

LDC reviewed the City's permit and impact fees for ADUs. While permit and impact fees can in some cases make an ADU financially infeasible for a homeowner, ADU fees in Sumner are generally half of what is charged for a single-family home. Sumner's fees are not overly high to begin with, so we concluded that there is limited utility in reducing fees (which are needed to cover staff review of applications) when it is clear that the district uses and dimensional regulations pose a far larger impediment to broader use of ADUs to provide more housing options in Sumner.

Code Option Development

Based on our analysis of Sumner's code, the identified strategies and opportunities from the Housing Action Plan, and best practices observed in other jurisdictions, we filtered potential code options through discussions with City staff and the results of the survey to outline the following code changes. These changes, if implemented, could expand where ADUs can be built in the City while remaining sensitive to the issues and priorities of staff as well as the concerns and interests of the public.

Code Recommendations

1. In SMC 18.12.030(A)(3), change existing language prohibiting the total number of occupants from exceeding the definition of “family” in Title 18 to read that a lot with an Accessory Dwelling Unit can be occupied by as many as one family in the primary residence and one family in the Accessory Dwelling Unit.
2. Allow detached ADUs within the LDR 6-12 zones: (18.12.030(A)(7))
 - Currently, detached ADUs are permitted only within the LDR-12 zone. The City should consider changing the Accessory Uses code to permit ADUs that are detached from the primary residence in its single-family zones down to LDR-6.
 - LDR-4 is left out of this recommendation because below 6,000 square feet, it becomes difficult to spatially accommodate a detached ADU on very small lots unless the primary structure is very small.
3. Reduce rear setbacks for all ADUs from 30 feet to 15 feet
 - Currently, attached ADUs are subject to the same setbacks as the primary structure. For smaller lots, even if maximum lot coverage and other provisions would otherwise be met, an attached ADU as an addition would be functionally impossible. The City should delete SMC 18.12.030(A)(11) and modify 18.12.030(A)(10) so that the latter reads that all ADUs, attached and detached, have 15-foot setbacks when an alley is not present.
 - Detached ADUs already have a rear setback of 15 feet in the one zone where they are allowed, so this would be bringing all ADUs to the same standard.
4. Improve privacy with structural solutions
 - The survey and discussions with the City point to many being concerned with privacy and encroachment into backyards.
 - The City should limit height for all ADUs, whether detached or attached, to 18 feet (unless the ADU is being created within an existing single-family home whose height is bound by the general height limit for the zone).
 - The City should review and revise its windows code in SMC 18.12.080(12) to specify limits on window coverage above the first floor of detached ADUs. For example, code could be added that prohibits living or dining room windows along the side setback if the unit is within a certain distance of the side property line. Windows required by building/fire code would still be allowed to face any direction.
5. Change the size requirements for ADUs (SMC 18.12.030(A)(4))
 - Currently, ADUs can be no fewer than 300 square feet and not more than 800 square feet, with an exception if the ADU is located completely on a single story with now basement
 - SMC 18.12.030(4) should be modified so that there is no minimum size as long as building codes are met. This would allow a tiny home on a foundation to serve as an ADU, for example.
 - The upper limit should be increased to 1,000 square feet, which is in line with many other cities that have implemented ADU regulations.
 - The code should keep the flexibility for the Director to allow larger units when they take up an entire floor but clarify that this is only for attached ADUs.

6. Allow ADU to be constructed on top of garages by altering height limits
 - A common design for detached ADUs is to locate them above an existing garage.
 - However, these “garage attic” designs are not feasible under current code, which limits heights for detached ADUs to 16 feet for angled roofs measured at gable midpoint and 12 feet for flat roofs. This makes it difficult to accommodate an ADU above a garage.
 - The height limit for detached ADUs could be increased to 18 feet for angled roofs to allow for construction of an ADU above an existing residential accessory structure, like a garage.
7. Allow for existing garages or other residential accessory buildings to be retrofitted to serve as ADUs (SMC 18.12.030)
 - Many residential lots feature much more parking than is required by code, and for some, a detached garage that no longer serves its intended purpose could provide for much-needed housing via conversion to an ADU. Under current code, however, many of these structures could not be converted to an ADU even if Option 1 above were approved due to setbacks.
 - The City should consider creating a pathway in code that allows structures that comply with the setback requirements for a garage but not an ADU to be converted to an ADU as long as privacy performance standards (see #4) are implemented.
 - The City could also consider creating a “pre-existing nonconforming structure” process whereby a garage that met code at the time it was constructed or was constructed prior to the adoption of the zoning code could be certified as a pre-existing nonconforming structure and then converted to an ADU as long as the ADU does not increase the nonconformity (i.e., get even closer to the property line or get taller if the structure is nonconforming as to height).
 - The City would require the applicant to show how the required parking spaces for the primary residence and the ADU would be met on the site without a garage if garage space is being converted to ADU use.
 - This should also include a provision that the existing structure’s footprint and height cannot be increased for conversion to an ADU.
 - To be eligible for conversion, only 1-story structures are eligible for conversion to an ADU if they are closer than the ADU setbacks established in the code.
8. Reduce the number of parking spaces required for ADUs
 - Currently, SMC 18.12.030(A)(6) requires one off-street parking space for a one-bedroom ADU and two for a two-or-more-bedroom ADU.
 - The City should update this so that all ADUs require one off-street parking space.
 - The City should also revise SMC 18.12.060 so that only one of the two required single-family parking stalls is required to be covered. This would allow a garage space to be converted to an ADU.
 - The City could consider waiving off-street parking requirements for lots in the LDR-6 zone or other properties that are located within a half-mile of the Sumner Station if on-street parking is available. (This would comply with ESSB 6617, which states that cities cannot require off-street parking spaces for ADUs within a quarter mile of a major transit stop. We recommend going to a half-mile, because the quarter-mile distance captures very few single-family lots where ADUs could be built but a half-mile does, while still being very defensible from a walkability standpoint.)

Next Steps

Draft code changes have been prepared and will be presented at a Planning Commission study session on May 5. A Planning Commission public hearing is tentatively scheduled for June 2. A City Council study session is tentatively scheduled for July 25, with tentative adoption as early as August 15.

Sincerely,

LDC, Inc.



Matt Covert, AICP
Senior Planner



SUBJECT: Accessory Dwelling Units - Discussion and Recommendations

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

The agenda for this meeting includes a public hearing to take testimony on the proposed Accessory Dwelling Units (ADUs) code update. Following the public hearing, the Commission is asked to consider any comments and discuss concerns. Depending on comments, the Commission may take action to recommend the proposed code to City Council.

COUNCIL COMMITTEE/STUDY SESSION: n/a
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Depending on comments or concerns, provide a recommendation to City Council.