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## **FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT**

### **CASE NUMBER 17-06**

### ***Amendments to FMC Sections 22.58, including short-term rental establishments, home occupations, outdoor storage of vehicles and Chapter 22.98 Definitions***

**September 5, 2017 Planning Commission Meeting**

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#### **BACKGROUND:**

At the April 17, 2017 study session, the City Council directed staff to review the regulations on short-term rentals (Air B&B, VRBO), home occupations, and the outdoor parking of vehicles and/or boats. The Planning Commission held a study session on June 6, 2017 and July 10, 2017. On August 15, 2017, the Planning Commission held a public hearing.

#### **AMENDMENT PROCESS:**

Amendments to the City's development regulations are legislative actions and a Type V application proposal governed by FMC 22.05 and 22.78. The Planning Commission is required to conduct a public hearing on this matter and forward its recommendations to Council, which will conduct its own public hearing before making a final decision.

#### **ENVIRONMENTAL DETERMINATION:**

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* for the proposed critical areas amendments, on July 20, 2017. The environmental determination was issued with a 14-day comment/appeal period ending on August 3, 2017. The City has not received any comments or notice of appeal.

#### **DEPARTMENT OF COMMERCE NOTIFICATION:**

The City submitted a *Notice of Proposed Amendment* to the Washington State Department of Commerce on July 18, 2017. The state agency comment period ended on September 16, 2017. As of the date this staff report was issued, the City had not received any comments.

#### **PROPOSAL SUMMARY:**

Based on the discussion and direction at the August 15<sup>th</sup> hearing, staff recommends the following changes to the original draft proposal:

FMC 22.58.011 Short-term rental establishments. (page 2)

Staff was asked to establish a short-term rental permit process, similar to the home occupation permit process, to replace the proposed requirement of an administrative use permit process. To accomplish this, staff suggests the following:

- Add subsection *(b) Permit Requirements*. to establish a short-term rental permit.
- Add subsection *(c) Submittal Requirements*.
- Replace subsection *Approval*. with *(e) Processing Requirements*. establishing the director shall approval a proposed short-term rental establishment, except in the case of a room rental exceeding two bedrooms which would require a conditional use permit.

FMC 22.58.013 Home occupations. (page 5)

Staff was asked to review the parking of commercial vehicles as they relate to the home occupation standards. Based on conversations with the Public Works Director and the Police Chief, as well as comparing other sections of the code that related to commercial vehicles (see exhibit 3), staff suggests the following:

- Amend *(f)(9)* to state “The home occupation shall not include parking or storage of heavy equipment, including trucks of over one ton load capacity *or commercial vehicles in excess of 10,000 gross vehicle weight (GVW)*, within a public right-of-way or on private property outside of a fully enclosed building.”

FMC 22.58.024 Outdoor storage of vehicles.

Staff was asked to review the parking of recreational vehicles, watercraft and trailer especially as it relates to parking in the front yard. In order to reflect this change, staff suggests the following:

- Amend *(c)(4)* to state “one vehicle may be located in the front yard if parked perpendicular to the right-of-way, provided the vehicle does not extend beyond the property line and is screened from the closest abutting property by approved landscaping at least six feet in height,” removing the prioritization of side and rear yards.
- Delete *(c)(5)* “a vehicle may be parked on the driveway of a residence for a period not to exceed three days in a seven day period for the purpose of loading and unloading,” as the exception will no longer be needed.
- Amend *(c)(6)* to state “vehicles shall be parked *on an approved driveway, an existing impermeable pad established prior to the effective date of this ordinance, or a permeable, porous, or pervious surfaces that meet or exceed the standards outlined in the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington for Low Impact Development.*”

**CONCLUSIONS:**

**Fircrest Municipal Code**

***22.78.004 Criteria for amendment approval.***

Before the Planning Commission may recommend approval of an amendment request, and before the City Council may approve the amendment, each review authority shall adopt written findings showing that the following criteria are met by the proposal:

- (a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan, in particular:

Policy H1.1 Effectively implement zoning regulations, including design standards and guidelines, to help support the stability of established residential neighborhood.

Policy LU5.6 The character of existing single-family residential neighborhoods should be preserved and enhanced.

Policy LU5.9 To expand local economic opportunities for Fircrest's residents, home occupations that are compatible with the surrounding residential area shall be encouraged.

- (b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.

The proposal promotes public health and general welfare by addressing nuisance and environmental concerns related to outdoor storage and parking of vehicles, addressing potential impacts from business activity in residential neighborhoods and encouraging low impact development as it relates to parking surfaces.

**RECOMMENDATION:**

Staff recommends the Planning Commission consider the options presented within this report and adopt Preliminary Resolution 17-06, thereby recommending approval of proposed amendments.

*I move to adopt Resolution No. 17-06, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to chapter FMC 22.58 specific use and structure regulations, including short-term rental establishments, home occupations, outdoor storage of vehicles, and FMC 22.98 definitions.*

Angelie Stahlnecker

Angelie Stahlnecker  
Planning and Building Administrator

August 29, 2017

Date

**Exhibits:**

1. Preliminary Resolution No. 17-06
2. Comments received
3. Commercial Vehicles