



SUMNER PLANNING COMMISSION

MINUTES

REGULAR MEETING

Thursday, September 7, 2006

7:00 p.m.

Sumner City Hall
1104 Maple Street

CALL TO ORDER

GANZ called the meeting to order at 7:07 p.m.

ROLL CALL

Members Present: Bush, Ganz, Haines, Morrison, Powers and Swanson

Members Absent: Walter (notified)

Also Present: Paul Rogerson, Community Development Director
Ben Burke, Adolfs and Associates

APPROVAL OF MINUTES

GANZ had an amendment to page 3 of the minutes. Under his comment it should state that he would accept the 14-foot limit, but not just any limit that Staff came up with. Also, under New Business, where it states, “not significantly similar”, it should just state “not similar”. That wording is awkward and is used a couple of times throughout the minutes.

BUSH motioned to approve the August 3, 2006 regular meeting minutes as corrected. SWANSON seconded the motion and it passed unanimously.

PUBLIC COMMENT

There was no public comment.

UNFINISHED BUSINESS

1) Update to Wetlands Regulations

PAUL ROGERSON, Community Development Director, substituted in for Ryan Windish. Also in attendance at this meeting is Ben Burke from Adolfs and Associates. In the packet provided there is a matrix of the comments. ROGERSON indicated that he would be relying on the Commissioners input as he is filling in for Ryan Windish. As a procedural note, he noted that the hearing on this matter had been opened and closed, and that no further testimony should be allowed. This meeting is to discuss and review the concerns expressed. The comments received are from people who essentially expressed support and concern. The Department of Ecology has expressed support, however, they also expressed some concern as to the buffer widths, as they believe they may not be wide enough. Other comments received were that they might be too wide.

BUSH asked if it was possible to make a motion to reopen the public hearing in the event that people want to testify?

ROGERSON stated that the meeting was not advertised as open to public comment. Those people who wanted to be here to testify would then not be here. It would be opening a hearing in an unadvertised manner.

BUSH asked if the public could still send letters?

ROGERSON stated that they could send letters to City Staff.

BUSH asked whether or not the Wetlands Inventory had been completed?

ROGERSON advised that the map is nearly complete. The person working on that is Ryan Windish, and he has been out as his wife has been sick. It is about 99% complete.

HAINES suggested tabling this agenda item until the completion of the map.

GANZ advised that this agenda item had already been tabled once.

HAINES motioned to table Unfinished Business, agenda item No. 1) Update to Wetlands Regulations until the next regularly scheduled Planning Commission meeting. BUSH seconded the motion and it passed unanimously.

2) 2006 Comp Plan Amends Setting Docket

ROGERSON presented the amendments to the docket for 2006. This agenda item is noted for action. Staff has reviewed the requested applications and they all are timely, complete, and not substantially similar to requests made in the previous year. The proposed amendments on their face meet the criteria in SMC 18.56.147(N). Staff recommends that all the requested amendments be included in the 2006 Comprehensive

Plan Amendment Package. Staff's desire is for a motion this evening advising Staff as to whether the Planning Commission wishes to move forward in this amendment process. ROGERSON reviewed for the Commissioners Staff's memorandum summarizing the 2006 Comprehensive Plan Amendments being considered, outlined as follows: A) Comprehensive Plan Text Amendments (TA); B) Comprehensive Plan Map Amendments (MA); and C) Zoning Code Text Amendments (ZA)

HAINES asked if these changes would allow for more grant opportunities?

ROGERSON indicated that it would.

ROGERSON continued on with review of Staff's report, summarized as follows:

A) Comprehensive Plan Text Amendments (TA)

TA-01 Amending Land Use Element Relating to Industrial Zones and Commercial Uses

TA-02 Amending Land Use Element to Create a Manufacturing and Industrial Center Designation

TA-03 Creating Benchmarks will be withdrawn

TA-04 Include City's Mission, Vision, and Values

TA-05 Staff Qualification / Training

TA-06 Remove Reference to Overlay Zones in the Land Use Element

TA-07 Remove Reference to Neighborhood Plan Districts in the Land Use Element

TA-08 Add Policy in Governance Sub-element about Enforcement of Regulations

TA-09 Low Impact Development

TA-10 Historic Preservation and Tear Downs.

POWERS asked Staff for an example of incentives offered for complying with historic preservation.

ROGERSON stated that the City could reduce their parking and other requirements, making it more affordable to own and preserve a historic structure.

POWERS noted that there are not too many buildings in Sumner that meet that description.

ROGERSON stated that there is one, the Ryan House. This may encourage the creation of a local historic register for us to allow for some code breaks for the preservation of certain structures. The restaurants would be interested in the creation of a historic register for breaks.

SWANSON noticed in the Comp Plan that it makes several statements addressing historic preservation. What is the nature of the change?

ROGERSON stated that we do not have the specific language yet. The Comp Plan does note that the community values and supports historic preservation. It does not have anything specific as to how to move forward on that. We need more specific statements to set the stage for adopting the mechanism in the Zoning Code to do what we are talking

about.

ROGERSON continued his review of the following:

TA-11 Sumner / Pacific Master Trail Plan Update

TA-12 Capital Facilities Plan Update

B) Comprehensive Plan Map Amendments (MA)

MA-01 Update Comp Plan Map to Accurately Show Public Lands

MA-02 Amend the Urban Growth Area Line

MA-03 Update the UGA Based on Adopted Policy

MA-04 Comprehensive Plan Map Amendment/Re-designation 725 Narrow Street

C) Zoning Code Text Amendments (ZA)

ZA-1 Accessory Dwelling Unit Standards.

This would be a request from a private party to reduce the size to have a flag lot. This is laid out in more detail in the Staff Report as to where this will be employed. The request comes from a particular party that has an accessory dwelling unit in their back yard. The change requested is to reduce the minimum size to have a flag lot. The Staff Report will bring forward a suggestion to make it very limited and to not create flag lots all over the city.

ROGERSON commented as to TA-3. Staff will do that outside of the Comprehensive Plan Amendment. Staff would like to substitute in another TA-3 to address affordable housing policies, to further explore whether our current policy language will support the Growth Management Act.

SWANSON asked whether affordable housing is based on a percentage of the population to the amount of units available?

ROGERSON responded that affordable housing is based on average of incomes in an area, and how many people that have income below a certain level. The requirement is to make housing that is affordable to all segments of the community, high and low, to comply with the Growth Management Act. What we are really talking about is providing housing for the lowest income making part of the community, and whether pricing is low enough to support that.

SWANSON commented that it was his understanding that there are enough units.

ROGERSON stated that that figure is tailored to the local community. We do not want to absorb some need generated from other parts of the County. We expect that we will do this analysis to find out whether it narrows the gap a bit.

SWANSON asked whether affordable housing would mean apartments.

ROGERSON indicated that it is not suppose to mean that. It is suppose to mean either affordable housing to buy or apartments. It is not specific to rental versus purchase.

POWERS noted that not less than a year ago the City Counsel put into the zoning limitations on 4 plexes. We used to have it laid out as one 4 plex per city block. We are hearing from more senior citizens that would like to stay in the City of Sumner, but they are taxed out of it. They would like to live in downtown area. City Council took that opportunity away from them. Can we get that back?

ROGERSON stated that they are concerned still about having 4 plexes as part of the community. There is a change to recommend to get that back. There is, however, still a lot of concern about that.

POWERS recommended that it be added to this review of affordable housing policies, and suggested that it be multiplexes up to 4 plexes, ground related. The major concern was that they would not be ground related.

ROGERSON stated that he would recommend to approve the broader language and would leave that open as to TA-3. It could be suggested that 4 plexes be looked into as an affordable housing option.

POWERS motioned that an addition be made to TA-3, by way of an amendment that would set up a mechanism for adding 4 plexes or smaller, one per block, in the same language as before, as an affordable housing option. HAINES seconded the motion and it passed unanimously.

POWERS further motioned for Staff to move forward with the docket as presented and amended. *Discussion was had as to that motion as follows:*

SWANSON expressed concerned over removing benchmarks.

ROGERSON stated that they removed them from the Comprehensive Plan to add more flexibility. Benchmarks will be addressed, just not in the Comprehensive Plan.

MORRISON asked whether TA – 08 is referring to a Code Enforcement Officer?

ROGERSON stated that Staff would not directly want to say that we should hire someone, however, they would like to put it in there that it should be adequately staffed.

MORRISON commented that TA-09 makes it seem like we are missing opportunities.

ROGERSON stated that once it is adopted, we could then respond. Staff does not know how to deal with it because it is not in the code, which is why they hesitate to address it.

SWANSON asked what the definition of an accessory dwelling unit is?

ROGERSON stated that they are attached or detached units, above garages or detached like cottages. It is a private proposal and not Staff generated. The concern is that they have a detached accessory unit and they may want to make it available for sale, however, they may not comply with the minimum lot size for that.

SWANSON asked if such a specific request should be made part of the Comprehensive Plan docket?

POWERS asked if they could not just apply for a variance?

SWANSON expressed concern that this could set a precedent.

ROGERSON state that everyone who meets the criteria would be able to take advantage of this. There are only about five places in town that would be able to do this. The language would be added that any accessory dwelling unit prior to the adoption of this would be applicable. That would mean that they would not be able to create this situation, however, it would allow someone already in the situation to carve it off as a separate piece of property. Staff is not advocating this, and is just asking to put it on the docket.

GANZ noted that the City Council is not wild about pipe stem lots. This could create that type of lot.

ROGERSON stated that this is a Comprehensive Plan / Zoning Code Amendment. Staff feels the language needs to be in there. The person who applied for this addition applied by the deadline. It meets the criteria set forth for a legitimate application. Staff is not advocating it either way.

GANZ addressed POWERS' motion on the floor, to move forward with the docket as presented and amended. HAINES seconded the motion and it passed unanimously.

3) Zoning Code Amendments #2

ROGERSON stated that he is at a disadvantage as to this agenda item. He noted that it was tabled to this meeting at the last meeting. This is just an opportunity to discuss the Zoning Code Amendments #2.

GANZ stated that it was tabled, as they just wanted more Commissioners here for vote to move forward with it.

ROGERSON reviewed for the Commission Staff's Report as follows:

In a quest to continue to improve and clarify the City's development regulations, planning staff is proposing several minor amendments. These items are based on staff's review of the zoning code, and multiple questions from the public, and some minor errors in previous ordinances. The proposed amendments are outlined as follows:

- A) Proposed amendments to reduce the alley widths in commercial and residential zones (SMC 17.28) and amend the definition of “alley” to clarify alignments and that they not dead-end.**
- B) A proposed amendment to clarify the outdoor storage provision in the Zoning Code for industrial and commercial properties including adding a new definition for “outside storage yard” and “outside sales yard.”**
- C) Proposed amendment to establish clear criteria for modifying the road/alley network within the East Sumner Neighborhood Plan. This will include amendments to the Urban Village Overlay District (SMC 18.30) and Subdivision Development Standards (SMC 17.28).**
- D) A proposed amendment to “clean-up” errors in previous ordinances.**

In conclusion, Amendments A through D will help to clarify Sumner’s Municipal Code regarding alleys, outside sales and storage yards, street/alley construction in the East Sumner Neighborhood Plan area, and correct errors from previous ordinances. Staff recommends that the Planning Commission APPROVE the draft ordinance in Exhibit B.

SWANSON commented that Section 12 of the Ordinance, 18.18.060, needs more clarification as to M1 and M2 zones with regard to fencing provisions. It was discussed that RV dealerships are a type of business that should not be subject to fencing or screening, but perhaps landscaping. It is too restrictive.

ROGERSON stated that that applied when they were defined as an outdoor sales yard. It seems illogical, which is why we are refining the definition. There is, however, a logical requirement to provide screening as to not impact adjacent uses. It would be submitted in the plan and taken into consideration at that time. The language could be added that they adequately protect adjacent properties from decrease property values, etc., however, we should not be too specific as to limit it.

SWANSON asked if a company such as Gordon Trucking came into Sumner, how would trailer storage be dealt with?

ROGERSON explained that when there are two types of uses Staff will usually make an attempt to tailor the requirement to what portion of the business is one use and what portion of the business is another use. It is advisable to put language in there that it be submitted in their plan for review. We do not want to set up specific criteria.

SWANSON commented that it should not be so specific that it be too strict.

ROGERSON suggested that the language could be just that it provide adequate protection to adjacent property owners.

BUSH ask what the difference is between an outdoor storage yard and an outdoor utility yard?

ROGERSON stated that he would not be able to define that without the code book. He indicated that he would look that up specifically and would provide her a response tomorrow.

GANZ opened the meeting to public comment as to this agenda item. There was no public comment. GANZ closed the public hearing.

SWANSON motioned to adopt an amendment to Section 12, adding the language to expand the use. MORRISON seconded the motion and it passed unanimously.

ROGERSON advised that the Commissioners could either wait to add the additional language, or they could just strike that section. The amended language could be just a sentence that the Director shall consider that fencing and screening is adequate to protect property values on adjacent properties.

SWANSON motioned to accept the revised language as stated by Rogerson for Section 12. HAINES seconded the motion and it passed unanimously.

SWANSON motioned to accept the proposed Zoning Code Amendment package #2 as amended. HAINES seconded the motion and it passed unanimously.

NEW BUSINESS

1) Interchange Commercial Zoning Amendment (discussion)

ROGERSON explained that this is just to introduce and discuss the Interchange Commercial Zoning Amendment. This will be more formally presented in October.

ROGERSON reviewed Staff's memorandum as to this agenda item as follows:

On May 1, 2006 the City Council adopted interim development regulations related to certain light industrial uses in the Interchange Commercial (IC) zone. The affect of the interim regulations was to prohibit for 6 months certain uses that were to be studied as to their effect on commercial development in this zone. The proposed amendments are outlined as follows:

A) Proposed amendments to prohibit as a principal or accessory use: "light manufacturing, fabrication, assembling and repairing"; "truck terminals"; and "storage/warehouse and distribution facilities" in Interchange Commercial zones.

The proposed amendments prohibit certain light manufacturing/industrial uses within the IC zone that are inconsistent with the purpose and intent of the Zoning Code and the Comprehensive Plan. The amendments would create a greater land supply within the IC zone for highway/automobile oriented commercial uses that more closely match the economic goals of the City. Staff recommends that the Planning Commission DISCUSS

the amendment. The next step will be a Planning Commission Public Hearing on October 5, 2006 for action on an ordinance to implement the above mentioned zoning amendments. Public notice of the hearing will be provided to all property owners within the IC zone.

ROGERSON noted that the City Council is concerned that Staff needed time to analyze whether that type of development would be successful there. The City Council wants to know if warehouses were built there, would it deter other uses, such as restaurants, hotels, etc. The moratorium on this expires November 1st. An Ordinance will be brought before the Planning Commission at the October meeting for consideration. If the study reveals that it could have a negative effect on the uses that are the mainstream intent of that zone, Staff would propose to make those zoning codes changes permanent as to the moratorium.

HAINES asked if the meeting would be public in October?

ROGERSON indicated that it would.

MORRISON asked if this was mainly a revenue concern?

ROGERSON indicated that it is definitely a concern.

POWERS commented that property values in that area would designate that the property is too expensive for warehouses.

ROGERSON stated that that might be the case, however, there have still been inquiries since the moratorium. Staff will come back with the results of the analysis in Staff's Report. If it appears that it will not be a problem, then we will report that and will then not draft an Ordinance. If it is that there is a legitimate reason for the concern, there will be an Ordinance.

POWERS asked if Staff would also supply a map showing the area in question.

ROGERSON indicated that he would.

CORRESPONDENCE

There was no correspondence, other than the materials provided by Ryan Windish at the end of Staff's Report.

COMMISSIONER COMMENTS

GANZ asked Staff when City Council is aired on television?

ROGERSON stated that it would be at the same time as before, however, there were no meetings on August 7th and August 14th. He will look into it and report back.

SWANSON asked if September 21st is the planned get together for Planning?

ROGERSON confirmed that and noted that the time will be 6:30 p.m. It will be a quick review of the legal framing for planning in the state, and will further address historic preservation and other planning related topics. One of the presenters will be Rogerson's wife. She will be conducting a short course on local planning.

HAINES advised that September 9th is the town meeting, September 11th is half-mass per executive order from the Whitehouse, and September 19th is the primary.

SWANSON asked about the Red Apple and if there have been any proposals for the site?

ROGERSON stated that there have been some unsolicited proposals.

BUSH thanked Ryan Windish for the interesting reading materials on farming and the community.

POWERS asked if the City has bought the gas station?

ROGERSON stated that they are close to it.

STAFF COMMENTS

There were no Staff comments, as Staff's comment was address through Commissioner comments.

ADJOURNMENT

HAINES motioned to adjourn at 8:36 p.m. SWANSON seconded the motion and it passed unanimously.

Ryan Windish, Senior Planner