

**City of Sumner**

**PLANNING COMMISSION**

**April 4, 2002**

**Sumner City Hall  
1104 Maple Street**

Members Present: Lovgren, Myers, Richardson and Walker

Members Absent: Livingston (Notified) Nalder, (Notified) Smith, (Notified)

Also Present: Ryan Windish, Senior Planner John Doan, Director Robert Holler, Intern

**CALL TO ORDER**

RICHARDSON called the meeting to order at 7:00 p.m.

WINDISH noted that there was no Chair or Vice Chair this evening. According to Rules and Procedures they must elect a temporary Chair for this meeting.

**MYERS motioned/nominated WALKER as temporary Chair. RICHARDSON seconded the motion. WALKER declined and motioned/nominated MYERS as temporary Chair. LOVGREN seconded the motion and it passed unanimously.**

**APPROVAL OF MINUTES**

MYERS noted that on page 17, top line of the March 7, 2002 Minutes that loop should be changed to lot. RICHARDSON noted that on page 9, 2nd to last paragraph Richardson opened the meeting for public comment should be changed to Livingston opened the meeting for public comment.

**WALKER motioned to approve the minutes for March 7, 2002 as corrected. LOVGREN seconded the motion and it passed unanimously.**

**PUBLIC COMMENT**

RICK ANDRESON, 1500 Main Street, appeared for Mr. and Mrs. Kim who own a motel on 1500 Main. Their concern has to do with the closure of the main entrance to their property. They mainly use that entrance for deliver trucks. How does the Commission intend to resolve that?

WINDISH stated that he would address that when he does his presentation on East Main Street Design Strategy.

**UNFINISHED BUSINESS**

**1. East Main Street Design Strategy-Public Hearing**

WINDISH presented the latest draft of the East Main Street Design Strategy dated March 29, 2002 and the Draft Ordinance Amending the Municipal Code that would implement the Strategy, which includes changes to the Zoning Code and the Design and Development Guidelines.

WINDISH gave a brief summary of the process to date and went through the highlighted changes in the draft and walked through the major points in the ordinance.

WINDISH noted that there was a public hearing on February 7th on the Strategy, and then a work session on March 7th. The changes were based on Planning Commission Comment. Staff recommendation is to pass it on to City Council. City Council will have a study session on the Strategy Monday night. The Planning Commission is invited to attend that.

East Main Street Design Strategy:

Page 6: WINDISH gave a summary of the Public Hearing comments and concerns. This section answers those questions and concerns.

Page 10: WINDISH wanted to make it clear that combined driveways will be constructed as new development occurs and would ultimately connect to cross access corridors to be open to the public through an easement or dedication to the City.

Page 15: WINDISH referred to the Map. The Planning Commission had previous comment was to take out the portion of the Strategy dealing with the area that was also included in the East Sumner Neighborhood Plan. It has been taken out of the plan.

Page 16: With regard to the Cross-Access Corridor and Joint Parking section, "should" was added.

Page 17: The Planning Commission wanted to see more incentives for property owners to dedicate a joint parking area. Staff added the incentives as laid out on the table on page 18.

Page 19: Under Parking Setback Increased, there is a limit on the width of a parking lot that would be fronting on East Main Street. There would be a requirement that there be a 10 foot set back behind the front facade.

Page 22: The Stormwater section is new. This is a very important section. Stormwater for new impervious surfaces over 5,000 sq. ft. are required to provide some on-site detention. The City is looking into options for providing a regional stormwater retention facility.

Page 26: Addresses the total costs of improvements. This is not to say that the City is going to pursue this as a capital improvement project. Development will be done by the developer incrementally.

Page 27: Table 5 provides a Typical Cost of Construction and Land for 100 feet of Street Frontage. Broken down it comes to about \$30,000.00.

WINDISH turned the meeting over for comments on this draft.

There were no questions by the Planning Commission at this time.

WINDISH presented a summary of the main points of the draft ordinance.

MYERS had a question with regard to the right of first refusal to buy back. If we are asking them to dedicate to the City and they do not receive anything for it, how can the City then ask the property owner to "buy" back the property in the event that the City gives up on the project.

WINDISH responded that the State statute states that they pay from 0 to 50% of the fair market value.

MYERS suggested that it be spelled out in the dedication that it is dedicated to the City for the fee of \$1.00, and when the property owner has the opportunity to buy it back that the City could sell it back to them for the fee of \$1.00. Myers did not feel that it was right for them to ask the property owner to dedicate and then later to "buy" back.

WINDISH continued on with his summary of the Ordinance.

WINDISH turned the meeting over to the Commission for questions:

MYERS stated that he did not notice whether WINDISH had designated if any of the above portions should be placed in the Design Standards.

LOVGREN asked if WINDISH thought the Performance Standards should be placed in the Design section.

Wherein discussion was had about the Performance Standards with regard to the flexibility of that section.

LOVGREN had a question with regard to Page 13. Will there ever be a case where, on a zero lot line, you could have a wall that was more than 400 sq. ft? The way it is written it appears that you cannot have a blank wall, even on a zero lot line. She suggested adding something in there with the exception of zero lot line.

WINDISH suggested that they keep it as they should include windows.

MYER commented that you would not want an opening at a zero lot line wall.

LOVGREN thought the only issue would be if the building next door did not have a zero lot line, then you would want something to minimize the effect of that large wall, such as climbing vines. She did not want to allow for the option of putting windows on the ground floor.

MYERS pointed out that the building code does not allow for that.

WINDISH provided the Commission with a revision of the Majority Opinion.

MYERS opened the meeting for public comment.

RICK ANDRESON, 1500 Main Street, appeared for Mr. and Mrs. Kim who own a motel on 1500 Main. Their concern has to do with the closure of the main entrance to their property. They mainly use that entrance for deliver trucks. How does the Commission intend to resolve that? Also, the fire hydrant is 350 feet from the property. How is that going to work in an emergency situation?

WINDISH stated that he would respond to that at the end of public comment.

AL BELCHER of 15713 Main Street appeared. He had a question on the cross-access corridors. What is the estimated pricing for the cross-access corridors?

WINDISH responded that there is no estimate of how much it would cost to build a cross access corridor as that will be built as part of the parking lot. Altogether the estimate is \$40,000.

BELCHER also asked if that included street plants.

WINDISH stated he would have to go back and look at that.

BELCHER commented that if improvements equaling 10% of the property value triggers this, then that puts a bigger load on the people with corner lots.

WINDISH stated that a late comers agreement could be set up to pay back the property owners who are burdened with that initial construction.

DEAN SNEKVIK of 6211 160th Avenue East appeared. With regard to the Capital Facilities Plan, does that include proportional use from the City? Is it a designated truck route for the City? He thinks that the City should keep in mind that any improvements in that area is going to increase the tax base. Most of the businesses are going to be commercially used, and the City will be getting a portion of the sales tax. These improvements benefit everyone in the City. His point is that if it is proportionally used, then proportional benefits should be included in the Capital costs.

WINDISH responded to Mr. Andreson at this time. With regard to corner lots, if improvements equal 10% or more of the value, they would then be looking at opportunities for closing the main entrance. WINDISH noted that the corridor does not show up on the Kim's property, it shows up on Fred Meyers property. They would be looking to close the access on East Main, and using the access on Valley Avenue. Written in the ordinance is that if there are special circumstances, they can look into leaving that access open.

ANDRESON stated that other than taking on a major remodeling, it does not seem to allow for enough space for customers in the back of the building.

WINDISH stated that he would be happy to address that after the meeting or on some other occasion.

The Public Comment Portion of the Meeting was Closed as this time.

WINDISH turned the meeting over for Commission questions?

WALKER commented that at the beginning of the East Main Street Design Strategy, it states that there are 3 zones, however, then it is followed by listing 4 zones (on page 1).

LOVGREN questioned on Page 6 of the Ordinance, when closed access is applicable, and when unified access and stipulation is not practical, can some of that go before design review? It might add a little bit more of the flexibility they are looking for.

WINDISH thought that recommendation from the Design Commission would be a good idea.

MYERS directed the Commission's attention to the Majority Opinion and asked the Commission if they were ready to vote on accepting the draft of the East Main Design Strategy and Ordinance?

**RICHARDSON moved to approve the East Main Street Design Strategy, and to have the amends talked about in the Minutes added to it and then forward it to the Council with a recommendation for approval.**

WALKER was concerned about the legal issues where the buy back is concerned as to dedicating parking lot as mentioned by MYERS.

WINDISH stated that that note could be added to the motion for recommendation to the Council and then he would work on that at that point.

**RICHARDSON motioned for approval of the Ordinance and Strategy to include the suggestions by LOVGREN in the Minutes, and to further include MYERS issue as part of the record as a recommendation to staff to research that issue, and then to forward it to City Council with a recommendation for approval. LOVGREN seconded the motion.**

A roll call vote was taken on RICHARDSON'S motion as follows:

Lovgren - Yes  
Myers - Yes  
Richardson - Yes  
Walker - Yes

**Motion passed unanimously.**

WINDISH invited the Commission to the City Council Study Session at 6:00 p.m. Monday night in Council Chambers.

## 2. Business Park Sign Amendments

WINDISH referred to the copy of the Agenda Bill and Ordinance that went to the City Council on the 18th of March. They held a public hearing that night and there were public comments on the sign section of that Ordinance with regard to business signage. Specifically, Page 6 it states that signs must be externally lighted. No internally lighted signs will be allowed. TED KNAPP is the only person to comment on this Ordinance. What is being asked is a reconsideration of the lighting restrictions.

TED KNAPP of Knapp Development, 11661 S.E. 1st, Suite 206, Bellevue, appeared. He is developing Sumner Corporate Park. Presented the history of his business park signs and the design. He indicated he was the one who requested the amendment to the code.

RICHARDSON stated that one issue when adopting the recommendations was limiting the proliferation of the business park signs.

KNAPP stated that the code allows for signs within business parks.

LOVGREN expressed concerns on the quality of the signs and liked KNAPP's sign design as presented.

KNAPP provided more detail on the sign design. The sign cost approximately \$60,000.

RICHARDSON suggested an alternative to back lighting may be having silver lettering and an external light.

KNAPP suggested that on these types of signs, maybe it would best be reviewed by the Design Commission.

LOVGREN commented that the only way to ensure quality of design was to go through the Design Commission.

MYERS suggested the requirement that a sign must be externally lit, unless approved by the Design Commission and/or Staff.

WINDISH suggested that that would be difficult without guidelines or criteria.

RICHARDSON stated that he believed that it should go to the Design Commission. The first step should be that it is restricted to business park signs.

LOVGREN suggested the requirement that the signs shall be externally lit, however, internally lit signs of less than 25% of the sign façade could be considered by the Design Commission for approval.

WINDISH stated that the Design Commission would have to have standards for their review.

LOVGREN suggested that the standards for review could be the material the sign is made out of, landscaping, the amount of light displayed or even the overall aesthetics of it.

WINDISH requested the opportunity for staff to work on drafting some type of criteria for the Design Commission to work with. It could be presented at the next Design Commission meeting.

MYER asked if staff was requesting that they change the Ordinance.

WINDISH stated that they were if the Commission was comfortable making the recommendation of the maximum of 25 % internal lighting, and that internally lit signs automatically go to the Design Commission for review. They could pass that on and he would work on an amendment to the Design Commission.

**RICHARDSON made a motion to that effect. LOVGREN seconded the motion.**

A roll call vote was taken on RICHARDSON'S motion as follows:

Lovgren - Yes  
Myers - Yes  
Richardson - Yes  
Walker - Yes

**Motion passed unanimously.**

## **NEW BUSINESS**

### **1. Fence Regulations Amendments**

WINDISH turned the meeting over to Robert Holler, Planning Intern. HOLLER drafted the memo with regard to Zoning Code Amendments Regarding Fences.

HOLLER indicated that this was just an initial discussion to familiarize the Planning Commission with some of these proposed amendments. HOLLER presented the staff report.

Amendment No 1: Staff recommends an exception to the height plan from a 4 feet maximum to a 6 feet maximum in the industrial zone. A fence this high could be justified by safety issue.

LOVGREN stated that the code now eliminate any of these potential cases, unless it was grandfathered in. The way the code and design guidelines are now written, it would not allow anything in the front yard set back that would be of danger. She is not comfortable changing the height requirements on fences.

HOLLER stated that sometimes for security/safety reasons, specifically in an industrial zone, it would make sense to change the height requirement.

LOVGREN stated that she does not want to see a 6 foot fence out at the street, and could not imagine an exceptions to that rule.

WINDISH suggested an order reducing the set back to 25 feet.

LOVGREN thought that it would have to go through Design review.

WINDISH stated that they had received a lot of the complaints before the M-2 or Heavy Industrial Zones. WINDISH stated that there are safety concerns. Some of these things are non-conforming and would stay that way. This would not change unless there was new construction.

WINDISH stated that the Staff recommendation was to allow a side walk with a 6 ft. fence in the industrial zone in justified cases.

HOLLER stated that fences would be allowed only in the event of environmental hazard that might justify having a fence 6 ft. high and the property might not allow for a 25 ft. setback.

RICHARDSON suggested that they review it on a case by case basis. RICHARDSON agrees with staff that there may be three or four types of places in town that need that kind of fence.

LOVGREN stated that there is already a variance process, and so case by case they can go through a variance process.

Amendment No. 2: Staff Recommends that the code as it relates to water detention ponds be amended to reflect the requirements existing in King County Washington Surface Water Design Manuel. This is existing language that requires that water detention ponds with fences around them must be a 6 ft. minimum. That is currently not reflected in our code. Recommendation made on a safety standpoint.

Amendmen No. 3: Staff recommends allowing 6 ft. fences within the required set back for safety and security reasons at schools and sports complexes. Tennis courts are not addressed in the code at all.

LOVGREN asked for copies of the complaints received in this regard.

WINDISH state that the complaint was they do not meet the height and set back requirements of the code.

Amendment No. 4: Staff recommends addressing arbors and trellises in the fence zoning code. There is noting in the code about arbors and fences. He defined trellises and arbors.

LOVEGREN asked if they were talking about limiting height.

HOLLER thought they could add to the code a limit to trellis height.

RICHARDSON recommended that staff conduct a survey in that regard.

Amendment No. 5: Staff recommends an exception to address power substations. They have received complaints on both the power substations in Sumner.

**MYERS again opened the meeting for public comment.**

TED KNAPP of Knapp Development, 11661 S.E. 1st, Suite 206, Bellevue appeared and suggested that chain link fences be set back behind landscaping and not on the sidewalk and they be painted black. The issue here is security and safety.

TOM POWER of 1915 Haight St. appeared. He is concerned that the City is allowing Schools to put fences right up next to the property line, but yet individuals are not allowed to do that. He also addressed tennis courts. He noted that an extra high fence is needed, however, it should be not be inside the set back. The set back is the main concern here. If you take a look at the industrial areas, high fences are necessary for security, however, they do not follow the set back requirement. There are approximately 11 places in the City where the City of Sumner does not follow their own code. You can look all over town there is approximately 150 to 200 fences that do not follow the existing code. There are six schools that do not follow the code. Puget Sound Energy has two. He would just like to make it standard. The set back should be the same for everybody.

RICHARDSON asked if barbed wire is prohibited on top of fences?

WINDISH stated that the current code does not address barbed wire.

RICHARDSON suggested that HOLLER note that that might be an appropriate addition to his memo.

RICHARDSON suggested looking into the codes in relation to schools, where it addresses a school's greater inherent interest in protecting access to their property.

LOVGREN that they could word the zoning code to state that schools automatically have a zero lot line.

POWERS stated that that is why he is here, because there is nothing that says schools can have a zero lot line.

RICHARDSON agreed that they should make it consistent.

### **CORRESPONDENCE**

WINDISH provided a copy of the letter from Matt Richardson explaining his absences.

### **COMMISSIONER COMMENTS**

MYER asked what was going on with the Beach House? It looked like it was getting bigger all of the time.

WINDISH stated that he has a legal building permit that is still in effect.

### **STAFF COMMENTS**

WINDISH reported that Tim Smith contacted him this week, and due to his personal situation he is resigning from the Planning Commission. We have an open position on the Planning Commission and will be seeking candidates to fill that position.

WINDISH reviewed the provided a copy of the updated Commission's Calendar through August. He told the Commission that they are advertising for a new Assistant Planner's position.

DOAN stated that he is excited to be back. He is looking forward to the opportunity to work with so many dedicated people. He stated that they are about to again address the Comprehensive Plan Amendments.

He stated that he values the Planning Commission's input and that they serve a very important function for the City in looking out for the public interest.

**ADJOURNMENT**

**WALKER motioned for meeting adjournment at 9:35 p.m. RICHARDSON seconded the motion. The motion passed unanimously.**

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Ryan Windish, Senior Planner