



**CITY OF FIRCREST
PLANNING COMMISSION
A G E N D A**

April 3, 2018
6:00 p.m.

City Hall
115 Ramsdell Street

1) Roll Call

2) Approval of the March 6, 2018 Minutes

3) Citizen Comments (For Items Not On The Agenda)

4) Public Hearing

- a) None

5) Unfinished Business

- a) Case No. 18-04 Amendments to Type II-A Public Notice
 - Staff Report
 - Public Comments
 - Close Public Hearing
 - Commission Discussion
 - Action
- b) Case No. 18-05 Amendments to Accessory Structures Setbacks
 - Staff Report
 - Public Comments
 - Close Public Hearing
 - Commission Discussion
 - Action

6) New Business

- a) None

7) Adjournment

**CITY OF FIRCREST PLANNING COMMISSION
REGULAR MEETING MINUTES**

March 6, 2018
6:00 PM

Fircrest City Hall

115 Ramsdell Street

CALL TO ORDER

Chair Karen Patjens called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m.

ROLL CALL

Commissioners Kathy L. McVay, Cameron McGinnis, Karen Patjens, and Kenneth Halgren were present. Absent: None. Excused: Arne Michaelsen. Staff present: Planning and Building Administrator Angelie Stahlnecker and Administrative Assistant Abbie Maenhout.

APPROVAL OF MINUTES

The minutes for the meeting of January 2, 2018 were presented for approval.

Moved by McVay and seconded by McGinnis to approve the minutes. Upon vote, motion carried 4-0.

NEW BUSINESS

Case No. 18-01 – Approval of Extension – Condo Project Preliminary Site Plan Approval

Planning and Building Administrator Angelie Stahlnecker presented the staff report detailing the application to grant an extension of the major site plan amendment that was approved on March 8, 2017. FMC 22.72.014 permits the Planning Commission to grant a one-time extension of one year if the approval criteria has been met.

Moved by McVay and seconded by McGinnis to adopt Resolution No. 18-02, a resolution of the Planning Commission of the City of Fircrest, Washington granting an extension to a preliminary site plan for the golf course condo project. Ayes: Kathy L. McVay, Cameron McGinnis, Karen Patjens and Kenneth Halgren. Excused: Arne Michaelsen.

2018 Comprehensive Plan Schedule

Stahlnecker presented the 2018 Comprehensive Plan Update Schedule. The update is to incorporate the newly annexed area, state requirements, and updates to the Six-Year Capital Improve Program. A submission window from April 2 to June 1, 2018 for private applications is recommended.

Moved by McVay and seconded by McGinnis to approve the 2018 Comprehensive Plan update schedule. Ayes: Kathy L. McVay, Cameron McGinnis, Karen Patjens and Kenneth

Halgren. Excused: Arne Michaelsen.Proposed Amendments: FMC 22.07.004 and .005, Type II-B Public Notice

Stahlnecker presented an overview of proposed amendments to FMC 22.07.004 Notice of comment period and FMC 22.07.005 Notice of decision for Type II-B applications. Type II-B applications are reviewed and approved at the staff level and include administrative use permits, minor site plan reviews, minor variances, and administrative interpretations.

The City Council had directed staff to review the notice distance and comment period for Type II-B projects. Staff recommended maintaining the 100 feet notice area for residential projects, increasing the public notice to 300 feet for commercial projects and extending the comment period to 14 days.

There were no comments or objections to setting a public hearing on the proposal for April 3rd.

Proposed Amendments: FMC 22.58.003(a), Accessory Buildings

Stahlnecker presented a staff recommendation to amend FMC 22.58.003(a), as it relates to the rear setback of through-lots for accessory buildings. Through-lots face a street on the front and rear property lines. Currently, the minimum setback from both lot lines is the same as the zone's front yard setback standard. As this can create potential confusion and unintended compliance issues staff asked the planning commission to consider two possible amendments to the section:

Option 1: Exclude accessory structures that are exempt from a building permit from the increased setback

Option 2: Allow all accessory structures to use existing rear setback standards

The planning commission indicated a preference for option 1. There were no objections to setting a public hearing on the proposal for April 3rd.

ADJOURNMENT

Moved by McVay and seconded by McGinnis to adjourn the meeting at 6:24 p.m. Upon vote, motion carried unanimously.

Kathy McVay
Planning Commission Vice-Chair

Angelie Stahlnecker
Planning/Building Administrator



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FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 18-04

Amendments to FMC 22.07.004 and .005, Type II-B Public Notice

April 3, 2018 Planning Commission Meeting

PROPOSAL:

The City of Fircrest proposes to amend FMC 22.07.004 and .005, related to Type II-B Public Notices.

The proposed amendments will:

- Increase the minimum distance of public notice for commercial projects to 300 feet from 100 feet.
- Increase the minimum comment period from 10 days to 14 days calendar days.

AMENDMENT PROCESS:

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

ENVIRONMENTAL DETERMINATION:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* for the proposed amendments, on March 19, 2018. The environmental determination was issued with a 14-day comment/appeal period ending on April 2, 2018. As of the date this staff report was issued, the City had not received any comments or notice of appeal.

DEPARTMENT OF COMMERCE NOTIFICATION:

The City submitted a *Notice of Proposed Amendment* with a request for *Expedited Review* to the Washington State Department of Commerce on March 16, 2018. The state agency comment period will end on March 26, 2018 unless one or more state agencies request additional time to review and comment on the proposal. No comments were received by the City.

SUMMARY OF PROPOSED AMENDMENTS:

At the request of the City Council, staff reviewed the notice requirements for Type II-B permits, which include administrative use permits, minor site plan review, minor variances and administrative interpretations. Type II-B applications are a staff level review and do not require a public hearing. Current code requires a 100' notice distance with a 10-day comment period.

Increasing the comment time period and increasing the public notice distance for commercial properties would provide greater public input on projects that may have more impact on the adjacent properties. In addition, the amendments would parallel the public notice requirements for public hearings.

Upon review, staff recommends increasing the public notice to 300 feet for commercial projects and extending the comment period to 14 days.

ANALYSIS:

Fircrest Municipal Code

The proposal consists of a development regulation text amendment, which is a Type V application proposal. The review and approval criteria are provided below:

22.78.004 Criteria for amendment approval.

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

- (a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan.*
- (b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.*

Staff believes each criterion will be met by the proposal. Findings and conclusions in support of these criteria are provided in the preliminary resolution (Exhibit 2).

RECOMMENDATION:

Staff recommends the Planning Commission consider public comments received during the public hearing, consider the findings and conclusions in the preliminary resolution (Exhibit 2), and adopt the following motion recommending approval of the proposal:

I move to adopt Resolution No. 18-03, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the Fircrest Municipal Code 22.07.004 and .005, related to Type II-B Public Notices.

Angelie Stahlnecker

Angelie Stahlnecker
Planning and Building Administrator

March 28, 2018

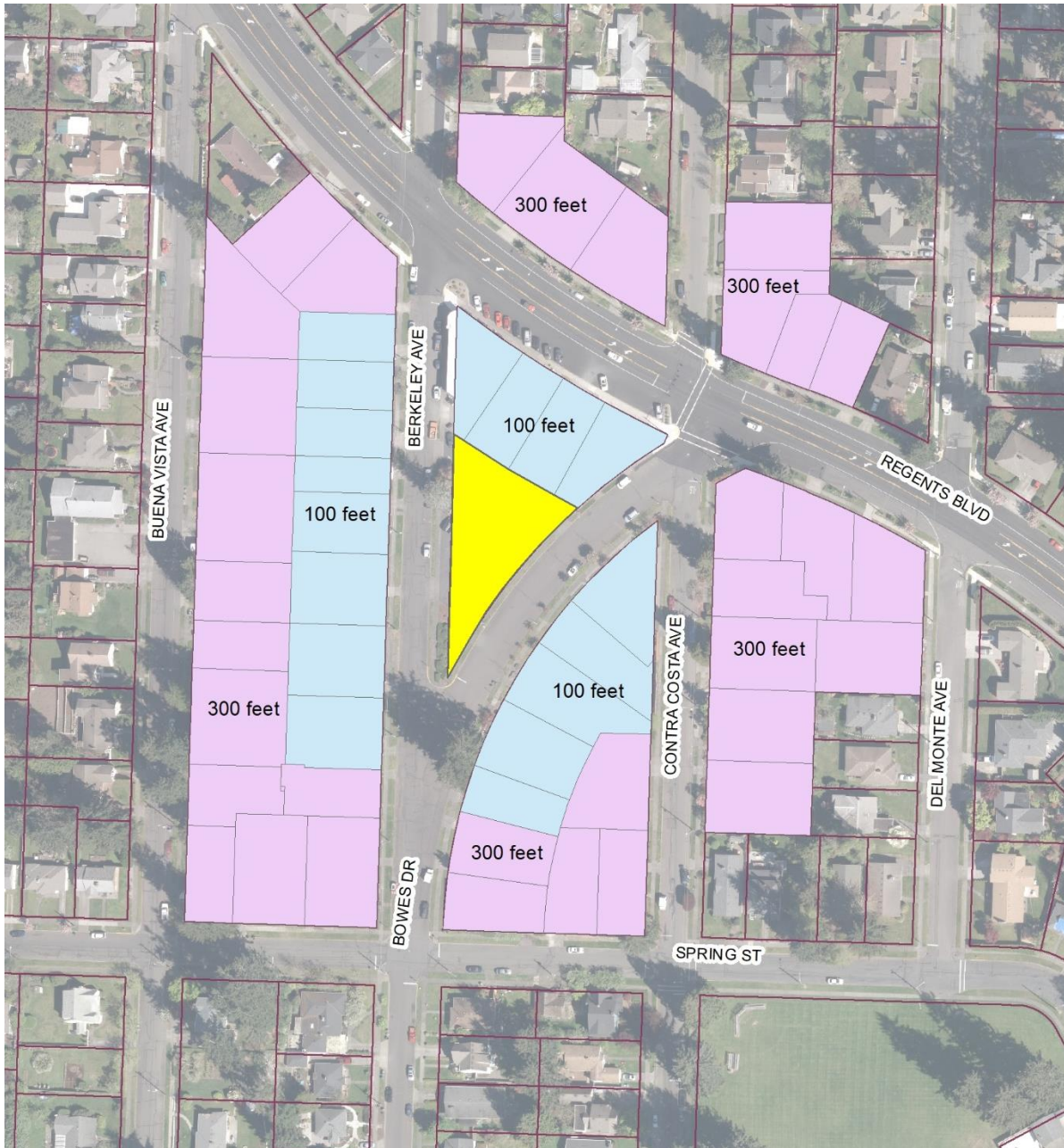
Date

Exhibits:

1. Distance Comparison
2. Preliminary Resolution No. 18-03

Exhibit 1

Distance Comparison



1 **Exhibit 2**

2 **CITY OF FIRCREST PLANNING COMMISSION**
3 **RESOLUTION NO. 18-03**
4 **Case No. 18-04**

5 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF**
6 **FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF**
7 **AMENDMENTS TO FMC 22.07.004 AND .005, RELATED TO TYPE II-B**
8 **PUBLIC NOTICES.**

9 **WHEREAS**, the City has identified the desire to increase notice and comment opportunities for Type II-B applications; and

10 **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 March 16, 2018, which was issued to state agencies for a comment period that ended on April 2, 2018 as required pursuant to RCW 36A.70 RCW, and no comments were received; and

13 **WHEREAS**, the City issued a *Determination of Nonsignificance* on March 19, 2018 with a 14-day comment period ending April 2, 2018, and no adverse comments were received; and

16 **WHEREAS**, the Planning Commission conducted a public hearing on April 3, 2018 to accept public testimony and comment on the proposed amendments; and

18 **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:

20 (a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan;

22 (b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare by providing greater public input for projects that may have more impact on the adjacent properties.

25 **THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fircrest hereby recommends to the City Council that it:

26 1. Amend FMC 22.07.004 to read as follows:

27 22.07.004 Notice of comment period for ~~administrative use permit, minor site plan review and minor variance~~ Type II-B permits.

1 Upon receipt of a complete application for an ~~administrative use permit, minor site plan~~
2 ~~review, or minor variance~~ Type II-B permit, the director shall send written notice to the
3 owners of property within 100 feet of the subject property for a residential proposal,
4 and within 300 feet of the subject property for a commercial proposal, notifying them
5 of the application and the opportunity to comment on the proposal. Public comments
6 must be received by the director within ~~10~~ 14 calendar days of the issuance date of the
7 notice. No public hearing will be conducted for these applications. However, public
8 comments received within the comment period will be considered by the director prior
9 to issuance of a written decision. Administrative interpretations are exempt from this
10 requirement. (Ord. 1245 § 5, 2000).

11 2. Amend FMC 22.07.005 to read as follows:

12 22.07.005 Notice of decision for ~~administrative use permit, minor site plan review,~~
13 ~~minor variance, and administrative interpretation~~ Type II-B permits.

14 Upon issuance of a decision on a proposed ~~administrative use permit, minor site plan~~
15 ~~review, minor variance, or administrative interpretation,~~ Type II-B permit, the director
16 shall provide a written notice of this decision to the applicant and any parties who have
17 provided written comment during the ~~10-day~~ comment period, if applicable. The
18 director shall also provide written notice of this decision to the planning commission.
19 (Ord. 1611 § 2, 2018; Ord. 1512 § 2, 2011; Ord. 1245 § 6, 2000).

20 **MOVED AND ADOPTED** by the Planning Commission of the City of Fircrest on the 3rd day
21 of April 2018 by the following vote:

22 YES: (-)

23 NO: (-)

24 APPROVED:

25 _____
26 Kathy L. McVay
27 Vice-Chair, Fircrest Planning Commission

28 ATTEST:

29 _____
30 Angelie Stahlnecker
31 Planning/Building Administrator

32 _____
Date



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FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 18-05

Amendments to FMC 22.58.003, Accessory Buildings Setbacks **April 3, 2018 Planning Commission Meeting**

PROPOSAL:

Staff is asking the Planning Commission to consider amendments to FMC 22.58.003, Accessory Buildings as it relates to rear and side setbacks.

The proposed amendments will:

- Reduce the minimum “rear yard” setback of a through-lot to five feet if no building permit required.
- Reduce the minimum setback for side street side yard to five feet if no building permit required.
- Increase the interior side yard setback and rear yard setback from three feet to five feet.

AMENDMENT PROCESS:

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

ENVIRONMENTAL DETERMINATION:

The City prepared an Environmental Checklist and issued a *Determination of Nonsignificance* for the proposed amendments, on March 19, 2018. The environmental determination was issued with a 14-day comment/appeal period ending on April 2, 2018. As of the date this staff report was issued, the City had not received any comments or notice of appeal.

DEPARTMENT OF COMMERCE NOTIFICATION:

The City submitted a *Notice to Intent to Adopt Amendment* with a request for *Expedited Review* to the Washington State Department of Commerce on March 16, 2018. The state agency comment period will end on March 26, 2018 unless one or more state agencies requests additional time to review and comment on the proposal. As of the date this staff report was issued, the City had not received any comment. No comments were received by the City.

SUMMARY OF PROPOSED AMENDMENTS:

The planning and building department receives multiple questions related to placement and construction of accessory buildings. Staff is recommending two amendments that will bring more consistency, equitably, and clarity to the code.

Through-lot and Side Street Side Yard Setbacks

Staff recommends maintaining the current setback for larger accessory structures that require a permit, but reduce the setback to 5 feet for structures not requiring a permit for the following reasons:

- **The code currently treats through-lots as rear lots for everything outside of accessory building setbacks.** The original through-lot regulations were intended to keep “rear” yards of properties fronting on streets such as Claremont Street and Alameda Avenue looking like front yards. From both an aesthetic and functional viewpoint, the requirement was intended to prevent large garages lined up along the street frontage which could be adjacent to another property’s front yard and to prevent sight obstructions for pedestrians and vehicles. The original regulations included limiting fence heights to four feet, similar to front yards. The current code allows a six-foot solid fence with a foot of lattice.
- **Due to the uniqueness of this restriction and the fact that accessory structure 200 square feet or less do not require a building permit, staff believes this creates an environment for confusion and unintentional compliance issues.** Last year, the Planning Commission approved a major variance to allow construct of a structure that was no more than 200 square foot in the rear yard setback of a through-lot instead of the minimum 25 feet required by code. Recently, another property owner of a through-lot is in a similar situation and has approached the City. As a twenty-foot setback would be required per code, it would place the building in the main portion of their backyard. Staff suspects other properties have unknowingly violated this standard.

Rear and Interior Side Yard Setbacks

Staff recommends increasing the rear and side yard setbacks for accessory structures from 3 feet to 5 feet for the following reason:

- **The building code requires a 1-hour fire-resistant wall if a structure is built less than five feet.** As many sheds and garages are used to store flammable and chemical materials, it is appropriate to use the International Residential Code’s separation of five feet protect one property from another.
- **Five foot setback would better protect adjacent properties from storm run-off.** The code requires that storm run-off remain onsite. That extra space would pull eaves back from the property line, which ensures they meet the minimum three-foot setback for eaves and provide more area for run-off from roofs to drain into the ground naturally.

- **Provide better aesthetics between properties.** A few property owners have raised concerns about large accessory structures being built so close to their property line. Again, moving the accessory buildings back from the property lines will provide a little more privacy and backyard enjoyment for adjacent property owners.

ANALYSIS:

Fircrest Municipal Code

The proposal consists of a development regulation text amendment, which is a Type V application proposal. The review and approval criteria are provided below:

22.78.004 Criteria for amendment approval.

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

- (a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan.*
- (b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.*

Staff believes each criterion will be met by the proposal. Findings and conclusions in support of these criteria are provided in the preliminary resolution (Exhibit 2).

RECOMMENDATION:

Staff recommends the Planning Commission consider public comments received during the public hearing, consider the findings and conclusions in the preliminary resolution (Exhibit 1), and adopt the following motion recommending approval of the proposal:

I move to adopt Resolution No. 18-04, a resolution of the Planning Commission of the City of Fircrest, Washington recommending adoption of amendments to the Fircrest Municipal Code 22.58.003(a), Accessory Buildings.

Angelie Stahlnecker

Angelie Stahlnecker
Planning and Building Administrator

March 27, 2018

Date

Exhibits:

1. Setback Comparisons
2. Preliminary Resolution No. 18-04

Exhibit 1 Setback Comparisons

City	Rear Yard	Side Yard	Comment
DuPont	Zero	Zero	Must maintain 5' between buildings
Fircrest	3 feet	3 feet	
Gig Harbor	3 feet	3 feet	Maximum 22x24; 12'height
Lakewood	3 feet	3 feet	Maximum 120sf and 10' Height
Sumner	3*/5 feet	3*/5 feet	*with location, use and height restrictions
Fife	5 feet	5 feet	
Puyallup	5 feet	5 feet	
University Place	5 feet	5 feet	
Eatonville	8 feet	8 feet	
Bonney Lake	10 feet	5 feet	
Port Orchard	10 feet	5 feet	
Des Moines	10 feet	10 feet	Zero if a corner lot
Yelm	25 feet	5 feet	Zero if less than 120sf and 10' Height

1 **Exhibit 2**

2 **CITY OF FIRCREST PLANNING COMMISSION**
3 **RESOLUTION NO. 18-04**
4 **Case No. 18-03**

5 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF**
6 **FIRCREST, WASHINGTON, RECOMMENDING ADOPTION OF**
7 **AMENDMENTS TO FMC 22.58.003, ACCESSORY BUILDINGS SETBACKS.**

8 **WHEREAS**, the City has identified the desire to amend the setback requirements for
9 accessory structures; and

10 **WHEREAS**, the City submitted a *Notice of Intent to Adopt Amendment* with a request
11 for *Expedited Review* to the Washington State Department of Commerce on March
12 16, 2018, which was issued to state agencies for a comment period that ended on
13 April 2, 2018 as required pursuant to RCW 36A.70 RCW, and no comments were
14 received; and

15 **WHEREAS**, the City issued a *Determination of Nonsignificance* on March 19, 2018
16 with a 14-day comment period ending April 2, 2018, and no adverse comments were
17 received; and

18 **WHEREAS**, the Planning Commission conducted a public hearing on April 3, 2018 to
19 accept public testimony and comment on the proposed amendments; and

20 **WHEREAS**, the Planning Commission adopted the following findings in support of
21 approval of the proposed amendments, in consideration of the criteria listed in FMC
22 22.78.004, prior to final action:

23 (a) The proposed amendment is consistent with the goals, objectives and policies of
24 the comprehensive plan; and

25 (b) The proposed amendment will promote, rather than detract from, the public
26 health, safety, morals and general welfare by minimizing the impact on adjacent
27 properties by increasing side and rear setbacks for accessory structures that will
28 provide better fire, stormwater, and aesthetic separation and by improving
29 equitability and preserving backyard space by establishing a five foot rear yard of a
30 through-lot setback for accessory structures that do not require a permit.

31 **THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fircrest hereby
32 recommends to the City Council that it:

1. Amend FMC 22.58.003 to read as follows:

22.58.003 Accessory buildings.

(a) One or more detached accessory buildings, including, but not limited to,
garages, carports, garden sheds, greenhouses and other similar structures, may be

constructed on a parcel containing a principal residential structure, subject to the following standards:

Maximum building footprint area	600 sf.
Maximum lot coverage	10% of the lot area or 1,000 sf, whichever is less, for all accessory buildings combined on a single lot.
Maximum building height	18 feet at top of ridge and 10 feet at top of wall.
Minimum front yard setback	Same as specified for principal residential structure.
Minimum interior side yard setback	3-5 feet, if located ≥ 50 feet from the front property line. 5 feet, if located < 50 feet from the front property line.
Minimum side street side yard setback on a corner lot	Same as specified for principal residential structure <u>if building permit required, otherwise 5 feet.</u>
Minimum rear yard setback	3-5 feet.
Minimum setback from <u>"rear"</u> lot line on either street frontage or of a "through lot"	Same as specified for required front yard for principal residential structure <u>if building permit required, otherwise 5 feet.</u>
Minimum setback from alley	3-5 feet. Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line separation of at least 22 feet from the access point to the opposite property line of the alley. No portion of the garage or the door in motion may cross the property line abutting the alley.
Minimum separation from principal residential structure	5 feet. Note: the building code may require a 6-foot minimum separation based on construction design.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

(b) Exceptions to Building Footprint Area, Height and Lot Coverage Limits. The director may grant an administrative use permit for a building that

exceeds the building footprint, height or lot coverage standards listed in subsection (a) of this section if it finds that:

- (1) The building and its use will not significantly impact adjoining properties;
- (2) The architecture will incorporate exterior finish materials and design elements consistent with, or superior to, that of the principal residential structure on the property;
- (3) The building will fit the character of the neighborhood;
- (4) The architecture complies with the city's design guidelines;
- (5) The building footprint will not exceed 800 square feet, and the building height will not exceed 21 feet at the top of ridge or 12 feet at the top of wall; and
- (6) The combined building footprints of existing and proposed accessory buildings on the same lot will not exceed 1,000 square feet.

(c) Determination of Attached Versus Detached Status for Garages. A garage that is connected to a principal residential structure by an architecturally integrated, covered breezeway is classified as an attached garage if the separation between the parallel walls of the garage and principal structure does not exceed eight feet. For purposes of determining allowable setbacks, height and lot coverage, an attached garage is treated as if it were part of the principal structure. If the separation between the parallel walls of a garage and principal structure exceeds eight feet, the garage is classified as a detached building subject to the accessory building standards listed in this section.

MOVED AND ADOPTED by the Planning Commission of the City of Fircrest on the 3rd day of April 2018 by the following vote:

YES: (-)

NO: (-)

APPROVED:

Kathy L. McVay
Vice-Chair, Fircrest Planning Commission

ATTEST:

Angelie Stahlnecker
Planning/Building Administrator

Date