

**FIRCREST CITY COUNCIL  
REGULAR MEETING AGENDA**




**TUESDAY, DECEMBER 12, 2017  
7:00 P.M.**

**COUNCIL CHAMBERS  
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. CALL TO ORDER BY PRESIDING OFFICER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
- 5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**  
(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
- 6. COMMITTEE, COMMISSION & LIAISON REPORTS**
  - A. Parks and Recreation
  - B. Environment, Planning and Building
  - C. Finance, IT
  - D. Administration
- 7. CONSENT CALENDAR**
  - A. Approval of [vouchers](#)/payroll checks
  - B. Approval of minutes: [November 20, 2017 Special Meeting](#)  
[November 28, 2017 Regular Meeting](#)
- 8. PUBLIC HEARING 7:15 P.M.**
- 9. UNFINISHED BUSINESS**
- 10. NEW BUSINESS**
  - A. [Motion: Budget Adjustment](#)
  - B. [Motion: Liquor License Renewal – Spring Lake Café](#)
  - C. [Resolution: December 26, 2017 Regular Council Meeting Time Change](#)
  - D. [Resolution: Legal Services for City Attorney and City Prosecutor Services Contract](#)
  - E. [Resolution: Summit Law Group Professional Services Agreement](#)
  - F. [Resolution: Planning Fee Structure – Short Term Rentals](#)
  - G. [Ordinance: 2017 Development Code Update](#)
  - H. [Ordinance: Potential Annexation of 62nd Ave W and 44th St W Area](#)
- 11. CITY MANAGER COMMENTS**
- 12. DEPARTMENT HEAD COMMENTS**
- 13. COUNCILMEMBER COMMENTS**
- 14. EXECUTIVE SESSION**
- 15. ADJOURNMENT**

COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON AGENDA

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Reviewed by:  City Manager     Finance Director     City Attorney

# ACCOUNTS PAYABLE

City Of Fircrest  
MCAG #: 0583

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
<b>15357</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7857</b>	<b>Accredited Security</b>	<b>1,198.00 Taser X26 (Quantity: 2) - Police Department</b>
521 22 49 04	CJF Programs	001 000 521	General Fund	1,198.00	Taser X26 (Quantity: 2) Refurbished Law Enforcement Model - Black (Includes XDPM Extended Digital Power Mag With Spare Cartridge Clip, Green Door 25' XP Penetration Cartridge, Blade-Tech Holster)
<b>15324</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7418</b>	<b>Alarm Center Inc</b>	<b>186.83 Service Call: Alarm Evaluation (City Hall) Labor &amp; Trip Charge</b>
518 30 48 02	Rep & Maint - City Hall	001 000 518	General Fund	186.83	Service Call: Alarm Evaluation (City Hall) Panel Normal On Arrival. Found Both Phone Lines Have Odd Voltage On The Lines. Customer To Contact IT / Telco For Service.
<b>15352</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>5428</b>	<b>Boers, Jeff</b>	<b>1,190.00 Nov 2017 Land Use Consulting (14 Hrs)</b>
558 60 41 00	Prof Svcs - Planning	001 000 558	General Fund	1,190.00	Nov 2017 Land Use Consulting (14 Hrs)
<b>15363</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4293</b>	<b>CDW Government Inc</b>	<b>2,055.90 Microsoft Office Home &amp; Business 2016 Windows (Word, Excel, Outlook, Powerpoint)</b>
518 81 49 01	Software Licenses	001 000 518	General Fund	2,055.90	Microsoft Office Home & Business 2016 Windows (Word, Excel, Outlook, Powerpoint) Does Not Include Publisher Or Access, Purchased In 2017 For Use On E.R.R. Equipment Purchases (Part #T5D-02776)
<b>15353</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6018</b>	<b>Canon Financial Services Inc</b>	<b>244.61 Police Copier Rental (Nov 2017)</b>
521 22 45 00	Oper Rentals - Copier - Pol	001 000 521	General Fund	244.61	Contract Charges (11/01/17 - 11/30/17) Police
<b>15354</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6018</b>	<b>Canon Financial Services Inc</b>	<b>13.63 Police Faxboard Rental (Nov 2017)</b>
521 22 45 00	Oper Rentals - Copier - Pol	001 000 521	General Fund	13.63	Contract Charges (11/01/17 - 11/30/17) Police Fax
<b>15306</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994</b>	<b>CenturyLink</b>	<b>125.75 Direct Inward Dial - City Hall</b>
518 10 42 00	Communication - Non Dep	001 000 518	General Fund	125.75	Direct Inward Dial - City Hall
<b>15307</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994</b>	<b>CenturyLink</b>	<b>126.35 Police BA Machine / Modem</b>
521 22 42 00	Communication - Police	001 000 521	General Fund	126.35	Police BA Machine / Modem
<b>15308</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994</b>	<b>CenturyLink</b>	<b>61.36 Public Works Fax</b>
531 50 42 00	Communication - Storm	415 000 531	Storm Drain	15.34	Public Work Fax - Storm
534 10 42 00	Communication - Water	425 000 534	Water Fund (de	15.34	Public Work Fax - Water
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (de	15.34	Public Work Fax - Sewer

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542 30 42 00	Communication - Street		101 000 542 City Street Fun	15.34	Public Work Fax - Street
<b>15309</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994 CenturyLink</b>	<b>64.94</b>	<b>Parks Primary 911</b>
576 80 42 00	Communication - Parks		001 000 576 General Fund	64.94	Parks Primary 911
<b>15310</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994 CenturyLink</b>	<b>448.79</b>	<b>Circuit Line / PRI Line</b>
518 10 42 00	Communication - Non Dep		001 000 518 General Fund	448.79	Circuit Line / PRI Line
<b>15364</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994 CenturyLink</b>	<b>66.99</b>	<b>DSL Line / Telemetry</b>
534 10 42 00	Communication - Water		425 000 534 Water Fund (de	33.50	DSL Line / Telemetry - Water
535 10 42 01	Communication - Sewer		430 000 535 Sewer Fund (de	33.49	DSL Line / Telemetry - Sewer
<b>15375</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3994 CenturyLink</b>	<b>364.38</b>	<b>Nov 2017 CH, Rec, PW</b>
518 10 42 00	Communication - Non Dep		001 000 518 General Fund	60.73	Primary 911 - City Hall
518 10 42 00	Communication - Non Dep		001 000 518 General Fund	60.73	Message Line
518 10 42 00	Communication - Non Dep		001 000 518 General Fund	60.73	Alarm Line - City Hall
531 50 42 00	Communication - Storm		415 000 531 Storm Drain	30.37	Alarm Line / Primary 911 - Water
534 10 42 00	Communication - Water		425 000 534 Water Fund (de	30.36	Alarm Line / Primary 911 - Water
535 10 42 01	Communication - Sewer		430 000 535 Sewer Fund (de	30.36	Alarm Line / Primary 911 - Sewer
542 30 42 00	Communication - Street		101 000 542 City Street Fun	30.37	Alarm Line / Primary 911 - Street
576 80 42 00	Communication - Parks		001 000 576 General Fund	60.73	Alarm Line - Parks
<b>15311</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>5805 CenturyLink</b>	<b>42.43</b>	<b>Long Distance Usage &amp; Access Line</b>
518 10 42 00	Communication - Non Dep		001 000 518 General Fund	42.43	Long Distance Usage & Access Line
<b>15390</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4322 City of Tacoma - Utilities</b>	<b>2,498.73</b>	<b>Power / Various Locations</b>
534 80 47 01	Utility Services/Pumping		425 000 534 Water Fund (de	1,954.04	
535 80 47 01	Utility Services/Pumping		430 000 535 Sewer Fund (de	516.62	
542 30 47 03	Electricity/Traffic Lights		101 000 542 City Street Fun	17.10	
542 63 47 00	Electricity/Street Lights		101 000 542 City Street Fun	10.97	
<b>15383</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7064 Clothier, Shannen</b>	<b>200.00</b>	<b>Gym Fees Reimburse (May, Jun, Jul, Aug, Sep, Oct, Nov, Dec 2017)</b>
521 22 20 00	Personnel Benefits - Police		001 000 521 General Fund	200.00	Gym Fees (May, Jun, Jul, Aug, Sep, Oct, Nov, Dec 2017)
<b>15327</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3573 Copiers Northwest Inc</b>	<b>634.93</b>	<b>Copier Rental (11/28/17 - 12/28/17)</b>
512 50 45 00	Oper Rentals - Copier - Coi		001 000 512 General Fund	158.73	Copier Lease - Court
518 10 45 00	Oper Rentals - Copier - No		001 000 518 General Fund	158.73	Copier Lease - City Hall
531 50 45 00	Oper Rentals - Copier - Sto		415 000 531 Storm Drain	39.69	Copier Lease - Storm
534 10 45 02	Oper Rentals - Copier - Wa		425 000 534 Water Fund (de	39.68	Copier Lease - Water

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535 10 45 00	Oper Rentals - Copier - Sev		430 000 535 Sewer Fund (de	39.68	Copier Lease - Sewer
542 30 45 00	Oper Rentals - Copier - Stru		101 000 542 City Street Fun	39.69	Copier Lease - Street
571 10 45 01	Oper Rentals - Copier - Rec		001 000 571 General Fund	142.86	Copier Lease - Recreation
576 80 45 00	Oper Rentals - Copier - Par		001 000 576 General Fund	15.87	Copier Lease - Parks
<b>15332</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3573 Copiers Northwest Inc</b>	<b>142.13</b>	<b>Laserjet Printer Rentals (11/28/17 - 12/28/17) &amp; Copier Usage (10/28/17 - 11/28/17) Police</b>
521 22 45 00	Oper Rentals - Copier - Pol		001 000 521 General Fund	74.01	Laserjet Printer Rentals (11/28/17 - 12/28/17) Police
521 22 45 00	Oper Rentals - Copier - Pol		001 000 521 General Fund	20.47	Police Upstairs Office (10/28/17 - 11/28/17) Black
521 22 45 00	Oper Rentals - Copier - Pol		001 000 521 General Fund	4.06	Chief's Office Area (10/28/17 - 11/28/17) Black
521 22 45 00	Oper Rentals - Copier - Pol		001 000 521 General Fund	43.59	Chief's Office Area (10/28/17 - 11/28/17) Color
<b>15365</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3589 Databar Inc</b>	<b>692.37</b>	<b>Town Topics Newsletter (Dec 2017)</b>
518 10 49 01	Town Topics		001 000 518 General Fund	692.37	Town Topics Newsletter (Dec 2017)
<b>15366</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>5859 Dynamic Language</b>	<b>59.46</b>	<b>Spanish Interpreter</b>
512 50 41 03	Prof Svcs - Interpreter		001 000 512 General Fund	59.46	Spanish Interpreter (11/15/17 1.25 Hrs + Mileage) Case No. 7Z0904989
<b>15312</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6696 ECivis Inc</b>	<b>1,200.00</b>	<b>Grants Network: Subscription Access Term (09/14/17 - 09/13/18) 1 User License</b>
518 10 49 03	Dues,Member,Sub - NonDe		001 000 518 General Fund	1,200.00	Grants Network: Subscription Access Term (09/14/17 - 09/13/18) 1 User (Use Of ECivis Software To Assist In Finding Grants)
<b>15323</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3638 Fircrest Golf Club</b>	<b>1,250.00</b>	<b>Golf Tank Land Rental</b>
534 10 45 01	Land Rental/Water Tank		425 000 534 Water Fund (de	1,250.00	Golf Tank Land Rental (Dec 2017)
<b>15367</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6695 Geroy, Connie</b>	<b>59.00</b>	<b>1 Yr Library 2017</b>
572 21 49 00	Library Services		001 000 572 General Fund	59.00	1 Yr Library 2017 / Connie Geroy
<b>15325</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>5368 Gollinger, Barbara</b>	<b>40.03</b>	<b>Wellness Committee Annual Planning Meeting / Lunch Meals (4 Attendees)</b>
517 90 31 01	Health Program - Supplies		001 000 517 General Fund	40.03	Wellness Committee Annual Planning Meeting / Lunch Meals (4 Attendees) - Barb Gollinger "Round Table Buffet Salads & Soft Drinks"
<b>15369</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3672 Guardian Security Inc</b>	<b>32.70</b>	<b>Specialty Door Keys - Public Safety Building</b>
518 30 48 04	Rep & Maint - PSB		001 000 518 General Fund	32.70	Speciality Door Keys (Quantity: 5) - Public Safety Building

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<b>15379</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3692</b>	<b>Home Depot Credit Services</b>	<b>50.51 #60915D (Elgin Crosswind Sweeper) Blue Def Diesel Cleaner</b>
548 65 48 13	O & M - Storm		501 000 548	Equipment Ren	50.51 #60915D (Elgin Crosswind Sweeper) Blue Def Diesel Cleaner (4 Jugs / 2.50 Gallons Each)
<b>15393</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7470</b>	<b>Inland Answering Service Inc</b>	<b>220.00 Service For Dec 2017</b>
531 50 42 00	Communication - Storm		415 000 531	Storm Drain	55.00 Dec 2017
534 10 42 00	Communication - Water		425 000 534	Water Fund (de	55.00 Dec 2017
535 10 42 01	Communication - Sewer		430 000 535	Sewer Fund (de	55.00 Dec 2017
542 30 42 00	Communication - Street		101 000 542	City Street Fun	55.00 Dec 2017
<b>15394</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7470</b>	<b>Inland Answering Service Inc</b>	<b>220.00 Service For Jan 2018</b>
531 50 42 00	Communication - Storm		415 000 531	Storm Drain	55.00 Jan 2018
534 10 42 00	Communication - Water		425 000 534	Water Fund (de	55.00 Jan 2018
535 10 42 01	Communication - Sewer		430 000 535	Sewer Fund (de	55.00 Jan 2018
542 30 42 00	Communication - Street		101 000 542	City Street Fun	55.00 Jan 2018
<b>15330</b>	<b>11/29/2017</b>	<b>12/12/2017</b>	<b>6609</b>	<b>Irwin, Blair</b>	<b>122.90 07-00055.1 - 1541 EDWARDS AVE</b>
343 10 00 00	Storm Drain Fees & Charge		415 000 340	Storm Drain	-25.20
343 40 00 00	Sale Of Water		425 000 340	Water Fund (de	-29.35
343 50 00 00	Sewer Revenues		430 000 340	Sewer Fund (de	-68.35
<b>15313</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7850</b>	<b>Larsen, Karl</b>	<b>59.00 1 Yr Library 2017</b>
572 21 49 00	Library Services		001 000 572	General Fund	59.00 1 Yr Library 2017 / Karl Larsen
<b>15368</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>156</b>	<b>LeCompte, Karen</b>	<b>59.00 1 Yr Library 2017</b>
572 21 49 00	Library Services		001 000 572	General Fund	59.00 1 Yr Library 2017 / Karen LeCompte
<b>15328</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6939</b>	<b>Leavitt Group Northwest</b>	<b>7,250.00 Insurance Broker Fee</b>
518 30 46 00	Insurance		001 000 518	General Fund	7,250.00 Insurance Broker Fee (12/01/17 - 12/01/18) Consulting Fee Renewal
<b>15314</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>281.46 Holiday Lights, Lamp Cord Switch, Tomcat Bait Stations &amp; Refillable Bait, Mouse Traps, Epoxy Mix, Insect Strips, Rodent Bait Glue Traps</b>
518 30 31 04	Oper Sup/CH		001 000 518	General Fund	187.17 Holiday Lights (600-Ct String) - City Hall
518 30 31 04	Oper Sup/CH		001 000 518	General Fund	7.95 Lamp Cord Switch, Epoxy Mix - Court
518 30 31 04	Oper Sup/CH		001 000 518	General Fund	86.34 Tomcat Bait Stations & Refillable Bait, Mouse Traps, Insect Strips "Hobo Spider", Rodent Bait Glue Traps - City Hall

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<b>15370</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>21.90 Cable Ties (3 Packs) - City Hall</b>
518 30 31 04	Oper Sup/CH		001 000 518 General Fund	21.90	Cable Ties (3 Packs) - City Hall Walkway "Holiday Candy Cane Decoration Ties"
<b>15380</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>228.30 Outdoor Holiday Reindeer Decorations With Twinkling LED Lights (Quantity: 2) - Big Island</b>
542 80 31 04	Beautification-Supplies		101 000 542 City Street Fun	228.30	Outdoor Holiday Reindeer Decorations With Twinkling LED Lights (Quantity: 2) - Big Island
<b>15381</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6369</b>	<b>McLendon Hardware Inc (Tacoma)</b>	<b>604.10 Holiday Lights - Big Island</b>
542 80 31 04	Beautification-Supplies		101 000 542 City Street Fun	604.10	Holiday Lights - Big Island (Blue, Purple, Multi With Purple, Warm White, Green)
<b>15386</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6369</b>	<b>McLendon Hardware Inc (Tacoma)</b>	<b>860.48 Holiday Lights - Big Island</b>
542 80 31 04	Beautification-Supplies		101 000 542 City Street Fun	860.48	Holiday Lights - Big Island (Green, Red, Cool
<b>15315</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7849</b>	<b>Myers, Linda D.</b>	<b>59.00 1 Yr Library 2017</b>
572 21 49 00	Library Services		001 000 572 General Fund	59.00	1 Yr Library 2017 / Linda D. Myers
<b>15384</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7635</b>	<b>Nappi, Jessica</b>	<b>25.00 Gym Fees Reimburse (Dec 2017)</b>
513 10 20 00	Personnel Benefits		001 000 513 General Fund	16.75	Gym Fees (Dec 2017) - Jessica Nappi (Administration)
518 11 20 00	Personnel Benefits - Person		001 000 518 General Fund	8.25	Gym Fees (Dec 2017) - Jessica Nappi (Personnel)
<b>15371</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3910</b>	<b>Office Depot</b>	<b>15.70 Deluxe Lanyards</b>
513 10 31 00	Office & Oper Supplies - A		001 000 513 General Fund	15.70	Deluxe Blue Nylon Lanyards (1 Box) "Originally Thought Included On Purchase Order 39392 But Lanyard Item Was Omitted In Payment"
<b>15349</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3957</b>	<b>PC Budget &amp; Finance</b>	<b>7,200.00 2016 Annual System Access Fee CCN (SCWCS)</b>
521 22 51 01	Pierce Co Radio Communic		001 000 521 General Fund	7,200.00	2016 Annual System Access Fee / Combined Communications Network (Single County Wide Communications System)
<b>15350</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3957</b>	<b>PC Budget &amp; Finance</b>	<b>7,560.00 2017 Annual System Access Fee CCN (SCWCS)</b>
521 22 51 01	Pierce Co Radio Communic		001 000 521 General Fund	7,560.00	2017 Annual System Access Fee / Combined Communications Network (Single County Wide Communications System)
<b>15351</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3955</b>	<b>Petrocard Systems Inc</b>	<b>453.90 Gas / Fuel</b>

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548 65 31 12	Street Gas		501 000 548 Equipment Ren	11.39	Diesel Fuel - Street
548 65 31 13	Storm Gas		501 000 548 Equipment Ren	374.17	Diesel Fuel - Storm
548 65 31 14	Wtr/Swr Gas		501 000 548 Equipment Ren	68.34	Diesel Fuel - Wtr / Swr
<b>15316</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7614 Prothman</b>	<b>1,481.88</b>	<b>City Manager Search - Reimbursable Expenses</b>
513 10 41 00	Prof Svcs - Admin		001 000 513 General Fund	1,481.88	Job Listings: League Of Oregon Cities; Work Session Binders & UPS Shipping; Candidate Background Checks: Brazitis, Pingel, Reber, Sullivan; Final Interview Binders & Messenger
<b>15329</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7614 Prothman</b>	<b>2,115.48</b>	<b>Municipal Consulting Services (Bill McDonald) 11/04/17 - 11/17/17 (30.50 Hrs @\$68/Hr) Includes 2% State/City B&amp;O Tax Charge</b>
513 10 41 00	Prof Svcs - Admin		001 000 513 General Fund	2,115.48	Municipal Consulting Services (Bill McDonald) 11/04/17 - 11/17/17 (30.50 Hrs @\$68/Hr) Includes 2% State/City B&O Tax Charge
<b>15376</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3986 Puget Sound Energy, BOT-01H</b>	<b>202.42</b>	<b>Nov 2017 City Hall</b>
518 30 47 00	Public Utility Services - Cit		001 000 518 General Fund	202.42	PSE Gas - City Hall
<b>15377</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3986 Puget Sound Energy, BOT-01H</b>	<b>797.29</b>	<b>Nov 2017 Parks</b>
576 80 47 00	Public Utility Services - Pa		001 000 576 General Fund	797.29	PSE Gas - Parks
<b>15387</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3986 Puget Sound Energy, BOT-01H</b>	<b>47.12</b>	<b>Nov 2017 Public Works</b>
531 50 47 02	Public Utility Services/Bldg		415 000 531 Storm Drain	11.78	PSE Gas - Storm
534 10 47 00	Utility Services/Building -		425 000 534 Water Fund (de	11.78	PSE Gas - Water
535 10 47 00	Utility Services/Building -		430 000 535 Sewer Fund (de	11.78	PSE Gas - Sewer
542 30 47 02	Electricity & Gas/Bldg - St		101 000 542 City Street Fun	11.78	PSE Gas - Street
<b>15378</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>5710 Rainier Connect</b>	<b>99.95</b>	<b>Internet Access Monthly Fee</b>
518 81 42 00	Communication - I/S		001 000 518 General Fund	99.95	Internet Access Monthly Fee (Dec 2017) - Cable Modem Service
<b>15348</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>337 Roberts, Christopher</b>	<b>10.00</b>	<b>Firearms Training / Lunch Meal</b>
521 22 43 00	Travel - Police		001 000 521 General Fund	10.00	Firearms Training / Lunch Meal - Chris Roberts (11/20/17 @Pierce County Shooting Range)
<b>15326</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7851 Robyn, Mark</b>	<b>65.00</b>	<b>Refund Business License / Mark Robyn "Fun On Film Productions" License No. 604186981-001-0001</b>

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321 99 00 00	Business Licenses & Permi		001 000 320 General Fund	-65.00	Refund Business License / Mark Robyn "Fun On Film Productions" License No. 604186981-001-0001 (Unaware Of Home Occupation Fee, Canceling Business License Altogether)		
<b>15317</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>6088</b>		<b>Sentinel Pest Control Inc</b>	<b>109.90</b>	<b>Standard Rodent Coverage - Community Center (09/12/17 - 11/13/17)</b>
518 30 48 01	Rep & Maint - Rec Bldg		001 000 518 General Fund	109.90	Standard Rodent Coverage - Replenished Bait In All Stations		
<b>15322</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7308</b>		<b>SiteCrafting Inc</b>	<b>99.00</b>	<b>WordPress Managed Hosting (11/15/17)</b>
518 81 41 02	Web Design & Maintenanc		001 000 518 General Fund	99.00	WordPress Managed Hosting (Bill Date: 11/15/17) "cityoffircrest.net"		
<b>15392</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4690</b>		<b>Sound Inspections LLC</b>	<b>1,520.03</b>	<b>11/01/17 - 11/30/17</b>
524 20 41 01	Bldg Inspec/Plan Review		001 000 524 General Fund	1,520.03	11/01/17 - 11/30/17		
<b>15318</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4084</b>		<b>Staples Business Advantage</b>	<b>88.35</b>	<b>Printer Stand - Court</b>
512 50 35 00	Small Tools & Equip-Cour		001 000 512 General Fund	88.35	Gillespie Cherry Wood Printer Stand - Court (SAA No. 1584)		
<b>15321</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4107</b>		<b>Summit Law Group</b>	<b>96.00</b>	<b>October 2017</b>
518 11 41 00	Prof Svcs - Personnel		001 000 518 General Fund	96.00	October 2017 Legal Counseling (Assistance With Personnel) "Telephone Call With City Manager"		
<b>15372</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4110</b>		<b>Superior Linen Service</b>	<b>70.30</b>	<b>11/09/17 Exchange Service</b>
576 80 49 00	Miscellaneous - Parks		001 000 576 General Fund	70.30	11/09/17 Exchange Service		
<b>15373</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4110</b>		<b>Superior Linen Service</b>	<b>70.30</b>	<b>11/23/17 Exchange Service</b>
576 80 49 00	Miscellaneous - Parks		001 000 576 General Fund	70.30	11/23/17 Exchange Service		
<b>15382</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4120</b>		<b>Tacoma Daily Index</b>	<b>41.25</b>	<b>Title 22 (Land Development) Amendments</b>
558 60 41 01	Advertising - Planning		001 000 558 General Fund	41.25	Title 22 (Land Development) Amendments		
<b>15319</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4121</b>		<b>Tacoma Diesel &amp; Equip Inc</b>	<b>653.91</b>	<b>Cummins (PSB Generator) Completed Annual Service, 14-Point Inspection. Did Not Test Transfer Switch Per Customer Request (No Issues Found)</b>
548 65 48 08	O & M - Police		501 000 548 Equipment Ren	653.91	Cummins (PSB Generator) Annual Service & Inspection (100% Police) Oil Filter, 3682 Fuel Filter, 3732 Fuel Filter, 15W-40 Oil, Oil Soaker, Labor		



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<b>15320</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4121 Tacoma Diesel &amp; Equip Inc</b>	<b>582.47</b>	<b>Katolight (PW Generator) Completed Annual Service, 14-Point Inspection. Did Not Test Transfer Switch Per Customer Request (No Issues Found) Oil Filter, Fuel Filter, 15W-40 Oil, Oil Soaker, Labor</b>
548 65 48 12	O & M - Street		501 000 548 Equipment Ren	145.62	Katolight D50FRJ4 (PW Generator) Annual Service & Inspection (25% Street)
548 65 48 13	O & M - Storm		501 000 548 Equipment Ren	145.62	Katolight D50FRJ4 (PW Generator) Annual Service & Inspection (25% Storm)
548 65 48 14	O & M - Wtr/Swr		501 000 548 Equipment Ren	291.23	Katolight D50FRJ4 (PW Generator) Annual Service & Inspection (50% Wtr/Swr)
<b>15374</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4133 Tacoma Rubber Stamp</b>	<b>59.24</b>	<b>Name Plate: Scott Pingel</b>
513 10 31 00	Office & Oper Supplies - A		001 000 513 General Fund	59.24	Name Plate: Scott Pingel (City Manager)
<b>15391</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4139 Tapco Visa Card</b>	<b>313.17</b>	<b>Amazon.Com / External Hard Drive Units (3)</b>
518 81 35 00	Small Tools & Equip - I/S		001 000 518 General Fund	313.17	Amazon.Com / Seagate Expansion 4TB Portable External Hard Drive USB 3.0 Units (Quantity: 3) To Provide Baremetal Recovery Of City Server (SAA No.'s 1587, 1588, 1589) - Computer Room
<b>15388</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4178 University Place Refuse Inc</b>	<b>850.00</b>	<b>Drop Box Charges - Street Sweepings</b>
531 50 47 01	Dumping Fees - Storm		415 000 531 Storm Drain	850.00	Drop Box Charges - Street Sweepings
<b>15389</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4179 Unum Life Insurance Company of America</b>	<b>39.00</b>	<b>Retired Benefits (Dec 2017)</b>
521 22 20 02	LEOFF I Long Term Care ]		001 000 521 General Fund	39.00	Retired Benefits (Dec 2017)
<b>15331</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>4188 Verizon Wireless LLC</b>	<b>263.37</b>	<b>Share Plan (14 Phones)</b>
513 10 42 00	Communication - Admin		001 000 513 General Fund	14.67	Administration - City Manager
518 30 35 00	Small Tools & Equip-Fac		001 000 518 General Fund	1.08	Facilities - Equipment Charges: Replacement Phone For Senior Maintenance Supervisor (Discounted Rate) Purchase Order No. 39642
518 30 42 00	Communication - Fac/Equi		001 000 518 General Fund	39.10	Facilities - (3) Staff
521 22 42 00	Communication - Police		001 000 521 General Fund	193.83	Police - Chief, Sergeant, (7) Officers
576 80 42 00	Communication - Parks		001 000 576 General Fund	14.69	Parks - Maintenance Supervisor
<b>15355</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>339 Villamor, John</b>	<b>61.00</b>	<b>E-Bay / Evidence Markers (2 Sets)</b>
521 22 31 00	Office & Oper Supplies - P		001 000 521 General Fund	61.00	E-Bay / Evidence Markers (2 Sets) "Yellow Plastic Tent Style" - John Villamor
<b>15356</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>7640 Washington State Treasurer's Office</b>	<b>32.50</b>	<b>Fircrest Police Forfeiture Reporting - Q4/2017</b>

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521 21 49 00	Miscellaneous Investigation		105 000 521 Police Investigat	32.50	Fircrest Police Forfeiture Reporting - 4th Quarter 2017 Per RCW 10.105.010 (7)
<b>15385</b>	<b>12/12/2017</b>	<b>12/12/2017</b>	<b>3645 Wright Express FSC, WEX BANK</b>	<b>2,102.47</b>	<b>Gas / Fuel</b>
548 65 31 06	Facilities Gas		501 000 548 Equipment Ren	126.73	Facilities Gas
548 65 31 08	Police Gas		501 000 548 Equipment Ren	1,306.03	Police Gas
548 65 31 11	Parks/Rec Gas		501 000 548 Equipment Ren	63.78	Parks Gas
548 65 31 12	Street Gas		501 000 548 Equipment Ren	340.58	Street Gas
548 65 31 14	Wtr/Swr Gas		501 000 548 Equipment Ren	265.35	Wtr / Swr Gas

Report Total: 50,161.96

Fund

001 General Fund	38,976.02
101 City Street Fund	1,928.13
105 Police Investigation Fund	32.50
415 Storm Drain	1,082.38
425 Water Fund (department)	3,474.05
430 Sewer Fund (department)	825.62
501 Equipment Rental Fund	3,843.26

This report has been reviewed by:

REMARKS:

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Date

**CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Hunter T. George called the special meeting to order at 6:00 P.M. and led the pledge of allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, and Denny Waltier were present. Councilmember Jason Medley was absent and excused.

**AGENDA MODIFICATIONS**

There were none.

**POLICE VEHICLE EQUIPMENT RENTAL AND REPLACEMENT SCHEDULE**

Interim City Manager McDonald introduced the agenda item to the Council on the comparison of a 7-year life of five police vehicles versus a 10-year life of an eight police vehicle fleet that allows for one spare vehicle. Finance Director Corcoran briefed the Council on the data assumptions and relevant information used by staff to determine the values associated with the Equipment Rental and Replacement (ERR) replacement contribution net effect of going from a 7-year life with five vehicles to a 10-year life with eight vehicles, the salary difference for the term of the contract, the capital outlay due to the increase of the fleet, and the overall cost to the City. After reviewing the impacts of both an increase in size of fleet and a 10-year schedule, Corcoran stated that the 2018 Budget remains with a 7-year life schedule until Council makes a formal policy change to the schedule, and recommended an ERR Council study session to cover all City vehicles in the first quarter of 2018.

After a brief discussion on the methodology and assessment of the Police Guild contract salary savings, McDonald stated the information provided represents what the costs and values are to increasing the size of the police vehicle fleet, moving to a ten year replacement schedule, and what the police bargaining unit gave up in foregone earnings. Waltier inquired if the calculations include surplus sales and Corcoran replied that the surplus sales are not significant but are put back against the ERR contributions for the upcoming years. George commented on the 7-year versus 10-year impact to the annual budget over the course of ten years. Wittner expressed concern stating that what the Police Guild forfeited during bargaining is undervalued and it has a potential for misleading the public. Surina commended the Police Department for their conservative spending and being under budget as well as their fundraising efforts over the past years.

**TAKE HOME VEHICLE UPDATE**

McDonald provided an update on the police take home vehicles. McDonald stated that the City is still presented with the problem of being able to have an eight vehicle fleet per the take home policy as the two 2018 vehicles that were recently approved will not be delivered until as early as February 2018. McDonald stated that presently the City needs one take home car to be in compliance with the Police Guild contract, and that he and Police Chief Cheesman have developed an option with City of DuPont to borrow a police vehicle that is currently not being used between now and when the 2018 vehicles are delivered. McDonald stated that this vehicle is an unmarked car and has a partition cage. McDonald indicated that the City of Fircrest would have to purchase and equip this vehicle with a radio, which, once the 2018 police vehicles are delivered, can be installed in one of the 2018 vehicles. McDonald stated that this would show a good faith effort to be in compliance with the Police Guild contract.

**2017 DEVELOPMENT CODE UPDATES**

Planning and Building Administrator Stahlnecker briefed the Council on the 2017 Development Code updates, which include proposed amendments relating to zoning and subdivision regulations contained in various chapters of Title 22 Land Development as directed by Comprehensive Plan Goal LU12. Stahlnecker indicated staff initiated these amendments in order to refine permit process, ensure consistency with Comprehensive Plan, address changing conditions, implement legal advice, and clarify and improve code administration. Stahlnecker stated this study session would provide the Council an opportunity to ask questions before the scheduled November 28, 2017 public hearing, and that these amendments would be legislative in action most likely scheduled for the December 12, 2017 meeting.

There was a brief question and answer session on Commercial Mixed Use permitted uses and drive through facilities, which included input from Principal Planner Jeff Boers on the proposed residential zone articulation amendment.

**AMENDMENTS TO F.M.C. 22.58.024 OUTDOOR STORAGE OF VEHICLES**

George brought attention to the submitted written public comment by Penny Drost, 944 Alameda Avenue, for the record relating to the proposed changes to Chapter 22.58 FMC regarding the storage of recreational vehicles on one's property. After seeking input from the Council and staff on postponing this item to 2018 when the new Council convenes, George obtained a consensus to postpone this item to 2018.

**COPY MACHINE LEASE VERSUS PURCHASE**

Finance Director Corcoran briefed the Council on the copier machine lease versus purchase as the lease with Copiers Northwest is set to expire in December 2017. Corcoran provided the price difference between the lease versus purchase options and outlined items to consider if the Council opted to purchase the copier machines. Corcoran indicated that even though there is a cost savings of \$6,191.77 to purchase versus leasing over a five-year lease term, the fund balance would decrease by \$27,636 under the purchase option. Corcoran stated that the maintenance cost would be the same for both options except maintenance service would not be available on purchased machines after five years. Corcoran stated that the 2018 Budget includes the lease option. After deliberating the advantages and disadvantages of these options, there was a consensus to lease the copier machines.

**PROCESS FOR FILLING A COUNCIL VACANCY**

City Attorney Smith briefed the Council on the procedures for filling in a Council vacancy. Smith stated that the Council Rules of Procedures adhere to RCW 42.12.070, which state that the members of the governing body shall appoint a qualified person to fill the vacant position within 90 days of the occurrence of the vacancy. Smith indicated this vacancy has created a unique window of time where the vacancy occurred one week after the elections, and indicated the City has two options: do nothing and let that position fill itself by operation of law based on the election that recently occurred or the Council could appoint to fill Position #1 at the next regularly scheduled Council meeting. Smith stated that should the Council appoint someone at the next regularly scheduled meeting, that person would serve until Position #1 is filled by operation of law once the elections are certified and in effect in 2018. The Council discussed maintaining the status quo as well as potential scenarios where it would be advantageous to have

a full Council for the remainder of the calendar year. Surina asked Position #1 Councilmember-Elect, David Viafore, his preference; Viafore stated that the Council should appoint a qualified person within 90 days per the aforementioned RCW and that he has been the person elected for that position and believes the citizens should be served. After a brief discussion, there was a consensus to add an agenda item to the November 28, 2017 regular Council meeting to fill the Council vacancy.

**ADJOURNMENT**

**Reynolds Moved to adjourn the meeting at 7:30 P.M., seconded by Waltier. The Motion Carried Unanimously.**

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Hunter T. George, Mayor

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Jessica Nappi, City Clerk

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

Mayor Hunter T. George called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Shannon Reynolds, Brett Wittner, Blake Surina, Denny Waltier, and Jason Medley were present. Also in attendance, Councilmember David Viafore after Oath of Office.

**PRESIDING OFFICER’S REPORT**

George added items under the Presiding Officer’s Report regarding the appointment of a Mayor Pro Tempore and introduction of the City’s newest police officer as well as an item under New Business regarding the Weathervane waterline replacement.

**A. Filling in a Council Vacancy**

The City Clerk briefed the Council on the rules and procedures for filling in a council vacancy as prescribed by the Fircrest Council Rules of Procedures and RCW 42.12.070, and provided the background of the November 20, 2017 Council consensus of bringing this item with the consideration of Position #1 Councilmember-Elect David Viafore to fill in the vacancy for the remainder of the unexpired term to the November 28, 2017 regular Council meeting. **Medley MOVED to appoint Councilmember-Elect David Viafore to Position #1 for the remainder of the unexpired term; seconded by Reynolds.** George invited councilmember comment; none was provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

The City Clerk administered the Oath of Office to Councilmember Viafore. The Council and those in attendance applauded the welcoming of Viafore to the Council.

**B. Appointing a Mayor Pro Tempore**

George stated that there is interest in appointing a Mayor Pro Tempore for the remainder of the unexpired term. **Waltier MOVED to appoint Shannon Reynolds to the position of Mayor Pro Tempore for the remainder of the unexpired term; seconded by George.** George invited councilmember comment; none was provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**C. Introduction of New Police Officer**

Police Chief Cheesman introduced the City’s newest police officer on staff, Officer John Roberts. Council welcomed Officer Roberts and thanked him for joining the team.

**CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

George invited public comment. None were provided.

**COMMITTEE, COMMISSION AND LIAISON REPORTS**

**A. Water, Sewer, Storm**

Waltier provided a brief update on the Weathervane waterline replacement project.

**B. Storm, Facilities, Equipment**

No updates were provided.

**C. Public Safety, Court**

George reported that he had not had the chance to meet with the Court Administer, therefore no new updates were provided.

**D. Pierce County Regional Council**

Reynolds provided an update on the Pierce County Regional Council (PCRC) November 16, 2017 meeting. Reynolds indicated that discussion items included the Regional Centers Framework, and stated that there will be a vacancy on PCRC for the Economic Development Board. Reynolds indicated she would be available to serve in that capacity if she was chosen to continue serving as the PCRC delegate in 2018.

**CONSENT CALENDAR**

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 210359 through Voucher No. 210419 in the amount of \$116,082.45; approval of Payroll Check No. 12995 in the amount of \$30.77; approval of Payroll Check No. 12996 through Payroll Check No. 13001 in the amount of \$89,892.87; and approval of the November 14, 2017 regular meeting minutes. **Medley MOVED to approve the Consent Calendar as read; seconded by Reynolds. The Motion Carried Unanimously.**

**PUBLIC HEARING**

**A. 2017 Development Code Updates**

At 7:18 P.M., George opened the public hearing and invited public testimony. Planning and Building Administrator Stahlnecker briefed the Council on the 2017 Development Code updates, which include proposed amendments relating to zoning and subdivision regulations contained in various chapters of Title 22 Land Development as directed by Comprehensive Plan Goal LU12. Stahlnecker stated that the City continues to refine its permit process and periodically review and revise the code to ensure consistent implementation of the Comprehensive Plan and other State and Federal mandates. George invited councilmember comment; Viafore raised a concern regarding proposed height maximum change to F.M.C. 22.34.005 as well as proposed change to remove vehicle repair facilities from F.M.C. 22.50.004. Stahlnecker clarified that the current code does not allow vehicle repair facilities unless they were established before the year 2002 and since there are no existing vehicle repair facilities in the City, this proposed housekeeping amendment would clean up the code. Viafore expressed concern regarding the potential impact of the proposed CMU Drive Through Facilities amendments on the public process and citizen's rights to due process; to which Stahlnecker clarified that the proposed amendments would increase the design guidelines and provide potential developers an opportunity to demonstrate that stacking traffic backups would not impact adjacent businesses. After a brief discussion on retrofitting existing businesses and conformance to the guidelines and on the potential impacts of limiting economic development opportunity, George invited public testimony; none were provided. There was a Council consensus to request staff to report back on the reasoning behind excluding vehicle repair facilities.

At 7:41 P.M., George closed the public hearing.

**UNFINISHED BUSINESS**

**A. Adoption of Preliminary 2018 Budget as Adjusted**

Interim City Manager McDonald briefed the Council on the ordinance to adopt the annual budget for Fiscal Year 2018 and recommended adoption. **Medley MOVED to adopt Ordinance No. 1606, adopting the annual budget of the City of Fircrest for the fiscal year 2018; seconded by Reynolds.** George invited councilmember comment; George expressed concerns regarding the police sergeant promotion budget item and asked for a consensus to freeze this item until more information about the impacts are provided. There was a consensus to freeze this budget item until further Council action. George invited public comment; none were provided. George thanked everyone for their efforts, attention to detail, and input. Viafore congratulated the Council on its efforts and stated he believes the budget will serve the citizens well, and indicated he looks forward to accomplishing the goal in the 2018 Budget to review the compensation of non-represented employees. Viafore indicated he would like to see the City website better promoted to inform the public of its existence and available resources. **The Motion Carried Unanimously.**

**B. Amending City Council Rules of Procedures – Consent Calendar**

George asked if there was any objection from Council to postpone this item until the new Council convenes in January; no objections were made.

**NEW BUSINESS**

**A. Motion: 2017 End of the Year Budget Amendment**

McDonald briefed the Council on the proposed 2017 end of the year budget amendment. **Medley Moved to authorize the Finance Director to reallocate the funds as listed in the City Council Agenda summary dated November 28, 2017; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried Unanimously.**

**B. Ordinance: Establishing a Fund to be Used for Sewer Capital Projects**

McDonald briefed the Council on the proposed ordinance to establish a fund to account for sewer capital projects. George invited public comment; none were provided. **Medley Moved to adopt Ordinance No. 1607, establishing a fund to be used for all proper Sewer Capital Project purposes and adding section 3.20.241 of the Fircrest Municipal Code; seconded by Reynolds.** George invited councilmember comment; Viafore inquired why the REET fund was not included under Section 1(b). Finance Director Corcoran stated that it could be included as the language includes “but not limited to”. Medley commended the efforts to create the capital funds for Sewer, Water, and Storm Drain. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**C. Ordinance: Establishing a Fund to be Used for Water Capital Projects**

McDonald briefed the Council on the proposed ordinance to establish a fund to account for water capital projects. George invited public comment; none were provided. **Medley Moved to adopt Ordinance No. 1608, establishing a fund to be used for all proper Water Capital Project purposes and adding section 3.20.231 of the Fircrest Municipal Code; seconded by Wittner.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**



**D. Ordinance: Establishing a Fund to be Used for Storm Drain Capital Projects**

McDonald briefed the Council on the proposed ordinance to establish a fund to account for storm drain capital projects. George invited public comment; none were provided. **Medley Moved to adopt Ordinance No. 1609, establishing a fund to be used for all proper Storm Drain Capital Project purposes and adding section 3.20.451 of the Fircrest Municipal Code; seconded by Wittner.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**E. Resolution: 2016 and 2017 CCN Subscriber Fees**

McDonald briefed the Council on the proposed resolution to authorize the City Manager to make payment on the outstanding 2016 and 2017 Combined Communications Network (CCN) invoices. **Medley Moved to adopt Resolution No. 1501, authorizing the City Manager to pay and bring current charges for the use of the Single County Wide Communications System managed by the Combined Communications Network; seconded by Reynolds.** George invited councilmember comment; Viafore commented on the increase in subscriber fees and why the South Sound 911 sales tax does not cover the fees, and George and Waltier concurred that the City should properly address its concerns to the policy board via letter, resolution, and phone calls. Cheesman indicated that the Police Chief Association has also raised concerns regarding this issue as well. McDonald recommended Council maintain awareness of South Sound 911 capital projects and be engaged in that process. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**F. Resolution: BIAS Financial Software Support Agreement**

Corcoran briefed the Council on the proposed resolution to authorize entering into a professional services agreement with BIAS Software to provide maintenance support for the year 2018. **Medley Moved to adopt Resolution No. 1502, authorizing the City Manager to execute an agreement with BIAS Software to provide software support for BIAS software applications for the year 2018; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**G. Resolution: Jeff Boers Professional Services Agreement**

Stahlnecker briefed the Council on the proposed resolution to extend the professional services agreement with Jeff Boers and Associates for principal planning services. Stahlnecker stated that there is no change to the contract amount and is budgeted in the 2018 Budget, and that majority of the work is project dependent. **Medley Moved to adopt Resolution No. 1503, authorizing the City Manager to amend the professional service agreement with Jeff Boers and Associates extending the term of said Agreement through December 31, 2018; seconded by Wittner.** George invited councilmember comment; Reynolds inquired if it was necessary to recuse herself since her place of employment does business with Jeff Boers. George stated it was not necessary since she has no interest in the outcome. Surina commended Boers for his services and stated that Boers has served the City well. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**H. Resolution: Sound Inspection Professional Services Agreement**

Stahlnecker briefed the Council on the proposed resolution to extend the professional services agreement with Sound Inspection for building inspection services. Stahlnecker stated Sound Inspection has requested an increase of \$10 per hour from \$85 to \$95 due to an increase in insurance cost and required certification training. Stahlnecker indicated that she believes

Sound Inspection provides a great value, service, and expertise for that amount. **Medley Moved to adopt Resolution No. 1504, authorizing the City Manager to amend the professional services agreement with Sound Inspection LLC extending the term of said Agreement through December 31, 2018 and adjusting the hourly rate; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried Unanimously.**

**I. Resolution: NW GIS Professional Services Agreement**

Stahlnecker briefed the Council on the proposed resolution to extend the professional services agreement with NW GIS Consulting to provide on call GIS support services. Stahlnecker stated that there are no changes to the agreement, and indicated that this has been a very successful relationship, resulting in a substantial amount of gains, particularly in Public Works. **Medley Moved to adopt Resolution No. 1505, authorizing the City Manager to amend the professional service agreement with NW GIS Consulting, LLC to provide on call GIS support services through December 31, 2018; seconded by Wittner.** George invited councilmember comment; George commented on this vital work and thanked staff for these efforts. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**J. Resolution: Murraysmith Professional Services Agreement**

Public Works Director Wakefield briefed the Council on the proposed amendment to the Murraysmith professional services agreement for on call engineering services for water and sewer type projects. Wakefield recommended approval. **Medley Moved to adopt Resolution No. 1506, authorizing the City Manager to execute a second amendment to the Professional Services Agreement with Murraysmith for providing on call engineering services for water and sewer type projects as needed; seconded by Reynolds.** George invited councilmember comment; Viafore inquired on the rate increase. Wakefield stated that the agreement does not have a contract amount as the work will be authorized by task order for each task, and indicated that rates will increase 3-5% since the last amendment. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**K. Resolution: KPG, P.S. Professional Services Agreement**

Wakefield briefed the Council on the proposed amendment to the KPG, P.S. professional services agreement for on call engineering services for transportation type projects. Wakefield recommended approval. **Medley Moved to adopt Resolution No. 1507, authorizing the City Manager to execute a second amendment to the Professional Services Agreement with KPG, P.S. for providing on call engineering services for transportation type projects as needed; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**L. Resolution: APEX Professional Services Agreement**

Wakefield briefed the Council on the proposed amendment to the APEX Engineering professional services agreement for on call engineering services for surveying and mapping type projects. Wakefield recommended approval. **Medley Moved to adopt Resolution No. 1508, authorizing the City Manager to execute a second amendment to the Professional Services Agreement with Apex Engineering LLC for providing on call engineering services for surveying and mapping type projects as needed; seconded by Waltier.**

George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**M. Resolution: Copy Machine 2018 Lease Agreement**

Corcoran briefed the Council on the copier machine 2018 sixty-month lease and maintenance agreement and recommended adoption. Reynolds **Moved to adopt Resolution No. 1509, authorizing the City Manager to execute a sixty month lease and maintenance agreement with Copiers Northwest to provide copiers and maintenance agreements for City Hall, Court, Parks and Recreation, and Public Works; seconded by Wittner.** George invited councilmember comment; Surina indicated he would be voting against this item as there would be a savings under the purchase option. George invited public comment; none was provided. **The Motion Carried 5-2 with Surina and Medley casting the dissenting votes.**

**N. Ordinance: Weathervane Waterline Replacement Project Emergency**

Reynolds **Moved to adopt Ordinance No. 1610, declaring an emergency relating to the repair and replacement of the water main located along Weathervane Avenue between 44th Street and Weathervane Court and waiving the public bidding requirements of RCW 39.04.280 to perform the water main relocation work; seconded by Reynolds.** Corcoran stated that even though the Auditor's office requires a resolution, in order to be in compliance with Fircrest City Council Rules of Procedures Rule 22F, which requires that affirmative vote of at least a majority of the whole Council plus one (5 Councilmembers) is required for the passage of public emergency ordinances (which take effect immediately), the Council is being asked to adopt an ordinance and approve by a supermajority. George invited councilmember comment; none was provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**CITY MANAGER COMMENTS**

- McDonald stated that he will be meeting with the new City Manager next week to brief him on the Community Center and Pool project and the next steps for interviewing the RFQ responses submitted by qualified firms.
- McDonald thanked the Council for the opportunity to serve as Interim City Manager and stated he enjoyed working with Council and staff.
- McDonald requested consent from Council to close all City facilities on December 15, 2017 from 11:30 A.M. to 1:30 P.M. for the employee wellness luncheon. **Viafore MOVED to close all City facilities on December 15, 2017 from 11:30 A.M. to 1:30 P.M. for the employee wellness luncheon; seconded by Waltier.** George invited councilmember comment; none was provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

**DEPARTMENT HEAD COMMENTS**

- Cheesman thanked Council for allowing staff to get together for the upcoming wellness luncheon. Cheesman stated that the Fircrest Police Department is hosting an Earthquake Preparedness presentation with Pierce County Emergency Management with refreshments provided by Fircrest Kiwanis and is scheduled for November 30, 2017 from 6:30 P.M. to 8:00 P.M. at the Fircrest Recreation Center. Cheesman stated that he is coordinating efforts with Parks and Recreation Director Jeff Grover for the December 3, 2017 Tree

Lighting Ceremony and is planning on picking up the holiday sleigh for the event. Cheesman thanked McDonald for his service and efforts.

- Grover provided a brief update on the pool repair investigation, and briefed the Council on the entertainment scheduled for after the Tree Lighting Ceremony.
- Wakefield provided a brief update on the Weathervane Waterline Replacement project, stating that is underway and expected to be completed soon. Wakefield indicated that the residents have been informed throughout the duration of the project with the assistance of a local resident.

### **COUNCILMEMBER COMMENTS**

The Council thanked McDonald for his service to the City and stated it was a pleasure working with him on the City Manager recruitment efforts. Additional councilmember comments included:

- Waltier commented on listing the upcoming Earthquake Preparedness on the City website.
- Surina noted the number of those in attendance who have served as Mayor of Fircrest.
- Reynolds thanked the Council for allowing her to serve as Mayor Pro Tempore for the remainder of the unexpired term.
- Viafore thanked the Council for the appointment to Position #1 and thanked all the City Managers who were involved in development of the 2018 Budget. Viafore noted the presence of former Fircrest Mayor and Planning Commission Vice-Chair Kathy L. McVay in the audience. Viafore congratulated Mayor Pro Tempore for her appointment. Viafore noted that there are several street lights outages and asked Cheesman and his patrol to coordinate with Public Works. Viafore sent out his condolences of the death of the niece of former Fircrest Mayor Armand Yapachino.
- George requested Council take action on canceling the December 18, 2017 Council study session and adjust the beginning meeting time of the December 26, 2017 regular Council meeting from 7:00 P.M. to 4:30 P.M. **Viafore MOVED to cancel the December 18, 2017 Council study session; seconded by Medley.** George invited councilmember comment; none was provided. George invited public comment; none was provided. **The Motion Carried Unanimously.** The City Clerk referenced F.M.C. 2.12.010 Date and Time of Meetings, which states *“The City Council shall hold regular meetings on the second and fourth Tuesdays of each month of each calendar year, beginning at 7:00 p.m. unless otherwise determined by the City Council. The council may cancel one regular meeting during any month by adoption of a resolution to such effect at least 10 days in advance of the meeting to be canceled.”* The Council requested that a resolution adjusting the December 26, 2017 regular Council meeting beginning time to 4:30 P.M. be prepared for Council consideration during the December 12, 2017 regular Council meeting. George inquired if the Fircrest police officers are properly equipped with cell phones per comments listed on a social media forum site. Cheesman stated that the officers have been equipped with new laptops and are satisfied with the new flip phones that are assigned to them.

**November 28, 2017**

**Firecrest City Council Meeting Minutes – Regular 8**

**EXECUTIVE SESSION**

There was none.

**ADJOURNMENT**

**Reynolds Moved to adjourn the meeting at 8:35 P.M., seconded by Waltier. The Motion Carried Unanimously.**

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Hunter T. George, Mayor

---

Jessica Nappi, City Clerk

**NEW BUSINESS:**        **Budget Adjustment**  
**ITEM 10A.**

**FROM:**                    **Colleen Corcoran, Finance Director**

**RECOMMENDED MOTION:**    **I move to authorize the Finance Director to reallocate the funds as listed in the City Council Agenda summary dated December 12, 2017.**

**PROPOSAL:** The Council is being asked to approve the above motion to authorize the Finance Director to reallocate the funds necessary for the expenditures listed below.

**FISCAL IMPACT:** The fiscal impact of this proposal would be an increase in expenditures with a corresponding decrease in Ending Fund Balance (EFB).

General Fund

1. Ending Fund Balance	(\$10,530)	001.508.80.00.01
2. Facilities Repair & Maint PSB	\$10,530	001.518.30.48.04

**ADVANTAGE:** This proposal will provide necessary budget for the listed City expenditures.

**DISADVANTAGES:** Reduction of Ending Fund Balance.

**ALTERNATIVES:** None identified.

**HISTORY:** The following is an explanation for why each line needs to be adjusted:

1. Decrease in Fund Balance for listed expenditures
2. Repairs to PSB for damage caused by car accident reimbursed by insurance

**NEW BUSINESS:**       **Liquor License Renewal – Spring Lake Café**  
**ITEM 10B.**

**FROM:**                 **Scott Pingel, City Manager**

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**RECOMMENDED MOTION:**   **I move to register no objections to the liquor license renewal for Spring Lake Café at 616 Regents Boulevard.**

---

**PROPOSAL:** Council is being asked to approve a motion to register no objections to the liquor license renewal for Spring Lake Café at 616 Regents Boulevard. There were no problems regarding liquor sales at this establishment. Finance, Planning, and Police have expressed no concerns regarding renewing the license.

**FISCAL IMPACT:** None known.

**ADVANTAGE:** Allows Council input on the license renewal.

**DISADVANTAGES:** None known.

**ALTERNATIVES:** Council could recommend not approving the license.

**HISTORY:** The Washington State Liquor and Cannabis Control Board sent notification of the liquor license application. Although it is within the Board’s discretion to have final authority to renew the liquor license, this is the Council’s opportunity to object to this license renewal request as authorized by RCW 66.24.010(8).

**ATTACHMENTS:** [Liquor License Renewal Application](#)  
[Staff Response Forms](#)

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 11/06/2017

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF FIRCREST  
(BY ZIP CODE) FOR EXPIRATION DATE OF 20180228

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. REGENTS CAFE LLC	SPRING LAKE CAFE 616 REGENTS BLVD FIRCREST WA 98466 7043	421622	BEER/WINE REST - BEER/WINE





**Washington State  
Liquor and Cannabis Board**

PO Box 43098, 3000 Pacific Ave. SE, Olympia WA 98504-3098, (360) 664-1600  
www.liq.wa.gov Fax #: (360) 753-2710

**November 06, 2017**

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at [wslcb@liq.wa.gov](mailto:wslcb@liq.wa.gov).

Sincerely,

*Rebecca Smith*

Rebecca Smith, Director,  
Licensing and Regulation Division

LIQ 864 07/10



**THE CITY OF FIRCREST**

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

**Applicant Information**

**Liquor License Renewal**

Applicant Name	Regents Café LLC
Establishment Name	Spring Lake Cafe
Address	616 Regents Blvd
Comments	
No concerns per Finance	
Director Signature	<i>Colleen Concoran</i>
Date	11/14/2017
Department	Finance



**THE CITY OF FIRCREST**

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Regents Café LLC		
Establishment Name	Spring Lake Cafe		
Address	616 Regents Blvd		
Comments			
<p>Zoned Neighborhood Commercial (NC). This is a permitted use subject to the performance standards listed in FMC 22.58.029. Planning and Building has no objections to the license.</p>			
Director Signature	<i>Angelia Stahlnecker</i>		
Date	11/14/17	Department	Planning/Building



**THE CITY OF FIRCREST**

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Spring Lake Cafe
Establishment Name	Spring Lake Cafe
Address	616 Regents Blvd
Comments	
We have had no problems with the service of alcohol at this establishment.	
Director Signature	<i>John Christman</i>
Date	11/14/2017
Department	Police

**NEW BUSINESS:** December 26, 2017 Regular Council Meeting Time Change  
ITEM 10C.

**FROM:** Scott Pingel, City Manager

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, changing the time of the December 26, 2017 regular Council meeting from 7:00 P.M. to 4:30 P.M.

---

**PROPOSAL:** Council is being asked to adopt a resolution changing the time of the December 26, 2017 regular Council meeting from 7:00 P.M. to 4:30 P.M. Should the Council approve this resolution, copies of the resolution will be posted at the City Hall and other Council-approved public posting places per the Fircrest Municipal Code 2.12.010.

**FISCAL IMPACT:** None known.

**ADVANTAGE:** Allows the Council to conduct its regularly scheduled meeting at an earlier time of day.

**DISADVANTAGES:** Conducting a meeting during business hours may limit the public from attending due to work conflicts.

**ALTERNATIVES:** Council could choose to not change the meeting time of the December 26, 2017 regular Council meeting time.

**HISTORY:** At the November 28, 2017 regular Council meeting, the Council requested staff prepare a resolution to change the meeting time of the December 26, 2017 regular.

**ATTACHMENT:** [Resolution](#)

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**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, CHANGING THE TIME OF THE  
DECEMBER 26, 2017 REGULAR COUNCIL MEETING FROM 7:00  
P.M. TO 4:30 P.M.**

**WHEREAS**, Fircrest Municipal Code 2.12.010 Date and Time of Meetings states “*The City Council shall hold regular meetings on the second and fourth Tuesdays of each month of each calendar year, beginning at 7:00 p.m. unless otherwise determined by the City Council. The council may cancel one regular meeting during any month by adoption of a resolution to such effect at least 10 days in advance of the meeting to be canceled. In the event any regular meeting is so canceled, copies of the resolution shall be posted at the City Hall and other council-approved public posting places.*”; and

**WHEREAS**, the Fircrest City Council desires to conduct its December 26, 2017 regular Council meeting beginning at 4:30 P.M. Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The time of the December 26, 2017 regular Council meeting will change from 7:00 P.M. to 4:30 P.M.

**Section 2.** Copies of the resolution will be posted at the City Hall and other Council-approved public posting places per the Fircrest Municipal Code 2.12.010.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December  
2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**NEW BUSINESS:** Legal Service for City Attorney and City Prosecutor Services Contract ITEM 10D.

**FROM:** Scott Pingel, City Manager

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute an amendment to the Contract for Legal Services with Comfort, Davies and Smith, P.S. for City Attorney and City Prosecutor services in 2018.

---

**PROPOSAL:** Council is being asked to adopt a resolution amending the contract for Legal Services:

Section 7. Payment: Comfort, Davies & Smith, P.S. shall receive remuneration as and for fees for services rendered each month in the sum of \$169 per hour.

**FISCAL IMPACT:** The 2017 rate is \$164 per hour. The proposed rate increase is 3%. The preliminary budget includes the proposed new rate of \$169 per hour.

**ADVANTAGE:** The contract amendment allows continuation of legal services by Attorney Michael B. Smith in 2018.

**DISADVANTAGES:** None known.

**ALTERNATIVES:** The City could consider another firm with equivalent experience.

**HISTORY:** The City contracted for decades with Comfort & Smith and then Comfort, Davies & Smith, P.S. Council authorized entering into a new legal services contract with the firm in 2003. The contract includes an automatic renewal for each succeeding calendar year. Fircrest Municipal Code 2.24.040 addresses the City Attorney's duties. The current contract lists specific duties for the City Prosecutor.

**ATTACHMENT:** [Resolution](#)



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**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY  
MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT  
FOR LEGAL SERVICES WITH COMFORT, DAVIES & SMITH, P.S.**

**WHEREAS**, the City of Fircrest has contracted with Comfort, Davies & Smith, P.S., to provide City Attorney and City Prosecutor services needed by the City; and

**WHEREAS**, the contract was first approved on December 10, 2003, and Section 7. Payment needs to be amended to provide remuneration in 2018 for services rendered each month in the sum of \$169.00 per hour. Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute this amendment to the December 10, 2003 Contract for Legal Services with Comfort, Davies & Smith, P.S., for City Attorney legal services as may be required for the City and provide the full range of prosecution services for an amount not to exceed \$169.00 per hour.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December 2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**NEW BUSINESS:** Summit Law Group Professional Services Agreement  
ITEM 10E.

**FROM:** Scott Pingel, City Manager

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute Amendment #11 to the agreement with Summit Law Group to provide personnel services in 2018.

---

**PROPOSAL:** Council is being asked to authorize an amendment to the professional services agreement with Summit Law Group to extend the date of the agreement to December 31, 2018 and update the schedule of rates. Summit Law can provide personnel services to Fircrest should the need arise.

**FISCAL IMPACT:** The 2017 rate is \$320 per hour. The City's primary counsel (Bruce Schroeder) at Summit Law is retiring at the end of the calendar year and the City's new primary contact person will be John Lee. Mr. Lee has extensive labor and employment experience, including bargaining, and his rates will be \$260 per hour in 2018. Funds are available in the Personnel Professional Services and Special Legal Counsel line items for any expenditure.

**ADVANTAGE:** Extending this agreement will provide continuity of service for any needs in 2018. Summit Law attorneys have worked with Fircrest in the past and have provided excellent service.

**DISADVANTAGES:** None known.

**ALTERNATIVES:** The City could consider another firm with equivalent experience.

**HISTORY:** Summit Law Group has provided Fircrest with legal services since December 2007. Their attorneys have worked with Fircrest on personnel matters, labor negotiations, and arbitration services.

**ATTACHMENTS:** [Resolution](#)  
[Amendment to the Professional Services Agreement](#)

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY  
MANAGER TO EXECUTE AMENDMENT #11 TO THE  
AGREEMENT WITH SUMMIT LAW GROUP TO PROVIDE  
PERSONNEL SERVICES.**

**WHEREAS**, the City of Fircrest has contracted with Summit Law Group for specialized personnel services; and

**WHEREAS**, the firm of Summit Law Group has provided such services; and

**WHEREAS**, the City desires to maintain continuity in the personnel process. Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute this amendment to the agreement with Summit Law Group to extend the term of the December 11, 2007 agreement through December 31, 2018 and to update the schedule of rates.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December 2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**AMENDMENT #11  
TO THE CITY OF FIRCREST**

**PROFESSIONAL SERVICES AGREEMENT WITH THE LEGAL FIRM OF SUMMIT  
LAW FOR PERSONNEL LEGAL SERVICES.**

This eleventh amendment is hereby made and entered into this 12<sup>th</sup> day of December 2017, by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the “City” and Summit Law Group, hereinafter referred to as “Consultant”, to be effective January 1, 2018.

**WITNESSETH:**

1. **Purpose**

The purpose of this eleventh amendment is to amend the December 11, 2007 agreement. This amendment is limited to the amendments as set forth herein. All of the remaining terms and conditions of the December 11, 2007 agreement as amended by the first amendment dated March 25, 2008, second amendment dated November 25, 2008, third amendment dated December 8, 2009, fourth amendment dated December 14, 2010, fifth amendment dated December 13, 2011, sixth amendment dated December 11, 2012, seventh amendment dated November 26, 2013, eighth amendment dated December 9, 2014, the ninth amendment dated November 24, 2015, and the tenth amendment dated December 13, 2016 shall remain in full force and effect. The amendments are as follows:

2. **Term** is hereby amended to read as follows:

This Agreement is from January 1, 2018 through December 31, 2018. It may be terminated by either party upon 30-day written notice to the other party without any liability therefore, save and except that each party shall be required to make payments for work actually accomplished prior to the giving of said notice, it being the intent of the parties hereto that each party shall receive any and all consideration due under the terms and provisions hereof up to the date of the actual cessation of said agreement. If the City terminates the Agreement, the Consultant shall only be paid for work completed up to the time the Consultant receives the written notice of termination. Exhibit B is hereby replaced with a new Exhibit B to reflect the 2018 schedule of charges.

3. **Fee Schedule** is amended per the attached 2018 Schedule of Current Rates.

4. All remaining provisions of the December 11, 2007 agreement and the first amendment dated March 25, 2008, second amendment dated November 25, 2008, third amendment dated December 8, 2009, fourth amendment dated December 14, 2010, fifth amendment dated December 13, 2011, sixth amendment dated December 11, 2012, seventh amendment dated November 26, 2013 eighth amendment dated December 9, 2014, the ninth amendment dated November 24, 2015, and the tenth amendment dated December 13, 2016 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties to these presents have executed this contract in two counterparts, each of which shall be deemed as originals, in the year and day first above mentioned.

**CITY OF FIRCREST**

**SUMMIT LAW**

By \_\_\_\_\_  
City Manager

By  \_\_\_\_\_

**Approved as to Form:**

By \_\_\_\_\_  
City Attorney

## Exhibit B

### Summit Law Group PLLC Labor and Employment Group 2018 Fee Schedule

<b>Attorneys</b>	<b>Hourly Rate</b>
Alex Baehr	\$360
Otto Klein	\$330
Rodney Younker	\$325
Shannon Phillips	\$305
Beth Kennar	\$305
Kristin Anger	\$305
Sofia Mabee	\$305
Mike Bolasina	\$305
Dan Swedlow	\$300
M. Quinn Oppenheim	\$285
Lisa Herb	\$285
Peter Altman	\$265
Sarah Hale	\$265
John Lee	\$260
<b>Legal Support Staff</b>	<b>Hourly Rate</b>
Kristen Oxwang	\$205
Catherine Brumbaugh	\$195
Donna Murbach	\$160
Linda Swanson	\$160
Kim Welsh	\$145
Karla Struck	\$145
Suzy Windes	\$145
Tina Hein	\$145

**NEW BUSINESS:** Planning Fee Structure – Short Term Rentals  
**ITEM 10F.**

**FROM:** Angelie Stahlnecker, Planning and Building Administrator

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, adding a short-term rental permit fee to the planning services fee schedule.

---

**PROPOSAL:** The Council is being asked to adopt a resolution creating a \$90 permit fee for short-term rentals.

**FISCAL IMPACT:** The City of Fircrest only anticipates 2-3 permits a year.

**ADVANTAGE:** Establishes a permit fee for the newly created short-term rental permit.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** An alternative amount could be established.

**HISTORY:** On November 14, 2017, the Fircrest City Council adopted regulations creating a short-term rental permit. Currently, there is no fee to accompany that permit. Based on its similar nature to home occupation permits, staff recommends a fee of \$90.

**ATTACHMENT:** [Resolution](#)

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, ADDING A SHORT-TERM RENTAL  
PERMIT FEE TO THE PLANNING SERVICES FEE SCHEDULE.**

**WHEREAS**, on November 14, 2017 the City Council adopted regulations creating a short-term rental permit; and

**WHEREAS**, the planning fee schedule does not identify a short-term rental permit fee. Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The Fircrest City Council hereby adopts the following fees and provisions pertaining to the processing of planning applications and related planning services

**A. Payment of Application Fees**

No application or request authorized by the Fircrest Municipal Code shall be examined or considered by the City until the applicable intake fee and deposit fees have been paid in full by an applicant:

<b>Permit Application</b>	<b>Intake Fee</b>	<b>Deposit</b>	
Major Variance	\$270	\$810	
Minor Variance	\$180	\$540	
Conditional Use	\$315	\$945	
Administrative Use	\$360	\$1,080	
Major Site Plan Review – Small <sup>1</sup> Projects	\$450	\$1,350	
Major Site Plan Review – Medium <sup>2</sup> Projects	\$720	\$2,160	
Major Site Plan Review – Large <sup>3</sup> Projects	\$1,080	\$3,240	
Major Site Plan Review – Small Projects Final	\$225	\$675	
Major Site Plan Review – Medium Projects Final	\$360	\$1,080	
Major Site Plan Review – Large Projects Final	\$540	\$1,620	
Minor Site Plan Review	\$270	\$810	
Planned Development Permit – Small <sup>1</sup>	\$450	\$1,350	
Planned Development Permit – Medium <sup>2</sup>	\$720	\$2,160	
Planned Development Permit – Large <sup>3</sup>	\$1,080	\$3,240	
Planned Development Permit – Small Final	\$225	\$675	
Planned Development Permit – Medium Final	\$360	\$1,080	
Planned Development Permit – Large Final	\$540	\$1,620	
Administrative Design Review	\$45	\$45	
<b>Plats</b>			
Preliminary Plat	\$900	\$2,700	+\$50 per lot
Final Plat	\$360	\$1,080	+\$25 per lot
Short Plat	\$180	\$540	+\$50 per lot
BLA	\$90	\$270	
Plat Alteration	\$180	\$540	+\$25 per lot
Plat Vacation	\$180	\$540	+\$25 per lot



1	<b>Development Regulations/Comprehensive Plan</b>		
2	Zoning Map	\$450	\$1,350
	Zoning Text	\$450	\$1,800
3	Comp Plan Text	\$450	\$1,800
	Comp Plan Map	\$450	\$1,800
4			
	<b>Appeals</b>		
5	Planning Commission Action	\$100	\$350
	Administrative Decision	\$100	\$350
6	SEPA Appeal	\$100	\$350
	Reconsideration	\$100	\$350
7			
	<b>Environmental Review</b>		
8	SEPA Checklist	\$200	\$340
9	EIS	\$540	\$4,320
	Critical Areas Study	\$100	\$350
10	Critical Areas Public Interest Determination	\$100	\$350
11			
	<b>Miscellaneous Permits</b>		
12	Home Occupation Type 1	\$90	
	Home Occupation Type 2	\$270	+CUP fee
13	Sign Permit	\$90	
	Short-term Rental	\$90	
14	Time Extension	50% of Original Fee	
15	Continuation Request in Advance of a Public Hearing	\$100	
16			
	<b>Engineering Services Review</b>		
17	Storm Drainage Review and Inspection SFR/Duplex		\$150 for first 2 hours; hourly rate thereafter
18	Erosion Control Review and Inspection SFR/Duplex		\$150 for first 2 hours; hourly rate thereafter
19	Site Development Permit (Engineering)		<b>Intake                      Deposit</b>
20		Small <sup>1</sup>	\$250                      \$700
21		Medium <sup>2</sup>	\$375                      \$1,250
22		Large <sup>3</sup>	\$500                      \$2,800

<sup>1</sup>Small: Less than 5 dwelling units or less than 10,000 square feet in area of new commercial construction  
<sup>2</sup>Medium: 5-20 dwelling units or 10,000 square feet to 30,000 square feet of new commercial construction  
<sup>3</sup>Large: More than 20 dwelling units or more than 30,000 square feet of new commercial construction

1 B. Calculation of Total Fees

2 1. The total fee for which the applicant shall be responsible for shall include the  
3 actual costs incurred by the City in processing the application or the request  
4 referred to in subsection A, as follows:

- 5 a) All services provided by City staff shall be charged at a rate equal to  
6 currently hourly wages and benefits, plus 15% overhead
- 7 b) All services as provided by the City Attorney shall be charged at the  
8 same standard hourly rate charged to the City for his services
- 9 c) The actual costs of mailing, publishing and posting required legal  
10 notices
- 11 d) The actual costs of reproducing maps or other graphics
- 12 e) Recording fees paid by the City of Fircrest
- 13 f) Consultant services as required in the review and or processing of  
14 the application

15 2. The total fee referred to in subsection B.1 shall be reduced by the amount of  
16 the deposit paid pursuant to subsection A. The applicant shall remit to the  
17 City the amount by which the City's actual costs exceed the deposit fee within  
18 30 days of final city approval. Failure on the part of the applicant to remit this  
19 amount within the 30-day period may, at the City's discretion, cause the final  
20 approval to be revoked. If the deposit fee exceeds the City's actual costs, the  
21 balance shall be refunded within 30 days of final approval.

22 C. Consultant Costs and Guarantee of Payment

23 If the City contracts directly with a consultant to prepare required studies or  
24 documentation, the City shall advise the applicant of the projected costs of the study  
25 prior to actual preparation. The applicant shall post a cash deposit, bond or otherwise  
26 ensure payment of such costs and the City's anticipated actual costs associated with  
27 engagement of the consultant, prior to commencement of work on the studies or  
28 documentation.

29 D. Cancellation, Withdrawal or Denial of Application or Request

30 If any application or request is withdrawn or canceled, the applicant shall remain  
responsible for payment of the City's actual costs incurred prior to its receipt of a  
written cancellation or withdrawal notification. If City action on any such application  
or request is denied, the applicant shall remain responsible for payment of the City's  
actual costs incurred prior to the denial. If an application or request is withdrawn,  
canceled or denied, the actual costs incurred by the City for which the applicant is  
responsible shall be calculated pursuant to subsection B.

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**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December  
2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**NEW BUSINESS:** 2017 Development Code Update  
**ITEM 10G.**

**FROM:** Angelie Stahlnecker, Planning and Building Administrator

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, amending Fircrest Municipal Code Title 22 Land Development Regulations.

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**PROPOSAL:** The City of Fircrest proposes to amend zoning and subdivision regulations contained in various chapters of Title 22 Land Development. The proposed amendments:

- Establish procedures for considering binding site plans and administrative interpretations;
- Modify the articulation requirements in residential zones to better achieve their original intent;
- Expand multifamily design standards to all zones that allow multifamily;
- Amend R-4-C by replacing the term “family group home and public or quasi-public building” with “other uses” and increase maximum height from 35 feet to 45 feet for other uses;
- Amend the permitted and prohibited land uses in the Commercial Mixed Use (CMU) district;
- Add liquor performance standards to the CMU;
- Streamline the review process for specific uses; and
- Establish design guidelines and reduce review level for drive through facilities.

**FISCAL IMPACT:** The proposed amendments will have no direct fiscal impact, though many of the amendments are proposed to encourage economic development.

**ADVANTAGE:** The proposed amendments will clarify code administration, fine tune regulations, and respond to input and direction received since the most recent rounds of amendments in 2015-2016. The proposed amendments will further the goals of the Comprehensive Plan.

**DISADVANTAGES:** None known.

**ALTERNATIVES:** Maintain part or all of the current code.

**HISTORY:** Land Use Element Goal LU12 of the Comprehensive Plan directs the City to continue to refine its permit process and periodically review and revise the code to ensure consistent implement of the Comprehensive Plan and other state and federal mandates. With this goal in mind, staff presented the Planning Commission with a number of potential land development code (zoning) amendments at the September 5, 2017 Planning Commission meeting. On October 3, 2017, the Planning Commission held a public hearing, reviewed the proposed amendments and forwarded a recommendation to the City Council. The City prepared an *Environmental Checklist and issued a Determination of Nonsignificance* on September 19, 2017 with a 14-day comment/appeal period ending on October 2, 2017. No comments or appeals were received. The City submitted a *Notice to Intent to Adopt Amendment with a request for Expedited Review* to the Washington State Department of Commerce on September 15, 2017. No comments were received. The City Council held a public hearing on November 28, 2017.

**ATTACHMENTS:** [Ordinance \(redline\)](#)  
[Ordinance](#)  
[Memo: CMU Zone Amendments – Vehicle Repair](#)

**CITY OF FIRCREST  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, WASHINGTON, AMENDING ORDINANCE 1575 SECTION 1 AND FMC 22.05.003, AMENDING ORDINANCE 1512 SECTION 2 AND FMC 22.07.005, ADDING A NEW SECTION FMC 22.08.004, ADDING A NEW CHAPTER 22.23, AMENDING ORDINANCE 1562 SECTION 6 AND FMC 22.32.005, AMENDING ORDINANCE 1562 SECTION 8 AND FMC 22.34.005, AMENDING ORDINANCE 1562 SECTION 10 AND FMC 22.36.005, AMENDING ORDINANCE 1562 SECTION 12 AND FMC 22.38.005, AMENDING ORDINANCE 1311 SECTION 6 AND FMC 22.40.005, AMENDING ORDINANCE 1562 SECTION 16 AND FMC 22.42.005, AMENDING ORDINANCE 1562 SECTION 17 AND FMC 22.43.005, AMENDING ORDINANCE 1562 SECTION 28 AND FMC 22.50.002, AMENDING ORDINANCE 1562 SECTION 30 AND FMC 22.50.004, AMENDING ORDINANCE 1562 SECTION 32 AND FMC 22.50.006, AMENDING ORDINANCE 1562 SECTION 33 AND FMC 22.50.007, AMENDING ORDINANCE 1562 SECTION 34 AND FMC 22.50.008, AMENDING ORDINANCE 1246 SECTION 15 AND FMC 22.58.023, AMENDING ORDINANCE 1568 SECTION 4 AND FMC 22.58.029, AMENDING ORDINANCE 1246 SECTION 16 AND FMC 22.60.012, ADDING A NEW SECTION FMC 22.64.043, ADDING A NEW SECTION FMC 22.98.445, ADDING A NEW SECTION FMC 22.98.445.1, ADDING A NEW SECTION FMC 22.98.445.2, ADDING A NEW SECTION FMC 22.98.445.3**

**WHEREAS**, the City has identified amendments that will clarify and improve code administration, improve internal code consistency, establish procedures for considering binding site plans and administrative interpretations, refine existing development standards to better achieve their original intent, allow additional land uses in certain zoning districts, prohibit several types of uses from being established in certain zoning districts, streamline the review process for specific uses by requiring administrative use permits instead of conditional use permits in some instances, and establish design guidelines that would govern the design of drive through facilities; and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt Amendment* with a request for *Expedited Review* to the Washington State Department of Commerce on September 15, 2017, which was issued to state agencies for a comment period that ended on October 2, 2017 as required pursuant to RCW 36A.70 RCW, and no comments were received; and

**WHEREAS**, the City issued a *Determination of Nonsignificance* on September 19, 2017 with a 14-day comment period ending October 2, 2017, and no adverse comments were received; and

**WHEREAS**, the Planning Commission conducted a public hearing on October 3, 2017 to accept public testimony and comment on the proposed amendments; and

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**WHEREAS**, the Planning Commission adopted the following findings in support of approval of the proposed amendments, in consideration of the criteria listed in FMC 22.78.004, prior to final action:

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

**GOAL LU12**

Fircrest should continue to refine its permit process for development and other local government approvals, as needed, to ensure that it is timely and fair to all affected parties.

**Policy LU12.1**

Development regulations shall be periodically reviewed and revised to ensure that they are consistent with and relate directly to implementation of the Comprehensive Plan and other state and federal mandates. Duplicate and unnecessary regulations should be eliminated.

**Policy LU12.2**

In the event of conflict between development regulations and this Comprehensive Plan, the provisions of this Comprehensive Plan take precedence. This policy applies immediately upon adoption of this Comprehensive Plan and amendments thereto. Development regulations that are significantly inconsistent with this Comprehensive Plan shall be given high priority for rapid revision.

(b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare by establishing a binding site plan review process as well as drive through facility design standards and guidelines that will lead to the construction of safer streets, driveways and pedestrian facilities, and result in commercial developments that are aesthetically pleasing, functional at serving all users, and sensitively designed and constructed so as to minimize impacts on adjoining uses.

**WHEREAS**, the City Council conducted a public hearing on November 28, 2017 to accept public testimony and comment on the proposed amendments; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** Ordinance 1575 §1 and FMC 22.05.003 are hereby amended to read as follows:

1 **22.05.003 Project permit application framework.**

2 **Table A – Classifications**

3	Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
4	Permitted uses not requiring site plan or design review alterations	Minor variances, minor site plans	Short plats, short plat vacations	Major preliminary site plans	Preliminary plats	Final plats	Comprehensive plan amendments
5							
6	Boundary line adjustments	Administrative use permits	Final site plans and final development plans	Conditional use permits, major variances	Plat vacations and alterations		Development regulation amendments
7							
8	Minor amendments to development plans and site plans		Design review	Major amendments to site plans and conditional use permits	Preliminary development plans and major amendments to preliminary development plans		Annexations
9							
10	Temporary accessory structures and uses		Land clearing/grading permits	Home occupations requiring CUP approval	Zoning map amendments		Area-wide rezones
11							
12	Home occupation permits		Administrative interpretation	Critical areas reasonable use exceptions			
13							
14	Accessory dwelling units		Critical areas determinations	Detached accessory dwelling units; critical areas public agency and utility exceptions			
15							
16	De minimis variance		<a href="#"><u>Binding site plan</u></a>				
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**Table B – Procedures**

Action	Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission	Planning Commission	Planning Commission
Final decision made by:	Director	Director	Director	Planning Commission	City Council	City Council	City Council
Notice of complete application/ comment period:	Not required	Not required; see FMC 22.07.004	Not required	Required	Required	Required	Not required
Open record public hearing/public review	Not required	Not required; see FMC 22.07.005	Hearing required only if director decision appealed, then hearing before planning commission	Hearing required before the planning commission, which will render final decision unless appealed to council	Hearing required before planning commission, which will forward recommendation to council	Public review required before planning commission, which will forward recommendation to council	Hearing required before planning commission and council
Closed record review/appeal hearing/decision	Not required	Not required	Not required	Closed record appeal hearing required before council only upon appeal	Closed record review required before council, which will render final decision	Closed record review required before council, which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

**Section 2.** Ordinance 1512 §2 and FMC 22.07.005 are hereby amended to read as follows:

**22.07.005 Notice of decision for administrative use permit, minor site plan review, ~~and minor variance,~~ and administrative interpretation.**

Upon issuance of a decision on a proposed administrative use permit, minor site plan review, ~~or~~ minor variance, or administrative interpretation, the director shall provide a written notice of this decision to the applicant and any parties who have provided written comment during the 10-day comment period, if applicable. The director shall also provide written notice of this decision to the planning commission.

**Section 3.** A new section is hereby adopted to read as follows:

**22.08.004 Administrative Interpretations.**

(a) Purpose. The primary objective of administrative interpretation is to ascertain the intent of the code provision at issue and to give effect to that intent. Administrative interpretation shall not be used to amend or change the code. The City’s development regulations (the Land Development Code) shall be interpreted whenever any of its



1 provisions, or the application of such provisions to any specific set of circumstances, is  
2 ambiguous, i.e., where the code is subject to two or more reasonable interpretations.

3 (b) Administration. The Director is authorized and directed to administer the provisions  
4 of this Section and shall have the authority to approve or deny administrative  
5 interpretations without a hearing in accordance with this Section.

6 (c). Procedure. The following steps shall be followed in the processing of an  
7 administrative interpretation:

- 8 1. FMC 22.06.004. Determination of Completeness;
- 9 2. FMC 22.08.001. Determination of Consistency;
- 10 3. FMC 22.07.005. Notice of Decision; and
- 11 4. FMC 22.10.004. Closed Record Decisions and Appeals (if any).

12 (d). Requirements for a Complete Application. The following materials shall be  
13 submitted to the City in order to constitute a complete application for an administrative  
14 interpretation;

15 (1) The name, address, telephone number and e-mail address of the applicant, the  
16 completed application form with the date of submission to the City and the applicable  
17 fee;

18 (2) An identification of the code provision that is the subject of the applicant's  
19 administrative interpretation, and a description of the applicant's perception of the  
20 ambiguity in the code;

21 (3) A description of the set of circumstances, the address of the property or identification  
22 of the development that the applicant believes has created the ambiguity or two or more  
23 reasonable interpretations of the code provision identified in Subsection D(2) above; and

24 (4) If the applicant is requesting an administrative interpretation relating to the  
25 applicability of a code provision to a particular piece of property, the applicant shall  
26 submit a verified statement that this property is in the exclusive ownership of the  
27 applicant, or that the applicant has submitted the request for the interpretation with the  
28 consent of all owners of the affected property.

29 (e) Criteria for Approval. Administrative interpretation shall utilize generally  
30 recognized principles of statutory and ordinance interpretation adopted by the courts of  
31 this state. In addition:

32 (1) The provisions of the Land Development Code shall be considered to include the  
minimum requirements adopted for the promotion and protection of the public health,  
safety and general welfare, and all administrative interpretations shall be made in this  
context.

(2) The provisions of the Land Development Code is not intended to interfere with,  
abrogate or annul any easements, covenants, or other agreements between parties, except

1 where the agreements may conflict with the enforcement of the Land Development  
2 Code.

3 (3) In the case of conflicts between the portions of the Land Development Code and  
4 other rules, regulations, resolutions, ordinances or statutes lawfully adopted by other  
5 authority having jurisdiction within the City, the most restrictive shall govern. In the  
6 case of conflicts between the text, maps and charts of the Land Development Code, the  
7 text shall govern unless otherwise stated.

8 (4) Zoning Map Interpretation. Where uncertainty exists as to the location of any  
9 boundaries of the zones shown on the City's Official Zoning Map, the rules of  
10 interpretation listed in FMC 22.30.004 shall apply.

11 (f) No Limitation for Final Decision. An administrative interpretation is not a project  
12 permit application, and is not subject to a deadline for issuance of a final decision.

13 **Section 4.** A new chapter is hereby adopted to read as follows:

14 **Chapter 22.23 BINDING SITE PLAN**

15 Sections:

16 22.23.001 Purpose.

17 22.23.002 Applicability.

18 22.23.003 Type of Application.

19 22.23.004 Optional Pre-application conference.

20 22.23.005 Review criteria.

21 22.23.006 Decisions.

22 22.23.007 Recording and binding effect.

23 **22.23.001 Purpose.**

24 The purpose of this chapter is to create a permit for dividing commercially zoned  
25 property, as authorized by RCW 58.17.035. On sites that are fully developed, the binding  
26 site plan merely creates or alters interior lot lines. In all cases the binding site plan  
27 ensures, through written agreements among all lot owners, that the collective lots  
28 continue to function as one site concerning but not limited to: lot access; interior  
29 circulation; open space; landscaping and drainage; facility maintenance; and  
30 coordinated parking.

31 **22.23.002 Applicability.**

32 (a) Any person seeking the use of a binding site plan to divide the person's property for  
33 the purpose of sale, lease, or transfer of ownership of commercially zoned property is  
34 required to apply for, complete, and have approved a binding site plan prior to any  
35 property division, as provided in Chapter 58.17 RCW and as required by this chapter.

36 (b) The site that is subject to the binding site plan shall consist of one or more contiguous  
37 lots legally created.

38 (c) The site that is subject to the binding site plan may be reviewed independently for  
39 fully developed sites, or concurrently with a development permit application for  
40 undeveloped land.

1 (d) The binding site plan process merely creates or alters lot lines and does not authorize  
2 substantial improvements or changes to the property or the uses thereon.

3 **22.23.003 Type of application.**

4 A binding site plan is a Type II application and the director shall make the final decision.  
5 The application shall be processed as set forth in Chapter 22.06 FMC.

6 **22.23.004 Optional pre-application conference.**

7 Prior to submittal of an application for a binding site plan, an applicant may request a  
8 pre-application conference in accordance with FMC 22.06.001. The pre-application  
9 conference is intended to enable the applicant and city staff to review a conceptual plan  
10 prior to a formal survey being conducted and documentation being submitted for the  
11 binding site plan.

12 **22.23.005 Review criteria.**

13 (a) The Director shall review the application for consistency with the Comprehensive  
14 Plan, development regulations, Chapter 58.17 RCW, and review comments provided by  
15 other governmental agencies, utilities, and interested parties, and require appropriate  
16 modifications or conditions.

17 (b) The Director shall review newly created lots to ensure the lots:

18 (1) Will continue to function and operate as one site, for fully developed sites; or

19 (2) Conform to an approved development plan including any adopted rules and  
20 regulations or required conditions as represented in an approved development plan or  
21 associated approval document, if the binding site plan is being considered with a  
22 development plan.

23 (c) If applicable, the Director shall review the environmental checklist and other  
24 available information and issue an appropriate threshold decision. The threshold  
25 decision may require measures to mitigate any significant adverse environmental  
26 impact.

27 (d) The Director shall contact the appropriate sewer purveyor to review the binding site  
28 plan for potential sewer adequacy.

29 (e) The Director shall review proposed lot sites that are known or suspected to be poor  
30 building sites because of geological hazard, flooding, wetland, or other environmental  
31 or critical area constraint or limitation, and such may be noted on the face of the site  
32 plan.

(f) The City Engineer shall review the site plan for compliance with public works codes,  
including but not limited to the adequacy of the proposed street and storm drainage  
systems.

(g) The Fire Code Official shall review the proposed site plan for fire protection issues,  
including but not limited to fire hydrant location and emergency vehicle access.

(h) In addition to other standards required by this title, the Director may require  
additional standards and conditions or it may modify the standards and conditions in  
such a manner as is necessary to:

1 (1) Maintain the intent and purpose of this title;

2 (2) Assure that a degree of compatibility shall be maintained with respect to properties  
3 and existing or potential uses within the general area; and

4 (3) Preserve the public health, safety, morals, and general welfare.

5 (i). The recommendations of the Director, City Engineer, and the Fire Code Official  
6 shall become part of the record.

7 **22.23.006 Decisions.**

8 (a) The Director may approve, approve with conditions, or deny a binding site plan.

9 (b) If the site plan meets the requirements of FMC 22.23.005 (A) through (H), the  
10 Director shall approve the binding site plan by signing the Department certificate on the  
11 face of the binding site plan.

12 (c) The binding site plan shall contain applicable descriptions or attachments setting  
13 forth limitations and conditions to which the plan is subject, including any applicable  
14 irrevocable dedications of property and containing a provision requiring that any  
15 development of the site shall be in conformity with the approved site plan.

16 (d) The Director may authorize sharing of open space, parking, access, and other  
17 improvements among contiguous properties subject to the binding site plan. Conditions  
18 of use, maintenance, and restrictions on redevelopment of shared open space, parking,  
19 access, and other improvements shall be identified on the binding site plan and enforced  
20 by covenants, easements, or other similar mechanisms.

21 (e) Effect of Approval. The approval of a binding site plan shall not be a guarantee that  
22 future permits will be granted for any structures or development within said area, and a  
23 notation to this effect shall be stated on the face of the binding site plan.

24 (f) If the binding site plan is unable to comply with the requirements of FMC 22.23.005  
25 (A) through (H), the binding site plan shall be denied.

26 **22.23.007 Recording and binding effect.**

27 (a) Prior to recording, the approved binding site plan shall be surveyed and the final  
28 recording forms shall be prepared by a professional land surveyor, licensed in the state  
29 of Washington. Surveys shall include those items prescribed by RCW 58.09.060,  
30 Records of survey, contents – Record of corner, information.

31 (b) The approved binding site plan recording forms shall include the following, in the  
32 format prescribed by the Director:

1 (1) Lots designated by number on the binding site plan within the area of the lot. Tracts  
2 shall be similarly designated and each tract shall be clearly identified with the ownership  
3 and purpose;

4 (2) Signature and stamp of the land surveyor who prepared the binding site plan;

5 (3) Reference to the recording number of the completed survey as required by this  
6 section if the boundaries have been previously surveyed;

7 (4) Reference to all agreements or covenants required as a condition of approval;

1 (5) Notarized signatures of all persons having an ownership or security interest in the  
2 land being divided;

3 (6) Approval of the City Engineer; and

4 (7) Approval of the Director.

5 (c) Binding site plans shall be recorded with the Pierce County Auditor with a record  
6 of survey.

7 (d) Lots, parcels, or tracts created through the binding site plan procedure shall be  
8 legal lots of record. All provisions, conditions, and requirements of the binding site  
9 plan shall be legally enforceable on the purchaser or any other person acquiring a  
10 lease or other ownership interest of any lot, parcel, or tract created pursuant to the  
11 binding site plan.

12 (e) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the  
13 binding site plan, that does not conform to the requirements of the binding site plan  
14 or without binding site plan approval, shall be considered a violation of Chapter 58.17  
15 RCW and shall be restrained by injunctive action and be illegal as provided in  
16 Chapter 58.17 RCW.

17 **Section 5.** Ordinance 1562 §6 and FMC 22.32.005 are hereby amended to read as  
18 follows:

19 **22.32.005 Development standards. (R4 Zone)**

20 Maximum density	4 dwelling units per gross acre.
21 Minimum lot area	8,000 square feet.
22 Maximum height	30 feet. See FMC <a href="#">22.58.007</a> for exceptions.
23 Maximum floor area ratio	0.35. See FMC <a href="#">22.58.026</a> for FAR standards.
24 Minimum front yard setback	25 feet. See FMC <a href="#">22.58.002</a> for setback reduction and allowable encroachments.
25 Minimum interior side yard setback	8 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
26 Minimum side street side yard setback	15 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
27 Minimum rear yard setback	20 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
28 Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other

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	buildings. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
Articulation	Building elevations <del>greater than</del> <b>exceeding</b> 20 feet in length, measured horizontally, shall incorporate <b>a minimum of two articulation components, such as</b> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <b>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</b> shall incorporate a minimum of three articulation components.
Accessory building standards	See FMC <a href="#">22.58.003</a> .
Maximum lot coverage for structures	40% for all structures combined.
Maximum impervious surface coverage	50% for structures and other impervious surfaces combined.
Minimum lot width	60 feet.
Minimum frontage on a public street	60 feet. 45 feet if located on a cul-de-sac or facing the inside curve of a street.
Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscape regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards	See Chapter <a href="#">22.64</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 6.** Ordinance 1562 §8 and FMC 22.34.005 are hereby amended to read as follows:

**22.34.005 Development standards. (R-4-C zone)**

Maximum density	4 dwelling units per gross acre for small lot development. 8 dwelling units per gross acre for cottage housing.
Density bonus	The following density bonuses, not to exceed 30% combined, may be permitted for small lot development: a. A 5% increase in density if $\geq 30\%$ of the development site is retained as common open space, and which must be contiguous or larger than 1 acre in area. b. A 10% increase in density if a pedestrian trail system is provided within the common open space area, consistent with a trails plan. c. A 10% percent increase in density if a minimum 35% of the required common open space is improved as an active recreational area. Active recreational areas include, but are not limited to: i. Clearly defined athletic fields and/or activity courts. ii. Recreation centers or community facilities. d. A 1% increase in density for each 5% additional increase in common open space provided beyond the minimum percentage required.
Minimum and maximum lot area	Small lot development: See Chapter <a href="#">22.63</a> FMC Cottage housing: See FMC <a href="#">22.58.027</a>
Maximum height	<del>Family group home and public or quasi-public building: 35 feet.</del> Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . <b>Other Uses: 45 feet.</b> Exceptions may be authorized per FMC <a href="#">22.58.007</a> .
Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . <del>Family group home and public or quasi-public building</del> <b>Other uses:</b> To be determined through the administrative design review process. If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.
Exterior wall modulation	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> , elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any

	elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
Articulation	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> , building elevations <del>greater than</del> <b>exceeding</b> 20 feet in length, measured horizontally, shall incorporate <b>a minimum of two articulation components, such as</b> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <b>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure</b> , shall incorporate a minimum of three articulation components.
Accessory building standards	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . If not specified, FMC <a href="#">22.58.003</a> standards will apply.
Maximum impervious surface coverage	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> , 50% for all structures and other impervious surfaces combined.
Maximum developable slope	Subject to the requirements of Chapter <a href="#">22.100</a> FMC.
Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> , see Chapter <a href="#">22.60</a> FMC.
Landscape regulations	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> : See Chapter <a href="#">22.62</a> FMC.
Design standards	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For <b>other uses</b> <del>family group home and public or quasi-public building</del> : See Chapter <a href="#">22.64</a> FMC.
Critical areas	See Chapter <a href="#">22.92</a> FMC.



1 *Calculations resulting in a fraction shall be rounded to the nearest whole number,*  
2 *with .50 being rounded up.*

3 **Section 7.** Ordinance 1562 §10 and FMC 22.36.005 are hereby amended to read as  
4 follows:

5 **22.36.005 Development standards. (R6 Zone)**

6	Maximum density	6 dwelling units per gross acre.
7	Minimum lot area	5,000 square feet.
8	Maximum height	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet. See FMC <a href="#">22.58.007</a> for exceptions.
9		
10	Maximum floor area ratio	0.35. See FMC <a href="#">22.58.026</a> for FAR standards.
11		
12	Minimum front yard setback	20 feet. See FMC <a href="#">22.58.002</a> for setback reduction and allowable encroachments.
13	Minimum interior yard setback	5 feet for first story. 8 feet for side second story. See FMC <a href="#">22.58.002</a> for allowable encroachments.
14		
15	Minimum side street side yard setback	15 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
16		
17	Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
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23	Articulation	Building elevations <del>exceeding greater than</del> 20 feet in length, measured horizontally, shall incorporate <u>a minimum two articulation components, such as</u> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <u>and exceeding 12 feet in height, measured from finished grade to top of wall</u>
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	<u>where it connects to roof structure</u> , shall incorporate a minimum of three articulation components.
Minimum rear yard setback	20 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
Accessory building standards	See FMC <a href="#">22.58.003</a> .
Maximum lot coverage for structures	40% for all structures combined, except that up to 200 square feet of a covered, unenclosed front porch having a 6-foot minimum depth may be excluded from total.
Maximum impervious surface coverage	50% for all structures and other impervious surfaces combined, except that porches excluded above, and driveway strips less than or equal to 2 feet wide leading to a detached garage in rear 50% of a lot, may be excluded from total.
Minimum lot width	50 feet.
Minimum frontage on a public street	50 feet. 35 feet if located on a cul-de-sac or facing the inside curve of a street.
Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards	See Chapter <a href="#">22.64</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 8.** Ordinance 1562 §12 and FMC 22.38.005 are hereby amended to read as follows:

**22.38.005 Development standards. (R8 Zone)**

Maximum density	8 dwelling units per gross acre.
Minimum lot area	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
Maximum height	35 feet. Exceptions may be authorized per FMC <a href="#">22.58.007</a> and through the PD review process – see Chapter <a href="#">22.76</a> FMC.

1 2 3 4	Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Setbacks and allowable encroachments to be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.
5 6 7 8 9 10	Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
11 12 13 14 15 16 17	Articulation	Building elevations <del>exceeding greater than</del> 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of three articulation components.
18 19 20	Accessory building standards	To be determined through the PD process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.003</a> standards will apply.
21	Maximum lot coverage for structures	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
22 23	Maximum impervious surface coverage	65% of the developable site area for all structures and other impervious surfaces combined.
24 25 26 27	Development not subject to planned development approval	For development that is not subject to planned development approval, or for modifications to existing development constructed prior to adoption of planned development requirements, lot size, setbacks, lot coverage and impervious surface area coverage shall comply with the development standards in FMC <a href="#">22.36.005</a> (R-6 zone).
28 29	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.

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1	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
2	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
3	Design standards	See Chapter <a href="#">22.64</a> FMC. Site-specific design guidelines may be required as part of planned development approval. <u>See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.</u>
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6	Critical areas	See Chapter <a href="#">22.92</a> FMC.
7	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	
8		

9 **Section 9.** Ordinance 1311 §6 and FMC 22.40.005 are hereby amended to read as follows:

10 **22.40.005 Development standards. (R-10-TCD Zone)**

11	Maximum density	10 dwelling units per gross acre.
12	Minimum and maximum lot area	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
13		
14	Maximum height	35 feet. Exceptions may be authorized per FMC <a href="#">22.58.007</a> and through the PD review process – see Chapter <a href="#">22.76</a> FMC.
15		
16	Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Setbacks and allowable encroachments to be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.
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19	Accessory structure standards	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.003</a> standards will apply.
20		
21	Maximum lot coverage for structures	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
22		
23	Maximum impervious surface coverage	65% of the developable site area for all structures and other impervious surfaces combined.
24		
25	Exterior wall modulation	Facades greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings and duplexes, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted
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	length of any facade shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
<u>Articulation</u>	<u>Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.</u>
Maximum % of multifamily dwelling units allowed	50% of the total number of units within a development.
Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards	See Chapter <a href="#">22.64</a> FMC. <u>See also multifamily design standards and guidelines adopted by reference in Chapter <a href="#">22.63</a> FMC.</u>
Critical areas	See Chapter <a href="#">22.92</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 10.** Ordinance 1562 §16 and FMC 22.42.005 are hereby amended to read as follows:

**22.42.005 Development standards. (R20 Zone)**

Maximum density	20 dwelling units per gross acre.
Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapter <a href="#">22.68</a> or <a href="#">22.72</a> FMC.
Maximum height	35 feet. A maximum 45-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .

1 2	Minimum front yard setback	25 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
3 4	Minimum interior side yard setback	8 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
5 6	Minimum side street side yard setback	15 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
7 8	Minimum rear yard setback	20 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
9 10	Minimum dwelling structure separation	10 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
11 12	Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of duplexes, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
13 14	Articulation	Building elevations <del>greater than</del> <u>exceeding</u> 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of three articulation components.
15 16	Maximum lot coverage for structures	55% for all structures combined. 65% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
17 18	Maximum impervious surface coverage	75% for all structures and other impervious surfaces combined.

1 2 3 4 5 6 7	Additional specific use and structure regulations.	See Chapter <a href="#">22.58</a> FMC.
8	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
9	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
10	Design standards	See Chapter <a href="#">22.64</a> FMC. <u>See also multifamily design standards and guidelines adopted by reference in Chapter <a href="#">22.63</a> FMC.</u>
11	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 11.** Ordinance 1562 §17 and FMC 22.43.005 are hereby amended to read as follows:

**22.43.005 Development standards. (R30 Zone)**

12	Maximum density	30 dwelling units per gross acre.
13	Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapter <a href="#">22.68</a> or <a href="#">22.72</a> FMC.
14	Maximum height	40 feet. A maximum 50-foot height may be authorized if one or more level of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .
15	Minimum front yard setback	25 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
16	Minimum interior side yard setback	8 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
17	Minimum side street side yard setback	15 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
18	Minimum setback abutting an R-6 or R-8 district	30 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
19	Additional setbacks	Per International Building Code.
20	Minimum dwelling structure separation	10 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.

1 2 3 4 5	Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet for all building elevations. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
6 7 8 9 10 11 12 13	Articulation	Building elevations <del>exceeding greater than</del> 20 feet in length, measured horizontally, shall incorporate <u>minimum two articulation components, such as</u> a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, <u>and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure,</u> shall incorporate a minimum of 3 articulation components.
14 15	Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
16 17	Maximum impervious surface coverage	85% for all structures and other impervious surfaces combined.
18 19	Additional specific use and structure regulations.	See Chapter <a href="#">22.58</a> FMC.
20	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
21	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
22 23	Design standards and guidelines	See Chapter <a href="#">22.64</a> FMC. See also multifamily design standards and guidelines adopted by reference <u>in Chapter <a href="#">22.63</a> FMC.</u>
24 25	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 12.** Ordinance 1562 §28 and FMC 22.50.002 are hereby amended to read as follows:

**22.50.002 Permitted uses. (CMU Zone)**

Uses permitted subject to site plan approval in accordance with Chapter [22.72](#) FMC and administrative design review approval in accordance with Chapter [22.66](#) FMC:



1 (a) Retail sales store including, but not limited to, the sale or rental of the following  
2 items: antiques, appliances (new), art and art supplies, bicycles, books, building  
3 materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware,  
4 hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and  
5 supplies, newspapers, office equipment and supplies, paint, music, pets and pet supplies,  
6 pharmaceuticals, photography supplies and processing, sporting goods, stationery, toys,  
7 vehicle parts (new/remanufactured), videos and wallpaper.

8 (b) Commercial service including, but not limited to: beauty and hair care, consulting,  
9 copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning  
10 (self-service), locksmithing, optical, pet grooming, post office or substation, printing,  
11 studio photography, real estate sales, repair of products listed in subsection (a) of this  
12 section, security, signs, tailoring, telecommunication sales, title, travel agency service,  
13 upholstery and vehicle detailing.

14 (c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee  
15 shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant  
16 and other sit-down, self-service, or take-out establishments.

17 ~~(e)~~(d) Microbeverage production facility, including microbreweries, microdistilleries  
18 and microwineries.

19 ~~(d)~~(e) Commercial office including, but not limited to: medical, dental, optometric,  
20 business and professional offices.

21 ~~(e)~~(f) Culturally enriching use including, but not limited to: art gallery, dance studio,  
22 library, museum, live theater venue and senior center.

23 ~~(f)~~(g) Laboratory, including but not limited to: medical, dental and optical.

24 ~~(g)~~(h) Civic, labor, social and fraternal organization.

25 ~~(h)~~(i) Veterinary clinic, with treatment and storage of animals within an enclosed  
26 building.

27 ~~(i)~~(j) Entertainment facility, including but not limited to: arcade, bowling alley, indoor  
28 miniature golf course, indoor movie theater, indoor skating rink, racquetball court and  
29 tennis court.

30 ~~(j)~~(k) Hotel and motel.

31 ~~(k)~~(l) Financial institution, including but not limited to: bank, savings and loan, and  
32 credit union.

~~(l)~~(m) Religious institution.

~~(m)~~(n) Family group home, including adult family home.

(o) Multifamily dwelling.

(p) Assisted living facility, including congregate care facility, convalescent home,  
hospice care center, residential care facility, and residential treatment facility.

~~(q)~~(m) Necessary public or quasi-public utility building, structure or equipment, unstaffed  
and less than or equal to 500 square feet in gross floor area (subject to compliance with  
landscape standards in Chapter [22.62](#) FMC). Excludes substation.

**Section 13.** Ordinance 1562 §30 and FMC 22.50.004 are hereby amended to read as  
follows:

**22.50.004 Conditional uses. (CMU Zone)**

Uses permitted subject to conditional use permit approval in accordance with Chapter  
[22.68](#) FMC and administrative design review in accordance with Chapter [22.66](#) FMC:

(a) Child day-care center.

(b) Preschool, accredited, public or private.

- 1 (c) Home occupation – Type II (subject to compliance with FMC [22.58.013](#)).
- 2 (d) Automobile and boat sales or rental, new or used.
- 3 ~~(e) Vehicle repair established prior to effective date of the ordinance codified in this~~  
~~section.~~
- 4 ~~(f) Mini-storage or mini-warehouse (indoor) facility only when located on a parcel that~~  
~~does not have frontage on a public street.~~
- 5 ~~(g)(e) Service station established prior to effective date of the ordinance codified in this~~  
~~section.~~
- 6 ~~(h)(f) Entertainment facility, outdoor.~~
- 7 ~~(i) Drive-in or drive-through facility (subject to compliance with FMC [22.60.012](#)).~~
- 8 ~~(j)(g) Adult entertainment establishments (subject to compliance with FMC [22.58.014](#)).~~
- 9 ~~(k)(h) Light industrial uses including: engineering-oriented pursuits such as electronics,~~  
~~robotics, 3-D printing, and the use of computer numerical control (CNC) tools;~~  
~~metalworking, woodworking, and traditional arts and crafts; small-scale assembly and~~  
~~manufacturing of products using processed materials that do not have the potential to~~  
~~create a nuisance for adjoining land uses; wholesale sale of products manufactured on~~  
~~site; and technological and biotechnological uses, including scientific research, testing~~  
~~and experimental development laboratories.~~
- 10 ~~(l)(i) Essential public facilities, as determined by FMC [22.58.022](#). Excludes family and~~  
~~general group homes and includes correctional group homes.~~
- 11 ~~(m)(j) Necessary public or quasi-public structure or equipment greater than 500 square~~  
~~feet in gross floor area (subject to compliance with landscape standards in Chapter [22.62](#)~~  
~~FMC). Excludes substation.~~
- 12 ~~(n)(k) Personal wireless service facility for which a variance is required (subject to~~  
~~compliance with Chapter [22.24](#) FMC).~~
- 13 ~~(o)(l) A use not listed above which: is not listed in another zoning district as a~~  
~~permitted or conditional use; is similar in nature to the above list of permitted and~~  
~~conditional uses; is consistent with the purpose and intent of this zoning district; and~~  
~~is compatible with the uses on adjoining properties.~~

18 **Section 14.** Ordinance 1562 §32 and FMC 22.50.006 are hereby amended to read as  
 19 follows:

20 **22.50.006 Administrative uses.**

21 Uses permitted subject to administrative use permit approval in accordance with Chapter  
 22 22.70 FMC:

- 23 (a) Outdoor sidewalk cafe or other food or beverage-serving facility or establishment,  
when located on a public sidewalk or other public right-of-way area (subject to  
compliance with FMC 22.58.017).
- 24 (b) Establishment licensed by the Washington State Liquor and Cannabis Board to serve  
liquor for on-premises consumption in an outdoor customer seating area (subject to  
compliance with FMC 22.58.029).
- 25 (c) Drive-up or drive-through facility (subject to compliance with FMC 22.60.012 and  
FMC 22.64.043).
- 26 ~~(a)(d) Light industrial uses including: engineering-oriented pursuits such as electronics,~~  
~~robotics, 3-D printing, and the use of computer numerical control (CNC) tools;~~  
~~metalworking, woodworking, and traditional arts and crafts; small-scale assembly and~~  
~~manufacturing of products using processed materials that do not have the potential to~~  
~~create a nuisance for adjoining land uses; wholesale sale of products manufactured on~~

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site; and technological and biotechnological uses, including scientific research, testing and experimental development laboratories.

~~(b)~~(e) Outdoor seasonal sales, such as Christmas tree or pumpkin patch lots, or other outdoor special event sales.

~~(e)~~(f) Personal wireless service facility (subject to compliance with Chapter 22.24 FMC).

**Section 15.** Ordinance 1562 §33 and FMC 22.50.007 are hereby amended to read as follows:

**22.50.007 Prohibited uses.**

The following uses are prohibited:

(a) ~~(a)~~ Automobile wrecking yard.

(b) Vehicle repair.

(b) Impound yard.

(c) Junk or salvage yard.

(d) Mini-storage or mini-warehouse ~~(outdoor)~~.

1 **Section 16.** Ordinance 1562 §34 and FMC 22.50.008 are hereby amended to read as  
2 follows:

3 **22.50.008 Development standards. (CMU Zone)**

4 Maximum density	30 dwelling units per acre.
5 Maximum height	45 feet. A maximum 55-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .
6 Front yard and side street side yard setback	Zero feet minimum/20 feet maximum for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.
7 Minimum interior side yard setback	10 feet for first two stories. Additional stories shall be stepped back at least 5 feet from the wall plane established for the first two stories.
8 Minimum rear yard setback	10 feet, except when abutting an R district (see below).
9 Minimum setback when abutting an R district	20 feet for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.
10 Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
11 Maximum impervious surface coverage	85% for structures and other impervious surfaces combined.
12 Exterior wall modulation	Building elevations greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4% of the length of the facade, but no less than 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 80 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement. Alternative designs that: incorporate recessed or projecting balconies; use base, middle and top treatments with different forms; include roof modulation; and/or provide strong articulation of the facade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors – in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.

1 2 3	Business hours	Limitations may be imposed through the site plan review or conditional use permit review processes in order to mitigate impacts on nearby land uses. See Chapters <a href="#">22.68</a> and <a href="#">22.72</a> FMC.
4 5 6 7 8 9 10	Limitation on nonretail use	For a lot or a group of lots having a gross lot area greater than 0.5 acres, the ground floor of buildings within 250 feet of the Mildred Street ROW on such lots shall be designed to accommodate retail use per FMC <a href="#">22.64.016</a> and FMC <a href="#">22.64.020</a> . Not more than 20% of building floor within this ground floor may be leased or otherwise made available for nonretail use. A lot with an area that exceeds 0.5 acres prior to the effective date of the ordinance codified in this section, and that is subsequently subdivided or otherwise reduced in area to less than 0.5 acres, shall remain subject to these requirements.
11 12	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
13 14	Pedestrian plaza requirements	See FMC <a href="#">22.58.016</a> .
15	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
16	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
17 18	Design standards and guidelines	See Chapter <a href="#">22.64</a> FMC. <a href="#">See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.</a>
19 20	Ground floor use of a commercial or mixed use building	See FMC <a href="#">22.64.016(a)</a> .
21 22	Continuous storefront requirement for parking structures	See FMC <a href="#">22.64.016(b)</a> .
23 24	Minimum floor to ceiling height for ground floor commercial space	See FMC <a href="#">22.64.016(c)</a> .
25 26	Minimum storefront window area for ground floor commercial space	See FMC <a href="#">22.64.020(a)</a> .
27 28 29	Large retail establishment requirements.	See FMC <a href="#">22.64.042</a> .

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1 *Calculations resulting in a fraction shall be rounded to the nearest whole number with*  
2 *0.50 being rounded up.*

3 **Section 17.** Ordinance 1246 §15 and FMC 22.58.023 are hereby amended to read as  
4 follows:

5 **22.58.023 Nonconforming lots, uses and structures.**

6 (a) Application. The provisions of this section shall apply to uses and structures which  
7 become nonconforming as a result of the application of this title to them, or from  
8 classification or reclassification of a property under this title or any subsequent  
9 amendments thereto.

10 (b) Continuation of Nonconforming Uses and Structures. Any lawful use of land and/or  
11 building or structure existing, under construction, or for which a building or use permit  
12 has been granted and was still in force at the time this title became effective may be  
13 continued, even though the use does not conform to the provisions of the district in which  
14 it is located, subject to the following conditions:

15 (1) Enlargement. No building, structure or land that is nonconforming by reason of use  
16 shall be enlarged or expanded; provided, that normal upkeep, repairing and maintenance  
17 of nonconforming buildings and structures is permitted outright, provided the activities  
18 do not increase the nonconformity of the buildings or structures.

19 (2) Replacement. Any building or structure nonconforming by reason of use which has  
20 been damaged or destroyed by fire, earthquake, flood, wind or other disaster may be  
21 restored and the occupancy or use of the building, structure or part thereof which existed  
22 at the time of damage or destruction may be continued subject to all provisions of this  
23 title, but the restoration of the nonconforming building or structure shall not serve to  
24 extend or increase the nonconformance of the original building, structure or use. Any  
25 reconstruction authorized by this section shall commence within one year of the damage  
26 and shall be substantially completed within 18 months of the date the damage occurred.

27 (3) ~~Vacation~~Abandonment. If any nonconforming use of land and/or building or  
28 structure is ~~vacated~~abandoned for a period of one year, nonconforming rights shall  
29 automatically terminate and any future use of the land and/or building or structure shall  
30 conform to the zoning district in which it is located. Notwithstanding this one-year  
31 automatic termination, ~~vacation~~abandonment may also be deemed to be an act or failure  
32 to act on the part of the property owner which indicates an intention that the property  
owner does not claim or retain any interest in the right to the nonconforming use.

(4) Structural Alteration – Enlargement of Nonconforming Building or Structure. A  
building or structure which is nonconforming only by reason of substandard yard or  
height may be structurally enlarged, provided the enlargement does not increase the  
nonconformance, and further provided the enlarged building or structure conforms with  
bulk regulations relating to lot coverage or impervious surface coverage.

(5) Structural Alteration – Replacement of Nonconforming Building or Structure. A  
building or structure which is nonconforming by reason of substandard yard, height, lot  
coverage, impervious surface coverage, or other bulk regulation, may be restored or  
rebuilt as it originally existed upon the original foundation and perimeter, if it is  
damaged or destroyed by fire, earthquake, flood, wind or other natural disaster.  
Enlargement of the building or structure from the original design may occur in  
accordance with subsection (b)(4) of this section.

1 (6) Structural Alteration – Repair of Nonconforming Building or Structure. A building  
2 or structure which is nonconforming by reason of substandard yard, height, lot coverage,  
3 impervious surface coverage, or other bulk regulation, may be repaired or restored to its  
4 original or comparable condition and design. Modifications to the original design of the  
5 building or structure may occur in accordance with subsection (b)(4) of this section.

6 (7) Change of Conforming Use. Whenever a nonconforming use has been changed to a  
7 conforming use, it shall not revert to the same or different nonconforming use.

8 (8) Change of Ownership. Change of ownership, tenancy or management of a  
9 nonconforming use shall not affect its legal, nonconforming status.

10 (9) Annexation Resulting in Nonconformity. Any lawfully existing use of land or  
11 building or structure located in an unincorporated area which, through annexation,  
12 becomes nonconforming, shall be deemed a legal, nonconforming use, building or  
13 structure.

14 **Section 18.** Ordinance 1568 §4 and FMC 22.58.029 are hereby amended to read as  
15 follows:

16 **22.58.029 Establishments serving liquor for on-premises consumption.**

17 (a) Establishments licensed by the State of Washington Liquor and Cannabis Board to  
18 serve beer, beer and wine, or spirits, beer and wine for on-premises consumption are  
19 permitted in specified zoning districts. Such establishments providing outdoor customer  
20 seating ~~in the NC district~~ are subject to administrative use permit approval in accordance  
21 with Chapter 22.70 FMC.

22 (b) At a minimum, the following performance standards shall apply to establishments  
23 serving beer, beer and wine, or spirits, beer and wine for on-premises consumption  
24 within the NC ~~zone~~ District. Additional requirements may be imposed in accordance  
25 with Chapter 22.70 FMC for those establishments providing outdoor customer seating  
26 in the NC district. Establishments operating out of compliance with the following  
27 provisions are subject to enforcement action under Chapter 22.95 FMC:

28 (1) Hours of Operation. The sale, service, and consumption of alcohol is prohibited after  
29 10:00 p.m.

30 (2) Outdoor Customer Seating. Outdoor seating may be provided for customer use no  
31 later than 8:00 p.m. on Sundays through Thursdays, and no later than 9:00 p.m. on  
32 Fridays and Saturdays. Outdoor seating areas shall be closed to customers during other  
times. A 30-minute grace period is allowed for staff to clean the outdoor premises after  
customer seating hours have ended. The city may limit the amount of outdoor customer  
seating to minimize potential impacts on residentially zoned properties.

(3) Speakers. Music or other programming emanating from any outdoor speakers on the  
premises shall only be allowed during approved outdoor customer seating hours. Sounds  
coming from speakers on the premises, whether located inside or outside the building,  
shall not be audible from residentially zoned properties.

(4) Bottle Handling. Bottles and other trash and recyclable materials shall not be  
deposited in any exterior refuse or recycling totes, dumpsters or other receptacles during  
the hours of 9:00 p.m. to 7:00 a.m.

1 (5) Exterior Appearance. The business establishment shall maintain the exterior of its  
2 premises in a neat and clean condition at all times. All refuse collection containers,  
3 including recycling containers, shall be screened in accordance with FMC 22.58.008(d).  
4 This provision shall apply to new establishments as well as establishments existing on  
the effective date of the ordinance codified in this section that expand business  
operations to include the sale of liquor by the drink for on-premises consumption.

5 (6) Exterior Lighting. Exterior lighting shall comply with the outdoor lighting  
6 regulations in FMC 22.58.018 to ensure that it does not impact nearby properties.

7 (7) Sidewalk Cafes. A business establishment intending to establish outdoor business  
8 seating on a public sidewalk or other public right-of-way area shall comply with the  
9 sidewalk cafe regulations in FMC 22.58.017.

10 (c) The performance standards listed in subsection (b) shall apply to establishments in  
11 the CMU District serving beer, beer and wine, or spirits, beer and wine for on-premises  
12 consumption, except that for items (1), (2), and (4), alternative hours of operation,  
13 outdoor customer seating hours, and bottle handling hours may be authorized through  
14 the administrative use permit approval process in accordance with Chapter 22.70 FMC.  
15 Additional requirements may be imposed in accordance with Chapter 22.70 FMC for  
16 those establishments providing outdoor customer seating.

17 **Section 19.** Ordinance 1246 §16 and FMC 22.60.012 are hereby amended to read as  
18 follows:

19 **22.60.012 Stacking spaces for drive-through facilities.**

20 (a) A stacking space shall be an area measuring eight feet by 20 feet with direct forward  
21 access to a service window of a drive-through facility. A stacking space shall be located  
22 to prevent any vehicle from extending onto the public right-of-way, or interfering with  
23 any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking  
24 spaces for drive-through or drive-in uses may not be counted as required parking spaces.

25 (b) Uses providing drive-up or drive-through services shall provide vehicle stacking  
26 spaces as follows:

27 (1) For each drive-up window of a bank or financial institution, business service, or other  
28 drive-through use not listed, a minimum of five stacking spaces shall be provided; and

29 (2) For each service window of a drive-through restaurant, a minimum of seven stacking  
30 spaces shall be provided.

31 (c) Generally, ~~To~~ to reduce congestion and turning lane conflicts, drive-through facilities  
32 shall not take access from a principal arterial street. Drive-through facilities must be  
provided access from a secondary street or road unless a traffic and circulation study,  
which includes a vehicle stacking analysis, clearly demonstrates that the proposed use  
and site design will not result in vehicles encroaching onto the public right-of-way, or  
interfering with any pedestrian circulation, traffic maneuvering, or other parking space  
areas.



1 **Section 20.** A new section is hereby adopted to read as follows:

2 **22.64.043 Drive Through Facilities**

3 Intent -- Assess, promote and achieve appropriate development of drive-through

4 facilities.

5 Objectives --

- 6 • To promote compatible development that fits well with, and improves, its existing
- 7 or planned context;
- 8 • To protect and enhance the character and quality of the neighborhoods where
- 9 drive-through facilities are located;
- 10 • To enhance public streets and contribute to a high quality public space;
- 11 • To create efficient stacking movements on site;
- 12 • To create a safe and comfortable pedestrian environment on site; and
- 13 • To minimize impacts on adjacent land uses that could be caused by on-site activities.

14 Context and Challenges -- Drive-through facilities have proven to be successful as they

15 target the mobile and car-oriented market. They may operate 24 hours a day, provide

16 convenience for the traveling public and offer a sense of security for users at night.

17 Drive-through service has been adopted by fast food businesses, financial institutions,

18 dry cleaners, pharmacies and other businesses. Meanwhile, walk-in service is still an

19 important component for many businesses with drive-through facilities for customers

20 who arrive on foot, bicycles and by vehicles but do not use the drive-through services.

21 While successful and popular, drive-through facilities present many urban design

22 challenges, including respecting the urban context while designing prototypical drive-

23 through facility sites and buildings; supporting a pedestrian friendly environment along

24 public streets; using landscape areas effectively to improve the overall environmental

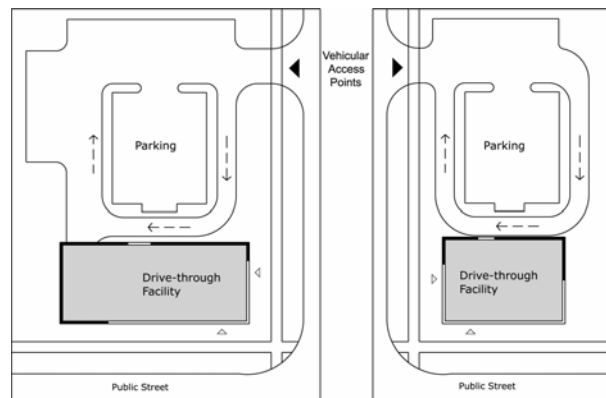
25 and visual quality of the area; and designing efficient stacking movements on site.

26 (a) Locate vehicular access points to the site as far as possible from street intersections.

27 Locate vehicle access points to corner sites on the secondary street (Figure 1).

28 (b) Locate surface parking areas and stacking lanes at the side or rear of buildings.

29 (Figures 1 and 2).



30 *Figure 1:*

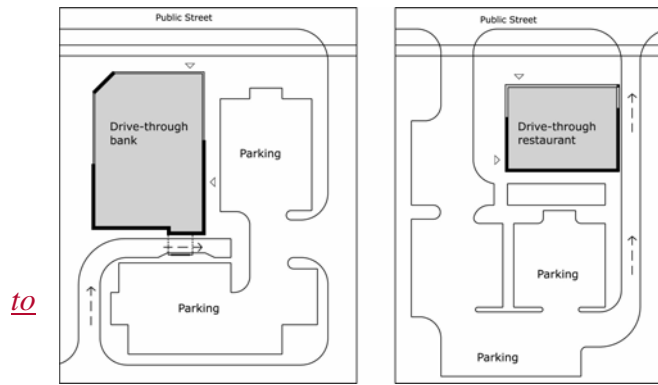
31 *Locating vehicular access points*

32 *far from the intersection helps*

*reduce potential impacts on the*

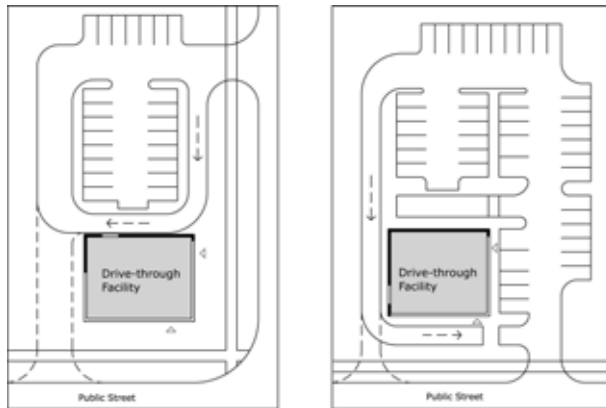
*traffic at the intersection.*

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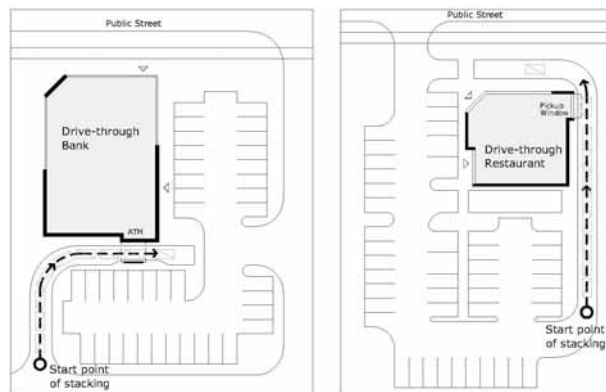
*Figure 2:  
Locating parking and driveway areas at the rear of the site provides opportunities to frame the street edge with built structures.*

(c) Minimize the number and width of driveways from the public street (Figure 3). However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown in the example on the right, below.



*Figure 3:  
Minimizing the number and width of driveways helps reduce interruptions to the public sidewalk.*

(d) Locate the start point to the stacking lane at the rear of the site so that queued vehicles do not block traffic along the public streets or the movement of other vehicles on site (Figure 4).



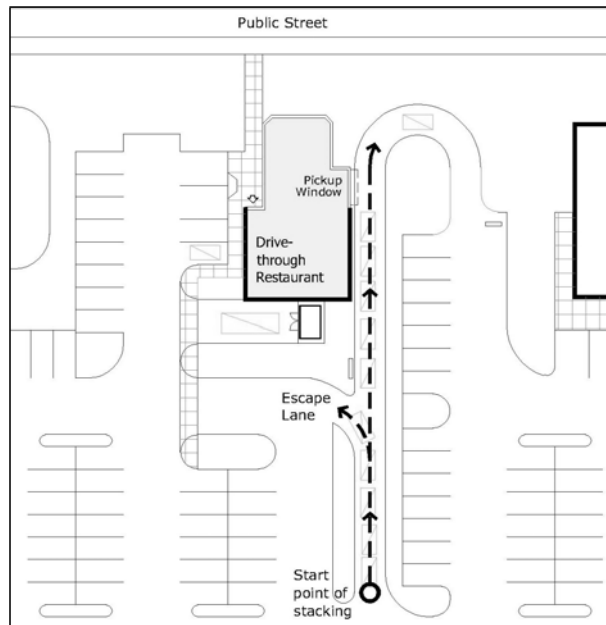
*Figure 4:  
In these two drive-through sites, start points are located at the rear of the site to minimize the potential impacts on other traffic that could be caused by stacking cars. However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown on the right*

(e) Locate stacking lanes away from adjacent sensitive uses, such as residential and

1 outdoor amenity areas, to reduce the impacts of noise and pollution that could be  
2 caused by stacking cars on such uses. Use landscaping and fencing to help buffer  
3 potential impacts.

4 (f) Avoid locating the stacking lane, and entrance or exit lane, between the building  
5 and the public street, as noted in the examples in Figures 3 and 4.

6 (g) Provide escape lanes and the appropriate number of queuing spaces as required in  
7 FMC 22.60.012 to create efficient stacking lanes and to minimize on-site conflicts  
8 (Figure 5).



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13 *Figure 5:*

14 *In this drive-through site,*  
15 *sufficient queuing spaces are*  
16 *provided. The escape lane*  
17 *allows cars to exit from the*  
18 *stacking lane without having to*  
19 *drive by the pickup window.*

20 (h) Separate stacking lanes from parking areas and driveways using landscaped islands,  
21 decorative pavement, pervious islands and painted lines.

22 (i) Design the on-site circulation to minimize conflicts between pedestrians and  
23 vehicles.

24 (j) Provide separate stacking lanes when two drive-through uses exist on the same site.

25 (k) Locate noise-generating areas, including ordering board speakers, outdoor loading  
26 areas and garbage/recyclables storage, away from sensitive uses such as residential  
27 areas, day care facilities and schools.

28 (l) Buffer potential noise impacts on properties where noise may be detrimental to  
29 occupants with solid attenuations such as building structures, landscaped berms or  
30 attenuation fencing (minimum 6 feet in height) complemented with landscaping.

31 (m) Limit sound emanating from ordering board speakers or other speaker systems to  
32 a level that is not audible from residentially used properties or detrimental to occupants  
of other nearby properties. At no time should any speaker system be audible above  
ambient noise levels beyond the property lines of the site.

(n) Provide a minimum 8 foot wide landscape area, which may include a solid wall or  
fence in addition to planting, at the edges of sites between property lines and nearby  
entrance lanes, exit lanes, stacking lanes and other drive through facilities, in order to  
provide screening and enhance site environmental benefits.

**Section 21.** A new section is hereby adopted to read as follows:

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**22.98.445 Microbeverage production facility**

“Microbeverage production facility” means an establishment that manufactures alcoholic and nonalcoholic beverages for distribution on or off site. Examples include microbreweries, microdistilleries and microwineries. Microbeverage production facilities may operate in conjunction with a tasting room, retail outlet, and/or food-serving establishment.

**Section 22.** A new section is hereby adopted to read as follows:

**22.98.445.1 Microbrewery**

“Microbrewery” means a business known as a craft brewery that produces 5,000 barrels or less of beer per calendar year. A microbrewery may sell beer of its own production directly to a customer for off-premises consumption and by all other legal means. A microbrewery may operate a tasting room or in conjunction with a food-serving establishment. A microbrewery must be licensed by the Washington State Liquor Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

**Section 23.** A new section is hereby adopted to read as follows:

**22.98.445.2 Microdistillery**

“Microdistillery” means a business known as a craft distillery that produces 5,000 proof gallons or less of spirits per calendar year. A microdistillery may sell spirits of its own production directly to a customer for off-premises consumption and by all other legal means. A microdistillery may operate a tasting room or in conjunction with a food-serving establishment. A microdistillery must be licensed by the Washington State Liquor Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

**Section 24.** A new section is hereby adopted to read as follows:

**22.98.445.3 Microwinery**

“Microwinery” means a business engaged primarily in the production, including crushing, fermentation, aging, and bottling, and distribution of no more than 5,000 cases of wine per year. A microwinery may sell wine of its own production directly to a customer for off-premises consumption and by all other legal means. A microwinery may operate a tasting room or in conjunction with a food-serving establishment. A microwinery must be licensed by the Washington State Liquor and Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

**Section 25.** Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

**Section 26.** Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,  
WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December, 2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**DATE OF PUBLICATION:  
EFFECTIVE DATE:**

**CITY OF FIRCREST  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, WASHINGTON, AMENDING ORDINANCE 1575 SECTION 1 AND FMC 22.05.003, AMENDING ORDINANCE 1512 SECTION 2 AND FMC 22.07.005, ADDING A NEW SECTION FMC 22.08.004, ADDING A NEW CHAPTER 22.23, AMENDING ORDINANCE 1562 SECTION 6 AND FMC 22.32.005, AMENDING ORDINANCE 1562 SECTION 8 AND FMC 22.34.005, AMENDING ORDINANCE 1562 SECTION 10 AND FMC 22.36.005, AMENDING ORDINANCE 1562 SECTION 12 AND FMC 22.38.005, AMENDING ORDINANCE 1311 SECTION 6 AND FMC 22.40.005, AMENDING ORDINANCE 1562 SECTION 16 AND FMC 22.42.005, AMENDING ORDINANCE 1562 SECTION 17 AND FMC 22.43.005, AMENDING ORDINANCE 1562 SECTION 28 AND FMC 22.50.002, AMENDING ORDINANCE 1562 SECTION 30 AND FMC 22.50.004, AMENDING ORDINANCE 1562 SECTION 32 AND FMC 22.50.006, AMENDING ORDINANCE 1562 SECTION 33 AND FMC 22.50.007, AMENDING ORDINANCE 1562 SECTION 34 AND FMC 22.50.008, AMENDING ORDINANCE 1246 SECTION 15 AND FMC 22.58.023, AMENDING ORDINANCE 1568 SECTION 4 AND FMC 22.58.029, AMENDING ORDINANCE 1246 SECTION 16 AND FMC 22.60.012, ADDING A NEW SECTION FMC 22.64.043, ADDING A NEW SECTION FMC 22.98.445, ADDING A NEW SECTION FMC 22.98.445.1, ADDING A NEW SECTION FMC 22.98.445.2, ADDING A NEW SECTION FMC 22.98.445.3**

**WHEREAS**, the City has identified amendments that will clarify and improve code administration, improve internal code consistency, establish procedures for considering binding site plans and administrative interpretations, refine existing development standards to better achieve their original intent, allow additional land uses in certain zoning districts, prohibit several types of uses from being established in certain zoning districts, streamline the review process for specific uses by requiring administrative use permits instead of conditional use permits in some instances, and establish design guidelines that would govern the design of drive through facilities; and

**WHEREAS**, the City submitted a *Notice of Intent to Adopt Amendment* with a request for *Expedited Review* to the Washington State Department of Commerce on September 15, 2017, which was issued to state agencies for a comment period that ended on October 2, 2017 as required pursuant to RCW 36A.70 RCW, and no comments were received; and

**WHEREAS**, the City issued a *Determination of Nonsignificance* on September 19, 2017 with a 14-day comment period ending October 2, 2017, and no adverse comments were received; and

**WHEREAS**, the Planning Commission conducted a public hearing on October 3, 2017 to accept public testimony and comment on the proposed amendments; and

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**WHEREAS**, the Planning Commission adopted the following findings in support of approval of the proposed amendments, in consideration of the criteria listed in FMC 22.78.004, prior to final action:

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

**GOAL LU12**

Fircrest should continue to refine its permit process for development and other local government approvals, as needed, to ensure that it is timely and fair to all affected parties.

**Policy LU12.1**

Development regulations shall be periodically reviewed and revised to ensure that they are consistent with and relate directly to implementation of the Comprehensive Plan and other state and federal mandates. Duplicate and unnecessary regulations should be eliminated.

**Policy LU12.2**

In the event of conflict between development regulations and this Comprehensive Plan, the provisions of this Comprehensive Plan take precedence. This policy applies immediately upon adoption of this Comprehensive Plan and amendments thereto. Development regulations that are significantly inconsistent with this Comprehensive Plan shall be given high priority for rapid revision.

(b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare by establishing a binding site plan review process as well as drive through facility design standards and guidelines that will lead to the construction of safer streets, driveways and pedestrian facilities, and result in commercial developments that are aesthetically pleasing, functional at serving all users, and sensitively designed and constructed so as to minimize impacts on adjoining uses.

**WHEREAS**, the City Council conducted a public hearing on November 28, 2017 to accept public testimony and comment on the proposed amendments; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** Ordinance 1575 §1 and FMC 22.05.003 are hereby amended to read as follows:

1 **22.05.003 Project permit application framework.**

2 **Table A – Classifications**

3	<b>Type I</b>	<b>Type II-A</b>	<b>Type II-B</b>	<b>Type III-A</b>	<b>Type III-B</b>	<b>Type IV</b>	<b>Type V</b>
4	Permitted uses not requiring site plan or design review alterations	Minor variances, minor site plans	Short plats, short plat vacations	Major preliminary site plans	Preliminary plats	Final plats	Comprehensive plan amendments
5							
6	Boundary line adjustments	Administrative use permits	Final site plans and final development plans	Conditional use permits, major variances	Plat vacations and alterations		Development regulation amendments
7							
8	Minor amendments to development plans and site plans		Design review	Major amendments to site plans and conditional use permits	Preliminary development plans and major amendments to preliminary development plans		Annexations
9							
10	Temporary accessory structures and uses		Land clearing/grading permits	Home occupations requiring CUP approval	Zoning map amendments		Area-wide rezones
11							
12	Home occupation permits		Administrative interpretation	Critical areas reasonable use exceptions			
13							
14	Accessory dwelling units		Critical areas determinations	Detached accessory dwelling units; critical areas public agency and utility exceptions			
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16	De minimis variance		Binding site plan				
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**Table B – Procedures**

<b>Action</b>	<b>Type I</b>	<b>Type II-A</b>	<b>Type II-B</b>	<b>Type III-A</b>	<b>Type III-B</b>	<b>Type IV</b>	<b>Type V</b>
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission	Planning Commission	Planning Commission
Final decision made by:	Director	Director	Director	Planning Commission	City Council	City Council	City Council
Notice of complete application/ comment period:	Not required	Not required; see FMC 22.07.004	Not required	Required	Required	Required	Not required
Open record public hearing/public review	Not required	Not required; see FMC 22.07.005	Hearing required only if director decision appealed, then hearing before planning commission	Hearing required before the planning commission, which will render final decision unless appealed to council	Hearing required before planning commission, which will forward recommendation to council	Public review required before planning commission, which will forward recommendation to council	Hearing required before planning commission and council
Closed record review/appeal hearing/decision	Not required	Not required	Not required	Closed record appeal hearing required before council only upon appeal	Closed record review required before council, which will render final decision	Closed record review required before council, which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

**Section 2.** Ordinance 1512 §2 and FMC 22.07.005 are hereby amended to read as follows:

**22.07.005 Notice of decision for administrative use permit, minor site plan review, minor variance, and administrative interpretation.**

Upon issuance of a decision on a proposed administrative use permit, minor site plan review, minor variance, or administrative interpretation, the director shall provide a written notice of this decision to the applicant and any parties who have provided written comment during the 10-day comment period, if applicable. The director shall also provide written notice of this decision to the planning commission.

**Section 3.** A new section is hereby adopted to read as follows:

**22.08.004 Administrative Interpretations.**

(a) Purpose. The primary objective of administrative interpretation is to ascertain the intent of the code provision at issue and to give effect to that intent. Administrative interpretation shall not be used to amend or change the code. The City’s development regulations (the Land Development Code) shall be interpreted whenever any of its

1 provisions, or the application of such provisions to any specific set of circumstances, is  
2 ambiguous, *i.e.*, where the code is subject to two or more reasonable interpretations.

3 (b) Administration. The Director is authorized and directed to administer the provisions  
4 of this Section and shall have the authority to approve or deny administrative  
interpretations without a hearing in accordance with this Section.

5 (c) Procedure. The following steps shall be followed in the processing of an administrative  
6 interpretation:

- 7 1. FMC 22.06.004. Determination of Completeness;
- 8 2. FMC 22.08.001. Determination of Consistency;
- 9 3. FMC 22.07.005. Notice of Decision; and
- 10 4. FMC 22.10.004. Closed Record Decisions and Appeals (if any).

11 (d) Requirements for a Complete Application. The following materials shall be submitted  
12 to the City in order to constitute a complete application for an administrative  
13 interpretation;

14 (1) The name, address, telephone number and e-mail address of the applicant, the  
15 completed application form with the date of submission to the City and the applicable fee;

16 (2) An identification of the code provision that is the subject of the applicant's  
17 administrative interpretation, and a description of the applicant's perception of the  
18 ambiguity in the code;

19 (3) A description of the set of circumstances, the address of the property or identification  
20 of the development that the applicant believes has created the ambiguity or two or more  
21 reasonable interpretations of the code provision identified in Subsection D(2) above; and

22 (4) If the applicant is requesting an administrative interpretation relating to the  
23 applicability of a code provision to a particular piece of property, the applicant shall submit  
24 a verified statement that this property is in the exclusive ownership of the applicant, or  
25 that the applicant has submitted the request for the interpretation with the consent of all  
26 owners of the affected property.

27 (e) Criteria for Approval. Administrative interpretation shall utilize generally recognized  
28 principles of statutory and ordinance interpretation adopted by the courts of this state. In  
29 addition:

30 (1) The provisions of the Land Development Code shall be considered to include the  
31 minimum requirements adopted for the promotion and protection of the public health,  
32 safety and general welfare, and all administrative interpretations shall be made in this  
context.

(2) The provisions of the Land Development Code is not intended to interfere with,  
abrogate or annul any easements, covenants, or other agreements between parties, except  
where the agreements may conflict with the enforcement of the Land Development Code.

(3) In the case of conflicts between the portions of the Land Development Code and other  
rules, regulations, resolutions, ordinances or statutes lawfully adopted by other authority  
having jurisdiction within the City, the most restrictive shall govern. In the case of

1 conflicts between the text, maps and charts of the Land Development Code, the text shall  
2 govern unless otherwise stated.

3 (4) Zoning Map Interpretation. Where uncertainty exists as to the location of any  
4 boundaries of the zones shown on the City's Official Zoning Map, the rules of  
5 interpretation listed in FMC 22.30.004 shall apply.

6 (f) No Limitation for Final Decision. An administrative interpretation is not a project  
7 permit application, and is not subject to a deadline for issuance of a final decision.

8 **Section 4.** A new chapter is hereby adopted to read as follows:

9 **Chapter 22.23 BINDING SITE PLAN**

10 Sections:

- 11 22.23.001 Purpose.  
12 22.23.002 Applicability.  
13 22.23.003 Type of Application.  
14 22.23.004 Optional Pre-application conference.  
15 22.23.005 Review criteria.  
16 22.23.006 Decisions.  
17 22.23.007 Recording and binding effect.

18 **22.23.001 Purpose.**

19 The purpose of this chapter is to create a permit for dividing commercially zoned property,  
20 as authorized by RCW [58.17.035](#). On sites that are fully developed, the binding site plan  
21 merely creates or alters interior lot lines. In all cases the binding site plan ensures, through  
22 written agreements among all lot owners, that the collective lots continue to function as  
23 one site concerning but not limited to: lot access; interior circulation; open space;  
24 landscaping and drainage; facility maintenance; and coordinated parking.

25 **22.23.002 Applicability.**

26 (a) Any person seeking the use of a binding site plan to divide the person's property for  
27 the purpose of sale, lease, or transfer of ownership of commercially zoned property is  
28 required to apply for, complete, and have approved a binding site plan prior to any property  
29 division, as provided in Chapter [58.17](#) RCW and as required by this chapter.

30 (b) The site that is subject to the binding site plan shall consist of one or more contiguous  
31 lots legally created.

32 (c) The site that is subject to the binding site plan may be reviewed independently for fully  
developed sites, or concurrently with a development permit application for undeveloped  
land.

(d) The binding site plan process merely creates or alters lot lines and does not authorize  
substantial improvements or changes to the property or the uses thereon.

**22.23.003 Type of application.**

A binding site plan is a Type II application and the director shall make the final decision.  
The application shall be processed as set forth in Chapter [22.06](#) FMC.

**22.23.004 Optional pre-application conference.**

Prior to submittal of an application for a binding site plan, an applicant may request a pre-  
application conference in accordance with FMC [22.06.001](#). The pre-application  
conference is intended to enable the applicant and city staff to review a conceptual plan

1 prior to a formal survey being conducted and documentation being submitted for the  
2 binding site plan.

3 **22.23.005 Review criteria.**

4 (a) The Director shall review the application for consistency with the Comprehensive  
5 Plan, development regulations, Chapter [58.17](#) RCW, and review comments provided by  
6 other governmental agencies, utilities, and interested parties, and require appropriate  
7 modifications or conditions.

8 (b) The Director shall review newly created lots to ensure the lots:

9 (1) Will continue to function and operate as one site, for fully developed sites; or

10 (2) Conform to an approved development plan including any adopted rules and regulations  
11 or required conditions as represented in an approved development plan or associated  
12 approval document, if the binding site plan is being considered with a development plan.

13 (c) If applicable, the Director shall review the environmental checklist and other available  
14 information and issue an appropriate threshold decision. The threshold decision may  
15 require measures to mitigate any significant adverse environmental impact.

16 (d) The Director shall contact the appropriate sewer purveyor to review the binding site  
17 plan for potential sewer adequacy.

18 (e) The Director shall review proposed lot sites that are known or suspected to be poor  
19 building sites because of geological hazard, flooding, wetland, or other environmental or  
20 critical area constraint or limitation, and such may be noted on the face of the site plan.

21 (f) The City Engineer shall review the site plan for compliance with public works codes,  
22 including but not limited to the adequacy of the proposed street and storm drainage  
23 systems.

24 (g) The Fire Code Official shall review the proposed site plan for fire protection issues,  
25 including but not limited to fire hydrant location and emergency vehicle access.

26 (h) In addition to other standards required by this title, the Director may require additional  
27 standards and conditions or it may modify the standards and conditions in such a manner  
28 as is necessary to:

29 (1) Maintain the intent and purpose of this title;

30 (2) Assure that a degree of compatibility shall be maintained with respect to properties  
31 and existing or potential uses within the general area; and

32 (3) Preserve the public health, safety, morals, and general welfare.

(i) The recommendations of the Director, City Engineer, and the Fire Code Official shall  
become part of the record.

**22.23.006 Decisions.**

(a) The Director may approve, approve with conditions, or deny a binding site plan.

(b) If the site plan meets the requirements of FMC 22.23.005 (A) through (H), the Director  
shall approve the binding site plan by signing the Department certificate on the face of the  
binding site plan.

(c) The binding site plan shall contain applicable descriptions or attachments setting forth  
limitations and conditions to which the plan is subject, including any applicable  
irrevocable dedications of property and containing a provision requiring that any  
development of the site shall be in conformity with the approved site plan.

1 (d) The Director may authorize sharing of open space, parking, access, and other  
2 improvements among contiguous properties subject to the binding site plan. Conditions of  
3 use, maintenance, and restrictions on redevelopment of shared open space, parking,  
4 access, and other improvements shall be identified on the binding site plan and enforced  
5 by covenants, easements, or other similar mechanisms.

6 (e) Effect of Approval. The approval of a binding site plan shall not be a guarantee that  
7 future permits will be granted for any structures or development within said area, and a  
8 notation to this effect shall be stated on the face of the binding site plan.

9 (f). If the binding site plan is unable to comply with the requirements of FMC [22.23.005](#)  
10 (a) through (i), the binding site plan shall be denied.

11 **22.23.007 Recording and binding effect.**

12 (a) Prior to recording, the approved binding site plan shall be surveyed and the final  
13 recording forms shall be prepared by a professional land surveyor, licensed in the state of  
14 Washington. Surveys shall include those items prescribed by RCW [58.09.060](#), Records of  
15 survey, contents – Record of corner, information.

16 (b) The approved binding site plan recording forms shall include the following, in the  
17 format prescribed by the Director:

18 (1) Lots designated by number on the binding site plan within the area of the lot. Tracts  
19 shall be similarly designated and each tract shall be clearly identified with the ownership  
20 and purpose;

21 (2) Signature and stamp of the land surveyor who prepared the binding site plan;

22 (3) Reference to the recording number of the completed survey as required by this section  
23 if the boundaries have been previously surveyed;

24 (4) Reference to all agreements or covenants required as a condition of approval;

25 (5) Notarized signatures of all persons having an ownership or security interest in the land  
26 being divided;

27 (6) Approval of the City Engineer; and

28 (7) Approval of the Director.

29 (c) Binding site plans shall be recorded with the Pierce County Auditor with a record of  
30 survey.

31 (d) Lots, parcels, or tracts created through the binding site plan procedure shall be legal  
32 lots of record. All provisions, conditions, and requirements of the binding site plan shall  
be legally enforceable on the purchaser or any other person acquiring a lease or other  
ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

(e) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding  
site plan, that does not conform to the requirements of the binding site plan or without  
binding site plan approval, shall be considered a violation of Chapter [58.17](#) RCW and shall  
be restrained by injunctive action and be illegal as provided in Chapter [58.17](#) RCW.

1 **Section 5.** Ordinance 1562 §6 and FMC 22.32.005 are hereby amended to read as  
2 follows:

3 **22.32.005 Development standards. (R4 Zone)**

4 Maximum density	4 dwelling units per gross acre.
5 Minimum lot area	8,000 square feet.
6 Maximum height	30 feet. See FMC <a href="#">22.58.007</a> for exceptions.
7 Maximum floor area ratio	0.35. See FMC <a href="#">22.58.026</a> for FAR standards.
8 Minimum front yard setback	25 feet. See FMC <a href="#">22.58.002</a> for setback reduction and allowable encroachments.
9 Minimum interior side yard setback	8 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
10 Minimum side street side yard setback	15 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
11 Minimum rear yard setback	20 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
12 Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
13 Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate a minimum of two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
14 Accessory building standards	See FMC <a href="#">22.58.003</a> .

1	Maximum lot coverage for structures	40% for all structures combined.
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3	Maximum impervious surface coverage	50% for structures and other impervious surfaces combined.
4	Minimum lot width	60 feet.
5	Minimum frontage on a public street	60 feet. 45 feet if located on a cul-de-sac or facing the inside curve of a street.
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7	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
8	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
9	Landscape regulations	See Chapter <a href="#">22.62</a> FMC.
10	Design standards	See Chapter <a href="#">22.64</a> FMC.
11	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	
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13 **Section 6.** Ordinance 1562 §8 and FMC 22.34.005 are hereby amended to read as  
14 follows:

15 **22.34.005 Development standards. (R-4-C zone)**

16	Maximum density	4 dwelling units per gross acre for small lot development. 8 dwelling units per gross acre for cottage housing.
17	Density bonus	The following density bonuses, not to exceed 30% combined, may be permitted for small lot development: a. A 5% increase in density if $\geq 30\%$ of the development site is retained as common open space, and which must be contiguous or larger than 1 acre in area. b. A 10% increase in density if a pedestrian trail system is provided within the common open space area, consistent with a trails plan. c. A 10% percent increase in density if a minimum 35% of the required common open space is improved as an active recreational area. Active recreational areas include, but are not limited to: i. Clearly defined athletic fields and/or activity courts. ii. Recreation centers or community facilities. d. A 1% increase in density for each 5% additional increase in common open space provided beyond the minimum percentage required.
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27	Minimum and maximum lot area	Small lot development: See Chapter <a href="#">22.63</a> FMC Cottage housing: See FMC <a href="#">22.58.027</a>
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29	Maximum height	Small lot development: See Chapter <a href="#">22.63</a> FMC.

	<p>Cottage housing: See FMC <a href="#">22.58.027</a>.  Other Uses: 45 feet.  Exceptions may be authorized per FMC <a href="#">22.58.007</a>.</p>
<p>Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.  Other uses: To be determined through the administrative design review process.  If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.</p>
<p>Exterior wall modulation</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.  For other uses, elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.</p>
<p>Articulation</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.  For other uses, building elevations exceeding 20 feet in length, measured horizontally, shall incorporate a minimum of two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.</p>
<p>Accessory building standards</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.  If not specified, FMC <a href="#">22.58.003</a> standards will apply.</p>
<p>Maximum impervious surface coverage</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.  For other uses, 50% for all structures and other impervious surfaces combined.</p>
<p>Maximum developable slope</p>	<p>Subject to the requirements of Chapter <a href="#">22.100</a> FMC.</p>
<p>Additional specific use and structure regulations</p>	<p>See Chapter <a href="#">22.58</a> FMC.</p>
<p>Parking and circulation</p>	<p>Small lot development: See Chapter <a href="#">22.63</a> FMC.  Cottage housing: See FMC <a href="#">22.58.027</a>.</p>



	For other uses, see Chapter <a href="#">22.60</a> FMC.
Landscape regulations	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For other uses: See Chapter <a href="#">22.62</a> FMC.
Design standards	Small lot development: See Chapter <a href="#">22.63</a> FMC. Cottage housing: See FMC <a href="#">22.58.027</a> . For other uses: See Chapter <a href="#">22.64</a> FMC.
Critical areas	See Chapter <a href="#">22.92</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number, with .50 being rounded up.</i>	

**Section 7.** Ordinance 1562 §10 and FMC 22.36.005 are hereby amended to read as follows:

**22.36.005 Development standards. (R6 Zone)**

Maximum density	6 dwelling units per gross acre.
Minimum lot area	5,000 square feet.
Maximum height	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet. See FMC <a href="#">22.58.007</a> for exceptions.
Maximum floor area ratio	0.35. See FMC <a href="#">22.58.026</a> for FAR standards.
Minimum front yard setback	20 feet. See FMC <a href="#">22.58.002</a> for setback reduction and allowable encroachments.
Minimum interior yard setback	5 feet for first story. 8 feet for side second story. See FMC <a href="#">22.58.002</a> for allowable encroachments.
Minimum side street side yard setback	15 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate a minimum two

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	articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
Minimum rear yard setback	20 feet. See FMC <a href="#">22.58.002</a> for allowable encroachments.
Accessory building standards	See FMC <a href="#">22.58.003</a> .
Maximum lot coverage for structures	40% for all structures combined, except that up to 200 square feet of a covered, unenclosed front porch having a 6-foot minimum depth may be excluded from total.
Maximum impervious surface coverage	50% for all structures and other impervious surfaces combined, except that porches excluded above, and driveway strips less than or equal to 2 feet wide leading to a detached garage in rear 50% of a lot, may be excluded from total.
Minimum lot width	50 feet.
Minimum frontage on a public street	50 feet. 35 feet if located on a cul-de-sac or facing the inside curve of a street.
Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards	See Chapter <a href="#">22.64</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 8.** Ordinance 1562 §12 and FMC 22.38.005 are hereby amended to read as follows:

**22.38.005 Development standards. (R8 Zone)**

Maximum density	8 dwelling units per gross acre.
Minimum lot area	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
Maximum height	35 feet. Exceptions may be authorized per FMC <a href="#">22.58.007</a> and through the PD review process – see Chapter <a href="#">22.76</a> FMC.
Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Setbacks and allowable encroachments to be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.
Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
Accessory building standards	To be determined through the PD process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.003</a> standards will apply.
Maximum lot coverage for structures	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.

1 2	Maximum impervious surface coverage	65% of the developable site area for all structures and other impervious surfaces combined.
3 4 5 6	Development not subject to planned development approval	For development that is not subject to planned development approval, or for modifications to existing development constructed prior to adoption of planned development requirements, lot size, setbacks, lot coverage and impervious surface area coverage shall comply with the development standards in FMC <a href="#">22.36.005</a> (R-6 zone).
7 8	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
9	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
10	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
11 12	Design standards	See Chapter <a href="#">22.64</a> FMC. Site-specific design guidelines may be required as part of planned development approval. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.
13	Critical areas	See Chapter <a href="#">22.92</a> FMC.
14 15	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

16 **Section 9.** Ordinance 1311 §6 and FMC 22.40.005 are hereby amended to read as  
17 follows:

18 **22.40.005 Development standards. (R-10-TCD Zone)**

19	Maximum density	10 dwelling units per gross acre.
20 21	Minimum and maximum lot area	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
22 23	Maximum height	35 feet. Exceptions may be authorized per FMC <a href="#">22.58.007</a> and through the PD review process – see Chapter <a href="#">22.76</a> FMC.
24 25 26	Minimum and maximum front yard, interior side yard, side street side yard, and rear yard setback	Setbacks and allowable encroachments to be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.002</a> encroachment standards will apply.
27 28	Accessory structure standards	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC. If not specified, FMC <a href="#">22.58.003</a> standards will apply.

1	Maximum lot coverage for structures	To be determined through the PD review process – see Chapter <a href="#">22.76</a> FMC.
2		
3	Maximum impervious surface coverage	65% of the developable site area for all structures and other impervious surfaces combined.
4		
5	Exterior wall modulation	Facades greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of single-family dwellings and duplexes, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
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10	Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
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17	Maximum % of multifamily dwelling units allowed	50% of the total number of units within a development.
18		
19		
20	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
21	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
22	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
23	Design standards	See Chapter <a href="#">22.64</a> FMC. See also multifamily design standards and guidelines adopted by reference in Chapter <a href="#">22.63</a> FMC.
24		
25	Critical areas	See Chapter <a href="#">22.92</a> FMC.
26	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	
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1 **Section 10.** Ordinance 1562 §16 and FMC 22.42.005 are hereby amended to read as  
2 follows:

3 **22.42.005 Development standards. (R20 Zone)**

4 Maximum density	20 dwelling units per gross acre.
5 Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapter <a href="#">22.68</a> or <a href="#">22.72</a> FMC.
6 Maximum height	35 feet. A maximum 45-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .
7 Minimum front yard setback	25 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
8 Minimum interior side yard setback	8 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
9 Minimum side street side yard setback	15 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
10 Minimum rear yard setback	20 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
11 Minimum dwelling structure separation	10 feet for first 35 feet of building height. Portions of a building above 35 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
12 Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4 feet for front and side street side yard elevations of duplexes, and 6 feet for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
13 Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including

	a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of three articulation components.
Maximum lot coverage for structures	55% for all structures combined. 65% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
Maximum impervious surface coverage	75% for all structures and other impervious surfaces combined.
Additional specific use and structure regulations.	See Chapter <a href="#">22.58</a> FMC.
Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards	See Chapter <a href="#">22.64</a> FMC. See also multifamily design standards and guidelines adopted by reference in Chapter <a href="#">22.63</a> FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 11.** Ordinance 1562 §17 and FMC 22.43.005 are hereby amended to read as follows:

**22.43.005 Development standards. (R30 Zone)**

Maximum density	30 dwelling units per gross acre.
Minimum or maximum lot area	To be determined through the conditional use permit or site plan review process – see Chapter <a href="#">22.68</a> or <a href="#">22.72</a> FMC.
Maximum height	40 feet. A maximum 50-foot height may be authorized if one or more level of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .
Minimum front yard setback	25 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.

1	Minimum interior side yard setback	8 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
2		
3	Minimum side street side yard setback	15 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
4		
5	Minimum setback abutting an R-6 or R-8 district	30 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
6		
7	Additional setbacks	Per International Building Code.
8		
9	Minimum dwelling structure separation	10 feet for first 40 feet of building height. Portions of a building above 40 feet shall be stepped back an additional 10 feet from the underlying story wall plane.
10		
11	Exterior wall modulation	Building elevations greater than 40 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 6 feet for all building elevations. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement.
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16	Articulation	Building elevations exceeding 20 feet in length, measured horizontally, shall incorporate minimum two articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course, to visually and/or functionally break up flat, blank or undifferentiated elevations. Building elevations greater than 30 feet in length, measured horizontally, and exceeding 12 feet in height, measured from finished grade to top of wall where it connects to roof structure, shall incorporate a minimum of 3 articulation components.
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23	Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
24		
25	Maximum impervious surface coverage	85% for all structures and other impervious surfaces combined.
26		
27	Additional specific use and structure regulations.	See Chapter <a href="#">22.58</a> FMC.
28		

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Parking and circulation	See Chapter <a href="#">22.60</a> FMC.
Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
Design standards and guidelines	See Chapter <a href="#">22.64</a> FMC. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

**Section 12.** Ordinance 1562 §28 and FMC 22.50.002 are hereby amended to read as follows:

**22.50.002 Permitted uses. (CMU Zone)**

Uses permitted subject to site plan approval in accordance with Chapter [22.72](#) FMC and administrative design review approval in accordance with Chapter [22.66](#) FMC:

(a) Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances (new), art and art supplies, bicycles, books, building materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware, hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and supplies, newspapers, office equipment and supplies, paint, music, pets and pet supplies, pharmaceuticals, photography supplies and processing, sporting goods, stationery, toys, vehicle parts (new/remanufactured), videos and wallpaper.

(b) Commercial service including, but not limited to: beauty and hair care, consulting, copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning (self-service), locksmithing, optical, pet grooming, post office or substation, printing, studio photography, real estate sales, repair of products listed in subsection (a) of this section, security, signs, tailoring, telecommunication sales, title, travel agency service, upholstery and vehicle detailing.

(c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant and other sit-down, self-service, or take-out establishments.

(d) Microbeverage production facility, including microbreweries, microdistilleries and microwineries.

(e) Commercial office including, but not limited to: medical, dental, optometric, business and professional offices.

(f) Culturally enriching use including, but not limited to: art gallery, dance studio, library, museum, live theater venue and senior center.

(g) Laboratory, including but not limited to: medical, dental and optical.

(h) Civic, labor, social and fraternal organization.

(i) Veterinary clinic, with treatment and storage of animals within an enclosed building.

(j) Entertainment facility, including but not limited to: arcade, bowling alley, indoor miniature golf course, indoor movie theater, indoor skating rink, racquetball court and tennis court.

(k) Hotel and motel.

(l) Financial institution, including but not limited to: bank, savings and loan, and credit union.

- 1 (m) Religious institution.
- 2 (n) Family group home, including adult family home.
- 3 (o) Multifamily dwelling.
- 4 (p) Assisted living facility, including congregate care facility, convalescent home,
- 5 hospice care center, residential care facility, and residential treatment facility.
- 6 (q) Necessary public or quasi-public utility building, structure or equipment, unstaffed
- 7 and less than or equal to 500 square feet in gross floor area (subject to compliance with
- 8 landscape standards in Chapter [22.62](#) FMC). Excludes substation.

9 **Section 13.** Ordinance 1562 §30 and FMC 22.50.004 are hereby amended to read as

10 follows:

11 **22.50.004 Conditional uses. (CMU Zone)**

12 Uses permitted subject to conditional use permit approval in accordance with Chapter

13 [22.68](#) FMC and administrative design review in accordance with Chapter [22.66](#) FMC:

- 14 (a) Child day-care center.
- 15 (b) Preschool, accredited, public or private.
- 16 (c) Home occupation – Type II (subject to compliance with FMC [22.58.013](#)).
- 17 (d) Automobile and boat sales or rental, new or used.
- 18 (e) Service station established prior to effective date of the ordinance codified in this
- 19 section.
- 20 (f) Entertainment facility, outdoor.
- 21 (g) Adult entertainment establishments (subject to compliance with FMC [22.58.014](#)).
- 22 (h) Essential public facilities, as determined by FMC [22.58.022](#). Excludes family and
- 23 general group homes and includes correctional group homes.
- 24 (i) Necessary public or quasi-public structure or equipment greater than 500 square feet
- 25 in gross floor area (subject to compliance with landscape standards in Chapter [22.62](#)
- 26 FMC). Excludes substation.
- 27 (j) Personal wireless service facility for which a variance is required (subject to
- 28 compliance with Chapter [22.24](#) FMC).
- 29 (k) A use not listed above which: is not listed in another zoning district as a permitted
- 30 or conditional use; is similar in nature to the above list of permitted and conditional
- 31 uses; is consistent with the purpose and intent of this zoning district; and is compatible
- 32 with the uses on adjoining properties.

**Section 14.** Ordinance 1562 §32 and FMC 22.50.006 are hereby amended to read as

follows:

**22.50.006 Administrative uses.**

Uses permitted subject to administrative use permit approval in accordance with

Chapter 22.70 FMC:

- (a) Outdoor sidewalk cafe or other food or beverage-serving facility or establishment,
- when located on a public sidewalk or other public right-of-way area (subject to
- compliance with FMC 22.58.017).
- (b) Establishment licensed by the Washington State Liquor and Cannabis Board to
- serve liquor for on-premises consumption in an outdoor customer seating area (subject
- to compliance with FMC 22.58.029).

1 (c) Drive-up or drive-through facility (subject to compliance with FMC 22.60.012 and  
2 FMC 22.64.043).

3 (d) Light industrial uses including: engineering-oriented pursuits such as electronics,  
4 robotics, 3-D printing, and the use of computer numerical control (CNC) tools;  
5 metalworking, woodworking, and traditional arts and crafts; small-scale assembly and  
6 manufacturing of products using processed materials that do not have the potential to  
7 create a nuisance for adjoining land uses; wholesale sale of products manufactured on  
8 site; and technological and biotechnological uses, including scientific research, testing  
9 and experimental development laboratories.

10 (e) Outdoor seasonal sales, such as Christmas tree or pumpkin patch lots, or other  
11 outdoor special event sales.

12 (f) Personal wireless service facility (subject to compliance with Chapter 22.24 FMC).

13 **Section 15.** Ordinance 1562 §33 and FMC 22.50.007 are hereby amended to read as  
14 follows:

15 **22.50.007 Prohibited uses.**

16 The following uses are prohibited:

- 17 (a) Automobile wrecking yard.
- 18 (b) Vehicle repair.
- 19 (c) Impound yard.
- 20 (d) Junk or salvage yard.
- 21 (e) Mini-storage or mini-warehouse.

22 **Section 16.** Ordinance 1562 §34 and FMC 22.50.008 are hereby amended to read as  
23 follows:

24 **22.50.008 Development standards. (CMU Zone)**

25 Maximum density	30 dwelling units per acre.
26 Maximum height	45 feet. A maximum 55-foot height may be authorized if one or more levels of structured parking is provided at or below grade level within the building footprint. For other exceptions, see FMC <a href="#">22.58.007</a> .
27 Front yard and side street side yard setback	Zero feet minimum/20 feet maximum for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.
28 Minimum interior side yard setback	10 feet for first two stories. Additional stories shall be stepped back at least 5 feet from the wall plane established for the first two stories.
29 Minimum rear yard setback	10 feet, except when abutting an R district (see below).
30 Minimum setback when abutting an R district	20 feet for first two stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first two stories.

1 2 3 4	Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
5 6 7 8 9 10 11 12 13 14	Maximum impervious surface coverage	85% for structures and other impervious surfaces combined.
15 16 17 18 19 20 21 22 23 24	Exterior wall modulation	Building elevations greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4% of the length of the facade, but no less than 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 80 horizontal feet. See FMC <a href="#">22.64.009</a> for an illustration of this requirement. Alternative designs that: incorporate recessed or projecting balconies; use base, middle and top treatments with different forms; include roof modulation; and/or provide strong articulation of the facade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors – in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.
15 16 17	Business hours	Limitations may be imposed through the site plan review or conditional use permit review processes in order to mitigate impacts on nearby land uses. See Chapters <a href="#">22.68</a> and <a href="#">22.72</a> FMC.
18 19 20 21 22 23 24	Limitation on nonretail use	For a lot or a group of lots having a gross lot area greater than 0.5 acres, the ground floor of buildings within 250 feet of the Mildred Street ROW on such lots shall be designed to accommodate retail use per FMC <a href="#">22.64.016</a> and FMC <a href="#">22.64.020</a> . Not more than 20% of building floor within this ground floor may be leased or otherwise made available for nonretail use. A lot with an area that exceeds 0.5 acres prior to the effective date of the ordinance codified in this section, and that is subsequently subdivided or otherwise reduced in area to less than 0.5 acres, shall remain subject to these requirements.
25 26	Additional specific use and structure regulations	See Chapter <a href="#">22.58</a> FMC.
27 28	Pedestrian plaza requirements	See FMC <a href="#">22.58.016</a> .
29	Parking and circulation	See Chapter <a href="#">22.60</a> FMC.

1	Landscaping regulations	See Chapter <a href="#">22.62</a> FMC.
2	Design standards and	See Chapter <a href="#">22.64</a> FMC. See also multifamily design
3	guidelines	
4	Ground floor use of a	See FMC <a href="#">22.64.016</a> (a).
5	commercial or mixed	
6	use building	See FMC <a href="#">22.64.016</a> (b).
7	Continuous storefront	
8	requirement for parking	See FMC <a href="#">22.64.016</a> (c).
9	structures	
10	Minimum floor to	See FMC <a href="#">22.64.020</a> (a).
11	ceiling height for	
12	ground floor	See FMC <a href="#">22.64.042</a> .
13	commercial space	
14	Minimum storefront	See FMC <a href="#">22.64.042</a> .
15	window area for ground	
16	floor commercial space	See FMC <a href="#">22.64.042</a> .
17	Large retail	
18	establishment	See FMC <a href="#">22.64.042</a> .
19	requirements.	
20	<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with</i>	
21	<i>0.50 being rounded up.</i>	

22 **Section 17.** Ordinance 1246 §15 and FMC 22.58.023 are hereby amended to read as  
23 follows:

24 **22.58.023 Nonconforming lots, uses and structures.**

25 (a) Application. The provisions of this section shall apply to uses and structures which  
26 become nonconforming as a result of the application of this title to them, or from  
27 classification or reclassification of a property under this title or any subsequent  
28 amendments thereto.

29 (b) Continuation of Nonconforming Uses and Structures. Any lawful use of land and/or  
30 building or structure existing, under construction, or for which a building or use permit  
31 has been granted and was still in force at the time this title became effective may be  
32 continued, even though the use does not conform to the provisions of the district in which  
it is located, subject to the following conditions:

(1) Enlargement. No building, structure or land that is nonconforming by reason of use  
shall be enlarged or expanded; provided, that normal upkeep, repairing and maintenance  
of nonconforming buildings and structures is permitted outright, provided the activities do  
not increase the nonconformity of the buildings or structures.

(2) Replacement. Any building or structure nonconforming by reason of use which has  
been damaged or destroyed by fire, earthquake, flood, wind or other disaster may be  
restored and the occupancy or use of the building, structure or part thereof which existed  
at the time of damage or destruction may be continued subject to all provisions of this title,

1 but the restoration of the nonconforming building or structure shall not serve to extend or  
2 increase the nonconformance of the original building, structure or use. Any reconstruction  
3 authorized by this section shall commence within one year of the damage and shall be  
substantially completed within 18 months of the date the damage occurred.

4 (3) Vacation. If any nonconforming use of land and/or building or structure is vacated for  
5 a period of one year, nonconforming rights shall automatically terminate and any future  
6 use of the land and/or building or structure shall conform to the zoning district in which it  
7 is located. Notwithstanding this one-year automatic termination, vacation may also be  
deemed to be an act or failure to act on the part of the property owner which indicates an  
intention that the property owner does not claim or retain any interest in the right to the  
nonconforming use.

8 (4) Structural Alteration – Enlargement of Nonconforming Building or Structure. A  
9 building or structure which is nonconforming only by reason of substandard yard or height  
10 may be structurally enlarged, provided the enlargement does not increase the  
nonconformance, and further provided the enlarged building or structure conforms with  
bulk regulations relating to lot coverage or impervious surface coverage.

11 (5) Structural Alteration – Replacement of Nonconforming Building or Structure. A  
12 building or structure which is nonconforming by reason of substandard yard, height, lot  
13 coverage, impervious surface coverage, or other bulk regulation, may be restored or rebuilt  
14 as it originally existed upon the original foundation and perimeter, if it is damaged or  
destroyed by fire, earthquake, flood, wind or other natural disaster. Enlargement of the  
building or structure from the original design may occur in accordance with subsection  
(b)(4) of this section.

15 (6) Structural Alteration – Repair of Nonconforming Building or Structure. A building or  
16 structure which is nonconforming by reason of substandard yard, height, lot coverage,  
17 impervious surface coverage, or other bulk regulation, may be repaired or restored to its  
original or comparable condition and design. Modifications to the original design of the  
building or structure may occur in accordance with subsection (b)(4) of this section.

18 (7) Change of Conforming Use. Whenever a nonconforming use has been changed to a  
conforming use, it shall not revert to the same or different nonconforming use.

19 (8) Change of Ownership. Change of ownership, tenancy or management of a  
nonconforming use shall not affect its legal, nonconforming status.

20 (9) Annexation Resulting in Nonconformity. Any lawfully existing use of land or building  
21 or structure located in an unincorporated area which, through annexation, becomes  
nonconforming, shall be deemed a legal, nonconforming use, building or structure.

22 **Section 18.** Ordinance 1568 §4 and FMC 22.58.029 are hereby amended to read as  
23 follows:

24 **22.58.029 Establishments serving liquor for on-premises consumption.**

25 (a) Establishments licensed by the State of Washington Liquor and Cannabis Board to  
26 serve beer, beer and wine, or spirits, beer and wine for on-premises consumption are  
permitted in specified zoning districts. Such establishments providing outdoor customer  
27 seating are subject to administrative use permit approval in accordance with Chapter  
22.70 FMC.

28 (b) At a minimum, the following performance standards shall apply to establishments  
29 serving beer, beer and wine, or spirits, beer and wine for on-premises consumption within  
the NC District. Additional requirements may be imposed in accordance with Chapter

1 22.70 FMC for those establishments providing outdoor customer seating in the NC  
2 district. Establishments operating out of compliance with the following provisions are  
3 subject to enforcement action under Chapter 22.95 FMC:

4 (1) Hours of Operation. The sale, service, and consumption of alcohol is prohibited after  
5 10:00 p.m.

6 (2) Outdoor Customer Seating. Outdoor seating may be provided for customer use no  
7 later than 8:00 p.m. on Sundays through Thursdays, and no later than 9:00 p.m. on  
8 Fridays and Saturdays. Outdoor seating areas shall be closed to customers during other  
9 times. A 30-minute grace period is allowed for staff to clean the outdoor premises after  
10 customer seating hours have ended. The city may limit the amount of outdoor customer  
11 seating to minimize potential impacts on residentially zoned properties.

12 (3) Speakers. Music or other programming emanating from any outdoor speakers on the  
13 premises shall only be allowed during approved outdoor customer seating hours. Sounds  
14 coming from speakers on the premises, whether located inside or outside the building,  
15 shall not be audible from residentially zoned properties.

16 (4) Bottle Handling. Bottles and other trash and recyclable materials shall not be  
17 deposited in any exterior refuse or recycling totes, dumpsters or other receptacles during  
18 the hours of 9:00 p.m. to 7:00 a.m.

19 (5) Exterior Appearance. The business establishment shall maintain the exterior of its  
20 premises in a neat and clean condition at all times. All refuse collection containers,  
21 including recycling containers, shall be screened in accordance with FMC 22.58.008(d).  
22 This provision shall apply to new establishments as well as establishments existing on  
23 the effective date of the ordinance codified in this section that expand business operations  
24 to include the sale of liquor by the drink for on-premises consumption.

25 (6) Exterior Lighting. Exterior lighting shall comply with the outdoor lighting regulations  
26 in FMC 22.58.018 to ensure that it does not impact nearby properties.

27 (7) Sidewalk Cafes. A business establishment intending to establish outdoor business  
28 seating on a public sidewalk or other public right-of-way area shall comply with the  
29 sidewalk cafe regulations in FMC 22.58.017.

30 (c) The performance standards listed in subsection (b) shall apply to establishments in  
31 the CMU District serving beer, beer and wine, or spirits, beer and wine for on-premises  
32 consumption, except that for items (1), (2), and (4), alternative hours of operation,  
outdoor customer seating hours, and bottle handling hours may be authorized through the  
administrative use permit approval process in accordance with Chapter 22.70 FMC.  
Additional requirements may be imposed in accordance with Chapter 22.70 FMC for  
those establishments providing outdoor customer seating.

**Section 19.** Ordinance 1246 §16 and FMC 22.60.012 are hereby amended to read as  
follows:

**22.60.012 Stacking spaces for drive-through facilities.**

(a) A stacking space shall be an area measuring eight feet by 20 feet with direct forward  
access to a service window of a drive-through facility. A stacking space shall be located  
to prevent any vehicle from extending onto the public right-of-way, or interfering with

1 any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking  
2 spaces for drive-through or drive-in uses may not be counted as required parking spaces.  
3 (b) Uses providing drive-up or drive-through services shall provide vehicle stacking  
spaces as follows:

4 (1) For each drive-up window of a bank or financial institution, business service, or other  
drive-through use not listed, a minimum of five stacking spaces shall be provided; and

5 (2) For each service window of a drive-through restaurant, a minimum of seven stacking  
spaces shall be provided.

6 (c) Generally, to reduce congestion and turning lane conflicts, drive-through facilities  
7 shall not take access from a principal arterial street. Drive-through facilities must be  
8 provided access from a secondary street or road unless a traffic and circulation study,  
9 which includes a vehicle stacking analysis, clearly demonstrates that the proposed use  
and site design will not result in vehicles encroaching onto the public right-of-way, or  
interfering with any pedestrian circulation, traffic maneuvering, or other parking space  
areas.

10 **Section 20.** A new section is hereby adopted to read as follows:  
11

### 12 **22.64.043 Drive Though Facilities**

13 Intent -- Assess, promote and achieve appropriate development of drive-through  
facilities.

14 Objectives –

- 15 • To promote compatible development that fits well with, and improves, its existing or  
planned context;
- 16 • To protect and enhance the character and quality of the neighborhoods where drive-  
through facilities are located;
- 17 • To enhance public streets and contribute to a high quality public space;
- 18 • To create efficient stacking movements on site;
- 19 • To create a safe and comfortable pedestrian environment on site; and
- To minimize impacts on adjacent land uses that could be caused by on-site activities.

20 Context and Challenges -- Drive-through facilities have proven to be successful as they  
21 target the mobile and car-oriented market. They may operate 24 hours a day, provide  
22 convenience for the traveling public and offer a sense of security for users at night. Drive-  
through service has been adopted by fast food businesses, financial institutions, dry  
23 cleaners, pharmacies and other businesses. Meanwhile, walk-in service is still an  
important component for many businesses with drive-through facilities for customers  
who arrive on foot, bicycles and by vehicles but do not use the drive-through services.

24 While successful and popular, drive-through facilities present many urban design  
25 challenges, including respecting the urban context while designing prototypical drive-  
through facility sites and buildings; supporting a pedestrian friendly environment along  
26 public streets; using landscape areas effectively to improve the overall environmental and  
27 visual quality of the area; and designing efficient stacking movements on site.

28 (a) Locate vehicular access points to the site as far as possible from street intersections.  
Locate vehicle access points to corner sites on the secondary street (Figure 1).

29 (b) Locate surface parking areas and stacking lanes at the side or rear of buildings.



1 (Figures 1 and 2).

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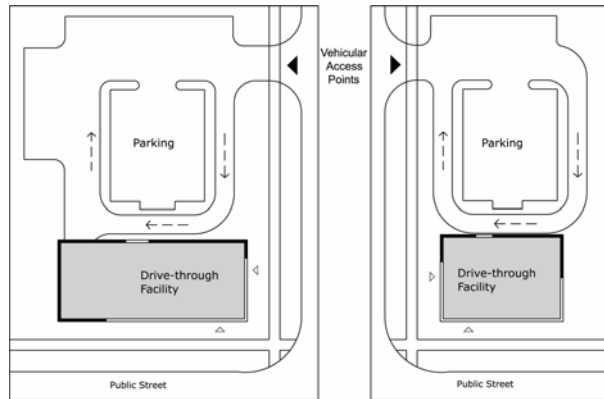


Figure 1:

Locating vehicular access points far from the intersection helps reduce potential impacts on the traffic at the intersection.

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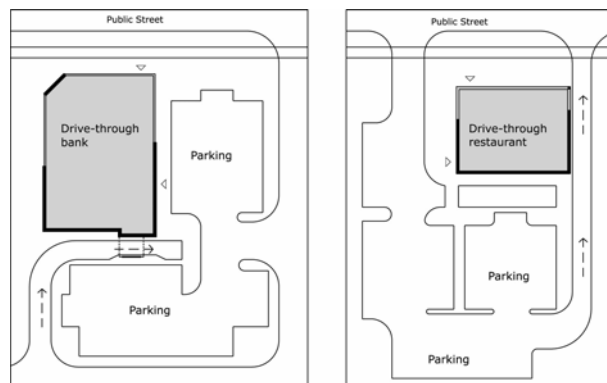


Figure 2:

Locating parking and driveway areas at the rear of the site provides opportunities to frame the street edge with built structures.

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(c) Minimize the number and width of driveways from the public street (Figure 3). However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown in the example on the right, below.

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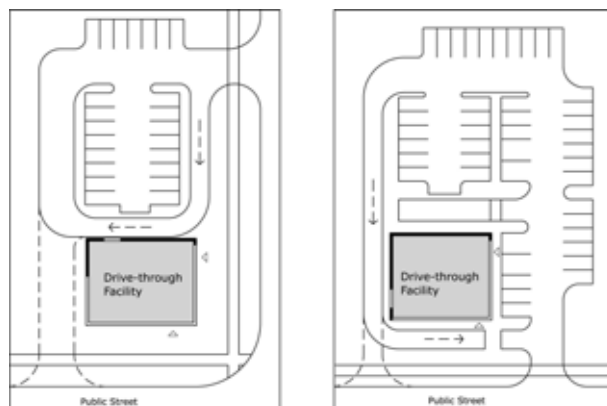


Figure 3:

Minimizing the number and width of driveways helps reduce interruptions to the public sidewalk.

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(d) Locate the start point to the stacking lane at the rear of the site so that queued vehicles do not block traffic along the public streets or the movement of other vehicles on site (Figure 4).

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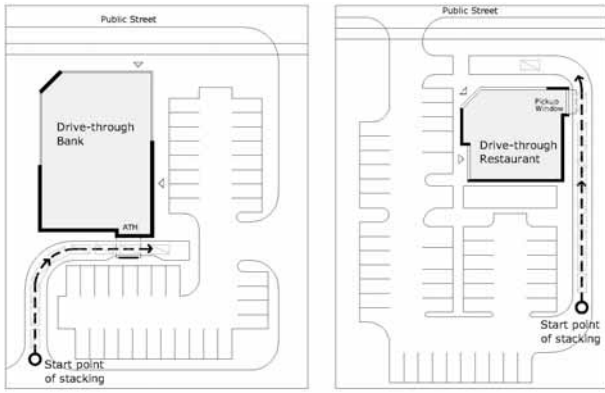


Figure 4:

*In these two drive-through sites, start points are located at the rear of the site to minimize the potential impacts on other traffic that could be caused by stacking cars. However, avoid placing entrance or exit lanes between the building and street or sidewalk as shown on the right*

(e) Locate stacking lanes away from adjacent sensitive uses, such as residential and outdoor amenity areas, to reduce the impacts of noise and pollution that could be caused by stacking cars on such uses. Use landscaping and fencing to help buffer potential impacts.

(f) Avoid locating the stacking lane, and entrance or exit lane, between the building and the public street, as noted in the examples in Figures 3 and 4.

(g) Provide escape lanes and the appropriate number of queuing spaces as required in FMC 22.60.012 to create efficient stacking lanes and to minimize on-site conflicts (Figure 5).

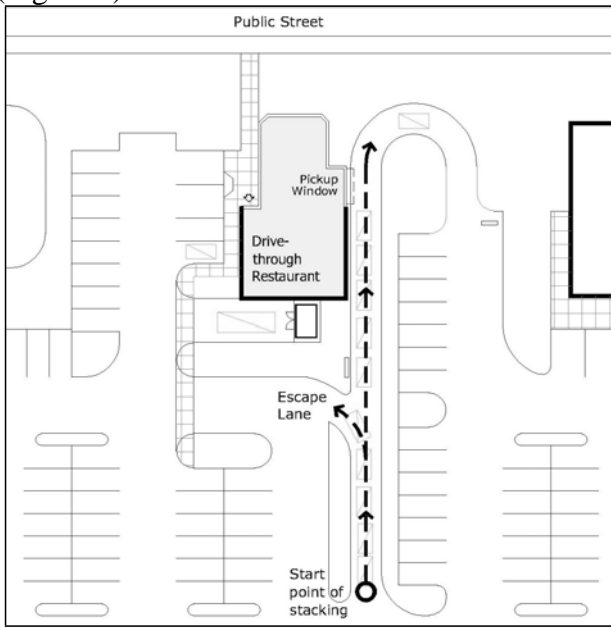


Figure 5:

*In this drive-through site, sufficient queuing spaces are provided. The escape lane allows cars to exit from the stacking lane without having to drive by the pickup window.*

(h) Separate stacking lanes from parking areas and driveways using landscaped islands, decorative pavement, pervious islands and painted lines.

(i) Design the on-site circulation to minimize conflicts between pedestrians and vehicles.

(j) Provide separate stacking lanes when two drive-through uses exist on the same site.

(k) Locate noise-generating areas, including ordering board speakers, outdoor loading areas and garbage/recyclables storage, away from sensitive uses such as residential areas, day care facilities and schools.

1 (l) Buffer potential noise impacts on properties where noise may be detrimental to  
2 occupants with solid attenuations such as building structures, landscaped berms or  
attenuation fencing (minimum 6 feet in height) complemented with landscaping.

3 (m) Limit sound emanating from ordering board speakers or other speaker systems to a  
4 level that is not audible from residentially used properties or detrimental to occupants of  
other nearby properties. At no time should any speaker system be audible above ambient  
5 noise levels beyond the property lines of the site.

6 (n) Provide a minimum 8 foot wide landscape area, which may include a solid wall or  
7 fence in addition to planting, at the edges of sites between property lines and nearby  
entrance lanes, exit lanes, stacking lanes and other drive through facilities, in order to  
provide screening and enhance site environmental benefits.

8 **Section 21.** A new section is hereby adopted to read as follows:

9 **22.98.445 Microbeverage production facility**

10 “Microbeverage production facility” means an establishment that manufactures alcoholic  
11 and nonalcoholic beverages for distribution on or off site. Examples include  
12 microbreweries, microdistilleries and microwineries. Microbeverage production facilities  
may operate in conjunction with a tasting room, retail outlet, and/or food-serving  
establishment.

13 **Section 22.** A new section is hereby adopted to read as follows:

14 **22.98.445.1 Microbrewery**

15 “Microbrewery” means a business known as a craft brewery that produces 5,000 barrels  
16 or less of beer per calendar year. A microbrewery may sell beer of its own production  
17 directly to a customer for off-premises consumption and by all other legal means. A  
microbrewery may operate a tasting room or in conjunction with a food-serving  
18 establishment. A microbrewery must be licensed by the Washington State Liquor  
Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

19 **Section 23.** A new section is hereby adopted to read as follows:

20 **22.98.445.2 Microdistillery**

21 “Microdistillery” means a business known as a craft distillery that produces 5,000 proof  
22 gallons or less of spirits per calendar year. A microdistillery may sell spirits of its own  
23 production directly to a customer for off-premises consumption and by all other legal  
means. A microdistillery may operate a tasting room or in conjunction with a food-serving  
establishment. A microdistillery must be licensed by the Washington State Liquor  
Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

24 **Section 24.** A new section is hereby adopted to read as follows:

25 **22.98.445.3 Microwinery**

26 “Microwinery” means a business engaged primarily in the production, including crushing,  
27 fermentation, aging, and bottling, and distribution of no more than 5,000 cases of wine per  
year. A microwinery may sell wine of its own production directly to a customer for off-  
28 premises consumption and by all other legal means. A microwinery may operate a tasting  
room or in conjunction with a food-serving establishment. A microwinery must be

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licensed by the Washington State Liquor and Cannabis Board and the Federal Alcohol and Tobacco Tax and Trade Bureau.

**Section 25.** Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

**Section 26.** Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 12<sup>th</sup> day of December, 2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**DATE OF PUBLICATION:  
EFFECTIVE DATE:**



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0769

# Memo

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**MEETING DATE:** December 12, 2017  
**TO:** Mayor and Council  
**FROM:** Jeff Boers, Principal Planner  
**SUBJECT:** Land Development Code -- CMU Zone Amendments – Vehicle Repair

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## Background

Council conducted a public hearing on proposed amendments to the Land Development Code (FMC Title 22) at its November 28, 2017 meeting. After receiving public input, Council discussed proposed amendments to the Commercial Mixed Use (CMU) zone. One such amendment would remove *vehicle repair* from the list of conditional uses allowed in the district. The following discussion provides some historical perspective as well as policy basis for the proposed change.

## Proposal

The proposed 2017 amendments include provisions that would affect a number of zoning districts, including a limited number that would apply to the CMU District. Some are intended to streamline the City's review process for new businesses, including *light industrial* uses and *drive up or drive-through facilities*. Others would eliminate references to uses no longer allowed and that the Commission and staff believe are inappropriate for this zone such as *vehicle repair*.

## Analysis and Discussion

The current code allows *vehicle repair* established prior to effective date of the ordinance codified in this section. This provision was enacted to grandfather a single vehicle repair shop that existed when the Community Commercial (CC) and Light Industrial (LI) zones (predecessor zones to the CMU) were combined in 2002. The uses allowed in the LI zone, including vehicle repair, were largely rolled into the CC zone when it was newly applied to two properties on Mildred Street. Subsequently, the lone vehicle repair business closed in 2009 -- and no such use exists today in the CMU zone. No new vehicle repair business may be established under current CMU zoning. The amendment reflects this reality and is intended to avoid this provision from being misconstrued.

Vehicle repair shops have a high potential for generating impacts such as noise, vibration, odors, and light and glare on surrounding businesses in commercial centers and on nearby sensitive land uses such as housing. The original intent of allowing only the continuation of one existing vehicle repair business was to minimize future impacts that might occur from the proliferation of these businesses. New vehicle repair businesses could also dampen investor enthusiasm for redevelopment of nearby properties for retail, office, residential or other beneficial land uses. The previous CC zone and the current CMU zone recognize this potential incompatibility – and the amendment would remove any ambiguity as to whether such uses would be allowed in the future.

**NEW BUSINESS:** Potential Annexation of 62nd Ave W and 44th St W Area  
**ITEM 10H.**

**FROM:** Angelie Stahlnecker, Planning and Building Administrator

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, annexing certain real property, identified as the “62nd Avenue West and 44th Street West Potential Annexation Area” into the City of Fircrest, pursuant to RCW 35A.14.460, providing for the assumption of indebtedness and zoning regulations, providing for addressing, and providing for the effective date of the annexation.

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**PROPOSAL:** The Council is being asked to annex the potential annexation area by ordinance. This ordinance will annex the real property with a 45-day effective date, identifying the property is subject to the Comprehensive Plan, Zoning Code, taxes, and indebtedness. In addition, the ordinance will establish the land use designation and zoning district, as well as establish the addressing.

**FISCAL IMPACT:** A minimal increase in property tax received (approximately \$7,500 per year). There is a minimal expectation of cost for providing services.

**ADVANTAGE:** The annexation would accomplish the goals set forth in the City of Fircrest Comprehensive Plan, Pierce County Countywide Policies, and the Growth Management Act. It would also even up our City boundary and give us control over the northern portion of 44th Street.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** None identified.

**HISTORY:** RCW 35A.14.460 allows a county to enter into an interlocal agreement with a city to annex an area within its potential annexation area (PAA) when at least sixty percent (60%) of the boundary of the area is contiguous with a city. The City was approached by Pierce County planning staff in April 2016 to move forward with annexation of the City’s PAA as part of the County’s goal to provide more efficient services by eliminating islands of unincorporated land. Both the Pierce County and City of Fircrest comprehensive plans designate the proposed area as Fircrest’s PAA. On July 18, 2016, the City Council held a study session expressing interest in annexing the area. On October 5, 2016, an informational outreach meeting was offered. Ten residents or owners attended. On October 25, 2016, the City Council passed a resolution expressing the intent to annex the Fircrest PAA by interlocal agreement. Staff sent out notices to both property owners and tenants prior to all the meetings and an additional notice related to the proposed address changes. Staff has contacted the West Pierce Fire Department, which has no concerns at this time. As governed by FMC 22.05, the Planning Commission conducted a public hearing on this matter and forwarded its recommendations to the City Council. As required by RCW 35A.14.460, the proposed annexation agreement was published twice: September 21, 2017 and September 28, 2017 in the Tacoma Daily Index. The City Council held a public hearing on October 10, 2017 and adopted Resolution No. 1495 authorizing the City Manager to sign the Annexation Interlocal Agreement and Memorandum of Understanding related to the transfer of governmental services.

**ATTACHMENT:** [Ordinance](#)

1 CITY OF FIRCREST  
2 ORDINANCE NO. \_\_\_\_\_

3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
4 FIRCREST, WASHINGTON, ANNEXING CERTAIN REAL  
5 PROPERTY, IDENTIFIED AS THE “62ND AVENUE WEST AND  
6 44TH STREET WEST POTENTIAL ANNEXATION AREA” INTO  
7 THE CITY OF FIRCREST, PURSUANT TO REVISED CODE OF  
8 WASHINGTON (RCW) 35A.14.460, PROVIDING FOR THE  
9 ASSUMPTION OF INDEBTEDNESS AND ZONING REGULATIONS,  
10 PROVIDING FOR ADDRESSING, AND PROVIDING FOR THE  
11 EFFECTIVE DATE OF THE ANNEXATION.

12 **WHEREAS**, *Vision 2040* includes a goal that unincorporated lands within urban growth  
13 areas will be annexed into existing cities; and

14 **WHEREAS**, the Pierce County Regional Council was created in 1992 by an interlocal  
15 agreement among Pierce County and the cities and towns of Pierce County, and charged  
16 with responsibilities, including, but not limited to: serving as a local link to the Puget  
17 Sound Regional Council, promoting intergovernmental cooperation, facilitating  
18 compliance with the Growth Management Act and the Multi-County Planning Policies,  
19 and developing a consensus among jurisdictions regarding the development and  
20 modification of the Countywide Planning Policies (CPPs); and

21 **WHEREAS**, the Pierce County CPPs are written policy statements that are to be used  
22 solely for establishing a countywide framework from which the County and County  
23 municipal comprehensive plans are developed and adopted; and

24 **WHEREAS**, the Pierce County CPPs identify unincorporated “islands” as the highest  
25 priority for annexation; and

26 **WHEREAS**, RCW 35A.14.460 allows Pierce County to enter into an interlocal  
27 agreement with a city to annex an area within its Potential Annexation Area (PAA) when  
28 at least sixty percent (60%) of the boundary of the area is contiguous with a city; and

29 **WHEREAS**, RCW 35A.14.460(1) allows either the legislative body of a county or code  
30 city to initiate an annexation process by adopting a resolution commencing negotiations  
31 for an interlocal agreement; and

32 **WHEREAS**, the City hosted, and county staff attended, a public open house on the  
33 proposed annexation on October 5, 2016; and

34 **WHEREAS**, the City of Fircrest City Council passed Resolution 1451 on October 25,  
35 2016, directing City staff to negotiate an interlocal agreement with Pierce County to  
36 annex properties within its designated Potential Annexation Area; and

37 **WHEREAS**, FMC 12.26.010 allows the City Council to determine whether roadways  
38 in areas annexed subsequent to 1996 shall retain their Pierce County street name and  
39 addressing number; and

40 **WHEREAS**, the City has determined having one road split with two names (Rainier  
41 Street and 60<sup>th</sup> Avenue Court West), would be detrimental to providing effective and  
42 timely provision of emergency medical and law enforcement services; and

1 **WHEREAS**, the Planning Commission held a public hearing on September 5, 2017;  
2 and

3 **WHEREAS**, RCW 35A.14.460 requires a public hearing to be held by each legislative  
4 body, separately or jointly, before the agreement is executed; and

5 **WHEREAS**, RCW 35A.14.460 requires that each legislative body holding a public  
6 hearing shall, separately or jointly, publish the agreement at least once a week for two  
7 weeks before the date of the hearing in one or more newspapers of general circulation  
8 within the territory proposed for annexation; and

9 **WHEREAS**, the proposed annexation agreement was published twice, on September  
10 21, 2017 and September 28, 2017 in the Tacoma Daily Index; and

11 **WHEREAS**, the City Council held a public hearing on October 10, 2017, notifying all  
12 affected property owners and tenants; and

13 **WHEREAS**, on October 10, 2017, the City Council adopted Resolution 1495  
14 authorizing the City Manager to sign the Annexation Interlocal Agreement and  
15 Memorandum of Understanding related to the transfer of governmental services; and

16 **WHEREAS**, the City Council adopted Ordinance 1603 establishing pre-annexation  
17 land use designation of Single Family Residential and a zoning classification of  
18 Residential- 4; and

19 **WHEREAS**, the City Council has determined that the proposed annexation will be  
20 consistent with the goals, objectives and policies of the City of Fircrest Comprehensive  
21 Plan and that the proposed annexation will promote, rather than detract from, the public  
22 health, safety, morals and general welfare by incorporating the urban growth area into  
23 the City of Fircrest to better serve it with public facilities and services. Now, Therefore,

24 **THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS  
25 FOLLOWS:**

26 **Section 1.** The real property within the “62nd Avenue West and 44th Street West  
27 Potential Annexation Area” described in Exhibit ‘A’ and depicted on Exhibit ‘B’  
28 attached hereto and incorporated herein by reference, is hereby annexed to the City of  
29 Fircrest pursuant to RCW 35A.14.460.

30 **Section 2.** Said annexed property shall be subject to the City of Fircrest Comprehensive  
31 Plan and Zoning Code (FMC Title 22) and shall be designated in the Official Zoning  
32 May as set forth in Ordinance No. 1603.

**Section 3.** Said annexed property shall be addressed as described in Exhibit ‘C.’

**Section 4.** All properties within the territory hereby annexed shall be assessed and taxed  
at the same rate and on the same basis as other property within the City of Fircrest,  
including all indebtedness existing as of the effective date of the annexation.

**Section 5.** Notice of the effective date of the annexation, together with a description of  
the property to be annexed, shall be published at least once each week for two weeks  
subsequent to passage of this ordinance as required by RCW 35A.14.460.

**Section 6.** Severability. If any section, sentence, clause or phrase of this title shall be  
held to be invalid or unconstitutional by a court of competent jurisdiction, such



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invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

**Section 7.** Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective forty-five (45) days after such publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 12<sup>th</sup> day of December, 2017.

**APPROVED:**

\_\_\_\_\_  
Hunter T. George, Mayor

**ATTEST:**

\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Michael B. Smith, City Attorney

**DATE OF PUBLICATION:**  
**EFFECTIVE DATE:**

# Exhibit A

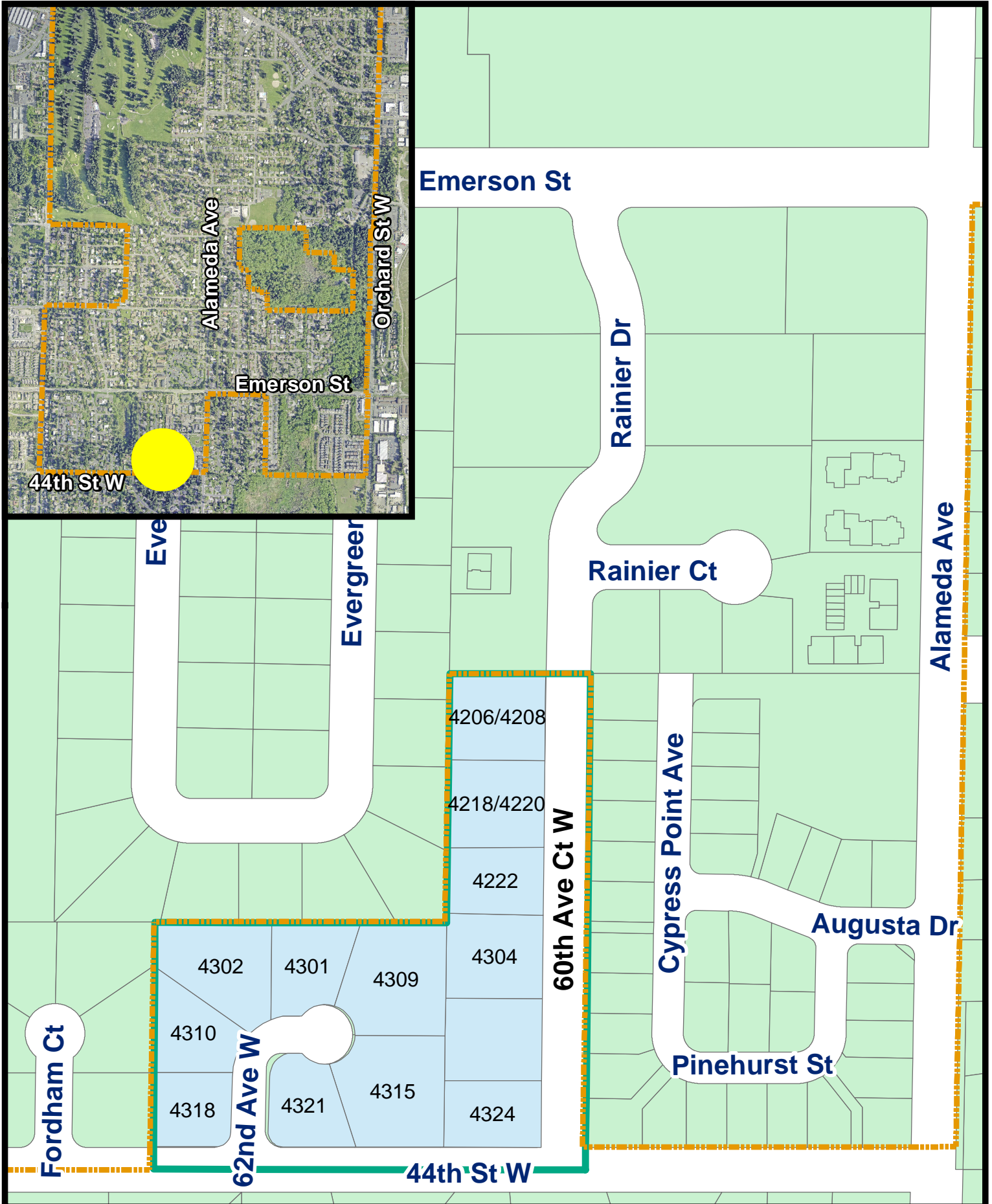
## **62<sup>nd</sup> Avenue West and 44<sup>th</sup> Street West PAA Legal Description**

That portion of the Northeast quarter of the Southwest quarter of Section 14, Township 20 North, Range 2 East, Willamette Meridian, in Pierce County, Washington described as follows:

Beginning at Southwest corner of lot 7 of Mount Vista Terrace 3rd Addition as recorded under A.F.N 1907450 in said County; Thence South 30 feet on a projected line parallel to the West line of said lot, said point being on centerline of 44th Street West; Thence East along the centerline of said Street, to a point that is projected South and parallel to the West line of Fircrest Greens as recorded under A.F.N 200508255015 in said County; Thence North on said projected line for 30 feet to the Southwest corner of lot 11 of said plat; Thence continuing North on along said West line of said plat to the Northwest corner of lot 21, said West line is also being the City Limits of Fircrest as established by ordinance 668 dated 9/15/1974; Thence West along the South line of Martin and Haddows 1st Addition as recorded under A.F.N 2163963 in said County to the Southwest corner of lot 3 of said plat, said line also being the City limits of Fircrest as established by Ordinance 549 dated 6/15/1966; Thence South along the East line of Maitlands 4th Addition as recorded under A.F.N 2117682 to the Southeast corner of lot 13 of said plat, said line also being the City limits of Fircrest as established by Ordinance 531 dated 10/18/1965; Thence West along said plat, and City limits line to the Northwest corner of lot 9 Mount Vista Terrace 3rd Addition as recorded under A.F.N 1907450 in said county, said point also being City Limits of Fircrest as established by ordinance 553 dated 8/10/1966; Thence South on the West line of lots 9, 8, and 7, said lines are also being the East line of said City Limits, to the Southwest corner of lot 7, and point of beginning.

# Exhibit B

## Potential Annexation Area



# Exhibit C - Proposed Address Changes

 Affected Parcels

