

**City of Sumner**

**PLANNING COMMISSION**

**October 3, 2002**

Members Present: Nalder, Richardson, Walker and Walter

Members Absent: Livingston (Not Notified) Lovgren (Notified) Myers (Notified)

Also Present: Ryan Windish, Senior Planner Nancy Eklund, Berryman & Henigar, Inc., Consultant

**CALL TO ORDER**

**RICHARDSON motioned to appoint WALKER as meeting Chair. NALDER seconded the motion and it passed unanimously.**

WALKER called the meeting to order at 7:06 p.m.

**APPROVAL OF MINUTES**

RICHARDSON wished to clarify his comment on Pg. 6 of the September 5, 2002 meeting Minutes. In the paragraph beginning with "RICHARDSON stated that he grew up in Kent..." the remainder of that sentence should read "..., and if a public trail was put along the lakefront where he lived it would have been quite objectionable, therefore he understands the issue about the water front, what the City is trying to accomplish, and how it affects properties."

NALDER motioned to approve the Minutes for September 5, 2002 as corrected. RICHARDSON seconded the motion and it passed unanimously.

**PUBLIC COMMENT**

There was no public comment.

**NEW BUSINESS**

**1. Shoreline Master Program (follow-up to the public hearing)**

WINDISH provided to the Commissioners two memorandums for review, one dated September 20, 2002, and the other dated October 3, 2002.

These memorandums address questions and changes made to the Master Program. Staff's hope is that at the end of the meeting the Planning Commission will pass the Shoreline Master Program on to City Council, recognizing that Staff may need to continue to make small changes.

The September 20, 2002 memo begins with the small lot section. Comments have been heard from citizens who live on 16th, 29th and 146th. Exhibit "B" shows the 200 foot buffer in those areas.

The property owners are concerned that in being zoned light industrial, and having a 200 foot setback, the properties will be impacted to such a degree that it will be difficult to sell them as industrial properties and/or develop them. The desire is that the set back be reduced.

Staff has discussed this with the Department of Ecology, viewed the properties in question and reviewed the aerial photos of the area. The Department of Ecology feels that the 200 foot setback is the desirable setback for both flood management and protecting properties from flood if the river does change course. The properties are not so inhibited by the 200 foot setback that they cannot develop portions of the property. Staff feels it should remain a 200 foot setback, and that, if necessary, a variance could be sought for properties in order to get a reasonable use of the property.

Staff proposed the following alternatives:

To maintain a base setback of 200 feet, and allow the setback of new structures to equal the average setback of the existing structures for this group of approximately 7 parcels. New structures would not be built any closer than the average structure that is already there.

EKLUND added that in looking at the aerial photo, there are structures that are 100 feet from the river. Potentially as little as a 42 ft setback would be approved in averaging it out.

RICHARDSON expressed concern that the owner of the property to the east of Manke Lumber may not have come to any of the meetings, as this setback involves approximately 50% to 60% of their property.

WINDISH stated that he met with Jerry and Marilyn Hill with regard to their property along 16th Street. They do have it listed for sale and have had offers on it. They have found that people do not want to purchase property they cannot use, but there is potential that they would be able to sell it to be developed as small commercial enterprise.

RICHARDSON asked if Staff had considered zoning these properties non-commercial/residential. He also suggested that instead of a 200 foot set back, they go with a 100 foot set back as discussed. This would give the property owners at least half of their property back, giving them more room to build.

EKLUND thought that at the meeting one of the residents had indicated that she wanted the property to be industrial as it would be more benefit to them financially.

RICHARDSON stated that he thought it would be a good faith gesture to reduce the setback to 100 feet for some of these properties in order to regain some of their sellable property. He would not be in favor of it for commercial use, however.

WINDISH noted that there are a couple of things to consider. One is that in the industrial zone the existing residential structures are grandfathered. Usually when something is zoned industrial or commercial and there is also residential, it becomes non-conforming. In Sumner we are more lenient in that we do not want to zone anybody out of their house. Existing single family residential houses are permitted outright. If we zone it Shoreline Residential with a 100 foot setback, we then need to make it consistent with the other properties that are zoned Shoreline Residential. We would need to change the underlying zoning from industrial to residential, which would take a Comprehensive Plan amendment and a zoning amendment. We are talking about a pocket of residential properties. It would be inconsistent with the rest of the light industrial area.

RICHARDSON stated that it is not unheard of in other municipalities where there are residents who have been there over 30 to 40 years. The residents have a good argument. We do not have to have a 200 foot buffer. We would not have to amend the whole Comprehensive Plan all over the City to make a good faith effort to citizens who have been here for so long. This is a lot of money to these people.

WINDISH responded that the return on their investment would be higher if it could be sold commercial residential.

RICHARDSON thought that the main concern at the last meeting was not whether they could sell their property commercial, but that they were going to lose half to two-thirds of the properties that they have owned for 40 years. This basically disallows them to develop their property. At some point they want to be able to sell their property and get some value out of it. A future owner may want to build residential. As it is it would not be allowed.

WINDISH stated that there is room to build on the majority of the properties. One-hundred feet of depth is deep enough to build a house on. One alternative would be to allow for the existing residential houses to expand by 100%, but not encroach further on the 100 foot setback. This option would allow residential to expand up to within 100 feet, and would keep industrial at 200 feet.

WALKER asked how difficult and expensive it would be to apply for a variance?

WINDISH responded that it would cost \$2,300 at this time to apply for a shoreline variance. It further requires a public hearing, public notice, and approval by the Department of Ecology.

WALKER asked whether the taxes would be lowered if the land could be declared an open space, whatever the buffer ends up to be. Would that be an automatic tax reduction, or is that something for which they have to apply?

WINDISH stated that they would have to apply for it. It is based on a point system.

NALDER asked whether the 200 foot buffer is based on scientific evidence, given the structure of the river we are dealing with in terms of wildlife? What we are talking about here is that a single property owner is not entitled to use his property, but everybody else will be able to use it by allowing it to be available to the public.

WINDISH responded that the buffer serves the purposes of protection of fish and protection of wildlife. Dept. of Fish and Wildlife would prefer that they do not put a trail in that area, however, they have to factor in the public access component.

NALDER asked whether it was going to be maintained or kept natural. How are people going to be contained to the trail. They will be all through the 200 foot buffer.

EKLUND stated that there are provisions in the Shoreline Master Program to protect the private property owners. The trail can be fenced.

WALKER asked if the trail would be made of asphalt?

WINDISH stated that it would be constructed of permeable pavement, which is an asphalt that allows water to drain through.

RICHARDSON asked whether Sumner was actually considering that material for this trail as it is expensive. It would be a contradiction if this material was not used this close to the water.

WALKER asked if there were grants that could off set the expense of this proposal?

WINDISH stated it could be included in the grant they already have for the trail.

NALDER suggested the use of pine tar, gravel and dirt, as they have done in the parks. It is also expensive.

RICHARDSON expressed his concern that the residents in the area in question have been paying on the LID's and taxes for up to 40 years. Some of these people have been counting on this property as a source of retirement and/or livelihood. There is a compromise the City can afford to make.

WINDISH noted that nothing is being changed that is not already in place. If you were to come in for a permit today, the buffer would be 200 feet.

RICHARDSON noted that the buffer was instituted in 1973, when they were half way into the ownership of their properties. He feels the compromise can be made without throwing the whole thing out.

WINDISH addressed the concern with regard to the parking on the trailhead. The question was whether the parking would be allowed in that buffer area. As is all other parking, parking at the trailhead would have to be outside the buffer.

RICHARDSON motioned that residential properties be allowed to develop up to 100 feet and that those properties can be expanded up to 100%, and to add additional language to the zoning code to deal with the question of straddling the line. RICHARDSON further motioned that commercial property remain at a 200 foot setback. NALDER seconded the motion.

Discussion was had with regard to RICHARDSON'S motion.

EKLUND added that she felt it would be appropriate to add language that recommended that the property owner can take advantage of the expansion of their existing structure, however, they could not then develop industrially.

**RICHARDSON motioned to amend his previous motion to incorporate EKLUND's suggestion. WALTER seconded the motion.**

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

**RICHARDSON Yes  
WALTER Yes  
WALKER Yes  
NALDER No.**

**Motion passed 3 to 1.**

WINDISH moved on to discuss the 29th St. and 146th St. residential areas. These areas have been zoned urban conservancy and have a 100 foot setback. The area is zoned low density residential and is actively developing as residential. This involves 8 lots and the plan to develop 20 more lots. One option would be to change the area to a Shoreline Residential designation, which would require a 200 foot buffer. This designation would increase potential for the properties to be subdivided into a greater number of lots with the buffers reduced.

NALDER noted that that would consume approximately 20,000 feet of Monte Schliesman's property.

WINDISH stated that he has the largest parcel on the river.

RICHARDSON added that Mr. Schliesman is also very aware of how much in taxes he has paid over the years on that property. How is he going to be compensated? We are talking about half of his property.

WINDISH stated that he has the option of subdividing it, with a good portion of it left over. Further they could make the setback 100 and call it Shoreline Residential.

DISCUSSION was had about takings.

WALKER asked if they also had the option of clustering. If that is the case, they are being compensated.

WINDISH indicated that they do have that option.

WALKER asked if the property owners could apply for open space.

WINDISH stated that they would have clustering opportunities, tax relief and relief from LID.

Discussion was had about the property located at the end of the discussed properties, the wrecking yard located on that property, and the complaint process.

**NALDER motioned that the buffer be reduced to 100 feet in the residential area and that it be designated Shoreline Residential. RICHARDSON seconded the motion.**

**A role call vote was had on NALDER's motion:**

**NALDER Yes  
RICHARDSON Yes  
WALKER Yes  
WALTER No**

**Motion passed 3 to 1.**

WINDISH continued to discuss screening, loading and services areas. We required screening of loading and service areas from view from the shoreline and the road. The screening can be done with landscaping, concrete cinder blocks, etc.

WINDISH further discussed open space taxation. A reader overview has been put together as a reference to the Pierce County open space exemption program.

WINDISH reviewed by chapter for the Commission the minor changes and additions to the Shoreline Master Program and the Department of Ecology's input.

NALDER requested that they make the proposed changes and bring the document in its entirety back before the Commission at the next meeting.

WINDISH stated that they would bring this back at the November meeting, and then forward it on to Council at that time. The critical areas meeting will be rescheduled to the meeting following.

RICHARDSON stated that he may not be able to attend the meeting on the 7th.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **COMMISSIONER COMMENTS**

WALKER advised Staff and the other Commissioners that she intends to resign her position on the Planning Commission by the end of the year. It is becoming more and more difficult to make the meetings and she feels that it is not fair to the City if she cannot put her heart and soul into it.

STAFF expressed their disappointment in seeing WALKER go, and acknowledged her 10 to 12 years of dedication.

#### STAFF COMMENTS

WINDISH had the following Staff comments:

- 1) There is a volunteer recognition dinner tomorrow night at 4:00 p.m. to 6:00 p.m. for the Commissioners and Board members who volunteer their time and energy in an effort to help the City.
- 2) Staff asked that proper notice (prior to 5:00 p.m.) be given when a Commissioner cannot attend a meeting. The August Public Hearing had to be cancelled due to the lack of attendance.
- 3) There is a subdivision proposal behind Century 21 and East Main St..
- 4) Staff has received an application for a pilot project. It will be a low impact development subdivision. They are attempting to reduce the impervious surfaces. The developer wants to try this, because there are some cost reductions.
- 5) City Council has approved the through street. This is the first entrance in the East Main Street Design Strategy.

#### ADJOURNMENT

**RICHARDSON** motioned for meeting adjournment at 9:18 p.m. **NALDER** seconded the motion and it passed unanimously.

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Ryan Windish Senior Planner