



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.

CALL TO ORDER

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

Join Zoom Meeting

<https://sumnerwa-gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873

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

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

ROLL CALL

Andy Elfers, Sharon Fochtman, Mark Isaacs, Kelly Locke, Bill Moody, Vincent Stoneking, Barry Walden

APPROVAL OF MINUTES

1. Approval of Minutes from December 1, 2022
2. Approval of Minutes from January 5, 2023

UNFINISHED BUSINESS

1. Small Subdivisions and Pipestem Lots Code Update - PUBLIC HEARING
2. Small Subdivisions and Pipestem Lots - DISCUSSION/ACTION

NEW BUSINESS

1. None

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, December 1, 2022
6:00 p.m.
Sumner City Hall
1104 Maple Street**

CALL TO ORDER

The hybrid meeting was called to order at **6:01** pm by Ann Siegenthaler, Staff in the absence of both Chair Elfers and Vice Chair Fochtman.

ROLL CALL

Commissioners Present (in-person): none
Commissioners Present (virtually): Stoneking, Walden, Isaacs, Moody
Excused Absences: Fochtman, Elfers, Locke

No chairs were in attendance at the meeting. Commissioner Walden volunteered to chair the meeting.

Commissioner Moody moved to nominate Commissioner Walden to act as temporary Chair, seconded by Commissioner Stoneking.

All were in favor.

APPROVAL OF MINUTES

Commissioner Stoneking motioned to approve the meeting minutes for September 01, 2022, and as presented, seconded by Commissioner Issacs.

All were in favor; unanimously passed.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

1. Short Subdivisions and Pipestem Lots Code Update

Planning consultant Matt Covert with LDC provided an overview on the code updates that include a threshold increase from 4 to 9 lots under short subdivision. The current codes allow up to 4 lots to process under short subdivision. Raising the maximum number of lots allowed under short subdivisions provides flexibility to developers and streamlined process, as opposed to full subdivisions which go to hearing before final approval. The proposed access standards for short subdivisions include an allowance for lots to share a minimum 15-foot-wide driveway, and require 5 or more lots to meet proposed private drive aisle standards minimum widths of 20-25 feet, while still requiring street extensions where city code

requires. This code update will include providing for public notice for short subdivisions that include 5-9 lots proposed, but not require a hearing. Consultant Covert shared that State law changed in 2002 to allow jurisdiction to process subdivisions up to nine lots as a short subdivision. This proposed code update meets one of the recommended Housing Action Plan goals which is to raise this threshold to encourage infill housing types in the community.

Presentation continued of the code updates to pipestem lots and standards. This code update includes pipestem development in subdivisions. The code will allow up to 4 lots behind an existing lot with street frontage or up to five lots are allowed if an existing dwelling unit is preserved as part of the subdivision. Code updates for pipestem lot standards include allowance for shared driveway access or private drive aisles; allowance for maximum height development in the zone and minimum yard setbacks to maintain 15 feet, except a minimum side setback of 5 feet, when side yards are internal to other lots within a short subdivision.

Items were open to the Commission for questions.

Senior Planner Siegenthaler provided clarification that access rights and utility easements are granted for lots to share driveways and is reviewed and required as part of short subdivision application.

Discussion ensued.

In response to a Commissioner question about the City's overall plan for density and population growth, staff indicated that the 2021 Housing Action plan evaluated the need for more housing in the joint Sumner-Bonney Lake community. The State Growth Management Act requires counties and cities to account for more affordable housing units over the next 20 years.

Senior Planner Siegenthaler provided a definition of affordable housing by the State that is determined by the median income of an area, in this case Pierce County median income data.

Brief discussion ensued.

2. Zoning Code Text Amendment- Parking in Medium-Density Residential/East Sumner Urban Village

Community Development (CD) Director, Ryan Windish presented the proposed Zoning code text amendment for parking allowance in MDR zoning, when adjacent to neighborhood commercial zones. He shared that the current code does not allow parking as a use in Medium Density Residential zone, and a few parcels in zones that are neighborhood or general commercial, may contain dual zoning, with rear portions of their property under the MDR zone. This zoning code text amendment will include an allowance for accessory parking to limited commercial uses, e.g. retail and eating establishments, to provide incentives for these uses in the East Sumner Neighborhood plan area.

Discussion ensued.

CD Director Windish shared that this zoning code text amendment will be drafted in an ordinance and be presented before the planning commission in the next meeting in January 2023, and at that time the Commission will hold a public hearing on the proposal.

OLD BUSINESS

None before the Commission.

COMMISSION COMMENTS

A few Commissioners shared community concern on traffic signalization regarding safety and lighting. Community Development Director encouraged the Commissioners to send him an email with a request and shared community concerns to be forwarded to the Public Works Director.

STAFF COMMENTS

CD Director Windish shared that the City has been working with the Downtown businesses impacted by the fire on Main Street in October 2022. Next Monday, East Pierce Fire & Rescue plans to present a training and information about fire prevention at City Hall.

There was an invitation to the Commissioners to attend the upcoming Santa Parade Saturday.

ADJOURNMENT

Commissioner Stoneking motioned to adjourn the meeting, Moody seconded. With no further business in front of the Commission, Temporary Chair Walden ended the meeting. **MEETING ADJOURNED AT 7:31 pm.**

Minutes Submitted by: Chrissanda Walker



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, January 05, 2023
6:00 p.m.
Sumner City Hall
1104 Maple Street**

CALL TO ORDER

The hybrid meeting was called to order at 6:05 pm by Chair Elfers.

ROLL CALL

Commissioners Present (in-person): Elfers, Moody, Locke, Stoneking
Commissioners Present (virtually): Fochtman, Isaacs, Walden (audio/visual available at 6:30pm); Isaacs had to leave the meeting at 6:46 pm.

APPROVAL OF MINUTES

None before the Commission.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

A. Election of Officers for 2023

Nominations were sought for chair and vice chair to serve the current year

Commissioner Fochtman nominated Commissioner Elfers to serve as chair seconded by Commissioner Isaacs. All were in favor.

Commissioner Fochtman nominated Commissioner Locke to serve as vice chair seconded by Commissioner Elfers. All were in favor.

B. Accessory Parking Medium Density Residential - Code Update - PUBLIC HEARING

Chair Elfers opened the public hearing at 6:10 pm.

Commenced staff presentation to the Commissioner by Ryan Windish, CD Director on the proposed zoning code text amendment to allow accessory parking within the MDR zones for retail and eating and drinking establishments located within the NC/ESUV zone. Limitations and additional provisions for landscaping and opens space allowance was discussed.

Chair Elfers seeing no public comments, closed the public hearing at 6:22 pm.

OLD BUSINESS

A. Accessory Parking Medium Density Residential - Code Update - ACTION

Commissioners were invited to further discuss the proposed zoning code text amendment and inquired about the allowance in other NC zoned properties, asked what the determining factor was for limiting the parking allowance and general zoning questions to understand the proposed zoning code change.

Staff clarified and answered questions. Brief discussion ensued.

Commissioner Stoneking motioned to approve the zoning code text amendment as presented for accessory parking in the MDR zone, seconded by Commissioner Locke.

All were in favor. Motion passed.

COMMISSION COMMENTS

Commissioner Fochtman shared concerns about the audio quality issues for the previous meeting and asked about any upcoming opportunities to discuss short subdivisions code changes and pipestem lots.

Planner Siegenthaler explained that she had provided Commissioner Fochtman with a CD recording of the previous meeting and explained technical errors on downloading the large files. It was confirmed that the next scheduled meeting for February will be the continuance of the discussion on short subdivisions and pipestem lots.

Commissioner Locke asked how items get brought up to the agenda before the Planning Commission.

Staff explained that through the request of applicants, internal staff review of code inconsistencies, legal department recommendations, through Comprehensive Plan updates or City Council direction are various ways that agenda items are brought up before the Commission.

STAFF COMMENTS

Planner Siegenthaler shared upcoming planning commission meetings and topics and informed the Commission that the 2024 Comprehensive Plan update cycle had opened.

Staff, Ryan Windish presented a brief overview of some of the projects underway throughout the City. Brief discussion ensued.

ADJOURNMENT

Commissioner Fochtman motioned to adjourn the meeting, Stoneking Seconded. With no further business in front of the Commission, Chair Elfers ended the meeting. **MEETING ADJOURNED AT 7:00 P.M.**

SUBJECT: Small Subdivisions and Pipestem Lots Code Update - PUBLIC HEARING**CATEGORY:** Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Small Subdivisions & Pipestem Lots Ordinance - Draft-010323
2. Small Subdivisions & Pipestem Lots - Staff Report-010323

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Sumner's 2021 Housing Action Plan (HAP) examined housing needs in Sumner and includes strategies and implementation actions for addressing these needs. City staff has been working on implementing a number of these actions, including the current proposal to increase the number of infill single-family lots that can be created through short subdivisions and pipestem lot subdivisions.

Why is this update needed:

- The current code in Sumner allows land to be subdivided either as a "full subdivision" process (for 5 or more lots) or a simple "short subdivision" (short plat) (4 lots or less). A full subdivision process is much more complex, lengthy and costly than a short subdivision process. Requiring the full subdivision process for a small development (e.g. 6-7 lots) can be a barrier to housing infill.
- Pipestem lots (flag-shaped lots with a long driveway "stem") are created through the same subdivision process as other lots. However, current code limits these to 1 additional lot behind the main house, which is also a barrier to infill development.
- State law currently allows up to 9 lots in a short subdivision. To encourage housing infill, many cities are increasing their subdivision thresholds to match the higher State threshold.

Goals of this code update:

- Increase opportunities for single-family infill development, making use of underutilized pockets of land throughout the city.
- Allow more homes to be created through a streamlined short subdivision process, and allow more homes on pipestem lots.
- Increase feasibility of housing projects on smaller sites and for small developers.
- Reduce construction costs and land costs for infill housing.

Summary of proposal:

- Raise the threshold for short subdivisions to 9 lots. This will allow more lots to be created through a less costly and more streamlined process.
- Raise the threshold for pipestem (flag) lot subdivisions to 4 lots. This makes it easier for a homeowner to create lots in underutilized areas behind their existing home, and to realize more of the development value of their property. Allow a 1-lot "credit" for an existing home if it's not demolished, to help maintain existing housing stock.
- Create narrower access standards for small subdivisions and pipestem lots. Allow a shared driveway for up to 5 dwellings and 25-foot private drive aisles for up to 9 dwellings. This will consolidate access for more efficient use of land, reduce impervious surfaces and curb cuts along the sidewalk, and reduce costs.
- For pipestem lots, make building height and lot sizes the same as regular single-family lots in the zone; require a 15-foot perimeter setback to increase privacy.
- Set a maximum lot size for single-family homes built in multifamily zones. This will reserve land in Medium-Density and High-Density Residential zones for more dense single-family infill and multifamily development, consistent with the original purpose of the zones.

- No change in the density already allowed in each zone; the code just makes it easier to create housing.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Conduct a public hearing; depending on comments, provide direction to staff and recommendations to City Council.

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING REGULATIONS FOR SHORT SUBDIVISIONS AND PIPESTEM LOTS IN TITLE 17, AMENDING SECTION 17.04.40 SCOPE; DEFINITIONS AT SECTION 17.04.060 FOR LOT FRONTAGE, PIPESTEM LOT, PRIVATE STREET, FULL SUBDIVISION AND SHORT SUBDIVISION; SECTION 17.12.030 SCOPE RELATED TO SHORT SUBDIVISIONS; SECTION 17.28.195 PIPESTEM LOTS; SECTION 17.28.200 PRIVATE STREETS; AND SECTION 17.28.205 PRIVATE DRIVE AISLES; AND AMENDING TITLE 18 DEFINITIONS AT 18.04.0595 FRONT LOT LINE AND 18.04.0610 PIPESTEM LOT; SECTIONS 18.12.070, 18. 12.075 AND 18.14.070 RELATED TO PROPERTY DEVELOPMENT STANDARDS; SECTION 18.30.110 PRIVATE STREETS, AND AMENDING SECTION 18.56.030 LAND USE PERMITS REQUIRED.

WHEREAS, the City Council finds that increasing the number of single-family lots that can be created through a short subdivision and pipestem lot subdivision can increase housing capacity in Sumner; and

WHEREAS, the City Council finds that streamlining the permit process and reducing infrastructure costs for short subdivisions can reduce barriers to creating infill development; and

WHEREAS, the City Council finds that it is in the public interest to establish standards for short subdivision and pipestem lot developments in order to encourage single-family infill while maintaining neighborhood character, reducing unnecessary access roads, and providing adequate setbacks from adjacent uses; and

WHEREAS, on December 1, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on February 2, 2023; and

WHEREAS, on _____ 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 _____; 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 17.04.040 Scope is hereby amended to read as follows:

17.04.40 Scope.

- A. This title applies to the division of land of up to ~~four~~nine parcels for short subdivisions, and of ~~five~~ten or more for full subdivisions.
 - B. Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions as set forth in this title.
- [...]

Section 2. That Sumner Municipal Code Section 17.04.060 Definitions, is hereby amended to read as follows:

17.04.060 Definitions.

For the purpose of this title, certain words and terms used in this title are defined as follows:
[...]

“Lot frontage” means the boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private ~~street road~~, easement or accessway, and parallel to the front lot line as defined in SMC 18.04.0585. On an interior lot, it is the lot line abutting a street; or, on a pipestem (flag) lot, it is the interior lot line most parallel to and nearest the public street from which access is obtained; On a corner lot the front yard shall be determined by the director to be the yard which best conforms to the pattern of the adjacent block faces. On a “through lot”, both street lines shall be deemed front lot lines.
[...]

“Lot, pipestem (flag lot)” means a pipestem lot as defined in SMC 18.04.0610.
[...]

“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.

“Private ~~streetroad~~” means a street or road that is not ~~dede~~dedicated to the city and is used for access to lots which do not border on a public street. ~~This includes, but is not limited to, access easements, pipestems, and panhandles accessing short subdivisions. This includes shared driveways, private drive aisles, or other private accessways designed for vehicle access to the public street.~~
[...]

“Street, public” means an approved street, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular travel.
[...]

“Subdivision, full” means the division or redivision of land into ~~five~~ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision, short” means the division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Section 3. That Sumner Municipal Code Section 17.12.030 Scope, is hereby amended to read as follows:

17.12.030 Scope.

Any land being divided into ~~four~~nine or fewer parcels, lots, tracts, or sites, any one of which is less than 20 acres in size, and which land has not been divided in short subdivision within the previous five years, shall meet the requirement of this chapter; provided, that the land in the short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than ~~four~~nine parcels, the owner of the short plat may file an alteration within a five-year period to create up to ~~four~~nine lots within the boundaries of the original short plat and the parcel is not held in common ownership with a contiguous parcel which has been subdivided within the preceding five years.

Section 4. That Sumner Municipal Code Section 17.28.195 Pipestem lots, is hereby amended to read as follows:

17.28.195 Pipestem lots.

~~A. “Pipestem lot (flag lot)” means an interior lot in which the buildable area is not bounded laterally by a public or private road, and which gains road access by means of a lot extension, a driveway easement, or the terminus of a private or public road.~~

A. Pipestem lots are allowed the following number of contiguous lots through subdivision:
1. Up to four lots are allowed behind an existing lot with street frontage or divided from a parent parcel; or
2. Up to five lots are allowed if an existing dwelling unit is preserved as part of the subdivision.

B. Pipestem lots shall be served by a strip of land not less than 15 feet wide ~~for up to 4 lots and not less than 25 feet wide for 5 lots;~~ and designed for the purpose of providing access to ~~one lot, tract, or parcel~~ the buildable area of the lot or tract.

C. Pipestem lots may access the street network by way of shared driveways or private drive aisles as provided in SMC 17.28.200 and SMC 17.28.205.

D. In no case shall a pipestem or panhandle lot be separated from a public street by more than four lots.

Section 5. That Sumner Municipal Code Section 17.28.200 Private streets, is hereby amended to read as follows:

17.

17.28.200 Private ~~streets~~roads.

- ~~A. Private streets shall serve no more than one lot; provided, that the private street shall have a minimum width of 30 feet. In no case shall the front lot line of a pipestem or panhandle lot be separated from a public street by more than one lot.~~
- A. Short subdivisions may be served by a private road as follows:
1. For up to 4 lots, a shared driveway is allowed, a minimum of 15 feet wide, with an 11-foot-wide paved travel surface and two 2-foot-wide shoulders.
 2. For 5 or more lots, a private drive aisle in conformance with the standards in SMC 17.28.130 or a public street is required pursuant to SMC 17.28.130(B).
- B. Private ~~streets~~roads shall be improved or guaranteed to the standards considered appropriate to the situation by the city engineer and fire marshal, ~~but in all cases and~~ shall meet the ~~minimum applicable~~ requirements of the fire marshal and city's Development Specifications and Standard Details.

Section 6. Sumner Municipal Code Section 17.28.205 Private drive aisles, is hereby amended to read 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 road~~ 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.

[...]

Section 7. That Sumner Municipal Code Section 18.04.0585 Definitions, Lot line front, is hereby amended to read as follows:

18.04.0585 Lot line, front.

"Front lot line" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, shared driveway easement or accessway. On an interior lot, it is the lot line abutting a street.; ~~or, On a pipestem (flag) lot where only one pipestem lot is present,~~ it is the interior lot line most parallel to and nearest the street from which access is obtained. On a pipestem lot where multiple pipestem lots are present as allowed in Title 17 SMC, it is the interior lot line most directly facing the shared

driveway or private access tract by which the lot accesses the public street. On a corner lot, the front yard shall be determined by the director, to be the yard which best conforms to the pattern of the adjacent block faces. On a “through lot,” both street lines shall be deemed front lot lines.

Section 8. That Sumner Municipal Code Section 18.04.0610 Definitions, Lot pipestem, is hereby amended to read as follows:

18.04.0610 Lot, pipestem.

~~“Pipestem lot~~ “Lot, pipestem (flag lot)” means an interior lot in which the buildable area is not bounded laterally by a public street or private road, and which gains ~~road~~vehicle access by means of a lot extension, a shared driveway-~~easement~~, a private drive aisle, or the terminus of a private road or public ~~road~~-street.

Section 9. That Sumner Municipal Code Section 18.12.070 Property development standards for LDR-6, LDR-7.2, LDR-8.5, and LDR-12, is hereby amended to read as follows:

18.12.070 Property development standards for LDR-6, LDR-7.2, LDR-8.5, and LDR-12.

A. Lot area.

1. Minimum lot area per building site in square feet:

LDR-6:	6,000
LDR-7.2:	7,200
LDR-8.5:	8,500
LDR-12:	12,000

2. At least 80 percent of the lots in a subdivision shall meet the ~~above~~-minimum lot sizes of the applicable district in Subsection A(1) of this section. Pipestem lots are not eligible for this or other lot size reductions. To encourage a mix of lot sizes, the other 20 percent of the lots may have reduced sizes, to the following lot size standards, in square feet; provided, in no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B):

LDR-6:	4,800
LDR-7.2:	6,000
LDR-8.5:	7,200
LDR-12:	8,500

~~In no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B);~~

B. Lot width

1. Minimum lot width in feet:

LDR-6:	60
LDR-7.2:	70
LDR-8.5:	80
LDR-12:	100

2. For the subdivisions that include a percentage of smaller lots as allowed in subsection A of this section, the minimum lot widths for the smaller lots shall be as follows, in feet:

LDR-6:	50
LDR-7.2:	60
LDR-8.5:	70
LDR-12:	80

C. Front yard setback in feet: 15 (LDR-12 front yard setback in feet: 25);

D. Rear yard setback in feet: 30;

E. Rear yard setback in feet, for existing home being retained in the creation of pipestem lots through a short subdivision: 15;

~~E. F.~~ Interior side yard setback in feet, lot with one interior side yard: five;

~~F. G.~~ Total interior side yard setback in feet, lot with two interior side yards; 15; provided, that one interior side yard is not less than five feet;

~~G. H.~~ Street side yard setback in feet: 12;

~~H. I.~~ Maximum building height in feet: 30;

~~I. J~~ Lot coverage

1. Maximum lot coverage, in percent:

LDR-6:	40 percent
LDR-7.2:	35 percent
LDR-8.5:	35 percent
LDR-12:	35 percent

2. Maximum lot coverage for single-story residential structures:

LDR-6:	45 percent
LDR-7.2:	40 percent
LDR-8.5:	40 percent
LDR-12:	40 percent

~~J. K.~~ Required off-street parking spaces: two;

~~K. L.~~ Minimum street frontage in feet: 15;

~~L. Maximum building height for pipestem lots with a lot size less than 20,000 square feet: one story and 16 feet;~~

M. Minimum yard setbacks in feet for pipestem lots created after February 1, 2023 are as follows:

1. Front yard setback from the edge of the access driveway, private drive aisle, or access easement or tract: 15 feet for the primary residence and 5 feet for garages and accessory structures;
2. Exterior (perimeter) yard setback, as measured from the original lot lines of the parent lot: 15;
3. Side yard and rear yard setbacks, when internal and adjacent to other lots within a short subdivision: five;
4. ~~At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~

~~N. Minimum lot size for pipestem lots in LDR-6 in square feet: 10,000.~~

Section 10. That Sumner Municipal Code Section 18.12.075 Property development standards for LDR-4, is hereby amended to read as follows:

18.12.075 Property development standards for LDR-4.

[...]

M. Maximum building height for pipestem lots ~~with a lot size less than 10,000 square feet: 30 feet one story and 16 feet;~~

N. Yard setbacks for pipestem lots ~~shall be as found in 18.12.070(M). are as follows:~~

- a. ~~At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~

[...]

Section 11. That Sumner Municipal Code Section 18.14.070 Property development standards, is hereby amended to read as follows:

18.14.070 Property development standards for MDR/HDR.

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 zero lot line detached dwellings <u>(per dwelling)</u>	3,000	3,000
Minimum lot area for zero lot line dwellings <u>(per dwelling)</u>	N/A ³	N/A ³
<u>B. Maximum lot area per building site in square feet, detached single-family dwellings</u>	<u>6,000</u>	<u>6,000</u>
<u>C. Maximum development density in dwelling units per net acre</u> [...]	15	25
<u>P. Pipestem lot width, setbacks and building height shall be as provided in 18.12.070 SMC for detached dwelling units.</u> [...]		

¹ Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through ~~long-full~~ 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 lot size allowed. At least 20 percent of platted lots must be no less than 150 percent of 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.

Section 12. That Sumner Municipal Code Section 18.30.110 Private streets and driveways, is hereby amended to read as follows:

18.30.110 Private ~~roads streets and driveways~~ (ESUV).

Private ~~streets roads and driveways~~ shall be configured in such a manner as to promote a gridded street pattern of development that allows these private ~~streets roads and driveways~~ to function similar in character and scale as public streets, reducing distance between blocks and maintaining pedestrian scale and walkability. Said private ~~street road or driveway~~ shall remain ungated unless: (A) it can be demonstrated, to the satisfaction of the director, that a gate is needed for the safety and security of the residents; and (B) that a gate does not inhibit overall connectivity of the larger neighborhood; and (C) where it is determined such connectivity would be inhibited a development shall contain an ungated pedestrian access that traverses the site.

Section 13. That Sumner Municipal Code Section 18.56.030 Land use permits required, is hereby amended to read as follows:

18.56.030 Land use permits required.

D. The following decisions are Type III.a decisions which require no public notice and are appealable to the hearing examiner:

1. Short subdivisions up to 4 lots;
2. Revocation of a land use permit pursuant to SMC 18.56.230;
3. Approvals pursuant to the resource, wildlife and hazard areas, chapter 16.40 SMC;

[...]

G. The following decisions are Type III.d decisions which shall require public notice and be reviewed administratively and are appealable to the hearing examiner:

1. Administrative use permit;
2. Administrative variance;
3. Application of IDEA district overlay;
4. Short subdivisions of 5 or more lots.

[...]

Section 14. 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 15. 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 16. 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 _____, 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: January 3, 2023
TO: Planning Commission
FROM: Ann Siegenthaler, Senior Planner
RE: **Small Subdivisions and Pipestem Lots – Code Update**

I. BACKGROUND

The 2021 Sumner Housing Action Plan (HAP) identified the need for housing in Sumner. The HAP described options for reducing barriers to creating infill housing, such as raising the number of lots in a short subdivision and raising the number of pipestem lots allowed. This is one of the City Council's priorities for addressing housing needs.

Why is this update needed?

- The State Growth Management Act and related laws require cities to create land use plans (zoning, transportation, etc.) that accommodate projected population growth. Based on data from the State and County, Sumner is projected to need about 2,000 additional housing units by 2044. This is Sumner's "fair share" of the growth assigned to all cities in Pierce County. Sumner has the zoning and land capacity to accommodate its share. However, housing unit production is far behind the assigned target.
- Sumner code requires a short subdivision (short plat) of more than 4 lots to go through a full subdivision process, which is time consuming and costly. Increasing the number of single-family lots allowed in a short subdivision greatly reduces permit time, costs, and barriers to creating housing.
- Subdividing lots into pipestem lots provides single-family dwellings on underdeveloped sites throughout the city. However, current code limits pipestem lots to 1 additional lot behind the main house, which is a barrier to infill development.

II. DESCRIPTION OF PROPOSAL

The proposal will update the subdivision process for short subdivisions and for pipestem lots. City staff, working with consultant LDC Inc., is proposing to make the short subdivision process easier and to increase the number of lots that can be created. Below is a summary of the proposed changes.

A. Goals for this code update

- Increase opportunities for single-family infill development, making use of underutilized pockets of land throughout the city.
- Allow more homes to be created through the short subdivision process (versus full subdivision).
- Make the process of subdividing single-family lots easier and less costly.

B. Zones affected

Single-family dwellings in subdivisions and pipestem lots are allowed in all Low Density Residential (LDR) zones and in Medium Density Residential (MDR) and High Density Residential (HDR) zones.

C. Short subdivision process

Land may be subdivided either as a “full subdivision” process (for 5 or more lots) or a simple “short subdivision” (short plat) (4 lots or less). A full subdivision process is much more extensive, lengthy and costly than a short subdivision process, and costs can more easily be spread out over more lots. Requiring the full subdivision process for smaller subdivisions can be a barrier to increasing housing infill. State law currently allows cities to set higher thresholds for a short subdivision, up to 9 lots. Many cities are now increasing their subdivision thresholds to match the higher State threshold. Below is a summary of proposed short subdivision changes.

- Number of lots allowed. Raise the threshold for short subdivisions to 9 lots, matching the State-allowed threshold of 9 lots. This will:
 - Create more lots through a less costly and more streamlined process, encouraging single-family infill development; and
 - Increase opportunities for smaller developers to create housing.
- Density. The proposed code allows new lots to be created more easily. It does not increase density over what is already allowed in each zone.
- Reduced access width. Allow short subdivisions to use shared driveways and narrow private drive aisles for access (versus wider streets). This provides more flexibility in site design, consolidates access for more efficient use of available land, and reduces construction and land costs. (See Access Standards below)
- Public notice. Under current code, short subdivisions up to 4 lots do not require public notice. New code would require short subdivisions between 5 to 9 lots (the raised threshold) to provide public notice. There would be no public hearing, but neighbors would be informed of the proposed project.

D. Pipestem lots

Pipestem lots (flag-shaped lots with a driveway “stem”) are created through the same subdivision process as other lots. However, the current limit of 1 lot behind the main street-front house is a barrier to single-family infill. The proposal will update these lot standards.

- Number of lots allowed: Raise the threshold for pipestem lot subdivisions from 1 to 4 lots. This will increase opportunities for infill such as:
 - Difficult, narrow lots can be developed into single-family homes.
 - Homeowners can create new lots in underutilized areas behind their existing home, and realize more of the development value of their property.
 - More housing capacity can be created that fits into existing neighborhoods.
- Incentive to maintain existing house: Maintaining existing homes also helps Sumner meet housing capacity and affordability goals.
 - The proposed pipestem lot code will allow a 5-lot pipestem subdivision, if the streetfront home is preserved. This allows 4 lots in the back of the existing house and exempts the existing home from the count.
 - Where the front house on the street is preserved, its rear yard setback can be reduced from 30 to 15 feet. The intent is to prevent demolition of the existing house, which often occurs when developers cannot fit their desired number of new lots on the parcel.
- Building height. Would be changed to be the same as currently allowed for other single-family homes in the zone (LDR zones are 30 feet height).
- Setbacks. Require a 15-foot perimeter setback to increase privacy. Under current code, a home on a pipestem lot could be set back 5 feet from another home (the same as for non-pipestem lots). The proposal would increase this to 15 feet.

E. Access and private drive aisle standards

Access within a short subdivision is an important factor in how feasible a development may be. Sumner’s current code requires a public street (60-foot width) with features such as standard

streetlights, etc. for a subdivision over 4 lots. Such street improvements can be costly and a barrier to single-family infill. Proposed code will allow narrower access lanes for short subdivisions (including pipestem lots) as follows:

- Allow a “shared driveway” for up to 4 lots. This is a 15-foot wide drive with 2-foot wide shoulders that meets engineering standards.
- Allow a “private drive aisle” for 5-9 lots (the same access as for Zero Lot Line Subdivisions). This is generally a 25-foot wide drive aisle that meets current fire truck access and construction standards.
- These changes will reduce street construction costs and create access drives that are more in scale with the development, while still providing safe access.
- Remove current code language that limits access drives to serving only one lot, which prevents adjoining property owners from sharing a driveway. Consolidating access drives is a more efficient use of land and reduces the number of curb cuts along the sidewalk, which improves walkability.
- Public streets are important for connecting neighborhoods and creating walkable neighborhoods, so will still be required in some circumstances. Proposed code will maintain the current requirement for a public street when the city engineer determines that the public street criteria listed in the code are met (e.g. need to align with adopted street grid, need break up super block)

F. Maximum lot size for MDR/HDR zones

Current code allows detached single-family development in Medium Density Residential (MDR) and High Density Residential (HDR) zones. These zones were established to provide areas where higher density developments could be built, such as townhomes and apartments. However, often land in these zones is used for very low density, large single-family homes on very large lots. This reduces available capacity for higher density housing, which is an essential component of Sumner’s housing stock.

The proposal is to limit the amount of new single-family dwellings in the MDR/HDR zones. The new code would establish a maximum lot size of 6,000 s.f. This will:

- Not affect existing homes or lots, but *new* lots would have to meet the maximum lot size.
- Not dictate size of the house; and a developer could still get single-family dwellings of a reasonable size (e.g. 2,000-2,200 s.f.) to fit on the lots.
- Help keep land in MDR/HDR zones available for more dense single-family infill and multifamily development, which is the original intent of those zones.

G. Updated definitions and terms

Various definitions and terms are to be updated, including:

- Front lot line measurement relative to a short subdivision driveway
- Making pipestem lot definition the same in zoning code and subdivision code
- Clarifying terms for private road versus public street.

III. ANALYSIS

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

Land Use Element

The proposed code update will increase opportunities for single-family infill development, within existing allowable densities. It also includes development standards such as setbacks to minimize impacts, consistent with the following policies:

- 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 Low Density Residential districts of 2.9-5.0 dwelling units per acre (du/ac) (e.g. LDR-8.5) at the lower end, to 7.0-10.0 du/ac (e.g. LDR-6) at the highest density. No change in allowed density is proposed; the code would streamline the subdivision process and allow new dwellings up to the maximum allowed in the zone. Therefore, the proposed code is consistent with the purpose, uses and densities anticipated in these residential districts.

In contrast, the Medium- and High-Density Residential (MDR and HDR) districts allow higher densities ranging from 8 du/ac to 25 du/ac. In the Comprehensive Plan, MDR is "intended to provide for multi-family living to ensure that opportunities to obtain reasonable-cost housing exist for community residents. Primary uses include multi-family housing of various types including duplexes, zero-lot line structures, townhouses, condominiums, senior apartments and retirement homes, etc..." The HDR designation "allows for higher density multi-family developments to allow for a broad range of housing choices in areas with existing and planned infrastructure, and to allow for infill development and the reduction of sprawl. Primary uses include multi-family housing of various types including townhouses, condominiums, apartments, etc." The proposed maximum lot size in the MDR and HDR zones is intended to limit very low density single family dwellings in these zones. This supports the Comprehensive Plan's intent for primarily multifamily uses these higher density zones.

Community Character Element

The proposed code update will increase opportunities for single-family infill, particularly smaller housing developments that can fit into the surrounding neighborhood. The code does not change the housing types allowed or the density allowed; therefore, is 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."

Housing Element

The proposed code update will help meet Sumner's housing targets, and will create more streamlined, cost-effective processes for subdivisions, consistent with the following policies:

- 2.2.5 "Incorporate reasonable measures as necessary to accommodate the projected population growth."
- 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. The analysis shall consider in particular lot width, access widths, street improvement standards, parking, common service lines as well as other issues."
- 3.4 "Establish standards for street widths, landscaping, and parking lots to reduce heat loss or provide shade."

Transportation Element

New access standards for subdivisions will allow narrower access drives to serve more lots. This will support the following policy:

- 6.5 "Provide incentives for the use of low impact development techniques that will reduce impervious surfaces, provide for stormwater infiltration, and protect the natural environment and systems..."

Subdivision Code

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.

Zoning Code Low Density Residential zone

The purpose of the Low Density Residential zone is “to stabilize and preserve low density residential neighborhoods, to create a stable and satisfying environment for family life and to prevent intrusions by incompatible land uses.” The proposed code to raise the threshold for short subdivisions and pipestem lots is consistent with this purpose.

Zoning Code Medium- and High-Density Residential (MDR and HDR) zones

The purpose of the Medium- and High-Density Residential (MDR and HDR) zones is “to reserve appropriately located areas for multifamily living at a broad range of dwelling unit densities consistent with the comprehensive plan. They are further intended to protect the public health, safety and general welfare by ensuring that opportunities to obtain reasonable cost housing exist for households representing a variety of income categories and lifestyles, facilitating the provision of utility services and other public facilities commensurate with anticipated population and dwelling unit densities...”

Conclusion:

Sumner’s Comprehensive Plan provides a general policy basis for raising the threshold number of lots in short subdivisions and pipestem lot subdivisions, and updating access standards, as a means of encouraging single-family infill development. The Comprehensive Plan, and stated purposes in the Subdivision Code and Zoning Code, support the proposed subdivision code updates, and support the proposal to maintain capacity in Medium- and High-Density Residential zones for multifamily uses. Increasing single-family housing supply and maintaining capacity for multifamily development in the intended zones can have a positive impact on housing affordability.

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 December 7, 2022. No public comments were received on the SEPA determination.

V. PUBLIC & AGENCY COMMENTS

Consistent with City regulations, a public hearing notice was published 10 days prior to the hearing. No agency comments or public comments were received during the comment period.

VI. STAFF RECOMMENDATION

Provide direction to staff. Depending on comments and results of the public hearing, give recommendations for forwarding to City Council.

VII. PLANNING COMMISSION RECOMMENDATION

Pending.

VIII. EXHIBITS

A. Draft Ordinance No. XXXX – Small Subdivisions and Pipestem Lots

SUBJECT: Small Subdivisions and Pipestem Lots - DISCUSSION/ACTION

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

The Planning Commission is holding a public hearing on this item on February 2, 2023. Following the public hearing, this item is scheduled for discussion and tentative action by the Commission.

Summary of proposal:

- Address housing needs in Sumner by increasing the number of infill single-family lots that can be created through short subdivisions and pipestem lot subdivisions.
- Raise the threshold for short subdivisions to 9 lots. This will allow more lots to be created through a less costly and more streamlined process.
- Raise the threshold or pipestem (flag) lot subdivisions to 4 lots. This makes it easier for a homeowner to create lots in underutilized areas behind their existing home, and to realize more of the development value of their property. Allow a 1-lot “credit” for an existing home if it’s not demolished, to help maintain existing housing stock.
- Create narrower access standards for small subdivisions and pipestem lots. Allow a shared driveway for up to 5 dwellings and 25-foot private drive aisles for up to 9 dwellings. This will consolidate access for more efficient use of land, reduce impervious surfaces and curb cuts along the sidewalk, and reduce costs.
- For pipestem lots, make building height and lot sizes the same as regular single-family lots in the zone; require a 15-foot perimeter setback to increase privacy.
- Set a maximum lot size for single-family homes built in multifamily zones. This will reserve land in Medium-Density and High-Density Residential zones for more dense single-family infill and multifamily development, consistent with the original purpose of the zones.
- No change in the density already allowed in each zone; the code just makes it easier to create housing.

The proposal is discussed in more detail in the Agenda Item Bill, staff report and ordinance included in the separate public hearing materials.

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:

Depending on comments received at the public hearing and Commission concerns, provide direction to staff and recommendations to City Council.