



**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) 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

5) Unfinished Business

- a) None

6) New Business

- a) None

7) Adjournment



THE CITY OF FIRCREST

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

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT

CASE NUMBER 18-04

Amendments to FMC 22.07.004 and .005, Type II-A 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-A 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-A permits, which include administrative use permits, minor site plan review, 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' 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-A Public Notices.

Angelie Stahlnecker

Angelie Stahlnecker
Planning and Building Administrator

March 28, 2018

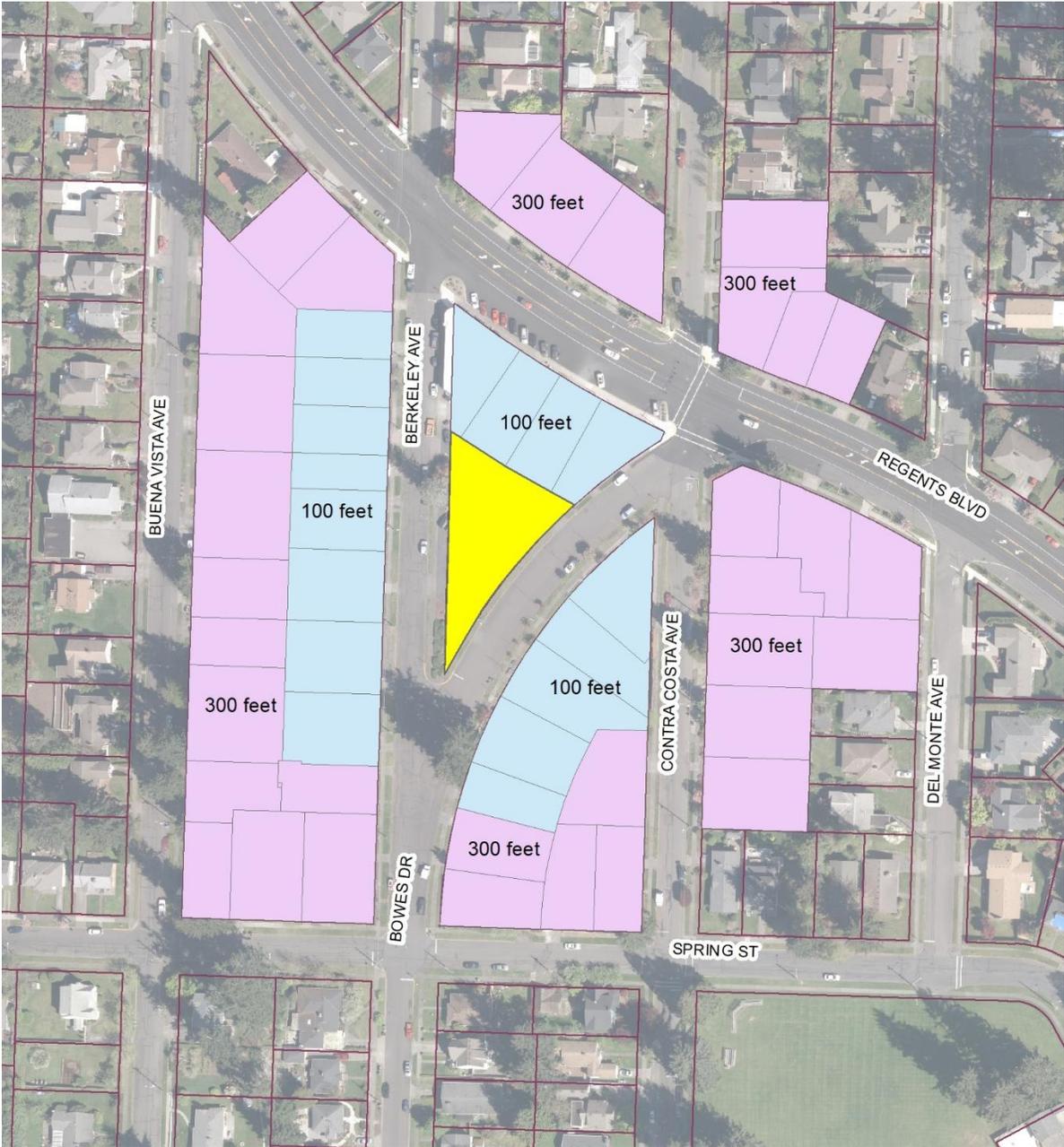
Date

Exhibits:

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

Exhibit 1

Distance Comparison



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

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

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

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

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

30 1. Amend FMC 22.07.004 to read as follows:

31 22.07.004 Notice of comment period for ~~administrative use permit, minor site plan~~
32 ~~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,

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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).

2. Amend FMC 22.07.005 to read as follows:

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).

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

YES:

ABSENT:

APPROVED:

Kathy L. McVay
Vice-Chair, Fircrest Planning Commission

ATTEST:

Angelie Stahlnecker
Planning/Building Administrator

Date



THE CITY OF FIRCREST

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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 \geq 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

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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