

**FIRCREST CITY COUNCIL
SPECIAL MEETING AGENDA**

**MONDAY, APRIL 16, 2018
6:00 P.M.**

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

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Roll Call**
- 4. Agenda Modifications**
- 5. Amendments to FMC 22.07.004 and .005, Type II-A Public Notice**
- 6. Amendments to FMC 22.58.003, Accessory Buildings Setbacks**
- 7. Summer Water Rates**
- 8. Pool and Community Center Discussion**
- 9. Adjournment**



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FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 18-04

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

April 16, 2018 City Council Study Session

BACKGROUND:

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

Staff concurred that 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. Type III-A applications, which require a Planning Commission review, already require a greater notice distance for commercial projects than residential projects. The Planning Commission held a public hearing on April 3, 2018 and forwarded their recommendation onto the City Council.

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.

SUMMARY OF PROPOSED AMENDMENTS:

The Planning Commission has recommended:

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

Attachments:

1. Draft Amendments
2. Distance Comparison

**Attachment 1
Draft Amendment**

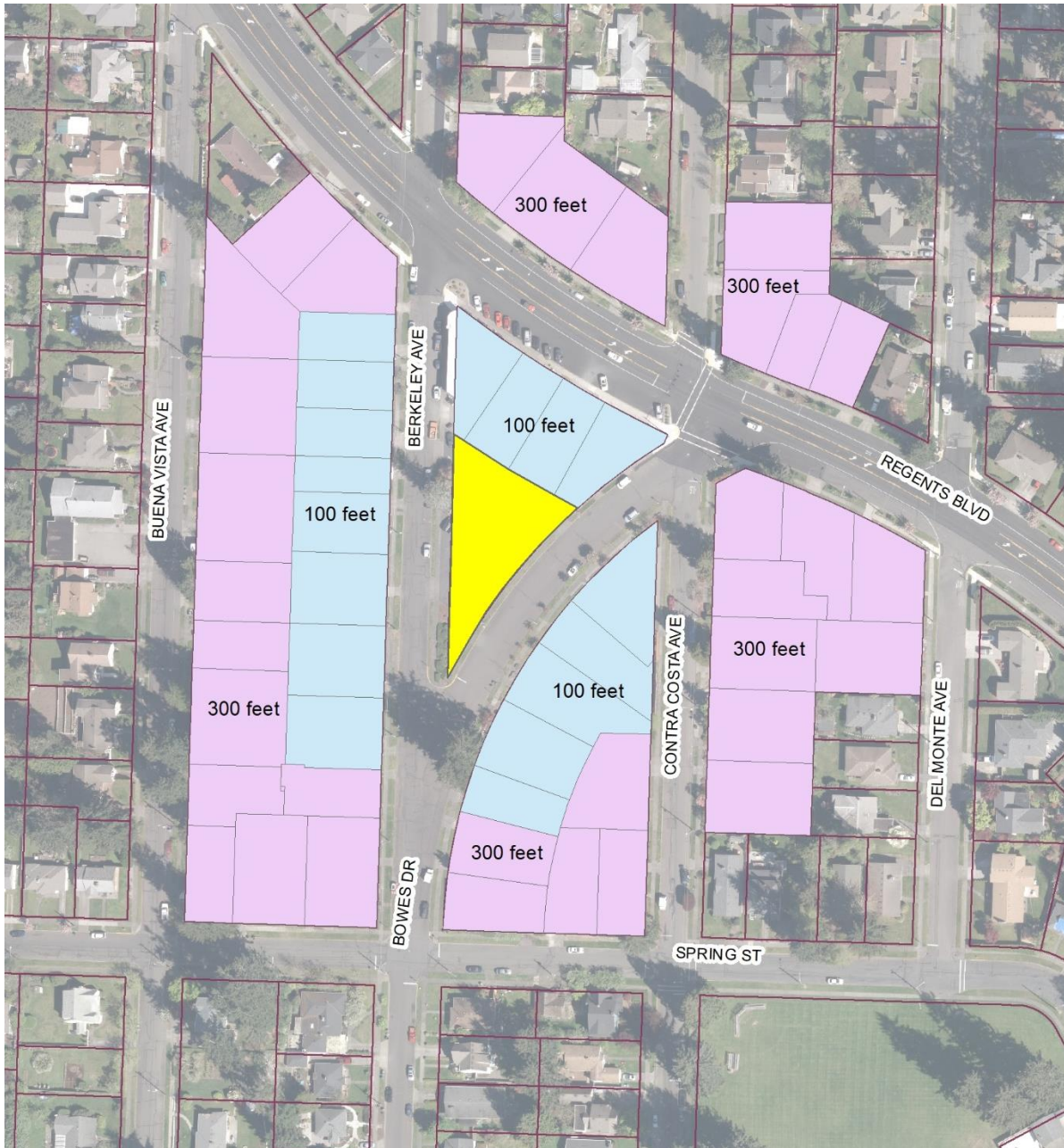
22.07.004 Notice of comment period for ~~administrative use permit, minor site plan review and minor variance~~Type II-A permits.

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

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

Upon issuance of a decision on a proposed ~~administrative use permit, minor site plan review, minor variance, or administrative interpretation~~Type II-A permit, 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. (Ord. 1611 § 2, 2018; Ord. 1512 § 2, 2011; Ord. 1245 § 6, 2000).

Attachment 2 Distance Comparison





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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

BACKGROUND:

Last year, the Planning Commission approved a major variance to allow construction of a structure that was no more than 200 square feet in the rear yard setback of a through-lot instead of the minimum 25 feet required by code. There was discussion at the time to re-examine this setback standard. Recently, another property owner of a through-lot found themselves in a similar situation. As a 20-foot setback would be required per code, it would place the building in the main portion of their backyard.

In addition, staff has had safety, run-off, and privacy concerns with the existing 3-foot accessory structure setbacks for rear and interior side yards. Staff presented the following proposals to the Planning Commission at the March Study Session and the April Public Hearing as well as provided a comparison (Attachment #1) of setbacks in other jurisdictions:

Through-lot and Side-Street Side Yard Setbacks

Staff recommended 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 and side street side yards as side yards for everything outside of accessory building setbacks.** The original through-lot regulations were intended to keep yards of properties fronting on streets such as Claremont Street and Alameda Avenue or corner lots looking like front yards. 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 6-foot solid fence with a foot of lattice. And all other references to through-lots standards have been removed.
- **Due to the uniqueness of this restriction and the fact that accessory structures 200 square feet or less do not require a building permit, staff believes this creates an environment for confusion and unintentional compliance issues.** Staff suspects other properties have unknowingly and unintentionally violated this standard.

Rear and Interior Side Yard Setbacks

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

- **The building code requires a 1-hour fire-resistant wall if a structure is built less than 5 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 5 feet protect one property from another, relieving the need to verify fire-resistant construction.
- **5-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 3-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.
- A City-comparison demonstrates that Fircrest has one of the smallest setbacks and those cities with a 3-foot setback also required a reduction in square footage and height.

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.

SUMMARY OF PROPOSED AMENDMENTS:

The Planning Commission has recommended:

- Reduce the minimum "rear yard" setback of a through-lot to 5 feet if no building permit required.
- Reduce the minimum setback for side street side yard to 5 feet if no building permit required.
- Increase the interior side yard setback and rear yard setback from 3 feet to 5 feet.

Attachments:

1. Proposed Text
2. Setback Comparisons
3. Setback Visual

Attachment 1 Draft Amendments

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	5 feet 3 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	5 feet 3 feet.
Minimum setback from “rear” lot line on either street frontage or 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	5 feet 3 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 <u>additional</u> separation based on construction design.
Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.	

Attachment 2 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 120 sf. 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 120 sf. and 10' height

Attachment 3 Setback Visual





Side-Street Side Yard



Through-Lot "Rear" Yard



Through-Lot "Rear" Yard

Memo

To: Honorable Mayor George and Council
From: Jerry Wakefield
CC: Scott Pingel
Date: 4/12/18
Re: Summer Water Rates

Should the water rates be lowered in the summer?

Staff's recommendation would be no due to following reasons and documentation.

The original water rate structure developed in report prepared by JWM&A, August 15, 2001 presented a three tier water rate structure. It should be noted that the following paragraph reflects the goal of the water rates. The last paragraph of this study states **“Regardless of the precise fee structure that is to be adopted, either type of block rate structure will promote water conservation, which is the ultimate goal of this type of fee structure. Once the fee structure is determined, the Conservation Program with the Comprehensive Water System Plan will be updated and submitted to the Washington State Department of Health for their, and the Department of Ecology, reviews. This type of structure has already been identified within the Conservation Program, but further submittals will demonstrate that the City of Fircrest is being “pro-active in water conservation, and will reflect positively on the City as a whole.”**

Since that report was prepared and over the years, the City has promoted water conservation.

The current Water System Plan that was approved in 2014 included appendix C, which is the Water Conservation Program currently approved. As part of the water conservation program is the community outreach and education that has been done over the last 10 years. This is outlined in the Water Conservation Plan. I have attached a listing of those items and examples of the materials provided to our residents and customers.

WAC 246-290-810 requires the City to prepare a water use efficiency report as part of our water system plan and conservation plan. Part of the water use efficiency is to comply with RCW 70.119A.108 which requires the conservation plan and describes what the planning requirement should include. Items A-E describe those with B being “Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation.” Attached is a copy of RCW 70.119A.180.

The water rate structure was evaluated extensively during the rate study conducted in 2015/2016. The recommended rate structure and rates were based on meeting the above requirements within the adopted Water System Plan which also adopted the Water Conservation Plan.

The water rate increases that were adopted by the City in 2016 provide for having a rate structure that promotes water conservation to meet the above requirement but also allows the customer to control and be efficient in the water use which will in turn help them lower their rate and conserve water. The base rates for each utility are shown in the table below which identifies the rate adjustments per year. What is being discussed is the water usage and more specifically is the 3rd tier of water usage, which is only a portion of the overall utility bill.

Base Rates for each utility					
	Water	Sewer/ Treatment	Storm	Total	
2016	\$ 44.00	\$ 114.00	\$ 25.00	\$ 183.00	older rate
2017	\$ 34.00	\$ 139.60	\$ 29.20	\$ 202.80	
2018	\$ 35.50	\$ 145.20	\$ 33.50	\$ 214.20	
2019	\$ 37.00	\$ 151.20	\$ 34.50	\$ 222.70	

The water usage rates are calculated based on the rates adopted below.

Consumption Tier for Residential and Multiple Dwelling Units

	2017	2018	2019
Tier 1 (0 – 1,000 cf)	\$0.0100	\$0.0104	\$0.0109
Tier 2 (1,001 – 4,000 cf)	\$0.0150	\$0.0157	\$0.0163
Tier 3 (4,001 – + cf)	\$0.0250	\$0.0261	\$0.0272

The present water rate structure was also designed around generating enough revenue for the water utility to be self-sustaining and support the capital improvement plan of needed infrastructure. The rate design model was to try to add approximately \$100,000 per year to help accomplish our capital improvement plan. In 2017, that was accomplished with the rate increase providing for approximately \$111,000 some of which will go to a modest increase in operating budget.

Water	2,016	2,017	Difference
April	\$ 125,414.14	\$ 131,294.36	\$ 5,880.22
June	\$ 148,669.59	\$ 145,640.87	\$ (3,028.72)
August	\$ 174,033.05	\$ 235,825.52	\$ 61,792.47
October	\$ 164,682.40	\$ 207,276.84	\$ 42,594.44
December	\$ 129,569.88	\$ 130,709.06	\$ 1,139.18
February	\$ 128,032.01	\$ 130,735.97	\$ 2,703.96
	\$ 870,401.07	\$ 981,482.62	\$ 111,081.55

The rate design also reviewed historic water consumption. The City of Fircrest average day demand is 179 gallons/connection/day. This equates to 1,435 cf for two months. The maximum day demand is 344 gallons/connection/day. This equates to 2,759 cf for two months. If a resident uses 4,000 cf in two months, they will be using 500 gallons/connection/day. That is basically why the last tier level was set at 4,000 cf. There are residents who use 20,000 cf per two months which equates to 2,500 gallons/connection/day.

The City of Fircrest has around 2,780 connections. The following table represents the number of connections that exceeded the 4,000 cf per billing cycle. In the August billing cycle there were 567 connections that exceeded this threshold 197 were between 4,000-5,000 cf and 52 exceeded 10,000 cf, with the high of 21,696 cf. This is excessive water use as can be seen by the comparison.

	Accounts	Account	Account
	Total	> 4000 cf	Leak Adj.
April	2,759	19	5
June	2,784	62	1
August	2,795	567	3
October	2,797	354	12
December	2,777	21	1
February	2,763	27	3

This also shows those accounts that have been adjusted due to leaks and subsequent repairs.

It should also be noted that the capital fund with the Ramsdell Water Project and the projected Tank Painting project will almost deplete the capital account. We also split the tank painting project into two projects and deferred the lower tank painting until 2019 or 2020 pending our capital account.

It is for these reasons that the recommendation of the City Manager and Public Works Director is that the water rates remain as designed without lowering the rate during the summer months.

As per the RCW 70.119A.180 Water Use Efficiency Requirements – Rules we do the following to help promote Water Conservation.

Have a booth at Fun Days on Saturday to educate, talk to and give water conservation items and information.

Include Water Conservation brochures and information in our welcome packets for new residents moving into the City of Fircrest.

Have a 3-tier water rate structure to help with Water Conservation Efforts.

Include Water Conservation Tips on our website.

The items we offer and give to residents are:

Outdoor water conservation kits

Rain Gauge

Hose Repair Kits

Moisture Meter

Hose Nozzle

Indoor water EcoKit

Toilet Tank Bank

Faucet Aerators (kitchen and bathroom)

Low Flow Showerhead

Indoor Water Conservation Tips Wheel

Flow Meter Bag

Brochures/Information

How to be a Salmon Friendly Gardener

Home Water Savings Tips

We All Share the Same Water Reasons to Use it Wisely

Rain Barrel and Rain Garden Info and How to

(although this is more for our Storm Drains and NPDES they are also a great way to conserve water and is promoted as such).

Kids Info

Educational Coloring and Activity Book (Learn About Water Conservation)
w/crayons

Tattoos (Water Use it Wisely)

RCW 70.119A.180

Water use efficiency requirements—Rules.

(1) It is the intent of the legislature that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

(2) The requirements of this section shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

(3) For the purposes of this section:

(a) Water use efficiency includes conservation planning requirements, water distribution system leakage standards, and water conservation performance reporting requirements; and

(b) "Municipal water supplier" and "municipal water supply purposes" have the meanings provided by RCW 90.03.015.

(4) To accomplish the purposes of this section, the department shall adopt rules necessary to implement this section by December 31, 2005. The department shall:

(a) Develop conservation planning requirements that ensure municipal water suppliers are:

(i) Implementing programs to integrate conservation with water system operation and management; and (ii) identifying how to appropriately fund and implement conservation activities. Requirements shall apply to the conservation element of water system plans and small water system management programs developed pursuant to chapter 43.20 RCW. In establishing the conservation planning requirements the department shall review the current department conservation planning guidelines and include those elements that are appropriate for rule. Conservation planning requirements shall include but not be limited to:

(A) Selection of cost-effective measures to achieve a system's water conservation objectives. Requirements shall allow the municipal water supplier to select and schedule implementation of the best methods for achieving its conservation objectives;

(B) Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation;

(C) Evaluation of each system's water distribution system leakage and, if necessary, identification of steps necessary for achieving water distribution system leakage standards developed under (b) of this subsection;

(D) Collection and reporting of water consumption and source production and/or water purchase data. Data collection and reporting requirements shall be sufficient to identify water use patterns among utility customer classes, where applicable, and evaluate the effectiveness of each system's conservation program. Requirements, including reporting frequency, shall be appropriate to system size and complexity. Reports shall be available to the public; and

(E) Establishment of minimum requirements for water demand forecast methodologies such that demand forecasts prepared by municipal water suppliers are sufficient for use in determining reasonably anticipated future water needs;

(b) Develop water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water distribution systems in a condition that results in leakage rates in compliance with the standards. Limits shall be developed in terms of percentage of total water produced and/or purchased and shall not be lower than ten percent. The department may consider alternatives to the percentage of total water supplied where alternatives provide a better evaluation of the water system's leakage performance. The department shall institute a

graduated system of requirements based on levels of water system leakage. A municipal water supplier shall select one or more control methods appropriate for addressing leakage in its water system;

(c) Establish minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance. The objective of setting conservation goals is to enhance the efficient use of water by the water system customers. Performance reporting shall include:

(i) Requirements that municipal water suppliers adopt and achieve water conservation goals. The elected governing board or governing body of the water system shall set water conservation goals for the system. In setting water conservation goals the water supplier may consider historic conservation performance and conservation investment, customer base demographics, regional climate variations, forecasted demand and system supply characteristics, system financial viability, system reliability, and affordability of water rates. Conservation goals shall be established by the municipal water supplier in an open public forum;

(ii) Requirements that the municipal water supplier adopt schedules for implementing conservation program elements and achieving conservation goals to ensure that progress is being made toward adopted conservation goals;

(iii) A reporting system for regular reviews of conservation performance against adopted goals. Performance reports shall be available to customers and the public. Requirements, including reporting frequency, shall be appropriate to system size and complexity;

(iv) Requirements that any system not meeting its water conservation goals shall develop a plan for modifying its conservation program to achieve its goals along with procedures for reporting performance to the department;

(v) If a municipal water supplier determines that further reductions in consumption are not reasonably achievable, it shall identify how current consumption levels will be maintained;

(d) Adopt rules that, to the maximum extent practical, utilize existing mechanisms and simplified procedures in order to minimize the cost and complexity of implementation and to avoid placing unreasonable financial burden on smaller municipal systems.

(5) The department shall provide technical assistance upon request to municipal water suppliers and local governments regarding water conservation, which may include development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

(6) To ensure compliance with this section, the department shall establish a compliance process that incorporates a graduated approach employing the full range of compliance mechanisms available to the department.

(7) Prior to completion of rule making required in subsection (4) of this section, municipal water suppliers shall continue to meet the existing conservation requirements of the department and shall continue to implement their current water conservation programs.

[2010 1st sp.s. c 7 § 121; 2003 1st sp.s. c 5 § 7.]

NOTES:

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.