



**PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
MAY 5, 2022 6:00 PM**

Members:

Staff Liaison:

CALL TO ORDER

1. Agenda May 5, 2022

ROLL CALL

APPROVAL OF MINUTES

1. Minutes from April 2022

Public Comment

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 annsi@sumnerwa.gov no later than 5:30pm on the day prior to the meeting. Any written comments received will be read into the record.

NEW BUSINESS

1. 2022 Comp Plan/Zoning Code Amendments - Public Hearing
2. Accessory Dwelling Units - Draft approach and draft code

OLD BUSINESS

1. 2022 Comp Plan/Zoning Code Amendments discussion & recommendations

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION MEETING

AGENDA – REGULAR MEETING

May 5, 2022 6:00 p.m.

Due to the Covid-19 pandemic and associated restrictions, this meeting will be a VIRTUAL MEETING for Commissioners and the public. See instructions below for attending the meeting virtually.

Planning Commissioners

Carla Bowman, Vice Chair
Andy Elfers, Chair
Sharon Fochtman
Mark Isaacs
Kelly Locke

Staff Members

Ryan Windish, CD Director
Ann Siegenthaler, Senior
Planner

Copy:

Mayor
City Administrator
City Council

- | | |
|---|---------------------------------------|
| 1. Call to Order | - - - - - |
| 2. Roll Call Planning Commission: Bowman, Elfers, Fochtman, Isaacs, Locke | - - - - - |
| 3. Approval of Minutes
a. Minutes from April 7, 2022 | Action |
| 4. Public Comment
The public may comment on topics that are not on the meeting agenda. <i>Due to Covid-19 restrictions, public comment can be accepted only via email or by joining the virtual meeting. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm on May 4, 2022. Your comments will be read into the record and limited to 3 minutes.</i> | - - - - - |
| 5. New Business
a. 2022 Comp Plan/Zoning Code Amendments – Public Hearing
- Comprehensive Plan – land use densities text
- Electronic Reader Board Signs
- Gas Stations – zoning and nonconforming provisions
b. Accessory Dwelling Units – Draft code with consultant LDC | Hearing

Discussion |
| 6. Old Business
a. 2022 Comp Plan/Zoning Code Amendments discussion
b. 2022 Comp Plan/Zoning Code Amendments recommendations (tentative) | Discussion
Action |
| 7. Commission Comments | - - - - - |
| 8. Staff Comments | - - - - - |
| 9. Adjournment | Action |

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

Join Zoom Meeting

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

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



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, April 07, 2022
6:00 p.m.
Virtual Zoom Meeting**

MEETING MINUTES

NOTE: DUE TO THE COVID-19 PANDEMIC AND EFFORTS TO ENSURE SAFETY OF COMMISSIONERS AND THE PUBLIC, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Chair Elfers,
Fochtman, Isaacs, Locke
Commissioners Absent: Bowman, excused.

APPROVAL OF MINUTES

Commissioner Issacs motioned to approve the meeting minutes for December 2, 2021 and January 6, 2022 as presented, seconded by Commissioner Locke. All were in favor.

PUBLIC COMMENT

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

NEW BUSINESS

a. 2022 Comprehensive Plan Amendments Docket Items--Action

Senior Planner Ann Siegenthaler, presented to the Planning Commission the opening of the cycle for the 2022 Comprehensive Plan Amendment. The docket items presented before the Commission include a zoning code text amendment restricting gas stations to the interchange commercial and industrial zones; an update to the sign code expanding electronic reader board signs; and a proposed amendment to comprehensive plan policies related to residential zone densities. Staff also proposed a public outreach approach to provide public participation in the comprehensive plan update process.

Chair Elfers invited the Commission to ask any clarifying questions. Brief discussion ensued.

Commissioner Locke motioned to approve staff recommendations for the public outreach methods and the docket items presented for the 2022 Comprehensive Plan amendment seconded by Commissioner Locke. All were in favor.

OLD BUSINESS

a. 2022 Comprehensive Plan Amendments Evaluation--Discussion

Senior Planner Ann Siegenthaler presented further discussion on the docket items that were recommended for approval by the Planning Commission to remain in the 2022 comprehensive plan amendment cycle. The summary of the sign code changes included definition updates for electronic reader boarder signs, an allowance for Library districts and other sign code definitions clarifications.

Commissioners responded to Staff with additional questions about this docket item. Brief discussion ensued.

Staff continued discussion on the memo that proposes changes to the allowances of gas stations in prime commercial zones. This proposal limits gas station uses to only interchange commercial and industrial zones. Proposal includes zoning code updates and additional nonconforming code section amendments.

Commissioners responded to Staff with additional questions about this docket item. Discussion ensued. Commissioners requested that the code ensure for non-conforming gas stations: the ability for the convenience store (retail) part of a gas station to expand, and the ability for electric vehicle charging stations to be added/expanded.

Staff presented the last docket item for amendments to the Land Use chapter of the comprehensive plan to address inconsistencies and provide clarity in the density table within the residential zones. Staff explained that existing allowed uses include some intensive uses within residential zoning designations and the PRD process also allows increased density. Staff further clarified that the change to the density allowances is to not change adopted densities but to make residents aware that there could be an increase in the density through special permit processes.

Brief discussion ensued. The Commission requested that the phrase “senior housing and affordable housing” be revised to just “senior housing” as an example of an intensive use allowed through a PRD, to clarify that “affordable housing” alone in a PRD is not specifically allowed in the Zoning Code.

COMMISSION COMMENTS

Commissioners thanked staff for their hard work on the proposals, for allowing time for questions and providing clarifications. Chair Elfers asked questions about the logistics of the Planning Commission meetings moving forward, whether in person or virtual.

STAFF COMMENTS

Senior Planner Ann Siegenthaler planned to send meeting information out to the Planning Commissioners by the end of the month, based on the discussion tonight, recommended that the Commission schedule a public hearing on May 5, 2022.

Community Development Director, Ryan Windish updated the Commission about the Multi-Family Tax Exemption (MFTE) proposal, which encourages the increase of affordable housing units in MF development. Staff plans to present this proposal for MFTE within the East Sumner neighborhood area to Council by June 2022.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Locke motioned to adjourn; Commissioner Issacs seconded the motion. **Meeting adjourned at 7:23 pm.**

Minutes Submitted by: Chrissanda Walker

SUBJECT: 2022 Comp Plan/Zoning Code Amendments - Public Hearing

CATEGORY: Public Hearings

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Comp Plan Densities Staff Report 04-26-22
 2. Comp Plan Densities Ordinance Draft 04-26-22
 3. Electronic Readerboard Signs Staff Report 04-27-22
 4. Electronic Readerboard Signs Ordinance Draft 04-27-22
 5. Gas Stations Staff Report 04-27-22
 6. Gas Stations Ordinance Draft 04-27-22
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STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

At a previous study session in April 2022, the Planning Commission reviewed proposals for a 2022 Comprehensive Plan update, which includes 1 proposed Comprehensive Plan text amendment and 2 Zoning Code text amendments.

The May 5, 2022 meeting will include the required public hearing for the 3 proposals. Staff has prepared a staff report and draft ordinance related to each of the 3 items.

Depending on comments or concerns from the Planning Commission or public testimony, staff's initial recommendation is for the Commission to provide recommendations on the proposals, and forward them to the City Council.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide recommendations on proposed ordinance changes and, if possible, a recommendation to City Council.



STAFF REPORT

DATE: April 26, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Comprehensive Plan Land Use Densities Text Amendments**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

The amendment is proposed by staff in order to clarify the range of residential densities anticipated in the Land Use Element of the Comprehensive Plan, and provide consistency between the stated densities in the Plan and the densities that may be allowed through a Planned Residential Development. There are no map changes proposed, and there is no current project associated with this text amendment. The process for amending the City Comprehensive Plan is specified in the Sumner Municipal Code section 18.56.147 and in the state Growth Management Act (GMA) (RCW 36.70A).

II. DESCRIPTION OF PROPOSAL

The proposal would update the language in the Land Use Element of the Comprehensive Plan to clarify the range of residential densities anticipated, and to clarify that a Planned Residential Development permit process may result in higher densities.

- A. Planned Residential Development Overlay. The Planned Residential Development (PRD) overlay is one of the overlay districts adopted in the original Comprehensive Plan. One of its purposes has always been to allow a higher density than what is stated in the base residential zones (in exchange for a public benefit and/or exceptional design). It provides an incentive for developing senior housing and more affordable housing that may require a higher density range. The PRD is not shown on the City zoning map; rather, it is a special permit process that may be allowed in various areas of the city. Therefore, allowances for higher density may not be readily apparent in the standards for residential zones, and densities listed in residential zones do not show what's allowed under a PRD. The proposed text will update the district densities to reflect that there is a PRD overlay that potentially allows additional densities. Existing Comprehensive Plan text describes the PRD (below); no change here is proposed.

“...**The Planned Residential Development (PRD)** overlay is similar to a PMUD but for residential developments. The PRD offers greater flexibility to develop a mix of housing types with varying lot sizes and dimensions, *allowances for increased densities and building heights as incentives for needed housing*, adequate open space, and building setbacks and heights that are compatible with adjacent residential uses. The result is a development that allows for a high level of variety

in housing and flexibility in site design while remaining compatible with the character of the surrounding neighborhood.”

- B. Allowed uses.** There are several policies in the Comprehensive Plan Housing Element regarding accommodating additional housing. These support increased density and infill as approaches to meeting Sumner’s housing targets, and accommodating special housing such as senior housing (e.g. senior apartments and continuing care communities). In addition to policies, the Residential designations established in the Comprehensive Plan allow some intensive uses (e.g. retirement homes and assisted living), but the stated densities do not reflect the likely density and intensity of these uses. The proposed updates to residential district descriptions would help clarify that higher intensity uses may be allowed in certain circumstances.
- C. Allowed densities.** Existing text in the Comprehensive Plan establishes density ranges for residential and commercial zones. However, many of the residential district descriptions elsewhere in the Plan do not reflect the potential for increased density through a PRD or other special permits. Also, some densities allowed in the Zoning Code are higher. The proposal does not change the adopted densities, but annotates the densities/text to reflect potential higher densities possible through special processes and in the Zoning Code. These updates would make the anticipated residential densities consistent between the documents, and with the PRD allowable densities.

The proposal includes an update to *Table 1 Land Use Designations*. The densities listed in Table 1 are updated where higher densities were actually adopted in the Zoning Code. An asterisk has been added that references increased density through a PRD. The Floor Area Ratio column is eliminated, since that standard is not used in any of the zones. Note that in the Comprehensive Plan there are 3 classes of Low Density Residential (LDR) Designations. These roughly correspond to the 4 LDR zones in the Zoning Code. Proposed changes are summarized below in red.

COMPREHENSIVE PLAN CATEGORY	COMPREHENSIVE PLAN DENSITY RANGE	CORRESPONDING ZONING CODE DISTRICT & DENSITY ALLOWED
Low Density Residential-1	2.9-5.0 du/ac*	LDR-12 same density
Low Density Residential-2	5.1-6.5 du/ac*	LDR-8.5 same density
Low Density Residential-3	2.9-5.0 7.0-10.0 du/ac*	LDR-4 and LDR-6: Allows 7.2-10.8 du/ac
Medium Density	8.1-15 du/ac*	MDR same density
High Density	12.1-25 du/ac*	HDR same density
General Commercial	12.1- 20-25 du/acre*	GC now allows 25 du/ac
Neighborhood Commercial	12.1- 20-25 du/acre*	NC now allows 25 du/ac
Urban Village	12.1-40 du/acre <u>26-40 du/ac*</u>	East Sumner Urban Village now allows 26-40 du/ac
Add new footnote: <u>*Density may be increased to 30-50 du/ac for affordable senior housing through a PRD process.</u>		

The entire text updates to make residential district descriptions, densities and PRD Overlay densities consistent with each other are shown in Ordinance XXXX, attached as an Exhibit.

III. COMPREHENSIVE PLAN AMENDMENT CRITERIA

Only those amendments which are found to be in substantial compliance with all criteria listed below shall be approved (SMC 18.56.147(N)):

1. *An amendment is necessary to resolve inconsistencies between the Sumner Comprehensive Plan and other city plans or ordinances; or, to resolve inconsistencies between the Sumner Comprehensive Plan and other jurisdictions' plans or ordinances.*

The proposed amendment would resolve inconsistencies within the Sumner Comprehensive Plan and between the Plan and the Zoning Code. Existing text in the Comprehensive Plan establishes dwelling unit density ranges for residential and commercial zones. However, many of the residential district descriptions elsewhere in the Plan do not reflect the potential for increased density through a Planned Residential Development (PRD) permit or other special permits. The proposed text would update the residential district descriptions to better reflect potential intensity and density of currently allowed uses and currently allowed unit densities adopted in the Zoning Code. The proposal does not change the existing Comprehensive Plan densities, but annotates the listed densities with an asterisk to show that increased density could occur through a PRD. These updates would make the residential anticipated densities consistent with the PRD allowable densities.

2. *Conditions have so changed since the adoption of the Sumner Comprehensive Plan that the existing goals, policies, objectives, and/or map classifications are inappropriate.*

Conditions have so changed since the adoption of the Comprehensive Plan that the text updates are needed. In some instances, allowed residential unit densities have been changed in the Zoning Code but not in the Comprehensive Plan (e.g. densities in East Sumner at SMC 18.30.080, and for Neighborhood Commercial and General Commercial at SMC 18.16.040). In other districts, the Zoning Code always allowed unit density to increase through a PRD, and recent updates to the Zoning Code PRD process have further increased allowed density. The proposed update would make the Plan text more consistent with the Zoning Code.

3. *The proposed amendment is consistent with the overall intent of the goals of the Sumner Comprehensive Plan.*

A few goals and policies in the Comprehensive Plan pertain to the proposed text amendment.

Land Use Sub-Element

The Land Use Sub-Element contains goals and policies related to the establishment of appropriate land use patterns, compatible uses, and orderly development. The proposal is consistent with such policies. The text updates provide guidance in implementing the Zoning Code and development regulations. Therefore, the text update is specifically consistent with Policy 1.7 which states: "Ensure new development is consistent with the policies of this Plan through implementation of regulations, programs, and project specific review."

Community Character Element

The Community Character Element contains goals and policies related to the design, quality, and pedestrian scale development within Sumner. A few policies are relevant. The proposal does not change the applicability of existing design guidelines that will govern new housing/mixed-use developments, so is consistent with Policy 1.3, which states: "In concert with the Sumner citizens and business community, maintain design guidelines and a design code, as appropriate, which address streetscape, landscape, and building design..." The proposed text updates would help ensure that the Zoning Code corresponds to the Comprehensive Plan. Therefore, the proposal is consistent with Policy 1.4 which states: "Implement and maintain a Zoning Code which implements the comprehensive plan and community vision." The uses and densities described in the proposal allow the Zoning Code to provide a range of housing types that can help fulfill Policy 2.6, which states: "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."

Environment Element

The proposal is a non-project proposal so has no impact on the environment. Therefore, it is consistent with policies in the Environment Element.

Housing Element

The proposed text amendments clarify the intent of the Comprehensive Plan land use districts and overlay districts to allow increased dwelling unit density in some districts. Therefore, the proposal is consistent with the Housing Element's primary goal to "Provide a range of housing types for all life stages and economic segments of the Sumner Community "(Goal 2). The proposal also supports Policy 2.1, which

states: "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."

4. *The proposed amendment is consistent with chapter 36.70A RCW, the county-wide planning policies for Pierce County, and the applicable multi-county planning policies.*

Consistency with Growth Management Act (RCW 36.70A)

The State Growth Management Act (GMA) identifies planning goals that are intended to be used in the development of local comprehensive plans and development regulations. The GMA goals include goals related to urban growth, sprawl reduction, transportation, housing, environment and others. The GMA also requires "consistency" throughout local plans, such as: consistency of local plans with the GMA, internal consistency between plan elements, and consistency of development regulations (e.g. Sumner Zoning Code) with the adopted comprehensive plan.

The proposed Comprehensive Plan text amendments are consistent with the GMA. The text updates do not change densities already adopted, so do not directly add development capacity; are not a project (development) proposal, do not affect adopted transportation plans or capital facilities plans, or similar adopted plans. In fact, the text updates will address the consistency requirements of the GMA by better aligning unit densities allowed in the Sumner Zoning Code with unit densities anticipated in the Sumner Comprehensive Plan policies. Based on this, the proposal is consistent with the Growth Management Act.

Consistency with countywide planning policies

The GMA requires the legislative body of the County to adopt countywide planning policies to establish a countywide framework for developing local comprehensive plans. The County-wide planning policies (CPPs) for Pierce County establish goals and policies related to such issues as: siting of countywide essential facilities, siting of countywide transportation facilities, allocation of housing and affordable housing, developing employment targets and employment centers. Another aspect of the CPPs is to establish consistency between and among the plans of cities and the county on regional matters. The proposed Comprehensive Plan text amendments are consistent with the CPPs. The text updates are not a project (development) proposal, and do not change adopted residential densities, or housing or employment allocations, do not affect transportation systems, or have any other effect on the CPPs. Based on this, the proposal is consistent with the CPPs.

Consistency with multi-county planning policies

The Puget Sound Regional Council (PSRC) establishes Multicounty Planning Policies (MPPs) for jurisdictions across the central Puget Sound region. The most recent set of these policies are contained in PSRC's "VISION 2050" document. The MPPs address land use, transportation, environment, and other topics similar to what each county must address in countywide policies. A main function of VISION 2050 is to provide a regional growth strategy that guides the distribution of future population and employment growth through the year 2050. The MPPs help ensure consistency among county and city comprehensive plans.

The proposed text amendments do not change housing, employment, or transportation capacity, and are a non-project proposal that does not impact the environment, open space or demand for services. Because of this, the proposal would be consistent with the VISION 2050 multi-county planning policies.

5. *Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation, or the subject property is of sufficient size, or other conditions are present.*

This criterion is not applicable, since no map change is proposed.

6. *Environmental impacts have been disclosed, and measures have been included to reduce possible adverse impacts.*

Potential impacts of the proposed 2022 Comprehensive Plan text amendments have been addressed through "Addendum Number 1 to the May 2021 Final Supplemental Environmental Impact Statement (FSEIS)," signed on April 26, 2022, which supplements the FSEIS completed for the 2020 Comprehensive Plan Update. The FSEIS analyzes impacts related to the environment including: earth, water quality, plant and animals, noise, land use, transportation and housing. Given that the 2022 text amendments comprise

a non-project action, it is unlikely there will be any impacts or mitigation measures required; any potential effects are already addressed by the earlier FSEIS.

7. *Potential ramifications of the proposed amendment to other Comprehensive Plan elements and supporting plans have been considered and satisfactorily addressed.*

The potential ramifications of the proposed amendments to other Comprehensive Plan elements have been addressed. The applicable Comprehensive Plan elements and Zoning Code have been discussed above, and the proposed text amendments will have a negligible effect.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) and associated State rules establish a process for SEPA review of Comprehensive Plan updates. The proposed amendments are non-project minor text updates. Therefore, the updates are within the scope of the previous 2020 Sumner Comprehensive Plan SEPA documents and environmental analysis. Pursuant to WAC 197-11-625, an Addendum summarizing the SEPA environmental review for this proposal has been prepared, and was signed by the SEPA Official on April 26, 2022.

V. PUBLIC & AGENCY COMMENTS

No public or agency comments have been received since the opening of the public comment period.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending.

VIII. EXHIBITS

- A. Ordinance No. XXXX for adopting amendments

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ADOPTING THE 2022 COMPREHENSIVE PLAN AMENDMENTS; AMENDING COMPREHENSIVE PLAN TEXT RELATED TO RESIDENTIAL DENSITIES IN THE LAND USE SUB-ELEMENT OF THE PLAN.

WHEREAS, the Washington State Growth Management Act, per RCW 36.70A.130 allows for annual amendments to City's Comprehensive Plan; and

WHEREAS, the City's 2022 Comprehensive Plan update consists of minor text amendments to the Land Use Sub-Element of the Comprehensive Plan; and

WHEREAS, the City invited public input into the proposed amendments, including public hearings, website postings and public notices; and

WHEREAS, the City of Sumner's Comprehensive Plan was originally adopted by Ordinance No. 1625 on April 4, 1994 to comply with the Growth Management Act; and numerous Plan updates have been adopted since that time, including the 2020 Comprehensive Plan Update adopted in May 2021; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) and pursuant to procedures for SEPA Addenda at WAC 197-11-625, the City of Sumner issued on May 4, 2022 Addendum #1 to the Final Supplemental Environmental Impact Statement (FSEIS) for the 2020 Comprehensive Plan update, which was issued on May 7, 2021; and

WHEREAS, on April 14, 2022, this proposal was forwarded to the Washington State Department of Commerce for the mandatory 60-day state review per the Growth Management Act; and

WHEREAS, on April 7, 2022 the Planning Commission held a study session on the proposed amendments, and a duly-advertised public hearing on the proposed amendments on May 5, 2022; and on _____ voted by a _____ vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; and

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

WHEREAS, the basis for the proposed amendments has been set forth in a staff report dated April 11, 2022 that includes an analysis of the amendments' consistency with the City's adopted policies and regulations; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Comprehensive Plan amendments, Growth Management Act, Pierce County Countywide Planning Policies, and VISION 2050 multi-county planning policies;

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

Section 1. That the 2020 Comprehensive Plan Land Use Element, “Introduction” section is hereby amended to read as follows:

INTRODUCTION

Following are the land use designation categories to be utilized in conjunction with the Land Use Plan Map, shown in Figure 3. Table 1 summarizes the categories, ~~and~~ densities, ~~and floor area ratios~~ of particular zones.

Section 2. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, Low Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - Low Density

“This designation provides for primarily single-family dwellings in areas with current or planned access to City facilities and services. At the higher end of the single family density range (LDR-3), ~~(7 du/acre +)~~ at 7-10 du/ac, public transit can more easily be supported. Through a planned residential development permit process, this base density may be increased significantly for affordable senior housing. Low density residential uses provide a transition from rural residential to higher density uses. Primary uses include detached single-family residential dwellings, private garages, and other accessory buildings. Secondary ~~allowed~~-uses allowed typically through a special permit process include; accessory units ("mother-in-law units"), adult family homes, assisted living facilities, senior apartments and retirement homes, hospitals, ~~public and private~~ educational facilities, utilities subject to compatibility criteria, and churches and religious institutions. Many of these secondary uses may bring a higher number of residents, visitors and vehicle trips than normally associated with low density residential areas.”

Section 3. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, Medium Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - Medium Density

“The medium density designation 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., and may also include single-family dwellings. Secondary uses allowed typically through a special permit process can include ~~single-family dwellings,~~ adult family homes, day care, ~~public and private~~ educational facilities, utilities subject to compatibility criteria, churches and religious institutions, ~~convalescent care and rest~~

~~homes~~assisted living facilities, limited office/professional buildings, and manufactured home subdivisions. Through a planned residential development permit process, the base density in Medium Density Residential may be increased significantly for affordable senior housing. Medium density developments may require design review to ensure diversity of building types/avoidance of building form repetition, plan goal consistency, and neighborhood compatibility.”

Section 4. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, High Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - **High Density**

“This 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. Secondary uses can include low and moderate density residential developments, adult family homes, day care, ~~public and private~~ educational facilities, utilities subject to compatibility criteria, churches and religious institutions, ~~convalescent care and rest homes~~and assisted living facilities. ~~This designation primarily applies to existing development that already is developed to this density level.~~ Through a planned residential development permit process, the base density in High Density Residential may be increased significantly for affordable senior housing. This designation may be applied in new areas as appropriate to the neighborhood's character (e.g. near commercial areas and transit). ~~Proposed high~~High density developments may occur where the following conditions exist:

- An over-concentration of multi-family dwellings in a single area is avoided.
- A repetition of building forms is avoided in the proposed development.
- Design review will be required.
- Adequate public and community facilities exist to support the density.”

Section 5. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Table 1 – Land Use Designations” is hereby amended to read as follows:

TABLE 1 – LAND USE DESIGNATIONS

CATEGORY	DENSITY	FAR
<u>Residential</u>		
Resource Protection (RES)	1 du/20 acres	--
Residential-Protection (R-P)	1 du/20 acres	--
Low Density Residential-1 (LDR-1)	2.9 -5.0 du/acre*	--

CATEGORY	DENSITY	FAR
Low Density Residential-2 (LDR-2)	5.1-6.5 du/acre*	--
Low Density Residential-3 (LDR-3)	6.6-8 7.0-10.0 du/acre*	--
Medium Density (MDR)	8.1-15 du/acre*	--
High Density (HDR)	12.1-25 du/acre*	--
<u>Commercial</u>		
General Commercial (GC)	12.1- 20-25 du/acre*	--
Interchange Commercial (IC)	--	.3-.5
Neighborhood Commercial (NC)	12.1- 20-25 du/acre*	.3-.5
Town Center Plan area	Unlimited density per TCP Form Based Code	.75-6.0
Urban Village (UV)	12.1-40 du/acre 26-40 du/ac*	1.0-2.0
<u>Manufacturing</u>		
Light (M-1)	--	.3-.8
Heavy (M-2)	--	.3-.8
<u>Public/Private Facilities & Utilities (P)</u>	--	.3-.8
<u>Overlay Designations</u>		
Shoreline	Refer to Sumner SMP	Refer to Sumner SMP
Planned Residential Development (<u>PRD</u>)	Based on underlying zone	n/a
Planned Mixed Use Development (<u>PMUD</u>)	5-37.5 du/acre	.3-.5
Town Center Plan Subarea Sub-Districts	Unlimited if height, open space, setbacks, and parking are met.	.75-6.0
Innovation District & Enterprise Area	Based on underlying zone	n/a

Source: Sumner Community Development Department

Notes: du = dwelling unit

~~FAR = floor area ratio~~

SMP = Shoreline Master Program

*Density may be increased to 30-50 du/ac for affordable senior housing through a PRD process.

Section 6. That the amendments contained herein shall constitute the 2022 Sumner Comprehensive Plan Update, and are hereby adopted.

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

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

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

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

Mayor Kathy Hayden

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:
Date Adopted:
Date of Publication:
Effective Date:



STAFF REPORT

DATE: April 27, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Electronic Reader Board Signs Code Amendments**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

The amendment is proposed by staff to expand allowances in the Sign Code (SMC 18.46) for Electronic Reader Board Signs (ERBS). The City Council has expressed an interest in allowing City- and library district-sponsored ERBS at the future library site downtown, and the proposed code amendments expand and clarify regulations to allow such signs. There are no map changes proposed, and there is no current project associated with this code amendment.

II. DESCRIPTION OF PROPOSAL

The proposal is to update the Sumner sign code to allow a City or library district Electronic Reader Board Sign (ERBS) at the future library site. An ERBS is a sign that includes arrays of internal light bulbs that convey text and/or graphics through intermediate flashing and animated images. The Old Cannery has an ERBS on its west wall; the Ford dealership on Auto Lane also has a wall-mounted ERBS.

The Sign Code already allows ERBS at the City Hall site and other City facilities (although none exist at present). The City Council has expressed a desire to expand the code to also allow an ERBS at the future library site. The sign would be for non-commercial, non-advertising purposes; the intent is to use it to display information related to City events and meetings, special events, and library information. Since these signs display animated images, the proposed code includes criteria to minimize impacts and glare. The proposal includes several additional "cleanup" revisions, clarification of definitions, and removing redundant language. Changes are summarized below.

A. Update definitions related to ERBS

The Sign Code has several definitions related to lighted/animated signs. The proposal will eliminate redundant or confusing definitions, and clarify more specifically which types of signs are allowed in Sumner. The proposal would also add a definition for "public agency informational sign" which would allow a library district ERBS.

B. Clarify that ERBS are not generally allowed in Town Center

The Sign Code allowed ERBS in the former General Commercial zone west of the river (e.g. where Old Cannery ERBS is located). When that area became Town Center zone, the ERBS allowance was carried over to the area and is now allowed in Town Center. However, the detail under "prohibited

signs” in the Sign Code was not corrected. The proposal ensures that there’s no conflicting language for the currently allowed ERBs west of the White River (e.g. Old Cannery sign).

C. Add performance standards for non-commercial signs

The Sign Code allows a variety of non-commercial signs to be located in any zone. These include neighborhood bulletin boards, informational signs (e.g. a wetland interpretive sign), public agency sign (e.g. City ERBS). Since these types of signs are allowed in any zone, performance standards are proposed to limit impacts, such as size limits on informational signs, text clarifying that digital message signs are for schools and government only, and establishing standards for a City/library district ERBS.

D. Update allowance for Digital Message Signs

The current code allows a Digital Message Sign (DMS) in Neighborhood Commercial zones, which allowed the YMCA sign. However, the zoning for that site changed some time ago to General Commercial where a DMS is not allowed. The proposed code would fix that by allowing a DMS in any zone for regional community centers (i.e. YMCA). The proposed code would also affect existing signs at schools. The current code allows a DMS for schools in Neighborhood Commercial zone. Currently the high school and middle school have DMS signs that are nonconforming signs, since they are not located in the NC zone. The code change would allow a DMS for schools in any zone. Existing school signs would still be nonconforming to the DMS standards, but the code would allow a DMS at school sites where they are currently not allowed at all.

E. General cleanup of conflicting terms and redundant sections

The proposal adds clarifying language related to non-commercial signs, such as more specific definitions.

The specific proposed code updates are shown in Ordinance XXXX, attached as an Exhibit.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below. Further, the proposal is consistent with the purpose of the Sumner Sign Code (Chapter 18.44) in striking a balance between allowing signs and minimizing potential impacts. The Sign Code regulates signs and street graphics *“...while recognizing the needs of businesses and convenience of pedestrians and motorists; to encourage creative and innovative design; to maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians...”*

Land Use Element

The proposal is consistent with Comprehensive Plan policies and goals for establishing land uses in appropriate areas and managing incompatible uses. The proposal would allow ERBS in targeted areas only, and establishes performance standards to minimize impacts. Further, the proposal is consistent with the following specific policies:

- 1.1 *Ensure... 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.*

Economic Development Element

The proposal is consistent with the overall intent of the Economic Development Element as it would support community engagement in civic functions and community events, by communicating event information to the public. Further, the proposal is consistent with the following specific policies:

- 5.0 *Promote downtown as the town’s cultural, historic and activity center of the entire community.*

- 5.1 *Invest adequate resources in ways which strengthen downtown. Whenever possible, these monies shall be used to leverage additional dollars from public and private sources for improvements.*
- 5.3 *Promote a diversity of uses within the downtown, which support the activity base by providing employment, recreational, residential, and a variety of commercial activities.*
- 5.4 *Give downtown locations highest priority when siting city and government facilities such as libraries and administration offices, which have significant employment or destination potential.*
- 5.7 *Work with other organizations to promote civic and community events which foster community pride and promote the downtown and other critical commercial areas.*

Community Character Element

The proposal is consistent with the overall intent of the Community Character Element as it would allow ERBS to display messages to the public about community events and community meetings, in support of civic facilities and community services. It also includes performance standards to minimize incompatibility between land use types and to maintain community character. Further, the proposal is consistent with the following specific policies:

- 1.2 *Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 3.0 *Reinforce the downtown as the town center and commercial and cultural center of Sumner.*
- 3.1 *Plan for the downtown as Town Center and the community core encouraging a combination of commercial, civic, cultural, recreational, and residential uses.*
- 3.11 *Provide for community festivals, outdoor markets, performing arts, or other community events for all ages to promote business and activities in the Downtown.*

CONCLUSION: The proposed amendment is consistent with the stated purpose of the Sign Code. It is also consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would provide a means of sharing information about community events, thereby promoting the economic vitality of the community; and would establish standards to minimize the potential impacts of electronic reader board signs, thereby protecting the streetscape and community character.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment, including review of the environmental checklist, has been completed. A SEPA Determination of Non-Significance was issued April 11, 2022.

V. PUBLIC & AGENCY COMMENTS

No public or agency comments have been received since the opening of the public comment period.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending.

VIII. EXHIBITS

- A. Ordinance No. XXXX for adopting changes

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR ELECTRONIC READER BOARD SIGNS IN CHAPTER 18.44 SIGN CODE; AMENDING 18.44.040 DEFINITIONS OF TYPES OF SIGNS; AMENDING ARTICLE II GENERAL RESTRICTIONS AND LIMITATIONS SECTIONS 18.44.110, 18.44.130, AND 18.44.140; AMENDING 18.44.180 ADDING STANDARDS FOR DIGITAL MESSAGE SIGNS; AMENDING SECTION 18.44.185 STANDARDS FOR PUBLIC AGENCY INFORMATIONAL SIGNS; AMENDING SECTION 18.44.200 SIGNS PERMITTED IN ALL DISTRICTS; AND AMENDING SECTION 18.44.230 REMOVING STANDARD FOR DIGITAL MESSAGE SIGNS IN NEIGHBORHOOD COMMERCIAL ZONE.

WHEREAS, the City Council has expressed a desire to expand allowances for Electronic Reader Board Signs for public agencies; and

WHEREAS, the City Council finds that allowing the Library District or the City an Electronic Reader Board Sign at the new library facility in downtown Sumner provides a valuable community service by providing information to the public regarding City and Library District meetings and community events; and

WHEREAS, on April 7, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on May 5, 2022; and

WHEREAS, on _____ (date) the Planning Commission voted by a _____ vote to recommend adoption by the City Council of the proposed zoning 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 April 14, 2022; and

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

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

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

Section 1. That Sumner Municipal Code Chapter 18.44 Sign Code, Section 18.44.040 Definitions is hereby amended to remove definition as follows:

~~**18.44.040 Changing message center**~~

~~“Changing message center” means an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard where different copy changes of a public service or commercial nature are shown on the same lamp bank.~~

Section 2. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to read as follows:

~~“Informational or nonadvertising sign” means a sign intended to provide containing only noncommercial, site-specific environmental or interpretive information, or similar non-promotional messages intended as a public service to the community, erected by public service clubs, historic societies, utility or service districts, or similar nonprofit organizations. This does not include “public agency informational signs,” “digital message centers” or identification signs for facilities which require a conditional use permit in residential zones.~~

Section 3. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Low monument sign” means a monument sign no greater than 7 feet in height.**~~

Section 4. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Neighborhood community bulletin board” means a monument sign or wall sign with public service messages intended for the benefit of the immediate neighborhood, where text does not change electronically.**~~

Section 5. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Public agency informational sign” means a sign sponsored and controlled by the city, library district, or similar public agency containing only public service information and messages with no commercial content.**~~

Section 6. That Sumner Municipal Code Section 18.44.110 is hereby amended as follows:

18.44.110 Prohibited signs.

N. Electronic reader board signs, except in the interchange commercial zone south of SR-410 as permitted under SMC 18.44.245, the general commercial zone as permitted under SMC 18.44.240, the Town Center Plan area as permitted under

SMC 18.44.220, and ~~city~~public agency informational signs as permitted under SMC 18.44.185.

Section 7. That Sumner Municipal Code Chapter Section 18.44.130 is hereby amended to read as follows:

18.44.130 Neighborhood ~~C~~community bulletin board.

If approved by the director, a **neighborhood** may be allowed to erect a permanent structure as a community bulletin board; provided, that it does not exceed a sign area of 30 square feet per face.

Section 8. That Sumner Municipal Code Section 18.44.140 is hereby amended to read as follows:

18.44.140 Informational or N~~on~~advertising ~~or nonpromotional~~ signs.

- A. Informational or N~~on~~advertising signs may be erected as a public service to the community ~~by public service clubs or other nonprofit organizations.~~
- B. Such signs may be located in any zone upon approval by the director.
- ~~B. Informational signs may be erected in any zone subject to approval by the director.~~
- C. There shall be no fee for signs allowed by this section.
- D. Such signs shall not include electronic reader board signs or digital message centers.
- E. Such signs shall not exceed 20 square feet per face and 15 feet in height.

Section 9. That Sumner Municipal Code Section 18.44.180 is hereby amended as follows:

~~18.44.180 Informational signs.~~

~~Informational signs intended to be viewed from a public street or pedestrian way shall meet the standards set forth for signs established in the respective zoning districts.~~

18.44.180. Digital Message Signs.

Digital message signs shall be allowed only for public schools, government facilities, or regional community centers subject to the following standards:

- a. One digital message sign shall be allowed per street frontage up to a maximum of two signs.
- b. The digital message sign shall not exceed a height of seven feet.
- c. The digital message sign shall not exceed 63 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.
- d. The digital message sign shall be a monument sign.

Section 10. That Sumner Municipal Code Section 18.44.185 is hereby amended to read as follows:

18.44.185 ~~City~~ Public agency informational signs.

~~City~~ Public agency informational signs may be erected on ~~city~~ property owned or controlled by the city or library district for the purpose of informing the public of city or library sponsored events, meetings, and information associated with city or library district business. ~~City~~ Such informational signs shall contain no commercial advertising. ~~City~~ informational signs Signs may be monument, freestanding or wall signs, except that in the East Main Street Design area signs shall be either low monument signs or wall signs. Sign area and shall not exceed a total of 75 square feet and 37.5 square feet per side. ~~City~~ Informational signs may include digital messaging signs or an electronic reader board sign (ERBS), provided:

- A. ERBS shall not display more than one message per eight seconds.
- B. Animation between messages shall not be allowed.
- C. ERBS cannot exceed 75 percent of the square footage of the sign.
- D. Only one ERBS is allowed per site and parcel.
- E. The difference between the off and solid-message measurement using the ERBS measurement criteria shall not exceed 0.3 foot-candles over ambient lighting conditions when measured at the recommended distance, based on the ERBS size. The measurement distance shall be calculated by using the following formula: measurement distance = the square root of the (area of the sign square feet x 100).
- F. ERBS shall be programmed to automatically adjust illumination for all times of day and night based on ambient light conditions using photocell technology.
- G. ERBS are not allowed in residential zones, and not allowed at city parks and trails.
- H. ERBS shall be programmed to operate only during the hours of 6am-9pm.

Section 11. That Sumner Municipal Code Section 18.44.200 is hereby amended to read as follows:

18.44.200 Signs permitted in all districts. The following signs are permitted in all zoning districts within the city subject to the provisions of Articles II and III of this chapter:

- A. City entrance sign;
- B. Construction sign;
- C. Nonpolitical sign;
- D. Political sign
- E. Real estate sign;
- F. Public agency ~~informational sign and city informational sign~~;
- G. Temporary signs;
- H. Incidental sign;
- I. Neighborhood ~~community~~ bulletin board;
- J. Informational or Nonadvertising ~~or nonpromotional sign~~;
- K. Digital message sign.

Section 12. That Sumner Municipal Code Section 18.44.230(C)(8) is deleted, as follows:

18.44.230(C)(8) Digital Message Signs.

~~Digital message signs in the neighborhood commercial zone shall be allowed only for schools, or regional community centers subject to the following standards:~~

- ~~a. The digital message sign shall be considered a freestanding sign as per subsection (C)(1)(b) of this section.~~
- ~~b. The digital message sign shall not exceed a height of seven feet.~~
- ~~c. The digital message sign shall not exceed 63 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.~~
- ~~d. The digital message sign shall be a monument sign.~~

Section 13. 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 14. 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 15. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

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

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:



STAFF REPORT

DATE: April 27, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Gas Stations Code Amendments**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

The purpose of this amendment, proposed by staff, is to limit the areas where gas stations are allowed within the city. These restrictions are needed to address 1) concern from neighborhoods about impacts such as noise, glare, odors/emissions; and 2) concern that gas stations are not a compatible use in the downtown or in prime commercial core areas in Sumner.

II. DESCRIPTION OF PROPOSAL

The proposed zoning code amendments would limit the areas where gas stations are allowed within the City. The code will also restrict the ability of existing gas stations in most commercial zones to expand. Currently, gas stations are allowed in two commercial zones and industrial zones; the proposal would prohibit gas stations except in Interchange Commercial and M-1/M-2/MICO Industrial zones. The code will also restrict the ability of existing gas stations in most commercial zones to expand. The proposal will also update definitions for clarity, and update the nonconforming use provisions in the code.

A. Update definition related to gas stations

Gas stations are considered commercial uses that provide retail sales of fuel. The definition does not include wholesale or private fuel companies that distribute fuels to retailers or serve on-site fleets. Proposal would clarify the terms in this definition. Proposal would also update the permitted use tables to consistently use the term “gas stations” versus service stations.

B. Limit zones where gas stations are allowed

Currently, gas stations are not allowed in the following zones: Residential zones, Neighborhood Commercial (NC, ESUV/NC), and Town Center Plan (TCP) area. They are allowed only in General Commercial (GC/ESUV/GC), Interchange Commercial (IC), and Industrial zones.

Proposed code would restrict gas stations to these areas:

- Interchange Commercial (IC) zone – Examples: South of SR410, SR167 interchange at 24th Street.
- Industrial (M1/M2/MICO) zones – Examples: Along 142nd Ave East, along West Valley Hwy.

C. Nonconforming uses

By prohibiting gas stations in certain areas, the proposal will create a nonconforming use status for a few existing gas stations. There are currently 4 gas stations that are or will become nonconforming:

- | | |
|--|---|
| • Fred Meyer fuel station (Valley Ave) | GC zone, will become nonconforming |
| • Pacific Pride (at Snider Petroleum, Cannery Way) | GC zone, will become nonconforming |
| • 7-11 and gas station (Valley Ave/Main) | GC zone, will become nonconforming |
| • Arco gas & store (Main/Traffic) | TCP, nonconforming since 2018 TCP rezoning. |

Current code greatly limits alterations or expansion of nonconforming uses (typical at most cities). Allowances/restrictions in current code are, generally:

- Use may continue.
- Limited expansion of area or buildings, up to 25 percent.
- Limited structural alterations.
- May be rebuilt after a fire/disaster to original dimensions.

Proposed code would apply these restrictions to nonconforming gas stations, but **would not allow them to expand**. Gas stations are not considered compatible uses in the downtown or prime commercial areas; therefore, staff recommends that no expansion should be allowed. However, proposed code would allow minor alterations/upgrades to gas station equipment, to allow for compliance with new laws and changing technology. Note that there are at least 4 existing gas stations located in Interchange Commercial or Industrial zones that will not be affected by this code change. The specific proposed code updates are shown in Ordinance XXXX, attached as an Exhibit.

III. ANALYSIS

The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan including the policies below.

Land Use Sub-Element

The proposal is consistent with the overall intent of the Land Use Sub-Element as it is intended to promote compatibility of land uses in commercial areas, particularly in the downtown and along primary arterials. Further, the proposal is consistent with the following specific 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.

Economic Development Element

The proposal is consistent with the overall intent of the Economic Development Element as it would allow gas stations as providing an important service to the community, while limiting locations in order to support pedestrian-friendly commercial areas and minimize impacts on other types of commercial services. Further, the proposal is consistent with the following specific policies:

5.14 Promote businesses that meet the daily needs of residents – markets, dry cleaners, laundromats, eateries, pharmacies, banks, pet stores, beauty salons/barbershops, etc.

5.6 In conjunction with interested parties, improve the visual appearance of downtown through public and private measures for beautification, facade improvements, and preservation of historic properties, design strategies, maintenance, and streetscape improvements.

Community Character Element

The proposal supports goals in the Community Character Element to maintain pedestrian-friendly streetscapes and promote uses that rely less on the automobile, while allowing for a mix of uses. Further, the proposal is consistent with the following specific policies:

1.1 Encourage development which enhances the human, pedestrian scale, creating a sense of community and place.

- 1.2 *Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 2.0 *The Sumner community should be designed so that housing, jobs, daily needs, and other activities are within easy walking distance of each other.*
- 2.4 *Through the use of form-based code, street and design standards promote pedestrian and bicycle friendly streets with trees and other amenities that enhance the streetscape.*
- 3.7 *The City should, in partnership with the Sumner Downtown Promotion Association, actively recruit and promote pedestrian-oriented retail, service, and mixed uses. Uses that require outdoor storage, provide offsite services, or have little walk-in trade as primary parts of their businesses should be oriented to secondary locations in Downtown away from Main Street and Alder Avenue and designated Activity Centers.*

Environment Element

The proposal is consistent with the goals in the Environment Element to maintain air and water quality. While the proposal does not directly impact air and water, reducing the number of gas stations within city limits may reduce the potential for adverse impacts to air quality and water quality. The proposal is consistent with the policies below.

- 1.1 *Protect air quality from adverse impacts.*
- 1.4 *Protect surface water quality and quantity from significant degradation as required by state and federal law.*
- 1.5 *Protect groundwater quality within the aquifer recharge area from substantial degradation.*

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would promote the economic vitality and prosperity of Sumner. The amendment would allow gas stations to remain in Sumner, while restricting them from prime commercial areas where the emphasis is on walkability and attractive community character. Gas stations would be allowed to locate in the Interchange Commercial zone and Industrial zones, thus maintaining a necessary commercial service in Sumner.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment, including review of the environmental checklist, has been completed. A SEPA Determination of Non-Significance was issued April 11, 2022.

V. PUBLIC & AGENCY COMMENTS

No public or agency comments have been received since the opening of the public comment period. Notice of the public hearing and comment opportunity was sent to property owners of 4 gas stations in Sumner that would be affected by the proposed code revisions that limit locations or affected by revisions to the nonconforming use allowances.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending.

VIII. EXHIBITS

- A. Ordinance No. XXXX for adopting changes

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR GAS STATIONS; AMENDING CHAPTER 18.04 DEFINITIONS; CHAPTER 18.16 TO PROHIBIT GAS STATIONS IN THE GENERAL COMMERCIAL ZONE; CHAPTER 18.18 TO CLARIFY GAS STATIONS AS ALLOWED USE IN INDUSTRIAL ZONES; CHAPTER 18.30 TO PROHIBIT GAS STATIONS IN THE EAST SUMNER GENERAL COMMERCIAL ZONE; AND CHAPTER 18.46 NONCONFORMING USES AND STRUCTURES RELATED TO GAS STATIONS; AND AMENDING SMC SECTIONS 18.04.0415, 18.16.020, 18.16.080, 18.18.020, 18.30.030, 18.46.040, 18.46.050, AND 18.46.070.

WHEREAS, the City Council finds that gas stations are generally not compatible with other uses in the downtown area or in core commercial areas such as the General Commercial zone; and

WHEREAS, the City Council finds that placing limits on locations and expansion of gas stations helps address potential impacts from gas stations such as noise, glare, odors/emissions; and

WHEREAS, the City Council finds that it is in the public interest to limit the locations for gas stations to protect the design character and streetscapes of commercial areas; and

WHEREAS, on April 7, 2022, the Planning Commission held study session on the proposed amendments, followed by a duly-advertised public hearing on May 5, 2022; and

WHEREAS, on _____ (date) the Planning Commission voted by a _____ vote to recommend adoption by the City Council of the proposed zoning 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 April 14, 2022; and

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

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

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

Section 1. That Sumner Municipal Code Chapter 18.04 Definitions is hereby amended to read as follows:

18.04.0415 Gasoline service station.

“Gasoline service station or gas station” means an automotive ~~retail sales and service use in which use providing retail sales of~~ fuel for motorized vehicles ~~is sold~~, and in which accessory uses may include, tow trucks, minor vehicle repair, car wash facilities, ~~and a~~ convenience store, and electric vehicle charging stations as accessory to the fueling station or convenience store.

Section 2. That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.020 Principal and conditional uses, is hereby amended to read as follows:

18.16.020 Principal and conditional uses.

		NC	GC	IC
[...]	[...]	[...]	[...]	[...]
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC <u>18.16.025</u> ; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales⁹	–	CUP –	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment repair, accessory to a permitted use ⁹	–	–	P
22.	Heavy equipment sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
[...]	[...]	[...]	[...]	[...]

[...]

⁹Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC 18.42.046.

[...]

Section 3. That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.080 Performance standards is hereby amended to add a standard as follows:

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:

[...]

Z. Odor and emissions. Gas stations shall not create odor in such quantities as to be readily detectable beyond the boundaries of the site, or produce air emissions that are not compliant with regional, state, and federal emission standards, and shall utilize best available control technologies to reduce odors and emissions.

Section 4. That Sumner Municipal Code Chapter 18.18 Manufacturing Districts, Section 18.18.020 Principal, administrative and conditional uses, is hereby amended to read as follows:

18.18.020 Principal, administrative and conditional uses.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
[...]	[...]	[...]	[...]	[...]
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A ¹	P	A ¹ /P
<u>21.</u>	<u>Gasoline service stations</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>21.22.</u>	Hazardous waste off-site treatment and storage facilities			
[...]	[...]	[...]	[...]	[...]
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
[...]	[...]	[...]	[...]	[...]

Section 5. That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village Overlay District, Section 18.30.030 Principal and conditional uses, is hereby amended to read as follows:

18.30.030 Principal and conditional uses.

		NC/ESUV	GC/ESUV
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P

[...]	[...]	[...]	[...]
16.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025, and child day care centers	P	P
17.	Gasoline service stations and convenience stores with gasoline sales	--	CUP --
18.	Health and fitness club	P ³	P
[...]	[...]	[...]	[...]

Section 6. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.040 Nonconforming uses, is hereby amended to read as follows:

18.46.040(G) The following provisions shall apply to nonconforming multifamily uses and nonconforming commercial and professional service uses:

1. Nonconforming multifamily and commercial and professional service uses, excluding gas stations, may expand up to 25 percent of their square footage, including such expansions that consist of structural alterations, by conditional use permit; except that expansion may not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage and building height.
2. No additional dwelling units may be added, except that dwelling units may be added to a nonconforming commercial use;
3. Structures devoted to a nonconforming use may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur;
4. When a nonconforming commercial or professional service business ceases and a change of use is proposed, the site shall be treated as nonconforming and shall follow the nonconforming provisions indicated above and other portions of this chapter.
5. Gas stations that are a nonconforming use are allowed the following upgrades and expansions:
 - a. Upgrades to appurtenances and fuel system components, such as pumps, tanks, vapor recovery systems, and incidental outdoor equipment, to address safety concerns or state or federal regulations, provided that fuel service capacity is not expanded;
 - b. Expansion or upgrades of retail convenience store area and services; and
 - c. Addition or expansion of electric vehicle charging stations.

[...]

Section 7. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.050 is hereby amended to read as follows:

18.46.050 Nonconforming structures.

Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, it may be continued so

long as the structure: 1) is not a structure devoted to a nonconforming use subject to SMC 18.46.040(G); and 2) remains otherwise lawful subject to the following provisions:
[...]

Section 8. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.070 is hereby amended to read as follows:

18.46.070 Health or safety improvements.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the building official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health, environmental or safety regulations are the only alterations or expansions allowed.

Section 9. 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 10. 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 11. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

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

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

SUBJECT: Accessory Dwelling Units - Draft approach and draft code

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. ADU Cover Memo 04-26-22
 2. ADU Code Options Memo - LDC 04-27-22
 3. ADU Code SMC 18.12 Draft 04-27-22
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

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

ADUs provide a housing option that adds a small, self-contained structure to an existing single family lot, either as attached or detached. The proposed code addresses zones where allowed and standards such as building setbacks, height and parking.

The May 5, 2022 meeting will be a discussion of staff's preferred approach and draft code provisions.

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

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide comments on proposed code changes.



MEMORANDUM

DATE: April 26, 2022
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner
RE: **Accessory Dwelling Units – Discussion of proposed code update**

I. BACKGROUND

In May 2021, the City of Sumner adopted a Housing Action Plan (HAP). The HAP examined housing needs in Sumner and identified gaps in available housing and affordable housing. It included 6 strategies and a number of implementation actions for addressing these gaps. In August 2021, the City Council ranked the HAP strategies/actions into priorities, and adopted their Priorities for Action, which includes expanding opportunities for Accessory Dwelling Units (ADUs). The City has received a grant from the State to start implementing the Council's housing priorities. The first strategy that is being further developed is expanding where ADUs can be built.

ADUs provide an affordable housing option that adds a small, self-contained living space to an existing single family house or lot. ADUs may be attached to a single-family home, a unit inside the home, built above a garage, or detached from the primary residence. ADUs "in backyards" can raise concerns around a privacy issues, building height and bulk, setbacks and parking. Development standards can minimize these impacts.

The May 5, 2022 Commission meeting will include a discussion of staff's preferred approach and draft code provisions.

II. DESCRIPTION OF PROPOSAL

The City's consultant, LDC Inc., has prepared a memo summarizing the approach to the ADU code update and a draft code for Planning Commission review (see attached documents).

III. STAFF RECOMMENDATION

Staff requests that the Commission provide comments on proposed ADU code changes, to prepare for a future public hearing.

IV. ATTACHMENTS

- a. Summary memo from consultant LDC, Inc.
- b. Proposed code sections

DATE: April 22, 2022

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

TO: Ann Siegenthaler, Senior Planner, City of Sumner

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

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

Background

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

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

Discussion points

Sumner ADU Survey results

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

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

Impact and Permit Fees

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

Code Option Development

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

Code Recommendations

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

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

Next Steps

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

Sincerely,

LDC, Inc.



Matt Covert, AICP
Senior Planner

Chapter 18.12

LOW DENSITY RESIDENTIAL DISTRICT (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12)

[...]

18.12.020 Principal uses.

The following uses are permitted outright by right in the LDR district:

- A. Adult family homes;
- B. Manufactured homes subject to the standards of SMC 18.12.080(N), but not to exceed one dwelling on any one lot, except as provided in SMC 18.12.030;
- C. Minor utility facilities;
- D. Single-family detached dwellings, but not to exceed one dwelling on any one lot, except as provided in SMC 18.12.030;
- E. Streets;
- F. Wireless communication facilities subject to the standards of chapter 18.37 SMC;
- G. Existing automotive and motorized vehicle sales and rental agencies lawfully operating as of June 1, 2000;
- H. Wetland mitigation banks, and wildlife habitat mitigation and conservation projects. (Ord. 2531 § 4, 2015; Ord. 2135 § 4 (part), 2005; Ord. 1944 § 1, 2001; Ord. 1830 § 16, 1998; Ord. 1694 § 1, 1995)

18.12.030 Accessory uses.

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

- A. Accessory dwelling units subject to the following criteria:
 - 1. One accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with ~~any single-family structure~~ the one single family detached dwelling allowed under SMC 18.12.020(D) which, for the purposes of this section, is the primary dwelling unit;
 - 2. Either the primary dwelling unit residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit ~~main building~~, except in accordance with subsections (A)(14), (15), (16) and (17) of this section. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the development services department.
 - 3. The accessory dwelling unit and primary dwelling unit together may account for a total of two families established by the definition of family in this title. ~~The total number of occupants in~~

~~both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of family in this title;~~

4. The accessory dwelling unit shall ~~not~~ contain a maximum floor area of ~~less than 300 square feet and not more than 800~~ 1,000 square feet, excluding any related garage area used for vehicle parking; provided, that if ~~the~~ an attached accessory unit is completely located on a single floor story, with no basement, the director may allow increased floor area in an attached accessory dwelling unit up to the minimum area necessary in order to efficiently use all floor area, so long as all other standards set forth in this section are met;

5. *Repealed by Ord. 2300;*

6. There shall be one off-street parking space provided for accessory dwelling units, except that no off-street parking shall be required for accessory dwelling units that are located within a half-mile of the Sumner transit station if the applicant demonstrates that on-street parking is available. ~~with one bedroom and two off-street parking spaces provided for accessory dwelling units with two or more bedrooms.~~ Off-street parking spaces for ADUs shall be in addition to that which exists on the site for the primary dwelling unit residence and located in a ~~carport, garage, or designated space~~ located outside of any required landscape screening;

7. Accessory dwelling units may be located as an attached unit in the same building as the primary dwelling unit or in a detached accessory building, ~~except that in the LDR 12,000~~ 4,000 zone, accessory dwelling units shall be located only in the same building as the primary dwelling unit ~~principal residence~~;

8. General appearance and layout regulations for accessory dwelling units are as follows:

~~a. An accessory dwelling unit shall be designed to not conflict with maintain the appearance of the principal residence main building of the single family residence.~~

~~a. Detached accessory dwelling units for which any portion of the structure is located closer to the front of the lot than the rear of the primary dwelling unit: If the an attached accessory dwelling unit extends beyond the current footprint of the primary dwelling unit principal residence, such an addition shall be consistent with the existing roof pitch exterior architectural style of the primary dwelling unit, including style of siding and windows. If an accessory unit is detached from the main building it must also be consistent with the existing roof pitch, siding and windows of the principal residence. In addition,~~

~~b. Only one entrance for the main building will be permitted in the front of the primary dwelling unit principal residence. A separate The entrance to the main building for the an attached accessory dwelling unit shall be located either off on the rear or the side of the primary dwelling unit building;~~

9. **Height.** Detached accessory dwelling units shall have a maximum building height of ~~16~~ 18 feet. ~~for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs, except that the height may be increased to 18 feet when it is necessary to match the existing roof pitch of the principal structure.~~ In no case shall the second story contain exterior walls exceeding five feet in height on more than 50 percent of the perimeter of the second story. Attached accessory dwelling units may match the height of the primary dwelling unit, except that attached units

located closer than 30 feet to the rear property line shall have a maximum building height of 18 feet;

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

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

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

12. Windows.

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

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

14. The accessory dwelling unit may be subdivided from the original parcel; provided, that the minimum lot size, all yard requirements as well as other applicable dimensional standards for a single family dwelling, such as lot coverage, lot size and building height, of this title are met;

15. Accessory dwelling units ~~constructed legally permitted~~ prior to January 1, 2008, may be subdivided from the original parcel; provided, that the minimum lot size, lot coverage, building height, and all other applicable dimensions in SMC 18.12.070 are met, except that interior side and rear yard setbacks ~~do not have to be met~~ may be the same as the current setbacks for detached accessory dwelling units;

16. If a pipestem lot is created in the LDR-6 zone for an accessory dwelling unit that existed prior to January 1, 2008, then the minimum lot size may be 6,000 square feet; provided, that the

maximum lot coverage is 30 percent and all other applicable dimensional standards, including building height, in SMC 18.12.070 are met, except that the interior side and rear yard setbacks ~~do not have to be met~~ may be the same as the current setbacks for detached accessory dwelling units;

17. Accessory dwelling units that are subdivided from the original parcel shall meet the off-street parking standards in SMC 18.12.060 for the applicable zone;

18. Conversion of existing accessory structure to ADU. Existing accessory structures may be converted into an accessory dwelling unit, subject to the following provisions:

a. An accessory structure can be converted to an accessory dwelling unit as long as the other provisions of SMC 18.12.030(A) are met, unless otherwise provided in this section. An application for accessory dwelling unit under this provision requires the applicant to demonstrate that the structure was legally permitted prior to the adoption of this code.

b. Setbacks. No conversion of an accessory structure to an accessory dwelling unit shall encroach further into the setbacks established in SMC 18.12.030(A) for accessory dwelling units; except that where the structure to be converted was legally constructed prior to 2012 and does not comply with the minimum setbacks established for accessory dwelling units:

i. the converted unit may have a minimum rear yard of 3 feet, and a minimum interior side yard of 3 feet; and

ii. the converted unit shall be no taller than 1 story and 16 feet.d. Parking. If off-street parking spaces for the primary dwelling unit are removed as part of converting an existing accessory structure to an accessory dwelling unit, the applicant shall demonstrate on a site plan how the provisions in subsection A(6) of this section and the parking requirements in SMC 18.12.070(J) are being met.

c. Conversion of a nonconforming structure to an accessory dwelling unit shall not be allowed unless the converted unit complies with the building height, setbacks, and other standards established in SMC 18.12.030(A). Conversion of a legal nonconforming structure cannot result in an increase in the nonconformity.

[...]

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

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

B. In the LDR-4 and LDR-6 district all single-family dwellings shall have two on-site automobile parking spaces with at least one space located within a garage or under a carport. Each required space is to be located so as to be independent of any other required space. Required spaces and access drives shall be

improved with a dustless, hard surface. Tandem parking may be allowed. (Ord. 2192 § 2, 2007: Ord. 2134 § 8, 2005: Ord. 1694 § 1, 1995)

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

[...]

A. Minimum lot area [specifies lot area per zone]

B. Lot width [specifies lot width per zone]

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

D. Rear yard setback in feet: 30;

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

F. 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. Street side yard setback in feet: 12;

H. Maximum building height in feet: 30;

I. Maximum lot coverage:

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

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

Maximum lot coverage for single-story residential structures:

J. Required off-street parking spaces: two;

K. 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. Yard setbacks for pipestem lots are as follows:

1. 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. (Ord. 2300 § 1, 2009: Ord. 2214 § 1, 2007: Ord. 2193 § 2, 2007: Ord. 2134 § 9, 2005: Ord. 2051 § 2, 2003: Ord. 1906 § 7, 1999; Ord. 1694 § 1, 1995)

[...]

18.12.080 Performance standards

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

A. Exterior Mechanical Devices. [...]

B. Required Landscaping. [...]

C. Outdoor Storage and Parking of Vehicles. [...]

D. Detached Accessory Structures. Detached accessory structures, except for detached accessory dwelling units, are permitted not closer than three feet to rear or interior side property lines if located in the rear 33 percent of the lot, or in back of the front 75 feet of the lot; ~~provided, that t~~provided, that t~~he~~ maximum building height for a detached accessory structure, except for an accessory dwelling unit, shall be 16 feet for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs.

E. Setbacks from Alleys. Garage structures which are directly attached to a principal structure or attached with no greater than an enclosed breezeway, and have vehicular access from an adjacent alley, may encroach into the rear yard such that the total of the alley width and setback from the alley is equal to no less than 24 feet. In such case, only a garage attached to the principal structure by no greater than a breezeway may exceed a height of one story.

F. Yard Projections. [...]

SUBJECT: 2022 Comp Plan/Zoning Code Amendments discussion & recommendations

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

This will be a discussion of the proposed 2022 amendments following the public hearing. Depending upon Commissioner comments, public comments, and what additional revisions are needed, the Commission may make a recommendation on the amendments. Attachments for the discussion are included in the materials for the public hearing.

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

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Depending on Commission comments and public testimony, staff requests that the Commission provide recommendations for forwarding to the City Council.