

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, MAY 28, 2019
7:00 P.M.**

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
 - A. Tacoma Fire Chief Toryono Green
 - B. [Tacoma Fire Programs Update: Mike Fitzgerald](#)
 - C. Community Center and Pool Project
- 5. PUBLIC 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 & Recreation
 - B. Pierce County Regional Council
 - C. Public Safety, Courts
 - D. Street, Water, Sewer, and Storm Drain
 - E. Other Liaison Reports
- 7. CONSENT CALENDAR**
 - A. Approval of [vouchers](#)/payroll checks
- 8. PUBLIC HEARING 7:15 P.M.**
 - A. [2020-2025 Transportation Improvement Plan](#)
- 9. UNFINISHED BUSINESS**
- 10. NEW BUSINESS**
 - A. [Ordinance: FMC 14.08 Tree Planting and Maintenance](#)
 - B. [Ordinance: Use of a Hearing Examiner](#)
 - C. [Ordinance: Amending FMC 23.08.110 Powers and Duties of the Planning Commission](#)
 - D. [Resolution: Hearing Examiner Services Agreement](#)
 - E. [Resolution: Police Copier Machine Lease Agreement](#)
 - F. [Resolution: Mailing Machine Lease Agreement](#)
 - G. [1st Quarter Financial Review](#)
 - H. [Motion: Budget Adjustment – Public Works Generator](#)
- 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



Opioid Response Program

City of Tacoma Fire Department
Fircrest City Council Meeting
May 28, 2019





RESPONSE PLAN OVERVIEW



OPIOID RESPONSE PROGRAM

Naloxone
Distribution
Program

Training
Residents

TFD CARES
Program

Mobile
Outreach

Safe Station
Program

●●● NALOXONE DISTRIBUTION PROGRAM

- In February 2018, Tacoma Fire Department (TFD) pioneered a community distribution program of free “rescue kits” containing the life-saving medication, Naloxone, packaged as an easy-to-administer, fast acting nasal spray.



●●● TRAINING RESIDENTS



- During our free CPR classes, firefighters will teach attendees how to administer the life-saving drug, Naloxone, to someone experiencing an opioid overdose.



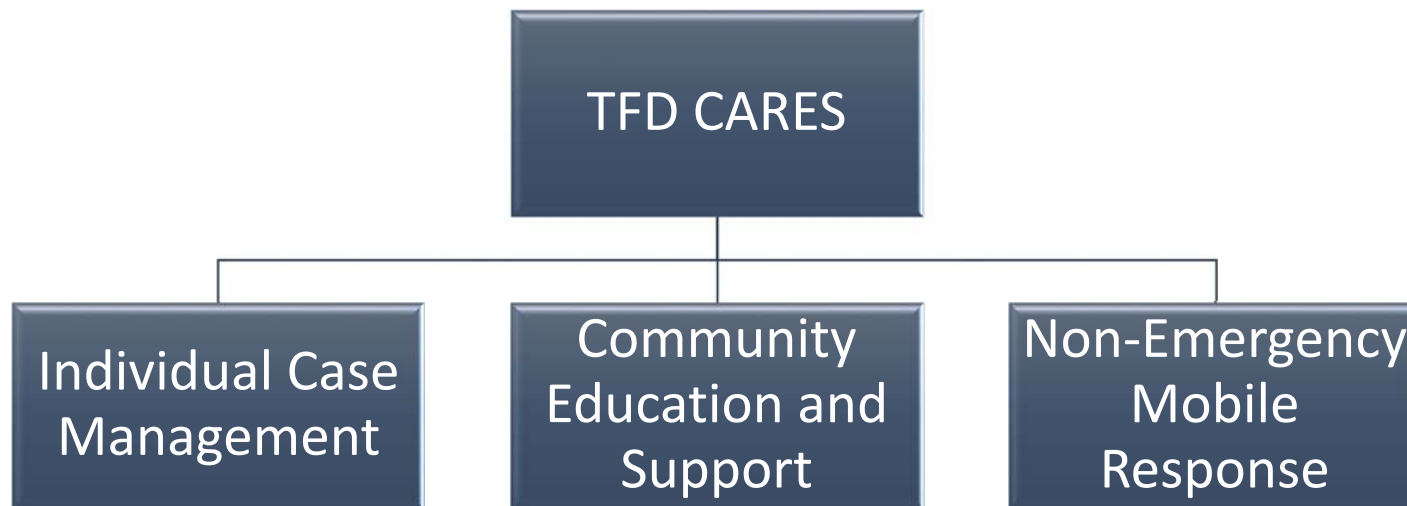


TFD CARES PROGRAM



- Is a fire department based program designed to equip residents with health management tools that will aid in achieving improved health and reduce the recurrent use of emergency services.

TFD CARES PROGRAM





MOBILE RESPONSE



- Awarded a nine month \$463K grant from Washington State Health Care Authority. An additional one year \$450K grant is expected.
 - Develop a mobile response unit capable of providing medical intervention including withdrawal stabilization, medication assisted treatment, referrals, counseling, and case management.
 - Medication assisted treatment.
 - Be the HUB (entry-point) to a Opioid Treatment Network.



SAFE STATIONS PROGRAM



- TFD's Safe Station program will offer a safe, welcoming environment that is available 24/7 for people seeking help on their journey to healing and recovery.
 - Medical assessment
 - Transportation to a medical facility
 - First medication dosage, as needed
 - Connection to long-term treatment services

●●● NEXT STEPS



- Continue to monitor response trends
- Seek additional community partners
- Explore grant funding opportunities and long term funding for the mobile response unit



ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 1

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
19428	05/28/2019	05/28/2019	6904 A R C Architects Inc	99,845.68	P#54 Professional Services February 2019
	594 76 62 00 Buildings & Structures - Pa		001 000 576 General Fund	99,845.68	P#54 Professional Services February 2019
19429	05/28/2019	05/28/2019	6904 A R C Architects Inc	47,235.49	P#54 Professional Services March 2019
	594 76 62 00 Buildings & Structures - Pa		001 000 576 General Fund	47,235.49	P#54 Professional Services March 2019
19430	05/28/2019	05/28/2019	6904 A R C Architects Inc	161,389.93	P#54 Professional Services April 2019
	594 76 62 00 Buildings & Structures - Pa		001 000 576 General Fund	161,389.93	P#54 Professional Services April 2019
Total A R C Architects Inc				308,471.10	
19347	05/28/2019	05/28/2019	4298 AWC Employee Benefit	694.00	June 2019 Retired Medical
	521 22 20 01 LEOFF I Medical Premium		001 000 521 General Fund	694.00	06/2019 Retired Medical
19354	05/28/2019	05/28/2019	7857 Accredited Security	599.00	SAA #1711 Taser
	521 22 35 00 Small Tools & Equip - Poli		001 000 521 General Fund	599.00	SAA #1711 Taser
19416	05/20/2019	05/28/2019	2023 Alexander, John	260.95	04-00890.3 - 1018 FAIRWAY DR
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-58.12	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-62.33	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-140.50	
19367	05/28/2019	05/28/2019	171 Anderson, Cathy	67.00	Library Reimbursement 1 Year
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
19411	05/28/2019	05/28/2019	8556 Anderson, Chris	751.01	Reimbursement For Fun Days Supplies - Sportpacks And Promo Cards
	573 90 49 01 Community Events		001 000 573 General Fund	751.01	Reimbursement For Fun Days Supplies - Sportpacks And Promo Cards
19305	05/08/2019	05/28/2019	8487 Arbogast, Doug	24.20	03-01990.3 - 457 BUENA VISTA AVE
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-11.68	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-12.53	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	0.01	
19311	05/09/2019	05/28/2019	8049 Ausage, Princess	155.76	02-00750.1 - 358 DEL MONTE AVE
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-20.09	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-87.12	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-48.55	

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 2

Accts

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19318	05/28/2019	05/28/2019	4052	Auto Value, National Auto Parts Wareh	10.86 #62851D Replacement Tail Light
	548 65 48 12	O & M - Street	501 000 548 Equipment Ren	2.71	#62851D Replacement Tail Light
	548 65 48 13	O & M - Storm	501 000 548 Equipment Ren	2.72	#62851D Replacement Tail Light
	548 65 48 14	O & M - Wtr/Swr	501 000 548 Equipment Ren	5.43	#62851D Replacement Tail Light
19322	05/28/2019	05/28/2019	4052	Auto Value, National Auto Parts Wareh	3.50 #13403D Repair Part
	548 65 48 12	O & M - Street	501 000 548 Equipment Ren	0.43	#13403D Repair Part
	548 65 48 13	O & M - Storm	501 000 548 Equipment Ren	0.44	#13403D Repair Part
	548 65 48 14	O & M - Wtr/Swr	501 000 548 Equipment Ren	2.63	#13403D Repair Part
				Total Auto Value, National Auto Parts Wareh	14.36
19397	05/28/2019	05/28/2019	8548	Bilyeu, Barbara	10.00 Jury Pay (1 Day), Mileage (0 Miles) 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	10.00	Jury Pay (1 Day), Mileage (0 Miles) 5/8/19
19363	05/16/2019	05/28/2019	1356	Brown, Ronald	18.51 02-00720.1 - 355 DEL MONTE AVE
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-4.12	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-4.42	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-9.97	
19381	05/28/2019	05/28/2019	4278	Budget Batteries Inc	61.49 #2745EX (2007 Motorcycle) Battery
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	61.49	#2745EX (2007 Motorcycle) Battery
19358	05/15/2019	05/28/2019	8229	Bush, Jeremy	82.47 02-01750.8 - 123 ALAMEDA AVE
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-27.60	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-28.84	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-26.03	
19348	05/28/2019	05/28/2019	4293	CDW Government Inc	5,412.58 Microsoft Office 365 Licensing
	518 81 49 01	Software Licenses	001 000 518 General Fund	5,412.58	Microsoft Office 365 Licensing
19341	05/28/2019	05/28/2019	3572	CED	193.51 Gym Light Bulbs
	518 30 31 01	Oper Sup/Rec Bldg	001 000 518 General Fund	193.51	Gym Light Bulbs
19383	05/28/2019	05/28/2019	6018	Canon Financial Services Inc	563.79 Copier Rental May 2019 - City Hall, Court, Parks / Rec, Public Works
	512 50 45 00	Oper Rentals - Copier - Coi	001 000 512 General Fund	140.95	Court 05/2019
	518 10 45 00	Oper Rentals - Copier - No	001 000 518 General Fund	140.95	CH 05/2019
	531 50 45 00	Oper Rentals - Copier - Sto	415 000 531 Storm Drain	35.23	PW 05/2019
	534 10 45 02	Oper Rentals - Copier - Wa	425 000 534 Water Fund (de	35.24	PW 05/2019

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 3

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535 10 45 00	Oper Rentals - Copier - Sev	430 000	535 Sewer Fund (de	35.24	PW 05/2019
542 30 45 00	Oper Rentals - Copier - Str	101 000	542 City Street Fun	35.24	PW 05/2019
571 10 45 01	Oper Rentals - Copier - Rec	001 000	571 General Fund	126.85	REC 05/2019
576 80 45 00	Oper Rentals - Copier - Par	001 000	576 General Fund	14.09	Parks 05/2019
19384	05/28/2019 05/28/2019 6018		Canon Financial Services Inc	244.61	Police Copier May 2019
521 22 45 00	Oper Rentals - Copier - Pol	001 000	521 General Fund	244.61	Police Copier 05/2019
19385	05/28/2019 05/28/2019 6018		Canon Financial Services Inc	13.63	Police Faxboard May 2019
521 22 45 00	Oper Rentals - Copier - Pol	001 000	521 General Fund	13.63	Police Faxboard 05/2019
			Total Canon Financial Services Inc	822.03	
19360	05/15/2019 05/28/2019 2300		Carbone, James D.	42.76	05-00150.0 - 805 BAYLOR ST
343 10 00 00	Storm Drain Fees & Charge	415 000	340 Storm Drain	-9.52	
343 40 00 00	Sale Of Water	425 000	340 Water Fund (de	-10.22	
343 50 00 00	Sewer Revenues	430 000	340 Sewer Fund (de	-23.02	
19340	05/28/2019 05/28/2019 7374		Celis, Victor	997.77	Hotel, Meals And Travel Expenses For Domestic Violence Conference - V. Celis
521 22 49 05	Reimbursable Programs	001 000	521 General Fund	997.77	Hotel, Meals And Travel Expenses For Domestic Violence Conference - V. Celis
19427	05/28/2019 05/28/2019 3994		CenturyLink	789.18	Telecommunications May 2019
518 10 42 00	Communication - Non Dep	001 000	518 General Fund	24.78	CH Message 05/2019
518 10 42 00	Communication - Non Dep	001 000	518 General Fund	24.77	CH Alarm 05/2019
518 10 42 00	Communication - Non Dep	001 000	518 General Fund	135.91	DID 05/2019
518 10 42 00	Communication - Non Dep	001 000	518 General Fund	284.24	Circuit Line / PRI Line 05/2019
518 10 42 00	Communication - Non Dep	001 000	518 General Fund	24.77	CH Prim 911 05/2019
521 22 42 00	Communication - Police	001 000	521 General Fund	110.19	Police BA Machine / Modem 05/2019
531 50 42 00	Communication - Storm	415 000	531 Storm Drain	12.39	PW Alarm & Prim 911 05/2019
531 50 42 00	Communication - Storm	415 000	531 Storm Drain	13.30	PW Fax 05/2019
534 10 42 00	Communication - Water	425 000	534 Water Fund (de	12.39	PW Alarm & Prim 911 05/2019
534 10 42 00	Communication - Water	425 000	534 Water Fund (de	13.30	PW Fax 05/2019
535 10 42 01	Communication - Sewer	430 000	535 Sewer Fund (de	12.39	PW Alarm & Prim 911 05/2019
535 10 42 01	Communication - Sewer	430 000	535 Sewer Fund (de	13.30	PW Fax 05/2019
542 30 42 00	Communication - Street	101 000	542 City Street Fun	12.38	PW Alarm & Prim 911 05/2019
542 30 42 00	Communication - Street	101 000	542 City Street Fun	13.30	PW Fax 05/2019
576 80 42 00	Communication - Parks	001 000	576 General Fund	24.78	REC Alarm 05/2019
576 80 42 00	Communication - Parks	001 000	576 General Fund	56.99	Parks Prim 911 05/2019
19425	05/28/2019 05/28/2019 5805		CenturyLink	41.88	Long Distance Access And Usage May 2019

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 4

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo	
	518 10 42 00	Communication - Non Dep	001 000 518 General Fund	41.88	Long Distance 05/2019	
19394	05/28/2019	05/28/2019	8545	Chen, Cindy	14.64	Jury Pay (1 Day), Mileage (8 Miles) 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	14.64	Jury Pay (1 Day), Mileage (8 Miles) 5/8/19	
19316	05/28/2019	05/28/2019	4324	City Treasurer-City of Tacoma	55,403.25	Fire / EMS June 2019
	522 20 40 00	Tacoma Contract - Fire	001 000 522 General Fund	27,884.67	Fire 06/2019	
	522 20 41 00	Tacoma Contract - EMS	001 000 522 General Fund	27,518.58	EMS 06/2019	
19408	05/28/2019	05/28/2019	4322	City of Tacoma Washington	9,194.89	Power - Various Locations April 2019
	518 30 47 00	Public Utility Services - Ci	001 000 518 General Fund	595.81	Time/Temp, CH 04/2019	
	531 50 47 02	Public Utility Services/Bldg	415 000 531 Storm Drain	103.11	PW 04/2019	
	534 10 47 00	Utility Services/Building -	425 000 534 Water Fund (de	103.11	PW 04/2019	
	534 80 47 01	Utility Services/Pumping	425 000 534 Water Fund (de	4,248.25	Wells #4, 6, 7, 9, High/Low Tank, PW, GC Tank 04/2019	
	535 10 47 00	Utility Services/Building -	430 000 535 Sewer Fund (de	103.11	PW 04/2019	
	535 80 47 01	Utility Services/Pumping	430 000 535 Sewer Fund (de	1,006.28	Drake St Pump, Contra Costa Pump, Princeton L/S 04/2019	
	542 30 47 02	Electricity & Gas/Bldg - St	101 000 542 City Street Fun	103.11	PW 04/2019	
	542 30 47 03	Electricity/Traffic Lights	101 000 542 City Street Fun	59.06	400 Alameda, 300 Regents, 600 Regents 04/2019	
	542 63 47 00	Electricity/Street Lights	101 000 542 City Street Fun	2,241.03	Street Lights 04/2019	
	548 65 47 00	Utilities ShopGarage	501 000 548 Equipment Ren	23.32	F&E Garage 04/2019	
	576 80 47 00	Public Utility Services - Pa	001 000 576 General Fund	608.70	Rec, Pavilion, Tot Lot, Garage 04/2019	
19356	05/28/2019	05/28/2019	6203	Code Mechanical Inc	1,434.20	Bi-Annual HVAC Maintenance Agreement - City Hall, Rec Center, Public Safety Building, Public Works
	518 30 48 01	Rep & Maint - Rec Bldg	001 000 518 General Fund	358.55	Bi-Annual HVAC Maint. Agreement - REC	
	518 30 48 02	Rep & Maint - City Hall	001 000 518 General Fund	358.55	Bi-Annual HVAC Maint. Agreement - CH	
	518 30 48 03	Rep & Maint - PW	001 000 518 General Fund	358.55	Bi-Annual HVAC Maint. Agreement - PW	
	518 30 48 04	Rep & Maint - PSB	001 000 518 General Fund	358.55	Bi-Annual HVAC Maint. Agreement - PSB	
19317	05/28/2019	05/28/2019	3555	Code Publishing Co	480.00	Annual FMC Hosting Fees May 2019 - 2020
	511 60 49 03	Codification Costs	001 000 511 General Fund	480.00	Annual FMC Hosting Fees May 2019 - 2020	
19400	05/28/2019	05/28/2019	8549	Coleman, Lynette	16.96	Jury Pay (1 Day), Mileage (12 Miles) 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	16.96	Jury Pay (1 Day), Mileage (12 Miles) 5/8/19	
19312	05/28/2019	05/28/2019	3565	Comfort Davies & Smith	12,209.00	April 2019
	515 41 41 01	City Attorney	001 000 515 General Fund	1,470.00	04/2019	

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 5

Accts Pay #	Received	Date Due	Vendor	Amount	Memo	
	515 41 41 03	City Prosecutor	001 000 515 General Fund	6,924.00	Fircrest 04/2019	
	515 41 41 03	City Prosecutor	001 000 515 General Fund	3,815.00	Ruston 04/2019	
19315	05/28/2019	05/28/2019	8528	Conference Solutions	850.00	2019 WFOA Conference Registration - L. Davis, A. Walker
	514 23 49 01	Reg & Tuition - Finance	001 000 514 General Fund	850.00	2019 WFOA Conference Registration - L. Davis, A. Walker	
19370	05/28/2019	05/28/2019	8542	Consolidated Supply Co.	529.67	SAA #1712, 1713 & 1713 Water Tapping Parts
	534 80 35 00	Small Tools & Equip - Wat	425 000 534 Water Fund (de	529.67	SAA #1712, 1713 & 1713 Water Tapping Parts	
19373	05/28/2019	05/28/2019	8542	Consolidated Supply Co.	1,624.81	Parts For Alameda Water Service Changeover
	534 50 31 01	Oper Supplies - Water Mai	425 000 534 Water Fund (de	1,624.81	Parts For Alameda Water Service Changeover	
			Total Consolidated Supply Co.	2,154.48		
19345	05/28/2019	05/28/2019	3573	Copiers Northwest Inc	193.81	Copier Rental May 2019 And Usage April 2019 - Police
	521 22 45 00	Oper Rentals - Copier - Pol	001 000 521 General Fund	193.81	Rental 05/2019 & Usage 04/2019 - Police	
19346	05/28/2019	05/28/2019	3573	Copiers Northwest Inc	82.50	Copier Usage 04/04/19 - 05/03/19 Police
	521 22 45 00	Oper Rentals - Copier - Pol	001 000 521 General Fund	82.50	Copier Usage 04/04/19 - 05/03/19 Police	
			Total Copiers Northwest Inc	276.31		
19402	05/28/2019	05/28/2019	8551	Curtis, Catherine	20.44	Jury Pay (1 Day), Mileage (18 Miles) 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	20.44	Jury Pay (1 Day), Mileage (18 Miles) 5/8/19	
19365	05/28/2019	05/28/2019	8316	Dames Ryan, Julie A	40.95	Mileage To Grantwriting Class - J. Ryan
	513 10 43 00	Travel - Admin	001 000 513 General Fund	40.95	Mileage To Grantwriting Class - J. Ryan	
19376	05/28/2019	05/28/2019	3596	Dept Of Health	1,122.00	Drinking Water Survey Fee (4/23/2019)
	534 10 41 00	Prof Svcs - Water	425 000 534 Water Fund (de	1,122.00	Drinking Water Survey Fee (4/23/2019)	
19393	05/28/2019	05/28/2019	365	Dept Of Labor & Industries	5.85	14 Jurors (32 Hrs) Medical Aid - Jury Trial 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	5.85	14 Jurors (32 Hrs) Medical Aid - Jury Trial 5/8/19	
19329	05/28/2019	05/28/2019	4310	Dept Of Revenue-EXCISE TAX	13,230.81	April 2019 Excise Taxes
	531 50 31 03	NPDES Public Outreach	415 000 531 Storm Drain	23.48	04/2019 Excise Taxes	

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 6

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
	531 50 44 00	Excise Tax - Storm	415 000 531 Storm Drain	1,270.02	04/2019 Excise Taxes
	534 10 44 00	Excise Tax - Water	425 000 534 Water Fund (de	6,817.88	04/2019 Excise Taxes
	534 80 31 02	Oper Supplies - Water	425 000 534 Water Fund (de	6.41	04/2019 Excise Taxes
	535 10 44 00	Excise Tax - Sewer	430 000 535 Sewer Fund (de	4,695.30	04/2019 Excise Taxes
	553 10 31 00	Office/Operating Supplies -	425 000 553 Water Fund (de	149.36	04/2019 Excise Taxes
	571 20 43 00	Excise Tax - Participation I	001 000 571 General Fund	217.59	04/2019 Excise Taxes
	573 90 49 01	Community Events	001 000 573 General Fund	44.55	04/2019 Excise Taxes
	573 90 49 01	Community Events	001 000 573 General Fund	6.22	04/2019 Excise Taxes
19423	05/28/2019	05/28/2019	8558	19.00	2019 Minor Work Permit
	518 11 49 01	Dues,Memberships,Subscri	001 000 518 General Fund	19.00	2019 Minor Work Permit
19357	05/28/2019	05/28/2019	8532	132.99	Dog Waste Bags
	576 80 31 02	Oper Supplies - Parks	001 000 576 General Fund	132.99	Dog Waste Bags
19359	05/15/2019	05/28/2019	5038	174.58	07-00283.1 - 125 SPRUCE ST
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-38.88	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-41.70	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-94.00	
19378	05/28/2019	05/28/2019	8543	858.32	#13403D (1992) Hydraulic Hose Repair
	548 65 48 12	O & M - Street	501 000 548 Equipment Ren	107.29	#13403D (1992) Hydraulic Hose Repair
	548 65 48 13	O & M - Storm	501 000 548 Equipment Ren	107.29	#13403D (1992) Hydraulic Hose Repair
	548 65 48 14	O & M - Wtr/Swr	501 000 548 Equipment Ren	643.74	#13403D (1992) Hydraulic Hose Repair
19362	05/15/2019	05/28/2019	2980	245.18	07-00050.2 - 125 BIRCH ST
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-54.61	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-58.56	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-132.01	
19418	05/21/2019	05/28/2019	2980	96.51	07-00050.2 - 125 BIRCH ST
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-21.50	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-23.05	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-51.96	
		Total Estate of Cheryl Torem		341.69	
19371	05/28/2019	05/28/2019	3636	82.43	Tapping Machine Rental For Alameda Service Changeover
	534 50 48 01	Rep & Maint - Water Main	425 000 534 Water Fund (de	82.43	Tapping Machine Rental For Alameda Service Changeover

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 7

Accts

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19328	05/28/2019	05/28/2019	6543 Fiske, Adrianna	67.00	Library Reimbursement 1 Year
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
19405	05/28/2019	05/28/2019	8554 Fogg, Debra	11.16	Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
	512 50 49 03 Juror Costs		001 000 512 General Fund	11.16	Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
19395	05/28/2019	05/28/2019	8546 Goucher, Barbara	14.64	Jury Pay (1 Day), Mileage (8 Miles) 5/8/19
	512 50 49 03 Juror Costs		001 000 512 General Fund	14.64	Jury Pay (1 Day), Mileage (8 Miles) 5/8/19
19426	05/28/2019	05/28/2019	6774 Greenleaf Landscaping 1 Inc	4,252.06	Landscape Service May 2019
	518 30 41 01 Contract Maintenance		001 000 518 General Fund	3,146.52	Landscape Service 05/2019
	542 80 49 03 Beautification Services (co		101 000 542 City Street Fun	1,105.54	Landscape Service 05/2019
19330	05/28/2019	05/28/2019	3672 Guardian Security Inc	10.99	Padlock For Outlet Covers
	518 30 31 04 Oper Sup/CH		001 000 518 General Fund	10.99	Padlock For Outlet Covers
19369	05/28/2019	05/28/2019	3690 Holroyd Co Inc	1,327.83	P#58 Crushed Rock (92 Tons)
	594 35 63 01 Other Improvements Sewer		432 000 594 Sewer Improve	1,327.83	P#58 Crushed Rock (92 Tons)
19324	05/28/2019	05/28/2019	3692 Home Depot Credit Services	13.81	Drill Bits
	518 30 31 02 Oper Sup/PSB Bldg		001 000 518 General Fund	13.81	Drill Bits
19325	05/28/2019	05/28/2019	3692 Home Depot Credit Services	16.51	Supplies For Handrail Install - PSB
	518 30 31 02 Oper Sup/PSB Bldg		001 000 518 General Fund	16.51	Supplies For Handrail Install - PSB
19326	05/28/2019	05/28/2019	3692 Home Depot Credit Services	19.11	Water Maintenance Supplies
	534 50 31 01 Oper Supplies - Water Mai		425 000 534 Water Fund (de	19.11	Water Maintenance Supplies
19338	05/28/2019	05/28/2019	3692 Home Depot Credit Services	4.56	Parts For Well #7
	534 50 31 01 Oper Supplies - Water Mai		425 000 534 Water Fund (de	4.56	Parts For Well #7
19344	05/28/2019	05/28/2019	3692 Home Depot Credit Services	1,196.77	Handrails And Installation Accessories - PSB
	518 30 31 02 Oper Sup/PSB Bldg		001 000 518 General Fund	1,196.77	Handrails And Installation Accessories - PSB
19368	05/28/2019	05/28/2019	3692 Home Depot Credit Services	103.52	Supplies For Alameda Water Services
	534 80 31 02 Oper Supplies - Water		425 000 534 Water Fund (de	76.05	Supplies For Alameda Water Services
	534 80 35 00 Small Tools & Equip - Wat		425 000 534 Water Fund (de	27.47	Supplies For Alameda Water Services

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 8

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
			Total Home Depot Credit Services	1,354.28	
19313	05/28/2019	05/28/2019	4131 Humane Society - Tacoma	597.92	May 2019 Boarding Contract
	554 30 41 00	Animal Control	001 000 554 General Fund	597.92	05/2019 Boarding Contract
19382	05/28/2019	05/28/2019	7524 Hunt, David	33.50	Library Reimbursement 1/2 Year
	572 21 49 00	Library Services	001 000 572 General Fund	33.50	Library Reimbursement 1 Year
19379	05/28/2019	05/28/2019	8544 Johnson, Michelle	67.00	Library Reimbursement 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement 1 Year
19352	05/28/2019	05/28/2019	3751 KPG, PS	16,117.37	P#57 Alameda Grind & Overlay Eng. Services Through 4/25/19
	595 10 63 06	Project Eng - Alameda Reg	101 000 594 City Street Fun	16,117.37	P#57 Alameda Grind & Overlay Eng. Services Through 4/25/19
19349	05/28/2019	05/28/2019	3774 Leach, Angehla	115.00	Refund Rental Fees Leach 5/4/19 (Whittier Shelter In Unsatisfactory Condition)
	362 40 00 00	Space & Facility Rental	001 000 360 General Fund	-115.00	Refund Rental Fees Leach 5/4/19 (Whittier Shelter In Unsatisfactory Condition)
19388	05/28/2019	05/28/2019	8415 Lee, Sierra	240.00	Mens Basketball Scorekeeper (20 Hrs)
	571 20 49 08	Adult Basketball	001 000 571 General Fund	240.00	Mens Basketball Scorekeeper (20 Hrs)
19404	05/28/2019	05/28/2019	8553 Lovejoy, Michael	18.12	Jury Pay (1 Day), Mileage (14 Miles) 5/8/19
	512 50 49 03	Juror Costs	001 000 512 General Fund	18.12	Jury Pay (1 Day), Mileage (14 Miles) 5/8/19
19355	05/28/2019	05/28/2019	3791 Lowe's Company-#338954	13.60	Tile Glue - Rec
	518 30 31 01	Oper Sup/Rec Bldg	001 000 518 General Fund	13.60	Tile Glue - Rec
19380	05/28/2019	05/28/2019	3829 McClung, Susan	67.00	Library Reimbursement 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement 1 Year
19323	05/28/2019	05/28/2019	5766 Multicare Cntr of Occupational Medicine	200.00	DOT Exams 4/9/19 At Allenmore
	531 50 20 01	Contract Benefits - Storm	415 000 531 Storm Drain	50.00	DOT Exams 4/9/19 At Allenmore
	534 10 20 01	Contract Benefits - Wtr Ad	425 000 534 Water Fund (de	50.00	DOT Exams 4/9/19 At Allenmore
	535 10 20 01	Contract Benefits - Swr Ad	430 000 535 Sewer Fund (de	50.00	DOT Exams 4/9/19 At Allenmore
	542 30 20 01	Contract Benefits - Street R	101 000 542 City Street Fun	50.00	DOT Exams 4/9/19 At Allenmore
19377	05/28/2019	05/28/2019	3923 Orca Pacific Inc	571.48	Chlorine For Wells (160 Gallons)

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 9

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
			534 80 31 03 Oper Supplies - Chlorine	425 000 534 Water Fund (de	571.48 Chlorine For Wells (160 Gallons)
19398	05/28/2019	05/28/2019	3136 Otlans, Viktor	11.16	Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
			512 50 49 03 Juror Costs	001 000 512 General Fund	11.16 Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
19334	05/28/2019	05/28/2019	3957 PC Budget & Finance	3,090.13	De-Icing Material And Delivery - Feb And Mar 2019 (6,000 Gallons)
			542 30 31 02 Oper Supplies - Street Reg	101 000 542 City Street Fun	3,090.13 De-Icing Material And Delivery - Feb And Mar 2019 (6,000 Gallons)
19336	05/28/2019	05/28/2019	3961 PCRCO, LLC dba LRI-HV	288.00	Street Sweeping Dump Fees April 2019
			531 50 47 01 Dumping Fees - Storm	415 000 531 Storm Drain	288.00 Street Sweeping Dump Fees 04/2019
19417	05/20/2019	05/28/2019	6460 Peterson, Elise	302.92	02-02250.1 - 910 DARTMOUTH ST
			343 10 00 00 Storm Drain Fees & Charge	415 000 340 Storm Drain	-67.47
			343 40 00 00 Sale Of Water	425 000 340 Water Fund (de	-72.35
			343 50 00 00 Sewer Revenues	430 000 340 Sewer Fund (de	-163.10
19412	05/28/2019	05/28/2019	3955 Petrocard Systems Inc	424.98	Gas / Fuel May 2019
			548 65 31 11 Parks/Rec Gas	501 000 548 Equipment Ren	67.37 Gas / Fuel 05/2019 - Parks
			548 65 31 12 Street Gas	501 000 548 Equipment Ren	147.69 Gas / Fuel 05/2019 - Street
			548 65 31 13 Storm Gas	501 000 548 Equipment Ren	14.67 Gas / Fuel 05/2019 - Storm
			548 65 31 14 Wtr/Swr Gas	501 000 548 Equipment Ren	195.25 Gas / Fuel 05/2019 - W / S
19386	05/28/2019	05/28/2019	7738 Pierson Fire Protection	164.85	Stove Exhaust Hood Cleaning - Rec
			518 30 48 01 Rep & Maint - Rec Bldg	001 000 518 General Fund	164.85 Stove Exhaust Hood Cleaning - Rec
19319	05/28/2019	05/28/2019	4018 Rosen Supply Company Inc	103.71	Supplies For Alameda Water Services
			534 50 31 01 Oper Supplies - Water Mai	425 000 534 Water Fund (de	103.71 Supplies For Alameda Water Services
19335	05/28/2019	05/28/2019	4018 Rosen Supply Company Inc	4.27	#13403D Repair Part
			548 65 48 12 O & M - Street	501 000 548 Equipment Ren	0.54 #13403D Repair Part
			548 65 48 13 O & M - Storm	501 000 548 Equipment Ren	0.53 #13403D Repair Part
			548 65 48 14 O & M - Wtr/Swr	501 000 548 Equipment Ren	3.20 #13403D Repair Part
19375	05/28/2019	05/28/2019	4018 Rosen Supply Company Inc	434.93	Parts For Alameda Water Services Changeover
			534 50 31 01 Oper Supplies - Water Mai	425 000 534 Water Fund (de	434.93 Parts For Alameda Water Services Changeover
Total Rosen Supply Company Inc				542.91	

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 10

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
19403	05/28/2019	05/28/2019	8552	Samaniego, Susana	12.32 Jury Pay (1 Day), Mileage (4 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	12.32	Jury Pay (1 Day), Mileage (4 Miles) 5/8/19
19331	05/28/2019	05/28/2019	4035	Sarco Supply	38.41 Janitorial Supplies - City Hall
518 30 31 04	Oper Sup/CH	001 000 518	General Fund	38.41	Janitorial Supplies - CH
19332	05/28/2019	05/28/2019	4035	Sarco Supply	51.16 Janitorial Supplies - Rec
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	51.16	Janitorial Supplies - Rec
19333	05/28/2019	05/28/2019	4035	Sarco Supply	259.15 Replacement Vacuum Filters
518 30 31 04	Oper Sup/CH	001 000 518	General Fund	259.15	Replacement Vacuum Filters
19366	05/28/2019	05/28/2019	4035	Sarco Supply	9.88 Gloves For Maintenance
518 30 31 04	Oper Sup/CH	001 000 518	General Fund	9.88	Gloves For Maintenance
19387	05/28/2019	05/28/2019	4035	Sarco Supply	38.41 Janitorial Supplies - Public Safety Building
518 30 31 02	Oper Sup/PSB Bldg	001 000 518	General Fund	38.41	Janitorial Supplies - PSB
Total Sarco Supply				397.01	
19337	05/28/2019	05/28/2019	8403	Schmidtke, Judy A	67.00 Library Reimbursement 1 Year
572 21 49 00	Library Services	001 000 572	General Fund	67.00	Library Reimbursement 1 Year
19406	05/28/2019	05/28/2019	1201	Schuler, Christopher	11.16 Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	11.16	Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
19407	05/28/2019	05/28/2019	8555	Shin, Minjung	33.20 Jury Pay (1 Day), Mileage (40 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	33.20	Jury Pay (1 Day), Mileage (40 Miles) 5/8/19
19424	05/28/2019	05/28/2019	7308	SiteCrafting Inc	99.00 Monthly Hosting Cityoffircrest.net 5/15/19
518 81 41 02	Web Design & Maintenanc	001 000 518	General Fund	99.00	Cityoffircrest.net 5/15/19
19364	05/16/2019	05/28/2019	8449	Spence, Carlie	138.99 07-00283.1 - 125 SPRUCE ST
343 10 00 00	Storm Drain Fees & Charge	415 000 340	Storm Drain	-30.96	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (de	-33.20	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-74.83	
19314	05/28/2019	05/28/2019	4328	Systems for Public Safety Inc	103.86 #52951D Radio Removal
548 65 48 08	O & M - Police	501 000 548	Equipment Ren	103.86	#52951D Radio Removal

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 11

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
19327	05/28/2019	05/28/2019	4328	Systems for Public Safety Inc	103.86 #49845D Radar Removal
548 65 48 08	O & M - Police	501 000 548	Equipment Ren	103.86	#49845D Radar Removal
Total Systems for Public Safety Inc				207.72	
19343	05/28/2019	05/28/2019	4135	Tacoma Screw Products Inc	23.33 Floor Dry Cleaner
542 30 31 02	Oper Supplies - Street Reg	101 000 542	City Street Fun	23.33	Floor Dry Cleaner
19353	05/28/2019	05/28/2019	4139	Tapco Visa Card	530.58 Server Disk Drives For Data Security
518 81 35 00	Small Tools & Equip - I/S	001 000 518	General Fund	530.58	Server Disk Drives For Data Security
19401	05/28/2019	05/28/2019	8550	Taylor, Doug	16.96 Jury Pay (1 Day), Mileage (12 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	16.96	Jury Pay (1 Day), Mileage (12 Miles) 5/8/19
19396	05/28/2019	05/28/2019	8547	Toft, Daniel	14.64 Jury Pay (1 Day), Mileage (8 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	14.64	Jury Pay (1 Day), Mileage (8 Miles) 5/8/19
19392	05/28/2019	05/28/2019	5934	US Bank, City Hall Account	110.85 City Hall Charges Through 5/17/19
512 50 49 03	Juror Costs	001 000 512	General Fund	36.85	Supplies For Jury Trial 05/08/19
514 23 49 01	Reg & Tuition - Finance	001 000 514	General Fund	25.00	PSFOA Lunch Meeting - M. Walker
524 20 49 01	Reg & Tuition - Building	001 000 524	General Fund	24.50	Plan Review Webinar - J. Westman
558 60 49 01	Reg & Tuition - Planning	001 000 558	General Fund	24.50	Plan Review Webinar - J. Westman
19350	05/28/2019	05/28/2019	8484	US Bank, Recreation Dept Account	434.33 Rec Charges Through 05/10/19
571 10 49 02	Reg & Tuition - Rec	001 000 571	General Fund	299.00	Certified Pool Operator Training - C. Wells
573 90 49 01	Community Events	001 000 573	General Fund	135.33	Supplies For Mother - Son Dance
19389	05/28/2019	05/28/2019	8484	US Bank, Recreation Dept Account	250.00 Rec Charges Through 5/10/19
573 90 49 01	Community Events	001 000 573	General Fund	250.00	DJ For Mother-Son Dance
Total US Bank, Recreation Dept Account				684.33	
19391	05/28/2019	05/28/2019	4850	Uptown Printing & Graphics Inc	204.14 Payroll Checks (1,000)
514 23 49 02	Printing & Binding - Finan	001 000 514	General Fund	204.14	Payroll Checks (1,000)
19399	05/28/2019	05/28/2019	1751	Vadheim*, James	11.16 Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
512 50 49 03	Juror Costs	001 000 512	General Fund	11.16	Jury Pay (1 Day), Mileage (2 Miles) 5/8/19
19413	05/28/2019	05/28/2019	4188	Verizon Wireless LLC	516.26 May 2019 Police Air Cards (11) And 1 Officer

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 12

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
521 22 42 00	Communication - Police	001 000 521	General Fund	516.26	05/2019 Police Air Cards & 1 Officer
19414 05/28/2019 05/28/2019 4188	Verizon Wireless LLC	1,024.75	May 2019 Shared Plan (23 Lines)		
513 10 42 00	Communication - Admin	001 000 513	General Fund	47.33	City Manager 05/2019
518 30 42 00	Communication - Fac/Equip	001 000 518	General Fund	75.82	Maint. Super, Custodian 05/2019
521 22 42 00	Communication - Police	001 000 521	General Fund	378.64	Chief, Sergeant, 7 Officers
524 20 42 00	Communications- Bldg	001 000 524	General Fund	23.66	B / P 05/2019
531 50 42 00	Communication - Storm	415 000 531	Storm Drain	92.83	PW Air Card, Director And Crew 05/2019
534 10 42 00	Communication - Water	425 000 534	Water Fund (de	92.83	PW Air Card, Director And Crew 05/2019
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (de	92.83	PW Air Card, Director And Crew 05/2019
542 30 42 00	Communication - Street	101 000 542	City Street Fun	92.83	PW Air Card, Director And Crew 05/2019
558 60 42 00	Communications - Planning	001 000 558	General Fund	23.67	B / P 05/2019
576 80 42 00	Communication - Parks	001 000 576	General Fund	104.31	Parks Director, Maint. Super, Comm Events Spec. 05/2019
Total Verizon Wireless LLC				1,541.01	
19339 05/28/2019 05/28/2019 339	Villamor, John	27.68	#68056D Floor Mats		
521 22 31 00	Office & Oper Sup - Police	001 000 521	General Fund	27.68	#68056D Floor Mats
19320 05/28/2019 05/28/2019 4231	Water Mgmt Labs Inc	287.00	Coliform And Fluoride Testing April 2019		
534 80 41 00	Water Testing	425 000 534	Water Fund (de	287.00	Coliform & Fluoride Testing 04/2019
19410 05/28/2019 05/28/2019 330	Wells Jr, Christopher	103.32	Mileage And Parking For Pool Operator Training 05/14/19 And 05/15/19 - C. Wells		
571 10 43 00	Travel - Rec	001 000 571	General Fund	103.32	Mileage And Parking For Pool Operator Training 05/14/19 And 05/15/19 - C. Wells
19342 05/28/2019 05/28/2019 4246	Whistle Workwear	99.16	Work Pants - T. Piercy		
531 50 20 01	Contract Benefits - Storm	415 000 531	Storm Drain	24.79	Work Pants - T. Piercy
534 10 20 01	Contract Benefits - Wtr Ad	425 000 534	Water Fund (de	24.79	Work Pants - T. Piercy
535 10 20 01	Contract Benefits - Swr Ad	430 000 535	Sewer Fund (de	24.79	Work Pants - T. Piercy
542 30 20 01	Contract Benefits - Street R	101 000 542	City Street Fun	24.79	Work Pants - T. Piercy
19351 05/28/2019 05/28/2019 4246	Whistle Workwear	83.27	Uniform Items - D. Deines		
518 30 49 00	Miscellaneous - Fac/Equip	001 000 518	General Fund	83.27	Uniform Items - D. Deines
Total Whistle Workwear				182.43	
19372 05/28/2019 05/28/2019 5286	Winsupply	118.37	Parts For Well #7 Irrigation		

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

As Of: 05/28/2019

Time: 09:09:20 Date: 05/23/2019
Page: 13

Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
			534 50 31 01 Oper Supplies - Water Mai	425 000 534 Water Fund (de	118.37 Parts For Well #7 Irrigation
19374	05/28/2019	05/28/2019	5286 Winsupply	15.23	Parts For Alameda Water Services Changeover
			534 50 31 01 Oper Supplies - Water Mai	425 000 534 Water Fund (de	15.23 Parts For Alameda Water Services Changeover
19409	05/28/2019	05/28/2019	5286 Winsupply	37.25	Parts For Well #7
			534 50 31 01 Oper Supplies - Water Mai	425 000 534 Water Fund (de	37.25 Parts For Well #7
Total Winsupply				170.85	
19321	05/28/2019	05/28/2019	4247 Wofscoco Inc	25.12	#13403D Repair Parts
			548 65 48 12 O & M - Street	501 000 548 Equipment Ren	3.14 #13403D Repair Parts
			548 65 48 13 O & M - Storm	501 000 548 Equipment Ren	3.14 #13403D Repair Parts
			548 65 48 14 O & M - Wtr/Swr	501 000 548 Equipment Ren	18.84 #13403D Repair Parts
19361	05/15/2019	05/28/2019	1358 Wood Daniel J	238.25	02-00740.1 - 363 DEL MONTE AVE
			343 10 00 00 Storm Drain Fees & Charge	415 000 340 Storm Drain	-53.06
			343 40 00 00 Sale Of Water	425 000 340 Water Fund (de	-56.91
			343 50 00 00 Sewer Revenues	430 000 340 Sewer Fund (de	-128.28

Report Total: 452,614.30

Fund

001 General Fund	400,363.68
101 City Street Fund	22,968.11
415 Storm Drain	2,310.76
425 Water Fund (department)	17,098.86
430 Sewer Fund (department)	6,925.48
432 Sewer Improvement Fund	1,327.83
501 Equipment Rental Fund	1,619.58

This report has been reviewed by:

REMARKS:

Signature & Title

Date

**PUBLIC HEARING: 2020-2025 Transportation Improvement Plan
ITEM 8A.****FROM: Jerry Wakefield, Public Works Director**

RECOMMENDED MOTION: No Motion. Public Hearing Only.

PROPOSAL: This is a public hearing on the draft 2020-2025 Six-Year Transportation Improvement Plan (TIP). At the conclusion of the public hearing, staff requests Council's deliberation and consideration of the draft TIP. Once the input of the City Council and the public has been obtained, staff will prepare the TIP for formal consideration and adoption at the next regularly scheduled City Council meeting.

FISCAL IMPACT: None at this time. This is a planning document and therefore is not anticipated to have any significant, direct fiscal impact. The projects within the TIP have a significant fiscal impact, however, these will be evaluated separately through the budget and project review and approval processes.

ADVANTAGE: The adoption of a Six-Year transportation Improvement Plan (TIP) will ensure compliance with the requirements relative to an annual, public participatory transportation improvement planning process as dictated by State statute. The TIP will become a guidance document throughout the budgetary planning process and will also serve as the adopted priority array of projects to be completed in the future. The TIP will be referenced by other jurisdictions and will be included in regional and State planning documents as well. The TIP will also provide staff with a guidance document to apply for grant opportunities and/or loans in the future as opportunities arise. The TIP can be modified at any time during the year as conditions and priorities change.

DISADVANTAGES: None known.

ALTERNATIVES: The City Council has the authority to revise the priority ranking of any of the projects. The City Council may also add projects, delete projects, or modify projects contained within the TIP.

HISTORY: Each year, all cities, towns and other jurisdictions are required to review and update their respective transportation improvements plans. This requirement provides the framework for jurisdictional coordination of planning documents as well as the ability to compile individual plans into regional plans for the purpose of determining State, regional and local transportation needs. Prior to the adoption of a new TIP, jurisdictions are required to conduct a public hearing on this subject in an effort to include the input of the public at large. This agenda bill is intended to assist in the public hearing requirement of the adoption process.

Chapter 35.77.010 of the Revised Code of Washington (RCW) provides that each city shall annually update its Six-Year Comprehensive Transportation Program and file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding from the State, it must appear in the agency's current Program. Because the State also disperses federal highway funds, this requirement applies

to federally-funded projects as well.

RCW 35.77.010 also requires each city to specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program for that region. There are no projects included in this TIP which are considered regionally significant.

The TIP is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the TIP is to integrate the two to produce a comprehensive, realistic program for the orderly development and maintenance of our street system.

Several important points must be considered during the review of the proposed Program. The early years of the TIP are fairly definite in that it can be assumed that those projects will be constructed as scheduled, pending anticipated funding received. Projects in the later years are more flexible and may be accelerated, delayed or canceled as funding and conditions change.

It is also important to note that the adoption of the TIP does not irreversibly commit the City of Fircrest to construct the projects. A project may be canceled at any time during the course of study or design. The usual reasons for canceling a project are that it is environmentally unacceptable or contrary to the best interests of the community as a whole. The TIP may at any time be revised by a majority of the City Council, but only after a public hearing.

ATTACHMENT: [2020-2025 Transportation Improvement Plan](#)



CITY OF FIRCREST

2020-2025

Transportation Improvement Program

Adopted _____

ACKNOWLEDGEMENTS

Fircrest City Council

Hunter T. George, Mayor
Denny Waltier, Mayor Pro Tempore
David M. Viafore
Shannon Reynolds
Brett L. Wittner
Blake L. Surina
Jamie Nixon

City Manager

Scott Pingel

Public Works

Jerry Wakefield, Director
Jeff Davis, Working Utility Foreman
Jim Marzano, Utility Service Person II
Russ Parsons, Utility Service Person II
Tim Piercy, Utility Service Person II
Roger Schlosstein, Utility Service Person II
Bryce Wakefield, Utility Service Person II
Sue Lockard, Public Works Support Service Coordinator
Vicky Walston, Utility Billing Clerk

TABLE OF CONTENTS

Preface.....	1
Non-Discrimination	1
Grant Applications and Leveraging Local Dollars	1
About The City Of Fircrest	2
Funding Sources	3
Motor Vehicle Fuel Tax Funds	3
Fixing America's Surface Transportation Act (Fast Act)	3
Transportation Improvement Board	3
City Funding Sources	4
Real Estate Excise Taxes	4
Washington State Department of Transportation	4
Surface Water Management Program	4
Consistency With Land Use Management Plan.....	4
Table 1: 2020-2025 Transportation Facility Improvements	5
Figure 1: 2020-2025 Projects Map	6



PREFACE

Chapters 35.77.010 of the Revised Code of Washington (RCW) provide that each city shall annually update its Six-Year Comprehensive Transportation Program and, after a public hearing thereon, file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) by July 1 of each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding from the State, it must appear in the agency's current Program. Because the state also disperses federal highway funds, this requirement applies to federally funded projects as well.

RCW 35.77.010 also requires each city to specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement plan for that region. There are no projects included in this Program which are considered regionally significant.

The Program is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the Program is to integrate the two to produce a comprehensive, realistic program for the orderly development and maintenance of our street system.

Several important points must be considered during the review of the proposed Program. The early years of the Program are fairly definite; that is, it can be assumed that those projects will be constructed as scheduled. Projects in the later years are more flexible and may be accelerated, delayed or canceled as funding and conditions change.

It is also important to note that the adoption of the Program does not irreversibly commit the City of Fircrest to construct the projects. A project may be canceled at any time during the course of study or design. The usual reasons for canceling a project are that it is environmentally unacceptable or contrary to the best interests of the community as a whole. The Program may be revised at any time by a majority of the City Council, but only after a public hearing.

NON-DISCRIMINATION

The City of Fircrest assures that no person shall, on the ground of race, color, national origin, handicap, sex, age, or income status as provided by Title VI of the Civil Rights Act of 1964 and subsequent authorities, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity.

GRANT APPLICATIONS AND LEVERAGING LOCAL DOLLARS

The need to leverage local dollars through grant applications is very important to the City, especially in light of the decrease in funding available for transportation related capital improvements. The intent of this Program is not only to list and program projects for funding, but to establish City Council approval to submit grant applications on those projects contained in the Program.

ABOUT THE CITY OF FIRCREST

The City of Fircrest is a non-charter code city, operating under a Council-Manager form of government, with an annual General Fund budget of \$7.9 million and a total budget of over \$26 million. Fircrest is a full service city, providing a wide range of services, including police and fire protection, animal control, emergency medical aid, building safety regulation and inspection, street lighting, land use planning and zoning, housing and community development, full range of recreational and cultural programs, traffic safety maintenance and improvement, and maintenance and improvement of streets, water, sewer, and storm.

Fircrest is a vibrant community that offers the perks of small suburb town life with major urban cities nearby. Incorporated as a town in 1925 and as a city in 1990, Fircrest is centrally located just 32 miles south of the City of Seattle and 31 miles north of the state capital. Covering 1.58 square miles, Fircrest started as the first master-planned community in the state of Washington. With over 30 chain saw sculptures, six beautiful parks, an urban forest of Fir trees, and friendly, active neighborhoods, Fircrest has earned its title as “The Jewel of Pierce County” and is known as a residential oasis nestled between the cities of Tacoma and University Place. The City is home to the Fircrest Golf Club, a 160-acre, 18-hole golf course that has stood the test of time for more than 94 years and fits perfectly among the premier private golf clubs in the Puget Sound region.

Home to 6,710 residents, Fircrest has a strong local history and residents who are active and passionate in the community. The City operates and maintains 27.1 acres of land providing a range of active and passive recreational opportunities and community events. The City continues to work hard to keep its reputation of a quiet, residential community with attractive, livable neighborhoods and fine recreational facilities and setting the standard for community oriented policing. Fircrest is planning for additional growth in the future that will continue to shape the character of the community. As growth occurs, there are characteristics that residents would like to retain, such as Fircrest’s green character; a safe, friendly and sustainable community; and some physical remnants of the past as reminders of its early history.



FUNDING SOURCES

Motor Vehicle Fuel Tax Funds

By law, each city receives a proportionate share of the total state motor vehicle fuel tax. Money received is a monthly allocation based on population. In the City's 2017 budget, it is anticipated that revenue received from the state gas tax for the Street Fund will be \$144,160 in FY 2017. This is the same as anticipated to be received in 2018 and therefore should be relatively accurate.

Fixing America's Surface Transportation Act (FAST Act)

On December 4, 2015, President Obama signed into law the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. No. 114-94), the first federal law in over 10 years to provide long-term funding certainty for surface transportation. The Fast Act replaces the "Moving Ahead for Progress in the 21st Century Act" (MAP-21) which was enacted on July 6, 2012. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. With the enactment of the FAST Act, states and local governments are now moving forward with critical transportation projects with the confidence that they will have a federal partner over the long term.

Of the \$225.2 billion total, \$207.4 billion will be apportioned to the states by formula and includes a new Surface Transportation Block Grant Program (STBGP). The FAST Act provides that every state will see an increase of 5.1 percent increase in formula funds for FY 2016. This will be followed by annual increases of 2.1 to 2.4 percent between FY 2017 to FY 2020.

Transportation Improvement Board

The Washington State Transportation Improvement Board (TIB) funds high priority transportation projects in communities throughout the state to enhance the movement of people, goods and services. TIB is an independent state agency, created by the Legislature, which distributes and manages street construction and maintenance grants to 320 cities and urban counties throughout Washington State. Funding for TIB's grant programs comes from revenue generated by three cents of the statewide gas tax.

The TIB has a number of statewide competitive programs which use criteria developed by the TIB for prioritization of projects. The three TIB programs in which the City of Fircrest can compete are as follows:

- **Urban Corridor Program (UCP)**
This program is for transportation projects with primary emphasis on public/private cooperation and economic development.
- **Urban Arterial Program (UAP)**
This program is for arterial street construction with primary emphasis on safety and mobility. This is the program from which the City received the \$558,008 grant for the 2013 Emerson Street and Orchard Street grind and overlay project.
- **Sidewalk Program (SP)**
This program is for the improvement of pedestrian safety, and to address pedestrian system continuity and connectivity. This is the program from which the City received the \$575,252 grant for the 2016 Emerson Street Sidewalk Project.

City Funding Sources

Recent funds from the sale of the City's power utility have been used to fund capital projects in the City's Street Fund. There are not sufficient funds in this source to fully fund the projects included in the Six-Year Program, however, the City will consistently apply for grant funding in order to use as little of this fund as possible to maintain a healthy reserve to get through tough economic times.

Real Estate Excise Taxes

The City can also use the Real Estate Excise Tax it receives for funding, in whole or in part, any capital project associated with the work identified in this plan.

Washington State Department of Transportation

- Traffic Safety Near Schools Program – This program is for the improvement of safety for children traveling to and from school.

Surface Water Management Program

The City's Stormwater Management Program (SWMP) pays for all drainage facilities constructed in conjunction with street improvements. The revenue from SWM is directly related to the amount of capital improvement projects constructed. Because there will be little impact to storm drainage facilities resulting from the projects proposed in the Six-Year Transportation Improvement Program, only a minor amount of funding is expected from this source.

CONSISTENCY WITH LAND USE MANAGEMENT PLAN

The State's Growth Management Act (GMA) requires local governments to develop and adopt comprehensive plans covering land use, housing, capital facilities, utilities, and transportation. These comprehensive plans must balance the demands of growth with the provision of public facilities and services and, in particular, transportation facilities and services. The City of Fircrest was required to develop and adopt a comprehensive plan that is in conformance with the requirements of the GMA.

The City of Fircrest has, as part of its Comprehensive Plan, Transportation Goals and Policies. The projects in the Six-Year Comprehensive Transportation Improvement Program are intended to conform to the goals and policies within the City's Comprehensive Plan.

TABLE 1: 2020-2025 TRANSPORTATION FACILITY IMPROVEMENTS

City of Fircrest Six-Year Comprehensive Transportation Improvement Program (2020 to 2025)

Transportation Facility Improvements		2020	2021	2022	2023	2024	2025	TOTAL
Capital Appropriations								
1.	Major Pavement Patching: Citywide	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000
Grind and Overlays								
2.	Berkeley Ave: 1100-1200 block	\$150,000						\$150,000
3.	Regents Blvd: Arondale Dr to 67th Ave					\$750,000		\$750,000
4.	Farallone Ave: 1200 block	\$75,000						\$75,000
5.	1/2 Street Orchard Blvd/Regents Blvd to end of Right-of-Way						\$250,000	\$250,000
6.	1/2 Street Orchard Blvd/Stanford St to Regents Blvd						\$180,000	\$180,000
Roadway Improvements								
7.	Alameda Ave: Regents Blvd to Spring St (sidewalks on west side with bike lanes)		\$1,009,474					\$1,009,474
8.	Alameda Ave: Spring St to Greenway (sidewalks on west side with bike lanes)			\$1,157,922				\$1,157,922
9.	Buena Vista Ave: 1300 block (curb/gutter and overlay)				\$75,000			\$75,000
10.	Berkeley Ave: 1300 block (curb/gutter and overlay)				\$75,000			\$75,000
Pedestrian, Non-Motorized								
11.	Alameda Ave: Emerson St to Rosewood Ln (curb/gutter, sidewalk - east side)		\$500,000					\$500,000
12.	Alameda Ave: 44th St to Emerson St (curb, gutter, sidewalk - both sides)			\$300,000				\$300,000
13.	44th St: 67th Ave to 60th Ave (curb/gutter, sidewalk - north side)				\$450,000			\$450,000
14.	Emerson St: Alameda Ave to Woodside Dr (planter strip, sidewalk - south side)				\$380,000			\$380,000
15.	Emerson St: Woodside Dr to 67th St (sidewalks, retaining walls, entry island)					\$465,000		\$465,000
Street Lights								
16.	LED Street Light Replacement	\$30,000	\$30,000					\$60,000
Total Capital Appropriations		\$305,000	\$1,589,474	\$1,507,922	\$1,030,000	\$1,265,000	\$430,000	\$6,127,396

FIGURE 1: 2020-2025 PROJECTS MAP

As listed in Table 1, Map 1 illustrates the transportation facility improvements for the 2020-2025 Six-Year Transportation Improvement Program planned for the City of Fircrest. Below is a brief description of the work for these projects.

Grind and Overlay

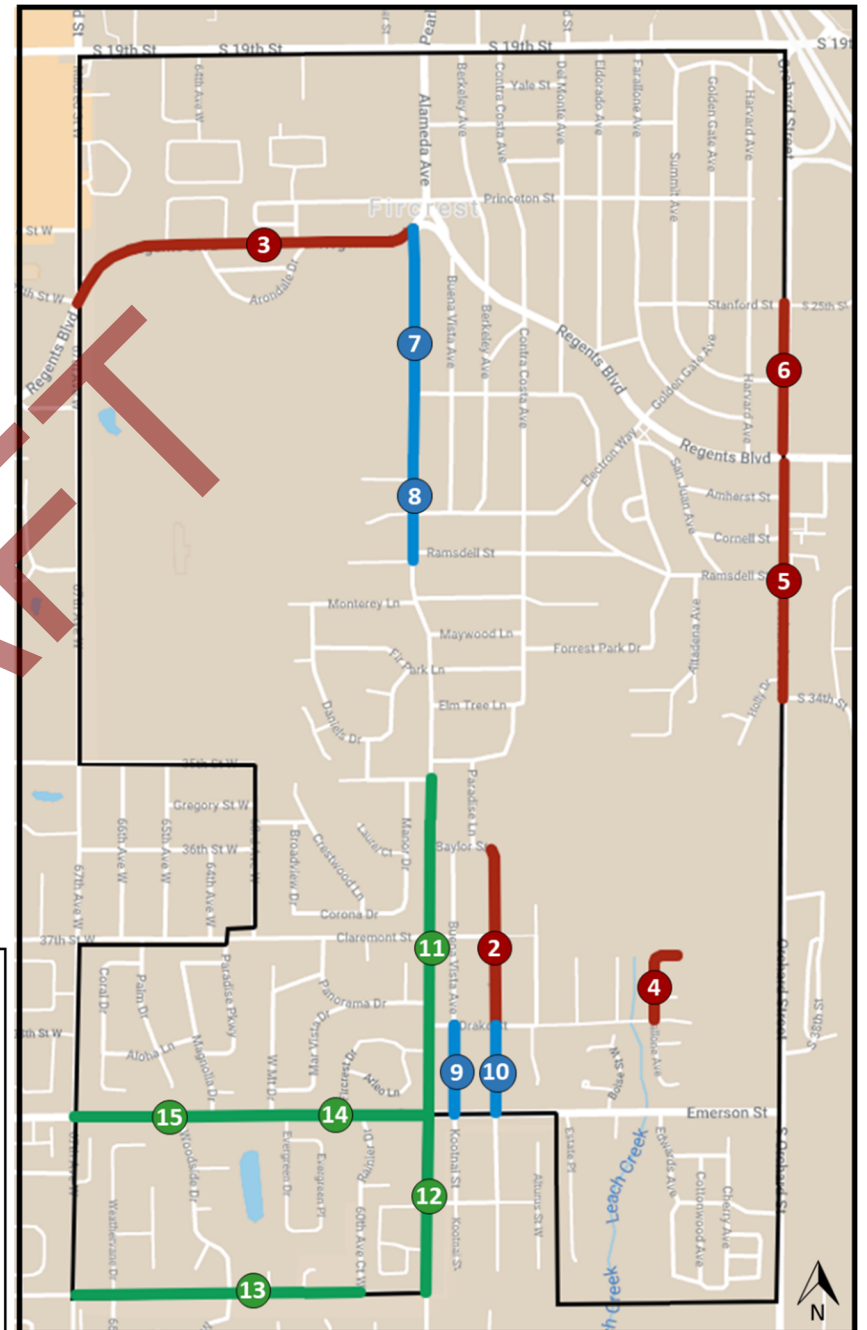
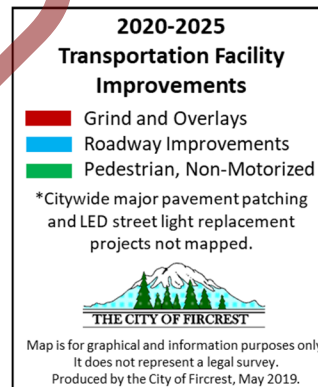
A grind and overlay project consists of grinding the existing pavement down a few inches and overlaying the roadway with a new wearing surface. This is a way to preserve the existing roadway and provide a new wearing surface and seal the roadbed.

Roadway Improvements

This is a reconstruction of the existing roadway. The roadbed is removed and replaced with new material and a new pavement section. This work also includes replacing or adding curb and gutters and sidewalks along both sides of the roadway or where they do not exist.

Pedestrian, Non-Motorized

This improvement is typically construction of a new curb and gutter and sidewalk improvement. This will add new sidewalks where there presently is no sidewalk and also complete gaps sidewalks. This also provides for bike lanes along designated routes.



NEW BUSINESS: FMC 14.08 Tree Planting and Maintenance
ITEM 10A.

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: I move to adopt Ordinance No.____, amending Ordinance No. 244 Section 1 and FMC 14.08.010 relating to Purpose; adding a new section FMC 14.08.015 relating to Definitions; amending Ordinance No. 244 Section 2 and FMC 14.08.020 relating to Applicability; adding a new section FMC 14.08.025 relating to Jurisdiction; amending Ordinance No. 244 Section 3 and FMC 14.08.030 relating to Tree Care, Planting, Removing and Replacement; amending Ordinance No. 244 Section 5 and FMC 14.08.050 relating to Interfering or Hazardous Trees; amending Ordinance No. 244 Section 6 and FMC 14.08.060 relating to Enforcement; amending Ordinance No. 244 Section 7 and FMC 14.08.070 relating to Appeals; repealing Ordinance No. 244 Section 8 and FMC 14.08.080; repealing Ordinance No. 244 Section 9 and FMC 14.08.090; repealing Ordinance No. 244 Section 10 and FMC 14.08.100; and amending Ordinance No. 987 Section 37 and FMC 14.08.110 relating to Penalty for Violations.

PROPOSAL: The City of Fircrest proposed to adopt amendments to FMC 14.08 Tree Planting and Maintenance. Some of the key points include:

- Gives jurisdiction and control to the Public Works Department for all public plantings.
- Provides definitions.
- Provides guidelines for care, planting and removing – these incorporate what is currently in Title 22 for street trees related to new development.
- Allows, without requiring permits, property owners to plant and maintain vegetation in their planter strip as long as trees meet the guidelines.
- Requires written permission for anyone other than the city to plant or remove trees on public property or along arterials, collectors, and San Juan Avenue.
- Uses the approved street tree palette adopted as part of the Streetscape Standards for approved street trees.
- Amends section on interfering and hazardous trees.
- Consolidates enforcement steps.
- Provides an appeal process to the hearing examiner.

FISCAL IMPACT: The proposed amendments will have no direct fiscal impact to the City.

ADVANTAGE: The proposed amendments will update the City's urban forestry program and is a requirement to qualify for Tree City USA recognition.

DISADVANTAGE: None identified.

HISTORY: This item was discussed at the April 15, 2019 study session, where the Council expressed their desire to amend the tree ordinance and apply for Tree City USA recognition.

ATTACHMENTS: [Ordinance](#)
[Ordinance \(tracked changes\)](#)

**CITY OF FIRCREST
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 244 SECTION 1 AND FMC 14.08.010 RELATING TO PURPOSE; ADDING A NEW SECTION FMC 14.08.015 RELATING TO DEFINITIONS; AMENDING ORDINANCE NO. 244 SECTION 2 AND FMC 14.08.020 RELATING TO APPLICABILITY; ADDING A NEW SECTION FMC 14.08.025 RELATING TO JURISDICTION; AMENDING ORDINANCE NO. 244 SECTION 3 AND FMC 14.08.030 RELATING TO TREE CARE, PLANTING, REMOVING AND REPLACEMENT; AMENDING ORDINANCE NO. 244 SECTION 5 AND FMC 14.08.050 RELATING TO INTERFERING OR HAZARDOUS TREES; AMENDING ORDINANCE NO. 244 SECTION 6 AND FMC 14.08.060 RELATING TO ENFORCEMENT; AMENDING ORDINANCE NO. 244 SECTION 7 AND FMC 14.08.070 RELATING TO APPEALS; REPEALING ORDINANCE NO. 244 SECTION 8 AND FMC 14.08.080; REPEALING ORDINANCE NO. 244 SECTION 9 AND FMC 14.08.090; REPEALING ORDINANCE NO. 244 SECTION 10 AND FMC 14.08.100; AND AMENDING ORDINANCE NO. 987 SECTION 37 AND FMC 14.08.110 RELATING TO PENALTY FOR VIOLATIONS.

WHEREAS, the City Council desire to create a healthy, sustainable urban forestry program; and

WHEREAS, a healthy urban forest benefits the community through an improved environment, reduced pollution, increased property values, and enhanced public health; and

WHEREAS, the proposed amendments are consistent with the goals, objective and polices of the comprehensive plan, in particular:

GOAL CC6

Promote the planning, management and preservation of a safe and healthy urban forest that reflects community character goals by establishing effective programs, practices, landscaping standards, and guidelines.

GOAL CC7

Achieve community character and urban design goals through the preservation, installation and maintenance of street trees and other landscaping in accordance with the City's adopted street tree list, landscape regulations, and applicable design standards and guidelines.

WHEREAS, the City Council desires to qualify as a Tree City USA community. Now, Therefore,

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

Section 1. Section 1 of Ordinance No. 244 and FMC 14.08.010 are hereby amended to read as follows:

14.08.010 Purpose.

The purpose of this chapter is to establish standards and guidelines in order to preserve, maintain, protect, and improve the tree plantings in and along city rights-of-way, in planting strips, in public places and parks within the City enhance the beauty, livability, and value of the surrounding environment.

Section 2. A new section is hereby adopted to read as follows:

14.08.015 Definitions.

(1) "City" as used herein means the City of Fircrest acting by and through its authorized representatives.

(2) "Hazardous tree" means any street tree, or tree located in a park or on other public property, or part thereof, that the City determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to persons or property in the event of failure. "Hazardous tree" also means any tree which interferes with electrical, telephone or other utility lines. Hazardous trees are not in danger of imminent failure.

(3) "Hedge" as used herein includes any plant material, shrub or plant, when planted in a dense, continuous line or area, as to form a thicket or barrier.

(4) "Imminent hazard" or "imminent hazardous tree" means a tree or any significant part thereof which has fallen, become partially uprooted, become split or severely broken apart, or is clearly about to fall in the very near future, due to a storm or other calamity, or disease or insect infestation.

(5) "Minor pruning" means pruning or cutting of water sprouts, suckers, twigs, or branches less than three inches in diameter and which constitute less than fifteen percent of the tree's foliage-bearing area. The work shall retain the natural form of the tree. Removal of dead wood, broken branches and stubs is included within the definition of minor pruning. Minor pruning may be performed by the property owner without obtaining a street tree permit from the City.

(6) "Nonconforming tree" means any street tree, or tree located in a park or on other public property, or part thereof, that is not of a type or species included in the approved street tree palette, in accordance with FMC 22.65.

(7) "Parks" includes all parks to which names have been given by action of the City Council.

(8) "Person" as used herein means individuals, firms, associations and corporations, and agents, employees or representatives thereof.

(9) "Plant" as used herein includes all other plant material, nonwoody, annual or perennial in nature, not necessarily hardy.

(10) "Planting strip" as used herein shall mean that area of city right-of-way lying between the sidewalk and the installed curb or edge of the city street or alley.

(11) "Public places" includes all grounds, other than streets or parks, owned by or leased to and under the control of the City of Fircrest.

(12) "Right-of-way" includes streets, alleys, planting strips, sidewalks and platted but unconstructed streets and alleys within the City.

(13) "Shrub" as used herein includes any woody perennial plant, normally low, several-stemmed, adaptable to shaping, trimming and pruning without injury, within the area planted.

(14) "Street" includes all land lying between the boundaries of property abutting on all public streets, boulevards, alleys and walks.

(15) "Street tree" as used herein includes any tree, shrub, bush, or other woody vegetation planted in a planting strip or in a city street or alley right-of-way.

(16) "Substantial pruning" means the pruning or cutting out of branches three inches in diameter or greater, root pruning, or cutting out of branches and limbs constituting greater than fifteen percent of the tree's foliage-bearing area. The work shall retain the natural form of the tree.

(17) "Topping" means the severe cutting back of limbs leaving stubs beyond the branch collar within the tree's crown or to such a degree as to remove a substantial portion of the normal canopy and disfigure the tree.

Section 3. Section 2 of Ordinance No. 244 and FMC 14.08.020 are hereby amended to read as follows:

14.08.020 Applicability.

This chapter applies to all planting or removing of any tree, bush, or shrub on any public parking strip, right-of-way or other public place. The City shall have the power and authority to remove, plant, care for, restrict and maintain any such plantings in the right-of-way.

Section 4. A new section is hereby adopted to read as follows:

14.08.025 Jurisdiction.

The City Public Works Department or designee shall have jurisdiction and control of the planting, setting out, location and placement of all trees in the public places, parks and streets of Fircrest and shall likewise have supervision, direction and control of the care, trimming, removal, relocation and replacement thereof.

Section 5. Section 3 of Ordinance No. 244 and FMC 14.08.030 are hereby amended to read as follows:

14.08.030 Tree Care, Planting, Removing and Replacement.

(a) The City may plant, prune, maintain and remove any street tree or tree located in a city park, as may be necessary to ensure public safety or to preserve or enhance the appearance of public places. Existing trees shall be retained unless they are deemed to be seriously unhealthy or to cause hazards to public safety in the judgment of the City.

(b) The City endorses and encourages the planting of appropriate trees within planting strips by abutting property owners. In order to ensure that street trees are appropriate for the particular space, are properly maintained, and, when necessary, are replaced, trees must be in the approved street tree palette, in accordance with FMC 22.65. A private property owner may be granted permission to remove a nonconforming tree or trees by the City, provided,

that said owner pays for the removal of the nonconforming tree or trees and for the purchase and planting in the same or nearby location of appropriate trees which are listed on the city street tree palette. Hazardous trees removed by utility companies do not require replacement.

(c) It is unlawful for any person other than an authorized city employee, or designee, to destroy, plant, move, remove or replace any tree, shrub, hedge or plant in any public place, park or along any street designated as an arterial or collector, or to cause the same to be done, unless and until a written permit to do so has first been obtained. This requirement shall extend to the street trees planted along San Juan Avenue.

(d) Spacing of street trees, on average, shall be 30 feet on center. Generally, trees should be planted at least 10 feet from utility or light poles or fire hydrants, 20 feet from street corners, and 10 feet from driveways.

(e) Street trees shall be deciduous and should have a caliper of at least one and three-quarters inches at the time of planting.

(f) Street trees shall be high-branching with a canopy that starts at least six feet above finished grade, and have roots which will not break up sidewalks or roadbeds or invade utility lines. For areas without overhead power lines, tree types shall be planted which will achieve a minimum height of 30 feet at maturity.

(g) Street tree types shall be selected in accordance with the approved street tree palette contained in FMC 22.64. Tree types and locations shall take into consideration lighting requirements for streets, parking, and pedestrian circulation areas, and signage requirements. The tree type shall not bear fruit or release sticky substances.

(h) Root deflectors or other planting specifications may be required if recommended by a professional landscape architect or arborist.

Section 6. Section 5 of Ordinance No. 244 and FMC 14.08.050 are hereby amended to read as follows:

14.08.050 Interfering or Hazardous Trees.

(a) The City may inspect any tree upon or which overhangs any public street in the City to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on such public street. Any tree or part thereof growing upon private property but overhanging or interfering with the use of any street that in the opinion of the City official endangers the life, health, safety or property of the public shall be declared a public nuisance. If the owner of such private property does not correct or remove such nuisance within fourteen days after receipt of written notice thereof from the public works director, or designee, the City shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

(b) The City may inspect any tree which appears to be, or has been reported to be, dead or suffering from an infectious disease or insect infestation condition, whether said tree is in a public place or on private property. The City shall have the right to cause the removal of any dead, diseased or infected tree located within the City, whether located in a public place or on private property, when the City determines that such tree constitutes a hazard to life or property, or harbors insects or disease which constitutes a potential threat to other trees within the City. This subsection shall apply to any tree upon private property, whether or not the tree interferes with or endangers the use of a public right-of-way.

Section 7. Section 6 of Ordinance No. 244 and FMC 14.08.060 are hereby amended to read as follows:

14.08.060 Enforcement.

If any tree which appears to be, or has been reported to be, dead or suffering from an infectious disease or insect infestation condition is located on private property, the owner(s) shall be notified of such tree in writing of the City's determination that such tree must be removed. Removal of such tree shall be done by said owners at their own expense within fourteen days after the date of mailing of the notice. In the event that the owner(s) fails to remove such trees within fourteen days, and fails to file a written notice of appeal pursuant to FMC 14.08.70, the City shall have the authority to remove such tree, and the costs of removal shall be assessed against the owner(s) and a lien filed against the property.

Section 8. Section 7 of Ordinance No. 244 and FMC 14.08.070 are hereby amended to read as follows:

14.08.070 Appeals.

Any person aggrieved by any act or determination of a City official in the exercise of the authority herein granted shall have the right of appeal to the hearing examiner whose decision, after a public hearing, on the matter shall be final and conclusive. Notice of appeal must be filed in writing with the City Manager within fourteen (14) days from the act or determination complained of. The public hearing before the hearing examiner shall be set no later than thirty (30) calendar days following the receipt by the city administrator of the written notice of appeal. The City Manager shall notify the appellant in writing of the date, time and location of the public hearing at least ten calendar days prior to the hearing.

Section 9. Section 8 of Ordinance No. 244 and FMC 14.08.080 are hereby repealed.

Section 10. Section 9 of Ordinance No. 244 and FMC 14.08.090 are hereby repealed.

Section 11. Section 10 of Ordinance No. 244 and FMC 14.08.100 are hereby repealed.

Section 12. Section 37 of Ordinance No. 987 and FMC 14.08.110 are hereby amended to read as follows:

14.08.110 Penalty for Violations.

Any person who violates any of the provision of this chapter shall be guilty of a misdemeanor for each offense.

Section 13. 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 14. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of its title.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 28th day of May 2019.

APPROVED:

David M. Viafore, Mayor Pro Tempore

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, AMENDING ORDINANCE NO. 244 SECTION 1 AND FMC 14.08.010 RELATING TO PURPOSE; ADDING A NEW SECTION FMC 14.08.015 RELATING TO DEFINITIONS; AMENDING ORDINANCE NO. 244 SECTION 2 AND FMC 14.08.020 RELATING TO APPLICABILITY; ADDING A NEW SECTION FMC 14.08.025 RELATING TO JURISDICTION; AMENDING ORDINANCE NO. 244 SECTION 3 AND FMC 14.08.030 RELATING TO TREE CARE, PLANTING, REMOVING AND REPLACEMENT; AMENDING ORDINANCE NO. 244 SECTION 5 AND FMC 14.08.050 RELATING TO INTERFERING OR HAZARDOUS TREES; AMENDING ORDINANCE NO. 244 SECTION 6 AND FMC 14.08.060 RELATING TO ENFORCEMENT; AMENDING ORDINANCE NO. 244 SECTION 7 AND FMC 14.08.070 RELATING TO APPEALS; REPEALING ORDINANCE NO. 244 SECTION 8 AND FMC 14.08.080; REPEALING ORDINANCE NO. 244 SECTION 9 AND FMC 14.08.090; REPEALING ORDINANCE NO. 244 SECTION 10 AND FMC 14.08.100; AND AMENDING ORDINANCE NO. 987 SECTION 37 AND FMC 14.08.110 RELATING TO PENALTY FOR VIOLATIONS.

WHEREAS, the City Council desire to create a healthy, sustainable urban forestry program; and

WHEREAS, a healthy urban forest benefits the community through an improved environment, reduced pollution, increased property values, and enhanced public health; and

WHEREAS, the proposed amendments are consistent with the goals, objective and polices of the comprehensive plan, in particular:

GOAL CC6

Promote the planning, management and preservation of a safe and healthy urban forest that reflects community character goals by establishing effective programs, practices, landscaping standards, and guidelines.

GOAL CC7

Achieve community character and urban design goals through the preservation, installation and maintenance of street trees and other landscaping in accordance with the City's adopted street tree list, landscape regulations, and applicable design standards and guidelines.

WHEREAS, the City Council desires to qualify as a Tree City USA community. Now, Therefore,

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

1 **Section 1.** Section 1 of Ordinance No. 244 and FMC 14.08.010 are hereby amended to read
2 as follows:

3 14.08.010 ~~Title~~**Purpose.**

4 ~~This chapter shall hereafter be referred to and known as the tree ordinance of the city of~~
5 ~~Fircrest.~~

6 The purpose of this chapter is to establish standards and guidelines in order to preserve,
7 maintain, protect, and improve the tree plantings in and along city rights-of-way, in planting
8 strips, in public places and parks within the City enhance the beauty, livability, and value
9 of the surrounding environment.

10 **Section 2.** A new section is hereby adopted to read as follows:

11 14.08.015 **Definitions.**

12 (1) “City” as used herein means the City of Fircrest acting by and through its authorized
13 representatives.

14 (2) “Hazardous tree” means any street tree, or tree located in a park or on other public
15 property, or part thereof, that the City determines is subject to a high probability of failure,
16 due to structural defect or disease, and which poses a potential threat to persons or property
17 in the event of failure. “Hazardous tree” also means any tree which interferes with electrical,
18 telephone or other utility lines. Hazardous trees are not in danger of imminent failure.

19 (3) “Hedge” as used herein includes any plant material, shrub or plant, when planted in a
20 dense, continuous line or area, as to form a thicket or barrier.

21 (4) “Imminent hazard” or “imminent hazardous tree” means a tree or any significant part
22 thereof which has fallen, become partially uprooted, become split or severely broken apart,
23 or is clearly about to fall in the very near future, due to a storm or other calamity, or disease
24 or insect infestation.

25 (5) “Minor pruning” means pruning or cutting of water sprouts, suckers, twigs, or branches
26 less than three inches in diameter and which constitute less than fifteen percent of the tree’s
27 foliage-bearing area. The work shall retain the natural form of the tree. Removal of dead
28 wood, broken branches and stubs is included within the definition of minor pruning. Minor
29 pruning may be performed by the property owner without obtaining a street tree permit from
30 the City.

(6) “Nonconforming tree” means any street tree, or tree located in a park or on other public
property, or part thereof, that is not of a type or species included in the approved street tree
palette, in accordance with FMC 22.65.

(7) “Parks” includes all parks to which names have been given by action of the City Council.

(8) “Person” as used herein means individuals, firms, associations and corporations, and
agents, employees or representatives thereof.

(9) “Plant” as used herein includes all other plant material, nonwoody, annual or perennial
in nature, not necessarily hardy.

(10) “Planting strip” as used herein shall mean that area of city right-of-way lying between
the sidewalk and the installed curb or edge of the city street or alley.

(11) “Public places” includes all grounds, other than streets or parks, owned by or leased to
and under the control of the City of Fircrest.

1 (12) “Right-of-way” includes streets, alleys, planting strips, sidewalks and platted but
2 unconstructed streets and alleys within the City.

3 (13) “Shrub” as used herein includes any woody perennial plant, normally low, several-
4 stemmed, adaptable to shaping, trimming and pruning without injury, within the area
5 planted.

6 (14) “Street” includes all land lying between the boundaries of property abutting on all
7 public streets, boulevards, alleys and walks.

8 (15) “Street tree” as used herein includes any tree, shrub, bush, or other woody vegetation
9 planted in a planting strip or in a city street or alley right-of-way.

10 (16) “Substantial pruning” means the pruning or cutting out of branches three inches in
11 diameter or greater, root pruning, or cutting out of branches and limbs constituting greater
12 than fifteen percent of the tree’s foliage-bearing area. The work shall retain the natural form
13 of the tree.

14 (17) “Topping” means the severe cutting back of limbs leaving stubs beyond the branch
15 collar within the tree’s crown or to such a degree as to remove a substantial portion of the
16 normal canopy and disfigure the tree.

17 **Section 3.** Section 2 of Ordinance No. 244 and FMC 14.08.020 are hereby amended to read
18 as follows:

19 14.08.020 ~~Permission to plant trees in public place~~ Applicability.

20 This chapter applies to all planting or removing of any tree, bush, or shrub It shall hereafter
21 be unlawful for any person to plant or cause to be planted in or remove from on any public
22 parking strip, right-of-way or other public place, any tree, brush or shrub without having
23 first obtained permission therefor from the general superintendent. The City shall have the
24 power and authority to remove, plant, care for, restrict and maintain any such plantings in
25 the right-of-way.

26 **Section 4.** A new section is hereby adopted to read as follows:

27 14.08.025 Jurisdiction.

28 The City Public Works Department or designee shall have jurisdiction and control of the
29 planting, setting out, location and placement of all trees in the public places, parks and
30 streets of Fircrest and shall likewise have supervision, direction and control of the care,
trimming, removal, relocation and replacement thereof.

Section 5. Section 3 of Ordinance No. 244 and FMC 14.08.030 are hereby amended to read
as follows:

~~14.08.030 Types of trees prohibited in public places or near sewer or water main.~~ Tree Care,
Planting, Removing and Replacement.

~~It shall hereafter be unlawful for any person to plant or cause to be planted on any public~~
~~parking strip, right-of-way or other public place in the city any of the following kinds of~~
~~trees, namely: Poplar, Willow, Cottonwood, fruit trees (except ornamental types), nut trees,~~
~~Ailanthus, Mountain Ash, and Oregon or Big Leafed Maple. It shall likewise be unlawful~~

~~for any person to plant or cause to be planted any Poplar, Willow, American Elm or Cottonwood trees within 100 feet of any public sewer or water main.~~

~~(a) The City may plant, prune, maintain and remove any street tree or tree located in a city park, as may be necessary to ensure public safety or to preserve or enhance the appearance of public places. Existing trees shall be retained unless they are deemed to be seriously unhealthy or to cause hazards to public safety in the judgment of the City.~~

~~(b) The City endorses and encourages the planting of appropriate trees within planting strips by abutting property owners. In order to ensure that street trees are appropriate for the particular space, are properly maintained, and, when necessary, are replaced, trees must be in the approved street tree palette, in accordance with FMC 22.65. A private property owner may be granted permission to remove a nonconforming tree or trees by the City, provided, that said owner pays for the removal of the nonconforming tree or trees and for the purchase and planting in the same or nearby location of appropriate trees which are listed on the city street tree palette. Hazardous trees removed by utility companies do not require replacement.~~

~~(c) It is unlawful for any person other than an authorized city employee, or designee, to destroy, plant, move, remove or replace any tree, shrub, hedge or plant in any public place, park or along any street designated as an arterial or collector, or to cause the same to be done, unless and until a written permit to do so has first been obtained. This requirement shall extend to the street trees planted along San Juan Avenue.~~

~~(d) Spacing of street trees, on average, shall be 30 feet on center. Generally, trees should be planted at least 10 feet from utility or light poles or fire hydrants, 20 feet from street corners, and 10 feet from driveways.~~

~~(e) Street trees shall be deciduous and should have a caliper of at least one and three-quarters inches at the time of planting.~~

~~(f) Street trees shall be high-branching with a canopy that starts at least six feet above finished grade, and have roots which will not break up sidewalks or roadbeds or invade utility lines. For areas without overhead power lines, tree types shall be planted which will achieve a minimum height of 30 feet at maturity.~~

~~(g) Street tree types shall be selected in accordance with the approved street tree palette contained in FMC 22.64. Tree types and locations shall take into consideration lighting requirements for streets, parking, and pedestrian circulation areas, and signage requirements. The tree type shall not bear fruit or release sticky substances.~~

~~(h) Root deflectors or other planting specifications may be required if recommended by a professional landscape architect or arborist.~~

Section 6. Section 5 of Ordinance No. 244 and FMC 14.08.050 are hereby amended to read as follows:

14.08.050 Declaration of public nuisances. *Interfering or hazardous trees.

~~Trees, plants, shrubs or other vegetation, or any parts thereof, which overhang any street, alley or sidewalk, or which are situated on any private property or on the portion of any street, alley or sidewalk abutting thereon in such a manner as to obstruct or impair the free and full use of said street, alley or sidewalk, or which interfere with the clear vision of pedestrians or persons operating motor vehicles upon any street, alley or sidewalk, or which interfere with poles, pole lines, wires, pipes, fixtures, or any other part of any public utility~~

1 ~~situated on such property or on any such street, alley or sidewalk, or which constitute a fire~~
2 ~~hazard or a menace to the public health, safety or welfare, and any grass, weeds, brush or~~
3 ~~other similar vegetation growing on or which has grown and died upon any such property~~
4 ~~and is a fire hazard or a menace to the public health, safety or welfare, and any infestation~~
5 ~~of insects on any such trees, plants, shrubs or vegetation or on such property, are hereby~~
6 ~~declared to be public nuisances.~~

7 ~~* Cities authorized to declare certain acts or things done to be considered as nuisances—~~
8 ~~See RCW 35A.11.020.(a) The City may inspect any tree upon or which overhangs any~~
9 ~~public street in the City to determine whether the same or any portion thereof is in such a~~
10 ~~condition as to constitute a hazard or impediment to the progress or vision of anyone~~
11 ~~traveling on such public street. Any tree or part thereof growing upon private property but~~
12 ~~overhanging or interfering with the use of any street that in the opinion of the City official~~
13 ~~endangers the life, health, safety or property of the public shall be declared a public~~
14 ~~nuisance. If the owner of such private property does not correct or remove such nuisance~~
15 ~~within fourteen days after receipt of written notice thereof from the public works director,~~
16 ~~or designee, the City shall cause the nuisance to be corrected or removed and the cost shall~~
17 ~~be assessed to such owner.~~

18 ~~(b) The City may inspect any tree which appears to be, or has been reported to be, dead or~~
19 ~~suffering from an infectious disease or insect infestation condition, whether said tree is in a~~
20 ~~public place or on private property. The City shall have the right to cause the removal of~~
21 ~~any dead, diseased or infected tree located within the City, whether located in a public place~~
22 ~~or on private property, when the City determines that such tree constitutes a hazard to life~~
23 ~~or property, or harbors insects or disease which constitutes a potential threat to other trees~~
24 ~~within the City. This subsection shall apply to any tree upon private property, whether or~~
25 ~~not the tree interferes with or endangers the use of a public right-of-way.~~

26 **Section 7.** Section 6 of Ordinance No. 244 and FMC 14.08.060 are hereby amended to read
27 as follows:

28 14.08.060 ~~Prevention and abatement of nuisances~~ **Enforcement.**

29 ~~If any tree which appears to be, or has been reported to be, dead or suffering from an~~
30 ~~infectious disease or insect infestation condition is located on private property, the owner(s)~~
~~shall be notified of such tree in writing of the City's determination that such tree must be~~
~~removed. Removal of such tree shall be done by said owners at their own expense within~~
~~fourteen days after the date of mailing of the notice. In the event that the owner(s) fails to~~
~~remove such trees within fourteen days, and fails to file a written notice of appeal pursuant~~
~~to FMC 14.08.70, the City shall have the authority to remove such tree, and the costs of~~
~~removal shall be assessed against the owner(s) and a lien filed against the property. It shall~~
~~hereafter be unlawful for the owner or occupant of any property whereon any such public~~
~~nuisances exist to maintain the same or to allow the conditions causing the same to continue;~~
~~and it shall be the duty of any such owner to promptly abate any such nuisance. (Ord. 244~~
~~§ 6, 1954).~~

Section 8. Section 7 of Ordinance No. 244 and FMC 14.08.070 are hereby amended to read
as follows:

14.08.070 ~~Resolution of abatement~~ **Appeals.**

1 ~~The city council may by resolution declare the existence of any public nuisance as herein~~
2 ~~defined, and require the owner of the property involved to abate the same and correct the~~
3 ~~conditions which give rise to such nuisance. (Ord. 244 § 7, 1954). Any person aggrieved by~~
4 ~~any act or determination of a City official in the exercise of the authority herein granted~~
5 ~~shall have the right of appeal to the hearing examiner whose decision, after a public hearing,~~
6 ~~on the matter shall be final and conclusive. Notice of appeal must be filed in writing with~~
7 ~~the City Manager within fourteen (14) days from the act or determination complained of.~~
8 ~~The public hearing before the hearing examiner shall be set no later than thirty (30) calendar~~
9 ~~days following the receipt by the city administrator of the written notice of appeal. The City~~
10 ~~Manager shall notify the appellant in writing of the date, time and location of the public~~
11 ~~hearing at least ten calendar days prior to the hearing.~~

12 **Section 9.** Section 8 of Ordinance No. 244 and FMC 14.08.080 are hereby repealed.

13 **~~14.08.080 Contents of notice to abate.~~**

14 ~~Upon the passage of any such resolution, notice shall be served upon the owner of the~~
15 ~~property involved, which notice shall describe the property involved and the condition to be~~
16 ~~corrected, and specify a time within which the owner may correct such condition, which~~
17 ~~shall in no event be less than five days. Such notice shall further provide that if said owner~~
18 ~~has not corrected such condition within the time specified, a resolution will be presented to~~
19 ~~the city council to provide for the performance of such work by the city, the date of the~~
20 ~~meeting at which such resolution shall be presented, that the cost thereof will become a~~
21 ~~charge against the owner and that a lien for such cost will be filed against his said property.~~
22 ~~(Ord. 244 § 8, 1954).~~

23 **Section 10.** Section 9 of Ordinance No. 244 and FMC 14.08.090 are hereby repealed.

24 **~~14.08.090 Service of notice to abate.~~**

25 ~~Such notice shall be served by delivering a copy thereof to the owner personally or by~~
26 ~~leaving the same at his place of residence with a person of suitable age or discretion or, if~~
27 ~~said owner is not a resident of the city of Fircrest, by leaving the same with the tenant in~~
28 ~~possession of the property, or if there be no such tenant, by posting a copy of the notice in~~
29 ~~a conspicuous place on the property involved and mailing a copy thereof to the owner at his~~
30 ~~last known address, if any. (Ord. 244 § 9, 1954).~~

Section 11. Section 10 of Ordinance No. 244 and FMC 14.08.100 are hereby repealed.

~~14.08.100 Abatement of nuisance by the city—Lien against property.*~~

~~In the event the conditions described in said notice have not been corrected prior to the time~~
~~specified therein, a resolution shall be presented to the city council on the date designated~~
~~in said notice, which resolution shall provide that the city shall forthwith cause the work~~
~~specified in said notice to be done, and charge the cost thereof against the property owner~~
~~in the manner provided by Chapter 113 of the Laws of 1949 of the state of Washington. In~~
~~the event the work specified in said notice is performed by the city, the cost thereof shall be~~
~~ascertained, and it shall be the duty of the clerk-treasurer to cause a lien against such~~
~~property to be filed in the manner and form provided by law. (Ord. 244 § 10, 1954).~~

~~*—Lien for cost of abatement authorized by statute—See RCW 35.21.210.~~

1 **Section 12.** Section 37 of Ordinance No. 987 and FMC 14.08.110 are hereby amended to
2 read as follows:

3 14.08.110 Penalty for Violations.

4 Any person who ~~maintains or permits the existence of any condition which is declared by~~
5 ~~this chapter to be a public nuisance~~ violates any of the provision of this chapter shall be
6 guilty of a misdemeanor for each offense.

7 **Section 13.** Severability. If any section, sentence, clause or phrase of this title shall be held
8 to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
9 unconstitutionality shall not affect the validity or constitutionality of any other section,
10 sentence, clause or phrase of this title.

11 **Section 14.** This ordinance shall take effect and be in full force five (5) days after
12 publication of an approved summary consisting of its title.

13 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**
14 **WASHINGTON,** at a regular meeting thereof this 28th day of May 2019.

15 **APPROVED:**

16 _____
17 David M. Viafore, Mayor Pro Tempore

18 **ATTEST:**

19 _____
20 Jessica Nappi, City Clerk

21 **APPROVED AS TO FORM:**

22 _____
23 Michael B. Smith, City Attorney

24 **DATE OF PUBLICATION:**
25 **EFFECTIVE DATE:**
26
27
28
29

**NEW BUSINESS: Use of a Hearing Examiner
ITEM 10B.****FROM: Angelie Stahlnecker, Planning and Building Administrator**

RECOMMENDED MOTION: I move to adopt Ordinance No._____, to amend various chapters of Title 12 and Title 22 to address changes to the hearing examiner system with the City of Fircrest.

PROPOSAL: The City of Fircrest proposes to amend zoning, subdivision, permit processing, and other development regulations contained in various chapters of Title 22 Land Development and additional regulations in Title 12 Buildings and Construction. The proposed amendments to Title 22 would shift responsibility from the Planning Commission to a professional hearing examiner for reviewing, recommending, and acting on Type III-A, Type III-B and Type IV quasi-judicial project permit applications. The proposed amendments to Title 12 would shift responsibility from the Commission to a hearing examiner to act as a board of appeals for building code appeals and for hearing and deciding on building code variances.

FISCAL IMPACT: There is a financial cost for the use of a hearing examiner which would be paid for by the applicant.

ADVANTAGE: The proposed amendments will reduce the City's liability exposure, ensuring all legal procedures are followed, and free the Council from the constraints of the Appearance of Fairness Doctrine when questioned by constituents on applications undergoing review by the City.

DISADVANTAGE: None identified.

HISTORY: The proposal to use a hearing examiner for quasi-judicial applications was discussed at the February 6, 2018 Joint City Council-Planning Commission meeting and referred to staff for further action at the July 16, 2018 City Council study session. The Planning Commission held a study session at its August 16, 2018 and a public hearing on October 6, 2018. No comments were received. The use of a hearing examiner for quasi-judicial permit applications has been recommended by the City's Land Use Attorney, Carol Morris, as a way of reducing the City's liability exposure, ensuring all legal procedures are followed, and freeing both the appointed and elected bodies from the constraints of the Appearance of Fairness Doctrine when questioned by constituents on applications undergoing review by the City. The City prepared an Environmental Checklist and issued a Determination of Nonsignificance/Adoption of Existing Environmental Documents for the 2018 Amendments to the Fircrest Comprehensive Plan on October 1, 2018. The environmental determination was issued with a 14-day comment/appeal period ending on October 15, 2018. There were no appeals. The City submitted a 60-day Notice of Intent to Adopt a Plan Amendment to the Washington State Department of Commerce on October 1, 2018. No comments were received. The City Council held a public hearing on November 27, 2018. No public comments were received.

SUMMARY OF PROPOSED AMENDMENTS:

Most of the amendments would simply replace references to the Planning Commission with

references to hearing examiner. Others would shift some permits from one permit type to another in Table A, thereby changing the review body and process for these permit types. Amendments would also revise pre-application conference requirements and distinguish between quasi-judicial zoning map amendments (rezones) and legislative area-wide map amendments in terms of processing timelines.

ATTACHMENTS: [Ordinance](#)
[Proposed Amendments \(tracked changes\)](#)

**CITY OF FIRCREST
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 1120 SECTION 1 AND FMC 22.05.002; AMENDING ORDINANCE NO. 1611 SECTION 1 AND FMC 22.05.003; AMENDING ORDINANCE NO. 1120 SECTION 1 AND FMC 22.06.001; AMENDING ORDINANCE NO. 1468 SECTION 3 AND FMC 22.07.003; AMENDING ORDINANCE NO. 1651 SECTION 1 AND FMC 22.07.004; AMENDING ORDINANCE NO. 1615 SECTION 2 AND FMC 22.07.005; AMENDING ORDINANCE NO. 1275 SECTION 1 AND FMC 22.12.002; AMENDING ORDINANCE NO. 1275 SECTION 1 AND FMC 22.12.006; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.15.002; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.18.002; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.18.003; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.18.004; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.19.002; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.19.004; AMENDING ORDINANCE NO. 1122 SECTION 2 AND FMC 22.20.002; AMENDING ORDINANCE NO. 1301 SECTION 7 AND FMC 22.20.004; AMENDING ORDINANCE NO. 1153 SECTION 2 AND FMC 22.24.008; AMENDING ORDINANCE NO. 1153 SECTION 2 AND FMC 22.24.011; AMENDING ORDINANCE NO. 1153 SECTION 2 AND FMC 22.24.013; AMENDING ORDINANCE NO. 1568 SECTION 2 AND FMC 22.46.005; AMENDING ORDINANCE NO. 1246 SECTION 9 AND FMC 22.46.006; AMENDING ORDINANCE NO. 1246 SECTION 13 AND FMC 22.54.005; AMENDING ORDINANCE NO. 1246 SECTION 14 AND FMC 22.56.004; AMENDING ORDINANCE NO. 1246 SECTION 14 AND FMC 22.56.005; AMENDING ORDINANCE NO. 16.04 SECTION 1 AND FMC 22.58.011; AMENDING ORDINANCE NO. 1246 SECTION 15 AND FMC 22.58.020; AMENDING ORDINANCE NO. 1562 SECTION 46 AND FMC 22.60.003; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.004; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.005; AMENDING ORDINANCE NO. 1562 SECTION 47 AND FMC 22.60.006; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.008; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.010; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.011; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.013; AMENDING ORDINANCE NO. 1246 SECTION 16 AND FMC 22.60.015; AMENDING ORDINANCE NO. 1272 SECTION 8 AND FMC 22.64.005; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.001; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.002; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.003; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.006; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.007; AMENDING ORDINANCE NO. 1246 SECTION 20 AND FMC 22.68.008; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.001; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.002; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.004; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.008; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.012; AMENDING ORDINANCE NO. 1246 SECTION 22 AND FMC 22.72.014; AMENDING

ORDINANCE NO. 1246 SECTION 23 AND FMC 22.74.002; AMENDING ORDINANCE NO. 1246 SECTION 24 AND FMC 22.76.001; AMENDING ORDINANCE NO. 1246 SECTION 24 AND FMC 22.76.006; AMENDING ORDINANCE NO. 1246 SECTION 24 AND FMC 22.76.007; AMENDING ORDINANCE NO. 1246 SECTION 24 AND FMC 22.76.008; AMENDING ORDINANCE NO. 1246 SECTION 24 AND FMC 22.76.011; AMENDING ORDINANCE NO. 1488 SECTION 1 AND FMC 22.78.004; AMENDING ORDINANCE NO. 1246 SECTION 25 AND FMC 22.78.005; ADDING A NEW SECTION FMC 22.78.011; AMENDING ORDINANCE 1535 SECTION 1 AND FMC 22.81.060; AMENDING ORDINANCE NO. 1206 SECTION 8 AND FMC 22.86.030; AMENDING ORDINANCE NO. 1375 SECTION 1 AND FMC 22.92.090; AMENDING ORDINANCE NO. 1375 SECTION 1 AND FMC 22.92.100; AMENDING ORDINANCE NO. 1375 SECTION 1 AND FMC 22.92.280; AMENDING ORDINANCE NO. 1246 SECTION 26 AND FMC 22.96.002; AMENDING ORDINANCE NO. 1246 SECTION 26 AND FMC 22.96.003; AMENDING ORDINANCE NO. 1246 SECTION 27 AND FMC 22.98.060; AMENDING ORDINANCE NO. 1246 SECTION 27 AND FMC 22.98.165; AMENDING ORDINANCE NO. 1246 SECTION 27 AND FMC 22.98.729; AMENDING ORDINANCE NO. 1375 SECTION 4 AND FMC 22.99.080; AMENDING ORDINANCE NO. 1350 SECTION 08 AND FMC 12.04.080; AMENDING ORDINANCE NO. 477 SECTION 5 AND FMC 12.26.020; AND AMENDING ORDINANCE NO. 968 SECTION 17 AND FMC 12.28.160.

WHEREAS, the City has identified the desire to use a hearing examiner for quasi-judicial planning decisions and other actions; and

WHEREAS, the City submitted a *Notice of Proposed Amendment* to the Washington State Department of Commerce on October 1, 2018, which was issued to state agencies for a comment period ending November 30, 2018 as required pursuant to RCW 36A.70 RCW, and no comments were received prior to Planning Commission action on the proposed amendments; and

WHEREAS, the City issued a *SEPA Determination of Nonsignificance* on October 1, 2018 with a 14-day comment period ending October 15, 2018, and no adverse comments were received; and

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

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;

(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.

WHEREAS, the City Council conducted a public hearing on November 7, 2018 to accept public testimony on the proposed amendments and no comments were received. Now, Therefore,

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

2 **Section 1.** Ordinance 1120 §1 and FMC 22.05.002 are hereby amended to read as follows:

3 **22.05.002 Determination of classification.**

4 (a) Determination by Director. The director of the planning/building department or his
5 designee (hereinafter the “director”) shall determine the proper classification for each
6 project permit application. If there is a question as to the appropriate classification, the
7 director shall resolve the question in favor of the higher classification type.

8 (b) Optional Consolidated Permit Processing. An application that involves two or more
9 classification types may be processed collectively under the highest numbered type required
10 for any part of the application or processed individually under each of the procedures
11 identified by the code. The applicant may determine whether the application shall be
12 processed collectively or individually. If the application is processed individually, the
13 highest numbered type shall be processed prior to the subsequent lower numbered type
(RCW 36.70B.060(3), RCW 36.70B.120).

14 (c) Hearing Bodies. Applications processed in accordance with subsection (b) of this section
15 which involve different hearing bodies shall be heard collectively by the highest-ranking
16 hearing body. The City Council is the highest rank, followed by the planning commission
17 and hearing examiner, and then the director. Joint public hearings with other agencies shall
18 be processed according to FMC 22.05.004 (RCW 36.70B.060(3), RCW 36.70B.120).

19 **Section 2.** Ordinance 1611 §1 and FMC 22.05.003 are hereby amended to read as follows:

20 22.05.003 Project permit application framework.

Table A – Classifications						
Type I-A	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
Permitted Use Not Requiring Site Plan or Design Review	Minor Variance	Short Plat, Short Plat Vacation or Alteration	Major Variance	Zoning Map Amendment	Final Plat	Comprehensive Plan Amendment
Boundary Line Adjustment	Minor Site Plan	Final Site Plan	Conditional Use Permit			Development Regulation Amendment
Minor Amendment to Type III-A Project Permit	Administrative Use Permit	Final Development Plan	Preliminary Plat, Plat Vacation or Alteration			Area-Wide Rezone
Temporary Accessory Structure and Use		Design Review	Preliminary Site Plan (Major)			Annexation
Home Occupation Permit, not Requiring CUP		Land Clearing/ Grading Permit	Preliminary Development Plan			
Short-term Rental Permit, not Requiring CUP		Administrative Interpretation	Major Amendment to Type III-A Project Permit			
De Minimis Variance		Critical Areas Determination	Critical Areas Reasonable Use Exception and Public Agency and Utility Exception			
		Binding Site Plan	Development Agreement Associated with Project Permit			

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	Hearing Examiner	Hearing Examiner	Planning Commission
Final decision made by:	Director	Director	Director	Hearing Examiner	City Council	City Council	City Council
Notice of complete application/ comment period: Open record public hearing/ public review	Not required Not required	Not required; see FMC <u>22.07.004</u> Not required; see FMC <u>22.07.005</u>	Not required Hearing required only if Director decision appealed, then hearing before Hearing Examiner	Required Hearing required before Hearing Examiner	Required Hearing required before Hearing Examiner, which will forward recommendation to City Council	Required Public review required before Hearing Examiner, which will forward recommendation to City Council	Not required Hearing required before Planning Commission and City Council
Closed record review/ appeal hearing/ decision	Not required	Not required	Not required	Not required	Closed record review required before City Council, which will render final decision	Closed record review required before City Council, which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

Section 3. Ordinance 1120 §1 and FMC 22.06.001 are hereby amended to read as follows:

22.06.001 Pre-application conference.

(a) Pre-application Conference. A pre-application conference may be held with city staff and a potential applicant for a Type II-A, Type II-B, Type III-A, Type III-B or Type IV permit to discuss application submittal requirements and pertinent fees. The purpose of the pre-application conference is to acquaint the applicant with the requirements of this code.

(b) The applicant may request that the following be provided:

- (1) A form which lists the requirements for a completed application;
- (2) A general summary of the procedures to be used to process the application;
- (3) The references to the relevant code provisions or development standards which may apply to the approval of the application;
- (4) The city's design guidelines.

(c) The conference is not intended to be an exhaustive review of all potential issues. The discussions at the conference or information provided by the city to the applicant under subsection (b) of this section shall not bind or prohibit the city's future application or enforcement of all applicable law.

Section 4. Ordinance 1468 §3 and FMC 22.07.003 are hereby amended to read as follows:

22.07.003 Notice of public hearing.

(a) Content of Notice of Public Hearing for All Types of Applications. The notice given of a public hearing required in this chapter shall contain:

- (1) The name and address of the applicant or the applicant's representative;
- (2) Description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;
- (3) The date, time and place of the hearing;
- (4) A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation;
- (5) The nature of the proposed use or development;
- (6) A statement that all interested persons may appear and provide testimony;
- (7) The sections of the code that are pertinent to the hearing procedure;
- (8) When information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
- (9) The name of a local government representative to contact and the telephone number where additional information may be obtained;
- (10) Advice that a copy of the application, all documents and evidence relied upon by the application and applicable criteria are available for inspection at no cost and will be provided at the city's cost;
- (11) Advice that a copy of the staff report will be available for inspection at no cost at least five days prior to the hearing and copies will be provided at the city's cost.

(b) Distribution of Notice of Public Hearing. Notice of the public hearing shall be provided as follows:

(1) Type I, Type II-A and II-B, and Type IV Actions. No public hearing notice is required because no public hearing is held, except on an appeal of a Type II-B action where the notice set forth under subsection (b)(2) of this section is required.

(2) Type III-A and Type III-B Actions and Appeals of Type II-B Actions. The notice of public hearing shall be mailed to:

- (A) The applicant;
- (B) All owners of property within 300 feet of the subject property, when the project permit application is for a residential proposal;
- (C) All owners of property within 500 feet of the subject property, when the project permit application is for a nonresidential proposal;
- (D) Any person who submits written or oral comments on an application;
- (E) The appellant, if applicable.

(3) Type III-A Preliminary Plat Actions. In addition to the notice for Type III-A actions above for preliminary plats, additional notice shall be provided as follows:

(A) Notice of the filing of a preliminary plat of a proposed subdivision adjoining the municipal boundaries shall be given to the appropriate city and county officials of the neighboring jurisdiction.

(B) Special notice of the hearing shall be given to adjacent landowners by any method the city deems reasonable. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice required by RCW 58.17.090(1)(b) shall be given

to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided (Chapter 58.17 RCW).

(4) Type V Actions. For Type V legislative actions, the city shall publish notice as described in subsection (d)(2) of this section, and provide any other notice required by RCW 35A.12.160.

(c) General Procedure for Mailed Notice of Public Hearing.

(1) The records of the Pierce County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from Pierce County's real property tax records. The director shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The director may provide notice to other persons than those required to receive notice under the code.

(2) All public notice shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(d) Procedure for Posted or Published Notice of Public Hearing.

(1) Posted notice of the public hearing is required for all Type III-A and III-B project permit applications. The posted notice shall be posted as required by FMC 22.07.001.

(2) Published notice is required for all Type III-A, III-B, and V procedures. The published notice shall be published in the city's official newspaper.

(e) Time and Cost of Notice of Public Hearing.

(1) Notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 days following the public hearing.

(2) All costs associated with the public notice shall be borne by the applicant.

Section 5. Ordinance 1615 §1 and FMC 22.07.004 are hereby amended to read as follows:

22.07.004 Notice of comment period for Type II-A permits.

Upon receipt of a complete application for a 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 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.

Section 6. Ordinance 1615 §2 and FMC 22.07.005 are hereby amended to read as follows:

22.07.005 Notice of decision for Type II-A permits.

Upon issuance of a decision on a proposed 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 comment period, if applicable.

Section 7. Ordinance 1275 §1 and FMC 22.12.002 are hereby amended to read as follows:

22.12.002 Concurrency test.

(a) Application. The city review of all applications for preliminary development permits, unless exempted by FMC 22.12.004, shall include a concurrency test. Any final

development permits that did not have preceding preliminary development permit approval shall also be subject to this concurrency test, unless exempted by FMC 22.12.004.

(b) Procedures. The concurrency test will be performed in the processing of the development permit and conducted by the planning/building department in conjunction with the public works department and other facility and service providers.

(1) The planning/building department shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection (a) of this section; notifying applicants of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

(2) The facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test for their individual facility or service for all applications requiring a concurrency test as set forth in subsection (a) of this section; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity; notifying the planning/building department of the results of the test; and reinstating any capacity for an expired development permit, discontinued certificate of capacity, or other action resulting in an applicant no longer needing capacity which has been reserved.

(c) Test. Development permits that result in a reduction of a level of service below the minimum level of service standard cannot be approved. For arterial roads, transit, fire/EMS, law enforcement, schools and parks, available and planned capacity will be used in conducting the concurrency test. For water, power, sanitary sewer, fire flow and stormwater management, only available capacity will be used in conducting the concurrency test.

(1) If the capacity of public facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of FMC 22.12.003.

(2) If the capacity of public facilities is less than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is not passed. The applicant may:

(A) Modify the application to reduce the need for public facilities that do not exist;

(B) Demonstrate to the director's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;

(C) Arrange with the appropriate facility and service provider capacity for the provision of the additional concurrency facilities required; or

(D) Appeal the results of the concurrency test to the hearing examiner in accordance with the provisions of FMC 22.12.006.

(d) SEPA. Nothing in this chapter is intended to limit the application of the State Environmental Policy Act (SEPA) to specific proposals. Each proposal not exempt under SEPA shall be reviewed and may be conditioned or denied under the authority of the State Environmental Policy Act.

Section 8. Ordinance 1275 §1 and FMC 22.12.006 are hereby amended to read as follows:

22.12.006 Appeals.

Determinations by the director with respect to the applicability of concurrency management to a given development activity or any other determination which the director is authorized to make pursuant to this chapter may be appealed to the hearing examiner as provided for

1 in Chapter 22.05 FMC. Upon receiving an appeal, the director shall notify the appropriate
2 facility or service provider(s) of the appeal. After conducting a public hearing, the hearing
3 examiner shall issue a determination either upholding the original determination or
amending it.

4 **Section 9.** Ordinance 1122 §2 and FMC 22.15.002 are hereby amended to read as follows:

5 22.15.002 Authority.

6 The Fircrest City Council delegates the responsibility for making final determinations on
7 boundary line adjustments and short plats to the planning/building director (hereinafter the
8 “director”) or his designee. The hearing examiner shall have the authority to make
recommendations to council on final plats and the responsibility for making final
determinations on preliminary plats, plat alterations, and plat vacations. The City Council
shall make the final decision on all final plats.

9 **Section 10.** Ordinance 1122 §2 and FMC 22.18.002 are hereby amended to read as follows:

10 22.18.002 Type of application.

11 A preliminary plat is a Type III-A application. The hearing examiner shall make the final
12 decision on all preliminary plats.

13 **Section 11.** Ordinance 1122 §2 and FMC 22.18.003 are hereby amended to read as follows:

14 22.18.003 Criteria for approval.

15 The hearing examiner shall make inquiries into the public use and interest proposed to be
16 served by the establishment of the subdivision and/or dedication, and shall consider:

17 (a) Whether the preliminary plat conforms to Chapter 22.21 FMC, General Requirements
18 for Subdivision Approval;

19 (b) If appropriate provisions are made for, but not limited to, the public health, safety and
20 general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways,
21 transit stops, potable water supplies, sanitary wastes, power, parks and recreation,
22 playgrounds, schools and school grounds, and for sidewalks and other planning features that
23 assure safe walking conditions for students who walk to and from school; and

24 (c) Whether the public interest will be served by the subdivision and dedication.

25 **Section 12.** Ordinance 1122 §2 and FMC 22.18.004 are hereby amended to read as follows:

26 22.18.004 Findings and conclusions.

27 The hearing examiner shall not approve the preliminary plat unless written findings are
28 made that each of the criteria listed in FMC 22.17.004 has been satisfied.

29 **Section 13.** Ordinance 1122 §2 and FMC 22.19.002 are hereby amended to read as follows:

30 22.19.002 Type of application.

31 A final plat is a Type IV application. The hearing examiner shall make a recommendation
to the City Council, which shall make a closed record final decision. Applications shall be
processed as set forth in Chapter 22.06 FMC.

32 **Section 14.** Ordinance 1122 §2 and FMC 22.19.004 are hereby amended to read as follows:

33 22.19.004 Recommendations and certificates as prerequisites for final plat approval.

Each final plat submitted for approval shall be accompanied by the following written statements:

- (a) A certification from the local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;
- (b) A recommendation from the hearing examiner as to compliance with all of the terms of preliminary approval of the proposed plat or dedication;
- (c) A signed and certified statement from the responsible professional engineer as to compliance with all of the preliminary approval requirements for infrastructure improvements or guarantees thereof and conformance of the final plat with the general requirements for subdivision approval set forth in Chapter 22.21 FMC, Chapter 58.17 RCW and other applicable state laws;
- (d) A certification from the city engineer that based on evidence presented, required subdivision improvements appear to be constructed to city standards.

Section 15. Ordinance 1122 §2 and FMC 22.20.002 are hereby amended to read as follows:

22.20.002 Type of approval and criteria for approval of a plat vacation.

(a) Type of Application. A plat vacation is a Type III-A application. The hearing examiner shall make the final decision on all plat vacations. A short plat vacation is Type II application and shall be processed in accordance with Chapter 22.17 FMC.

(b) Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the City Council sets forth findings that the public use and interest would not be served in retaining title to those lands.

(c) Vacation of Streets. When the vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Chapter 35.70 RCW or the city's street vacation ordinance. Private rights or potential rights need to be respected in any vacation of existing street dedications.

Section 16. Ordinance 1301 §7 and FMC 22.20.004 are hereby amended to read as follows:

22.20.004 Type of application and criteria for approval of a plat alteration.

(a) Type of Application. A plat alteration is a Type III-A application. The hearing examiner shall make the final decision on all plat vacations. A short plat alteration is a Type II application and shall be processed in accordance with Chapter 22.17 FMC.

(b) Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use and interest will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with FMC 22.20.002(c).

(c) Revised Plat. After hearing examiner or director approval of the alteration, the hearing examiner or director shall direct the applicant to produce a revised drawing of the approved

1 alteration of the final plat which, after city signature, shall be filed with the county auditor
2 to become the lawful plat of the property.

3 **Section 17.** Ordinance 1153 §2 and FMC 22.24.008 are hereby amended to read as follows:

4 22.24.008 Siting priority on public property.

5 (a) Where public property is sought to be utilized by an applicant, priority for the use of
6 city-owned land for wireless antennas and towers will be given to the following entities in
7 descending order:

8 (1) City of Fircrest;

9 (2) Public safety agencies, including law enforcement, fire and ambulance services, which
10 are not part of the City of Fircrest, and private entities with a public safety agreement with
11 the City of Fircrest;

12 (3) Other governmental agencies, for uses which are not related to public safety; and

13 (4) Entities providing licensed commercial wireless telecommunication services including
14 cellular, personal communication services (PCS), specialized mobilized radio (SMR),
15 enhanced specialized mobilized radio (ESMR), data, internet, paging, and similar services
16 that are marketed to the general public.

17 (b) Minimum Requirements. The placement of personal wireless service facilities on city-
18 owned property must comply with the following requirements:

19 (1) The facilities will not interfere with the purpose for which the city-owned property is
20 intended;

21 (2) The facilities will have no significant adverse impact on surrounding private property;

22 (3) The applicant shall obtain liability insurance deemed adequate by the city, provide proof
23 of such insurance upon request by the city, and commit to a lease agreement which includes
24 equitable compensation for the use of public land and other necessary provisions and
25 safeguards. The city shall establish fees after considering comparable rates in other cities,
26 potential expenses, risks to the city, and other appropriate factors;

27 (4) The applicant will submit a letter of credit, performance bond, or other security
28 acceptable to the city to cover the costs of removing the facilities;

29 (5) The antennas or tower will not interfere with other users who have a higher priority as
30 discussed in subsection (a) of this section;

31 (6) The lease shall provide that the applicant must agree that in the case of a declared
emergency or documented threat to public health, safety or welfare and following
reasonable notice, the city may require the applicant to remove the facilities at the
applicant's expense;

(7) The applicant must reimburse the city for any related costs which the city incurs because
of the presence of the applicant's facilities;

(8) The applicant must obtain all necessary land use approvals; and

(9) The applicant must cooperate with the city's objective to encourage co-locations and
thus limit the number of cell sites requested, or camouflage the site.

(c) Special Requirements for Parks. The use of city-owned parks for personal wireless
service facilities brings with it special concerns due to the unique nature of these sites. The
placement of personal wireless service facilities in a park will be allowed only when the
following additional requirements are met:

(1) The Parks and Recreation Director has reviewed and made a recommendation regarding
proposed personal wireless service facilities to be located in the park and this
recommendation must be forwarded to the hearing examiner and/or City Council, as
appropriate, for consideration;

- (2) In no case shall personal wireless service facilities be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities;
- (3) Before personal wireless service facilities may be located in public parks, consideration shall be given to visual impacts and disruption of normal public use; and
- (4) Personal wireless service facilities should be camouflaged and have a ground mount or structure mount design, if possible.

Section 18. Ordinance 1153 §2 and FMC 22.24.011 are hereby amended to read as follows:

22.24.011 Design criteria.

(a) As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.

(b) Facilities shall be architecturally compatible with the surrounding buildings and land uses and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

(1) Setback. Antennas and associated support structures shall comply with the minimum setback requirements specified in the underlying zone district and shall not be located within the area between the front setback line and the front of the main building(s) on a lot; provided, however, that the city may reduce such requirements if:

(A) There are unusual geographical limitations which preclude the placement of the facilities in full compliance with the specified setback requirement;

(B) The placement of the facilities within the required setback will allow for more effective screening and camouflaging of the facilities; and

(C) There will be no significant adverse impact on adjoining properties resulting from the reduced setback.

The city may, on a case-by-case basis, increase the required setbacks for antennas and associated support facilities if necessary, to ensure that potential impacts on adjoining properties are effectively mitigated.

(2) Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way.

(3) View Corridors. Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of Mt. Rainier or the Olympic Mountains.

(4) Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

(5) Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

(6) Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

(A) The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

(B) Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in the city's design guidelines or other

applicable standards, unless it can be demonstrated that such screening will create a greater negative visual impact than an unscreened building.

(C) Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

(D) Equipment buildings shall comply with setback requirements specified in the underlying zone district and shall be designed so as to conform in appearance with nearby residential structures if located within a residential land use designation area.

(E) Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.

(7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

(8) Building Codes, Safety Standards. To ensure the structural integrity of towers, the provider/owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the provider/owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the provider/owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the provider's/owner's expense.

(9) Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of plans stamped by a licensed structural engineer which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

(10) Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip. All landscaping shall comply with the city's design guidelines and other applicable standards.

(11) Landscaping/Screening.

(A) Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required

landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

(B) The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping and any irrigation deemed necessary by the city shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for, or as a supplement to, landscaping requirements.

(i) A row of evergreen trees a minimum of six feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence;

(ii) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above;

(iii) In the event that landscaping is not maintained at the required level, the city after giving 30 days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.

(12) Tower and Antenna Height.

(A) The applicant shall demonstrate that the tower and antenna are the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount shall exceed 60 feet in low density residential, medium density residential, high density residential and neighborhood commercial land use designation areas or 110 feet in the community commercial or industrial land use designation areas. Towers or mounts shall not exceed 60 feet in areas designated parks, recreation, and open space, and public and quasi-public facilities, if located within 250 feet of a land use designation area with a 60-foot height limit. Otherwise, towers or mounts located in these two land use designation areas shall not exceed 110 feet.

(B) A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. When granting a variance, the hearing examiner shall require that a significant portion of the tower and related facilities be screened by existing trees or existing structures. Generally, this means that all but the top 15 feet of the tower and related facilities shall be screened by existing trees or existing structures. Variance criteria are listed in FMC 22.24.013.

(13) Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(14) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city, unless it can be demonstrated that the use of on-street parking spaces will create less impact on the immediate neighborhood. Security fencing should be colored or of a design which blends into the character of the existing environment consistent with the provisions listed in subsection (b)(10) of this section.

(15) Antenna Criteria. Antenna on or above a structure shall be subject to the following:

1 (A) The antenna shall be architecturally compatible with the building and wall on which it
2 is mounted, and shall be designed and located so as to minimize any adverse aesthetic
3 impact.

4 (B) The antenna shall be mounted on a wall of an existing building in a configuration as
5 flush to the wall as technically possible and shall not project above the wall on which it is
6 mounted unless it must be for technical reasons. In no event shall an antenna project more
7 than 16 feet above the roof line including parapets. An antenna may project into a required
8 building setback a distance not to exceed that allowed for architectural projections in the
9 underlying zoning district; provided, that such encroachment is required for technical
10 reasons.

11 (C) The antenna shall be constructed, painted, or fully screened to match as closely as
12 possible the color and texture of the building and wall on which it is mounted.

13 (D) The antenna may be attached to an existing conforming mechanical equipment
14 enclosure which projects above the roof of the building, but may not project more than 16
15 feet above the roof line of the building including parapets but excluding the enclosure.

16 (E) If an accessory equipment shelter is present, it must blend with the surrounding buildings
17 in architectural character and color.

18 (F) The structure must be architecturally and visually (color, size, bulk) compatible with
19 surrounding existing buildings, structures, vegetation, and uses. Such facilities will be
20 considered architecturally and visually compatible if they are camouflaged to disguise the
21 facility.

22 (G) Site location and development shall preserve the pre-existing character of the site as
23 much as possible. Existing vegetation should be preserved or improved, and disturbance of
24 the existing topography of the site should be minimized, unless such disturbance would
25 result in less visual impact of the site on the surrounding area. The effectiveness of visual
26 mitigation techniques must be evaluated in advance by the city, relative to its design
27 guidelines and other applicable standards.

28 (H) For installations on buildings 30 feet or less in height, the antenna may be mounted on
29 the roof if the following additional criteria are satisfied:

30 (i) The city finds that it is not technically possible or aesthetically desirable to mount the
31 antenna on a wall.

32 (ii) No portion of the antenna or base station causes the height of the building to exceed the
33 limitations set forth herein.

34 (iii) The antenna or antennas and related base stations cover no more than an aggregate total
35 of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if
36 co-locating and an adequate screening structure are used.

37 (iv) Roof-mounted antenna and related base stations are completely screened from view by
38 materials that are consistent and compatible with the design, color, and materials of the
39 building.

40 (v) No portion of the antenna exceeds 16 feet above the roof line of the existing building
41 including parapets but excluding mechanical equipment enclosures and other projecting
42 features.

43 (I) Antennas attached to the roof or sides of a building at least 30 feet in height, an existing
44 tower, a water tank, or a similar structure must be either:

45 (i) An omnidirectional or whip antenna no more than seven inches in diameter and extending
46 no more than 16 feet above the structure to which they are attached; or

47 (ii) A panel antenna no more than two feet wide and six feet long, extending above the
48 structure to which they are attached by no more than 10 feet.

(J) Except as set forth herein, no signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.

(K) Antenna, antenna arrays, and support structures not on publicly-owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

(L) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.

(M) To the extent that antenna are attached to electric, phone or light poles and such antenna are no more than two feet in height, administrative use and building permit review will be required, but such antenna shall not be subject to setbacks and screening requirements.

(N) If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

(O) No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna is camouflaged in accordance with applicable design guidelines.

(P) All personal wireless service providers or lessees or agents thereof shall cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the planning/building director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

(Q) All personal wireless service providers or lessees shall assure that their antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional radio frequency (RF) engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC-approved levels of electromagnetic radiation will not be exceeded by the co-location.

(R) No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

(S) No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

(16) Noise. No equipment shall be operated so as to produce noise in violation of the maximum noise levels set forth in Chapter 173-60 WAC.

Section 19. Ordinance 1153 §2 and FMC 22.24.013 are hereby amended to read as follows:

22.24.013 Variances.

Variances from the provisions of this chapter shall be processed in accordance with this title and may be granted by the hearing examiner upon making the following findings:

(a) The granting of the variance will facilitate the installation of facilities which represent a positive design improvement over what would otherwise be permitted by this chapter.

(b) The granting of the variance is necessary for adequate service to be provided to residents of the city, and no alternative locations or designs are available to provide an adequate level of service to the city.

(c) Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property.

(d) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity in which the subject facilities would be located.

Section 20. Ordinance 1568 §2 and FMC 22.46.005 are hereby amended to read as follows:

22.46.005 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).

(c) Uses otherwise subject to site plan or conditional use permit approval which have been authorized by the hearing examiner as part of a master plan pursuant to FMC 22.46.006.

Section 21. Ordinance 1246 §9 and FMC 22.46.006 are hereby amended to read as follows:

22.46.006 Master plans.

Approval of a master plan by the hearing examiner is required for substantial redevelopment or substantial new development within areas designated “special planning areas” on the comprehensive plan’s land use designation map. Each master plan shall contain a pedestrian plaza with landscaping, seating, tables and complementary uses that render the site a pleasant, safe and comfortable resting, socializing and picnicking area for employees and shoppers in accordance with FMC 22.58.016. The master plan shall be processed as a major site plan in accordance with Chapter 22.72 FMC. Upon approval of a master plan, specific uses that would otherwise be subject to site plan or conditional use permit approval in Chapter 22.68 FMC and determined by the director to be consistent with the approved master plan may be approved in accordance with the administrative use permit review process contained in Chapter 22.70 FMC. No additional hearing examiner approval is required for these previously authorized uses. If a proposed individual use represents a substantial modification to, or departure from, the approved master plan, the proposal shall be processed as a site plan amendment in accordance with FMC 22.72.012.

Section 22. Ordinance 1246 §13 and FMC 22.54.005 are hereby amended to read as follows:

22.54.005 Administrative uses.

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

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

(b) Uses otherwise subject to site plan or conditional use permit approval which have been authorized by the hearing examiner as part of a master plan pursuant to FMC 22.54.006.

Section 23. Ordinance 1246 §14 and FMC 22.56.004 are hereby amended to read as follows:

22.56.004 Conditional uses.

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

(a) Personal wireless telecommunications facility which exceeds one or more standards set forth in Chapter 22.24 FMC.

(b) 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). Includes substations existing on the effective date of this section.

(c) 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.

Section 24. Ordinance 1246 §14 and FMC 22.56.005 are hereby amended to read as follows:

22.56.005 Administrative uses.

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

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

(b) Nonresidential uses otherwise subject to site plan or conditional use permit approval which have been authorized by the hearing examiner as part of a master plan pursuant to FMC 22.56.006.

Section 25. Ordinance 1604 §1 and FMC 22.58.011 are hereby amended to read as follows:

22.58.011 Short-term rental establishments.

(a) Purpose and Intent. The purpose of this section is to:

(1) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.

(2) Protect neighborhood character and stability.

(3) Establish criteria and standards for the use of residential structures as short-term rentals.

(b) Permit Requirements. A short-term rental establishment may be carried on upon the issuance of a business license pursuant to Chapter 5.04 FMC and the issuance of a short-term rental permit by the director.

(c) Submittal Requirements. Application for a short-term rental permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the short-term rental activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Short-Term Rental Types Defined. The following definitions apply to the short-term rental types allowed through the provisions of this section:

(1) "Room rental establishment" means a lodging use, where individual rooms within a single dwelling unit are provided for less than 30 consecutive days for a fee by prearrangement. This shall include bed and breakfast establishments.

(2) "Dwelling unit rental" means a dwelling unit, typically rented in its entirety, for less than 30 consecutive days for a fee by prearrangement.

(e) Processing Requirements.

(1) The director shall approve a proposed short-term rental establishment, which complies with all the performance standards set forth in this section, except as provided in subsection (e)(2) of this section. The director may impose conditions of approval to ensure that the activity is conducted in a manner consistent with the standards and purpose and intent of this section.

(2) A proposed room rental establishment providing more than two bedrooms available for rent is subject to conditional use permit approval in accordance with Chapter 22.68 FMC.

(f) Room Rental Establishment Standards.

(1) Room rentals shall be an incidental or secondary use to the primary use, which is considered to be the principal residential dwelling unit.

(2) The owner/lessee of the structure shall operate the establishment and reside on site.

(3) Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast or light snacks for registered guests.

(4) A maximum of four bedrooms or suites may be made available for rent. There shall be no expansion in the number of guest rooms beyond the number approved.

(5) No separate or additional kitchens for guests are permitted. Limited cooking facilities shall be allowed inside guestrooms, or inside other rooms that are used solely by guests, such as small microwaves, and refrigerators.

(6) Receptions, private parties or similar activities, for which a fee is paid or which are allowable as a condition of room rental, may be permitted upon a determination by the hearing examiner that such activities will not significantly impact the adjoining neighborhood.

(7) One off-street parking space shall be provided on site for each rental bedroom. The number of required off-street spaces may be reduced by the number of spaces available on the street frontage adjoining the parcel upon which the room rental is to be established, if the decision-maker determines that sufficient on-street parking will exist to satisfy parking demand in the neighborhood once the room rental has been established. Any additional off-street parking provided in conjunction with the room rental shall, to the extent possible, be located to the side or rear of the structure housing the room rental in order to minimize visual impacts on the streetscape. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing. The parking surface and additional driveway surface required to provide access to the parking area shall be constructed of permeable, porous or pervious pavers to achieve low impact development objectives and a superior appearance when compared with conventional asphalt or concrete pavement. For additional off-street parking standards, see Chapter 22.60 FMC.

(8) Certification by the building official that the residence complies with fire and life safety aspects is required. Inspection fee may apply.

(g) Dwelling Unit Rental.

(1) The number of persons per sleeping area shall comply with the International Building Code.

(2) Two off-street parking spaces shall be provided on site.

(h) Other Regulations.

(1) Proof of ownership or approval of property owner is required.

(2) The room rental shall be exempt from the home occupation requirements of FMC 22.58.013.

(3) The exterior appearance of the structure shall maintain its original character.

(4) Signage shall comply with Chapter 22.26 FMC, Sign Regulations.

(5) Permits shall lapse and become void if the establishment ceases operation for 12 consecutive months, applicant named on the permit moves from or sells the site, or the applicant fails to maintain a valid business license.

Section 26. Ordinance 1246 §15 and FMC 22.58.020 are hereby amended to read as follows:

22.58.020 Development agreement.

(a) Hearing Examiner and City Council Authority. The hearing examiner is hereby authorized to conduct a public hearing for the consideration of a development agreement subject to RCW 36.70B.170 through 36.70B.200. The hearing examiner shall transmit its recommendations on the proposed agreement to the City Council. The City Council is hereby authorized to approve, approve with conditions, or deny, a proposed development agreement after considering the hearing examiner's recommendations at a closed record hearing.

(b) Application. Development agreement applications must be submitted on forms provided by the director. The director may require any additional information necessary in order for the City to adequately review the proposed agreement.

(c) Required Findings. In addition to any required findings for the underlying action, the City Council must be able to find that a development agreement:

(1) Bears a substantial relationship to the public health, safety, morals and welfare;

(2) Is consistent with the City's development regulations; and

(3) Is consistent with the City's comprehensive plan.

Section 27. Ordinance 1562 §46 and FMC 22.60.003 are hereby amended to read as follows:

22.60.003 Parking space requirements per activity.

The following tables identify the minimum number of parking spaces required to be provided for each activity unless a reduction is authorized in accordance with this chapter. The director or hearing examiner, as specified in this chapter, shall determine the actual required spaces for a proposed activity based on the tables below, the requirements of this chapter and on actual field experience. If the formula for determining the number of off-street parking spaces results in a fraction, the number of spaces shall be rounded to the nearest whole number with fractions greater than or equal to one-half rounding up and fractions less than one-half rounding down. In the following tables, "sf" means square feet of gross floor area, and "du" means dwelling unit, unless otherwise noted.

(a) Residential and Lodging Activities.

Use	Required Spaces
Single-family	2 per du.
Duplex and townhouse	1.5 per du.
Cottage housing	1 per du \leq 800 sf; 1.5 per du $>$ 800 sf. Shared guest parking not to exceed .5 per du.
Multifamily	1.25 per du.
Multifamily – Affordable senior housing*	.6 per du.
Congregate care facility	.5 per du.
Group residences, including hospice care center, residential care facility, and residential treatment facility	.5 per bedroom.
Accessory dwelling unit (ADU)	None, unless additional spaces are determined to be necessary.
Home occupation – Type II	To be determined during processing of CUP application.
Bed and breakfast establishment	1 per guest room, + 1 per facility, unless a lower number is determined to be adequate during processing of CUP application.
Hotel/motel	1 per guest room + 2 per 3 employees.

* “Affordable” means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington. “Senior” means dwelling units specifically designed for and occupied by elderly persons under a federal, state or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

(b) Commercial Activities.

Use	Required Spaces
Financial institution, including bank, savings and loan, and credit union	1 per 400 sf.
Administrative or professional office	1 per 400 sf.
Medical or dental office	1 per 350 sf.
Commercial mixed use, including a combination of retail, office, service, recreational and/or residential uses	See subsection (j) of this section, Joint Use.
Laboratory, including medical, dental and optical	1 per 400 sf.
Food-serving establishment	1 per 150 sf of dining/lounge area.
High intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 400 sf. Maximum 1 per 300 sf.
Low intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 600 sf. Maximum 1 per 400 sf.
Shopping center which includes a mix of high and low intensity retail or service shops	Minimum 1 per 500 sf. Maximum 1 per 350 sf.
Bulk retail sales/wholesale sales	1 per 350 sf.
Uncovered commercial area, including vehicle lots and plant nursery	1 per 5,000 sf of retail sales + any parking requirements for buildings.
Motor vehicle repair and services	1 per 400 sf (indoor maintenance bays shall not be considered parking spaces).
Child day-care	2 per facility + 1 per 20 children.
Veterinary clinic	1 per 400 sf.
Mortuary or funeral home	1 per 100 sf of floor area used for services.

(c) Educational Activities.

Use	Required Spaces
Elementary, intermediate, middle or junior high school	1 per classroom + 1 per 50 students.
High school	1 per classroom + 1 per 10 students.
Vocational school	1 per classroom + 1 per 5 students.
Preschool	1 per 6 children.

(d) Industrial Activities.

Use	Required Spaces
Manufacturing	1 per 1,000 sf (less office and display space) + 1 per 400 sf of office space + 1 per 500 sf of display space.
Technological or biotechnological laboratory or testing facility	1 per 1,000 sf (less office space) + 1 per 400 sf of office space.
Speculative light industrial building with multiple use or tenant potential	1 per 1,500 sf for initial 100,000 sf + 1 per 2,000 sf for remainder of building (less office space). 1 per 400 sf of office space.
NOTE: For each new use or tenant the property owner shall submit a scaled parking plan indicating the assigned parking for the applicable building.	NOTE: This is a minimum requirement valid for construction purposes only. Parking requirements shall be based upon actual occupancy.
Outdoor storage area	1 per 5,000 sf of storage area.

(e) Recreational, Amusement and Assembly Activities.

Use	Required Spaces
Auditorium, theater, place of public assembly, stadium or outdoor sports arena	1 per 4 fixed seats or 1 per 175 sf of main auditorium or of principal place of assembly not containing fixed seats + 1 per 300 sf of office.
Bowling alley	3 per lane.
Skating rink	1 per 200 sf.
Golf course	4 per hole, plus as required for associated uses including clubhouse, pro shop and maintenance facility.
Golf driving range	1 per driving station.
Miniature golf course	1 per hole.
Health club, dance studio	1 per 300 sf.

(f) Public, Institutional, Medical and Religious Activities.

Use	Required Spaces
Government facility	1 per 300 sf of office space; 1 per 1,000 sf of indoor storage or repair area associated with public agency yard. Other use areas shall be calculated based on the above requirements and, if applicable, the shared parking facilities provisions in FMC <u>22.60.005</u> .
Library, museum, or gallery	1 per 500 sf.
Civic, labor, social or fraternal organization	1 per 300 sf.
Convalescent, nursing or rest home	1 per 3 beds + 5 per employee.
Religious institution	1 per 8 seats in the main sanctuary including balconies and choir lofts. Other use areas shall be calculated based on the above requirements and, if applicable, the shared parking facilities provisions in FMC <u>22.60.005</u> .

(g) Other Uses. For uses not specifically identified in this chapter, the amount of parking required shall be based on the requirements for similar uses as determined by the director or hearing examiner, as appropriate.

(h) Retail Sales and Service Uses. For the purpose of determining the parking requirements for retail sales and service uses, the following distinctions are made:

(1) High intensity retail sales and service uses include, but are not limited to: barber/beauty shop, laundromat, mini-mart, drugstore, service (fuel) station with retail sales, and supermarket.

(2) Low intensity retail sales and service use include, but are not limited to: antique store, appliance sales, auto sales (building only), equipment repair shop, furniture store, hardware store, photography sales and shoe repair.

(i) Speculative Use. When the City has received an application for a site plan approval or other permits for a building shell without tenant uses being specified, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the site plan or other permit. When the range of possible uses results in different parking requirements, the director or hearing examiner, as appropriate, will establish the amount of parking based on a likely range of uses.

(j) Joint Use. In the case of two or more uses in the same building or on the same lot, for example within a commercial mixed use development that includes retail, residential and other uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use. However, an applicant may request a parking demand reduction credit per FMC 22.60.004 and/or a shared parking facilities credit per FMC 22.60.005 to reduce the overall parking requirement. The director or hearing examiner, as appropriate, shall be responsible for determining the various uses within a building or on a lot and the resulting parking requirements for each use.

Section 28. Ordinance 1246 §16 and FMC 22.60.004 are hereby amended to read as follows:

22.60.004 Parking demand reduction credit.

A property owner may request a reduction from the minimum required off-street parking by substantiating that parking demand will be reduced for the life of the project. This request shall be reviewed in conjunction with a site plan, conditional use permit, or preliminary development plan application. In such cases, the hearing examiner may approve a reduction of up to 50 percent of the minimum required number of spaces if a parking demand study prepared by a professional traffic engineer substantiates that:

(a) Because of the unique nature of the use, the characteristics of the site and surrounding neighborhood, the availability of alternative means of transportation, or other relevant local factors, parking demand can be met with a reduced number of spaces; or

(b) A shared parking facility designed in accordance with FMC 22.60.005 will effectively reduce parking demand to a level below the minimum required parking; or

(c) A combined parking facility for two or more complementary uses which have similar hours of operation will reduce parking demand to a level below the minimum required parking. The hearing examiner may authorize a five percent reduction for two complementary uses, a 10 percent reduction for three uses, and a 15 percent reduction for four or more uses; or

(d) An employee-sponsored commute trip reduction program designed in accordance with state law will effectively reduce parking demand below the minimum required parking.

Section 29. Ordinance 1246 §16 and FMC 22.60.005 are hereby amended to read as follows:

22.60.005 Shared parking facilities.

A property owner may submit a request for a shared parking facility as part of a site plan, conditional use permit, or preliminary development plan application. In such case, the hearing examiner may reduce the number of required off-street parking spaces when shared parking facilities for two or more uses are proposed, provided:

(a) The total parking area exceeds 5,000 square feet;

(b) The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all parking facilities are connected with improved pedestrian walkways, and no building or use involved is more than 600 feet from the most remote shared facility unless transportation is provided between the parking generator and parking facility;

(c) The amount of the reduction shall not exceed 10 percent for each use, unless:

(1) The normal hours of operation for each use are separated by at least one hour; or

(2) A parking demand study prepared by a professional traffic engineer documents that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized;

(d) The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;

(e) A covenant or other contract for shared parking between the cooperating property owners is approved by the hearing examiner and city attorney. This covenant or other contract must be recorded with the Pierce County auditor as a deed restriction on both properties and cannot be modified or revoked without the consent of the hearing examiner and city attorney; and

(f) If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the hearing examiner and city attorney or provide the full

amount of required off-street parking for each use, in accordance with the requirements of this chapter.

Section 30. Ordinance 1562 §47 and FMC 22.60.006 are hereby amended to read as follows:

22.60.006 Maximum parking space provisions.

For multifamily residential, commercial and industrial uses, the number of off-street parking spaces provided shall not exceed 120 percent of the minimum required number of spaces specified in FMC 22.60.003. A property owner may submit a request as part of a site plan, conditional use permit, or preliminary development plan application to provide parking spaces in excess of the maximum allowable number. The hearing examiner may approve an increase of up to 50 percent of the minimum required number of spaces if:

(a) A parking demand study prepared by a professional traffic engineer supports the need for increased parking and demonstrates that:

(1) Shared and combined parking opportunities in FMC 22.60.005 have been fully explored and will be utilized to the extent practicable;

(2) On-site park and ride facilities have been fully explored and will be provided to the extent practicable;

(3) Commute trip reduction measures will be implemented, if required by state law, to the extent practicable.

(b) The project has been designed to include the following design elements, facilities and programs to the satisfaction of the hearing examiner. In those instances where site constraints impede compliance with the design requirements, written findings of fact shall be made identifying site and project constraints and included in the final notice of decision. In its findings, the hearing examiner shall determine if a good faith effort has been made in building and site design in order to accommodate the following design elements, facilities and programs.

(1) The excess parking spaces shall be located within an enclosed parking structure or constructed of a permeable surface such as interlocking paving blocks (cement or plastic) or other porous pavement which minimizes impervious surface and achieves a superior appearance when compared with a large expanse of asphalt or concrete paving.

(2) Alternative parking lot designs shall be utilized in order to reduce impervious surface, e.g., one-way instead of two-way access aisles.

(3) The amount of required landscaping within the area of additional parking shall be doubled. This additional landscape area may be dispersed throughout the parking lot.

(4) A minimum of 75 percent of the parking spaces shall be located behind the building, and the remainder shall not be located within the minimum and maximum yard setback areas adjoining a street. Parking lots located along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities; e.g., low walls, street furniture, seating areas, public art, etc.

(5) Preferential parking shall be located near primary building entrances for employees who rideshare and for high occupancy vehicles, if applicable.

(6) The developer shall create a transit/rideshare information center and place it in a conspicuous location on the premises.

(7) For sites located adjacent to or within 600 feet of a Pierce Transit bus or van route, the developer shall fund the purchase and installation of a transit shelter package, including seating, trash receptacle and related facilities for each side of the street which has a transit route, consistent with Pierce Transit operational needs in accordance with FMC 22.60.014.

Section 31. Ordinance 1246 §16 and FMC 22.60.008 are hereby amended to read as follows:

22.60.008 Parking and driveway design standards.

(a) Parking space and driveway/aisle dimensions. The minimum parking space and aisle dimensions for the most common parking angles are shown in the accompanying table. For parking angles other than those shown on the table, the minimum parking space and aisle dimensions shall be determined by the director or hearing examiner, as appropriate. Regardless of the parking angle, one-way aisles shall be at least 12 feet wide, and two-way aisles shall be at least 19 feet wide.

Minimum Space and Driveway/Aisle Dimensions

	<i>Space Angle (degrees)</i>				
	0°(parallel)	30°	45°	60°	90°
<i>Space Width (ft)</i>					
Regular space	8.5	8.5	8.5	8.5	8.5
Compact space	8	8	8	8	8
<i>Space Depth (ft)</i>					
Regular space	22	18	18	18	18
Compact space	19	15	15	15	15
<i>Driveway/Aisle (ft)</i>					
One-way	12	13	13	17	22
Two-way	19	20	20	20	22
* See FMC 22.60.009 for information on the accessible parking space dimensions.					

(b) Compact Car Space Requirements. The installation of compact spaces is required so that impervious surface coverage associated with parking facilities is minimized and the appearance of sites is enhanced by increasing the proportion of landscaping relative to pavement. No less than 40 percent and no more than 50 percent of the total number of spaces provided for a multifamily residential or nonresidential development shall be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping. Aisle widths shall conform to the standards set for standard size cars.

(c) Extra Width Adjoining Landscaped Areas. Parking spaces abutting a landscaped area or raised walkway on the drive or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement. This additional space will provide a place to step other than in the landscaped area or allow for easier ingress and egress next to a vehicle. The additional width shall be separated from the adjacent landscaped area by a parking space division stripe.

(d) Parking Space Depth Reduction.

(1) Where parking spaces abut a walkway, parking space depth may be reduced by up to 18 inches and a portion of the walkway utilized for vehicle overhang; provided, that wheelstops or curbs are installed and the remaining walkway provides a minimum of five feet of unimpeded passageway for pedestrians.

(2) To minimize impervious surface and enhance landscaping, parking space pavement depth may be reduced by up to 18 inches when the pavement at the front end of a space is replaced by a landscaped area containing groundcovers which do not exceed a maximum

height of six inches above parking space grade. Wheel stops or curbs shall be installed to protect this area from vehicular damage.

(e) Driveway Widths and Locations. Driveways for single-family detached dwellings shall not exceed 20 feet in width unless the director approves an alternative design which uses a permeable surface such as interlocking paving blocks or other porous pavement which minimizes impervious surface. In no case shall the driveway exceed 20 feet within the public right-of-way or exceed the minimum width necessary to provide reasonable access to the dwelling. No more than one driveway is permitted to provide access to a single-family detached dwelling. Driveways for all other developments may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street; provided, that driveway width does not exceed the minimum necessary to provide safe vehicular and pedestrian circulation. Driveways oriented parallel to a street shall not be located within the minimum and maximum yard setback areas adjoining the street, unless there is no other practicable alternative to provide access to the interior of a site.

(f) Lighting. Lighting shall be provided in accordance with FMC 22.58.018.

(g) Tandem Parking. Tandem or end-to-end parking is allowed in single-family detached residential developments. Duplex and multifamily developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(h) Parking Surface. All required vehicle parking and storage must be in a garage, carport or on an approved, dust-free, all-weather surface. Use of a permeable surface such as interlocking paving blocks or other porous pavement that minimizes impervious surface is encouraged for spaces which are used infrequently. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

Section 32. Ordinance 1246 §16 and FMC 22.60.010 are hereby amended to read as follows:

22.60.010 Bicycle parking facilities.

(a) In any development required to provide 12 or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

(b) Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

(1) The hearing examiner may reduce bike rack or locker-type parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

(2) The hearing examiner may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(A) Park and playfield;

(B) Library, museum, and arboretum;

(C) Elementary or secondary school; or

(D) Recreational or amusement facility.

(c) Bicycle facilities for patrons shall be located on site, designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement, or allow for the entire bicycle to be enclosed within a locker.

(d) All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, well lighted for nighttime use, and located in covered areas or otherwise be protected from the elements where practicable.

Section 33. Ordinance 1246 §16 and FMC 22.60.011 are hereby amended to read as follows:

22.60.011 Loading space requirements.

(a) Applicability. For all new development or uses, adequate permanent off-street loading space and associated maneuvering area shall be provided if the use requires deliveries or shipment of people, materials, and/or merchandise. Structures and uses which require loading space and associated maneuvering area include but are not limited to the following: warehouses, supermarkets, department stores, office buildings greater than or equal to 20,000 square feet, industrial or manufacturing uses, mortuary and other commercial and industrial buildings or uses which, in the judgement of the director or the hearing examiner as specified in this chapter, are similar in nature in regard to loading space and maneuvering area requirements.

(b) Quantity. One loading space shall be provided for each 12,000 square feet of floor area or fraction thereof within a building intended to be used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains more than 24,000 square feet of floor area used for these purposes, then one additional space shall be provided for each additional 24,000 square feet of floor area so used. The hearing examiner may authorize a reduction or waiver based on the quantity of pick-up and delivery vehicles associated with the given structure or use.

(c) Dimensions and Location. Each loading space required by this section shall be a minimum of 10 feet wide and 30 feet long, shall have an unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced, improved, and maintained as required by this chapter. Loading spaces shall be located so that trucks will not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space and maneuvering areas shall be separated from required parking areas and shall be designated as truck loading spaces. For developments with buffer yards, the loading space and maneuvering area shall be:

(1) Located at the farthest distance from the buffer yard as practicable; and

(2) If possible, located in such a manner that the primary building is between the buffer yard and the loading and maneuvering area.

(d) Impact Mitigations. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

(e) Self-Service Storage Facilities. Multi-story self-service storage facilities shall provide two loading spaces, and single-story facilities, one loading space, adjacent to each building entrance that provides common access to interior storage units.

Section 34. Ordinance 1246 §16 and FMC 22.60.013 are hereby amended to read as follows:

22.60.013 Pedestrian circulation and access.

The following general pedestrian design standards shall apply to all developments throughout the City in addition to those outlined elsewhere within special planning areas and design overlay districts:

(a) All uses, except detached single-family dwellings, shall provide pedestrian access onto the site. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be located as follows:

- (1) Access points at property edges and to adjacent lots shall be coordinated with existing development to provide circulation connections between developments; and
- (2) Residential developments shall provide links between cul-de-sacs or groups of buildings and nearby streets to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open spaces, schools, or other public facilities, transit stops, and public streets.
- (b) Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and vehicular traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall be provided when the pedestrian access point or any parking space is more than 75 feet from the building entrance or principal on-site destination and as follows:
- (1) All developments which contain more than one building shall provide walkways between the principle entrances of the buildings;
- (2) All nonresidential buildings set back more than 100 feet from the public right-of-way shall provide for reasonably direct pedestrian access from the building to buildings on adjacent lots; and
- (3) Pedestrian walkways across parking areas shall be located as follows:
- (A) Walkways running parallel to the parking rows shall be provided at a minimum of every four rows; and
- (B) Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces.
- (c) Pedestrian access and walkways shall meet the following minimum design standards:
- (1) Access and walkways shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
- (2) Access and walkways shall be a minimum of five feet of unobstructed width and meet the City's surfacing standards for walkways or sidewalks;
- (3) Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture or other equivalent means;
- (4) Wherever walkways are provided, raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel; and
- (5) Lighting shall be provided to an intensity where the access and walkways can be used at night by the employees, residents, and customers. Lighting shall be height appropriate to a pedestrian pathway system.
- (d) Blocks in excess of 900 feet in length shall be provided with a crosswalk at the approximate midpoint of the block, or as the hearing examiner determines to be appropriate.

Section 35. Ordinance 1246 §16 and FMC 22.60.015 are hereby amended to read as follows:

22.60.015 Parking reductions for temporary outdoor sales events.

(a) A property owner or business owner may submit a request for a temporary reduction in the number of off-street parking spaces provided on a commercial site when a proposed outdoor sales event will be located within the off-street parking facility associated with the business and the number of parking spaces will be reduced below the minimum required in FMC 22.60.003.

(b) The request shall be processed in accordance with the conditional use permit procedures in Chapter 22.68 FMC or the major site plan review procedures in Chapter 22.72 FMC, consistent with the applicable processing requirements for the principal use on the site. The

1 hearing examiner shall consider the potential impacts of the sales event on adjoining uses
2 and may limit the number of sales events or their duration, or impose other restrictions, in
order to mitigate these impacts.

3 (c) The hearing examiner may authorize a parking reduction for one or more temporary
sales events if the following standards are met:

4 (1) At least 50 percent of the off-street parking spaces required in FMC 22.60.003 for the
commercial use is maintained during the sales event.

5 (2) If less than 50 percent of the off-street parking spaces required in FMC 22.60.003 for
6 the commercial use will remain available for customer or employee use during the sales
event, the number of spaces needed to meet the 50 percent threshold will be provided at a
7 nearby off-site parking facility. In such case, the applicant shall provide a written statement
8 from the owner/operator of the off-site parking facility agreeing to make available the
necessary number of spaces to the operator of the sales event for the duration of the event.

9 (3) If off-site parking is required in subsection (c)(2) of this section, directional signs will
10 be installed by the applicant, to the satisfaction of the City, to inform the public of the
availability of the off-site parking facility.

11 (d) If a property owner or business owner intends to conduct a series of outdoor sales events,
the hearing examiner may authorize the director to approve individual sales events once the
initial proposal has been approved by the hearing examiner.

12 (e) Temporary outdoor sales events authorized prior to the effective date of this section shall
13 comply with the 50 percent parking threshold and directional signage requirement to the
extent possible.

14 **Section 36.** Ordinance 1272 §8 and FMC 22.64.005 are hereby amended to read as follows:

15 22.64.005 Street layouts.

16 Intent – Create an efficient, expandable, safe, and predictable system of minor and major
streets.

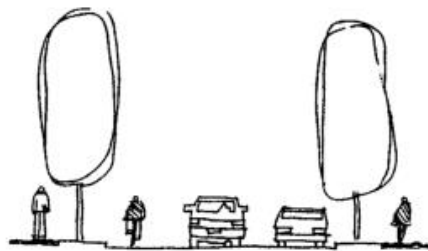
17 (a) The street within and adjacent to a site plan or subdivision shall be designed to comply
18 with the street and sidewalk standards in Chapter 22.22 FMC according to the roadway
system functional classification in the comprehensive plan. Major streets shall refer to
19 designated arterial and collector streets and minor streets shall refer to local streets and cul-
de-sacs.

20 (b) Proposed streets and sidewalks should extend to the boundary lines of the proposed site
plan or subdivision in order to provide for the future development of adjacent tracts unless
21 prevented by natural or manmade conditions or unless such extension is determined to be
unnecessary or undesirable by the hearing examiner.

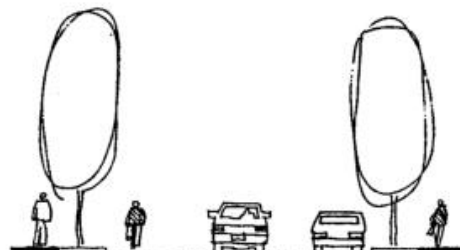
22 (c) The street pattern for commercial and industrial site plans and subdivisions should be
23 designed to expedite traffic movement, reduce conflicts between various types of land uses
and pedestrians, and coordinate the location of proposed buildings with vehicular loading
24 and parking facilities. Commercial and industrial site plans shall provide integral access
through or between the property and adjacent properties and surrounding residential
25 neighborhoods.

26 (d) Generally, street patterns should be based on a grid or interconnected network of streets
rather than long irregular loops with dead-ends and cul-de-sacs. Grid street networks should
27 provide regular and frequent intersections typically at 400-foot intervals. Grid layouts may
be distorted to account for existing topography, natural features, landscape, and building
28 improvements – and for visual interest.

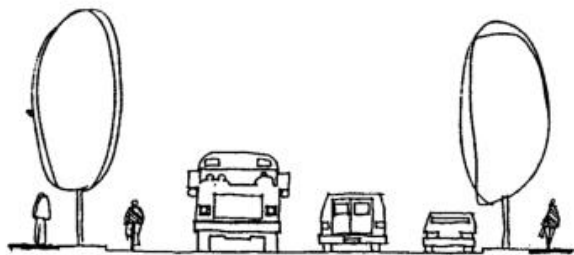
(e) Within residential neighborhoods, street improvements should be designed to minimize the amount of land and paving necessary while maintaining safe and efficient vehicular and pedestrian circulation. Roadway improvements should provide bicycle routes, landscaped edges, and walkways appropriate to the amount of traffic and parking to be provided within each residential neighborhood.



Access street – 44 foot-row



Sub-collector street – 50-foot row



Collector street – 60-foot row
Typical dimensions – vary

Within residential neighborhoods, street improvements should be designed to minimize the amount of land and paving necessary while maintaining safe and efficient vehicular and pedestrian circulation. Roadway improvements should provide bicycle routes, landscaped edges, and walkways appropriate to the amount of traffic and parking to be provided within each residential neighborhood.

Section 37. Ordinance 1246 §20 and FMC 22.68.001 are hereby amended to read as follows:

22.68.001 Purpose.

The purpose of this chapter is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, type or duration of activity, or location with respect to surroundings, streets, existing improvements, or effects or demands upon public facilities. These uses require a special degree of control to ensure consistency with the comprehensive plan and compatibility with adjacent uses and the character of the surrounding neighborhood or community.

Conditional uses will be subject to review by the hearing examiner and the issuance of a conditional use permit. This process allows the hearing examiner to:

- (a) Determine that the location and characteristics of these uses will be compatible with uses permitted in the surrounding area; and
- (b) Make further stipulations and conditions that may reasonably ensure that the intent of this title will be served.

Section 38. Ordinance 1246 §20 and FMC 22.68.002 are hereby amended to read as follows:

22.68.002 Authority.

The hearing examiner may approve, approve with conditions, modify and approve with conditions, or deny, a conditional use permit. The hearing examiner shall grant a conditional use permit when it has determined that the criteria listed in FMC 22.68.003 are met by the proposal. The hearing examiner may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the hearing examiner to make the required findings in FMC 22.68.003. These conditions may include, but are not limited to restrictions in hours of operations; restrictions on locations of structures and uses; structural restrictions which address safety, noise, light and glare, vibration, odor, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.

Section 39. Ordinance 1246 §20 and FMC 22.68.003 are hereby amended to read as follows:

22.68.003 Criteria for conditional use permit approval.

Before any conditional use permit may be granted, the hearing examiner shall adopt written findings showing that the following criteria are met by the proposal:

(a) The proposed use will not be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.

(b) The proposed use will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification.

(c) The proposed use will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.

(d) All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.

Section 40. Ordinance 1246 §20 and FMC 22.68.006 are hereby amended to read as follows:

22.68.006 Amendment of conditional use permit.

An applicant may request an amendment to an approved conditional use permit by submitting to the department a description of the proposed amendment and accurate plans which clearly identify the proposed changes to the approved design, if applicable. The director may determine that:

(a) The proposed amendment is exempt from further hearing examiner review because it represents a minor change from the terms of the original approval or the originally approved plans and the criteria listed in FMC 22.68.003 continue to be met; or

(b) The proposed amendment is subject to additional hearing examiner review because it represents a major change from the terms of the original approval or to the originally approved plans.

A request to amend an approved conditional use permit which has been determined to be subject to additional review shall be processed using the same procedures applicable to the original conditional use permit process. The hearing examiner may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved conditional use permit are not permitted unless an applicant first obtains approval in accordance with this section.

1 **Section 41.** Ordinance 1246 §20 and FMC 22.68.007 are hereby amended to read as follows:

2 22.68.007 Performance bond.

3 The hearing examiner may require as a condition of conditional use permit approval that the
4 applicant furnish the City with a performance bond, or other form of guarantee deemed
5 acceptable by the city attorney, to secure the applicant's obligation to complete the
6 provisions and conditions of the permit as approved.

7 **Section 42.** Ordinance 1246 §20 and FMC 22.68.008 are hereby amended to read as follows:

8 22.68.008 Duration of a conditional use permit approval.

9 In the event that a conditional use permit is not exercised within one year from the effective
10 date of approval, it shall automatically become null and void; provided, however, that for
11 good cause, the hearing examiner may grant a one-time extension of one year if an extension
12 request is filed with the department no less than 45 days prior to the date of expiration for
13 the conditional use permit. A properly filed application for a time extension shall stay the
14 effective date of expiration until action on the request has become final. The process for
15 taking action on the request shall be the same used for the original conditional use permit
16 application. Before taking action to grant an extension, the hearing examiner shall adopt
17 written findings showing that the following circumstances exist:

18 (a) The proposal approved under the terms of the conditional use permit originally granted
19 remains in conformance with current development standards contained in this title. (If the
20 proposal would no longer conform to this title as a result of more restrictive standards being
21 adopted subsequent to the original approval, the hearing examiner may consider a modified
22 proposal which would comply with the more restrictive standards.)

23 (b) The findings adopted in support of the original conditional use permit request remain
24 valid and supportive of the time extension request.

25 **Section 43.** Ordinance 1246 §22 and FMC 22.72.001 are hereby amended to read as follows:

26 22.72.001 Purpose.

27 The purpose of this chapter is to establish procedures for the review of commercial,
28 industrial, residential, public and quasi-public developments for which site plan review is
29 required. The site plan review process is intended to enable the appropriate review authority
30 (hearing examiner or director) to evaluate development proposals with respect to
31 architectural design, landscape design, urban form, pedestrian and vehicular circulation,
32 utility design, and site characteristics. The process allows the review authority to condition
33 development proposals to ensure their compatibility with adjoining uses, compliance with
34 development regulations, and consistency with comprehensive plan goals, objectives and
35 policies. The process is intended to run concurrently with the administrative design review
36 process to ensure that all critical design issues are addressed early in the site planning and
37 review stages of project development.

38 **Section 44.** Ordinance 1246 §22 and FMC 22.72.002 are hereby amended to read as follows:

39 22.72.002 Authority.

40 Two types of site plan review are established in this chapter, a "minor," or administrative
41 review, and a "major," or hearing examiner review. The director is authorized to review
42 development proposals subject to minor site plan review as listed in FMC 22.72.003. The
43 hearing examiner is authorized to review development proposals subject to major site plan
44 review as listed in FMC 22.72.004. The review authority may approve, approve with

conditions, modify and approve with conditions, or deny, the application for site plan review. The review authority shall grant site plan approval when it has determined that the criteria listed in FMC 22.72.006 have been met by the proposal. The review authority may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the review authority to make the required findings in FMC 22.72.006. These conditions may include, but are not limited to restrictions in hours of operations; restrictions on locations of structures and uses; structural restrictions which address safety, noise, light and glare, vibration, odor, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.

Section 45. Ordinance 1246 §22 and FMC 22.72.004 are hereby amended to read as follows:

22.72.004 Development subject to major site plan review.

The hearing examiner shall review the following public and private development proposals which are subject to site plan review:

- (a) New commercial, industrial, residential, public and quasi-public buildings greater than 2,000 square feet of gross floor area; and
- (b) Commercial, industrial, residential, public and quasi-public building additions which are greater than 2,000 square feet of gross floor area; and
- (c) Parking lot improvements associated with development proposals listed in subsections (a) and (b) of this section.

Section 46. Ordinance 1246 §22 and FMC 22.72.008 are hereby amended to read as follows:

22.72.008 Major and minor site plan review.

(a) Minor Site Plan Review. Minor site plan review typically consists of a single review of detailed plans by the director. However, an applicant may elect to submit conceptual plans for a preliminary review to obtain the advice of the director as to the applicability of the intent, standards and provisions of this chapter to the plan. Once the director has provided this advice, the applicant will be directed to prepare and submit detailed plans to the director for a final review.

(b) Major Site Plan Review. Major site plan review consists of two separate reviews. The initial review is conducted by the hearing examiner and the second review is conducted by the director. The plans submitted for the initial review may be conceptual in detail. However, the greater the level of detail in the plans submitted for hearing examiner review, the greater the level of certainty the applicant will have in preparing detailed plans for final review. When the hearing examiner determines that a site plan meets the criteria listed in FMC 22.72.006, it will grant a preliminary approval and direct the applicant to prepare and submit detailed plans to the director for final site plan review. This second review is intended to ensure that all site planning issues identified during the hearing examiner's initial review are fully addressed prior to issuance of a building permit or other construction permit.

Section 47. Ordinance 1246 §22 and FMC 22.72.012 are hereby amended to read as follows:

22.72.012 Amendment of site plan.

An applicant may request an amendment to a previously approved site plan by submitting to the department accurate plans which clearly identify the proposed changes to the approved design. The director may determine that:

(a) The proposed amendment is exempt from further review because it represents a minor change from the originally approved plans and the criteria listed in FMC 22.72.006 continue to be met;

(b) The proposed amendment is subject to additional administrative review because it represents a substantial change to plans which the director previously granted approval of through the minor design review process or the final major design review process; or

(c) The proposed amendment is subject to additional hearing examiner review because it represents a major change to plans which the hearing examiner previously granted approval of through the preliminary major design review process.

A request to amend an approved site plan which has been determined to be subject to additional review shall be processed using the same procedures applicable to the original site plan review process. The review authority may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved site plan are not permitted unless an applicant first obtains approval in accordance with this section.

Section 48. Ordinance 1246 §22 and FMC 22.72.014 are hereby amended to read as follows:

22.72.014 Duration of a site plan review approval.

In the event that a site plan approval is not exercised within one year from the effective date of approval, it shall automatically become null and void; provided, however, that for good cause, the review authority may grant a one-time extension of one year if an extension request is filed with the department no less than 15 days prior to the date of expiration for a minor site plan review approval or 45 days prior to the date of expiration for a major site plan approval. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original site plan review application. Before taking action to grant an extension, the review authority shall adopt written findings showing that the following circumstances exist:

(a) The proposal approved under the terms of the site plan review application originally granted remains in conformance with current development standards or design guidelines contained or referenced in this title. (If the proposal would no longer conform to this title as a result of more restrictive standards or guidelines being adopted subsequent to the original approval, the director or hearing examiner may consider a modified proposal which would comply with the more restrictive standards or guidelines.)

(b) The findings adopted in support of the original site plan review application approval remain valid and supportive of the time extension request.

Section 49. Ordinance 1246 §23 and FMC 22.74.002 are hereby amended to read as follows:

22.74.002 Authority – Major and minor variances.

Two types of variances are established in this chapter, a minor, or administrative variance, and a major, or hearing examiner variance. A minor variance is one that is within 10 percent of the standard contained in this title and which may be approved by the director. A major variance is one that is greater than 10 percent of the standard contained in this title and which may be approved by the hearing examiner.

The appropriate review authority (director or hearing examiner) shall grant a variance from the provisions of this title when it has determined that the criteria listed in FMC 22.74.003 have been met by the proposal. When granting a variance, the review authority may attach specific conditions to the variance to ensure that the variance will conform to the criteria

1 listed in FMC 22.74.003 and all other applicable codes, design guidelines, and
2 comprehensive plan goals and policies. The review authority shall not grant a variance
which establishes a use otherwise prohibited within a zoning district.

3 **Section 50.** Ordinance 1246 §24 and FMC 22.76.001 are hereby amended to read as follows:

4 22.76.001 Purpose.

5 The purpose of this chapter is to establish procedures for the review of residential planned
6 developments. The planned development review process is intended to enable the review
7 authority to evaluate development plans with respect to neighborhood compatibility,
8 environmental sensitivity, architectural design, landscape design, urban form, pedestrian
9 and vehicular circulation, utility design, recreation and open space needs, site characteristics
10 and the extent to which the community's housing needs are met by the proposal. The process
11 allows the appropriate review authority (City Council, hearing examiner, or director) to
12 condition development proposals to ensure their compatibility with adjoining uses,
compliance with development regulations, and conformance with comprehensive plan
goals, objectives and policies. The process is intended to run concurrently with the
administrative design review process to ensure that all critical design issues are addressed
early in the site planning and review stages of project development. The process is also
intended to run concurrently with the short plat or preliminary and final plat review
processes.

13 **Section 51.** Ordinance 1246 §24 and FMC 22.76.006 are hereby amended to read as follows:

14 22.76.006 Application procedures.

15 The processing of an application for a planned development requires a three-step review.
16 The hearing examiner shall conduct an open record public hearing and forward its
17 recommendations to the City Council on a preliminary development plan, which is
18 classified as a Type III-B application. The City Council shall conduct a closed record public
19 hearing and consider the recommendations of the hearing examiner before taking action on
a preliminary development plan. The director shall conduct an administrative review of a
final development plan, which is classified as a Type II application. The processing
procedures for these applications are described in Chapters 22.05, 22.06, 22.07, 22.08, 22.09
and 22.10 FMC.

20 **Section 52.** Ordinance 1246 §24 and FMC 22.76.007 are hereby amended to read as follows:

21 22.76.007 Submittal requirements.

22 (a) Application for preliminary development plan review shall be submitted on forms
23 provided by the department. A minimum of two sets of plans, materials and other applicable
24 information specified below and in FMC 22.06.002 shall be submitted with the application
in clear and intelligible form:

25 (1) Documentation listed in FMC 22.72.009 (site plan submittal requirements);

26 (2) Description of proposed phasing;

(3) Design guidelines generated by the applicant for the project;

(4) Critical area analyses and reports;

(5) Preliminary or short plat submittals; and

27 (6) Description of specific development standards to be applied to the project, including
28 building heights, building setbacks and build-to lines, individual lot sizes and lot
29 dimensions, and similar provisions.

(b) The director may waive the submittal requirement for any of the items listed in subsection (a) of this section when, in the discretion of the director, the item is inapplicable or unnecessary for the review authority to complete the preliminary development plan review. In such case, the director shall provide the hearing examiner with a list of the items waived for submittal. The director may also require the applicant to submit additional information or material which it finds is necessary for the proper review and hearing of the application.

(c) Application for final development plan review shall be on forms provided by the department. The applicant shall submit the documentation identified by the director as being necessary for the proper review of the application based on the conditions imposed by the review authority during the preliminary development plan review process and issues identified subsequent to the approval of the preliminary development plan.

Section 53. Ordinance 1246 §24 and FMC 22.76.008 are hereby amended to read as follows:

22.76.008 Amendment of development plan.

(a) An applicant may request an amendment to a previously approved preliminary or final development plan by submitting to the department accurate plans which clearly identify the proposed changes to the approved design. The director may determine that:

(1) The proposed amendment is exempt from further review because it represents a minor change from the previously approved preliminary or final development plan and the criteria listed in FMC 22.76.005 continue to be met;

(2) The proposed amendment is subject to additional administrative review because it represents a major change to the final development plan previously approved by the director; or

(3) The proposed amendment is subject to additional hearing examiner and City Council review because it represents a major change to the preliminary development plan previously reviewed by the hearing examiner and approved by the City Council.

(b) Major amendments are those which substantially change the character, basic design, density, open space or other requirements or conditions of the development plan. Minor amendments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, building height, setbacks, etc.), but which do not affect the basic character or arrangement and number of buildings approved in the preliminary or final development plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than 10 percent from the original plan approved by the City. Minor amendments also include on-site adjustments which may affect the design and placement of circulation and utility facilities and other improvements, provided they do not substantially change the character, basic design, density, open space or other requirements or conditions of the development plan.

(c) An amendment request which has been determined to be subject to additional review shall be processed using the same procedures applicable to the initial development plan review process. The review authority may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved development plan are not permitted unless an applicant first obtains approval in accordance with this section.

Section 54. Ordinance 1246 §24 and FMC 22.76.011 are hereby amended to read as follows:

22.76.011 Duration of a preliminary development plan approval.

1 In the event that a complete final development plan application has not been submitted
2 within three years from the effective date of preliminary development plan approval, the
3 preliminary approval shall automatically become null and void; provided, however, that for
4 good cause, the hearing examiner may grant a one-time extension of one year if an extension
5 request is filed with the department no less than 45 days prior to the date of expiration for
6 the preliminary development plan approval. A properly filed application for a time
7 extension shall stay the effective date of expiration until action on the request has become
8 final. The process for taking action on the request shall be the same used for the original
9 preliminary development plan application at the hearing examiner level of review. Before
10 taking action to grant an extension, the hearing examiner shall adopt written findings
11 showing that the following circumstances exist:

(a) The proposal approved under the terms of the preliminary development plan approval
originally granted remains in conformance with current development standards contained
in this title. (If the proposal would no longer conform to this title as a result of more
restrictive standards being adopted subsequent to the original approval, the hearing
examiner may consider a modified proposal which would comply with the more restrictive
standards.)

(b) The findings adopted in support of the original preliminary development plan remain
valid and supportive of the time extension request.

Section 55. Ordinance 1488 §1 and FMC 22.78.004 are hereby amended to read as follows:

22.78.004 Criteria for amendment approval.

Before the hearing examiner 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.

(c) The proposed zoning is compatible with the uses and zoning of surrounding property
(required only for zoning map amendments).

(d) The property is suited for the uses allowed in the proposed zoning classification
(required only for zoning map amendments).

(e) A change of conditions has occurred within the neighborhood or community since
adoption of the comprehensive plan, this title, and amendments thereto, to warrant a
determination that the proposed amendment is in the public interest (required only for
zoning map amendments and amendments to this title which require a comprehensive plan
amendment to ensure consistency under subsection (a) of this section).

(f) Except for the extension of existing district boundaries, no change in any use district,
classification or official zoning map shall be considered if it contains fewer than one acre,
excluding public streets or alley rights-of-way.

Section 56. Ordinance 1246 §25 and FMC 22.78.005 are hereby amended to read as follows:

22.78.005 Application procedures.

A quasi-judicial zoning map amendment is classified as a Type III-B application. An area-
wide zoning map amendment and a development regulation amendment are classified as
Type V (legislative) applications. The processing procedures for these applications are
described in Chapters 22.05, 22.06, 22.07, 22.08, 22.09 and 22.10 FMC.

Section 57. A new section is hereby adopted to read as follows:

22.78.011 Timing for processing zoning map, area-wide zoning map, and comprehensive plan map amendments.

(a) A legislative comprehensive plan map amendment and quasi-judicial zoning map amendment may be conducted in phases, or they may be conducted concurrently provided final action is first taken on the plan map amendment and further provided the applicant submits a written waiver of the deadline for issuance of a final decision of the zoning map amendment, which is 120 days from the City making a determination that a Type III-B project permit application is complete.(b) A legislative comprehensive plan map amendment and a legislative area-wide zoning map amendment may be conducted in phases or concurrently, provided final action is first taken on the plan map amendment.

Section 58. Ordinance 1535 §1 and FMC 22.81.060 are hereby amended to read as follows:

22.81.060 Additional timing considerations.

(a) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the City's staff recommendation to any appropriate advisory body, such as the hearing examiner or planning commission.

(b) If the City's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications. (Statutory authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), WAC 173-806-058, filed 6/15/84. Formerly Chapter 173-805 WAC.)

Section 59. Ordinance 1206 §8 and FMC 22.86.030 are hereby amended to read as follows:

22.86.030 Appeals.

(a) SEPA appeals shall be limited to review of final threshold determinations, the adequacy of final environmental impact statements, mitigation or failure to mitigate environmental impacts, and project denials. Appeals of declarations of nonsignificance, EIS adequacy, mitigation and project denial and open record public hearings for the underlying permit(s), as described in Chapter 22.05 FMC, shall be consolidated and heard together. Declarations of significance, issued before a decision on the underlying permit(s), may be appealed and heard before the consolidated open record public hearing on the permit and other SEPA issues.

(b) All SEPA appeals must be filed in writing with the responsible official within 14 calendar days after a notice of decision is issued pursuant to FMC 22.09.008 or after other notice that the decision has been made and is appealable; provided, that in order to allow public comment on a DNS prior to requiring an appeal to be filed, this appeal period shall be extended for an additional seven days. The hearing date for appeals of declarations of significance issued before a decision on the permit shall be not more than 45 days from the date the appeal is filed.

(c) On receipt of a written notice of appeal, the responsible official shall determine if the notice is timely. If the notice is untimely, the responsible official shall advise the person(s) who filed the notice that no appeal hearing will be scheduled because the notice was untimely. If the appeal is timely, the responsible official shall set a hearing date and transmit the appeal notice to the hearing examiner.

(d) Hearing examiner SEPA appeals, and any consolidated public hearings on the underlying permit, shall be open record hearings, as described in Chapter 22.09 FMC. The hearing examiner shall take sworn testimony, consider all relevant evidence and decide the issues de novo; provided, however, that the responsible official's decision(s) shall be given substantial weight. The hearing examiner shall issue a written decision, which shall include specific findings of fact and conclusions of law, within 10 working days of the close of the hearing, unless a longer period is agreed to in writing by the applicant and the hearing examiner.

(e) The hearing examiner's decision on threshold determinations and EIS adequacy shall be the final decision of the City. Appeals of the hearing examiner's decision on these issues shall be filed in the Pierce County superior court. Appeals of the hearing examiner's decision on SEPA mitigation and project denial shall be filed with the City Council.

(f) Appeals to the City Council of SEPA mitigation and project denial appeals shall be consolidated with decisions subject to City Council review by Chapter 22.05 FMC. Decisions not subject to City Council review may not be appealed to the City Council as part of a SEPA mitigation or project denial appeal. In the appeal, the City Council shall review the hearing examiner's open record hearing decision in a closed record appeal as described in Chapter 22.10 FMC. The record on appeal shall consist of the hearing examiner's findings of fact, conclusions of law, and decision; a taped or written transcript of the hearing; and any exhibits accepted into evidence at the hearing. No other evidence shall be considered unless it can be shown that the hearing examiner erred in excluding such evidence.

(g) The City Council's decision on project mitigation or denial, and the underlying permits, shall be the final decision of the City. Appeals of the City Council's decision shall be filed in the Pierce County superior court.

(h) If a time limit is established by statute or ordinance for commencing a judicial appeal of the project permit, the responsible official shall give official notice of the date and place for commencing the appeal. The notice shall include:

(1) Notice that any SEPA issues must be appealed within the time limit set by statute or ordinance for appealing the underlying governmental action;

(2) The time limit for commencing the appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and

(3) Where the appeal may be filed.

Written notice shall be provided to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions concerning the project. Such notice may be appended to the permit, the decision documents, the SEPA compliance documents, or may be printed separately.

(i) The time limitations and procedures for judicial appeals of decisions in this section shall be as set forth in WAC 197-11-680(4) and this title. Only a party to the proceeding appealed from may appeal the decisions set forth above. (Statutory authority: RCW 43.21C.130, 84-13-036 (Order DE 84-25), WAC 173-806-170, filed 6/15/84. Formerly Chapter 173-805 WAC.)

Section 60. Ordinance 1375 §1 and FMC 22.92.090 are hereby amended to read as follows:

22.92.090 Exception – Public agency and utility.

(a) If the application of a critical areas chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

(b) Exception Request and Review Process. An application for a public agency and utility exception shall be made to the City and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with public agency and utility exception review criteria in subsection (d) of this section.

(c) Hearing Examiner Review. The hearing examiner shall review the application and director's recommendation, and conduct a public hearing pursuant to the provisions of Chapter 22.09 FMC. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the public agency and utility exception criteria in subsection (d) of this section.

(d) Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions follow:

(1) There is no other practical alternative to the proposed development with less impact on the critical areas;

(2) The application of the critical areas chapter would unreasonably restrict the ability to provide utility services to the public;

(3) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

(4) The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and

(5) The proposal is consistent with other applicable regulations and standards.

(6) All proposed activities will be conducted using the best management practices adopted by the City, as described in FMC 22.92.110(b).

(e) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

Section 61. Ordinance 1375 §1 and FMC 22.92.100 are hereby amended to read as follows:

22.92.100 Exception – Reasonable use.

(a) If the application of a critical areas chapter would deny all reasonable economic use of the subject property, the City shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section.

(b) Exception Request and Review Process. An application for a reasonable use exception shall be made to the City and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). The director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection (d) of this section.

(c) Hearing Examiner Review. The hearing examiner shall review the application and conduct a public hearing pursuant to the provisions of Chapter 22.09 FMC. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in subsection (d) of this section.

(d) Reasonable Use Review Criteria. Criteria for review and approval of reasonable use exceptions follow; one or more may apply:

(1) The application of the critical areas chapters would deny all reasonable economic use of the property;

(2) No other reasonable economic use of the property has less impact on the critical area;

(3) The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

(4) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant, or its predecessor, after the effective date of the critical area chapters;

(5) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

(6) The proposal will result in no net loss of critical area functions and values consistent with the best available science.

(7) All proposed activities will be conducted using best available management practices adopted by the City, as described in FMC 22.92.110(b).

(e) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

Section 62. Ordinance 1375 §1 and FMC 22.92.280 are hereby amended to read as follows:

22.92.280 Variances.

(a) Variances from the standards of a critical areas chapter may be authorized by the City in accordance with the procedures set forth in Chapter 22.74 FMC. The director or hearing examiner, as authorized, shall review the request and make a written finding that the request meets or fails to meet the variance criteria.

(b) Variance Criteria. A variance may be granted only if the applicant demonstrates that the requested action conforms to all of the criteria set forth in FMC 22.74.003 and as follows:

(1) A literal interpretation of the provisions of this chapter would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this chapter, and the variance requested is the minimum necessary to provide the applicant with such rights;

(2) The granting of the variance is consistent with the general purpose and intent of this chapter, and will not further degrade the functions or values of the associated critical areas; and

(3) The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat.

(c) Conditions May Be Required. In granting any variance, the City may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.

(d) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

Section 63. Ordinance 1246 §26 and FMC 22.96.002 are hereby amended to read as follows:

22.96.002 Authority.

The City Council may revoke or modify a Type III-B or Type IV permit approval when it has determined that one or more of the grounds listed in FMC 22.96.004 exists. The hearing

1 examiner may revoke or modify a Type III-A permit approval when it has determined that
2 one or more of the grounds listed in FMC 22.96.004 exists. The director may revoke or
3 modify a Type II approval when it has determined that one or more of the grounds listed in
4 FMC 22.96.004 exists.

5 **Section 64.** Ordinance 1246 §26 and FMC 22.96.003 are hereby amended to read as follows:

6 22.96.003 Initiation of a revocation.

7 Revocation may be initiated by a request from an adversely affected property owner or other
8 aggrieved party or a motion by either the hearing examiner or City Council.

9 **Section 65.** Ordinance 1246 §27 and FMC 22.98.060 are hereby amended to read as follows:

10 22.98.060 Amendment.

11 “Amendment” means a change in the wording, context or substance of this title or the
12 comprehensive plan; a change in the official zoning map or comprehensive plan map; or a
13 change to a condition of approval or modification of a permit or plans reviewed or approved
14 by the director, hearing examiner, planning commission, or City Council.

15 **Section 66.** Ordinance 1246 §27 and FMC 22.98.165 are hereby amended to read as follows:

16 22.98.165 Conditional use permit.

17 “Conditional use permit” means the documented evidence of authority granted by the
18 hearing examiner in accordance with Chapter 22.68 FMC to establish a conditional use at a
19 specific location.

20 **Section 67.** Ordinance 1246 §27 and FMC 22.98.729 are hereby amended to read as follows:

21 22.98.729 Variance.

22 “Variance” means a means, approved by the hearing examiner or director, of altering the
23 requirements of this title in specific instances where the strict application of these
24 regulations would deprive a property of privileges enjoyed by other properties which are
25 similarly situated, due to special features or constraints unique to the property involved.

26 **Section 68.** Ordinance 1375 §4 and FMC 22.99.080 are hereby amended to read as follows:

27 22.99.080 Variances – Additional considerations for frequently flooded areas.

28 (a) Additional Variance Considerations. In review of variance requests for activities within
29 frequently flooded areas, the hearing examiner shall consider all technical evaluations,
30 relevant factors, standards specified in this chapter, and:

31 (1) The danger to life and property due to flooding, erosion damage, or materials swept onto
32 other lands during flood events;

33 (2) The susceptibility of the proposed facility and its contents to flood damage and the effect
34 of such damage on the proposed use;

35 (3) The importance of the services provided by the proposed use to the community;

36 (4) The necessity to the proposed use of a waterfront location, where applicable, and the
37 availability of alternative locations for the proposed use that are not subject to flooding or
38 erosion damage;

39 (5) The safety of access to the property in times of flood for ordinary and emergency
40 vehicles;

41 (6) The expected heights, velocity, duration, rate of rise, and sediment transport of the
42 floodwaters and the effects of wave action, if applicable, expected at the site; and

(7) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(b) Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing laws or ordinances. Unavoidable impacts to floodplain functions and values shall be mitigated in accordance with the mitigation sequencing order specified in FMC 22.92.190.

(c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

Section 69. Ordinance 1350 §08 and FMC 12.04.080 are hereby amended to read as follows:

12.04.080 Appeals.

All appeals authorized by the International Codes as to suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the codes shall be made to the hearing examiner, which will act as the board of appeals in accordance with Chapter 1, Section 113 of the International Building Code.

Section 70. Ordinance 477 §5 and FMC 12.26.020 are hereby amended to read as follows:

12.26.020 Application of chapter – Subdivision plats – Specific changes.

This chapter shall be the basis for naming roadways and numbering houses in future additions and annexations to the City of Fircrest. Roadway names shown on subdivision plats will be subject to approval of the hearing examiner. Specific changes in roadway names deemed necessary to change those now existing will be in accordance with this policy and upon recommendation of the hearing examiner and approval by the Council of the City of Fircrest.

Section 71. Ordinance 968 §17 and FMC 12.28.160 are hereby amended to read as follows:

12.28.160 Variances.

(a) The hearing examiner shall hear and decide all requests to vary the conditions that have heretofore been established by this chapter.

(b) A written request for variance shall be made to the hearing examiner. It shall specifically state the section of this chapter to which the request applies, the hardship the variance is needed to correct, and the nature of the proposed project. Supporting documents, such as plot plans, geologic or hydraulic reports, and topographic details, may also be required.

(c) The hearing examiner, in making any favorable decision, shall state the facts and conclusions upon which it relied and shall make its decision upon the following criteria:

(1) The variance is necessary to overcome a particular hardship caused by special circumstances relating to the size, shape, topography or location of the subject property;

(2) The variance is in harmony with the intent and purposes of this chapter and with other relevant City ordinances;

(3) The variance shall not constitute a grant of special privilege that is inconsistent with the limitations placed upon other properties;

(4) The variance, if granted, will not result in harm or damage to other properties, waterways, or drainage facilities and will not otherwise be materially detrimental to the public welfare.

(d) Conditions may be imposed upon the granting of any variance. Unless otherwise specified, the granting of a variance shall be subject to all plans, specifications and conditions set forth in the application.

Section 72. 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 73. 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 28th day of May, 2019.

APPROVED:

David M. Viafore, Mayor Pro Tempore

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATION:
EFFECTIVE DATE:**

HEARING EXAMINER AMENDMENTS

TITLE 22 LAND DEVELOPMENT

22.05.002 Determination of classification.

(a) Determination by Director. The director of the planning/building department or his designee (hereinafter the "director") shall determine the proper classification for each project permit application. If there is a question as to the appropriate classification, the director shall resolve the question in favor of the higher classification type.

(b) Optional Consolidated Permit Processing. An application that involves two or more classification types may be processed collectively under the highest numbered type required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed individually, the highest numbered type shall be processed prior to the subsequent lower numbered type (RCW [36.70B.060](#)(3), RCW [36.70B.120](#)).

(c) Hearing Bodies. Applications processed in accordance with subsection (b) of this section which involve different hearing bodies shall be heard collectively by the highest-ranking hearing body. The city council is the highest rank, followed by the planning commission and hearing examiner, and then the director. Joint public hearings with other agencies shall be processed according to FMC [22.05.004](#) (RCW [36.70B.060](#)(3), RCW [36.70B.120](#)).

22.05.003 Project permit application framework.

Type-I	Type-II-A	Type-II-B	Type-III-A	Type-III-B	Type-IV	Type-V
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
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
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
Temporary accessory structures and uses		Land clearing/grading permits	Home occupations requiring CUP approval	Zoning map amendments		Area-wide rezones
Home occupation permits		Administrative interpretation	Critical areas reasonable use exceptions			
Accessory dwelling units		Critical areas determinations	Detached accessory dwelling units;			

Type I	Type II-A	Type II-B	Type III-A	Type III-B	Type IV	Type V
			critical areas public agency and utility exceptions			
De minimis variance		Binding site plan				

Table A – Classifications

<u>Type I-A</u>	<u>Type II-A</u>	<u>Type II-B</u>	<u>Type III-A</u>	<u>Type III-B</u>	<u>Type IV</u>	<u>Type V</u>
<u>Permitted Use Not Requiring Site Plan or Design Review</u>	<u>Minor Variance</u>	<u>Short Plat, Short Plat Vacation or Alteration</u>	<u>Major Variance</u>	<u>Zoning Map Amendment</u>	<u>Final Plat</u>	<u>Comprehensive Plan Amendment</u>
<u>Boundary Line Adjustment</u>	<u>Minor Site Plan</u>	<u>Final Site Plan</u>	<u>Conditional Use Permit</u>			<u>Development Regulation Amendment</u>
<u>Minor Amendment to Type III-A Project Permit</u>	<u>Administrative Use Permit</u>	<u>Final Development Plan</u>	<u>Preliminary Plat, Plat Vacation or Alteration</u>			<u>Area-Wide Rezone</u>
<u>Temporary Accessory Structure and Use</u>		<u>Design Review</u>	<u>Preliminary Site Plan (Major)</u>			<u>Annexation</u>
<u>Home Occupation Permit, not Requiring CUP</u>		<u>Land Clearing/ Grading Permit</u>	<u>Preliminary Development Plan</u>			
<u>Short-term Rental Permit, not Requiring CUP</u>		<u>Administrative Interpretation</u>	<u>Major Amendment to Type III-A Project Permit</u>			
<u>De Minimis Variance</u>		<u>Critical Areas Determination</u>	<u>Critical Areas Reasonable Use Exception and Public Agency and Utility Exception</u>			
		<u>Binding Site Plan</u>	<u>Development Agreement Associated with Project Permit</u>			

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	<u>Hearing Examiner</u> <u>Planning Commission</u>	<u>Hearing Examiner</u> <u>Planning Commission</u>	Planning Commission
Final decision made by:	Director	Director	Director	<u>Hearing Examiner</u> <u>Planning Commission</u>	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 <u>Director</u> decision appealed, then hearing before <u>Hearing Examiner</u> <u>planning commission</u>	Hearing required before the <u>Hearing Examiner</u> <u>planning commission</u> , which will render final decision unless appealed to council	Hearing required before <u>Hearing Examiner</u> <u>planning commission</u> , which will forward recommendation to <u>City</u> Council	Public review required before <u>Hearing Examiner</u> <u>planning commission</u> , which will forward recommendation to <u>City</u> <u>Council</u>	Hearing required before P <u>Planning</u> C <u>Commission</u> and <u>City</u> C <u>Council</u>
Closed record review/ appeal hearing/ decision	Not required	Not required	Not required	Not required Closed record appeal hearing required before council only upon appeal	Closed record review required before <u>City</u> Council, which will render final decision	Closed record review required before <u>City</u> C <u>Council</u> , which will render final decision	N/A
Judicial appeal	Yes	Yes	Yes	Yes	Yes	No	Yes

22.06.001 Pre-application conference.

(a) Pre-application Conference. A pre-application conference may be held with city staff and a potential applicant for a Type II-A, Type II-B, Type III-A, Type III-B or Type IV permit to discuss application submittal requirements and pertinent fees. Applications for project permit Type III-A, Type III-B, and Type IV actions ~~shall not be accepted by the director unless the applicant has requested and attended a pre-application conference.~~ The purpose of the pre-application conference is to acquaint the applicant with the requirements of this code.

~~(b) The conference shall be held within 15 working days of the request.~~

~~(be) At the conference or within five working days of the conference, t~~The applicant may request that the following be provided:

- (1) A form which lists the requirements for a completed application;
- (2) A general summary of the procedures to be used to process the application;
- (3) The references to the relevant code provisions or development standards which may apply to the approval of the application;
- (4) The city's design guidelines.

(~~ce~~) The conference is not intended to be an exhaustive review of all potential issues. The discussions at the conference or ~~information provided the form sent~~ by the city to the applicant under subsection (~~be~~) of this section shall not bind or prohibit the city's future application or enforcement of all applicable law.

~~(e) Pre-application conferences for all other types of applications are optional, and requests for conferences will be considered on a time-available basis by the director.~~

22.07.003 Notice of public hearing.

(a) Content of Notice of Public Hearing for All Types of Applications. The notice given of a public hearing required in this chapter shall contain:

- (1) The name and address of the applicant or the applicant's representative;
- (2) Description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;
- (3) The date, time and place of the hearing;
- (4) A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation;
- (5) The nature of the proposed use or development;
- (6) A statement that all interested persons may appear and provide testimony;
- (7) The sections of the code that are pertinent to the hearing procedure;
- (8) When information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
- (9) The name of a local government representative to contact and the telephone number where additional information may be obtained;
- (10) Advice that a copy of the application, all documents and evidence relied upon by the application and applicable criteria are available for inspection at no cost and will be provided at the city's cost;
- (11) Advice that a copy of the staff report will be available for inspection at no cost at least five days prior to the hearing and copies will be provided at the city's cost.

(b) Distribution of Notice of Public Hearing. Notice of the public hearing shall be provided as follows:

- (1) Type I, Type II-A and II-B, and Type IV Actions. No public hearing notice is required because no public hearing is held, except on an appeal of a Type II-B action where the notice set forth under subsection (b)(2) of this section is required.
- (2) Type III-A and Type III-B Actions and Appeals of Type II-B Actions. The notice of public hearing shall be mailed to:
 - (A) The applicant;
 - (B) All owners of property within 300 feet of the subject property, when the project permit application is for a residential proposal;
 - (C) All owners of property within 500 feet of the subject property, when the project permit application is for a nonresidential proposal;
 - (D) Any person who submits written or oral comments on an application;
 - (E) The appellant, if applicable.

(3) Type III-~~AB~~ Preliminary Plat Actions. In addition to the notice for Type III-~~AB~~ actions above for preliminary plats ~~and proposed subdivisions~~, additional notice shall be provided as follows:

- (A) Notice of the filing of a preliminary plat of a proposed subdivision adjoining the municipal boundaries shall be given to the appropriate city and county officials of the neighboring jurisdiction.
- (B) Special notice of the hearing shall be given to adjacent landowners by any method the city deems reasonable. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice required by RCW [58.17.090](#)(1)(b) shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided (Chapter [58.17](#) RCW).
- (4) Type V Actions. For Type V legislative actions, the city shall publish notice as described in subsection (d)(2) of this section, and provide any other notice required by RCW [35A.12.160](#).

(c) General Procedure for Mailed Notice of Public Hearing.

- (1) The records of the Pierce County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from Pierce County's real property tax records. The director shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The director may provide notice to other persons than those required to receive notice under the code.

(2) All public notice shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(d) Procedure for Posted or Published Notice of Public Hearing.

(1) Posted notice of the public hearing is required for all Type III-A and III-B project permit applications. The posted notice shall be posted as required by FMC [22.07.001](#).

(2) Published notice is required for all Type III-A, III-B, and V procedures. The published notice shall be published in the city's official newspaper.

(e) Time and Cost of Notice of Public Hearing.

(1) Notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 days following the public hearing.

(2) All costs associated with the public notice shall be borne by the applicant.

22.07.004 Notice of comment period for Type II-A permits.

Upon receipt of a complete application for a 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 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.~~

22.07.005 Notice of decision for Type II-A permits.

Upon issuance of a decision on a proposed 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 comment period, if applicable. ~~The director shall also provide written notice of this decision to the planning commission.~~

22.12.002 Concurrency test.

(a) Application. The city review of all applications for preliminary development permits, unless exempted by FMC [22.12.004](#), shall include a concurrency test. Any final development permits that did not have preceding preliminary development permit approval shall also be subject to this concurrency test, unless exempted by FMC [22.12.004](#).

(b) Procedures. The concurrency test will be performed in the processing of the development permit and conducted by the planning/building department in conjunction with the public works department and other facility and service providers.

(1) The planning/building department shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection (a) of this section; notifying applicants of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

(2) The facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test for their individual facility or service for all applications requiring a concurrency test as set forth in subsection (a) of this section; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity; notifying the planning/building department of the results of the test; and reinstating any capacity for an expired development permit, discontinued certificate of capacity, or other action resulting in an applicant no longer needing capacity which has been reserved.

(c) Test. Development permits that result in a reduction of a level of service below the minimum level of service standard cannot be approved. For arterial roads, transit, fire/EMS, law enforcement, schools and parks, available and planned capacity will be used in conducting the concurrency test. For water, power, sanitary sewer, fire flow and stormwater management, only available capacity will be used in conducting the concurrency test.

(1) If the capacity of public facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of FMC [22.12.003](#).

(2) If the capacity of public facilities is less than the capacity required to maintain the level of service standard for the impact from the development permit, the concurrency test is not passed. The applicant may:

(A) Modify the application to reduce the need for public facilities that do not exist;

(B) Demonstrate to the director's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;

(C) Arrange with the appropriate facility and service provider capacity for the provision of the additional concurrency facilities required; or

(D) Appeal the results of the concurrency test to the ~~hearing examiner planning commission~~ in accordance with the provisions of FMC [22.12.006](#).

(d) SEPA. Nothing in this chapter is intended to limit the application of the State Environmental Policy Act (SEPA) to specific proposals. Each proposal not exempt under SEPA shall be reviewed and may be conditioned or denied under the authority of the State Environmental Policy Act.

22.12.006 Appeals.

Determinations by the director with respect to the applicability of concurrency management to a given development activity or any other determination which the director is authorized to make pursuant to this chapter may be appealed to the ~~hearing examiner planning commission~~ as provided for in Chapter [22.05](#) FMC. Upon receiving an appeal, the director shall notify the appropriate facility or service provider(s) of the appeal. After conducting a public hearing, the ~~hearing examiner planning commission~~ shall issue a determination either upholding the original determination or amending it.

22.15.002 Authority.

The Fircrest city council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the planning/building director (hereinafter the "director") or his designee. The ~~hearing examiner planning commission~~ shall have the authority to make recommendations to council on ~~preliminary plats, plat alterations, plat vacations, and final plats~~ and the responsibility for making final determinations on preliminary plats, plat alterations, and plat vacations. The city council shall make the final decision on all ~~preliminary plats, plat alterations, plat vacations and final plats~~.

22.18.002 Type of application.

A preliminary plat is a Type III-~~A-B~~ application. The ~~hearing examiner planning commission~~ shall make ~~a recommendation to the city council, which shall make a closed record~~ the final decision on all preliminary plats.

22.18.003 Criteria for approval.

The ~~hearing examiner planning commission and city council~~ shall make inquiries into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, and shall consider:

- (a) Whether the preliminary plat conforms to Chapter [22.21](#) FMC, General Requirements for Subdivision Approval;
- (b) If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, power, parks and recreation, playgrounds, schools and school grounds, and for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
- (c) Whether the public interest will be served by the subdivision and dedication.

22.18.004 Findings and conclusions.

The ~~planning commission shall not recommend approval of the preliminary plat, and the city council hearing examiner~~ shall not approve the preliminary plat, unless written findings are made that each of the criteria listed in FMC [22.17.004](#) has been satisfied. ~~The city council shall consider the recommendations of the planning commission and may adopt or reject such recommendations based on the record established at the commission's public hearing. If, after considering the matter at a closed record decision meeting, the city council deems a change in the planning commission's recommendation approving or disapproving a preliminary plat is necessary, the city council shall adopt its own recommendations and approve, with or without modifications, or disapprove the preliminary plat.~~

22.19.002 Type of application.

A final plat is a Type IV application. The ~~hearing examiner planning commission~~ shall make a recommendation to the city council, which shall make a closed record final decision. Applications shall be processed as set forth in Chapter [22.06](#) FMC.

22.19.004 Recommendations and certificates as prerequisites for final plat approval.

Each final plat submitted for approval shall be accompanied by the following written statements:

- (a) A certification from the local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;
- (b) A recommendation from the ~~hearing examiner planning commission~~ as to compliance with all of the terms of preliminary approval of the proposed plat or dedication;
- (c) A signed and certified statement from the responsible professional engineer as to compliance with all of the preliminary approval requirements for infrastructure improvements or guarantees thereof and conformance of the final plat with the general requirements for subdivision approval set forth in Chapter [22.21](#) FMC, Chapter [58.17](#) RCW and other applicable state laws;

(d) A certification from the city engineer that based on evidence presented, required subdivision improvements appear to be constructed to city standards.

22.20.002 Type of approval and criteria for approval of a plat vacation.

(a) Type of Application. A plat vacation is a Type III-~~A-B~~ application. The hearing examiner shall make the final decision on all plat vacations. planning commission shall make a recommendation to the city council, which shall make a closed record final decision. A short plat vacation is Type II application and shall be processed in accordance with Chapter [22.17](#) FMC.

(b) Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use and interest would not be served in retaining title to those lands.

(c) Vacation of Streets. When the vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Chapter [35.70](#) RCW or the city's street vacation ordinance. Private rights or potential rights need to be respected in any vacation of existing street dedications.

22.20.004 Type of application and criteria for approval of a plat alteration.

(a) Type of Application. A plat alteration is a Type III-~~A-B~~ application. The hearing examiner shall make the final decision on all plat vacations. planning commission shall make a recommendation to the city council, which shall make a closed record final decision. A short plat alteration is a Type II application and shall be processed in accordance with Chapter [22.17](#) FMC.

(b) Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use and interest will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with FMC [22.20.002\(c\)](#).

(c) Revised Plat. After hearing examiner or director~~city council~~ approval of the alteration, the hearing examiner or director~~council~~ shall direct the applicant to produce a revised drawing of the approved alteration of the final plat which, after city ~~signature of the mayor~~, shall be filed with the county auditor to become the lawful plat of the property.

22.24.008 Siting priority on public property.

(a) Where public property is sought to be utilized by an applicant, priority for the use of city-owned land for wireless antennas and towers will be given to the following entities in descending order:

- (1) City of Fircrest;
- (2) Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the city of Fircrest, and private entities with a public safety agreement with the city of Fircrest;
- (3) Other governmental agencies, for uses which are not related to public safety; and
- (4) Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, internet, paging, and similar services that are marketed to the general public.

(b) Minimum Requirements. The placement of personal wireless service facilities on city-owned property must comply with the following requirements:

- (1) The facilities will not interfere with the purpose for which the city-owned property is intended;
- (2) The facilities will have no significant adverse impact on surrounding private property;
- (3) The applicant shall obtain liability insurance deemed adequate by the city, provide proof of such insurance upon request by the city, and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The city shall establish fees after considering comparable rates in other cities, potential expenses, risks to the city, and other appropriate factors;
- (4) The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the costs of removing the facilities;
- (5) The antennas or tower will not interfere with other users who have a higher priority as discussed in subsection (a) of this section;

(6) The lease shall provide that the applicant must agree that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the city may require the applicant to remove the facilities at the applicant's expense;

(7) The applicant must reimburse the city for any related costs which the city incurs because of the presence of the applicant's facilities;

(8) The applicant must obtain all necessary land use approvals; and

(9) The applicant must cooperate with the city's objective to encourage co-locations and thus limit the number of cell sites requested, or camouflage the site.

(c) Special Requirements for Parks. The use of city-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:

(1) The parks and recreation director has reviewed and made a recommendation regarding proposed personal wireless service facilities to be located in the park and this recommendation must be forwarded to the ~~hearing examiner~~planning commission and/or city council, as appropriate, for consideration;

(2) In no case shall personal wireless service facilities be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities;

(3) Before personal wireless service facilities may be located in public parks, consideration shall be given to visual impacts and disruption of normal public use; and

(4) Personal wireless service facilities should be camouflaged and have a ground mount or structure mount design, if possible.

22.24.011 Design criteria.

(a) As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.

(b) Facilities shall be architecturally compatible with the surrounding buildings and land uses and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

(1) Setback. Antennas and associated support structures shall comply with the minimum setback requirements specified in the underlying zone district and shall not be located within the area between the front setback line and the front of the main building(s) on a lot; provided, however, that the city may reduce such requirements if:

(A) There are unusual geographical limitations which preclude the placement of the facilities in full compliance with the specified setback requirement;

(B) The placement of the facilities within the required setback will allow for more effective screening and camouflaging of the facilities; and

(C) There will be no significant adverse impact on adjoining properties resulting from the reduced setback.

The city may, on a case-by-case basis, increase the required setbacks for antennas and associated support facilities if necessary to ensure that potential impacts on adjoining properties are effectively mitigated.

(2) Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way.

(3) View Corridors. Due consideration shall be given so that placement of towers, antenna, and personal wireless service facilities do not obstruct or significantly diminish views of Mt. Rainier or the Olympic Mountains.

(4) Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

(5) Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

(6) Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

(A) The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

(B) Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in the city's design guidelines or other applicable standards, unless it can be demonstrated that such screening will create a greater negative visual impact than an unscreened building.

(C) Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

(D) Equipment buildings shall comply with setback requirements specified in the underlying zone district and shall be designed so as to conform in appearance with nearby residential structures if located within a residential land use designation area.

(E) Equipment buildings, antenna, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.

(7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

(8) Building Codes, Safety Standards. To ensure the structural integrity of towers, the provider/owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the provider/owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the provider/owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the provider's/owner's expense.

(9) Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of plans stamped by a licensed structural engineer which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

(10) Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip. All landscaping shall comply with the city's design guidelines and other applicable standards.

(11) Landscaping/Screening.

(A) Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

(B) The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping and any irrigation deemed necessary by the city shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for, or as a supplement to, landscaping requirements.

(i) A row of evergreen trees a minimum of six feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence;

(ii) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above;

(iii) In the event that landscaping is not maintained at the required level, the city after giving 30 days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.

(12) Tower and Antenna Height.

(A) The applicant shall demonstrate that the tower and antenna are the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount shall exceed 60 feet in low density residential, medium density residential, high density residential and neighborhood commercial land use designation areas or 110 feet in the community commercial or industrial land use designation areas. Towers or mounts shall not exceed 60 feet in areas designated parks, recreation, and open space, and public and quasi-public facilities, if located within 250 feet of a land use designation area with a 60-foot height limit. Otherwise, towers or mounts located in these two land use designation areas shall not exceed 110 feet.

(B) A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. When granting a variance, the ~~hearing examiner~~planning commission shall require that a significant portion of the tower and related facilities be screened by existing trees or existing structures. Generally, this means that all but the top 15 feet of the tower and related facilities shall be screened by existing trees or existing structures. Variance criteria are listed in FMC [22.24.013](#).

(13) Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(14) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city, unless it can be demonstrated that the use of on-street parking spaces will create less impact on the immediate neighborhood. Security fencing should be colored or of a design which blends into the character of the existing environment consistent with the provisions listed in subsection (b)(10) of this section.

(15) Antenna Criteria. Antenna on or above a structure shall be subject to the following:

(A) The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.

(B) The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets. An antenna may project into a required building setback a distance not to exceed that allowed for architectural projections in the underlying zoning district; provided, that such encroachment is required for technical reasons.

(C) The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

(D) The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project more than 16 feet above the roof line of the building including parapets but excluding the enclosure.

(E) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.

(F) The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.

(G) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated in advance by the city, relative to its design guidelines and other applicable standards.

(H) For installations on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:

(i) The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

(ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

(iii) The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if co-locating and an adequate screening structure are used.

(iv) Roof-mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

(v) No portion of the antenna exceeds 16 feet above the roof line of the existing building including parapets but excluding mechanical equipment enclosures and other projecting features.

(I) Antennas attached to the roof or sides of a building at least 30 feet in height, an existing tower, a water tank, or a similar structure must be either:

(i) An omnidirectional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which they are attached; or

(ii) A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than 10 feet.

(J) Except as set forth herein, no signs, banners or similar devices or materials may be attached to the tower, antenna support structures or antennas.

(K) Antenna, antenna arrays, and support structures not on publicly-owned property shall not extend more than 16 feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

(L) Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.

(M) To the extent that antenna are attached to electric, phone or light poles and such antenna are no more than two feet in height, administrative use and building permit review will be required, but such antenna shall not be subject to setbacks and screening requirements.

(N) If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

(O) No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna is camouflaged in accordance with applicable design guidelines.

(P) All personal wireless service providers or lessees or agents thereof shall cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the planning/building director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

(Q) All personal wireless service providers or lessees shall assure that their antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional radio frequency (RF) engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC-approved levels of electromagnetic radiation will not be exceeded by the co-location.

(R) No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

(S) No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

(16) Noise. No equipment shall be operated so as to produce noise in violation of the maximum noise levels set forth in Chapter [173-60 WAC](#).

22.24.013 Variances.

Variances from the provisions of this chapter shall be processed in accordance with this title and may be granted by the ~~hearing examiner~~[planning commission](#) upon ~~it~~-making the following findings:

(a) The granting of the variance will facilitate the installation of facilities which represent a positive design improvement over what would otherwise be permitted by this chapter.

(b) The granting of the variance is necessary for adequate service to be provided to residents of the city, and no alternative locations or designs are available to provide an adequate level of service to the city.

(c) Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property.

(d) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity in which the subject facilities would be located.

22.46.005 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](#)).

(c) Uses otherwise subject to site plan or conditional use permit approval which have been authorized by the ~~hearing examiner~~[planning commission](#) as part of a master plan pursuant to FMC [22.46.006](#).

22.46.006 Master plans.

Approval of a master plan by the ~~hearing examiner~~[planning commission](#) is required for substantial redevelopment or substantial new development within areas designated "special planning areas" on the comprehensive plan's land use designation map. Each master plan shall contain a pedestrian plaza with landscaping, seating, tables and complementary

uses that render the site a pleasant, safe and comfortable resting, socializing and picnicking area for employees and shoppers in accordance with FMC [22.58.016](#). The master plan shall be processed as a major site plan in accordance with Chapter [22.72](#) FMC. Upon approval of a master plan, specific uses that would otherwise be subject to site plan or conditional use permit approval in Chapter [22.68](#) FMC and determined by the director to be consistent with the approved master plan may be approved in accordance with the administrative use permit review process contained in Chapter [22.70](#) FMC. No additional ~~hearing examiner~~~~planning commission~~ approval is required for these previously authorized uses. If a proposed individual use represents a substantial modification to, or departure from, the approved master plan, the proposal shall be processed as a site plan amendment in accordance with FMC [22.72.012](#).

22.54.005 Administrative uses.

Uses permitted subject to administrative use permit approval in accordance with Chapter [22.70](#) FMC:

- (a) Personal wireless service facility (subject to compliance with Chapter [22.24](#) FMC).
- (b) Uses otherwise subject to site plan or conditional use permit approval which have been authorized by the ~~hearing examiner~~~~planning commission~~ as part of a master plan pursuant to FMC [22.54.006](#).

22.56.004 Conditional uses.

Uses permitted subject to conditional use permit approval by the ~~hearing examiner~~~~planning commission~~ in accordance with Chapter [22.68](#) FMC and administrative design review approval in accordance with Chapter [22.66](#) FMC:

- (a) Personal wireless telecommunications facility which exceeds one or more standards set forth in Chapter [22.24](#) FMC.
- (b) 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). Includes substations existing on the effective date of this section.
- (c) 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.

22.56.005 Administrative uses.

Uses permitted subject to administrative use permit approval in accordance with Chapter [22.70](#) FMC:

- (a) Personal wireless service facility (subject to compliance with Chapter [22.24](#) FMC).
- (b) Nonresidential uses otherwise subject to site plan or conditional use permit approval which have been authorized by the ~~hearing examiner~~~~planning commission~~ as part of a master plan pursuant to FMC [22.56.006](#).

22.58.011 Short-term rental establishments.

(a) Purpose and Intent. The purpose of this section is to:

- (1) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.
- (2) Protect neighborhood character and stability.
- (3) Establish criteria and standards for the use of residential structures as short-term rentals.

(b) Permit Requirements. A short-term rental establishment may be carried on upon the issuance of a business license pursuant to Chapter [5.04](#) FMC and the issuance of a short-term rental permit by the director.

(c) Submittal Requirements. Application for a short-term rental permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the short-term rental activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Short-Term Rental Types Defined. The following definitions apply to the short-term rental types allowed through the provisions of this section:

- (1) "Room rental establishment" means a lodging use, where individual rooms within a single dwelling unit are provided for less than 30 consecutive days for a fee by prearrangement. This shall include bed and breakfast establishments.
- (2) "Dwelling unit rental" means a dwelling unit, typically rented in its entirety, for less than 30 consecutive days for a fee by prearrangement.
- (e) Processing Requirements.

(1) The director shall approve a proposed short-term rental establishment, which complies with all the performance standards set forth in this section, except as provided in subsection (e)(2) of this section. The director may impose conditions of approval to ensure that the activity is conducted in a manner consistent with the standards and purpose and intent of this section.

(2) A proposed room rental establishment providing more than two bedrooms available for rent is subject to conditional use permit approval in accordance with Chapter [22.68](#) FMC.

(f) Room Rental Establishment Standards.

(1) Room rentals shall be an incidental or secondary use to the primary use, which is considered to be the principal residential dwelling unit.

(2) The owner/lessee of the structure shall operate the establishment and reside on site.

(3) Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast or light snacks for registered guests.

(4) A maximum of four bedrooms or suites may be made available for rent. There shall be no expansion in the number of guest rooms beyond the number approved.

(5) No separate or additional kitchens for guests are permitted. Limited cooking facilities shall be allowed inside guestrooms, or inside other rooms that are used solely by guests, such as small microwaves, and refrigerators.

(6) Receptions, private parties or similar activities, for which a fee is paid or which are allowable as a condition of room rental, may be permitted upon a determination by the ~~hearing examiner~~[planning commission](#) that such activities will not significantly impact the adjoining neighborhood.

(7) One off-street parking space shall be provided on site for each rental bedroom. The number of required off-street spaces may be reduced by the number of spaces available on the street frontage adjoining the parcel upon which the room rental is to be established, if the decision-maker determines that sufficient on-street parking will exist to satisfy parking demand in the neighborhood once the room rental has been established. Any additional off-street parking provided in conjunction with the room rental shall, to the extent possible, be located to the side or rear of the structure housing the room rental in order to minimize visual impacts on the streetscape. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing. The parking surface and additional driveway surface required to provide access to the parking area shall be constructed of permeable, porous or pervious pavers to achieve low impact development objectives and a superior appearance when compared with conventional asphalt or concrete pavement. For additional off-street parking standards, see Chapter [22.60](#) FMC.

(8) Certification by the building official that the residence complies with fire and life safety aspects is required. Inspection fee may apply.

(g) Dwelling Unit Rental.

(1) The number of persons per sleeping area shall comply with the International Building Code.

(2) Two off-street parking spaces shall be provided on site.

(h) Other Regulations.

(1) Proof of ownership or approval of property owner is required.

(2) The room rental shall be exempt from the home occupation requirements of FMC [22.58.013](#).

(3) The exterior appearance of the structure shall maintain its original character.

(4) Signage shall comply with Chapter [22.26](#) FMC, Sign Regulations.

(5) Permits shall lapse and become void if the establishment ceases operation for 12 consecutive months, applicant named on the permit moves from or sells the site, or the applicant fails to maintain a valid business license.

22.58.020 Development agreement.

(a) ~~Hearing Examiner~~[Planning Commission](#) and City Council Authority. The ~~hearing examiner~~[planning commission](#) is hereby authorized to conduct a public hearing for the consideration of a development agreement subject to RCW [36.70B.170](#) through [36.70B.200](#). The ~~hearing examiner~~[planning commission](#) shall transmit its recommendations on the proposed agreement to the city council. The city council is hereby authorized to approve, approve with conditions, or deny, a proposed development agreement after considering the ~~hearing examiner's~~[planning commission's](#) recommendations at a closed record hearing.

(b) Application. Development agreement applications must be submitted on forms provided by the director. The director may require any additional information necessary in order for the city to adequately review the proposed agreement.

(c) Required Findings. In addition to any required findings for the underlying action, the city council must be able to find that a development agreement:

(1) Bears a substantial relationship to the public health, safety, morals and welfare;

(2) Is consistent with the city's development regulations; and

(3) Is consistent with the city's comprehensive plan.

22.60.003 Parking space requirements per activity.

The following tables identify the minimum number of parking spaces required to be provided for each activity unless a reduction is authorized in accordance with this chapter. The director or ~~hearing examiner~~planning commission, as specified in this chapter, shall determine the actual required spaces for a proposed activity based on the tables below, the requirements of this chapter and on actual field experience. If the formula for determining the number of off-street parking spaces results in a fraction, the number of spaces shall be rounded to the nearest whole number with fractions greater than or equal to one-half rounding up and fractions less than one-half rounding down. In the following tables, "sf" means square feet of gross floor area, and "du" means dwelling unit, unless otherwise noted.

(a) Residential and Lodging Activities.

Use	Required Spaces
Single-family	2 per du.
Duplex and townhouse	1.5 per du.
Cottage housing	1 per du ≤ 800 sf; 1.5 per du > 800 sf. Shared guest parking not to exceed .5 per du.
Multifamily	1.25 per du.
Multifamily – Affordable senior housing*	.6 per du.
Congregate care facility	.5 per du.
Group residences, including hospice care center, residential care facility, and residential treatment facility	.5 per bedroom.
Accessory dwelling unit (ADU)	None, unless additional spaces are determined to be necessary.
Home occupation – Type II	To be determined during processing of CUP application.
Bed and breakfast establishment	1 per guest room, + 1 per facility, unless a lower number is determined to be adequate during processing of CUP application.
Hotel/motel	1 per guest room + 2 per 3 employees.

* "Affordable" means dwelling units priced, rented or leased only to those households earning 80 percent or less of the median household income for Pierce County, Washington. "Senior" means dwelling units specifically designed for and occupied by elderly persons under a federal, state or local government program or occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

(b) Commercial Activities.

Use	Required Spaces
Financial institution, including bank, savings and loan, and credit union	1 per 400 sf.
Administrative or professional office	1 per 400 sf.
Medical or dental office	1 per 350 sf.
Commercial mixed use, including a combination of retail, office, service, recreational and/or residential uses	See subsection (j) of this section, Joint Use.
Laboratory, including medical, dental and optical	1 per 400 sf.
Food-serving establishment	1 per 150 sf of dining/lounge area.

Use	Required Spaces
High intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 400 sf. Maximum 1 per 300 sf.
Low intensity retail or service shop. See subsection (h) of this section for examples.	Minimum 1 per 600 sf. Maximum 1 per 400 sf.
Shopping center which includes a mix of high and low intensity retail or service shops	Minimum 1 per 500 sf. Maximum 1 per 350 sf.
Bulk retail sales/wholesale sales	1 per 350 sf.
Uncovered commercial area, including vehicle lots and plant nursery	1 per 5,000 sf of retail sales + any parking requirements for buildings.
Motor vehicle repair and services	1 per 400 sf (indoor maintenance bays shall not be considered parking spaces).
Child day-care	2 per facility + 1 per 20 children.
Veterinary clinic	1 per 400 sf.
Mortuary or funeral home	1 per 100 sf of floor area used for services.

(c) Educational Activities.

Use	Required Spaces
Elementary, intermediate, middle or junior high school	1 per classroom + 1 per 50 students.
High school	1 per classroom + 1 per 10 students.
Vocational school	1 per classroom + 1 per 5 students.
Preschool	1 per 6 children.

(d) Industrial Activities.

Use	Required Spaces
Manufacturing	1 per 1,000 sf (less office and display space) + 1 per 400 sf of office space + 1 per 500 sf of display space.
Technological or biotechnological laboratory or testing facility	1 per 1,000 sf (less office space) + 1 per 400 sf of office space.
Speculative light industrial building with multiple use or tenant potential	1 per 1,500 sf for initial 100,000 sf + 1 per 2,000 sf for remainder of building (less office space). 1 per 400 sf of office space.
NOTE: For each new use or tenant the property owner shall submit a scaled parking plan indicating the assigned parking for the applicable building.	NOTE: This is a minimum requirement valid for construction purposes only. Parking requirements shall be based upon actual occupancy.
Outdoor storage area	1 per 5,000 sf of storage area.

(e) Recreational, Amusement and Assembly Activities.

Use	Required Spaces
Auditorium, theater, place of public assembly, stadium or outdoor sports arena	1 per 4 fixed seats or 1 per 175 sf of main auditorium or of principal place of assembly not containing fixed seats + 1 per 300 sf of office.
Bowling alley	3 per lane.
Skating rink	1 per 200 sf.
Golf course	4 per hole, plus as required for associated uses including clubhouse, pro shop and maintenance facility.
Golf driving range	1 per driving station.
Miniature golf course	1 per hole.
Health club, dance studio	1 per 300 sf.

(f) Public, Institutional, Medical and Religious Activities.

Use	Required Spaces
Government facility	1 per 300 sf of office space; 1 per 1,000 sf of indoor storage or repair area associated with public agency yard. Other use areas shall be calculated based on the above requirements and, if applicable, the shared parking facilities provisions in FMC 22.60.005 .
Library, museum, or gallery	1 per 500 sf.
Civic, labor, social or fraternal organization	1 per 300 sf.
Convalescent, nursing or rest home	1 per 3 beds + 5 per employee.
Religious institution	1 per 8 seats in the main sanctuary including balconies and choir lofts. Other use areas shall be calculated based on the above requirements and, if applicable, the shared parking facilities provisions in FMC 22.60.005 .

(g) Other Uses. For uses not specifically identified in this chapter, the amount of parking required shall be based on the requirements for similar uses as determined by the director or [hearing examinerplanning commission](#), as appropriate.

(h) Retail Sales and Service Uses. For the purpose of determining the parking requirements for retail sales and service uses, the following distinctions are made:

(1) High intensity retail sales and service uses include, but are not limited to: barber/beauty shop, laundromat, mini-mart, drugstore, service (fuel) station with retail sales, and supermarket.

(2) Low intensity retail sales and service use include, but are not limited to: antique store, appliance sales, auto sales (building only), equipment repair shop, furniture store, hardware store, photography sales and shoe repair.

(i) Speculative Use. When the city has received an application for a site plan approval or other permits for a building shell without tenant uses being specified, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the site plan or other permit. When the range of possible uses results in different parking requirements, the director or [hearing examinerplanning commission](#), as appropriate, will establish the amount of parking based on a likely range of uses.

(j) Joint Use. In the case of two or more uses in the same building or on the same lot, for example within a commercial mixed use development that includes retail, residential and other uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use. However, an applicant may request a parking demand reduction credit per FMC [22.60.004](#) and/or a shared parking facilities credit per FMC [22.60.005](#) to reduce the overall parking requirement. The director or [hearing examinerplanning commission](#), as appropriate, shall be responsible for determining the various uses within a building or on a lot and the resulting parking requirements for each use.

22.60.004 Parking demand reduction credit.

A property owner may request a reduction from the minimum required off-street parking by substantiating that parking demand will be reduced for the life of the project. This request shall be reviewed in conjunction with a site plan, conditional use permit, or preliminary development plan application. In such cases, the ~~hearing examiner~~~~planning commission~~ may approve a reduction of up to 50 percent of the minimum required number of spaces if a parking demand study prepared by a professional traffic engineer substantiates that:

- (a) Because of the unique nature of the use, the characteristics of the site and surrounding neighborhood, the availability of alternative means of transportation, or other relevant local factors, parking demand can be met with a reduced number of spaces; or
- (b) A shared parking facility designed in accordance with FMC [22.60.005](#) will effectively reduce parking demand to a level below the minimum required parking; or
- (c) A combined parking facility for two or more complementary uses which have similar hours of operation will reduce parking demand to a level below the minimum required parking. The ~~hearing examiner~~~~planning commission~~ may authorize a five percent reduction for two complementary uses, a 10 percent reduction for three uses, and a 15 percent reduction for four or more uses; or
- (d) An employee-sponsored commute trip reduction program designed in accordance with state law will effectively reduce parking demand below the minimum required parking.

22.60.005 Shared parking facilities.

A property owner may submit a request for a shared parking facility as part of a site plan, conditional use permit, or preliminary development plan application. In such case, the ~~planning commission~~~~hearing examiner~~ may reduce the number of required off-street parking spaces when shared parking facilities for two or more uses are proposed, provided:

- (a) The total parking area exceeds 5,000 square feet;
- (b) The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all parking facilities are connected with improved pedestrian walkways, and no building or use involved is more than 600 feet from the most remote shared facility unless transportation is provided between the parking generator and parking facility;
- (c) The amount of the reduction shall not exceed 10 percent for each use, unless:
 - (1) The normal hours of operation for each use are separated by at least one hour; or
 - (2) A parking demand study prepared by a professional traffic engineer documents that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized;
- (d) The total number of parking spaces in the common parking facility is not less than the minimum required spaces for any single use;
- (e) A covenant or other contract for shared parking between the cooperating property owners is approved by the ~~hearing examiner~~~~planning commission~~ and city attorney. This covenant or other contract must be recorded with the Pierce County auditor as a deed restriction on both properties and cannot be modified or revoked without the consent of the ~~planning commission~~~~hearing examiner~~ and city attorney; and
- (f) If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the ~~hearing examiner~~~~planning commission~~ and city attorney or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

22.60.006 Maximum parking space provisions.

For multifamily residential, commercial and industrial uses, the number of off-street parking spaces provided shall not exceed 120 percent of the minimum required number of spaces specified in FMC [22.60.003](#). A property owner may submit a request as part of a site plan, conditional use permit, or preliminary development plan application to provide parking spaces in excess of the maximum allowable number. The ~~hearing examiner~~~~planning commission~~ may approve an increase of up to 50 percent of the minimum required number of spaces if:

- (a) A parking demand study prepared by a professional traffic engineer supports the need for increased parking and demonstrates that:
 - (1) Shared and combined parking opportunities in FMC [22.60.005](#) have been fully explored and will be utilized to the extent practicable;
 - (2) On-site park and ride facilities have been fully explored and will be provided to the extent practicable;
 - (3) Commute trip reduction measures will be implemented, if required by state law, to the extent practicable.
- (b) The project has been designed to include the following design elements, facilities and programs to the satisfaction of the ~~hearing examiner~~~~planning commission~~. In those instances where site constraints impede compliance with the design requirements, written findings of fact shall be made identifying site and project constraints and included in the final notice

of decision. In its findings, the ~~hearing examiner~~~~planning commission~~ shall determine if a good faith effort has been made in building and site design in order to accommodate the following design elements, facilities and programs.

- (1) The excess parking spaces shall be located within an enclosed parking structure or constructed of a permeable surface such as interlocking paving blocks (cement or plastic) or other porous pavement which minimizes impervious surface and achieves a superior appearance when compared with a large expanse of asphalt or concrete paving.
- (2) Alternative parking lot designs shall be utilized in order to reduce impervious surface, e.g., one-way instead of two-way access aisles.
- (3) The amount of required landscaping within the area of additional parking shall be doubled. This additional landscape area may be dispersed throughout the parking lot.
- (4) A minimum of 75 percent of the parking spaces shall be located behind the building, and the remainder shall not be located within the minimum and maximum yard setback areas adjoining a street. Parking lots located along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities; e.g., low walls, street furniture, seating areas, public art, etc.
- (5) Preferential parking shall be located near primary building entrances for employees who rideshare and for high occupancy vehicles, if applicable.
- (6) The developer shall create a transit/rideshare information center and place it in a conspicuous location on the premises.
- (7) For sites located adjacent to or within 600 feet of a Pierce Transit bus or van route, the developer shall fund the purchase and installation of a transit shelter package, including seating, trash receptacle and related facilities for each side of the street which has a transit route, consistent with Pierce Transit operational needs in accordance with FMC [22.60.014](#).

22.60.008 Parking and driveway design standards.

(a) Parking space and driveway/aisle dimensions. The minimum parking space and aisle dimensions for the most common parking angles are shown in the accompanying table. For parking angles other than those shown on the table, the minimum parking space and aisle dimensions shall be determined by the director or ~~hearing examiner~~~~planning commission~~, as appropriate. Regardless of the parking angle, one-way aisles shall be at least 12 feet wide, and two-way aisles shall be at least 19 feet wide.

Minimum Space and Driveway/Aisle Dimensions

	<i>Space Angle (degrees)</i>				
	0°(parallel)	30°	45°	60°	90°
<i>Space Width (ft)</i>					
Regular space	8.5	8.5	8.5	8.5	8.5
Compact space	8	8	8	8	8
<i>Space Depth (ft)</i>					
Regular space	22	18	18	18	18
Compact space	19	15	15	15	15
<i>Driveway/Aisle (ft)</i>					
One-way	12	13	13	17	22
Two-way	19	20	20	20	22
* See FMC 22.60.009 for information on the accessible parking space dimensions.					

(b) Compact Car Space Requirements. The installation of compact spaces is required so that impervious surface coverage associated with parking facilities is minimized and the appearance of sites is enhanced by increasing the proportion of landscaping relative to pavement. No less than 40 percent and no more than 50 percent of the total number of spaces provided for a multifamily residential or nonresidential development shall be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping. Aisle widths shall conform to the standards set for standard size cars.

(c) Extra Width Adjoining Landscaped Areas. Parking spaces abutting a landscaped area or raised walkway on the drive or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement. This additional space will provide a place to step other than in the landscaped area or allow for easier ingress and egress next to a vehicle. The additional width shall be separated from the adjacent landscaped area by a parking space division stripe.

(d) Parking Space Depth Reduction.

(1) Where parking spaces abut a walkway, parking space depth may be reduced by up to 18 inches and a portion of the walkway utilized for vehicle overhang; provided, that wheelstops or curbs are installed and the remaining walkway provides a minimum of five feet of unimpeded passageway for pedestrians.

(2) To minimize impervious surface and enhance landscaping, parking space pavement depth may be reduced by up to 18 inches when the pavement at the front end of a space is replaced by a landscaped area containing groundcovers which do not exceed a maximum height of six inches above parking space grade. Wheel stops or curbs shall be installed to protect this area from vehicular damage.

(e) Driveway Widths and Locations. Driveways for single-family detached dwellings shall not exceed 20 feet in width unless the director approves an alternative design which uses a permeable surface such as interlocking paving blocks or other porous pavement which minimizes impervious surface. In no case shall the driveway exceed 20 feet within the public right-of-way or exceed the minimum width necessary to provide reasonable access to the dwelling. No more than one driveway is permitted to provide access to a single-family detached dwelling. Driveways for all other developments may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street; provided, that driveway width does not exceed the minimum necessary to provide safe vehicular and pedestrian circulation. Driveways oriented parallel to a street shall not be located within the minimum and maximum yard setback areas adjoining the street, unless there is no other practicable alternative to provide access to the interior of a site.

(f) Lighting. Lighting shall be provided in accordance with FMC [22.58.018](#).

(g) Tandem Parking. Tandem or end-to-end parking is allowed in single-family detached residential developments. Duplex and multifamily developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(h) Parking Surface. All required vehicle parking and storage must be in a garage, carport or on an approved, dust-free, all-weather surface. Use of a permeable surface such as interlocking paving blocks or other porous pavement that minimizes impervious surface is encouraged for spaces which are used infrequently. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

22.60.010 Bicycle parking facilities.

(a) In any development required to provide 12 or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

(b) Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:

(1) The ~~hearing examiner~~[planning commission](#) may reduce bike rack or locker-type parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

(2) The ~~hearing examiner~~[planning commission](#) may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(A) Park and playfield;

(B) Library, museum, and arboretum;

(C) Elementary or secondary school; or

(D) Recreational or amusement facility.

(c) Bicycle facilities for patrons shall be located on site, designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement, or allow for the entire bicycle to be enclosed within a locker.

(d) All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, well lighted for nighttime use, and located in covered areas or otherwise be protected from the elements where practicable.

22.60.011 Loading space requirements.

(a) Applicability. For all new development or uses, adequate permanent off-street loading space and associated maneuvering area shall be provided if the use requires deliveries or shipment of people, materials, and/or merchandise. Structures and uses which require loading space and associated maneuvering area include but are not limited to the following: warehouses, supermarkets, department stores, office buildings greater than or equal to 20,000 square feet, industrial or manufacturing uses, mortuary and other commercial and industrial buildings or uses which, in the judgement of the director or the ~~hearing examiner~~[planning commission](#) as specified in this chapter, are similar in nature in regard to loading space and maneuvering area requirements.

(b) Quantity. One loading space shall be provided for each 12,000 square feet of floor area or fraction thereof within a building intended to be used for merchandising, manufacturing, warehousing, or processing purposes. If the building contains more than 24,000 square feet of floor area used for these purposes, then one additional space shall be provided for each additional 24,000 square feet of floor area so used. The ~~hearing examiner~~~~planning commission~~ may authorize a reduction or waiver based on the quantity of pick-up and delivery vehicles associated with the given structure or use.

(c) Dimensions and Location. Each loading space required by this section shall be a minimum of 10 feet wide and 30 feet long, shall have an unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced, improved, and maintained as required by this chapter. Loading spaces shall be located so that trucks will not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space and maneuvering areas shall be separated from required parking areas and shall be designated as truck loading spaces. For developments with buffer yards, the loading space and maneuvering area shall be:

(1) Located at the farthest distance from the buffer yard as practicable; and

(2) If possible, located in such a manner that the primary building is between the buffer yard and the loading and maneuvering area.

(d) Impact Mitigations. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

(e) Self-Service Storage Facilities. Multi-story self-service storage facilities shall provide two loading spaces, and single-story facilities, one loading space, adjacent to each building entrance that provides common access to interior storage units.

22.60.013 Pedestrian circulation and access.

The following general pedestrian design standards shall apply to all developments throughout the city in addition to those outlined elsewhere within special planning areas and design overlay districts:

(a) All uses, except detached single-family dwellings, shall provide pedestrian access onto the site. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be located as follows:

(1) Access points at property edges and to adjacent lots shall be coordinated with existing development to provide circulation connections between developments; and

(2) Residential developments shall provide links between cul-de-sacs or groups of buildings and nearby streets to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open spaces, schools, or other public facilities, transit stops, and public streets.

(b) Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and vehicular traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall be provided when the pedestrian access point or any parking space is more than 75 feet from the building entrance or principal on-site destination and as follows:

(1) All developments which contain more than one building shall provide walkways between the principle entrances of the buildings;

(2) All nonresidential buildings set back more than 100 feet from the public right-of-way shall provide for reasonably direct pedestrian access from the building to buildings on adjacent lots; and

(3) Pedestrian walkways across parking areas shall be located as follows:

(A) Walkways running parallel to the parking rows shall be provided at a minimum of every four rows; and

(B) Walkways running perpendicular to the parking rows shall be no further than 20 parking spaces.

(c) Pedestrian access and walkways shall meet the following minimum design standards:

(1) Access and walkways shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;

(2) Access and walkways shall be a minimum of five feet of unobstructed width and meet the city's surfacing standards for walkways or sidewalks;

(3) Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture or other equivalent means;

(4) Wherever walkways are provided, raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel; and

(5) Lighting shall be provided to an intensity where the access and walkways can be used at night by the employees, residents, and customers. Lighting shall be height appropriate to a pedestrian pathway system.

(d) Blocks in excess of 900 feet in length shall be provided with a crosswalk at the approximate midpoint of the block, or as the ~~hearing examiner~~~~planning commission~~ determines to be appropriate.

22.60.015 Parking reductions for temporary outdoor sales events.

(a) A property owner or business owner may submit a request for a temporary reduction in the number of off-street parking spaces provided on a commercial site when a proposed outdoor sales event will be located within the off-street parking facility associated with the business and the number of parking spaces will be reduced below the minimum required in FMC [22.60.003](#).

(b) The request shall be processed in accordance with the conditional use permit procedures in Chapter [22.68](#) FMC or the major site plan review procedures in Chapter [22.72](#) FMC, consistent with the applicable processing requirements for the principal use on the site. The ~~hearing examiner~~[planning commission](#) shall consider the potential impacts of the sales event on adjoining uses and may limit the number of sales events or their duration, or impose other restrictions, in order to mitigate these impacts.

(c) The ~~hearing examiner~~[planning commission](#) may authorize a parking reduction for one or more temporary sales events if the following standards are met:

(1) At least 50 percent of the off-street parking spaces required in FMC [22.60.003](#) for the commercial use is maintained during the sales event.

(2) If less than 50 percent of the off-street parking spaces required in FMC [22.60.003](#) for the commercial use will remain available for customer or employee use during the sales event, the number of spaces needed to meet the 50 percent threshold will be provided at a nearby off-site parking facility. In such case, the applicant shall provide a written statement from the owner/operator of the off-site parking facility agreeing to make available the necessary number of spaces to the operator of the sales event for the duration of the event.

(3) If off-site parking is required in subsection (c)(2) of this section, directional signs will be installed by the applicant, to the satisfaction of the city, to inform the public of the availability of the off-site parking facility.

(d) If a property owner or business owner intends to conduct a series of outdoor sales events, the ~~hearing examiner~~[planning commission](#) may authorize the director to approve individual sales events once the initial proposal has been approved by the ~~hearing examiner~~[planning commission](#).

(e) Temporary outdoor sales events authorized prior to the effective date of this section shall comply with the 50 percent parking threshold and directional signage requirement to the extent possible.

22.64.005 Street layouts.

Intent – Create an efficient, expandable, safe, and predictable system of minor and major streets.

(a) The street within and adjacent to a site plan or subdivision shall be designed to comply with the street and sidewalk standards in Chapter [22.22](#) FMC according to the roadway system functional classification in the comprehensive plan. Major streets shall refer to designated arterial and collector streets and minor streets shall refer to local streets and cul-de-sacs.

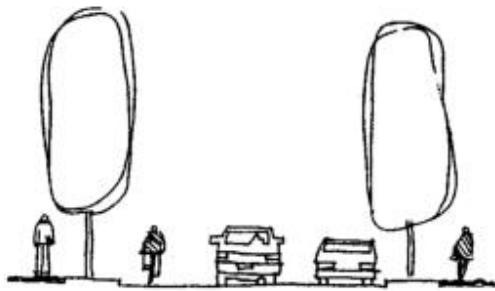
(b) Proposed streets and sidewalks should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or manmade conditions or unless such extension is determined to be unnecessary or undesirable by the ~~hearing examiner~~[planning commission](#).

(c) The street pattern for commercial and industrial site plans and subdivisions should be designed to expedite traffic movement, reduce conflicts between various types of land uses and pedestrians, and coordinate the location of proposed buildings with vehicular loading and parking facilities. Commercial and industrial site plans shall provide integral access through or between the property and adjacent properties and surrounding residential neighborhoods.

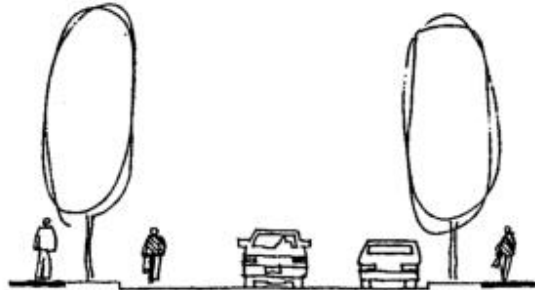
(d) Generally, street patterns should be based on a grid or interconnected network of streets rather than long irregular loops with dead-ends and cul-de-sacs. Grid street networks should provide regular and frequent intersections typically at 400-foot intervals. Grid layouts may be distorted to account for existing topography, natural features, landscape, and building improvements – and for visual interest.

(e) Within residential neighborhoods, street improvements should be designed to minimize the amount of land and paving necessary while maintaining safe and efficient vehicular and pedestrian circulation. Roadway improvements should provide bicycle routes, landscaped edges, and walkways appropriate to the amount of traffic and parking to be provided within each residential neighborhood.

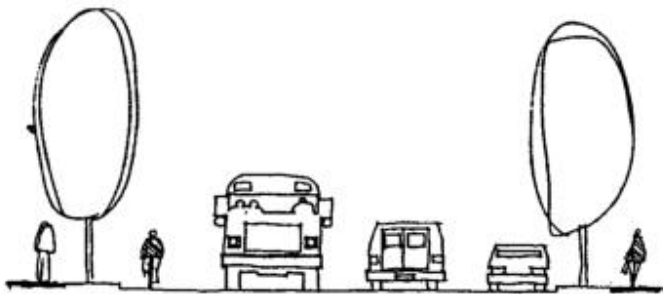
Street layouts



Access street – 44 foot-row



Sub-collector street – 50-foot row



Collector street – 60-foot row
Typical dimensions – vary

Within residential neighborhoods, street improvements should be designed to minimize the amount of land and paving necessary while maintaining safe and efficient vehicular and pedestrian circulation. Roadway improvements should provide bicycle routes, landscaped edges, and walkways appropriate to the amount of traffic and parking to be provided within each residential neighborhood.

22.68.001 Purpose.

The purpose of this chapter is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, type or duration of activity, or location with respect to surroundings, streets, existing improvements, or effects or demands upon public facilities. These uses require a special degree of control to ensure consistency with the comprehensive plan and compatibility with adjacent uses and the character of the surrounding neighborhood or community.

Conditional uses will be subject to review by the ~~hearing examiner~~[planning commission](#) and the issuance of a conditional use permit. This process allows the ~~hearing examiner~~[planning commission](#) to:

- Determine that the location and characteristics of these uses will be compatible with uses permitted in the surrounding area; and
- Make further stipulations and conditions that may reasonably ensure that the intent of this title will be served.

22.68.002 Authority.

The ~~hearing examiner~~[planning commission](#) may approve, approve with conditions, modify and approve with conditions, or deny, a conditional use permit. The ~~hearing examiner~~[planning commission](#) shall grant a conditional use permit when it has determined that the criteria listed in FMC [22.68.003](#) are met by the proposal. The ~~hearing examiner~~[planning commission](#) may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the ~~hearing examiner~~[planning commission](#) to make the required findings in FMC [22.68.003](#). These conditions may include, but are not limited to restrictions in hours of operations; restrictions on locations of structures and uses; structural

restrictions which address safety, noise, light and glare, vibration, odor, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.

22.68.003 Criteria for conditional use permit approval.

Before any conditional use permit may be granted, the ~~hearing examiner~~~~planning commission~~ shall adopt written findings showing that the following criteria are met by the proposal:

- (a) The proposed use will not be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.
- (b) The proposed use will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification.
- (c) The proposed use will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.
- (d) All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.

22.68.006 Amendment of conditional use permit.

An applicant may request an amendment to an approved conditional use permit by submitting to the department a description of the proposed amendment and accurate plans which clearly identify the proposed changes to the approved design, if applicable. The director may determine that:

- (a) The proposed amendment is exempt from further ~~hearing examiner~~~~planning commission~~ review because it represents a minor change from the terms of the original approval or the originally approved plans and the criteria listed in FMC [22.68.003](#) continue to be met; or
- (b) The proposed amendment is subject to additional ~~hearing examiner~~~~planning commission~~ review because it represents a major change from the terms of the original approval or to the originally approved plans.

A request to amend an approved conditional use permit which has been determined to be subject to additional review shall be processed using the same procedures applicable to the original conditional use permit process. The ~~hearing examiner~~~~planning commission~~ may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved conditional use permit are not permitted unless an applicant first obtains approval in accordance with this section.

22.68.007 Performance bond.

The ~~hearing examiner~~~~planning commission~~ may require as a condition of conditional use permit approval that the applicant furnish the city with a performance bond, or other form of guarantee deemed acceptable by the city attorney, to secure the applicant's obligation to complete the provisions and conditions of the permit as approved.

22.68.008 Duration of a conditional use permit approval.

In the event that a conditional use permit is not exercised within one year from the effective date of approval, it shall automatically become null and void; provided, however, that for good cause, the ~~hearing examiner~~~~planning commission~~ may grant a one-time extension of one year if an extension request is filed with the department no less than 45 days prior to the date of expiration for the conditional use permit. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original conditional use permit application. Before taking action to grant an extension, the ~~hearing examiner~~~~planning commission~~ shall adopt written findings showing that the following circumstances exist:

- (a) The proposal approved under the terms of the conditional use permit originally granted remains in conformance with current development standards contained in this title. (If the proposal would no longer conform to this title as a result of more restrictive standards being adopted subsequent to the original approval, the ~~hearing examiner~~~~planning commission~~ may consider a modified proposal which would comply with the more restrictive standards.)
- (b) The findings adopted in support of the original conditional use permit request remain valid and supportive of the time extension request.

22.72.001 Purpose.

The purpose of this chapter is to establish procedures for the review of commercial, industrial, residential, public and quasi-public developments for which site plan review is required. The site plan review process is intended to enable the appropriate review authority (~~hearing examiner~~~~planning commission~~ or director) to evaluate development proposals with respect to architectural design, landscape design, urban form, pedestrian and vehicular circulation, utility design, and site characteristics. The process allows the review authority to condition development proposals to ensure their compatibility with adjoining uses, compliance with development regulations, and consistency with comprehensive plan goals, objectives and policies. The process is intended to run concurrently with the administrative design review process to ensure that all critical design issues are addressed early in the site planning and review stages of project development.

22.72.002 Authority.

Two types of site plan review are established in this chapter, a “minor,” or administrative review, and a “major,” or ~~hearing examiner~~~~planning commission~~ review. The director is authorized to review development proposals subject to minor site plan review as listed in FMC [22.72.003](#). The ~~hearing examiner~~~~planning commission~~ is authorized to review development proposals subject to major site plan review as listed in FMC [22.72.004](#). The review authority may approve, approve with conditions, modify and approve with conditions, or deny, the application for site plan review. The review authority shall grant site plan approval when it has determined that the criteria listed in FMC [22.72.006](#) have been met by the proposal. The review authority may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the review authority to make the required findings in FMC [22.72.006](#). These conditions may include, but are not limited to restrictions in hours of operations; restrictions on locations of structures and uses; structural restrictions which address safety, noise, light and glare, vibration, odor, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing and landscaping.

22.72.004 Development subject to major site plan review.

The ~~hearing examiner~~~~planning commission~~ shall review the following public and private development proposals which are subject to site plan review:

- (a) New commercial, industrial, residential, public and quasi-public buildings greater than 2,000 square feet of gross floor area; and
- (b) Commercial, industrial, residential, public and quasi-public building additions which are greater than 2,000 square feet of gross floor area; and
- (c) Parking lot improvements associated with development proposals listed in subsections (a) and (b) of this section.

22.72.008 Major and minor site plan review.

- (a) Minor Site Plan Review. Minor site plan review typically consists of a single review of detailed plans by the director. However, an applicant may elect to submit conceptual plans for a preliminary review to obtain the advice of the director as to the applicability of the intent, standards and provisions of this chapter to the plan. Once the director has provided this advice, the applicant will be directed to prepare and submit detailed plans to the director for a final review.
- (b) Major Site Plan Review. Major site plan review consists of two separate reviews. The initial review is conducted by the ~~hearing examiner~~~~planning commission~~ and the second review is conducted by the director. The plans submitted for the initial review may be conceptual in detail. However, the greater the level of detail in the plans submitted for ~~hearing examiner~~~~planning commission~~ review, the greater the level of certainty the applicant will have in preparing detailed plans for final review. When the ~~hearing examiner~~~~planning commission~~ determines that a site plan meets the criteria listed in FMC [22.72.006](#), it will grant a preliminary approval and direct the applicant to prepare and submit detailed plans to the director for final site plan review. This second review is intended to ensure that all site planning issues identified during the ~~hearing examiner~~~~planning commission's~~ initial review are fully addressed prior to issuance of a building permit or other construction permit.

22.72.012 Amendment of site plan.

An applicant may request an amendment to a previously approved site plan by submitting to the department accurate plans which clearly identify the proposed changes to the approved design. The director may determine that:

- (a) The proposed amendment is exempt from further review because it represents a minor change from the originally approved plans and the criteria listed in FMC [22.72.006](#) continue to be met;
- (b) The proposed amendment is subject to additional administrative review because it represents a substantial change to plans which the director previously granted approval of through the minor design review process or the final major design review process; or
- (c) The proposed amendment is subject to additional ~~hearing examiner~~~~planning commission~~ review because it represents a major change to plans which the ~~hearing examiner~~~~planning commission~~ previously granted approval of through the preliminary major design review process.

A request to amend an approved site plan which has been determined to be subject to additional review shall be processed using the same procedures applicable to the original site plan review process. The review authority may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved site plan are not permitted unless an applicant first obtains approval in accordance with this section.

22.72.014 Duration of a site plan review approval.

In the event that a site plan approval is not exercised within one year from the effective date of approval, it shall automatically become null and void; provided, however, that for good cause, the review authority may grant a one-time extension of one year if an extension request is filed with the department no less than 15 days prior to the date of expiration for a minor site plan review approval or 45 days prior to the date of expiration for a major site plan approval. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original site plan review

application. Before taking action to grant an extension, the review authority shall adopt written findings showing that the following circumstances exist:

(a) The proposal approved under the terms of the site plan review application originally granted remains in conformance with current development standards or design guidelines contained or referenced in this title. (If the proposal would no longer conform to this title as a result of more restrictive standards or guidelines being adopted subsequent to the original approval, the director or ~~hearing examinerplanning commission~~ may consider a modified proposal which would comply with the more restrictive standards or guidelines.)

(b) The findings adopted in support of the original site plan review application approval remain valid and supportive of the time extension request.

22.74.002 Authority – Major and minor variances.

Two types of variances are established in this chapter, a minor, or administrative variance, and a major, or ~~hearing examinerplanning commission~~ variance. A minor variance is one that is within 10 percent of the standard contained in this title and which may be approved by the director. A major variance is one that is greater than 10 percent of the standard contained in this title and which may be approved by the ~~hearing examinerplanning commission~~.

The appropriate review authority (director or ~~hearing examinerplanning commission~~) shall grant a variance from the provisions of this title when it has determined that the criteria listed in FMC [22.74.003](#) have been met by the proposal. When granting a variance, the review authority may attach specific conditions to the variance to ensure that the variance will conform to the criteria listed in FMC [22.74.003](#) and all other applicable codes, design guidelines, and comprehensive plan goals and policies. The review authority shall not grant a variance which establishes a use otherwise prohibited within a zoning district.

22.76.001 Purpose.

The purpose of this chapter is to establish procedures for the review of residential planned developments. The planned development review process is intended to enable the review authority to evaluate development plans with respect to neighborhood compatibility, environmental sensitivity, architectural design, landscape design, urban form, pedestrian and vehicular circulation, utility design, recreation and open space needs, site characteristics and the extent to which the community's housing needs are met by the proposal. The process allows the appropriate review authority (city council, ~~hearing examinerplanning commission~~, or director) to condition development proposals to ensure their compatibility with adjoining uses, compliance with development regulations, and conformance with comprehensive plan goals, objectives and policies. The process is intended to run concurrently with the administrative design review process to ensure that all critical design issues are addressed early in the site planning and review stages of project development. The process is also intended to run concurrently with the short plat or preliminary and final plat review processes.

22.76.006 Application procedures.

The processing of an application for a planned development requires a three-step review. The ~~hearing examinerplanning commission~~ shall conduct an open record public hearing and forward its recommendations to the city council on a preliminary development plan, which is classified as a Type III-B application. The city council shall conduct a closed record public hearing and consider the recommendations of the ~~hearing examinerplanning commission~~ before taking action on a preliminary development plan. The director shall conduct an administrative review of a final development plan, which is classified as a Type II application. The processing procedures for these applications are described in Chapters [22.05](#), [22.06](#), [22.07](#), [22.08](#), [22.09](#) and [22.10](#) FMC.

22.76.007 Submittal requirements.

(a) Application for preliminary development plan review shall be submitted on forms provided by the department. A minimum of two sets of plans, materials and other applicable information specified below and in FMC [22.06.002](#) shall be submitted with the application in clear and intelligible form:

- (1) Documentation listed in FMC [22.72.009](#) (site plan submittal requirements);
- (2) Description of proposed phasing;
- (3) Design guidelines generated by the applicant for the project;
- (4) Critical area analyses and reports;
- (5) Preliminary or short plat submittals; and
- (6) Description of specific development standards to be applied to the project, including building heights, building setbacks and build-to lines, individual lot sizes and lot dimensions, and similar provisions.

(b) The director may waive the submittal requirement for any of the items listed in subsection (a) of this section when, in the discretion of the director, the item is inapplicable or unnecessary for the review authority to complete the preliminary development plan review. In such case, the director shall provide the ~~hearing examinerplanning commission~~ with a list of the items waived for submittal. The director may also require the applicant to submit additional information or material which it finds is necessary for the proper review and hearing of the application.

(c) Application for final development plan review shall be on forms provided by the department. The applicant shall submit the documentation identified by the director as being necessary for the proper review of the application based on the conditions imposed by the review authority during the preliminary development plan review process and issues identified subsequent to the approval of the preliminary development plan.

22.76.008 Amendment of development plan.

(a) An applicant may request an amendment to a previously approved preliminary or final development plan by submitting to the department accurate plans which clearly identify the proposed changes to the approved design. The director may determine that:

(1) The proposed amendment is exempt from further review because it represents a minor change from the previously approved preliminary or final development plan and the criteria listed in FMC [22.76.005](#) continue to be met;

(2) The proposed amendment is subject to additional administrative review because it represents a major change to the final development plan previously approved by the director; or

(3) The proposed amendment is subject to additional ~~hearing examiner~~[planning commission](#) and city council review because it represents a major change to the preliminary development plan previously reviewed by the ~~hearing examiner~~[planning commission](#) and approved by the city council.

(b) Major amendments are those which substantially change the character, basic design, density, open space or other requirements or conditions of the development plan. Minor amendments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, building height, setbacks, etc.), but which do not affect the basic character or arrangement and number of buildings approved in the preliminary or final development plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than 10 percent from the original plan approved by the city. Minor amendments also include on-site adjustments which may affect the design and placement of circulation and utility facilities and other improvements, provided they do not substantially change the character, basic design, density, open space or other requirements or conditions of the development plan.

(c) An amendment request which has been determined to be subject to additional review shall be processed using the same procedures applicable to the initial development plan review process. The review authority may impose conditions on the proposed amendment to ensure that the intent and conditions of the original approval are met. Deviations from an approved development plan are not permitted unless an applicant first obtains approval in accordance with this section.

22.76.011 Duration of a preliminary development plan approval.

In the event that a complete final development plan application has not been submitted within three years from the effective date of preliminary development plan approval, the preliminary approval shall automatically become null and void; provided, however, that for good cause, the ~~planning commission~~[hearing examiner](#) may grant a one-time extension of one year if an extension request is filed with the department no less than 45 days prior to the date of expiration for the preliminary development plan approval. A properly filed application for a time extension shall stay the effective date of expiration until action on the request has become final. The process for taking action on the request shall be the same used for the original preliminary development plan application at the ~~planning commission~~[hearing examiner](#) level of review. Before taking action to grant an extension, the ~~planning commission~~[hearing examiner](#) shall adopt written findings showing that the following circumstances exist:

(a) The proposal approved under the terms of the preliminary development plan approval originally granted remains in conformance with current development standards contained in this title. (If the proposal would no longer conform to this title as a result of more restrictive standards being adopted subsequent to the original approval, the ~~planning commission~~[hearing examiner](#) may consider a modified proposal which would comply with the more restrictive standards.)

(b) The findings adopted in support of the original preliminary development plan remain valid and supportive of the time extension request.

22.78.004 Criteria for amendment approval.

Before the ~~hearing examiner~~[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.

(c) The proposed zoning is compatible with the uses and zoning of surrounding property (required only for zoning map amendments).

(d) The property is suited for the uses allowed in the proposed zoning classification (required only for zoning map amendments).

(e) A change of conditions has occurred within the neighborhood or community since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a determination that the proposed amendment is in the public interest (required only for zoning map amendments and amendments to this title which require a comprehensive plan amendment to ensure consistency under subsection (a) of this section).

(f) Except for the extension of existing district boundaries, no change in any use district, classification or official zoning map shall be considered if it contains fewer than one acre, excluding public streets or alley rights-of-way.

22.78.005 Application procedures.

A quasi-judicial zoning map amendment is classified as a Type III-B application. An area-wide zoning map amendment and a development regulation amendment are classified as Type V (legislative) applications. The processing procedures for these applications are described in Chapters [22.05](#), [22.06](#), [22.07](#), [22.08](#), [22.09](#) and [22.10](#) FMC.

22.78.011 Timing for processing zoning map, area-wide zoning map, and comprehensive plan map amendments.

(a) A legislative comprehensive plan map amendment and quasi-judicial zoning map amendment may be conducted in phases, or they may be conducted concurrently provided final action is first taken on the plan map amendment and further provided the applicant submits a written waiver of the deadline for issuance of a final decision of the zoning map amendment, which is 120 days from the City making a determination that a Type III-B project permit application is complete.

(b) A legislative comprehensive plan map amendment and a legislative area-wide zoning map amendment may be conducted in phases or concurrently, provided final action is first taken on the plan map amendment.

22.81.060 Additional timing considerations.

(a) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the hearing examiner or planning commission.

(b) If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. (Statutory authority: RCW 43.21C.130. 84-13-036 (Order DE 84-25), WAC 173-806-058, filed 6/15/84. Formerly Chapter 173-805 WAC.)

22.86.030 Appeals.

(a) SEPA appeals shall be limited to review of final threshold determinations, the adequacy of final environmental impact statements, mitigation or failure to mitigate environmental impacts, and project denials. Appeals of declarations of nonsignificance, EIS adequacy, mitigation and project denial and open record public hearings for the underlying permit(s), as described in Chapter [22.05](#) FMC, shall be consolidated and heard together. Declarations of significance, issued before a decision on the underlying permit(s), may be appealed and heard before the consolidated open record public hearing on the permit and other SEPA issues.

(b) All SEPA appeals must be filed in writing with the responsible official within 14 calendar days after a notice of decision is issued pursuant to FMC [22.09.008](#) or after other notice that the decision has been made and is appealable; provided, that in order to allow public comment on a DNS prior to requiring an appeal to be filed, this appeal period shall be extended for an additional seven days. The hearing date for appeals of declarations of significance issued before a decision on the permit shall be not more than 45 days from the date the appeal is filed.

(c) On receipt of a written notice of appeal, the responsible official shall determine if the notice is timely. If the notice is untimely, the responsible official shall advise the person(s) who filed the notice that no appeal hearing will be scheduled because the notice was untimely. If the appeal is timely, the responsible official shall set a hearing date and transmit the appeal notice to the hearing examiner~~planning commission~~.

(d) ~~Hearing examiner~~Planning commission SEPA appeals, and any consolidated public hearings on the underlying permit, shall be open record hearings, as described in Chapter [22.09](#) FMC. The ~~hearing examiner~~planning commission shall take sworn testimony, consider all relevant evidence and decide the issues de novo; provided, however, that the responsible official's decision(s) shall be given substantial weight. The ~~hearing examiner~~planning commission shall issue a written decision, which shall include specific findings of fact and conclusions of law, within 10 working days of the close of the hearing, unless a longer period is agreed to in writing by the applicant and the ~~hearing examiner~~ planning commission.

(e) The ~~hearing examiner's~~planning commission's decision on threshold determinations and EIS adequacy shall be the final decision of the city. Appeals of the ~~hearing examiner's~~ planning commission's decision on these issues shall be filed in the Pierce County superior court. Appeals of the ~~hearing examiner's~~planning commission's decision on SEPA mitigation and project denial shall be filed with the city council.

(f) Appeals to the city council of SEPA mitigation and project denial appeals shall be consolidated with decisions subject to city council review by Chapter [22.05](#) FMC. Decisions not subject to city council review may not be appealed to the city council as part of a SEPA mitigation or project denial appeal. In the appeal, the city council shall review the ~~hearing examiner's~~planning commission's open record hearing decision in a closed record appeal as described in Chapter [22.10](#) FMC. The record on appeal shall consist of the ~~hearing examiner's~~planning commission's findings of fact, conclusions of

law, and decision; a taped or written transcript of the hearing; and any exhibits accepted into evidence at the hearing. No other evidence shall be considered unless it can be shown that the ~~hearing examiner~~~~planning commission~~ erred in excluding such evidence.

(g) The city council's decision on project mitigation or denial, and the underlying permits, shall be the final decision of the city. Appeals of the city council's decision shall be filed in the Pierce County superior court.

(h) If a time limit is established by statute or ordinance for commencing a judicial appeal of the project permit, the responsible official shall give official notice of the date and place for commencing the appeal. The notice shall include:

- (1) Notice that any SEPA issues must be appealed within the time limit set by statute or ordinance for appealing the underlying governmental action;
- (2) The time limit for commencing the appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit; and
- (3) Where the appeal may be filed.

Written notice shall be provided to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions concerning the project. Such notice may be appended to the permit, the decision documents, the SEPA compliance documents, or may be printed separately.

(i) The time limitations and procedures for judicial appeals of decisions in this section shall be as set forth in WAC [197-11-680](#)(4) and this title. Only a party to the proceeding appealed from may appeal the decisions set forth above. (Statutory authority: RCW [43.21C.130](#), [84-13-036](#) (Order DE 84-25), WAC [173-806-170](#), filed 6/15/84. Formerly Chapter [173-805](#) WAC.)

22.92.090 Exception – Public agency and utility.

(a) If the application of a critical areas chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

(b) Exception Request and Review Process. An application for a public agency and utility exception shall be made to the city and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [43.21C](#) RCW). The director shall prepare a recommendation to the ~~hearing examiner~~~~planning commission~~ based on review of the submitted information, a site inspection, and the proposal's ability to comply with public agency and utility exception review criteria in subsection (d) of this section.

(c) ~~Hearing Examiner~~~~Planning Commission~~ Review. The ~~hearing examiner~~~~planning commission~~ shall review the application and director's recommendation, and conduct a public hearing pursuant to the provisions of Chapter [22.09](#) FMC. The ~~hearing examiner~~ ~~planning commission~~ shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the public agency and utility exception criteria in subsection (d) of this section.

(d) Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions follow:

- (1) There is no other practical alternative to the proposed development with less impact on the critical areas;
 - (2) The application of the critical areas chapter would unreasonably restrict the ability to provide utility services to the public;
 - (3) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - (4) The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 - (5) The proposal is consistent with other applicable regulations and standards.
- (6) All proposed activities will be conducted using the best management practices adopted by the city, as described in FMC [22.92.110](#)(b).

(e) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

22.92.100 Exception – Reasonable use.

(a) If the application of a critical areas chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section.

(b) Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include a critical area identification form; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter [43.21C](#) RCW) (SEPA documents). The director shall

prepare a recommendation to the ~~hearing examiner~~~~planning commission~~ based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection (d) of this section.

(c) ~~Hearing Examiner~~~~Planning Commission~~ Review. The ~~hearing examiner~~~~planning commission~~ shall review the application and conduct a public hearing pursuant to the provisions of Chapter 22.09 FMC. The ~~hearing examiner~~~~planning commission~~ shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in subsection (d) of this section.

(d) Reasonable Use Review Criteria. Criteria for review and approval of reasonable use exceptions follow; one or more may apply:

(1) The application of the critical areas chapters would deny all reasonable economic use of the property;

(2) No other reasonable economic use of the property has less impact on the critical area;

(3) The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

(4) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant, or its predecessor, after the effective date of the critical area chapters;

(5) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

(6) The proposal will result in no net loss of critical area functions and values consistent with the best available science.

(7) All proposed activities will be conducted using best available management practices adopted by the city, as described in FMC 22.92.110(b).

(e) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

22.92.280 Variances.

(a) Variances from the standards of a critical areas chapter may be authorized by the city in accordance with the procedures set forth in Chapter 22.74 FMC. The director or ~~hearing examiner~~~~planning commission~~, as authorized, shall review the request and make a written finding that the request meets or fails to meet the variance criteria.

(b) Variance Criteria. A variance may be granted only if the applicant demonstrates that the requested action conforms to all of the criteria set forth in FMC 22.74.003 and as follows:

(1) A literal interpretation of the provisions of this chapter would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zone of the subject property under the terms of this chapter, and the variance requested is the minimum necessary to provide the applicant with such rights;

(2) The granting of the variance is consistent with the general purpose and intent of this chapter, and will not further degrade the functions or values of the associated critical areas; and

(3) The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat.

(c) Conditions May Be Required. In granting any variance, the city may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter.

(d) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

22.96.002 Authority.

The city council may revoke or modify a ~~Type III-B or Type IV permit~~~~preliminary development plan, preliminary plat, or zoning map amendment~~ approval when it has determined that one or more of the grounds listed in FMC 22.96.004 exists. The ~~hearing examiner~~~~planning commission~~ may revoke or modify a ~~Type III-A permit~~~~conditional use permit, major site plan, or variance~~ approval when it has determined that one or more of the grounds listed in FMC 22.96.004 exists. The director may revoke or modify a ~~Type II an administrative use permit, minor site plan, minor variance, final development plan, or short plat~~ approval when it has determined that one or more of the grounds listed in FMC 22.96.004 exists.

22.96.003 Initiation of a revocation.

Revocation may be initiated by a request from an adversely affected property owner or other aggrieved party or a motion by either the ~~planning commission~~~~hearing examiner~~ or city council.

22.98.060 Amendment.

"Amendment" means a change in the wording, context or substance of this title or the comprehensive plan; a change in the official zoning map or comprehensive plan map; or a change to a condition of approval or modification of a permit or plans reviewed or approved by the director, ~~hearing examiner~~, planning commission, or city council.

22.98.165 Conditional use permit.

“Conditional use permit” means the documented evidence of authority granted by the ~~hearing examiner~~[planning commission](#) in accordance with Chapter [22.68](#) FMC to establish a conditional use at a specific location.

22.98.729 Variance.

“Variance” means a means, approved by the ~~hearing examiner~~[planning commission](#) or director, of altering the requirements of this title in specific instances where the strict application of these regulations would deprive a property of privileges enjoyed by other properties which are similarly situated, due to special features or constraints unique to the property involved.

22.99.080 Variances – Additional considerations for frequently flooded areas.

(a) Additional Variance Considerations. In review of variance requests for activities within frequently flooded areas, the ~~hearing examiner~~[planning commission](#) shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:

- (1) The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the proposed use;
- (3) The importance of the services provided by the proposed use to the community;
- (4) The necessity to the proposed use of a waterfront location, where applicable, and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (7) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(b) Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing laws or ordinances. Unavoidable impacts to floodplain functions and values shall be mitigated in accordance with the mitigation sequencing order specified in FMC [22.92.190](#).

(c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

TITLE 12 BUILDINGS AND CONSTRUCTION

12.04.080 Appeals.

All appeals authorized by the International Codes as to suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the codes shall be made to the ~~city's hearing examiner~~planning commission, which will act as the board of appeals in accordance with Chapter 1, Section ~~442-113~~ of the International Building Code.

12.26.020 Application of chapter – Subdivision plats – Specific changes.

This chapter shall be the basis for naming roadways and numbering houses in future additions and annexations to the city of Fircrest. Roadway names shown on subdivision plats will be subject to approval of the ~~hearing examiner~~planning commission. Specific changes in roadway names deemed necessary to change those now existing will be in accordance with this policy and upon recommendation of the ~~hearing examiner~~planning commission and approval by the council of the city of Fircrest.

12.28.160 Variances.

(a) The ~~hearing examiner~~planning commission shall hear and decide all requests to vary the conditions that have heretofore been established by this chapter.

(b) A written request for variance shall be made to the ~~hearing examiner~~planning commission. It shall specifically state the section of this chapter to which the request applies, the hardship the variance is needed to correct, and the nature of the proposed project. Supporting documents, such as plot plans, geologic or hydraulic reports, and topographic details, may also be required.

(c) The ~~hearing examiner~~planning commission, in making any favorable decision, shall state the facts and conclusions upon which it relied and shall make its decision upon the following criteria:

(1) The variance is necessary to overcome a particular hardship caused by special circumstances relating to the size, shape, topography or location of the subject property;

(2) The variance is in harmony with the intent and purposes of this chapter and with other relevant city ordinances;

(3) The variance shall not constitute a grant of special privilege that is inconsistent with the limitations placed upon other properties;

(4) The variance, if granted, will not result in harm or damage to other properties, waterways, or drainage facilities and will not otherwise be materially detrimental to the public welfare.

(d) Conditions may be imposed upon the granting of any variance. Unless otherwise specified, the granting of a variance shall be subject to all plans, specifications and conditions set forth in the application.

NEW BUSINESS: Amending FMC 23.08.110 Powers and Duties of the Planning
ITEM 10C. Commission

FROM: Angelie Stahlnecker, Planning and Building Administrator

RECOMMENDED MOTION: I move to adopt Ordinance No.____, amending Ordinance No. 798 Section 1 and FMC 23.08.110 relating to Powers and Duties.

PROPOSAL: The City of Fircrest proposes to amend the duties and powers of the Planning Commission to reflect the changes related to using a hearing examiner for quasi-judicial land use issues. This is a companion ordinance to the adopted amendments in Title 12 and Title 22.

FISCAL IMPACT: There is no financial cost to change of the Planning Commission duties.

ADVANTAGE: The proposed amendment will complete the change to the hearing examiner process.

DISADVANTAGE: None identified.

HISTORY: The City Council proposed to use a hearing examiner for quasi-judicial applications at the July 16, 2018 City Council study session. The Planning Commission made a recommendation at the October 6, 2018 meeting to amend Title 12 and Title 22 to make use of a hearing examiner for quasi-judicial applications. The City Council held a public hearing on November 27, 2018. With the approval of these changes, FMC 23.08.110 needs to be amended to remove the quasi-judicial responsibilities from the Planning Commission.

ATTACHMENTS: [Ordinance](#)
[Ordinance \(tracked changes\)](#)

**CITY OF FIRCREST
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
AMENDING ORDINANCE NO. 798 SECTION 1 AND FMC 23.08.110
RELATING TO POWERS AND DUTIES.**

WHEREAS, the City has adopted the use of a hearing examiner for quasi-judicial planning decisions and other actions; and

WHEREAS, it is necessary to amend the Planning Commission's powers and duties to reflect these changes. Now, Therefore,

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

Section 1. Section 1 of Ordinance No. 798 and FMC 23.08.110 are hereby amended to read as follows:

23.08.110 Powers and Duties.

The Planning Commission shall have the following powers and duties; namely:

(a) It shall act as a research and fact-finding agency for the city, as requested or required by the City Council. It may, within the scope of its powers and duties, make inquiries, investigations and surveys, assemble and analyze data obtained, formulate plans, cooperate and act with other planning commissions or public agencies, and make such reports and recommendations to the city council with respect to such activities.

(b) It may participate in the activities of regional planning commissions to the extent permitted by the laws of the state of Washington.

(c) It shall study, promulgate, develop and up-date coordinated plans, including comprehensive plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulation of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation.

All regulations shall be worked out as parts of a comprehensive plan which the commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

(d) It shall have the power generally to do all things necessary to accomplish the powers and duties hereinabove outlined and set forth, which shall include the right to employ

1 persons and to purchase materials or supplies within the framework of its budget and
2 appropriations.

3 **Section 2.** Severability. If any section, sentence, clause or phrase of this title shall be held
4 to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
5 unconstitutionality shall not affect the validity or constitutionality of any other section,
6 sentence, clause or phrase of this title.

7 **Section 3.** Publication and Effective Date. A summary of this ordinance consisting of its
8 title shall be published in the official newspaper of the city. This ordinance shall be effective
9 five (5) days after such publication.

10 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**
11 **WASHINGTON,** at a regular meeting thereof this 28th day of May 2019.

12 **APPROVED:**

13 _____
14 David M. Viafore, Mayor Pro Tempore

15 **ATTEST:**

16 _____
17 Jessica Nappi, City Clerk

18 **APPROVED AS TO FORM:**

19 _____
20 Michael B. Smith, City Attorney

21 **DATE OF PUBLICATION:**
22 **EFFECTIVE DATE:**

23

24

25

26

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**CITY OF FIRCREST
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
AMENDING ORDINANCE NO. 798 SECTION 1 AND FIRCREST
MUNICIPAL CODE 23.08.110 RELATING TO POWERS AND DUTIES.**

WHEREAS, the City has adopted the use of a hearing examiner for quasi-judicial planning decisions and other actions; and

WHEREAS, it is necessary to amend the Planning Commission's powers and duties to reflect these changes. Now, Therefore,

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

Section 1. Section 1 of Ordinance No. 798 and FMC 23.08.110 are hereby amended to read as follows:

23.08.110 Powers and Duties.

The Planning Commission shall have the following powers and duties; namely:

(a) It shall act as a research and fact-finding agency for the city, as requested or required by the City Council. It may, within the scope of its powers and duties, make inquiries, investigations and surveys, assemble and analyze data obtained, formulate plans, cooperate and act with other planning commissions or public agencies, and make such reports and recommendations to the city council with respect to such activities.

(b) It may participate in the activities of regional planning commissions to the extent permitted by the laws of the state of Washington.

(c) It shall study, promulgate, develop and up-date coordinated plans, including comprehensive plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulation of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation.

All regulations shall be worked out as parts of a comprehensive plan which the commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

~~(d) It shall have the duty to process and hear all requests for zoning, rezoning or variances from the established zoning requirements or provisions of the building code, and proposed~~

1 ~~plats and subdivisions, to investigate the same, to grant or deny requests for variance, to~~
2 ~~make reports and recommendations to the council regarding any proposed plat or~~
3 ~~subdivision and to recommend to the city council changes in the city ordinance law relating~~
4 ~~to any of such matters;~~

5 (ed) It shall have the power generally to do all things necessary to accomplish the powers
6 and duties hereinabove outlined and set forth, which shall include the right to employ
7 persons and to purchase materials or supplies within the framework of its budget and
8 appropriations.

9 **Section 2.** Severability. If any section, sentence, clause or phrase of this title shall be held
10 to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
11 unconstitutionality shall not affect the validity or constitutionality of any other section,
12 sentence, clause or phrase of this title.

13 **Section 3.** Publication and Effective Date. A summary of this ordinance consisting of its
14 title shall be published in the official newspaper of the city. This ordinance shall be effective
15 five (5) days after such publication.

16 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**
17 **WASHINGTON,** at a regular meeting thereof this 28th day of May 2019.

18 **APPROVED:**

19 _____
20 David M. Viafore, Mayor Pro Tempore

21 **ATTEST:**

22 _____
23 Jessica Nappi, City Clerk

24 **APPROVED AS TO FORM:**

25 _____
26 Michael B. Smith, City Attorney

27 **DATE OF PUBLICATION:**
28 **EFFECTIVE DATE:**

NEW BUSINESS: **Hearing Examiner Services Agreement**
ITEM 10D.

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

RECOMMENDED MOTION: **I move to adopt Resolution No. _____, authorizing the City Manager to execute an agreement between Olbrechts & Associates, PLLC and the City of Fircrest for hearing examiner services.**

PROPOSAL: The Council is being asked to authorize the City Manager to execute a professional services agreement with Olbrechts & Associates, PLLC for hearing examiner services. The agreement will be from execution to December 31, 2020 with the option of subsequent renewals.

FISCAL IMPACT: There is little to no financial impact on the City. Hearing examiner expenses related to land use applications are paid by the applicant.

ADVANTAGE: Phil Olbrechts brings two decades of hearing examiner experience, including work in Pierce County as a hearing examiner and a city attorney. The review committee appreciated his expertise, experience, and focus on making the hearing process accessible. Mr. Olbrechts approach would be good fit for the City of Fircrest.

DISADVANTAGES: None identified.

ALTERNATIVES: The City could enter into an agreement with another qualified hearing examiner.

HISTORY: The use of a hearing examiner for quasi-judicial permit applications has been recommended by the City's Land Use attorney as a way of reducing the City's liability exposure, ensuring all legal procedures are followed, and freeing both the appointed and elected bodies from the constraints of the Appearance of Fairness Doctrine when questioned by constituents on applications undergoing review by the City. The proposal to use a hearing examiner for quasi-judicial applications was discussed at the February 6, 2018 Joint City Council-Planning Commission meeting and referred to staff for further action at the July 16, 2018 City Council study session. The Planning Commission recommended for adoption the applicable amendment at their October 6, 2018 meeting. The City Council is scheduled to amend Title 12 Building and Construction and Title 22 Land Development in order to adopt the use of a hearing examiner for quasi-judicial applications and appeals.

ATTACHMENTS: [Resolution](#)
[Agreement](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER
TO EXECUTE AN AGREEMENT BETWEEN OLBRECHTS &
ASSOCIATES, PLLC AND THE CITY OF FIRCREST FOR HEARING
EXAMINER SERVICES.**

WHEREAS, Council is being asked to authorize an agreement between Olbrechts & Associates, PLLC and the City of Fircrest for reviewing, recommending, and acting on Type III-A, Type III-B and Type IV quasi-judicial project permit applications; and

WHEREAS, this agreement will reduce the City's liability exposure, ensuring all legal procedures are followed, and free the Council from the constraints of the Appearance of Fairness Doctrine when questioned by constituents on applications undergoing review by the City. 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 an agreement between Olbrechts & Associates, PLLC and the City of Fircrest for hearing examiner services.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 28th day of May, 2019.

APPROVED:

David M. Viafore, Mayor Pro Tempore

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

CITY OF FIRCREST
PROFESSIONAL SERVICES AGREEMENT FOR HEARING EXAMINER SERVICES

1. DATE AND PARTIES

THIS AGREEMENT, for reference purposes only, is dated the ____th day of May, 2019 and entered into by and between the City of Fircrest, a political subdivision of the State of Washington and hereinafter referred to as the "City" and Olbrechts & Associates, PLLC, hereinafter referred to as "Consultant" in consideration of the mutual benefits, terms and conditions hereinafter specified.

2. PROJECT DESIGNATION

The Consultant is retained by the City to perform Hearing Examiner services as long as this agreement remains in effect.

3. SCOPE OF SERVICES

The Consultant agrees to perform in a good and professional manner the tasks described in Exhibit A, Hearing Examiner Proposal, attached hereto and incorporated herein by this reference. The Consultant agrees to perform the services including the provision of all labor, materials, equipment and supplies as identified in Exhibit A. The Consultant shall perform the services as an independent contractor and shall not be deemed, by virtue of this Agreement and the performance thereof, to have entered into any partnership, joint venture, employment or other relationship with the City.

4. ASSIGNMENT

The Consultant shall not sublet or assign any of the services covered by this agreement without the express written consent of the City.

5. NON-WAIVER

Waiver by the City of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provisions.

6. TERMS OF AGREEMENT

Notwithstanding, the date of execution hereof, this Agreement shall be in effect May ____, 2019 to December 31, 2020, and may be renewed yearly. Either party may terminate this Agreement upon thirty (30) day's written notice served to the other party by certified mail.

7. PAYMENT

Upon receipt of an invoice from the Consultant, progress payments may be made on a monthly basis for work completed. Each invoice shall itemize the work performed.

8. PERFORMANCE AND STANDARDS

Consultant shall perform its work to conform to generally accepted professional standards. Consultant shall be responsible for the professional quality, technical adequacy and accuracy, timely completion and coordination of all plans, reports and other materials prepared under this Agreement.

9. HOLD HARMLESS, DEFENSE, AND INDEMNITY

With the exception of the sole negligence of the City, its employees, or elected officials, the Consultant shall protect, defend, indemnify, and hold harmless the City of Fircrest, its employees, directors, officers, and Councilmembers from any and all claims, demands, losses, actions, and liabilities to or by any person or entity arising out of all work, injuries, or property damage pursuant to this

agreement, buildings, parking, grounds, or other property of any kind. This agreement includes both Personal Injury, Bodily Injury, Death or Property Damage as well as other loss or damage.

10. INSURANCE

Consultant will obtain and maintain in force at least the following minimum insurance coverage covering all activity under this agreement, and as to which the City shall be named as primary non-contributory additional insured on the Liability insurance:

- | | |
|---------------------------------------|-----------------------------------|
| a. Workman's Compensation Coverage | Statutory |
| b. Commercial General Liability | \$1,000,000/\$2,000,000 aggregate |
| c. Comprehensive Automobile Liability | \$1,000,000 per accident |
| d. Professional Liability Coverage | \$1,000,000 |

Per Fircrest Municipal Code 9.90.140, a certificate of insurance showing the foregoing will be submitted to the City for approval 14 days before work commences.

The minimum limits above do not limit the consultant's liability to the City or public.

11. CONSULTANT'S REPRESENTATIONS

The Consultant hereby represents that it has all necessary licenses and certifications to perform the services provided for herein, and is qualified to perform such services.

12. COMPLIANCE WITH LAWS

The Consultant shall be duly licensed and shall comply with all applicable laws, ordinances, and codes of the Federal, State, and local governments. Per Fircrest Municipal Code 5.04.020, Consultant agrees to obtain a City of Fircrest business license prior to performing any work pursuant to this Agreement.

13. TERMINATION

If the Consultant violates any of the covenants undertaken herein, or any of the duties imposed upon it by the Agreement, this Agreement may be terminated by either party immediately with cause, and without cause upon thirty (30) days' written notice, served to the other party by certified mail. In such case, Consultant shall be compensated by the City for all work performed to the date of termination.

14. VENUE STIPULATION

This Agreement has been and shall be considered as having been made and delivered within the State of Washington both as to interpretation and performance. Any action in law or equity, or judicial proceeding for the enforcement of this Agreement, or any of the provisions contained therein, shall be instituted and maintained only in Pierce County Superior Court, Tacoma, Washington.

15. STATUS OF CONSULTANT

Neither the Consultant nor personnel employed by the Consultant shall acquire any rights or status in City employment, nor shall they be deemed employees or agents of the City for any purpose. Consultant shall be deemed an independent Contractor and shall be responsible in full for payment of its employees, including prevailing wages, worker's compensation, insurance, payroll deductions, and all related costs.

16. SUBLETTING OR ASSIGNING CONTRACT

Consultant shall not assign, transfer, or encumber any rights, duties or interest accruing from this Agreement without the express prior written consent of the other.

17. COMPENSATION

The hourly rate for hearing examiner is \$175.00; alternate attorney examiners will be billed at 90% of that rate (\$157.50); and the planner examiner's at 75% of that rate (\$131.25). Clerks would be billed at \$30.00/hour. In addition to the hourly rate, the IRS rate for mileage will be charged from Seattle or the home/office of the presiding examiner, whichever distance is shorter. Hearings would be charged at a total daily minimum of one hour for both examiners and clerks.

18. COMPLIANCE WITH CITY POLICY

The Consultant shall comply with approved City policies concerning the administration of City-owned property, and the provisions of the policy shall have the same force and effect as provisions of this agreement to the extent not inconsistent herewith.

19. TAXES

Consultant shall comply with federal, state, and local tax laws, Social Security Acts, Unemployment Compensation and Workers Compensation Acts in so far as applicable to the performance of this Agreement.

20. DAMAGE BY VANDALISM OR ACTS OF GOD

It is understood and agreed that the Consultant shall not be responsible or required to repair, at the sole cost and expense of the Consultant, any major damage or destruction caused by acts of vandalism or acts of GOD and did not result from the negligent acts or omissions of the Contractor or the Consultant's agents.

21. SAFETY REQUIREMENT

All work performed under the terms of this agreement shall be performed in such a manner as to provide maximum safety to the public and employees of the City of Fircrest.

22. NON-DISCRIMINATION AND COMPLIANCE WITH LAWS

The Consultant agrees not to discriminate against any customer, employee, or applicant for employment, subcontractor, supplier or materialman, because of gender, sexual orientation, race, color, creed, religion, national origin, marital status, age, or handicap, except for a bona fide occupational qualification. Consultant shall comply with all federal, state and local laws and ordinances applicable to the work to be done under this Agreement, to specifically include the requirements of the Washington State Public Records Act, RCW 42.56. Consultant understands that if it violates this provision, this Agreement may be terminated by the City and that the Consultant may be barred from performing any service for the City now or in the future.

23. NOTICES

All notices, requests, demands and other communications required by this Agreement shall be in writing and, except as expressly provided elsewhere in this Agreement, shall be deemed to have been given at the time of delivery if personally delivered or at the time of mailing if mailed by first class, postage pre-paid and addressed to the party at its address as stated in this Agreement or at such address as any party may designate at any time in writing.

Notice to Municipality shall be sent to:
City of Fircrest
ATTN: City Manager
115 Ramsdell Street
Fircrest, WA 98466

Notice to the Consultant shall be sent to:
Olbrechts & Associates, PLLC
ATTN: Phil Olbrechts
18833 74th Street NE
Granite Falls, WA 98252

24. OWNERSHIP OF DOCUMENTS

All files and other documents maintained by Consultant for the purposes of fulfilling this contract shall be the files of the City and accessible by the City through its City Attorney or other duly authorized representative during normal business hours. At the request of the City, any and all files maintained by the Consultant shall be tendered to the City.

25. SEVERABLE PROVISIONS

Each provision of this Agreement is intended to be severable. If any provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

26. INTEGRATED AGREEMENT

This agreement, together with attachments or addenda, represents the entire and integrated agreement between the representations, or agreements, written or oral. This agreement may be amended only by written instrument signed by both City and Consultant.

DATED this th day of May, 2019

CITY OF FIRCREST

CONSULTANT

By: _____
Scott Pingel, City Manager

By: _____

Dated: _____

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

By: _____
City Clerk

EXHIBIT A
SCOPE OF SERVICES

Conduct quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City and issue decisions and recommendations supported by findings and conclusions as set forth in the Fircrest Municipal Code ("FMC").

Conduct hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the City Council may designate to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue decisions and recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

Conduct hearings at Fircrest City Hall, 115 Ramsdell Street, Fircrest Washington. The City will mail public notices, advertise the hearing, provide staff support at hearings conducted by the Hearing Examiner to mark exhibits and record proceedings, and mail decisions to parties of record.

Perform all duties in a manner consistent with accepted practices for examiner services, including interpreting, reviewing and implementing the City's land use regulations and the pertinent and appropriate provisions of FMC Title 22 and 12, conducting orderly and impartial hearings and hearing appeals, and preparing written decisions in a timely manner which are understandable and based upon reasoning and all applicable laws.

Take action as may be specifically assigned by other sections of the municipal code or by ordinance or resolution, and as may be delegated or assigned from time-to-time by action of the City Council.

NEW BUSINESS: **Police Copier Machine Lease Agreement**
ITEM 10E.

FROM: **Colleen Corcoran, Finance Director**

RECOMMENDED MOTION: I move to adopt Resolution No. _____, authorizing the City Manager to execute a sixty month agreement with Copiers Northwest to provide a copier and maintenance agreement for the Police Department.

PROPOSAL: The Council is being asked to authorize the City Manager to execute a sixty (60) month lease and maintenance agreement with Copiers Northwest to replace the current Police copier.

FISCAL IMPACT: The current monthly cost for the Police copier lease is \$222.57 plus tax. The lease cost for the new copier is \$145.15 plus tax. This results in a savings of \$77.42 plus tax per month.

Under the new contract the cost of printing a black/white page is 0.0075 versus .00074 on the old contract. The cost of printing a page in color remains the same at 0.0504. The actual cost will be based upon the number of images produced each month.

ADVANTAGE: The proposed copier will provide the same capabilities as the current copier, but at a lower cost.

DISADVANTAGES: None identified.

ALTERNATIVES: The City can continue to use the current copier on a month-to-month basis at the current rates.

HISTORY: The City entered into a sixty month lease agreement for the current Police copier in January of 2014. The lease expired in February 2019. We are currently on a month to month payment arrangement.

ATTACHMENTS: [Resolution Agreement](#)

**CITY OF FIRCREST
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER
TO EXECUTE A SIXTY MONTH AGREEMENT WITH COPIERS
NORTHWEST TO PROVIDE A COPIER AND MAINTENANCE
AGREEMENT FOR THE POLICE DEPARTMENT.**

WHEREAS, the City of Fircrest has need of specialized services; and

WHEREAS, Copiers Northwest has the required experience and expertise to provide such services. 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 the agreement with Copiers Northwest to provide a copier and maintenance agreement for the Police Department.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 28th day of May, 2019.

APPROVED:

David M. Viafore, Mayor Pro Tempore

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

SALES AGREEMENT

BILL TO		SHIP TO	
Bill To Name	City of Fircrest	Ship To Name	City Of Fircrest Police Department
Address	115 Ramsdell St.	Address	302 Regents Blvd
City, ST, Zip	Fircrest, WA 98466	City, ST, Zip	Fircrest, WA 98466
Phone	253-564-8901	Phone	(253) 565-1198
PO Number		Delivery Contact Name	David Haupt
Sale Type	NASPO lease	Delivery Contact Email	Dhaupt
Payment Terms	60 mo. FMV lease option	IT Contact Name	same
		IT Contact Email	same

Order Notes and/or Delivery Instructions	
--	--

[illegible]

TERMS: COPIERS NORTHWEST, INC., (Seller) retains title to all equipment and supplies listed above until purchase price is paid in full. This is a binding and non-cancelable contract. In the event Customer defaults on payment the Customer remains liable for this debt and the payment of any legal fees or other cost incurred in any action to collect this debt. Customer gives Seller security interest in the property purchased in this agreement. Refer to warranty on reverse side. Changes to the original terms on the back side of this Sales Order are not valid unless initiated by an officer of Copiers Northwest. **Cash purchases with software items require a minimum 50% payment upfront of the software portion to secure the software order from Vendor.**

<i>Ron Barber</i>	5/9/2019
Account Manager	Order Date

Customers, please provide equipment pick up information and network installation information on page 3 and 4 of this document, if applicable.

ACCEPTED BY COPIERS NORTHWEST BELOW:

ACCEPTED BY CUSTOMER BELOW:

Copiers Northwest Officer	Date
---------------------------	------

Authorized Signature Required _____ Date _____

Printed Name	Title
--------------	-------

Printed Name	Title
--------------	-------

Copiers Northwest Sales Order Master Terms and Conditions

1. BY SIGNING THIS SALES ORDER, THE BILL-TO OR PARENT COMPANY ON PAGE ONE OF THIS DOCUMENT AGREES THAT COPIERS NORTHWEST (CNW) WILL KEEP THIS DOCUMENT ON FILE AS A MASTER TERMS AND CONDITIONS AND NOT REQUIRE ADDITIONAL COPIES FOR ALL SUBSEQUENT EQUIPMENT ACQUISITIONS BY THE BILL-TO OR PARENT COMPANY. THE BILL-TO OR PARENT COMPANY MAY RESTRICT FUTURE ACQUISITIONS TO NAMED BUYERS AND/OR DOLLAR LIMITATIONS BY FILLING OUT ADDITIONAL DOCUMENTATION THAT IS SIGNED BY BOTH THE CUSTOMER AND AN OFFICER OF CNW. THE CUSTOMER UNDERSTANDS THAT THE MASTER TERMS AND CONDITIONS MAY BE PERIODICALLY UPDATED BY CNW AND ARE INCORPORATED INTO THE ORIGINAL MASTER. THE CUSTOMER CAN REQUEST A COPY OF THE CURRENT MASTER TERMS AND CONDITIONS BY REQUEST AT ANY TIME FROM THEIR ACCOUNT REPRESENTATIVE.

2. Copiers Northwest, Inc warrants that new equipment acquired pursuant to this equipment order will be free of defects in workmanship and materials for a period of ninety (90) days from the date of delivery. This warranty does not cover defects or damage resulting from in-transit handling, negligence or improper operation or maintenance of equipment.

3. Should any failure to conform with this warranty appear within ninety (90) days, Copiers Northwest, Inc. shall, upon notification, correct such nonconformity. Said correction, at Copiers Northwest, Inc.'s option, shall be made either by repairing any defective part or parts, or by making available a repaired or replaced part.

4. THIS WARRANTY IS IN LIEU OF ALL WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHER WARRANTIES, EXPRESS OR IMPLIED, EXCEPT FOR THE WARRANTY OF THE TITLE AND THE WARRANTY AGAINST PATENT INFRINGEMENT. THIS WARRANTY DOES NOT COVER CONSEQUENTIAL DAMAGES.

5. Customer warrants that they have examined the above described goods or a sample or model thereof. Customer does not rely on any warranty with regard to defects which said examination, under the circumstances thereof, ought to have been revealed to them.

6. No warranties have been made by Seller in reference to the above described goods unless expressly included in this written sales agreement between Customer and Seller.

7. Copiers Northwest, Inc. shall have no obligation to install equipment accessories or to repair or replace equipment in the event that repair or replacement are required due to abuse, accident, theft, or damage to the machine caused by repairs performed by someone other than an authorized Copiers Northwest, Inc representative.

8. Smartboards and other panel televisions and display units are sold "drop at door" and do not include on-site installation.

9. All software installed at Customer's location is governed by software manufacturer's licensing agreement. Maintenance of the licensing agreement is the Customer's responsibility. Delivery of the software license(s) and/or key(s) to a customer via email, download, or other electronic submission constitutes delivery and all payment terms apply. Installation services sold on the Sales Order and/or provided in the Statement of Work in conjunction with software sales are considered separate from the software and are not required to be performed in full by the software Vendor or Copiers Northwest and/or its affiliates to constitute delivery.

10. Changes in the operating environment, (including, but not limited to changes to operating system, network software, software application changes, hardware and software upgrades, etc.) may result in the need for configuration adjustments or other network services to restore functional capabilities. Such services shall be billed at the then current Managed Services rate of \$98.00* per incident or deducted from the customers pre-paid block time program, when applicable. *Price is subject to change without notice; please inquire with your account manager or the Managed Service technician for current rates.

11. Customer acknowledges that it is Customer's responsibility to maintain a current backup of their program and data files to restore any lost data. Customer agrees that under no circumstances shall Copiers Northwest, Inc. be held responsible for any loss of data or any consequential damages.

12. CNW will provide one installation connection per machine via the Remote Connection Desk (RCD) included with the acquisition of your CNW copier, printer, scanner, or fax. The standard installation connection includes the current print drivers and/or any manufacturer-included standard scan utilities. Customer will provide an active network port, adequate space for the MFP device(s), and a key individual for installation support, workstation setup and print driver overview training. Customer also agrees to provide print server access for server based printer applications as well as all required network protocol information pertaining to the purchased options. If CNW is not able to complete the installation via the RCD or so chooses, an onsite technician will be dispatched for up to 2 hours of complementary connection support. If the customer requests additional on-site technician support, the service call will be billed at the then current network connection technician rate (currently \$175.00/hr*) and is not included in your lease or service agreement. *Price is subject to change without notice; please inquire with your account manager or the network connection technician for current rates.

13. Copiers Northwest, Inc. will provide Managed Services remote support for a period of 30 days after installation of product at no charge as itemized A-C below. After the 30-day period, Managed Services will be billed the current rate of \$98.00* per incident. If you would like to purchase a block time of Managed Services and/or Professional Services support, please call your Account Rep or the Managed Services desk for more information and pricing. CNW will provide hardware related support at no charge for the life of any machine acquired from CNW as long as it is continuously covered by a CNW Maintenance Agreement and Customer account is in good standing. *Price is subject to change without notice; please inquire with your account manager or the Managed Service technician for current rates.

The following list of Managed Services remote support is offered for **30 days after product installation at no charge**:

- A. Copying, and paper tray configuration as provided by the manufacturer. This does not include third party applications or "line of business applications."
- B. Sending the customer online links to self-install OEM drivers and software updates.
- C. The reconfiguration of the purchased/leased device network settings after a machine hard failure.

14. Copiers Northwest, Inc. is under no circumstances responsible for any data, documents, images, or any other information stored on or in the device, the device hard drive(s), or any memory module(s).

Thank you!

NEW BUSINESS: **Mailing Machine Lease Agreement**
ITEM 10F.

FROM: **Colleen Corcoran, Finance Director**

RECOMMENDED MOTION: I move to adopt Resolution No. _____, authorizing the City Manager to execute a sixty month agreement with Pacific Office Automation for a lease agreement to provide a digital mailing system.

PROPOSAL: The Council is being asked to authorize entering into a sixty (60) month lease agreement with Pacific Office Automation to provide a digital mailing system.

FISCAL IMPACT: The monthly cost will be \$109.94/month for a total lease cost (60 months) of \$6,596.40 plus tax. Our current monthly lease amount is \$119.78/month.

ADVANTAGE: The City will receive an updated model with additional features for a lesser monthly amount. Pacific Office Automation is located in Tacoma, which will allow for faster service if necessary. Finance staff compared two other companies and Pacific Office Automation was the lowest.

DISADVANTAGES: None identified.

ALTERNATIVES: None identified.

HISTORY: The City has contracted with Pitney Bowes for several years. Our current contract expires in September of 2019. This contract will replace our current contract and buy out the remaining Pitney Bowes contract.

ATTACHMENTS: [Resolution Agreement](#)

**CITY OF FIRCREST
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER
TO EXECUTE A SIXTY MONTH AGREEMENT WITH PACIFIC
OFFICE AUTOMATION FOR A LEASE AGREEMENT TO PROVIDE
A DIGITAL MAILING SYSTEM.**

WHEREAS, the City of Fircrest has been using Pitney Bowes for mailing equipment; and

WHEREAS, the current agreement with Pitney Bowes Global Financial Services expires September 30, 2019; and

WHEREAS, the City wishes to terminated the existing agreement; and

WHEREAS, Pacific Office Automation has offered an agreement for digital mailing service equipment for sixty months and a buyout of the existing contract with Pitney Bowes at a competitive rate; and

WHEREAS, the City has determined that Pacific Office Automation will provide cost effective and efficient services. 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 the sixty month agreement with Pacific Office Automation for a digital mailing system.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 28th day of May, 2019.

APPROVED:

David M. Viafore, Mayor Pro Tempore

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney



No. _____

Same As Sold

ATTENTION

CUSTOMER NAME

TELEPHONE

KEY OPERATOR

By signing this Contract, Customer acknowledges and agrees: (a) this Contract is NON-CANCELABLE; (b) all terms and conditions on the reverse side are an integral part of this Contract; (c) to fully understand all terms and conditions stated herein; and (d) this Contract is the entire Agreement between Customer and Pacific Office Automation relating to the equipment and services described herein, and can be changed only by written agreement signed by both parties.

Approved by Pacific Office Automation

BY

DATE _____

SERVICE/SUPPLY COMMITMENT TERMS AND CONDITIONS

As consideration for Customer's payment as set forth on the front of the Contract, Pacific Office Automation ("POA") agrees to provide parts and labor service for the equipment purchased or leased hereunder pursuant to the following terms and conditions. POA will provide:

- Replacement of all parts found defective or worn as a result of normal equipment use.
- Labor to repair and properly maintain the equipment.
- All preventative maintenance done at intervals specified by the manufacturer.
- Loaner equipment in the event the equipment requires shop work to repair.
- Replacement of photoconductors and heater rollers found defective or worn as a result of normal use.
- Replacement of black and color toner, black developer, brushes, and filters.
- Factory recommended retrofits and improvements in the equipment.

If color toner is included in the Service/Supply Commitment, the color toner will be supplied within the cost per copy charge based upon the standard manufacturer's yield. Excess toner will be billed at standard manufacturer's retail price. Not included in the Service/Supply Commitment are paper, staples, and network support. Service calls by POA covered under the Service/Supply Commitment will only be made during the hours of 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Service billed at any other time will be billed at standard overtime rates. For products or services acquired hereunder, the terms of payment are net ten (10) days.

Customer agrees to pay POA the minimum monthly payment and overage charges agreed to on the front of the Contract and agrees that excess images over the allotted minimum amount during the billing cycle will be billed to Customer at the agreed to rate. If not noted, excess images will be charged at POA's book rates. If the Service/Supply Commitment combines two or more pieces of equipment of different operating costs, POA reserves the right to adjust image allocation and pricing to fairly reflect actual usage should the actual usage rate of the equipment vary by more than 10% from the expected usage rates. Customer agrees that POA may increase the Minimum Monthly Payment each year during any term by an amount not to exceed 10% of such charge. Service may include reasonable use of Customer's image allotments and materials. Customer's failure to abide by all payment obligations may result in termination of service.

This Service/Supply Commitment shall continue for the term stated on the front of the Contract. The Service/Supply Commitment shall automatically renew for successive one (1) year terms, unless either party provides written notice to the other party of their intent to terminate prior to thirty (30) days before the expiration of the original term or any subsequent renewal term.

GUARANTEES

POA extends to Customer the following express limited guarantees under the Service/Supply Commitment.

1. **STANDARD LIMITED WARRANTY:** POA warrants New equipment to be free of defect in materials and workmanship for a period of 90 days from installation. This warranty does not extend to replacement of supply items or consumables, including, but not limited to photo conductors, heater rollers, fuser, cleaning kits, toner, developer, or paper. For purposes of this paragraph, New equipment shall be defined as equipment with usage up to 5,000 copies. Used equipment will receive a 30-day warranty.
2. **LIFETIME POWER PROTECTION GUARANTEE:** If a POA Power Filter is included in the Service/Supply Commitment, repairs of damage to covered equipment caused by power surges and/or lightning will be covered.
3. **RESPONSE TIME WARRANTY:** POA guarantees four hour average response time for emergency services for equipment that is within fifty miles of POA branch offices. If POA does not perform guaranteed response time for a period of one year, upon written request, Customer will receive a 5% credit towards Customer's next service or supply purchase from POA.
4. **UPGRADE, TRADE-IN LIMITED GUARANTEE:** For all New equipment purchased hereunder continuously covered under a POA Service/Supply Commitment, POA will guarantee a trade-in value on New equipment sold by POA up to 90% during the first 36 months after acquisition and a minimum guaranteed trade-in value of 10% thereafter.

GENERAL TERMS & CONDITIONS

- (1) Unless provided, the terms of sale are ten (10) days net. POA agrees to provide reasonable assistance to Customer in its efforts to finance the purchase or lease of the equipment and/or Service/Supply Commitment; however, Customer understands and acknowledges such financing cannot be guaranteed by POA. Customer shall be ultimately responsible for payment of the purchase price of equipment sold or leased. If not provided, the purchase price is the Manufacturer's Suggested Retail Price of the equipment and/or solutions plus the cost of any lease buyouts, delivery charges, installation charges, and the total Service/Supply Commitment.
- (2) If equipment is delivered to Customer before final payment, Customer shall grant to POA a security interest in the equipment and agrees to execute and deliver all documentation necessary to perfect such interest.
- (3) If customer defaults in the payment of the purchase price or any other obligation as provided herein, Customer agrees to pay to POA a service charge of 1.5% per month and all of POA's related attorney's fees and collection costs, even if no suit or action is filed.
- (4) The sales price herein includes the initial installation of the manufacturer's software onto Customer's computers. Prior to such installation, Customer shall perform and complete a system backup. POA shall not be liable for loss or damage of any kind to data or equipment as a result of the installation of the manufacturer's software. Customer shall be solely responsible for the cost of any cables or additional hardware required to connect equipment to a network. POA shall not be responsible for any updates or problems arising after the initial installation due to a change in Customer's computers and/or Network.
- (5) POA MFP Network Service solely provides coverage for services related to the connectivity between the covered equipment and the Customer's Network. MFP Network Service does not provide coverage for services for the Customer's Network itself.
- (6) **DISCLAIMER:** EXCEPT AS SPECIFICALLY PROVIDED HEREIN, POA DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. EQUIPMENT IS SUBJECT TO A MANUFACTURER'S WARRANTY. UNDER NO CIRCUMSTANCES WILL POA BE RESPONSIBLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES.
- (7) Customer shall make arrangements to protect or remove sensitive and private data that may become stored on Customer's equipment. While POA may provide options for data removal and protection, Customer is solely responsible for selecting an appropriate data removal standard that meets Customer's business needs. POA is not recommending any particular option, and POA is not liable for damages arising from Customer's failure to fully remove and protect its data. Please note that regardless of which standard Customer chooses, Customer must return leased equipment in full working order at the end of any lease term.

NEW BUSINESS: **1st Quarter Financial Review**
ITEM 10G.

FROM: **Colleen Corcoran, Finance Director**

RECOMMENDED MOTION: **None. For informational purposes only.**

PROPOSAL: Review of 1st quarter 2019 financial reports.

FISCAL IMPACT: None identified.

ADVANTAGE: Provides a review to the Council and citizens of the financial position of the City.

DISADVANTAGES: None identified.

ATTACHMENT: [1st Quarter 2019 Financial Report](#)

Memo

To: Mayor and Councilmembers
From: Colleen Corcoran, Finance Director
CC: Scott Pingel, City Manager
Date: May 28, 2019
Re: 1st QTR 2019 Financial Report

This report is based on the 1st Quarter Financial reports as of March 31, 2019.

There are several charts attached. Please refer to each as they are discussed.

GENERAL FUND REVENUES

General Fund Revenues for the 1st Quarter of 2019 are close to anticipated.

General Fund Revenue Pie Chart (Figure A): This chart shows the year to date (YTD) revenue collected in the General Fund by category. Total General Fund revenue is only at 20% of budget. At the end of the 1st Quarter we should be at 25%. Keep in mind that property tax, as discussed below, is due twice per year and as you can see from the chart taxes make up half of General Fund Revenue. This is also a reason we need to keep money in reserve for cash flow purposes.

Total General Fund Revenue Chart (Figure B-1): This chart shows how total General Fund revenue compares to previous years. The total line for 2019 is as of 3/31/19.

Total Taxes Chart (Figure B-2): This category consists of General and EMS Property taxes, Zoo tax, Retail Sales & Use tax, Local Criminal Justice, Gas, Garbage, Cable, Telephone, Water, Sewer, Storm Drain and Gambling tax.

The largest lines in the taxes category include General Property Tax, Retail Sales Tax, Gas Utility Tax and Telephone Tax.

Looking at the General Property Tax Chart (Figure B-3) you will see large amounts in May and November. Property tax is due to Pierce County on April 30th for the 1st half taxes and October 31st for the 2nd half taxes. The City receives the revenue the following month. Due to the passage of I-747 property taxes can only increase by 1% per year plus new construction.

The Retail Sales Tax Chart (Figure B-4): shows how sales taxes have been received since 2016. Retail Sales Tax for the 1st Qtr is at 28% of estimated.

The Gas Utility Tax (Figure B-5) and Telephone Tax (Figure B-6) charts: show how these revenues have been received since 2016. Telephone tax has been decreasing over the years as people disconnect their land lines.

Total Licenses & Permits chart (Figure B-7): This category consists of Business Licenses, Building, Mechanical, Plumbing, Excavate, and Sign Permits and Investigation Fees. Please note the fluctuation from year to year. This is due to timing of when the Non-Compete fee was received. Some years had three quarters while some had five quarters.

Total Intergovernmental Revenue chart (Figure B-8): This consists of revenue received from other government agencies and includes City Assistance, Criminal Justice Programs, DUI, Liquor Excise Tax and Liquor Board Profits.

Total Other Services & Charges chart (Figure B-9): This category consists of Passport Fees, Planning Permits, Site Development, Plan Checking Fees, Swimming Pool Revenue and Recreation Fees. Instructor Based Revenue is based on revenue collected. The City collects the fee for classes taught by outside instructors and pays the instructors a percentage of the amount collected. There is an increase in the summer months when the pool is open.

Total Fines & Forfeits chart (Figure B-10): This category consists of revenue received from the Court, Investigative Fund Assessments and DUI Investment Fund Assessments.

Total Miscellaneous Revenue chart (Figure B-11): Total Miscellaneous Revenue consists of Interest, Space & Facilities Rentals, Donations, and other miscellaneous revenues. The large changes from month to month occur when interest revenue is received from interest payments on bonds, as well as quarterly payments received from Tacoma. As of 3/31/19 we have four active bonds that receive bi-yearly interest payments.

GENERAL FUND EXPENDITURES

If you look at the General Fund Expenditures spreadsheet Figure C-1), the General Fund Actual to Budget Chart (Figure C-2) and the Expenditures by Department Chart (Figure C-3) you can see the total expenditure for each department and how it compares to the budgeted amounts along with the percentage spent through March. The total spent as of 3/31/19 was \$1,492,586 or 21.3% of the total General Fund Budget. At the end of the 1st Quarter we should be at 25% or less.

OPERATING REVENUE TO EXPENDITURES COMPARISON

The Actual Revenue Over/(Under) Expenditures chart (Figure D) shows the effect on ending fund balance (EFB). When revenues exceed expenditures Ending Fund Balance is increased and vice versa.

General Fund: If we look at the first quarter 2019 General Fund operating revenue of \$1,167,750 compared to the first quarter operating expenditures of \$1,238,670 we see that operating revenue is \$70,919 less than expenditures. When including capital and non-revenues and expenditures the EFB at the end of the 1st Quarter decreased by \$304,981. Remember that in May and November we will be receiving a large amount for property taxes.

Other Funds: Also included on the Actual Revenue Over/(Under) Expenditures chart (Figure D) is a comparison for the Street, Storm, Storm Capital, Water, Water Capital, Sewer, Sewer Capital, ERR, and REET Funds.

AVAILABLE CASH BALANCES

The Available Cash Balance per Fund (Figure E) spreadsheet shows the current available cash per fund after bond investments, reserves for cash flow and dedicated reserves are met. This amount is needed for cash flow, future capital costs, emergencies and unexpected expenditures not included in the adopted budget.

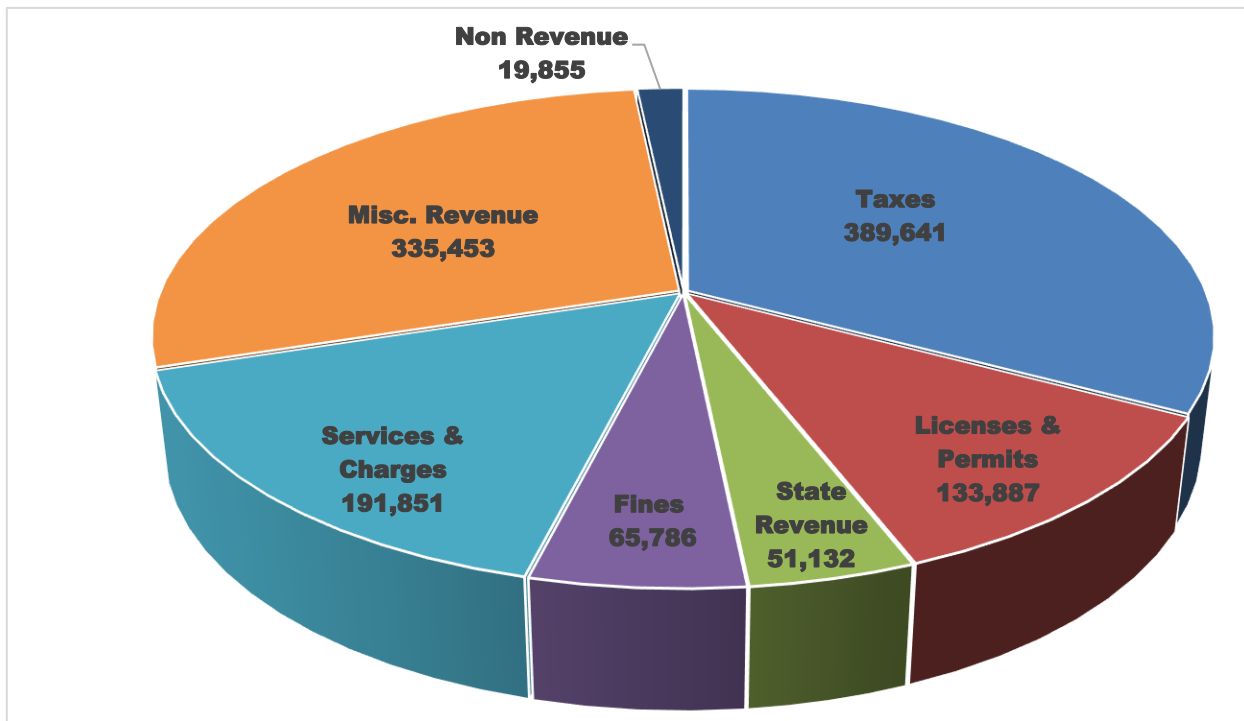
CONCLUSION

The above information should be used as a tool for making financial decisions for the future of the City. The trend for the past several years is continuing; revenues are remaining flat or decreasing while expenditures are increasing. The City has been very conservative during the past budgeting processes.

With future capital projects anticipated, the City will need to continue to evaluate its financial condition very carefully.

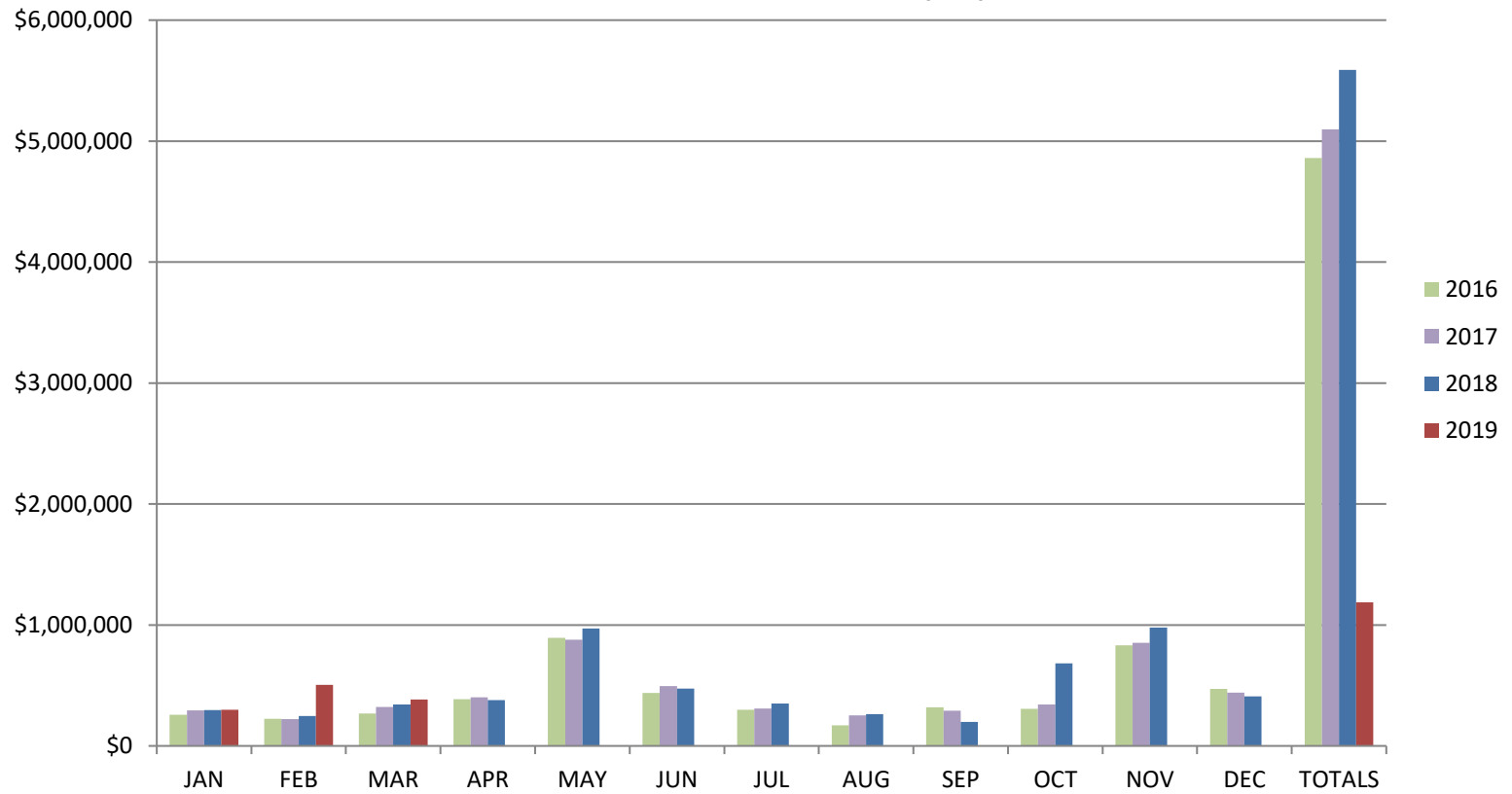
This report along with line item details can be found at the City of Fircrest's website at cityoffircrest.net.

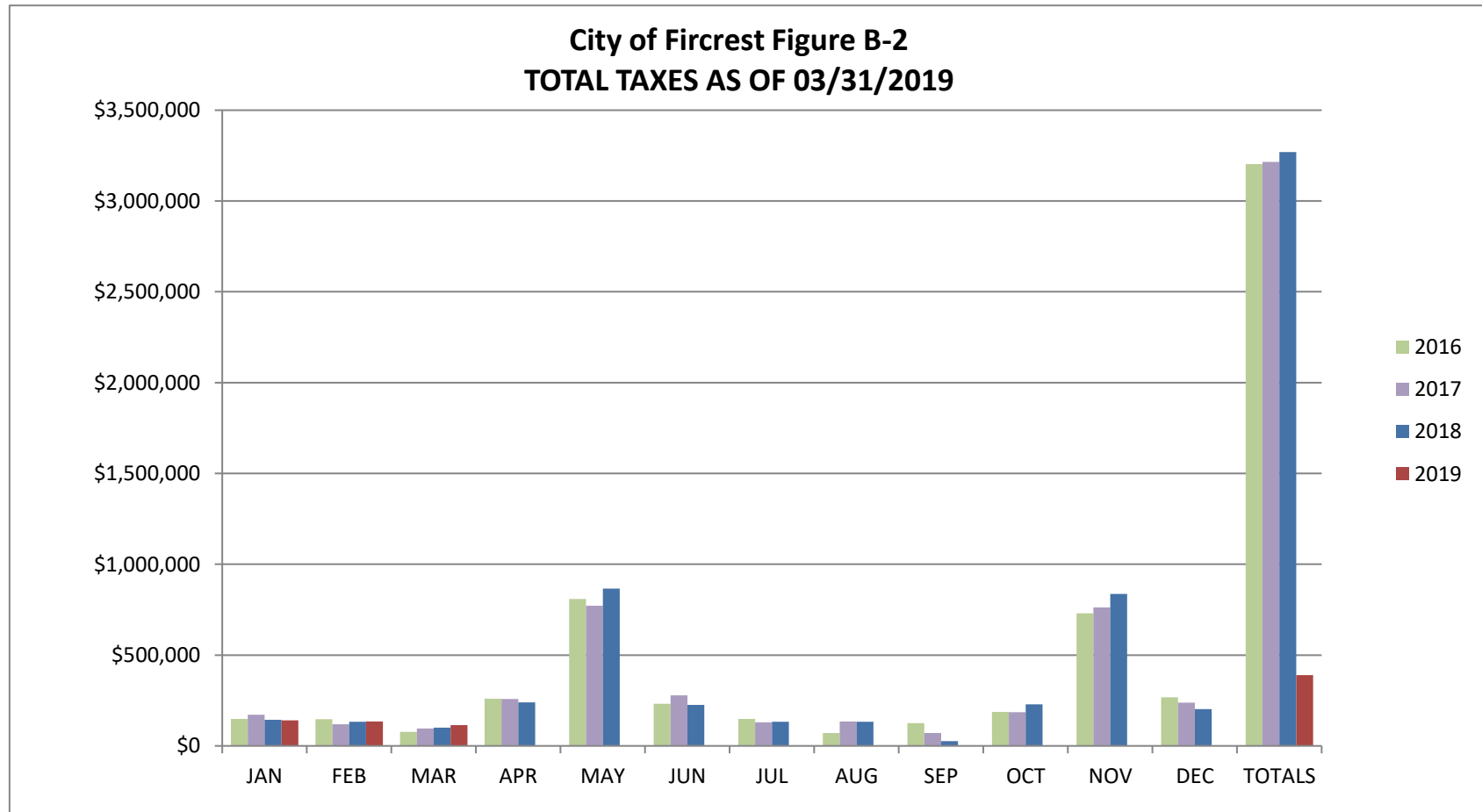
City of Fircrest
Figure A
General Fund Revenue as of March 31, 2019



	<u>YTD 3/31/2019</u>	<u>Budget</u>	<u>%</u>
Taxes	389,641	3,290,650	11.8%
Licenses & Permits	133,887	565,625	23.7%
State Revenue	51,132	230,640	22.2%
Fines & Forfeits	65,786	226,500	29.0%
Serv & Charges	191,851	1,021,121	18.8%
Misc. Revenue	335,453	490,385	68.4%
Non Revenue	<u>19,855</u>	<u>0</u>	<u>0.0%</u>
TOTAL GEN FUND REV	1,187,605	5,824,921	20.4%

City of Fircrest Figure B-1
TOTAL GENERAL FUND REVENUE AS OF 3/31/2019

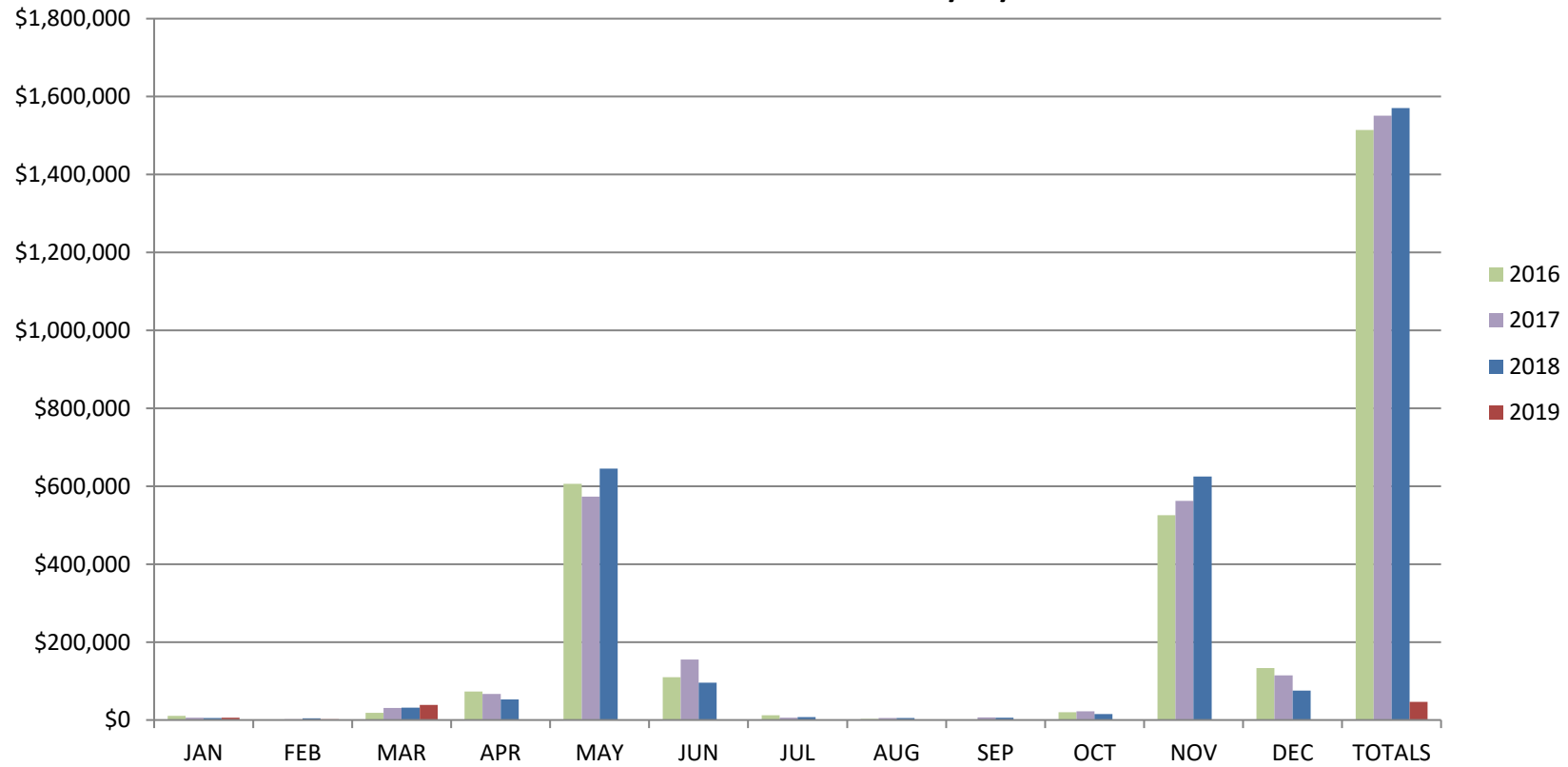




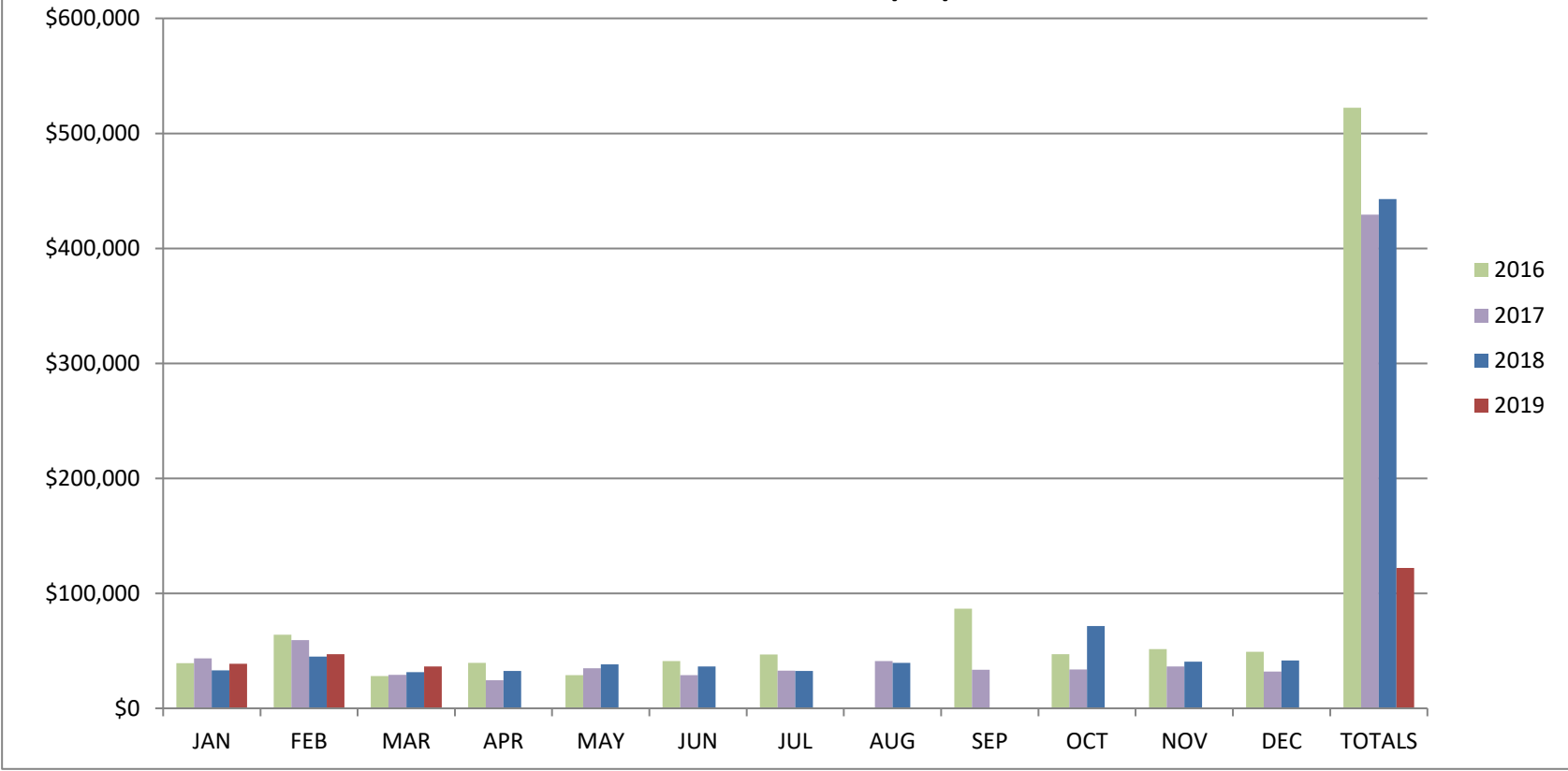
Taxes include General Property, EMS, Retail Sales and Use, Zoo, Local Criminal Justice, Water, Sewer, Gas, Garbage, Cable, and Phone

The major source of revenue in this category is property tax which is limited to a 1% increase collected from the previous year.
In 2016 and 2017 retail sales tax increased due to Wainwright School construction.

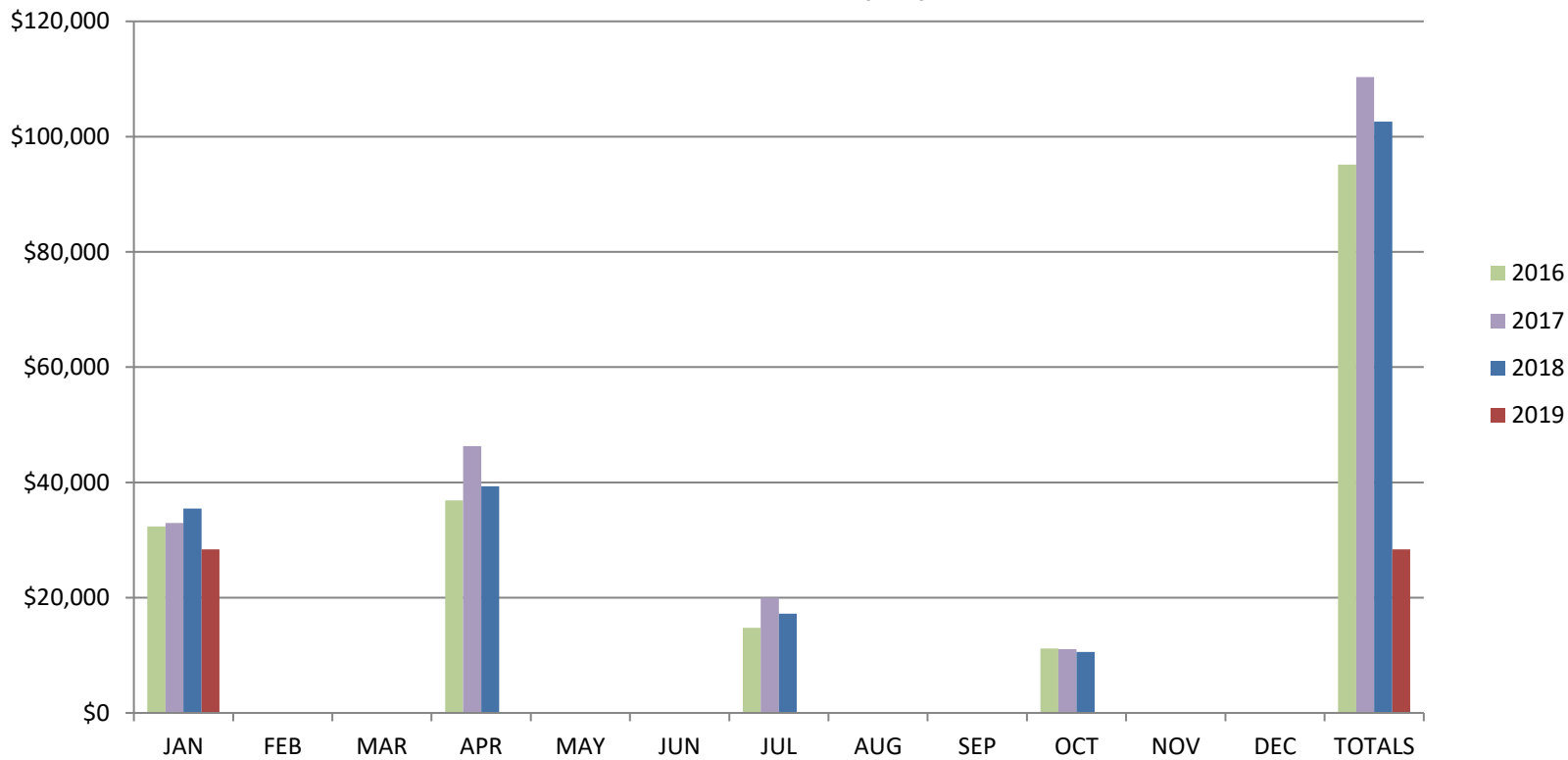
**City of Fircrest Figure B-3
GENERAL PROPERTY TAX AS OF 3/31/2019**



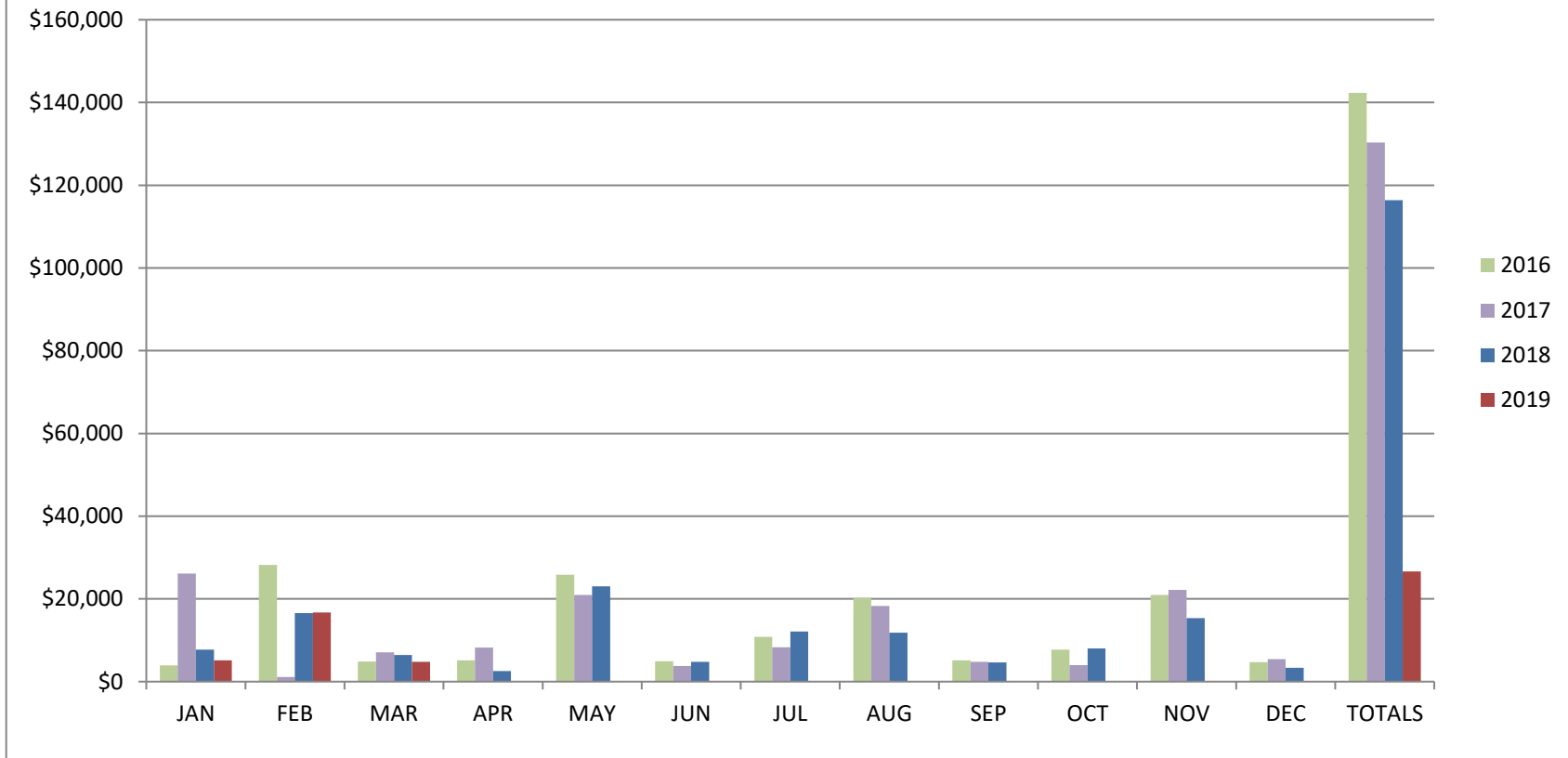
**City of Fircrest Figure B-4
RETAIL SALES TAX AS OF 3/31/2019**



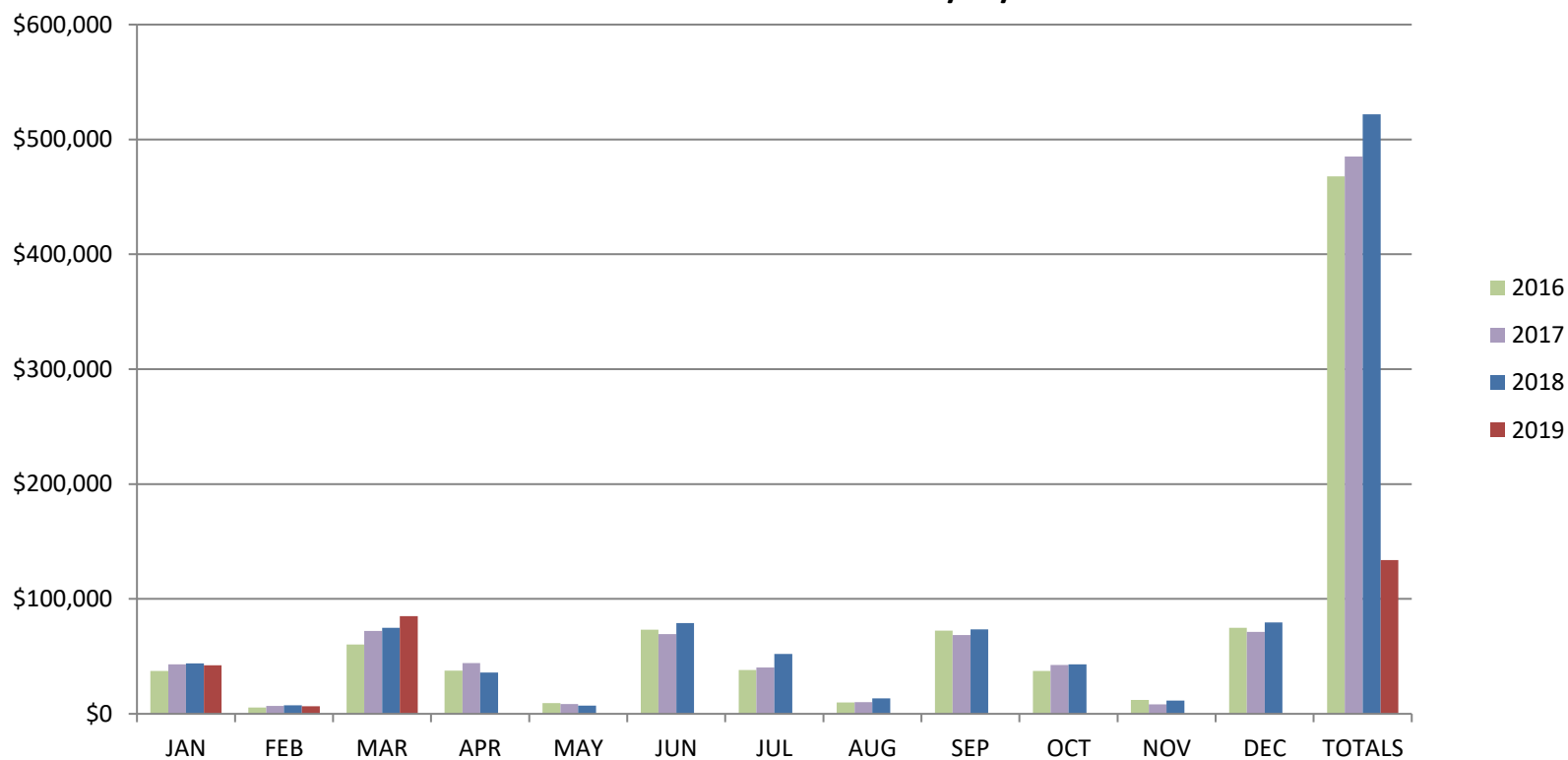
**City of Fircrest Figure B-5
GAS UTILITY TAX AS OF 3/31/2019**



**City of Fircrest B-6
TELEPHONE TAX AS OF 3/31/2019**

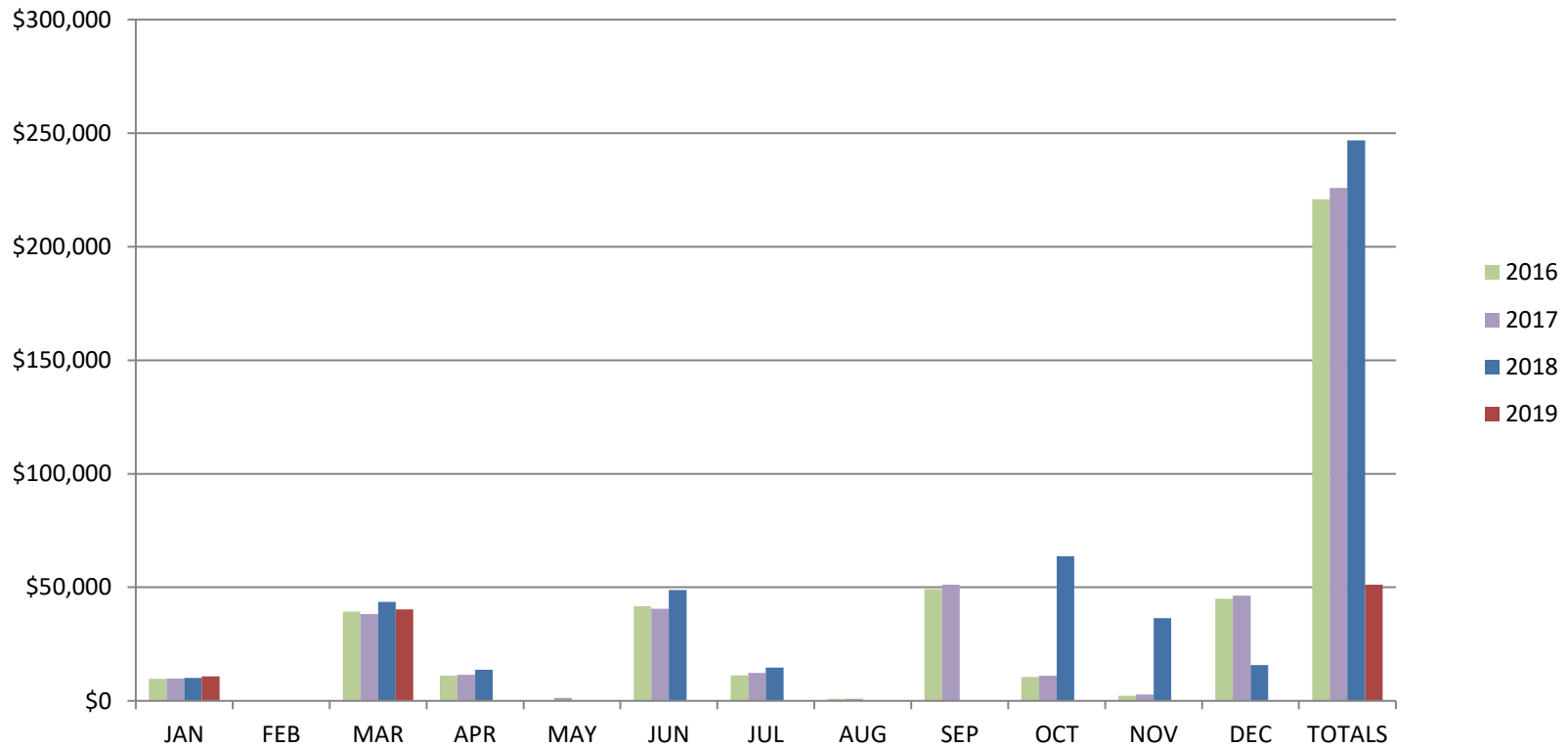


**City of Fircrest Figure B-7
TOTAL LICENSES & PERMITS AS OF 3/31/2019**



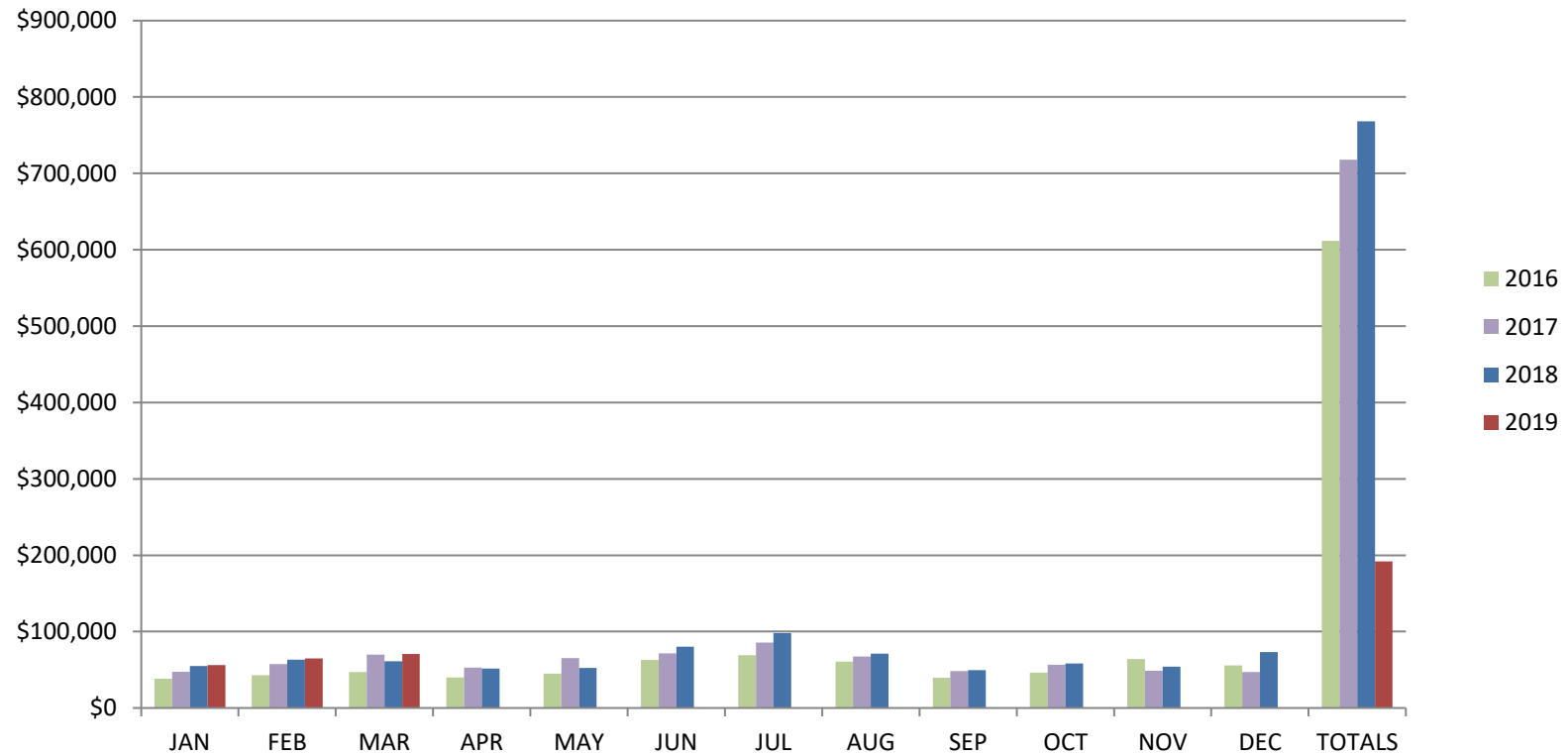
Licenses & Permits include Non Compete/Franchise Fees, Business Licenses, Building, Mechanical, Plumbing, and Excavate Permits
In 2015 Wainwright School permits were received

City of Fircrest B-8 TOTAL INTERGOV'T REVENUE AS OF 3/31/2019



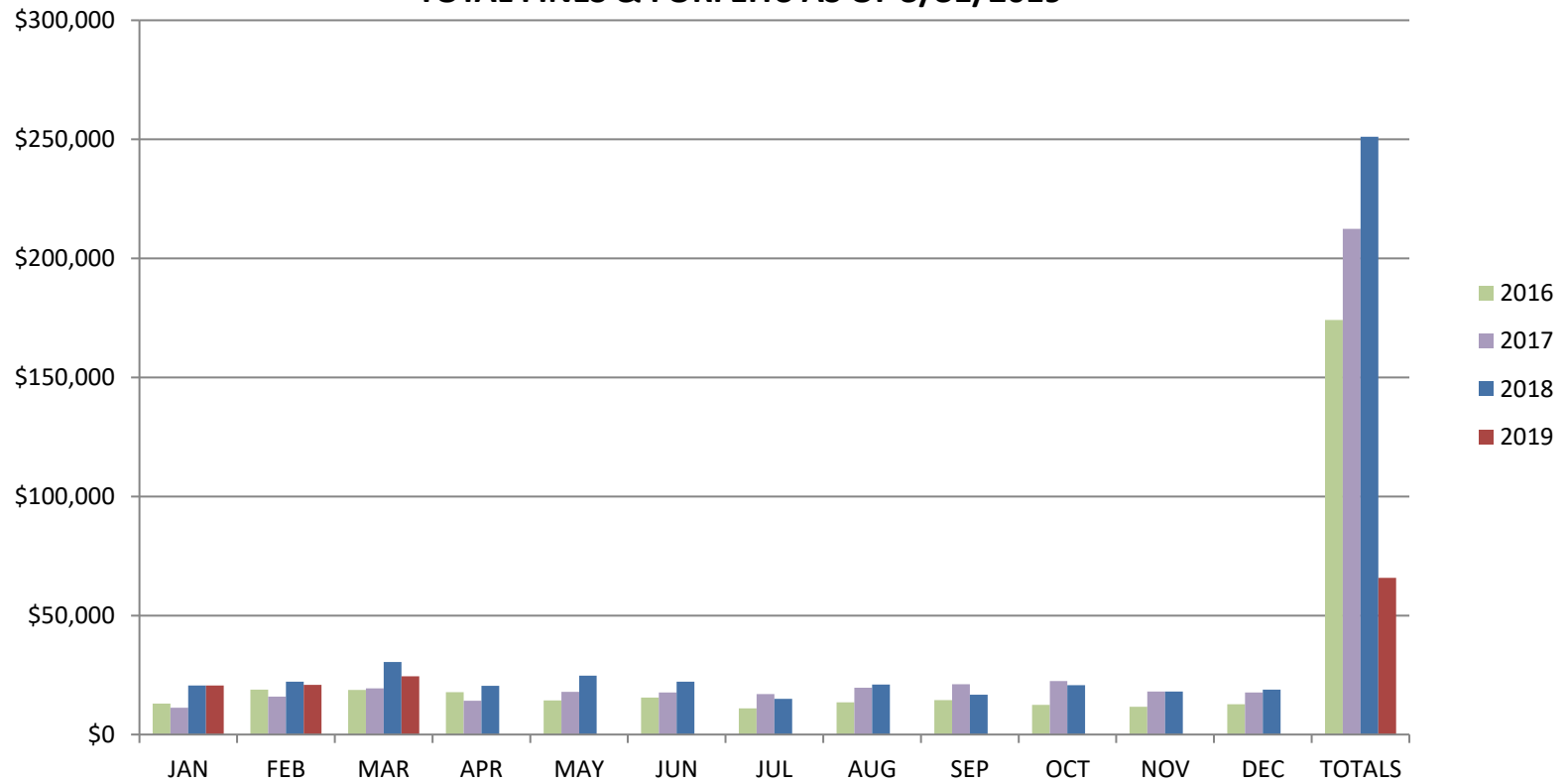
Intergovernmental includes Overtime Reimbursements for the State, City Assistance, CJ Special Programs, DUI-Cities, Liquor Excise Tax and Liquor Board Profits

**City of Fircrest B-9
TOTAL OTHER SERVICES & CHARGES AS OF 3/31/2019**



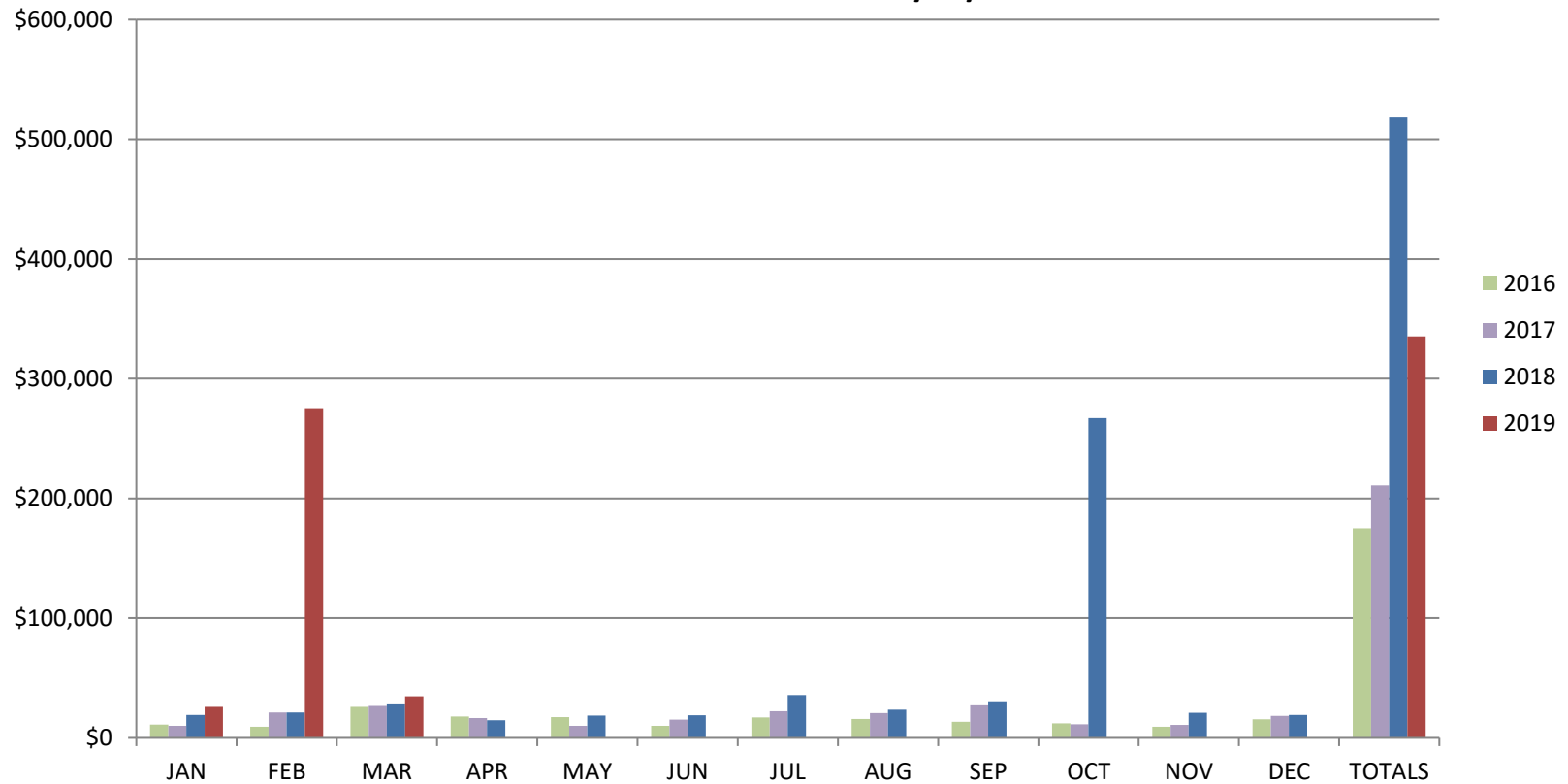
Other Services & Charges include Passport Fees, Planning Fees, Swimming Pool Fees/Lessons, Recreation Fees, Reimbursement for Police Overtime Non State and Interdeptmental Fees
In 2015 the increase was due to the plan check fees and special inspections for Wainwright school.

**City of Fircrest Figure B-10
TOTAL FINES & FORFEITS AS OF 3/31/2019**



Total Fines & Forfeits include Municipal Court, Investigative Fund Assessments and DUI Investigative Fund Assessments

**City of Fircrest Figure B-11
TOTAL MISC REVENUE AS OF 3/31/2019**

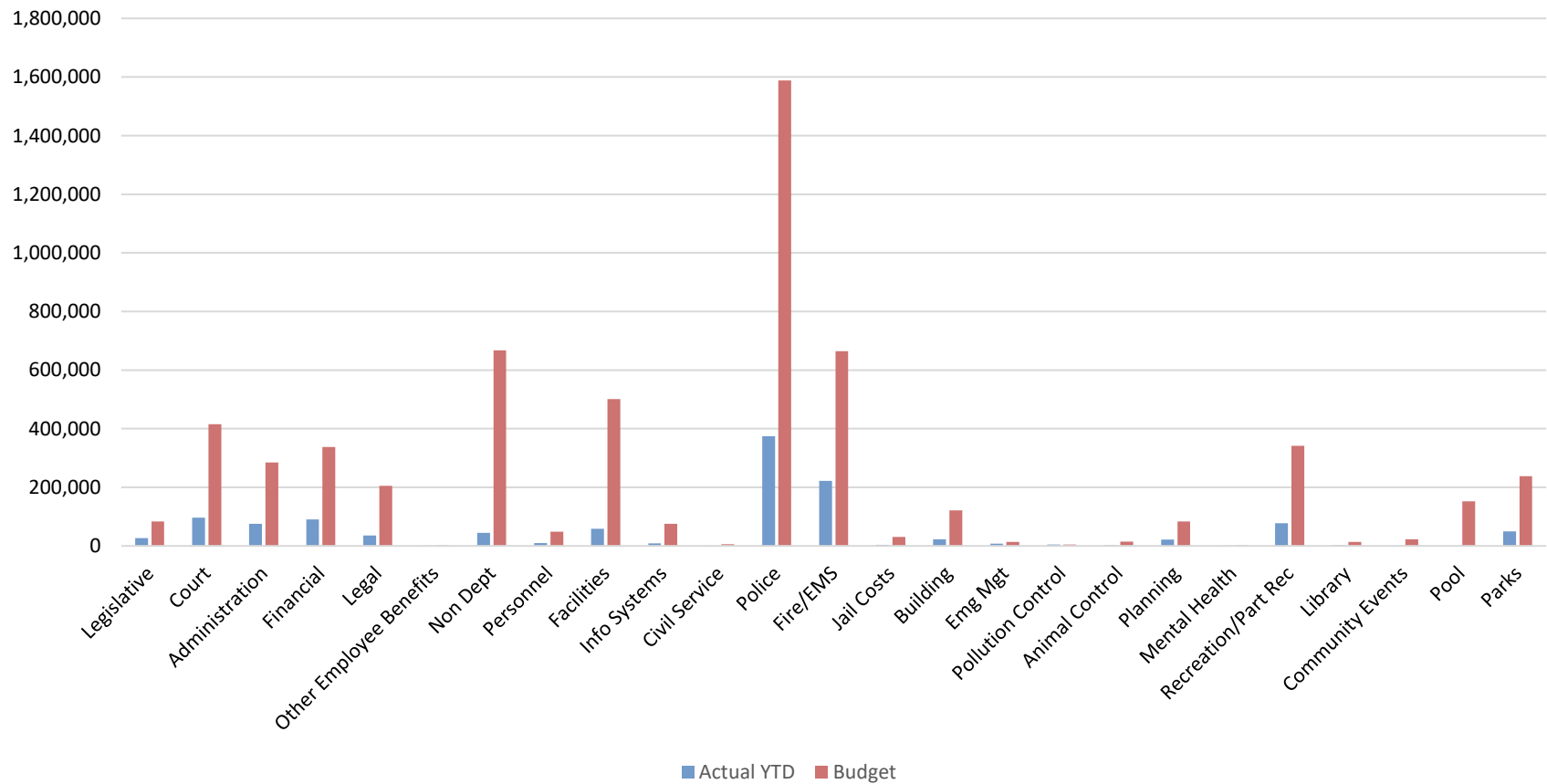


Miscellaneous includes Investment Interest, Space & Facility Rentals Donations, Reimbursements, and other miscellaneous revenues. The large increase in October of 2018 and February 2019 are from donations for the Pool and Community Center project.

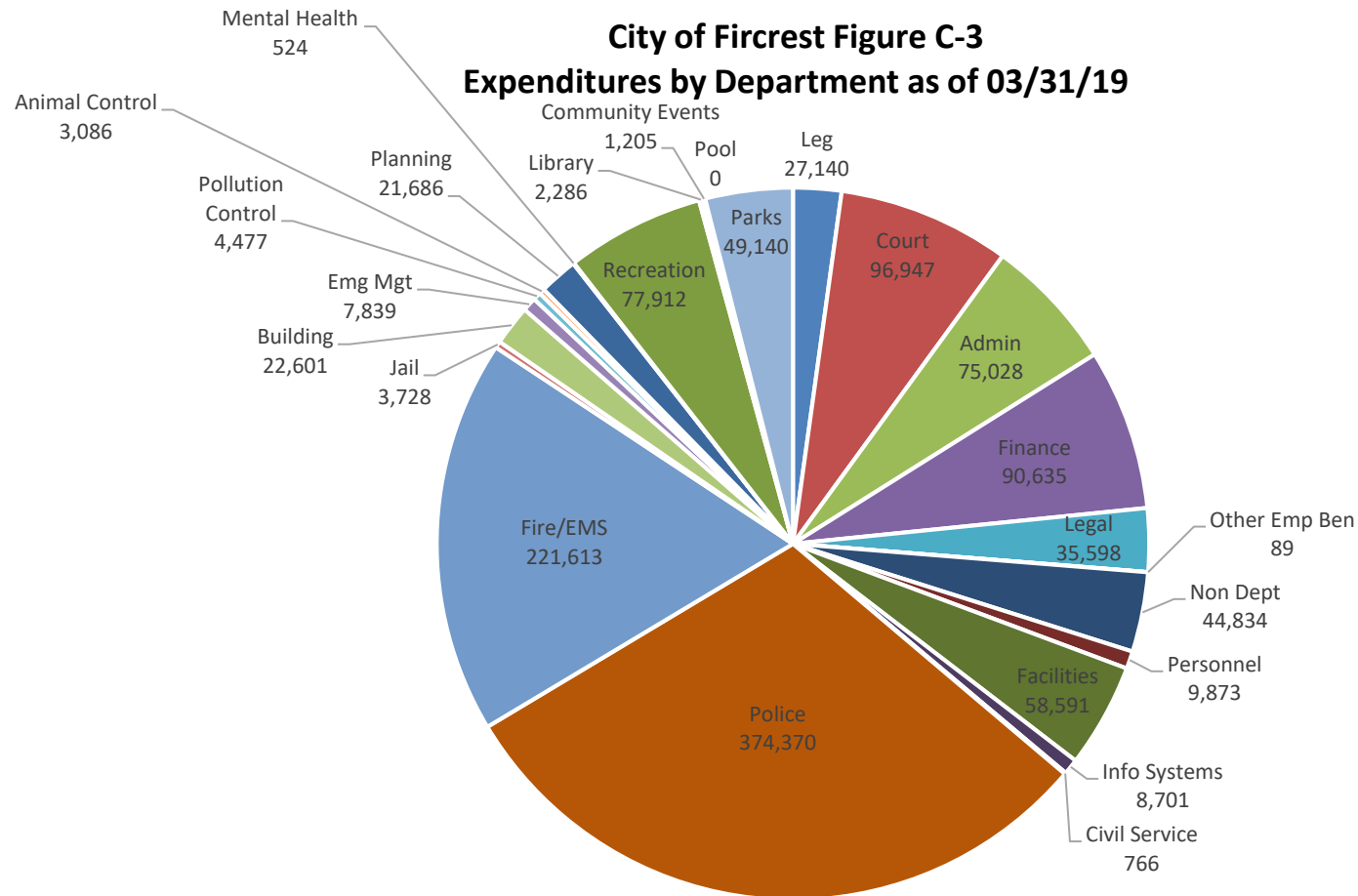
City of Fircrest Figure C-1
General Fund Expenditures by Departments as of 03/31/2019

<u>DEPARTMENT</u>	<u>YTD</u>	<u>BUDGET</u>	<u>REMAINING</u>	<u>% Expended</u>
Legislative	27,140	83,945	56,805	32.3%
Court	96,947	415,420	318,473	23.3%
Administration	75,028	284,390	209,362	26.4%
Financial	90,635	337,711	247,076	26.8%
Legal	35,598	205,355	169,757	17.3%
Other Employee Benefits	89	1,550	1,461	5.7%
Non Dept	44,834	667,741	622,907	6.7%
Personnel	9,873	48,535	38,662	20.3%
Facilities	58,591	501,327	442,736	11.7%
Info Systems	8,701	75,499	66,798	11.5%
Civil Service	766	5,635	4,869	13.6%
Police	374,370	1,588,344	1,213,974	23.6%
Fire/EMS	221,613	664,839	443,226	33.3%
Jail Costs	3,728	30,500	26,772	12.2%
Building	22,601	120,905	98,304	18.7%
Emg Mgt	7,839	14,190	6,351	55.2%
Pollution Control	4,477	4,500	23	99.5%
Animal Control	3,086	15,000	11,914	20.6%
Planning	21,686	83,546	61,860	26.0%
Mental Health	524	2,190	1,666	23.9%
Recreation/Part Rec	77,912	341,540	263,628	22.8%
Library	2,286	14,000	11,714	16.3%
Community Events	1,205	23,000	21,795	5.2%
Pool	0	152,725	152,725	0.0%
Parks	49,140	237,967	188,827	20.7%
 Total Gen Fund Oper Exp	 1,238,670	 5,920,354	 4,681,684	 20.9%
 Non Expenditures	 1,300	 0	 -1,300	 0.0%
Capital	252,617	1,078,000	825,383	23.4%
 Total General Fund	 1,492,586	 6,998,354	 5,505,768	 21.3%

**City of Fircrest Figure C-2
GENERAL FUND ACTUAL TO BUDGET AS OF 03/31/2019**



City of Fircrest Figure C-3
Expenditures by Department as of 03/31/19



- | | | | | |
|---------------------------|---------------------|--------------------|--------------|-----------------|
| ■ Legislative | ■ Court | ■ Administration | ■ Financial | ■ Legal |
| ■ Other Employee Benefits | ■ Non Dept | ■ Personnel | ■ Facilities | ■ Info Systems |
| ■ Civil Service | ■ Police | ■ Fire/EMS | ■ Jail Costs | ■ Building |
| ■ Emg Mgt | ■ Pollution Control | ■ Animal Control | ■ Planning | ■ Mental Health |
| ■ Recreation/Part Rec | ■ Library | ■ Community Events | ■ Pool | ■ Parks |

Figure D

ACTUAL REVENUE OVER/(UNDER) EXPENDITURES AS OF 3/31/2019

	<u>General</u>	<u>Street</u>	<u>Storm</u>	<u>Storm Cap</u>	<u>Water</u>	<u>Water Cap</u>	<u>Sewer</u>	<u>Sewer Cap</u>	<u>ERR</u>	<u>REET</u>
Operating Revenue	1,167,750	65,481	116,093	0	211,228	0	578,118	0	57,142	0
Operating Expenditures	<u>(1,238,670)</u>	<u>(111,364)</u>	<u>(117,420)</u>	<u>0</u>	<u>(223,216)</u>	<u>0</u>	<u>(598,698)</u>	<u>0</u>	<u>(30,168)</u>	<u>0</u>
Net Operating Revenue Over/ (Under) Expenditures	(70,919)	(45,883)	(1,327)	0	(11,988)	0	(20,579)	0	26,974	0
Capital Contributions							0		26,775	43,689
Capital Expenditures	<u>(252,617)</u>	<u>(388)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(6,989)</u>	<u>0</u>	<u>(4,845)</u>	<u>(1,074)</u>	<u>0</u>
	(252,617)	(388)	0	0	0	(6,989)	0	(4,845)	25,700	43,689
Total Net Revenue over(under) Expenditures	(323,536)	(46,271)	(1,327)	0	(11,988)	(6,989)	(20,579)	(4,845)	52,674	43,689
Non Revenue	19,855						0	0	0	
Capital Transfer In	0			20,475		27,040	0	57,500	0	
Non Expenditures	(1,300)	0	0	0		0	0	0	0	
Capital Transfer Out	<u>0</u>	<u>0</u>	<u>(20,475)</u>	<u>0</u>	<u>(27,040)</u>	<u>0</u>	<u>(57,500)</u>	<u>0</u>	<u>0</u>	<u>0</u>
	18,555	0	(20,475)	20,475	(27,040)	27,040	(57,500)	57,500	0	0
Total Change in Fund Balance	(304,981)	(46,271)	(21,802)	20,475	(39,028)	20,051	(78,079)	52,655	52,674	43,689

ACTUAL BEGINNING/ENDING FUND BALANCES FOR 2019

Beginning Fund Balance (cash)	3,545,001	243,328	210,449	505,918	304,821	184,261	857,227	1,215,571	1,439,669	1,558,565
Total Change in Fund Balance	<u>(304,981)</u>	<u>(46,271)</u>	<u>(21,802)</u>	<u>20,475</u>	<u>(39,028)</u>	<u>20,051</u>	<u>(78,079)</u>	<u>52,655</u>	<u>52,674</u>	<u>43,689</u>
Ending Fund Balance as of 3/31/2019 (total cash balance)	3,240,020	197,057	188,646	526,393	265,793	204,312	779,148	1,268,227	1,492,343	1,602,253

Figure E

AVAILABLE CASH AS OF 3/31/2019

Undesignated Fund Balances										
Total Cash Balance	3,240,020	197,057	188,646	526,393	265,793	204,312	779,148	1,268,227	1,492,343	1,602,253
Less Designated Light Fund	(773,178)									
Less Designated 44th/Alameda	(575,575)									
Undesignated Funds Invested in Bonds (matures 11/21/19)	(300,000)								(1,000,000)	
Reserverred for cash flow (3 months of operating expenses)	<u>(1,480,089)</u>	<u>(120,210)</u>	<u>(118,573)</u>	<u>0</u>	<u>(246,286)</u>	<u>0</u>	<u>(581,587)</u>	<u>0</u>	<u>(36,997)</u>	
Undesignated Fund Balance Available	<u>111,179</u>	<u>76,847</u>	<u>70,074</u>	<u>526,393</u>	<u>19,507</u>	<u>204,312</u>	<u>197,561</u>	<u>1,268,227</u>	<u>455,346</u>	<u>1,602,253</u>
Designated Fund Balance-Sale of Light										
Designated Light Fund (total cash)	773,178									
Designated Light Fund invested in bond (matures 10/7/19)	<u>(500,000)</u>									
Designated from sale of Light Fund Cash Available	273,178									
Designated Fund Balance-Sale of 44th/Alameda										
Designated 44th/Alameda Fund (cash)	575,575									
Designated 44th/Alameda invested in bond (matures 11/21/19)	<u>(200,000)</u>									
Designated 44th/Alameda Property Sale Cash Available	375,575									
CUMMULATIVE RESERVES										
Designated Fund Balance	3,000,000	150,000			11,513		369,250			
Invested in bond (matures 9/25/19)	(2,250,000)									
Invested in bond (matures 6/13/19)	(250,000)									
Invested in bond (matures 1/7/20)	<u>(500,000)</u>									
Cummulative Reserve Fund Balance Available	<u>0</u>	<u>150,000</u>	<u>0</u>	<u>0</u>	<u>11,513</u>	<u>0</u>	<u>369,250</u>	<u>0</u>	<u>0</u>	<u>0</u>

Total invested in bonds \$5,000,000
Total invested at LGIP \$6,655,120.58

NEW BUSINESS: **Budget Adjustment – Public Works Generator**
ITEM 10H.

FROM: **Colleen Corcoran, Finance Director**

RECOMMENDED MOTION: **I move to authorize the Finance Director to reallocate the funds necessary to replace the electrical transfer panel for the Public Works generator.**

PROPOSAL: The Council is being asked to approve the above motion to authorize the Finance Director to reallocate the funds necessary to replace the electrical transfer panel for the Public Works generator.

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

ERR Fund

1. Ending Fund Balance	(\$24,000)	501.508.10.05.01
2. Capital Outlay Street	\$ 6,000	501.594.48.64.12
3. Capital Outlay Storm	\$6,000	501.594.48.64.13
4. Capital Outlay Water/Sewer	\$6,000	501.594.48.64.14

Yearly replacement per fund will be \$542.

ADVANTAGE: This proposal will provide the necessary budget to replace the electrical panel of the Public Works generator.

DISADVANTAGES: Reduction of Ending Fund Balance.

ALTERNATIVES: None.

HISTORY: The transfer switch that automatically turns on the generator when a power loss occurs has failed. There is \$55,000 in ERR for the replacement of the generator. The replacement year is 2020. There are two parts to the generator, the actual generator and the electrical transfer panel. The generator portion is working well and is not being replaced at this time.

ATTACHMENT: [ERR Capital Request Form](#)

REQUEST FOR CAPITAL TO BE PURCHASED OUT OF ERR FUNDS

Department	ERR-Public Works
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Currently in ERR:	Amt. accumulated for replacement at 12/31/19	Scheduled Replacement Year
Generator	\$55,000	2020 (replacing 2018)

Miles as of		
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Year	Gas	Repairs & Maint.	Insurance	ERR Contribution
2019				2,056
2018				2,056
2017				2,056
2016				2,740
2015				2,740

Vehicle/Equipment needed:	Current Replacement Cost (including tax)
Electrical Transfer Panel for Generator	24,000

Replacement cost if vehicle/equipment is not replaced in 2019		Estimated replacement cost if vehicle/equipment is replaced in 2019. This is based on an estimated replacement cost of \$24,000 and a 20 year life with 3% inflation per year.	
2020	0	2020	2,167 (542 per fund)
2021	0	2021	2,167 (542 per fund)
2022	0	2022	2,167 (542 per fund)
2023	0	2023	2,167 (542 per fund)
2024	0	2024	2,167 (542 per fund)

Reason for Request:

Department Director

The generator was purchased in 2000. The electrical panel that controls the automatic switch to activate the generator has failed. The generator is working and is not being replaced at this time. The generator portion is expected to last for several more years.

Fiscal Impact

There is sufficient funding (\$55,000) accumulated in ERR to replace this equipment. The generator was not scheduled to be replaced until 2020.

The replacement value using a twenty year life and a 3% inflationary rate per year is \$43,347. The yearly replacement amount will be \$2,167 per year. There are four funds that contribute. The yearly replacement amount per fund will be \$542.

City Manager

I recommend purchasing the electrical panel for the Public Works generator.