



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. Please click the link below to join the webinar:

<https://sumnerwa.gov.zoom.us/j/82870614391>

Or One tap mobile : US: +12532158782,,82870614391# or +12532050468,,82870614391# Or Telephone: US: +1 253 215 8782 Webinar ID: 828 7061 4391

CALL TO ORDER

Pledge of Allegiance

Invocation

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the minutes from the December 5th, 2022 regular council meeting.

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michelledc@sumnerwa.gov no later than 5:30pm on the date of the meeting. Any written comments received will be read into the record and provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.
3. **New Business**
 - a. 2023 Deputy Mayor Selection
 - b. Ordinance No. 2842 - Zero Lot Line Subdivisions Code
4. **Reports**
 - a. Council
 - b. City Administrator
 - c. Mayor
5. **Executive Session**
6. **Adjournment**

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUBJECT: Approval of the minutes from the December 5th, 2022 regular council meeting.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. December 5, 2022 Minutes

STAFF CONTACT:

SUMMARY BACKGROUND:

Minutes from December 5th, 2022.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approve as written



The city conducted this public meeting using a hybrid model both in person and ZOOM.

Staff present: City Administrator Jason Wilson, City Attorney Andrea Marquez, Development Services Director Doug Beagle, Community Development Director Ryan Windish, Public Works Director Mike Dahlem, Communications Director Carmen Palmer, Chief Financial Officer Kassandra Raymond, Administrative Services Director Jeff Steffens and City Clerk Michelle Converse

CALL TO ORDER

THE REGULAR MEETING OF THE SUMNER CITY COUNCIL WAS CALLED TO ORDER BY MAYOR HAYDEN AT 6:00PM.

Pledge of Allegiance

Invocation

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

Councilmember Reed was absent.

MOVED BY NEUMAN SECONDED BY BITETTO TO EXCUSE COUNCILMEMBER REED.

PASSED BY VOICE VOTE.

COUNCILMEMBER REED ARRIVED AT 6:02PM.

CONSENT AGENDA

MOVED BY HOCHSTATTER, SECONDED BY BITETTO TO APPROVE THE CONSENT AGENDA CONSISTING OF THE FOLLOWING:

1. 2023 Legislative Agenda
2. Consultant Services Agreement 2024 Comprehensive Plan
3. Resolution No 1645 – WSCJTC Police Officer Wellness Grant Award
4. Approval of the checks and electronic payments in the amount of \$2,004,523.98
5. Approval of the meeting minutes from the November 7, 2022, regular council meeting and the 14th and 28th of November 28th 2022 study session
6. Approval of the Collective Bargaining Agreement with the Sumner Police Guild Representing Special Commissioned and Non-Commissioned Employees
7. Main and Wood Intersection Improvements – Construction Contract Award.

PASSED BY VOICE VOTE.

PUBLIC HEARING

1. Ordinance No. 2838 – 2023/2024 Biennial Budget

Mayor Hayden called the Public Hearing open at 6:03pm at and called on Chief Financial Officer Kassandra Raymond.

Under Revised Code of Washington 35A.34, the City is required to hold both a preliminary and a final hearing on the budget. The first public hearing was held November 7, 2022. This is the second and final public hearing. Adoption of the 2023/2024 Biennial Budget is scheduled for December 5, 2022.

The 2023/2024 Biennial Budget has been made available to the Public via the City's official website and the City's Summer Connects project pages.

The 2023/2024 Biennial Budget has been reviewed in City Council Study Session on September 12, 2022, September 19, 2022, September 26, 2022, October 3, 2022, October 10, 2022, October 17, 2022, October 24, 2022, and November 14, 2022. Additionally, a public hearing on ad valorem property tax revenue was held on October 17, 2022.

The 2023/2024 Biennial Budget for all budgeted funds includes \$212,592,640 in regular revenues and beginning fund balance, and \$212,592,640 in appropriated expenditures and ending fund balance.

With no comments from the public or the council, Mayor Hayden closed the hearing at 6:05pm.

REGULAR BUSINESS

1. Unfinished Business

a. Ordinance No. 2838 – 2023/2024 Biennial Budget

MOVED BY HOCHSTATTER SECONDED BY BITETTO TO ADOPT ORDINANCE NO. 2838 – 2023/2024 BIENNIAL BUDGET

Chief Financial Officer Kassandra Raymond addressed the Council.

PASSED BY ROLL CALL VOTE.

b. Ordinance No. 2844 – Vacating Riverwalk Trail

MOVED BY STUARD SECONDED BY HOCHSTATTER TO ADOPT ORDINANCE NO. 2844 - VACATING THE PUBLIC TRAIL ADJACENT TO THE RIVERWALK CONDOMINIUMS BACK TO THE HOA, WHERE IT WAS ORIGINALLY DEDICATED, RESERVING ONLY A PUBLIC ACCESS EASEMENT NECESSARY TO COMPLY WITH THE DEVELOPMENT'S SHORELINE REQUIREMENTS.

City Attorney Andrea Marquez spoke to the topic.

Discussion ensued.

PASSED BY ROLL CALL VOTE 6-0 WITH COUNCILMEMBER COLE RECUSING.

c. **Busup Master Services Agreement – MIC Transit**

MOVED BY BITETTO SECONDED BY NEUMAN TO ADOPT TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT SUBSTANTIALLY IN THE FORM OF THE ATTACHED, WITH BUSUP, INC. TO PROVIDE MICRO-TRANSIT SERVICE IN THE CITY OF SUMNER, TOGETHER WITH ANY OTHER AGREEMENTS REQUIRED TO BEGIN THE TRANSIT PILOT PROGRAM.

Community Development Director Ryan Windish addressed the Council.

Questions from council ensued and were answered by a representative from Busup, Mr. Loteryoung.

PASSED WITH ROLL CALL VOTE 5-2 WITH COUNCILMEMBER STUARD AND DEPUTY MAYOR HOCHSTATTER VOTING NO.

2. **Public Comment**

Kurstyn Schober, 1005 Main Street. Ms. Schober addressed the council regarding the fire that destroyed her business, Stuck Junction.

3. **New Business**

a. **Ordinance No. 2841 – 2021/2022 Biennial Budget Final Amendment**

MOVED BY HOCHSTATTER SECONDED BY BITETTO TO ADOPT ORDINANCE NO. 2841 – 2021/2022 BIENNIAL BUDGET FINAL AMENDMENT.

Chief Financial Officer Kassandra Raymond addressed the Council.

Discussion ensued.

PASSED BY ROLL CALL VOTE.

b. **Ordinance No. 2845– 2023 Compensation Schedule**

MOVED BY BITETTO SECONDED BY HOCHSTATTER TO ADOPT ORDINANCE NO. 2854 – 2023 COMPENSATION SCHEDULE.

Administrative Services Director Jeff Steffens addressed the Council.

PASSED BY ROLL CALL VOTE.

4. **Reports**

a. **Council**

Deputy Mayor Hochstatter thanked Old Cannery Furniture Warehouse for the hosting the tree lighting and fireworks show.

Councilmember Bitetto reported fundraising from the Sumner High School Homecoming Parade were in excess of \$3,000 which were donated to the business/victims of the downtown fire. She agreed with the comments made by Ms. Schober, regarding addressing services to homeless / mental health.

Councilmembers Cole, Neuman and Brown had no reports tonight.

Councilmember Stuard thanked staff for the hard work on the budget and wished everyone happy holidays.

Councilmember Reed thanked to everyone who attended and participated the Santa Parade.

b. **City Administrator**

City Administrator Jason Wilson reported on the following:

Upcoming Policy Issues:

- All remaining December meetings are cancelled

- January 3, 2023 – Regular Council Meeting
 - Deputy Mayor Selection
 - Ordinance adopting Zero Lot Line Subdivisions
 - Lease Agreements related to the Nordyke property acquisition

Commission Updates:

- The Planning Commission is reviewing short subdivisions and pipe stem lots, both of which are priorities identified in the Housing Action Plan. They also are working on a zoning code text amendment to allow for parking in the East Sumner Neighborhood MDR zones that are adjacent to Neighborhood Commercial uses.

c. **Mayor**

Mayor Hayden reminded everyone this is our last meeting of the year. She thanked everyone who has attended, commented or watched our meetings throughout the year. The next meeting is scheduled for January 3, 2023, which is a Tuesday, due to the New Year holiday. The Santa Parade was very well attended, and our own Kevin Babic was an excellent Santa! Mayor Hayden ended her comments by wishing everyone a wonderful and safe holiday season!

5. Executive Session

There was none tonight.

6. Adjournment

With no additional business before the council, Mayor Hayden adjourned the meeting at 7:04pm. Councilmembers concurred.

Attest:

Kathy Hayden, Mayor

Michelle Converse, CMC
City Clerk

SUBJECT: 2023 Deputy Mayor Selection

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND: Per the Council Rules, Section 19, a Deputy Mayor must be elected annually:

Section 19. Deputy Mayor Selection Process and Duties

19.1 The Deputy Mayor shall be elected to a one (1) year term at the first Regular Council meeting in January of each year. The Mayor shall conduct the election for the Deputy Mayor.

19.2 The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor, the Deputy Mayor will act in that capacity, following established procedures and directives provided in Section 10 of the Council Rules for the Mayor. If both the Mayor and Deputy Mayor are absent, the Councilmembers present shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

For this action, the Mayor will accept nominations from the Council and those nominations will be voted upon.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Select the 2023 Deputy Mayor.

SUBJECT: Ordinance No. 2842 - Zero Lot Line Subdivisions Code

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No 2842 - Zero Lot Line Subdivisions Code
 2. Staff Report - Zero Lot Line Subdivisions Code Update
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND: Sumner's 2021 Housing Action Plan (HAP) examined housing needs in Sumner and identified strategies to increase housing opportunities, such as reducing barriers to Zero Lot Line Subdivisions. The Planning Commission voted unanimously to recommend approval of the Zero Lot Line Subdivision ordinance after their public hearing in September 2022. The City Council reviewed the ordinance at a study session on November 28, 2022.

Description: A zero lot line subdivision is a method of creating zero lot line homes, a type of single-family dwelling that shares a common wall with another. Zero lot line homes can take various forms, such as a townhouse or duplex/fourplex. But unlike condominiums, the homeowner has separate ownership of the unit, the ground beneath, and often ownership of a private front and back yard. Zero lot line homes are single-family attached dwellings that are sold fee-simple, like a single-family home, making this a more affordable option for home ownership.

What is proposed: Staff, working with consultant LDC Inc., is proposing to streamline the zero lot line subdivision (ZLLS) permit process, make them easier to develop, and update standards. The proposed code would:

- Allow ZLLS only in medium- and high-density residential zones.
 - Consolidate ZLLS standards into a new ZLLS section in the subdivision code to improve the permit process.
 - Set minimum lot sizes and other standards for ZLLS homes to mirror townhome standards.
 - Require privately owned open space and common open space.
 - Continue 2 parking stalls per dwelling, with flexible visitor parking spaces.
 - Create special access standards to allow small private roads, increasing feasibility for developments.
 - Require Design Review of the buildings (e.g. townhouse style) but streamline the process.
 - Allow conversion of condos and multiplexes to ZLLS dwellings as an ownership option.
-

COUNCIL COMMITTEE/STUDY SESSION: Council Study Session

MEETING/STUDY SESSION DATE: 11/28/2022

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Adopt Ordinance No. 2842 - zero lot line subdivision code.

ORDINANCE NO. 2842
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING REGULATIONS FOR ZERO LOT LINE SUBDIVISIONS IN TITLE 17, UPDATING DEFINITIONS AT CHAPTER 17.04 FOR PRIVATE DRIVE AISLE, PARENT LOT AND ZERO LOT LINE DWELLING; AMENDING SECTIONS 17.28.050, 060, 130; ADDING NEW SECTIONS 17.28.205, 17.28.340, AND 17.28.350 RELATED TO SUBDIVISION STANDARDS; ADDING A NEW SECTION 17.28.360 RELATED TO CONVERSION OF DWELLINGS; AMENDING TITLE 18 PROVISIONS FOR ZERO LOT LINE SUBDIVISIONS, INCLUDING AMENDING CHAPTER 18.04 DEFINITIONS; AMENDING CHAPTER 18.14 RELATED TO ALLOWED USES AND PROPERTY DEVELOPMENT STANDARDS IN THE MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES; AMENDING SECTION 18.16.040 RELATED TO RESIDENTIAL AND COMMERCIAL USES; AMENDING SECTION 18.30.080 RELATED TO EAST SUMNER DEVELOPMENT STANDARDS; AMENDING SECTION 18.30.110 RELATED TO PRIVATE STREETS; AMENDING CHAPTER 18.40 DESIGN REVIEW SECTION 18.40.020 RELATED TO TYPES OF REVIEW; AND AMENDING SECTION 18.42.040 RELATED TO REQUIRED PARKING SPACES.

WHEREAS, the City Council finds that zero lot line subdivisions and resulting zero lot line homes can provide options for affordable housing, first-time homeownership, senior housing and other needed housing in Sumner; and

WHEREAS, the City Council has expressed a desire to streamline permit processes and reduce regulatory barriers to zero lot line subdivisions; and

WHEREAS, the City Council finds that it is in the public interest to establish standards for zero lot line subdivisions in order to create compact zero lot line neighborhoods while providing amenities such as open space, and maintaining adequate parking and setbacks from adjacent uses; and

WHEREAS, on August 4, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on September 1, 2022; and

WHEREAS, on September 1, 2022 the Planning Commission voted by a 7-0 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 August 3, 2022; 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 Section 17.04.060 Definitions is hereby amended to add a definition as follows:

17.04.060 Definitions.

“Conversion” means to change the lots in a condominium, duplex or multiplex development to individual fee-simple ownership lots; a “conversion development” means a development of two or more dwellings that has undergone a conversion to a zero lot line subdivision.

[...]

“Parent lot” means the entire property comprising the site that contains the individual condominium units or individual zero lot line units in the development.

[...]

“Private drive aisle” means a road that is not dedicated to the city but is owned in common by all the property owners within, and used as access to, a zero lot line subdivision or zero lot line short subdivision.

[...]

“Zero lot line dwelling” means a single-family-dwelling that shares a wall with additional zero lot line dwellings as defined in 18.04.1122.

Section 2. That Sumner Municipal Code Section 17.28.050 Required Improvements – Full Subdivisions, is hereby amended to read as follows:

17.28.050 Required improvements – Full subdivisions.

Minimum improvements within each major plat or binding site plan and along contiguous arterials shall consist of paved streets or private drive aisles in zero lot line subdivisions per the requirements of this title, installed curbs and gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains, street trees, street name signs and all appurtenances thereto in accordance with the adopted city transportation and utility comprehensive plans and the Sumner Development Specifications and Standard Details.

Section 3. That Sumner Municipal Code Section 17.28.060 Required Improvements – Short Subdivisions, is hereby amended to read as follows:

17.28.060 Required improvements – Short subdivisions.

Street, water, sewer and storm drainage facilities adjacent to or within a short subdivision shall be in conformance with the adopted city transportation and utility comprehensive plans and the Sumner Development Specifications and Standard Details. Access to zero lot line subdivisions

shall consist of private drive aisles meeting the standards at SMC 17.28.205, unless a public street is otherwise required by this title. Easements for utilities recommended by such plans shall be provided to the city, the exact location of such easements to be determined by the city engineer.
[...]

Section 4. That Sumner Municipal Code Section 17.28.130 Access for Short Subdivisions is hereby amended to read as follows:

17.28.130 Access for short subdivisions.

- A. Private access allowed. All short subdivisions and zero lot line short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street, or shall be served by a private streetroad, private drive aisle or shared driveway having direct access to a public street as set forth in this chapter.
- B. Public streets required. Dedication of a public street or streets serving the short subdivision or zero lot line short subdivision shall be required, ~~and a proposed short subdivision shall be processed as a formal subdivision~~ whenever the city engineer or his or her designee finds that one or more of the following conditions applies:
1. The general alignment of a proposed private streetroad follows the general alignment of a future arterial recommended by the comprehensive plan.
 2. The general alignment of a proposed private streetroad can be reasonably modified to provide a desirable through connection between two or more existing or planned public streets.
 3. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.
 4. The subdivision is an accumulative short subdivision under SMC 17.12.090.
- C. All private streetsroads shall meet the standards as set forth in SMC 17.28.200. All private drive aisles shall meet the standards as set forth in SMC 17.28.205.
- D. When any approved public street lying adjacent to the property being short subdivided or zero lot line short subdivided has insufficient width or for any other reason does not conform to minimum street standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting street to such standards in order to provide street and traffic infrastructure to support the development. Such improvements may be delayed if guaranteed to the satisfaction of the city engineer or his or her designee. Any such guarantee shall be recorded with the plat and shall be binding upon the property owner and the owner's heirs, successors and assigns. In deciding whether any delays should be allowed, the city engineer or his or her designee shall consider the present and future need for such improvement, the improved or unimproved nature of adjacent right-of-way, and whether or not street grades have been established.

Section 5. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.205 as follows:

17.28.205 Private drive aisles.

- A. Applicability. The provisions of this section apply exclusively to the zero lot line subdivision and zero lot line short subdivision of land for attached single-family dwellings. For the purposes of this section, the term subdivision includes zero lot line subdivision and zero lot line short subdivision.
- B. Access to individual dwelling units within a zero lot line subdivision may be provided by a private street or private drive aisle, except that a public street shall be required whenever the city engineer or his or her designee finds that any of the conditions listed in SMC 17.28.130(B) Access for Short Subdivisions apply.
- C. Private drive aisles shall meet the following minimum standards:
 - 1. Where private drive aisle takes access from another private drive aisle with no direct connection to a public street:
 - a. Provide a minimum 15-foot-wide travel surface; provided the fire marshal approves an alternate access for fire/emergency vehicles; and
 - b. Provide a minimum 5-foot-wide pedestrian walkway except where the drive aisle provides access to the rear of the units and pedestrian access to the units is provided on another street or private drive aisle.
 - 2. Where private drive aisle directly connects to a public street:
 - a. Provide a minimum 20-foot-wide travel surface; and
 - b. Provide two five-foot-wide sidewalks for a total 30-foot drive aisle width.
 - 3. Private drive aisles may include designated parking lanes, where adequate travel surface is provided. Total width of a private drive aisle with parking lanes shall be the required width of the travel surface and any required walkway plus the required dimension of the parking stalls as stated in SMC 18.42.030(B) minimum parking area dimensions.
 - 4. Surfacing:
 - a. Private drive aisles shall be paved with asphalt or concrete.
 - b. Private drive aisles shall comply with the adopted alley cross-section in the City of Sumner Development Specifications and Standard Details, specifically Detail R6-2.1 and R6-2.2, or as hereinafter amended.
- D. Private drive aisles shall be placed in a separate tract or easement and owned in common between all property owners within the subdivision or short subdivision.

Section 6. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.340 as follows:

17.28.340 Development standards for zero lot line subdivisions and zero lot line short subdivisions.

- A. Applicability. The provisions of this section apply exclusively to the zero lot line subdivision and zero lot line short subdivision of land for attached single-family dwellings, such as townhouse, cottage housing, or multiplex developments in zones where such uses are allowed. For the purposes of this section, the term subdivision includes zero lot line subdivision and zero lot line short subdivision.
- B. Zero lot line subdivisions may be used to subdivide a parcel(s) into individual lots that each contain one housing unit. The development shall meet the development standards applicable to the underlying site and zone. Any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit.
- C. Zero lot line lot area and lot width per lot for purposes of subdivision may be as small as the minimum lot area and lot width specified in SMC 18.14.070 plus any required private open space.
- D. Zero lot line subdivisions are also subject to the lot dimensions, lot coverage, open space requirements and other development standards at SMC 18.14.070 and performance standards at SMC18.14.080.
- E. Parking for zero lot line subdivisions:
1. Provide a minimum of two stalls per unit, which may be covered.
 2. Required spaces and access drives shall be improved with asphalt, concrete, or similar dustless, hard surface. Tandem parking may be allowed at a maximum of 30 percent of the per-unit on-site parking stalls.
 3. Visitor stalls shall be provided at 0.25 stalls per unit; stalls may be provided on site or as on-street parking if located within 250 feet of the development on a public street that abuts the development, provided no more than 50 percent of the required guest parking is allowed off-site.
- F. Driveways. Driveways for any unit with a private driveway shall be a minimum of 18 feet deep.
- G. Open space. Minimum open space shall be provided as follows:
1. Minimum private open space per lot shall be 200 square feet per unit; and minimum common open space per lot shall be 100 square feet per unit; except that open space may be reduced in accordance with subsection (G)(2).
 2. Zero lot line subdivisions and zero lot line short subdivisions with 12 or fewer units or that provide private open space at an additional 25 percent per unit may receive a waiver from this requirement if the applicant can demonstrate that the development is within a quarter-mile of a public park and adequate pedestrian facilities to said park serve the site.
 3. Open space shall be useable and directly accessible from the unit. Required setback areas with a dimension less than 10 feet shall not be counted toward the minimum

required open space.

- H. Prior to final subdivision approval and recording, site development may commence upon approval of clearing and grading plans, and building construction may commence upon approval of all applicable building design and construction approvals.

Section 7. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.350 as follows:

17.28.350 Maintenance and recording zero lot line subdivisions and zero lot line short subdivisions.

- A. Portions of the parent lot not subdivided for individual zero lot line units shall be owned in common by the owners of the individual lots, or by a homeowners association comprised of the owners of the individual lots located within the parent lot.
- B. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking, and vehicle access areas; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, shall be executed and recorded with the county auditor's office.
- C. A zero lot line subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each lot created by reserving such common areas or other easements over, under, and across the parent lot as deemed necessary to comply with all other design and development standards generally applicable to the underlying site, and such easements shall be recorded with the county auditor's office and depicted on the face of the recorded final subdivision or short subdivision map.
- D. Each lot in a zero lot line subdivision shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions, and restrictions of the adjoining lots, and shall be recorded with the covenants, conditions, and restrictions, and depicted on the face of the recorded final subdivision or short subdivision map.
- E. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
1. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent lot by the site development plan approval;
 2. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved preliminary zero lot line subdivision;

3. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure(s) shall conform to the approved preliminary zero lot line subdivision or short subdivision; and
4. Additional development of the individual zero lot line lots may be limited as a result of the application of special development standards to the parent lot.

Section 8. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.360 as follows:

17.28.360 Conversion of existing dwellings to zero lot line dwellings.

- A. Purpose. The purpose of this section is to provide a streamlined subdivision process for certain condominium and multiplex dwellings that convert into fee simple ownership dwellings, thereby increasing home ownership options in the community.
- B. Applicability. This section applies to the following types of residential dwellings:
 1. Duplex and multiplex dwellings lawfully constructed under a valid building permit prior to January 1, 2022; or
 2. Townhouse condominiums for which a binding site plan or site development permit was issued by the city after January 1, 2018; and
 3. Are located in the Medium Density Residential or High Density Residential zones.
- C. No increase in the number of existing dwelling units is allowed, except that additional zero lot line dwellings may be created, provided:
 1. The maximum allowable density for the zone is not exceeded; and
 2. Any new dwellings are subject to standards for new zero lot line dwellings in SMC Title 17 and Title 18.
- D. The director may approve the conversion of residential dwellings subject to this section to zero lot line dwellings, subject to all of the following:
 1. The conversion shall be processed as a short subdivision or full subdivision under SMC Title 17 based on the number of proposed lots, in accordance with SMC 17.04.040(A).
 2. The conversion application shall include submittal of the applicable subdivision land use permit fee established at SMC 18.56.060.
 3. The conversion application shall include maintenance agreements, covenants and owner concurrence documents, containing:
 - a. A copy of the site development permit issued by the city or, where such permit document is not available, a current site plan showing buildings, landscaping, parking and infrastructure;
 - b. Maintenance and recording documents required in SMC 17.28.350;
 - c. A copy of any existing recorded covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private

- restrictions or provisions currently applicable or which may become applicable to the subject property; and
- d. Evidence of the vote or applicable association community approval by a majority with ownership interest authorizing the submittal of the application for conversion.
 4. The conversion development shall comply with requirements in SMC chapter 17.28 for zero lot line subdivisions and zero lot line short subdivisions, except that the director may waive the following standards:
 - a. Lot dimensions and other development standards; provided, the parent lot is in compliance with the applicable codes for the existing development; and
 - b. Street and access standards; except as follows:
 - i. Where an existing development being subdivided pursuant to this section would otherwise be required to comply with SMC 17.28.130 requirements for a public street, the director may require an alternate public connection through the subject property that provides a pedestrian or driveway connection to the public street system.
 5. Dwellings subject to this section are not subject to SMC chapter 18.40 design and development guidelines; provided that the director may require administrative design review of new dwellings.
 6. The conversion development is deemed to have satisfied the standards in effect at the time of original permit approval and, therefore, is not required to satisfy new traffic study requirements or traffic concurrency review, nor required to pay traffic impact fees or system development charges; except as otherwise required for any new dwellings, or expansion of existing infrastructure or impervious surfaces.
 7. Where no increase in number of dwellings, or expansion of existing infrastructure or impervious surfaces is proposed, the conversion development is deemed to have satisfied the standards in effect at the time of original permit approval and, therefore, is not required to satisfy current requirements for studies, reviews, impact fees or infrastructure upgrades; as provided below:
 - a. Traffic study requirements, traffic concurrency review, traffic impact fees and system development charges are not required;
 - b. Upgrades to current fire and building code are not required, provided the fire marshal and building official determine that the development satisfies applicable international fire code and international building code requirements.
 - c. Upgrades to infrastructure are not required, provided the city engineer determines that the development currently provides access, water, sewer and storm drainage facilities consistent with applicable city transportation and utility comprehensive plans and the Sumner Development Specifications and Standard Details. Where deemed necessary for public convenience or safety, the city engineer may require a sidewalk to be installed or repaired along the development street frontage.
 8. Pursuant to SMC 16.04.100(A), a SEPA environmental checklist is not required and a SEPA threshold determination is not required for a conversion development where SEPA compliance has been completed; provided that the conversion is substantially in

conformance with the original scope, and that any new dwellings and expansion do not exceed adopted SEPA categorical exemption thresholds under SMC 16.04.085.

E. **Approval criteria.** The director shall find that all of the following exist before approving conversions under this section:

1. The conversion will not cause the subdivision to be incompatible with the previously approved site plan in effect at the time of conversion.
2. Residents and owners of each unit to be converted have received a 90-day notice of the conversion.
3. The conversion will not cause the subdivision to violate any applicable city policy or regulation.
4. The conversion will not create undue detrimental impacts to the surrounding land uses or natural environment.

Section 9. That Sumner Municipal Code Section 18.04.0725 is hereby amended to read as follows:

18.04.0275 Condominium.

“Condominium” means joint ownership of real property in which each owner enjoys exclusive ownership of an individual apartment or unit with or without a parcel of land ~~by holding a fee simple title thereto and retaining~~ and retains an undivided interest, as tenants in common, in the common facilities and areas of buildings.

Section 10. That Sumner Municipal Code Section 18.04.1120 is hereby amended to read as follows:

18.04.1120 Zero lot line detached dwelling.

“Zero lot line detached dwelling” means ~~the location of a building a detached single family building located~~ on a lot in such a manner that one or more of the building’s sides rests directly abutting on a lot line, with the other building sides separated by a minimum distance of one side yard from other detached dwellings. (Refer to Figure 18.04-H.)

Section 11. That Sumner Municipal Code Section 18.04.1122 is hereby amended to read as follows:

18.04.1122 Zero lot line dwelling.

“Zero lot line dwelling” means an attached single-~~family unit~~ dwelling ~~(house)~~ that is attached to additional zero lot line dwellings at one or both common side lot lines by means of a common wall. A zero lot line dwelling is attached to no more than one other zero lot line dwelling at any common side lot line. Zero lot line dwellings may be constructed in groups of multiple units as provided in specific zones ~~chapters~~. Each zero lot line dwelling is located entirely on its own lot, and residents hold a fee simple title to the dwelling and lot. A zero lot line dwelling may be in the form of a duplex, multiplex, townhouse or similar attached single-family dwelling.

Section 12. That Sumner Municipal Code Section 18.14.020 Principal Permitted Uses is hereby amended to read as follows:

18.14.020 Principal permitted uses.

The following uses are permitted in all MDR and HDR districts unless otherwise specified:

- A. Townhouse and townhouse condominiums;
 - B. Duplexes;
 - C. Adult family homes;
 - D. Minor utility facilities;
 - E. Cottage housing in accordance with the density standards set forth;
 - F. Zero lot line dwellings and structures, including duplexes, multiplexes and townhouse dwellings created by a zero lot line subdivision or zero lot line short subdivision;
- [...]

Section 13. That Sumner Municipal Code Section 18.14.060 Special Conditions is hereby amended to read as follows:

18.14.060 Special conditions.

- A. Required Parking for Single-Family Uses. All single-family dwellings, ~~including zero lot line dwellings~~ in the MDR and HDR districts, shall have two on-site automobile parking spaces. Each required space is to be located so as to be independent of any other required space. Further, at least one of the required spaces for single-family dwellings shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with a dustless, hard surface. Tandem parking may be allowed.
- B. Required parking for dwellings created through a zero lot line subdivision or zero lot line short subdivision shall comply with parking requirements at SMC 17.28.340(H).
- C. Required Parking for Multifamily and Conditionally Permitted Uses. All other permitted uses, except as provided above, and conditionally permitted uses in the MDR and HDR districts shall provide on-site automobile parking at ratios specified in chapter 18.42 SMC. Tandem parking may be allowed at a maximum of 30 percent of the on-site parking stalls.

Section 14. That Sumner Municipal Code Section 18.14.070 Property Development Standards is hereby amended to read as follows:

18.14.070 Property development standards.

The following Table 18.14.070 sets forth the required development standards applicable to properties located in the MDR and HDR zones:

Table 18.14.070

		MDR	HDR
A.	Minimum lot area per building site in square feet ¹	5,000	5,000

	Minimum lot area in square feet for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in square feet	4,000	4,000
	Minimum lot area for lots employing zero lot line detached dwellings option	3,000	3,000
	<u>Minimum lot area for zero lot line dwellings</u>	<u>N/A³</u>	<u>N/A³</u>
B.	Maximum development density in dwelling units per net acre	15	25
	In net square feet of lot area per dwelling unit	2,900	1,740
C.	Minimum lot width in feet	50	50
	Minimum lot width for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in square feet	40	40
	Minimum lot width for lots employing zero lot line detached dwellings option	30	30
	<u>Minimum lot width for zero lot line dwellings</u>	<u>N/A³</u>	<u>N/A³</u>
	<u>Minimum unit width for zero lot line dwellings</u>	<u>16 feet interior units</u> <u>20 feet end units</u>	<u>16 feet interior units</u> <u>20 feet end units</u>
D.	Front, rear and interior side setbacks for <u>duplexes and detached single family dwellings: developments not requiring design review:</u>		
	1. Front yard setback in feet	10	10
	2. Rear yard setback in feet	25	20
	3. Interior side yard setback in feet	5	5
	4. Interior side yard between zero lot line housing in feet	0	0
	5. Interior side yard adjacent to zero lot line setback for zero lot line detached single-family in feet	<u>5 feet one side</u> <u>0 feet one side</u>	<u>5 feet one side</u> <u>0 feet one side</u>
E.	Front, rear and interior side setbacks for <u>multifamily</u> developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, except for setbacks for duplexes see subsection (D) of this section.		

F.	Street side yard setback in feet	10	10
G.	<u>Setbacks for zero lot line dwellings:</u>		
	<u>1. Front yard setback from public street or private drive aisle for zero lot line dwellings in feet</u>	<u>10 for building</u> <u>5 for porch/stoop</u>	<u>10 for building</u> <u>5 for port/stoop</u>
	<u>2. Rear yard setback in feet, zero lot line dwellings</u>	<u>15</u>	<u>15</u>
	<u>3. Interior side yard between zero lot line dwellings in feet</u>	<u>0</u>	<u>0</u>
	<u>4. Interior side yard adjacent to exterior property line of a zero lot line development in feet</u>	<u>5</u>	<u>5</u>
	c. <u>Street side yard setback in feet</u>	<u>10</u>	<u>10</u>
H.	G. Maximum building height in feet ²	35	35
I.	H. Maximum lot coverage by percentage of net lot area	35	45
J.	I. Maximum lot coverage zero lot line single-family dwellings by percent of net lot area	55 <u>N/A</u>	65 <u>N/A</u>
K.	J. Minimum street frontage in feet	30	30
L.	<u>Minimum street frontage zero lot line dwellings</u>	<u>N/A</u> ³	<u>N/A</u> ³
M.	K. Minimum setback from principal or minor arterial as designated in comprehensive plan	25	25
N.	L. Maximum number of zero lot line structures per block (as defined in chapter 18.04 SMC)	4	4
O.	M. Maximum number of zero lot line dwellings that may be attached	46	6
P.	N. Public garage development standards [...]		

1. Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through long subdivision in the MDR and HDR zones must vary lot sizes in the following manner. A maximum of 60 percent of lots may be platted at the minimum allowed lot size (1.5 times) and at least 20 percent of platted lots must not be less than 200 percent of the minimum allowed lot size (2.0 times). For purposes of meeting this requirement, lot counts may be rounded to the nearest full lot.
2. The minimum lot area for zero lot line single-family dwellings is defined as the minimum needed to accommodate the width and depth of the unit plus the required private open space for the lot.

3. For zero lot line lots, the lot width and frontage may be as wide as the minimum required unit width, provided that the unit complies with building code, landscaping and open space requirements.
- ~~2. Except that townhouse condominiums and duplexes shall have a maximum building height of 30 feet when the interior side yard setback is less than 10 feet or the rear yard setback is less than 20 feet.~~

Section 15. That Sumner Municipal Code Section 18.16.040 Residential Uses, is hereby amended to read as follows:

18.16.040 Residential Uses

A. Senior Housing in the NC District.

Senior housing is a permitted use in the NC district, except that single-family homes, zero lot line ~~homes~~dwellings, cottage housing, duplex dwellings, and townhomes are not allowed...
[...]

B. Senior Housing in the GC District. Senior housing is a permitted use in the GC district, except that single-family homes, zero lot line ~~homes~~ dwellings, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments. Zero lot line dwellings shall comply with the standards in SMC 18.14.070. Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter 18.24 SMC.18.16.040.

Section 16. That Sumner Municipal Code Section 18.30.080 Property Development Standards is hereby amended to read as follows:

18.30.080 Property development standards.

- A. Unless otherwise stated in this section, new development must comply with the development and performance standards in the base zoning district. The development standards for the ESUV/LDR zones are the same as the base zone districts in SMC 18.12. Multifamily residential uses are subject to the ESUV development standards in this section and the ESUV/NC and ESUV/GC performance standards in SMC 18.30.090.
- B. The dimensional standards for properties in the ESUV overlay district are in the table below, except that
 1. Multifamily residential uses are subject to the ESUV development standards in this section and the ESUV/NC and ESUV/GC performance standards in SMC 18.30.090; and
 2. Zero lot line subdivisions and zero lot line short subdivisions in the ESUV/MDR and ESUV/HDR district are subject to the development standards for zero lot line

~~developments in SMC 18.14.070. The development standards for the LDR/ESUV zones are the same as the base zone districts.~~

[...]

Section 17. That Sumner Municipal Code Section 18.30.110 Private Streets and Driveways is hereby amended to read as follows:

18.30.110 Private streets and ~~driveways~~ drive aisles

Private streets and ~~driveways~~ drive aisles shall be configured in such a manner as to promote a gridded street pattern of development that allows these private streets and driveways to function similar in character and scale as public streets and maintaining pedestrian scale and walkability...

[...]

Section 18. That Sumner Municipal Code Section 18.40.020 Types of Review 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. Administrative review. 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.
3. 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.

[...]

12. Any new commercial development with total building(s) gross floor area less than 5,000 square feet.

13. Duplex and multiplex development of 9 or less units, subject to the duplex design and development guidelines.

14. Townhouse development of 9 or less units, subject to the townhouse design and development guidelines.

15. Zero lot line single family development of 9 or less units; provided:

- a. Duplexes and multiplex buildings shall be subject to the duplex design and development guidelines; and
- b. Townhouse buildings shall be subject to the townhouse design and development guidelines; except that such development shall be subject to the setbacks and open space standards in SMC 18.14.070 instead of those standards in the design guidelines.

16. Single family detached subdivisions of 9 or less units.

C. Design commission review. The following types of projects shall require design review according to the procedures for Type III.c decisions, chapter 18.56 SMC, Procedures for Land Use Permits:

1. ~~Any multiplex or m~~Multifamily development, including apartments and attached condominiums, which exceeds the threshold of subsection (B)(3) of this section.
2. Any new commercial development which exceeds the threshold of subsection (B)(12) of this section.
3. Any construction of a principal or attached accessory structure or structures within a neighborhood commercial zone.
4. Any mixed-use development which exceeds the threshold of subsection (B)(3) of this section.
5. Any new private or public parking garage.
6. Duplex or multiplex development that exceeds the threshold of subsection (B)(13) of this section.
7. Townhouse development that exceeds the threshold of subsection (B)(14) of this section.
8. Zero lot line single family development that exceeds the threshold of subsection (B)(15) of this section; except that such development shall be subject to the setbacks and open space standards in SMC 18.14.070 instead of those standards in the design guidelines.
9. Single family detached subdivisions that exceed the threshold of subsection (B)(16) of this section.

Section 19. That Sumner Municipal Code Section 18.42.040 is hereby amended to read as follows:

18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

- A. Single-family dwellings: two for each unit, except that zero lot line subdivisions and zero lot line short subdivision may provide parking in accordance with SMC 17.28.340(E);
 - B. Multifamily dwellings:
 1. One space per studio; 1.5 for each one- or two-bedroom unit; two spaces for three or more bedroom units; visitor parking for any type of multifamily use at one space for every five units
- [...]

Section 20. 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 21. 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 22. **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 3rd day of January, 2023.

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:



STAFF REPORT

DATE: November 18, 2022
TO: Planning Commission
FROM: Ann Siegenthaler, Senior Planner
RE: **ZERO LOT LINE SUBDIVISIONS – Code Update**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

Housing Action Plan: The 2021 Sumner Housing Action Plan (HAP) examined housing needs in Sumner and identified gaps in available housing and affordable housing. The HAP identifies Zero Lot Line Subdivisions as an important housing option for Sumner. One of the City Council's adopted housing priorities is reducing barriers to Zero Lot Line Subdivisions.

What is a Zero Lot Line Subdivision? A zero lot line subdivision is a way to create zero lot line homes, a type of single-family dwelling that shares a common wall with another. Zero lot line homes can take various forms, such as a townhouse, attached cottages or duplex/fourplex. But unlike condominiums, the homeowner has separate ownership of the unit, the ground beneath, and often ownership of a private front and back yard. Zero lot line homes are created by subdividing the land into small "unit lots." This special subdivision process creates single-family attached housing units that are sold fee-simple, like a single-family home, making this a more affordable option for home ownership.

II. DESCRIPTION OF PROPOSAL

Sumner already allows zero lot line subdivisions (ZLLS) and zero lot line (ZLL) dwellings, but the process is cumbersome and existing code is vague. Further, developers are finding that the typical condominium type of development is increasingly difficult to finance, sell and administer. City staff, working with consultant LDC Inc., is proposing to streamline the ZLLS permit process and make them easier to develop. Below is a summary of the proposed changes. The draft ordinance is attached as EXHIBIT B.

A. Goal

Encourage ZLLS developments, which provide single-family attached homes that are sold fee-simple, creating a more affordable option for home ownership in Sumner. The proposed code is designed to create incentives for ZLLS by clarifying and streamlining the permit process, and by creating more flexible design standards.

B. Zones allowed

Zero lot line dwellings are already allowed in Sumner, in Medium Density Residential (MDR) and High Density Residential (HDR) zones. This type of subdivision is not proposed for Low Density Residential zones due to the small lot sizes and resulting density. The code will clarify that "townhomes" (owned fee-simple) are allowed in addition to existing "townhouse condominiums."

C. Lot dimensions and layout

The individual lots in a ZLLS must meet the standards in the Zoning Code (such as lot area and width), like other lots in a subdivision. However, existing lot dimensions in the Sumner Zoning Code for single family lots do not allow the small lots and common-wall dwellings in a ZLLS. The proposal will update these lot standards, as summarized below. The standards will mirror current townhouse standards, which is the typical form for ZLLS dwellings.

- Lot size waived. This will allow lot sizes to be the same as the unit itself plus the open space that goes with the unit. There is no proposal to increase allowed density.
- Lot width (i.e. width of the unit) is one of the most important factors in the feasibility of a ZLLS project. Wide lots limit the ability to achieve the allowed density, while buildings that are too narrow may affect aesthetics. A middle-ground approach is to set a narrow width for interior units and wider for exterior (end) units. Staff proposes a minimum unit width of: 16-foot width for interior units and 20-foot width for end units. This is a typical width range for townhouse condominiums. There is no proposal to increase allowed density.
- Limitation on structures allowed per block currently prevents clustering of ZLL homes along a street. This standard would be eliminated. The maximum number of dwelling units grouped into a structure would also be increased to 6 units. This is the same as currently allowed for townhouse condominiums. These changes would allow clusters of more units, creating greater flexibility for the ZLLS developer. ZLLS will go through Sumner's Design Review guidelines to ensure adequate building modulation and variety.
- Lot coverage limit waived. Lot coverage is the amount of structure footprint compared to the size of its lot. To create a ZLLS where a lot is almost the same size as the building, lot coverage needs to be eliminated.
- Setbacks. New code would allow ZLLS setbacks to match what is currently allowed for townhouse condominiums. However, the rear yards in a ZLL development must be at least 15 feet deep to provide room for a private backyard.
- Building height will be the same as currently allowed in MDR/HDR zones (35 feet).

D. Access and private drive aisle standards

Access within ZLLS is an important factor in how feasible a development may be. Sumner's current code requires a public street (60-foot width) with amenities such as standard streetlights, etc. for a subdivision over 4 lots. Such street improvements can be costly and a barrier to more-affordable ZLL homes. Townhouse condominiums are considered "multifamily" not single family development; therefore condominiums typically provide only a driveway. Proposed code will require a "middle ground" access for ZLLS to reduce street costs but still provide safe access, with provisions that:

- Create new "private drive aisle" access standards for ZLLS.
- Allow 25-foot wide to 30-foot wide drive aisles; meet current fire truck access and construction standards.
- Allow access that is more to scale for the development, especially on tight infill sites.

E. Parking

Current code requires 2 parking spaces per single family dwelling, 2 spaces for a ZLL dwelling, and 1.5 spaces for a 2-bedroom condominium. The proposed code would keep the 2-space standard for ZLLS, but allow one-third of the required stalls to be designed as tandem parking. This approach provides flexibility in the building design and homeowner options.

In a typical single-family detached subdivision, visitor parking is not required, because there is room to either park in the wide driveways or on the public street. With narrower lots and private drive aisles in a ZLLS, visitor parking will not always fit close to the dwelling. A townhouse condominium project requires 0.20 visitor stalls per unit. The proposed code would require a ZLLS to provide 0.25 visitor stalls per unit but would allow up to 50% of this visitor parking to be on an adjacent public street.

F. Private open space and common open space

- The proposed code would require both common and private open space in a ZLLS project. The minimum amount would be 100 s.f. of private space and 200 s.f. of common open space, which is the same as required for townhouse condominiums.
- There would also be a waiver from common open space under certain conditions. The ZLLS would have to be 12 units or less and located within a quarter mile of a public park; or would need to provide extra private open space on site. This can provide an incentive for a ZLLS and reduce costs for the housing.

G. Design guidelines

Most new construction in Sumner is subject to the Sumner Design and Development Guidelines through the Design Review process. Examples include detached single family subdivisions of 10 or more lots, townhouse condominiums, duplexes and apartments. The requirements for ZLLS design review are not clear. The new code will:

- Require that ZLLS projects are reviewed under the Design Guidelines to ensure quality buildings.
- Clarify that smaller developments (e.g. less than 10 single-family dwellings) are permitted through administrative design review, versus the longer public meeting process.

While the ZLLS layout and lot configurations will follow the standards in the Subdivision Code and the Zoning Code, the building architecture will follow the Design Guidelines. The Design Guidelines help ensure that buildings are constructed with quality materials, have design features such as porches and window trim, and adequate façade modulation for variety. The Design Guidelines are not being updated as part of this code.

H. Streamline subdivision process

A ZLLS will have to follow the land division process in the Sumner Subdivision Code just like other subdivisions. However, The current Subdivision Code does not provide a clear process for a ZLLS. The new code will help clarify and streamline permit requirements for ZLLS by consolidating the requirements for ZLLS into one code section, with parking, driveways, open space, easements, and common ownership and maintenance provisions.

I. Allowance for conversions

The proposed code will allow the conversion of some attached dwellings and condominiums to a fee-simple ZLLS development. Duplexes and multiplexes (e.g. triplex and fourplex) often have ample yard areas, parking, and similar single-family features that make them suitable for conversion to attached dwellings that could be purchased individually. Newer townhouse condominium projects (permitted after 2018) comply with most of the code requirements for ZLL dwellings, so could readily convert to this alternate type of home ownership.

To become fee-simple owned dwellings, the existing development would go through a subdivision permit process. The development would not be required to meet all the current lot standards (e.g. setbacks, parking) since the project was already approved and constructed to City standards. Director approval of the conversion would be contingent on approval criteria, such as the project would not have detrimental impacts on the neighborhood and residents (renters) would receive 90 days' notice. The goal is 1) not to inadvertently encourage large scale loss of affordable rentals, and 2) to provide a few more opportunities to increase home ownership in Sumner.

J. Updated definitions

Various definitions are to be updated, including:

- Clarifying that zero lot line dwelling means a single-family attached dwelling.
- Clarifying that duplexes and multiplexes may be built as fee-simple zero lot line dwellings.
- Adding a new definition for private drive aisles for ZLLS.

III. ANALYSIS

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

Subdivision Code

The Sumner Subdivision Code establishes the process for dividing land into single-family lots and providing for access and utilities to serve the lots. The proposed ZLLS code amendments will allow for subdivisions of such lots through an established permitting process. The purpose of the subdivision code is to "regulate the division of land lying within the corporate limits of the city of Sumner, and to promote the public health, safety, and general welfare in accordance with the standards established by the state and the city," and to..."prevent the overcrowding of land; lessen congestion and promote safe and convenient travel by the public on streets and highways; promote the effective use of land..." The proposed code amendments are consistent with the purpose of the subdivision code.

Land Use Element

The proposed code update will allow another development option for affordable housing. It also includes development standards to minimize impacts of increased density and to apply design review to ZLLS, 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 establishes a density range for Medium- and High Density Residential districts of 15 to 25 dwelling units per acre. Zero lot line structures are included as a primary use. The proposed code is consistent with the purpose, uses and densities anticipated in these residential districts.

Community Character Element

The proposed code update will expand housing types allowed in the medium- and high density residential 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."
- 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."
- 6.1 "Promote a compact development pattern that exhibits variety in building types and scale. Historic and vernacular architectural styles should be respected. Both sides of the streetscape should complement each other."

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:

- 1.6 "Multi-family housing outside the Town Center area and outside the ESUV should be "ground related" (individual housing unit entries are on the first floor and allows direct access to private ground-level

usable open space). Examples of ground-related dwellings include single-family detached, single family semi-attached, cottages, tandem houses, and townhouses...”

Goal 2: “Provide a range of housing types for all life stages and economic segments of the Sumner community.”

2.1 “Strive to meet the City’s fair share of housing needs by planning that 25% of the growth population allocation is satisfied through affordable housing.”

2.2.1 “Through the Comprehensive Plan, Zoning Code, and Subdivision code, and Design Guidelines allow for a variety of housing types and lot configurations including multi-family housing, mixed use development, cluster development, zero-lot line and similar subdivisions, planned unit development, and non-traditional housing forms such as adult family homes.”

2.3 “Encourage a variety of housing available to all economic segments of the community.”

2.3.3 “Consider implementing strategies such as an inclusionary housing program, minimum densities, density bonuses, adaptive re-use, and others to promote affordable housing.”

Conclusion:

Sumner’s Comprehensive Plan provides a general policy basis for promoting Zero Lot Line Subdivisions (ZLLS) as a means to provide housing options and increased housing densities at appropriate scale to the neighborhood. Increasing housing densities and options increases housing supply and can have a positive impact on affordability. Proposed code amendments will further these adopted policies by expanding opportunities for ZLLS. The ordinance also contains development standards in the zoning code and subdivision code to minimize impacts to surrounding areas, such as providing for parking, access, adequate building setbacks, and open space.

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 August 15, 2022.

V. PUBLIC & AGENCY COMMENTS

No agency comments or public comments were received during the comment periods for this proposal.

VI. STAFF RECOMMENDATION

Provide comments and direction to staff.

VII. PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed code in August 2022 and held a public hearing in September 2022. The Commission voted to amend the proposal to limit the number of visitor stalls allowed off site, and voted unanimously to recommend approval to the Council.

VIII. EXHIBITS

A. Draft Ordinance No. 2842 – Zero Lot Line Subdivision Code

January 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4	5	6	7
RECOGNIZED HOLIDAY CITY HALL CLOSED	4:00 PM CANCELLED Public Works Committee (Hybrid) 6:00 PM Regular Council Meeting (Hybrid)	5:30 PM Finance Committee (Hybrid)	6:00 PM Planning Commission (Hybrid)		
9	10	11	12	13	14
6:00 PM Study Session (Hybrid)		6:30 PM Design Commission (Hybrid)	4:30 PM Forestry/Parks Commission (Hybrid)		
16	17	18	19	20	21
RECOGNIZED HOLIDAY CITY HALL CLOSED	6:00 PM Regular Council Meeting (Hybrid)	5:30 PM Public Safety Committee (Hybrid)			
23	24	25	26	27	28
6:00 PM Study Session (Hybrid)		5:00 PM CD Committee (Hybrid)	5:30 PM Cultural Arts Commission (Hybrid)		
30	31				

*Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.*

Name: Michelle Converse, CMC
Title: City Clerk

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