

**FIRCREST CITY COUNCIL  
REGULAR MEETING AGENDA**

**TUESDAY, JUNE 11, 2019  
7:00 P.M.**

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

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- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
  - A. [Confirmation of Appointment of Planning Commissioner Shirley Schultz](#)
  - B. Community Center and Pool Project
  - C. [Appointing 2019 AWC Business Meeting Voting Delegate\(s\)](#)
- 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. Administration
  - B. Environment, Planning and Building
  - C. Finance, IT, Facilities
  - D. Other Liaison Reports
    - [Investpiercecounty.com](http://Investpiercecounty.com) demonstration by Councilmember Reynolds
- 7. CONSENT CALENDAR**
  - A. Approval of [vouchers](#)/payroll checks
  - B. Approval of minutes: [May 14, 2019 Special Meeting](#)  
[May 14, 2019 Regular Meeting](#)  
[May 20, 2019 Study Session](#)
  - C. Register no objections: Special Occasion Liquor License – [Kiwanis Club of Clover Park Foundation](#)
- 8. PUBLIC HEARING 7:15 P.M.**
- 9. UNFINISHED BUSINESS**
  - A. [Ordinance No. 1638: Use of a Hearing Examiner](#)
- 10. NEW BUSINESS**
  - A. [Ordinance: FMC Revisions – Stormwater Management](#)
  - B. [Resolution: 2020-2025 Transportation Improvement Plan](#)
  - C. [Resolution: Custodial Services Contract with F & L Building Maintenance](#)
- 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

**PRESIDING OFFICER'S REPORT:** Confirmation of Appointment of Planning  
**ITEM 4A.** Commissioner Shirley Schultz

**FROM:** Hunter T. George, Mayor

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**RECOMMENDED MOTION:** I move to confirm the Mayor's appointment of Shirley Shultz to the City of Fircrest Planning Commission effective June 16, 2019 through June 15, 2025.

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**PROPOSAL:** To confirm the appointment of Shirley Schultz to the Planning Commission.

**FISCAL IMPACT:** The proposed amendments will have no direct fiscal impact.

**ADVANTAGE:** The appointment will fill the upcoming vacancy on the Planning Commission.

**DISADVANTAGES:** None.

**ALTERNATIVES:** None.

**HISTORY:** The term for position number 5 expires June 15, 2019. Karen Patjens has served in this position for 20 years. She chose not to be considered for reappointment. The position was advertised on Facebook, in the Town Topics, and handouts were distributed to the Park's Steering Committee. We received one applicant for the position. Mayor George, Councilmember Wittner, City Manager Pingel, and Planning Administrator Stahlnecker met with the applicant on May 31, 2019.

Ms. Schultz is a 6-year resident of the City of Fircrest with 24 years of planning experience. She currently works for the City of Tacoma. She has interest in helping with the planning vision for the City and being more involved with her community. Her experience and enthusiasm for Fircrest will be a great asset to the Planning Commission.

**ATTACHMENTS:** [Letter of Interest](#)  
[Resume](#)

CITY OF FIRCREST

APR 30 2019

RECEIVED

April 29, 2019

Fircrest City Hall  
c/o Mayor's Office  
115 Ramsdell Street  
Fircrest, WA 98466

Dear Mayor George:

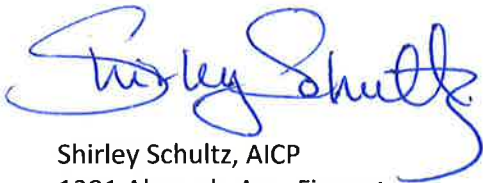
I am writing to you and the Fircrest City Council to express my interest in being appointed to the Fircrest Planning Commission. I have lived in Fircrest for a little over six years, and I would like to contribute my personal energy and professional expertise to the community.

I have been a professional Planner for more than 24 years – the last 14 of them with the City of Tacoma. In my current position, I rarely have the opportunity to participate in policy discussions or code adoption, but I see the impacts of that work daily. I believe that provides me with a good perspective on the decisions the Planning Commission makes. Further, I have a broad understanding of land use law and policy in the state, and I have a fairly thorough understanding of environmental review practices.

Finally, for the past year (almost), I have participated in the advisory group for James Center North. I think great things can come of a subarea plan for the James Center/TCC area, and I am eager to help Fircrest with its part in that.

Please let me know if you have any follow up questions for me. I have enclosed a copy of my resume for your information.

Thank you for your consideration.



Shirley Schultz, AICP  
1301 Alameda Ave, Fircrest  
360-731-4886

# Shirley A Schultz

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## Professional Experience

### **City of Tacoma, Washington**

**January, 2009 - Present**

#### Principal Planner

SEPA Officer for City of Tacoma Building and Land Use Services Division, SEPA Public Information Officer for City of Tacoma:

- review and approve SEPA determinations associated with private development - land use actions and development permits - prior to signature by SEPA Official
- coordinate with other City departments for technical expertise in commenting and providing mitigating measures for Environmental Determinations
- serve as point of contact for communication/interaction with Agencies With Expertise for routing and consultation purposes
- provide technical assistance to other City departments to prepare, publish, and distribute their own SEPA Determinations
- coordinate review of external agencies' SEPA transmittals (e.g., Port, School District, Parks District), compile City response and conditions, as appropriate

Provide mentoring and secondary supervision to Land Use Planners -- teaching, training, and guiding permitting and procedures, with a concentration on SEPA reviews and environmental permitting (shorelines and critical areas). Participate in team leadership for a staff of 10 current planners and environmental specialists.

All duties of Land Use Planner, broadened and with additional autonomy.

### **City of Tacoma, Washington**

**April, 2005 - May, 2008**

#### Land Use Planner

Conduct current land use planning activities for permits including environmental review, plan review, and coordination of staff and applicant meetings for shorelines, zoning, conditional uses, variances and design review. Proposals range from one-family homes to large public projects.

#### *other responsibilities*

- public drop-in assistance for general land use questions
- site and project research for environmental and planning review
- meeting facilitation
- code and policy drafting and review
- public meetings, public hearings

#### *internal organizational development projects*

- assisted with steering committee to revise Special Needs Housing Ordinance
- participate in city-wide working group for customer service improvements
- develop, revise, format, and produce public information handouts and document templates for division

### **City of Bremerton, Washington**

**March, 2004 - January, 2005**

#### Community Development Program Coordinator

Capital contracts and file management for Community Development Block Grant. Monitored, administered, and provided technical assistance regarding capital contracts for CDBG projects, including eligibility, environmental (SEPA and NEPA), federal, and local compliance.

### **City of Auburn, Washington**

**September, 1997 - February, 2004**

#### Planner, Housing and Human Services

Municipal planning work, focusing on housing and human service research, planning, program development and implementation, and support of short and long range planning activities.

#### *grant management*

- administered City's Community Development Block Grant (CDBG) of approximately \$475,000 annually, general fund grants of approximately \$325,000 per year, maintained records, managed required planning process, prepared reports to U.S. Department of Housing and Urban Development and City Council
- monitored, administered, and provided technical assistance regarding capital contracts for CDBG projects, including eligibility, environmental, federal and local compliance
- prepared applications for state and federal funding of housing and human service projects, administered grants



*planning duties*

- processed land use permit applications, such as variances, conditional use permits, shoreline permits, and SEPA checklists
- responded to public inquiries and made public presentations regarding City laws, activities and programs
- reviewed development applications, provided staff report support for pre-development

**City of Shelton, Washington                      December 1995 to September 1997**

**Planner I, Long Range**

- assisted with implementation of Comprehensive Plan, including writing and revising zoning code and design standards
- presented implementation alternatives and impacts to public meetings, citizen committee, and City Commission
- provided staff support for community groups on land use issues such as forestry, Continuum of Care planning (for Federal Homeless funds)
- interacted with public on residential permit reviews, sign permits, other current planning tasks as assigned

**Education**

**Master of Planning, 1994**

Hubert H. Humphrey Institute of Public Affairs, Minneapolis, MN

Emphasis in housing policy and land use planning. Extensive coursework in public management, policy analysis, statistics, and micro-economics. Additional coursework in land use law, transportation policy, planning history and theory.

**Bachelor of Arts, American Politics, 1991**

University of Puget Sound, Tacoma, WA

**Summary of Skills**

Professional Land Use Planner with experience in grant management, long-range planning, and current planning, including policy development, environmental review, and public interaction.

Excellent written and oral communication skills in all types of environments and with a wide variety of audiences.

Ability to learn quickly, manage projects independently, lead others in consensus processes, and explain complex matters in a succinct and accessible way.

**Relevant Professional and Volunteer Experience, Affiliations, Awards**

Sustainable Building Advisor, Certificate Course through Seattle City Light and Seattle Central Community College, June, 2003

American Institute of Certified Planners, August 1999 – May 2007, recertified December 2018

American Planning Association, Member, January 1996 – May 2007, May 2018-present

South King Council of Human Services, Board Member, May 2000 - December, 2003

Tacoma-Pierce County Habitat for Humanity, volunteer, May 2000 - June 2002 (site selection, development, special events public relations)

Mason County Homeless Shelter, Board Member, 1996

Dispute Resolution Center of Kitsap County, Board Member, 1995

AICP Planning Student of the Year, Humphrey Institute, 1994

Habitat for Humanity International, May 1991-June 1992 (volunteer, full time, public relations)

CITY OF FIRCREST

JUN 05 2019

RECEIVED

May 30, 2019

To: Mayor Hunter George, City of Fircrest

From: Don Britain, AWC President

Subject: 2019 AWC Business Meeting

AWC invites you to attend the **annual Business Meeting on Thursday, June 27, 2019, 4 – 5:45 pm at the Spokane Convention Center, 334 W Spokane Falls Blvd, Spokane, WA 99201** in conjunction with the AWC Annual Conference. On behalf of the AWC Board of Directors, I encourage your city to participate by appointing voting delegates.

AWC bylaws allow each city to appoint up to three voting delegates. The bylaws do not specify a method or form cities must use to appoint delegates. If your city determines these appointments through council action, please share this information with your city council.

Each voting delegate has one vote. Voting delegates have the opportunity to influence the operations of AWC by electing members of the AWC Board of Directors, engage on issues that affect cities, and consider bylaw amendments.

Once the mayor, manager, or council has determined the city's voting delegates for the 2019 Business Meeting, please submit their names and titles using the online form found on the AWC website:  
<https://wacities.org/events-education/conferences/awc-annual-conference/business-meeting>.

The deadline for submitting voting delegates is **Friday, June 21, 2019**. If you have any questions, please contact Michelle Fry at [michellef@awcnet.org](mailto:michellef@awcnet.org) or 360.753.4137.

Additional information on the Business Meeting, the AWC Board of Directors, and the Annual Conference can be found on AWC's website: [wacities.org](http://wacities.org).

cc: Jessica Nappi, City Clerk

# ACCOUNTS PAYABLE

City Of Fircrest  
MCAG #: 0583

As Of: 06/11/2019

Time: 13:55:28 Date: 06/07/2019  
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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
<b>19462</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3647 Agrishop, Inc</b>	<b>48.80</b>	<b>Edger Blade</b>
	576 80 31 02 Oper Supplies - Parks		001 000 576 General Fund	48.80	Edger Blade
<b>19512</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3647 Agrishop, Inc</b>	<b>738.17</b>	<b>SAA #1716 Cut-Off Saw With Cart And Water Tank Kit For Cutting Asphalt</b>
	531 50 35 00 Small Tools & Equip - Stor		415 000 531 Storm Drain	246.06	SAA #1716 Cut-Off Saw With Cart And Water Tank Kit For Cutting Asphalt
	534 80 35 00 Small Tools & Equip - Wat		425 000 534 Water Fund (de	246.05	SAA #1716 Cut-Off Saw With Cart And Water Tank Kit For Cutting Asphalt
	542 30 35 00 Small Tools & Equip-St Re		101 000 542 City Street Fun	246.06	SAA #1716 Cut-Off Saw With Cart And Water Tank Kit For Cutting Asphalt
Total Agrishop, Inc				786.97	
<b>19500</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>2023 Alexander, John</b>	<b>161.79</b>	<b>04-00890.3 - 1018 FAIRWAY DR</b>
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-36.03	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-38.65	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-87.11	
<b>19549</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8587 All Electric Motor Service, Inc.</b>	<b>906.60</b>	<b>Pool Pump Repair</b>
	576 20 48 00 Rep & Maint - Pool		001 000 576 General Fund	906.60	Pool Pump Repair
<b>19469</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8556 Anderson, Chris</b>	<b>914.72</b>	<b>Signs / Dog Bandanas For Fun Days</b>
	573 90 49 01 Community Events		001 000 573 General Fund	914.72	Signs / Dog Bandanas For Fun Days
<b>19456</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7598 Anderson, Gary</b>	<b>67.00</b>	<b>Library Reimbursement 1 Year</b>
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
<b>19510</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7066 Apex Engineering</b>	<b>7,500.00</b>	<b>P#58 Farallone Ave Sewer Prof. Engineering Services April 2019</b>
	594 35 63 03 Project Engineering Sewer		432 000 594 Sewer Improve	7,500.00	P#58 Farallone Ave Sewer Prof. Engineering Services 04/2019
<b>19501</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8583 Atlantic Machinery, Inc.</b>	<b>401,237.84</b>	<b>2019 Freightliner Vactor Truck</b>
	594 31 64 00 Machinery & Equipment-S		416 000 594 Storm Improve	13,259.73	2019 Freightliner Vactor Truck
	594 32 64 01 Machinery & Equipment -		101 000 542 City Street Fun	13,259.73	2019 Freightliner Vactor Truck
	594 34 64 00 Machinery & Equipment		426 000 594 Water Improve	39,779.19	2019 Freightliner Vactor Truck
	594 35 64 00 Machinery & Equipment S		432 000 594 Sewer Improve	39,779.19	2019 Freightliner Vactor Truck
	594 48 64 12 Street - ERR Capital		501 000 548 Equipment Ren	37,870.00	2019 Freightliner Vactor Truck
	594 48 64 13 Storm - ERR Capital		501 000 548 Equipment Ren	35,230.00	2019 Freightliner Vactor Truck

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	594 48 64 14	Water/Sewer - ERR Capita	501 000 548 Equipment Ren	222,060.00	2019 Freightliner Vactor Truck
<b>19516</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4052</b>	<b>Auto Value, National Auto Parts Wareh</b>	<b>101.26 #27835D (1998) Replacement Starter</b>
	548 65 48 06	O & M - Facilities	501 000 548 Equipment Ren	101.26	#27835D (1998) Replacement Starter
<b>19477</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4293</b>	<b>CDW Government Inc</b>	<b>5,014.19 Office 365 Email Migration 1st Half Payment</b>
	518 81 49 01	Software Licenses	001 000 518 General Fund	5,014.19	Office 365 Email Migration 1st Half Payment
<b>19517</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3572</b>	<b>CED</b>	<b>459.75 Ballasts For Gym Lights (Quantity 14)</b>
	518 30 31 01	Oper Sup/Rec Bldg	001 000 518 General Fund	459.75	Ballasts For Gym Lights (Quantity 14)
<b>19518</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3572</b>	<b>CED</b>	<b>27.44 Exterior Light Bulbs</b>
	518 30 31 04	Oper Sup/CH	001 000 518 General Fund	27.44	Exterior Light Bulbs
Total CED				487.19	
<b>19489</b>	<b>06/04/2019</b>	<b>06/11/2019</b>	<b>7937</b>	<b>Campos, Ana</b>	<b>46.86 03-01670.2 - 537 BERKELEY AVE</b>
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-10.44	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-11.19	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-25.23	
<b>19511</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7088</b>	<b>Certified Laboratories</b>	<b>738.53 Spill Guard Absorbant</b>
	531 50 31 02	Oper Supplies - Storm	415 000 531 Storm Drain	184.63	Spill Guard Absorbant
	534 50 31 01	Oper Supplies - Water Mai	425 000 534 Water Fund (de	184.63	Spill Guard Absorbant
	535 50 31 01	Oper Supplies - Sewer Mai	430 000 535 Sewer Fund (de	184.64	Spill Guard Absorbant
	542 30 31 02	Oper Supplies - Street Reg	101 000 542 City Street Fun	184.63	Spill Guard Absorbant
<b>19555</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>331</b>	<b>Cheesman, John G</b>	<b>705.92 Meals And Lodging Reimbursement For WASPC Spring 2019 Conference - J. Cheesman</b>
	521 22 43 00	Travel - Police	001 000 521 General Fund	705.92	Meals And Lodging Reimbursement For WASPC Spring 2019 Conference - J. Cheesman
<b>19530</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4315</b>	<b>Cities Insurance Assoc of WA</b>	<b>566.93 #68579D Ford Transit Connect Van - Facilities</b>
	548 65 46 06	Facilities Insurance	501 000 548 Equipment Ren	566.93	#68579D Ford Transit Connect Van - Facilities
<b>19559</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4322</b>	<b>City of Tacoma Washington</b>	<b>1,317.29 Power - Various Locations May 2019</b>
	534 80 47 01	Utility Services/Pumping	425 000 534 Water Fund (de	297.79	Weathervane 05/2019
	535 80 47 01	Utility Services/Pumping	430 000 535 Sewer Fund (de	457.17	Commons L/S, Alameda L/S 05/2019
	542 63 47 00	Electricity/Street Lights	101 000 542 City Street Fun	11.24	5200 Emerson 05/2019
	576 80 47 00	Public Utility Services - Pa	001 000 576 General Fund	551.09	Whittier Lights & Irrigation 05/2019

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19554	06/11/2019	06/11/2019	6266 Clover Park School District	322.61	Printing - Officer's Notebooks (Quantity 50)
	521 22 31 00	Office & Oper Sup - Police	001 000 521 General Fund	322.61	Printing - Officer's Notebooks (Quantity 50)
19478	06/11/2019	06/11/2019	3560 Columbia Ford	26,502.72	#68579D 2019 Ford S6F Transit Cargo Van
	594 48 64 06	Facilities - ERR Capital	501 000 548 Equipment Ren	26,502.72	#68579D 2019 Ford S6F Transit Cargo Van
19535	06/11/2019	06/11/2019	3573 Copiers Northwest Inc	405.29	Copier Usage April 2019 - City Hall, Court, Public Works, Parks / Rec
	512 50 45 00	Oper Rentals - Copier - Co	001 000 512 General Fund	27.98	Court 04/2019
	518 10 45 00	Oper Rentals - Copier - No	001 000 518 General Fund	133.89	CH 04/2019
	531 50 45 00	Oper Rentals - Copier - Sto	415 000 531 Storm Drain	14.44	Storm 04/2019
	534 10 45 02	Oper Rentals - Copier - Wa	425 000 534 Water Fund (de	14.44	Water 04/2019
	535 10 45 00	Oper Rentals - Copier - Sev	430 000 535 Sewer Fund (de	14.43	Sewer 04/2019
	542 30 45 00	Oper Rentals - Copier - Str	101 000 542 City Street Fun	14.44	Street 04/2019
	571 10 45 01	Oper Rentals - Copier - Rec	001 000 571 General Fund	167.10	Rec 04/2019
	576 80 45 00	Oper Rentals - Copier - Par	001 000 576 General Fund	18.57	Parks 04/2019
19487	06/11/2019	06/11/2019	363 Corcoran, Colleen T	52.75	Title Fee Facilities Van #68579D
	594 48 64 06	Facilities - ERR Capital	501 000 548 Equipment Ren	52.75	Title Fee Facilities Van #68579D
19537	06/11/2019	06/11/2019	7802 Core & Main LP	2,834.87	Supplies For Alameda Water Services
	534 50 31 01	Oper Supplies - Water Mai	425 000 534 Water Fund (de	2,834.87	Supplies For Alameda Water Services
19560	06/11/2019	06/11/2019	3599 Dept Of Licensing	1,147.54	Title For 2019 Freightliner Vactor Truck
	594 48 64 12	Street - ERR Capital	501 000 548 Equipment Ren	143.44	Title For 2019 Freightliner Vactor Truck
	594 48 64 13	Storm - ERR Capital	501 000 548 Equipment Ren	143.44	Title For 2019 Freightliner Vactor Truck
	594 48 64 14	Water/Sewer - ERR Capita	501 000 548 Equipment Ren	860.66	Title For 2019 Freightliner Vactor Truck
19480	06/11/2019	06/11/2019	8567 Dickens, Bill	100.00	Refund Rental Deposit Dickens 5/25/19
	586 00 00 00	Deposit Refunds	001 000 580 General Fund	100.00	Refund Rental Deposit Dickens 5/25/19
19508	06/11/2019	06/11/2019	3612 DrainTech Northwest LLC	262.66	Clogged Toilet Repair - Public Safety Building
	518 30 48 04	Rep & Maint - PSB	001 000 518 General Fund	262.66	Clogged Toilet Repair - PSB
19481	06/11/2019	06/11/2019	6995 Endicott, Cynthia J.	268.80	Silver Sneakers And Yoga April 2019
	571 20 49 06	Instructor Fees	001 000 571 General Fund	268.80	Silver Sneakers & Yoga 04/2019
19491	06/04/2019	06/11/2019	7262 Evans, Marie	28.07	04-00450.3 - 804 RAMSDELL ST
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-6.25	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-6.71	

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-15.11	
<b>19541</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3636 Ferguson Waterworks, #1539</b>	<b>143.91</b>	<b>SAA #1717 Poly Pipe Cutter</b>
	534 80 35 00	Small Tools & Equip - Wat	425 000 534 Water Fund (de	143.91	SAA #1717 Poly Pipe Cutter
<b>19542</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3636 Ferguson Waterworks, #1539</b>	<b>345.86</b>	<b>Supplies For Alameda Water Services</b>
	534 50 31 01	Oper Supplies - Water Mai	425 000 534 Water Fund (de	345.86	Supplies For Alameda Water Services
			Total Ferguson Waterworks, #1539	489.77	
<b>19522</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3638 Fircrest Golf Club</b>	<b>1,287.78</b>	<b>Golf Tank Land Rental June 2019</b>
	534 10 45 01	Land Rental/Water Tank	425 000 534 Water Fund (de	1,287.78	Golf Tank Land Rental 06/2019
<b>19544</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3642 Flags A' Flying LLC</b>	<b>797.41</b>	<b>Flags For Regents / Emerson (Quantity 36)</b>
	542 80 31 05	Banners/Flags	101 000 542 City Street Fun	797.41	Flags For Regents / Emerson (Quantity 36)
<b>19536</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3649 Flo Hawks Plumbing &amp; Septic</b>	<b>1,828.46</b>	<b>Estate Place L / S Cleanup 05/20/19</b>
	535 50 48 00	Rep & Maint - Sewer Main	430 000 535 Sewer Fund (de	1,828.46	Estate Place L / S Cleanup 05/20/19
<b>19460</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>5368 Gollinger, Barbara</b>	<b>150.00</b>	<b>Gym Reimbursement (Jan - Jun 2019) - B. Gollinger</b>
	518 10 20 00	Personnel Benefits - Non D	001 000 518 General Fund	60.00	Gym Reimbursement (Jan - Jun 2019) - B. Gollinger
	531 50 20 00	Personnel Benefits - Storm	415 000 531 Storm Drain	30.00	Gym Reimbursement (Jan - Jun 2019) - B. Gollinger
	534 10 20 00	Personnel Benefits - Wtr A	425 000 534 Water Fund (de	30.00	Gym Reimbursement (Jan - Jun 2019) - B. Gollinger
	535 10 20 00	Personnel Benefits-Swr Ad	430 000 535 Sewer Fund (de	30.00	Gym Reimbursement (Jan - Jun 2019) - B. Gollinger
<b>19473</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8046 Goncharova, Natalya</b>	<b>138.56</b>	<b>Russian Interpreting (2 Hrs Plus Mileage)</b>
	512 50 41 03	Prof Srvs - Interpreter	001 000 512 General Fund	138.56	Russian Interpreting (2 Hrs Plus Mileage)
<b>19547</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3666 Grainger Inc, Dept 826129041</b>	<b>258.65</b>	<b>Water Pump For Hanging Baskets</b>
	542 80 31 02	Flower BasketsSupplies	101 000 542 City Street Fun	258.65	
<b>19558</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3666 Grainger Inc, Dept 826129041</b>	<b>28.91</b>	<b>Eye Wash Bottles</b>
	534 80 31 02	Oper Supplies - Water	425 000 534 Water Fund (de	28.91	Eye Wash Bottles
			Total Grainger Inc, Dept 826129041	287.56	
<b>19538</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6774 Greenleaf Landscaping 1 Inc</b>	<b>2,637.60</b>	<b>Replacement Trees - Emerson North Mow Strip</b>
	542 30 48 01	Rep & Maint - Street Maint	101 000 542 City Street Fun	2,637.60	Replacement Trees - Emerson North Mow Strip

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<b>19539</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6774</b>	<b>Greenleaf Landscaping 1 Inc</b>	<b>292.33 Irrigation Repairs - Emerson North Mow Strip</b>
542 80 31 04	Beautification-Supplies	101 000 542	City Street Fun	292.33	Irrigation Repairs - Emerson North Mow Strip
<b>19540</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6774</b>	<b>Greenleaf Landscaping 1 Inc</b>	<b>879.20 Replacement Tree - Orchard St Mow Strip</b>
542 30 48 01	Rep & Maint - Street Maint	101 000 542	City Street Fun	879.20	Replacement Tree - Orchard St Mow Strip
Total Greenleaf Landscaping 1 Inc				3,809.13	
<b>19451</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>107</b>	<b>Grolbert, Elizabeth</b>	<b>67.00 Library Reimbursement 1 Year</b>
572 21 49 00	Library Services	001 000 572	General Fund	67.00	Library Reimbursement 1 Year
<b>19495</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>5393</b>	<b>Haas, Joseph</b>	<b>25.47 02-02390.2 - 711 ROSE ST</b>
343 10 00 00	Storm Drain Fees & Charge	415 000 340	Storm Drain	-5.67	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (de	-6.09	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-13.71	
<b>19465</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3692</b>	<b>Home Depot Credit Services</b>	<b>153.18 SAA #1715 Submersible Sump Pump</b>
576 80 35 00	Small Tools & Equip - Parl	001 000 576	General Fund	153.18	SAA #1715 Submersible Sump Pump
<b>19533</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8585</b>	<b>J &amp; J Autobody</b>	<b>5,371.47 #60452D Collision Repair</b>
548 65 48 08	O & M - Police	501 000 548	Equipment Ren	5,371.47	#60452D Collision Repair
<b>19479</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8566</b>	<b>Jackson, Shakeria</b>	<b>170.00 Refund Cancelled Rental Deposit And Fees Jackson 6/9/19</b>
362 40 00 00	Space & Facility Rental	001 000 360	General Fund	-70.00	Refund Cancelled Rental Deposit And Fees Jackson 6/9/19
586 00 00 00	Deposit Refunds	001 000 580	General Fund	100.00	Refund Cancelled Rental Deposit And Fees Jackson 6/9/19
<b>19493</b>	<b>06/04/2019</b>	<b>06/11/2019</b>	<b>7496</b>	<b>Jacobson, Jason</b>	<b>32.80 04-02050.0 - 1090 DANIELS DR</b>
343 10 00 00	Storm Drain Fees & Charge	415 000 340	Storm Drain	30.47	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (de	63.17	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-126.44	
<b>19453</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6638</b>	<b>Jinhong, Dominique</b>	<b>67.00 Library Reimbursement 1 Year</b>
572 21 49 00	Library Services	001 000 572	General Fund	67.00	Library Reimbursement 1 Year
<b>19507</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7907</b>	<b>Jose Technologies Inc</b>	<b>800.00 Air Quality Inspection - Rec Center</b>
518 30 48 01	Rep & Maint - Rec Bldg	001 000 518	General Fund	800.00	Air Quality Inspection - Rec Center

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<b>19497</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>5538</b>	<b>King, Richard</b>	<b>307.31 06-01595.5 - 1577 WOODSIDE DR</b>
	343 10 00 00	Storm Drain Fees & Charge	415 000 340	Storm Drain	-68.45
	343 40 00 00	Sale Of Water	425 000 340	Water Fund (de	-73.40
	343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-165.46
<b>19499</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>6963</b>	<b>Kors, Dalin</b>	<b>13.61 12-00810.0 - 4723 61ST AVE W</b>
	343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-13.61
<b>19520</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3772</b>	<b>Lawman Badge Company</b>	<b>134.00 New Badge For Sgt. Miller (#3)</b>
	521 22 49 01	Uniforms/Clothing/Laundry	001 000 521	General Fund	134.00 New Badge For Sgt. Miller (#3)
<b>19486</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8404</b>	<b>Linda Kaye Briggs</b>	<b>3,178.30 P#55 Capital Campaign May 2019 (19.5 Hrs)</b>
	594 76 62 00	Buildings & Structures - Pa	001 000 576	General Fund	3,178.30 P#55 Capital Campaign 05/2019 (19.5 Hrs)
<b>19450</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6726</b>	<b>Linggi, Patrick</b>	<b>67.00 Library Reimbursement 1 Year (Emmett)</b>
	572 21 49 00	Library Services	001 000 572	General Fund	67.00 Library Reimbursement 1 Year (Emmett)
<b>19448</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7162</b>	<b>Loukhnati, Kelly</b>	<b>67.00 Library Reimbursement 1 Year</b>
	572 21 49 00	Library Services	001 000 572	General Fund	67.00 Library Reimbursement 1 Year
<b>19463</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>83.58 Pool Maintenance Supplies</b>
	576 20 31 03	Oper Supplies - Pool	001 000 576	General Fund	83.58 Pool Maintenance Supplies
<b>19475</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>22.99 Maintenance Supplies</b>
	518 30 31 00	Oper Sup/Facilities	001 000 518	General Fund	22.99 Maintenance Supplies
<b>19476</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>275.25 Flowers For City Hall</b>
	518 30 31 04	Oper Sup/CH	001 000 518	General Fund	275.25 Flowers For City Hall
<b>19514</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>22.82 Supplies For No Smoking Signs - City Hall</b>
	518 30 31 04	Oper Sup/CH	001 000 518	General Fund	22.82 Supplies For No Smoking Signs - CH
<b>19515</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>66.90 Supplies For Bear Maintenance - PSB</b>
	518 30 31 02	Oper Sup/PSB Bldg	001 000 518	General Fund	66.90 Supplies For Bear Maintenance - PSB
<b>19557</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3791</b>	<b>Lowe's Company-#338954</b>	<b>18.78 For Sale Signs - Surplus Vehicles</b>
	518 30 31 04	Oper Sup/CH	001 000 518	General Fund	18.78 For Sale Signs - Surplus Vehicles



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			Total Lowe's Company-#338954	490.32	
<b>19506</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8584 Malagon, Ixtlaccihuatl</b>	<b>120.00</b>	<b>Spanish Interpreting (2 Hrs)</b>
	512 50 41 03 Prof Svcs - Interpreter		001 000 512 General Fund	120.00	Spanish Interpreting (2 Hrs) 8Z1083803, 9Z0526356
<b>19496</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>8285 Mastrantuone, Paul</b>	<b>62.36</b>	<b>07-00226.1 - 146 WILD ROSE ST</b>
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-13.89	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-14.89	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-33.58	
<b>19545</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6369 McLendon Hardware Inc (Tacoma)</b>	<b>19.09</b>	<b>Fasteners For Flag Repairs</b>
	542 80 31 05 Banners/Flags		101 000 542 City Street Fund	19.09	Fasteners For Flag Repairs
<b>19490</b>	<b>06/04/2019</b>	<b>06/11/2019</b>	<b>7696 Miller, Rebecca A</b>	<b>44.09</b>	<b>04-00120.2 - 805 SPRING ST</b>
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-24.86	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-13.38	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-5.85	
<b>19454</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>2845 Moline, Michael</b>	<b>67.00</b>	<b>Library Reimbursement 1 Year</b>
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
<b>19447</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>1952 Morasch, Lynn</b>	<b>67.00</b>	<b>Library Reimbursement 1 Year</b>
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
<b>19498</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>1649 Nelson, Kathleen</b>	<b>297.78</b>	<b>03-00130.2 - 610 GOLDEN GATE AV</b>
	343 10 00 00 Storm Drain Fees & Charge		415 000 340 Storm Drain	-77.61	
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-81.13	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-139.04	
<b>19455</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>2702 Nguyen, Duc</b>	<b>67.00</b>	<b>Library Reimbursement 1 Year</b>
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement 1 Year
<b>19519</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3957 PC Budget &amp; Finance</b>	<b>478.35</b>	<b>1st Quarter 2019 Liquor Tax</b>
	566 66 49 00 Substance Abuse Fee		001 000 566 General Fund	478.35	1st Quarter 2019 Liquor Tax
<b>19532</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3955 Petrocard Systems Inc</b>	<b>533.11</b>	<b>Gas / Fuel May 2019</b>
	548 65 31 11 Parks/Rec Gas		501 000 548 Equipment Ren	91.45	Parks 05/2019
	548 65 31 12 Street Gas		501 000 548 Equipment Ren	153.84	Street 05/2019
	548 65 31 13 Storm Gas		501 000 548 Equipment Ren	106.28	Storm 05/2019
	548 65 31 14 Wtr/Swr Gas		501 000 548 Equipment Ren	181.54	W / S 05/2019

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<b>19457</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4828</b>	<b>Protect Youth Sports</b>	<b>119.40 Background Checks For T-Ball Coaches And Seasonal Employees</b>
518 11 41 00	Prof Svcs - Personnel	001 000 518	General Fund	119.40	Background Checks For T-Ball Coaches And Seasonal Employees
<b>19502</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3986</b>	<b>Puget Sound Energy, BOT-01H</b>	<b>44.85 Natural Gas - Public Works May 2019</b>
531 50 47 02	Public Utility Services/Bldg	415 000 531	Storm Drain	11.21	Gas - PW 05/2019
534 10 47 00	Utility Services/Building -	425 000 534	Water Fund (de	11.21	Gas - PW 05/2019
535 10 47 00	Utility Services/Building -	430 000 535	Sewer Fund (de	11.22	Gas - PW 05/2019
542 30 47 02	Electricity & Gas/Bldg - St	101 000 542	City Street Fun	11.21	Gas - PW 05/2019
<b>19504</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3986</b>	<b>Puget Sound Energy, BOT-01H</b>	<b>51.99 Natural Gas - City Hall May 2019</b>
518 30 47 00	Public Utility Services - Ci	001 000 518	General Fund	51.99	Gas - CH 05/2019
<b>19505</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3986</b>	<b>Puget Sound Energy, BOT-01H</b>	<b>325.01 Natural Gas - Rec Center May 2019</b>
576 80 47 00	Public Utility Services - Pa	001 000 576	General Fund	325.01	Gas - REC 05/2019
Total Puget Sound Energy, BOT-01H				421.85	
<b>19524</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>5710</b>	<b>Rainier Connect, Mashell Telecom</b>	<b>106.95 Internet Access Fee June 2019</b>
518 81 42 00	Communication - I/S	001 000 518	General Fund	106.95	Internet 06/2019
<b>19494</b>	<b>06/05/2019</b>	<b>06/11/2019</b>	<b>8294</b>	<b>Rooney, Michele</b>	<b>69.68 06-02650.1 - 1558 CYPRESS POINT AVE</b>
343 10 00 00	Storm Drain Fees & Charge	415 000 340	Storm Drain	-15.52	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (de	-16.64	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (de	-37.52	
<b>19509</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>140.42 Janitorial Supplies - Rec Center</b>
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	140.42	Janitorial Supplies - REC
<b>19521</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>76.62 Janitorial Supplies - Rec Center</b>
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	76.62	Janitorial Supplies - REC
<b>19550</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>38.41 Janitorial Supplies - Public Safety Building</b>
518 30 31 02	Oper Sup/PSB Bldg	001 000 518	General Fund	38.41	Janitorial Supplies - PSB
<b>19551</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>106.99 Janitorial Supplies - City Hall</b>
518 30 31 04	Oper Sup/CH	001 000 518	General Fund	106.99	Janitorial Supplies - CH

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<b>19552</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>163.70 Janitorial Supplies - Rec Center</b>
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	163.70	Janitorial Supplies - REC
<b>19553</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4035</b>	<b>Sarco Supply</b>	<b>0.00 Paper Towel Dispensers - Return And Replacement</b>
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	-250.57	Paper Towel Dispensers Returned
518 30 31 01	Oper Sup/Rec Bldg	001 000 518	General Fund	250.57	Paper Towel Dispensers Replacement
Total Sarco Supply				526.14	
<b>19449</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>2068</b>	<b>Sheppard*, Joe</b>	<b>67.00 Library Reimbursement 1 Year</b>
572 21 49 00	Library Services	001 000 572	General Fund	67.00	Library Reimbursement 1 Year
<b>19458</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4690</b>	<b>Sound Inspections LLC</b>	<b>10,072.87 Inspections, Mileage And Calls May 2019</b>
524 20 41 01	Bldg Inspec/Plan Review	001 000 524	General Fund	10,072.87	Inspections, Mileage And Calls 05/2019
<b>19459</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4084</b>	<b>Staples Business Advantage</b>	<b>244.81 Court Supplies</b>
512 50 31 00	Office & Oper Sup-Court	001 000 512	General Fund	244.81	Court Supplies
<b>19464</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4087</b>	<b>Star Rentals</b>	<b>110.20 Pump Rental For Pool</b>
576 20 45 00	Operating Rentals - Pool	001 000 576	General Fund	110.20	Pump Rental For Pool
<b>19503</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4110</b>	<b>Superior Linen Service</b>	<b>157.72 Linen Service May 2019</b>
576 80 49 00	Miscellaneous - Parks	001 000 576	General Fund	157.72	05/09/19 & 05/23/19
<b>19467</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4116</b>	<b>Swank Motion Pictures Inc</b>	<b>973.71 Movie In The Park DVD's (7/19/19 And 8/10/19)</b>
573 90 49 01	Community Events	001 000 573	General Fund	973.71	Movie In The Park DVD's (7/19/19 And 8/10/19)
<b>19482</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>Systems for Public Safety Inc</b>	<b>487.99 #60942D 30,000 Mile Service, LOF, Replaced Air Filter</b>
548 65 48 08	O & M - Police	501 000 548	Equipment Ren	487.99	#60942D 30,000 Mile Service, LOF, Replaced Air Filter
<b>19483</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>Systems for Public Safety Inc</b>	<b>787.17 #49844D (2009) Remove Equipment For Surplus Sale</b>
548 65 48 08	O & M - Police	501 000 548	Equipment Ren	787.17	#49844D (2009) Remove Equipment For Surplus Sale
<b>19484</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>Systems for Public Safety Inc</b>	<b>787.72 #49845D (2009) Remove Equipment For Surplus Sale</b>

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	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	787.72	#49845D (2009) Remove Equipment For Surplus Sale
<b>19485</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>207.71</b>	<b>#52951D Installed Radar From #49845D</b>
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	207.71	#52951D Installed Radar From #49845D
<b>19488</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>1,584.34</b>	<b>#60943D (2016) 30,000 Mile Service, LOF, Replaced Air Filters And All Brake Pads / Rotors</b>
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	1,584.34	#60943D (2016) 30,000 Mile Service, LOF, Replaced Air Filters And All Brake Pads / Rotors
<b>19534</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4328</b>	<b>1,229.28</b>	<b>#60452D Collision Repair</b>
	548 65 48 08	O & M - Police	501 000 548 Equipment Ren	1,229.28	#60452D Collision Repair
			Total Systems for Public Safety Inc	5,084.21	
<b>19466</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>6950</b>	<b>401.57</b>	<b>Dash Plates For Fircrest Car Show (400)</b>
	573 90 49 01	Community Events	001 000 573 General Fund	401.57	Dash Plates For Fircrest Car Show (400)
<b>19563</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4139</b>	<b>151.74</b>	<b>No Smoking Signs</b>
	518 30 31 01	Oper Sup/Rec Bldg	001 000 518 General Fund	37.93	No Smoking Signs - REC
	518 30 31 02	Oper Sup/PSB Bldg	001 000 518 General Fund	18.97	No Smoking Signs - PSB
	518 30 31 03	Oper Sup/PWF	001 000 518 General Fund	18.97	No Smoking Signs - PW
	518 30 31 04	Oper Sup/CH	001 000 518 General Fund	75.87	No Smoking Signs - CH
<b>19452</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4142</b>	<b>67.00</b>	<b>Library Reimbursement 1 Year</b>
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement 1 Year
<b>19546</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4151</b>	<b>114.56</b>	<b>Caution Tape</b>
	542 30 31 02	Oper Supplies - Street Reg	101 000 542 City Street Fun	114.56	Caution Tape
<b>19561</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>5934</b>	<b>649.00</b>	<b>City Hall Charges Through 5/31/19</b>
	513 10 49 02	Dues,Memberships,Subscri	001 000 513 General Fund	75.00	2019 WMCA Renewal - J. Nappi
	518 11 49 03	Reg & Tuition - Personnel	001 000 518 General Fund	75.00	DiverCity Conference - J. Nappi
	518 81 41 01	Prof Svcs - I/S	001 000 518 General Fund	499.00	Microsoft Help Desk Service Call
<b>19470</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>8484</b>	<b>866.99</b>	<b>Rec Charges Through 5/31/19</b>
	571 20 49 10	Adult Baseball	001 000 571 General Fund	487.49	Softballs (38)
	573 90 49 01	Community Events	001 000 573 General Fund	332.96	Fun Days Supplies, Strawberry Feed Permit

# ACCOUNTS PAYABLE

City Of Fircrest  
MCAG #: 0583

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Accts

Pay #	Received	Date Due	Vendor	Amount	Memo
	576 20 31 03	Oper Supplies - Pool	001 000 576 General Fund	46.54	Water Test Meters For Pool
<b>19562</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4178</b>	<b>University Place Refuse Inc</b>	<b>85.00 Parks Cleanup 05/08/19</b>
	576 80 47 01	Dumping Fees - Parks	001 000 576 General Fund	85.00	Parks Cleanup 05/08/19
<b>19474</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4179</b>	<b>Unum Life Insurance Company of America</b>	<b>46.80 Retired Benefits June 2019</b>
	521 22 20 02	LEOFF I Long Term Care ]	001 000 521 General Fund	46.80	Police 0220603-011 06/2019
<b>19548</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4180</b>	<b>Utilities Underground</b>	<b>86.24 Locates May 2019</b>
	534 10 49 00	Miscellaneous - Water	425 000 534 Water Fund (de	43.12	Locates 05/2019
	535 10 49 00	Miscellaneous - Sewer	430 000 535 Sewer Fund (de	43.12	Locates 05/2019
<b>19556</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4208</b>	<b>W A S P C</b>	<b>300.00 Spring 2019 Conf. Registration - J. Cheesman</b>
	521 22 49 02	Reg & Tuition - Police	001 000 521 General Fund	300.00	Spring 2019 Conf. Registration - J. Cheesman
<b>19523</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>3645</b>	<b>WEX BANK, Wright Express FSC</b>	<b>2,874.79 Gas / Fuel May 2019</b>
	548 65 31 05	Non-Dept Gas	501 000 548 Equipment Ren	43.53	Non - Dept 05/2019
	548 65 31 08	Police Gas	501 000 548 Equipment Ren	1,709.33	Police 05/2019
	548 65 31 11	Parks/Rec Gas	501 000 548 Equipment Ren	270.29	Parks 05/2019
	548 65 31 12	Street Gas	501 000 548 Equipment Ren	519.03	Street 05/2019
	548 65 31 14	Wtr/Swr Gas	501 000 548 Equipment Ren	332.61	W / S 05/2019
<b>19471</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>7326</b>	<b>Wakefield, Bryce</b>	<b>102.00 CDL Renewal Reimbursement - B. Wakefield</b>
	531 50 20 01	Contract Benefits - Storm	415 000 531 Storm Drain	25.50	CDL Renewal Reimbursement - B. Wakefield
	534 10 20 01	Contract Benefits - Wtr Ad	425 000 534 Water Fund (de	25.50	CDL Renewal Reimbursement - B. Wakefield
	535 10 20 01	Contract Benefits - Swr Ad	430 000 535 Sewer Fund (de	25.50	CDL Renewal Reimbursement - B. Wakefield
	542 30 20 01	Contract Benefits - Street R	101 000 542 City Street Fun	25.50	CDL Renewal Reimbursement - B. Wakefield
<b>19472</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>361</b>	<b>Walston, Vicky</b>	<b>27.81 Postage To WSDOT</b>
	518 10 42 01	Postage - Non-Dept	001 000 518 General Fund	27.81	Postage To WSDOT
<b>19492</b>	<b>06/04/2019</b>	<b>06/11/2019</b>	<b>8409</b>	<b>Walton, Kory</b>	<b>41.06 02-02020.4 - 508 COLUMBIA AVE</b>
	343 10 00 00	Storm Drain Fees & Charge	415 000 340 Storm Drain	-9.15	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-9.80	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-22.11	
<b>19513</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4231</b>	<b>Water Mgmt Labs Inc</b>	<b>237.00 Coliform And Fluoride Testing May 2019</b>
	534 80 41 00	Water Testing	425 000 534 Water Fund (de	237.00	Coliform & Fluoride 05/2019
<b>19461</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4256</b>	<b>Winning Seasons</b>	<b>2,080.96 Pee-Wee Baseball Shirts And Hats (130 Each)</b>

# ACCOUNTS PAYABLE

City Of Fircrest  
MCAG #: 0583

As Of: 06/11/2019

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
571 20 49 09 Youth Baseball			001 000 571 General Fund	2,080.96	Pee-Wee Baseball Shirts And Hats (130 Each)
<b>19468</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>4256</b>	<b>59.35</b>	<b>Winning Seasons PeeWee Baseball Shirts (4)</b>
571 20 49 09 Youth Baseball			001 000 571 General Fund	59.35	PeeWee Baseball Shirts (4)
Total Winning Seasons				2,140.31	
<b>19531</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>5286</b>	<b>86.01</b>	<b>Winsupply Grass Seed And Pool Supplies</b>
576 20 31 02 Janitorial Supplies - Pool			001 000 576 General Fund	2.76	Pool Supplies
576 80 31 02 Oper Supplies - Parks			001 000 576 General Fund	83.25	Grass Seed
<b>19543</b>	<b>06/11/2019</b>	<b>06/11/2019</b>	<b>5286</b>	<b>177.00</b>	<b>Winsupply Sprinkler System Repair - Regents / Alameda Island</b>
542 80 31 04 Beautification-Supplies			101 000 542 City Street Fun	177.00	Sprinkler System Repair - Regents / Alameda Island
Total Winsupply				263.01	
Report Total:				500,376.73	
Fund					
001 General Fund				33,766.86	
101 City Street Fund				18,928.65	
415 Storm Drain				749.24	
416 Storm Improvement Fund				13,259.73	
425 Water Fund (department)				5,939.78	
426 Water Improvement Fund				39,779.19	
430 Sewer Fund (department)				3,279.31	
432 Sewer Improvement Fund				47,279.19	
501 Equipment Rental Fund				337,394.78	

This report has been reviewed by:

REMARKS:

Signature & Title

Date

The City Council of the City of Fircrest held a special meeting on May 14, 2019 at 6:30 P.M. at the Fircrest City Hall located at 115 Ramsdell Street, Fircrest, WA 98466 for the sole purpose of discussing the Fircrest community center and pool project. Mayor Hunter T. George and Councilmembers Shannon Reynolds, David M. Viafore, Brett Wittner, Denny Waltier, Blake Surina, and Jamie Nixon were present.

Parks and Recreation Director Grover introduced Emily Wheeler, ARC Architects, who presented the project site plan, site furnishings, bathhouse plan, kitchen design, pool design features, pool plan, exterior materials and signage options, party room, and locker room. There was a brief discussion regarding costs, furniture, kitchen design updates, commercial grade versus commercial kitchen, donor recognition, pool design and features, and bid process. There was a general consensus to reexamine the commercial kitchen.

**ADJOURNMENT**

**Wittner MOVED to adjourn the meeting at 7:00 P.M., seconded by Nixon. The Motion Carried (7-0).**

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Hunter T. George, Mayor

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Jessica Nappi, City Clerk

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

Mayor Hunter T. George called the regular meeting to order at 7:01 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Denny Waltier, Blake Surina, and Jamie Nixon were present.

**PRESIDING OFFICER'S REPORT**

**A. Community Center and Pool Project**

ARC Architects Emily Wheeler continued her presentation from the May 14, 2019 6:30 P.M. special meeting and there was a brief discussion on the community center and pool project, which included the basketball hoop and volley ball locations, fencing along the Contra Costa Avenue, bid protections, and bid alternates for parking, fencing, flooring, and water features. Waltier departed at 7:03 P.M. and returned at 7:05 P.M. ARC Architects Emily Wheeler stated the estimated construction costs increased from \$4.9 million to \$5.1 million, which included the addition of the parking lot, stainless kitchen, and markups. Council requested engineer estimates, the detailed cost breakdown for the pool, and a detailed landscaping report, and bathhouse project. Wheeler indicated the costs would be shared soon after the design team confirmed the engineer estimates. There was additional discussion on the decorative tile around the pool, signage, linoleum versus polished cement flooring, faucet alternates, locker room wall tiles, party room heating and ventilation, and landscaping. George indicated that the May 20, 2019 Council study session would include more information to continue the community center and pool discussion.

Reynolds requested a five minute recess; George called a five minute recess at 7:51 P.M. The Council reconvened at 7:57 P.M.

**B. May 28, 2019 Regular Meeting: Mayor Pro Tempore**

In preparation for the anticipated absence of Mayor George and Mayor Pro Tempore Waltier at the May 28, 2019 regular Council meeting, George invited volunteers to preside at the May 28<sup>th</sup> meeting. Reynolds volunteered and Wittner nominated Councilmember Viafore. After a brief discussion, **Wittner MOVED to appoint Councilmember Viafore to serve as Mayor Pro Tempore at the May 28, 2019 regular Council meeting; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (7-0).**

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

George invited public comment; Alison Clifton, 1030 Bel Air Court, Fircrest, and Ruth Schlattmann, 4810 52 Avenue Court W, University Place, commented on the May 18, 2019 Color Run event, invited Council to attend, and thanked the City for their support. Council thanked the Whittier Elementary PTA for their partnership and their efforts.

**COMMITTEE, COMMISSION, AND LIAISON REPORTS**

**A. Administration**

Reynolds reported that staff was working on a continuity of operations plan and processing Parks and Recreation summer hires, and commented on the Civil Service Commission vacancy.



**B. Environment, Planning and Building**

Wittner commented on the progress of the condominium project, home remodels, and Planning and Building Administrator's upcoming vacation leave.

**C. Finance, IT, Facilities**

Viafore reported that staff submitted State reports and that staff was receiving bids for the bullet-proof glass, and commended that REET was significantly declining due to the real estate market, Court revenues were above normal, and investments were performing well. George inquired on any impacts to the City from recent legislative changes to REET; City Manager Pingel indicated those changes impacted the State's portion only.

**D. Other Liaison Reports**

George commented that the May and June meetings of the mayor's forum on affordable housing were canceled due to schedule conflicts.

**CONSENT CALENDAR**

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 212944 through Voucher Check No. 213035 in the amount of \$569,734.32; approval of Payroll Check No. 13622 through Payroll Check No. 13627 in the amount of \$109,404.32; approval of Payroll Check No. 13627 through Payroll Check No. 13630 in the amount of \$7,860.85; approval of Payroll Check No. 13631 through Payroll Check No. 13637 in the amount of \$91,893.78; approval of Payroll Check No. 13638 through Payroll Check No. 13641 in the amount of \$105,753.25; approval of the April 23, 2019 City Council regular minutes; and setting a public hearing on May 28, 2019 to receive comments on the Six-Year Transportation Improvement Program. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Wittner. The Motion Carried (7-0).**

**PUBLIC HEARING**

None scheduled.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

George moved New Business item E Greater Tacoma Community Foundation Agreement to be considered first.

**E. Greater Tacoma Community Foundation Agreement**

Pingel briefed the Council on the Fund Agreement with the Greater Tacoma Community Foundation, which would authorize them to accept donations on behalf of the City for the community center and pool project, and introduced Linda Kaye Briggs who briefed the Council on the benefits of this partnership. There was a brief discussion on State code compliance, investment proceeds, and Finance Director involvement. **Wittner MOVED to adopt Resolution No. 1582, authorizing the City Manager to execute the Universal Fund Agreement and Fund Agreement Addendum with the Greater Tacoma Community Foundation to hold and distribute capital campaign funds for and to the City of Fircrest; seconded by Surina.** George invited councilmember comment; Viafore inquired if the

Finance Director was in accord with the agreement, Pingel confirmed. George invited public comment; none were provided. **The Motion Carried (7-0).**

**A. Fircrest Soccer Club Field Use Agreement**

Parks and Recreation Director Grover briefed the Council on the revised agreement between the Fircrest Soccer Club and the City of Fircrest, stating the modified agreement included language to make the agreement automatically renewable unless the City or Soccer Club wanted to make changes to the agreement and that if the City chose to revise the fees, those revisions would be brought back to the Council for consideration. **Wittner MOVED to adopt Resolution No. 1583, authorizing the City Manager to execute an agreement between the Fircrest Soccer Club and the City of Fircrest for the use of Fircrest and Whittier Park Soccer Fields from July through December 2019; seconded by Nixon.** George invited councilmember comment; Viafore commented on his concerns regarding state audits, requiring roster documentation, and revenue collection. Pingel indicated the Department would request the roster documentation and if that was not possible, he would bring forth a contract amendment. Waltier commented on reviewing how the City collects resident and non-resident fees. George invited public comment; none were provided. **The Motion Carried (7-0).**

**B. Fun Days Vendors and Entertainers Agreements**

Grover briefed the Council on the proposed resolution that would provide control of expenditures and provide flexibility for performers at the 2019 Fun Days event. **Wittner MOVED to adopt Resolution No. 1584, authorizing the City Manager to execute agreements with vendors and entertainers for 2019 Fun Days not to exceed \$10,200; seconded by Reynolds.** George invited councilmember comment; George commented on the event components and praised the Community Events Coordinator's efforts. George invited public comment; none were provided. **The Motion Carried (7-0).**

**C. AWC Employer Master Participation Agreement – Vision Plan**

Pingel briefed the Council on the proposed resolution that would authorize an amendment to the Employer Master Participation Agreement with the Association of Washington Cities to include the zero dollar copay Vision Services Plan for City of Fircrest bargaining employees and their families, and on the Police Guild Memorandum of Agreement. **Reynolds MOVED to adopt Resolution No. 1585, authorizing the City Manager to amend the agreement with the Association of Washington Cities (AWC) Employee Benefit Trust for the AWC Employer Master Participation Agreement to include the zero dollar copay Vision Services Plan for bargaining employees; seconded by Nixon.** George invited councilmember comment; Viafore inquired about who authored the Police Guild Memorandum of Agreement. Pingel indicated it was the City's Labor Attorney, John Lee. Viafore commented on his concerns regarding the July 1, 2019 effective date and Council being informed; Pingel indicated it could be effective July 1, 2019 or as soon as practical. George invited public comment; none were provided. **The Motion Carried (7-0).**

**D. Amendments to FMC Chapter 2.44 Personnel System**

Pingel briefed the Council on the proposed ordinance that would update Fircrest Municipal Code Chapter 2.44 Personnel System, which included updates to life insurance, holidays,

travel expenses, vision, vacation leave, and sick leave. Pingel indicated with the approval of this ordinance, the recently approved Personnel Policies and Procedures manual would be in compliance with the Fircrest Municipal Code. **Reynolds MOVED to adopt Ordinance No. 1636, amending Ordinance No. 1241 Section 2 and FMC 2.44.130 relating to Life Insurance; Ordinance No. 1241 Section 3 and FMC 2.44.150 relating to Holidays; Ordinance No. 1241 Section 4 and FMC 2.44.180 relating to Travel Expenses; Ordinance No. 1581 Section 1 and FMC 2.44.120 relating to Vision and Hearing Care; Ordinance No. 1251 Section 1 and FMC 2.44.160 relating to Vacations; and Ordinance No. 1155 Section 9 and FMC 2.44.170 relating to Sick Leave; seconded by Wittner.** George invited councilmember comment; Viafore inquired about the life insurance policy amount and vision benefits. Reynolds called attention to a Scribner's error in the motion, which omitted "FMC" from "... Ordinance No. 1251 Section 1 and 2.44.160 relating to Vacations..." George invited public comment; none were provided. **The Motion Carried (7-0).**

### **CITY MANAGER COMMENTS**

Pingel reported that he communicated to Westside Disposal regarding Council's intent to not approve the recycling commodity surcharge but rather the Council's willingness to open the contract and negotiate for it. Pingel requested clarification from Council on how to proceed regarding negotiating with Westside Disposal or to go out to bid and obtain proposals. After a brief discussion, there was a general consensus to obtain a proposal from Westside Disposal to determine what was in the best interest of the City.

Pingel reported that the Whittier Irrigation project was put out to bid with a project cost of \$40,000 and that the City received only one bid with an adjusted bid of \$62,000 to include prevailing wages. After a brief discussion on how to proceed, there was a general consensus to move forward with the extra cost due to the importance of the project and to add the contract to the May 20, 2019 Council study session for action.

### **DEPARTMENT HEAD COMMENTS**

- Public Works Director Wakefield reported on the High Tank painting project progress, indicating the project would be weather dependent and completed within a 60-day window, and that the tank color would be London fog. Wakefield indicated the City received the sanitary survey results from Washington State Department of Health on the City's water system, stating there were no significant deficiencies or findings and some recommendations that staff would be working on.
- Grover reported on the successful repair of the pool liner on the steps and that staff was working on coordinating the repair for the pool liner tear in the deep end of the pool. Grover indicated that due to these repairs, the opening date for the pool of May 25, 2019 would most likely be affected and would communicate if the opening date was delayed. There was a brief discussion on the innovation solution to the pool liner repair and Council requested to be informed of the pool status.

**COUNCILMEMBER COMMENTS**

- Councilmembers Nixon, Surina, Waltier, Wittner, and Reynolds had no comment.
- Viafore requested to postpone the Executive Session item on the performance of a public employee to a future meeting, and commented on his concerns regarding staying within budget on the pool project and requested all the steering committee meeting notes. Viafore commented on his concerns regarding the Town Topics spelling errors, trees on Emerson Street, and traffic pavement stencils.
- George thanked the audience for their attendance.

**EXECUTIVE SESSION**

George requested to postpone the performance of a public employee to the second meeting of June; there were no objections.

**ADJOURNMENT**

**Reynolds MOVED to adjourn the meeting at 9:11 P.M., seconded by Wittner. The Motion Carried (7-0).**

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Hunter T. George, Mayor

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Jessica Nappi, City Clerk

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

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

**AGENDA MODIFICATIONS**

There were none.

**ACTION ITEM: RESOLUTION – WHITTIER IRRIGATION BID CONTRACT**

Parks and Recreation Director Grover briefed the Council on proposed agreement between Soundview Landscape & Sprinkler and the City of Fircrest for the installation of Sprinkler System at Whittier Park. Grover indicated the 2019 budget included \$40,000 under Capital Improvements for the Whittier Park irrigation and Soundview Landscape & Sprinkler's bid came in at \$70,799.35 with tax. Grover recommended allocating the additional \$30,799.35 from the 44th/Alameda Fund to complete this project. Grover stated the contractors would initiate work the first week of June should Council approve the contract. **Reynolds MOVED to adopt Resolution No. 1586, authorizing the City Manager to execute an agreement between Soundview Landscape & Sprinkler and the City of Fircrest for the installation of Sprinkler System at Whittier Park; seconded by Nixon.** George invited councilmember comment; Viafore inquired if there were funds in the 44th/Alameda Fund to cover this expense. City Manager Pingel indicated there was currently, however a budget adjustment would need to be made if all the projects slated to be completed this year were completed. Surina inquired on the scope of work; Grover confirmed it only include the sprinkler system and recommended a master plan for Whittier Park to address the park's drainage issues. George commented on the baseball field and inquired on the project timeline. Grover indicated it would be completed within two to four weeks and initiate while school was in session. Grover noted that there would be coordinator with the school and safety measures would be put in place. George invited public comment; none were provided. **The Motion Carried (6-0 with Waltier absent).**

**POOL AND BATHHOUSE DISCUSSION**

Grover briefed the Council on the pool liner repairs, stating ACME Roofing would perform the repairs to the deep end liner tear during the week pending dry weather. Grover indicated the pool opening would be delayed to June 1, 2019 and the delay would be communicated to the public. There was a brief discussion on preparing for unforeseen issues and monitoring daily water loss.

Pingel briefed the Council on the supplemental information on the pool and bathhouse project provided by ARC Architects. Pingel briefed the Council on the proposed project schedule and upcoming milestones. There was a brief discussion on bid advertisement and alternates, stating the potential bid alternates include fencing, party room flooring, and parking. There was a general consensus to remove the leaf water feature and decorative tile feature around the edge of the pool. There was a brief discussion on the water level gutter system, parking, and heating. Grover briefed the Council on the kitchen, stating it would be classified as a commercial grade kitchen. Grover indicated there was a potential to increase counter space and add a full size stand up freezer with the space gained from the removal of the prep sink, warmers, and cooler. Grover stated the kitchen would be equivalent to what the City currently has and would include open shelving and a six-burner electric range, stating it should eliminate the need for a fire suppression system. Pingel confirmed the intent of the kitchen, stating it would not be used for prep. Pingel briefed the Council on the landscaping site design and Grover added that there would be an

irrigation system. Pingel stated that the FF&E would not be included in the bid and that the City would be responsible for the purchasing of FF&E items. Pingel briefed the Council on the party room heaters, stating ARC Architects was reviewing alternates to base board heating; Viafore requested to have a ductless system with heating and air conditioning in the party room. Pingel confirmed that the base bid would include polished concrete with linoleum listed as an alternate. After a brief discussion on whether the light pole design met the character of the community, there the general consensus to move forward with it included in the bid. There was a brief discussion on providing year-round access to the locker rooms; Pingel and Grover indicated there could be programming opportunity for events and cautioned against the safety challenges regarding access. There was a brief discussion on coffee makers; Viafore recommended an urn coffee maker for the pool and bathhouse and a hard-wired coffee maker in the community center. George requested staff to continue coordinating with ARC Architects to make the bid updates, and Pingel stated the project would go out to bid on May 30, 2019. Wittner inquired if there were benefits/challenges for a citizen-led construction committee; Pingel stated his concerns regarding how to best utilize them and recommended engaging interested citizens with technical expertise on a case by case basis. There was a brief discussion on project chronicling and submitting the project for awards/acknowledgements; Pingel confirmed staff would take on those efforts.

Pingel briefed the Council on the updated financial scenarios, stating the updated bond estimates were less than the previously released estimates due to decreasing interest rates. Pingel recommended postponing utilizing the bond proceeds until December 2019 in order to minimize the impact to residents so long as the City did not have a cash flow issue.

#### **COUNCIL WORKSHOP FOLLOW-UP**

Pingel provided a status update on the Council workshop goals established for the City, and requested feedback on items that affected the 2020 budget. After a brief discussion on the entry way improvements at Regents and Mildred and impacts to Columbia Bank operations, there was a general consensus to continue coordinating with the City of University Place for traffic signal programming and retiming solutions rather than removing the traffic island. After a brief discussion on recreation and government accounting software improvements and on the costs to maintain and replace these systems, there was a general consensus to bring back these items with additional information to a study session for further discussion. Pingel recommended obtaining an IT audit to review the City's system and indicated he would provide more information later in the year.

#### **ADJOURNMENT**

**Reynolds MOVED to adjourn the meeting at 7:14 P.M., seconded by Nixon. The Motion Carried (6-0 with Waltier absent).**

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Hunter T. George, Mayor

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Jessica Nappi, City Clerk



## SPECIAL OCCASION LIQUOR LICENSE

### Applicant Information

**Licensee Name:** Kiwanis Club of Clover Park Foundation  
**Event:** Fircrest Fun Days Beer Garden  
**Place:** Fircrest Park at 555 Contra Costa Avenue  
**Date:** 7/20/2019, 4:00 – 8:00 pm  
**Request Received:** 5/23/2019

### Department Comments

#### Finance

No Concerns

#### Planning and Building

Application is part of an approved event at the Fircrest Park. No objections to the issuance.

#### Police

I met with Parks Director Grover and Community Events Specialist Schmidtke and we finalized the location and plans for the beer garden at Fircrest Fun Days. We have set up some training with the Washington State Liquor and Cannabis Board for all the volunteers. At this time I have no other concerns.

Colleen Corcoran

Director Signature

6/3/19

Date

Angelie Stahlwecker

Director Signature

5/30/19

Date

John Cheesman

Director Signature

6/6/2019

Date

**UNFINISHED BUSINESS:**     **Use of a Hearing Examiner**  
**ITEM 9A.**

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

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**RECOMMENDED MOTION:**     **I move to adopt Ordinance No. 1638, to amend various chapters of Title 12 and Title 22 to address changes to the hearing examiner system with the City of Fircrest.**

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**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. This item was brought before Council for consideration at the May 28, 2019 regular meeting and Ordinance No. 1638 failed (1-3) with Councilmember Reynolds casting the dissenting vote.



**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. 1638**

**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.

<b>Table A – Classifications</b>						
<b>Type I-A</b>	<b>Type II-A</b>	<b>Type II-B</b>	<b>Type III-A</b>	<b>Type III-B</b>	<b>Type IV</b>	<b>Type V</b>
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:

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.

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

2 22.60.004 Parking demand reduction credit.

3 A property owner may request a reduction from the minimum required off-street parking by  
4 substantiating that parking demand will be reduced for the life of the project. This request  
5 shall be reviewed in conjunction with a site plan, conditional use permit, or preliminary  
6 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:

7 (a) Because of the unique nature of the use, the characteristics of the site and surrounding  
8 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

9 (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

10 (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  
11 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  
12 four or more uses; or

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

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

15 22.60.005 Shared parking facilities.

16 A property owner may submit a request for a shared parking facility as part of a site plan,  
17 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:

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

19 (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  
20 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;

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

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

23 (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;

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

25 (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  
26 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  
27 attorney; and

28 (f) If any requirements for shared parking are violated, the affected property owners must  
29 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.

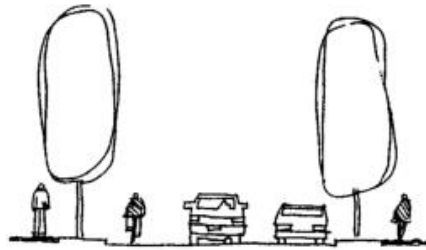
20 (b) Proposed streets and sidewalks should extend to the boundary lines of the proposed site  
plan or subdivision in order to provide for the future development of adjacent tracts unless  
21 prevented by natural or manmade conditions or unless such extension is determined to be  
unnecessary or undesirable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

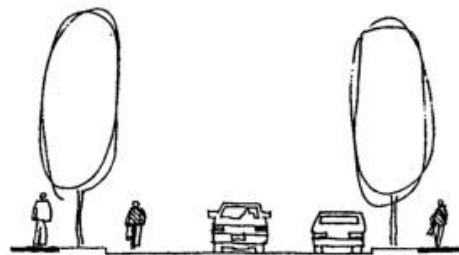
26 (d) Generally, street patterns should be based on a grid or interconnected network of streets  
rather than long irregular loops with dead-ends and cul-de-sacs. Grid street networks should  
27 provide regular and frequent intersections typically at 400-foot intervals. Grid layouts may  
be distorted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



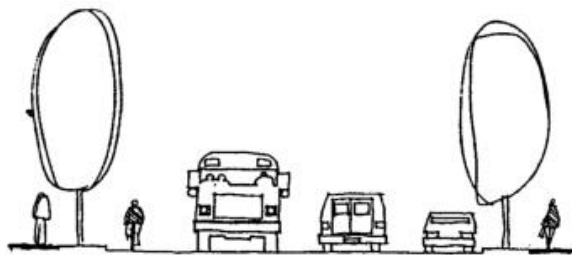
(e) Within residential neighborhoods, street improvements should be designed to minimize the amount of land and paving necessary while maintaining safe and efficient vehicular and pedestrian circulation. Roadway improvements should provide bicycle routes, landscaped edges, and walkways appropriate to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

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

22.68.007 Performance bond.

The hearing examiner 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.

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

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 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 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 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.

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

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 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.

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

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 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 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.

**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;

27 (4) Critical area analyses and reports;

(5) Preliminary or short plat submittals; and

28 (6) Description of specific development standards to be applied to the project, including  
29 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 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 11th day of June, 2019.

**APPROVED:**

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

**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 Planning Commission</u>	<u>Hearing Examiner Planning Commission</u>	Planning Commission
Final decision made by:	Director	Director	Director	<u>Hearing Examiner Planning Commission</u>	City Council	City Council	City Council
Notice of complete application / comment period:	Not required	Not required; see FMC <a href="#">22.07.004</a>	Not required	Required	Required	Required	Not required
Open record public hearing/ public review	Not required	Not required; see FMC <a href="#">22.07.005</a>	Hearing required only if <del>director</del> <u>Director</u> decision appealed, then hearing before <u>Hearing Examiner planning commission</u>	Hearing required before <del>the</del> <u>Hearing Examiner planning commission</u> , which will <del>render final decision unless appealed to council</del>	Hearing required before <u>Hearing Examiner planning commission</u> , which will forward recommendation to <u>City Council</u>	Public review required before <u>Hearing Examiner planning commission</u> , which will forward recommendation to <u>City Council</u>	Hearing required before <del>P</del> <u>Planning Commission</u> and <u>City Council</u>
Closed record review/ appeal hearing/ decision	Not required	Not required	Not required	<del>Not required Closed record appeal hearing required before council only upon appeal</del>	Closed record review required before <u>City Council</u> , which will render final decision	Closed record review required before <u>City 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](#).

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#### **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](#).

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#### **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.

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#### **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](#).

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#### **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 <a href="#">22.60.005</a> .
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 <a href="#">22.60.005</a> .

(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 <a href="#">22.60.009</a> 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.

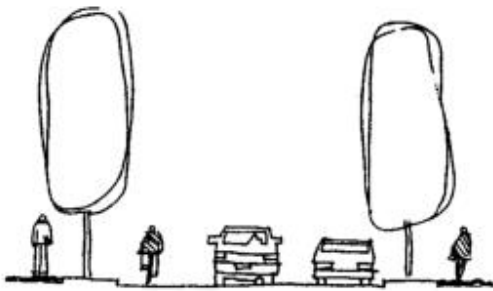
(b) Proposed streets and sidewalks should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or manmade conditions or unless such extension is determined to be unnecessary or undesirable by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

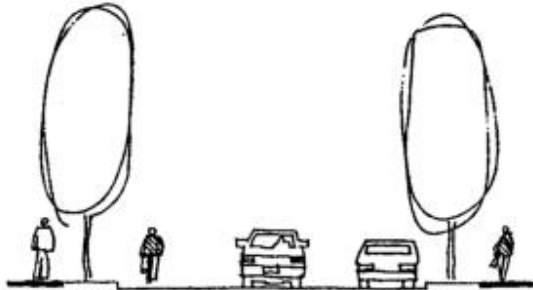
(d) Generally, street patterns should be based on a grid or interconnected network of streets rather than long irregular loops with dead-ends and cul-de-sacs. Grid street networks should provide regular and frequent intersections typically at 400-foot intervals. Grid layouts may be distorted to account 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.

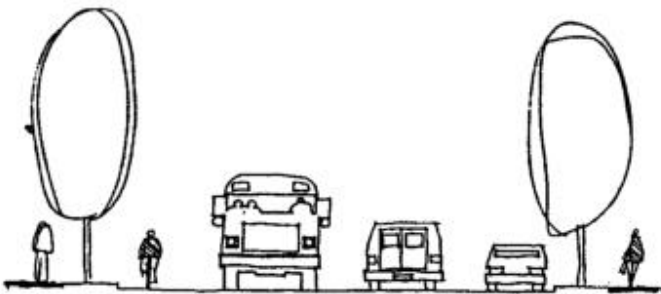
## Street layouts



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:** FMC Revisions – Stormwater Management  
**ITEM 10A.**

**FROM:** Jerry Wakefield, Public Works Director

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, repealing Ordinance No. 1300 and FMC 20.24.010 Adoption of Standard; adding new sections to FMC Chapter 20.24 Stormwater Management; amending Ordinance No. 1480 Section 5 and FMC 20.25.040 Allowable Discharges; amending Ordinance No. 1480 Section 6 and FMC 20.25.050 Conditional Discharges; and amending Ordinance No. 1562 Section 39 and FMC 22.58.008 Performance Standards.

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**PROPOSAL:** The Council is being asked to consider an ordinance amending sections of the Fircrest Municipal Code (FMC) in order to stay in compliance of changes and updates to the City's Stormwater Management program and the City's NPDES Western Washington Phase II Municipal Permit requirements.

**FISCAL IMPACT:** There will be minimal financial impact with this action. Any impact will be addressed in the budget in maintaining our storm water management program.

**ADVANTAGE:** Staying in compliance with our stormwater manage program and requirements of our NPDES permit.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** Not be in compliance with the NPDES permit.

**HISTORY:** In 2015, Ordinance No. 1562 provided for an amendment to FMC 22.58.008 to address permit requirements to be consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements. This specifically addressed low impact development (LID) design and LID BMP's. Each year, the City is required to update its stormwater management program in order to be in compliance with the NPDES Western Washington Phase II Permit. This was completed in 2018. Also during this time, the NPDES permit is being updated by the Washington State Department of Ecology. As part of the update to our stormwater management program, our consultant (KPG, P.S.) reviewed our FMC to ensure our code is in compliance with the requirements of our permit. As a result of this work, there were several sections of our FMC that is recommended to be modified and updated. The proposed changes have been reviewed by staff, the Washington Environmental Council, and Puget Soundkeeper Alliance. The updates are ready for final inclusion into our FMC update.

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

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, REPEALING ORDINANCE NO. 1300 AND FMC 20.24.010 ADOPTION OF STANDARD; ADDING NEW SECTIONS TO FMC CHAPTER 20.24 STORMWATER MANAGEMENT; AMENDING ORDINANCE NO. 1480 SECTION 5 AND FMC 20.25.040 ALLOWABLE DISCHARGES; AMENDING ORDINANCE NO. 1480 SECTION 6 AND FMC 20.25.050 CONDITIONAL DISCHARGES; AND AMENDING ORDINANCE NO. 1562 SECTION 39 AND FMC 22.58.008 PERFORMANCE STANDARDS.**

**WHEREAS**, the Fircrest City Council recognizes the necessity to amend the Fircrest Municipal Code (FMC) in order to stay in compliance of changes and updates to the City's Stormwater Management program and the City's NPDES Western Washington Phase II Municipal Permit requirements; and

**WHEREAS**, the City is required to update its stormwater management program annually in order to be in compliance with the NPDES Western Washington Phase II municipal stormwater permit requirements; and

**WHEREAS**, City staff, with the aid of the City's on-call consultant, KPG, P.S., performed the annual review and have made recommendations to modify and update the FMC; and

**WHEREAS**, the proposed FMC changes have been reviewed by City staff, the Washington Environmental Council, and Puget Soundkeeper Alliance. Now, Therefore,

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

**Section 1.** Section 1 of Ordinance No. 1300 and FMC 20.24.010 are hereby repealed.

**Section 2.** Chapter 20.24 of the Fircrest Municipal Code is hereby amended by adding the following new sections:

“20.24.010 Applicability.

This chapter applies to all development, redevelopment, and construction site activities where stormwater drains directly or indirectly into the City of Fircrest's municipal storm sewer system. This chapter applies to both private and public development, including roads.

20.24.020 Definitions.

For all development, redevelopment, and construction site activities, the definitions published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit shall govern.

20.24.030 Adoption of Standard.

(a) All new development, redevelopment, and construction site activities will be subject to the thresholds and minimum requirements published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit.

(b) The City adopts as its standard for use in regulating the storm water element for development, redevelopment, and construction site activities within the City the document entitled “Stormwater Management Manual for Western Washington”. The City shall incorporate into this manual, upon their adoption by the Washington State Department of Ecology by due process, amendments and revisions to the document as they become effective.

A copy of the manual has been filed with the City Clerk for use and examination by the public.



1 20.24.040 Low Impact Development.

2 Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements,  
3 Low Impact Development (LID) designs and LID BMPs shall be required to the maximum extent  
4 feasible based on site and soil conditions. Site assessment, planning, layout, and BMP design shall  
5 be in accordance with the current editions of the “Low Impact Development Technical Guidance  
6 Manual for Puget Sound” published by the Puget Sound Partnership and the “Stormwater  
7 Management Manual for Western Washington” published by the Washington State Department of  
8 Ecology.

9 20.24.050 Long-Term Stormwater Facility Operation and Maintenance.

- 10 (a) The person or persons holding title to the property shall remain responsible for the facility’s  
11 continual performance, operation and maintenance in accordance with the standards and  
12 requirements of the current edition of the “Stormwater Management Manual for Western  
13 Washington,” published by the Washington State Department of Ecology, and remain  
14 responsible for any liability as a result of these duties.
- 15 (b) The City is authorized to inspect a private stormwater drainage facility at least annually unless  
16 there are maintenance records justifying a different frequency pursuant to FMC 20.24.060.

17 20.24.060 Inspection.

- 18 (a) Authority. Whenever implementing the provisions of this chapter or whenever there is cause to  
19 believe that a violation of this chapter has been or is being committed, the City’s inspector is  
20 authorized to inspect during regular working hours and at other reasonable times all new  
21 development, redevelopment, and construction sites within Fircrest to determine compliance  
22 with the provisions of this chapter.

23 (b) Inspection Procedures.

- 24 (1) Prior to making any inspections on private property, the inspector shall present  
25 identification credentials, state the reason for the inspection and request entry. Any private  
26 landowner engaging in new development, redevelopment, or construction activities as  
27 defined under this chapter must, as a condition of the building permit required for such  
28 development, consent to the creation of an easement for purposes of ingress and egress  
29 for inspection of the site.
- 30 (2) If the property or any building or structure on the property is unoccupied, the inspector  
31 shall first make a reasonable effort to locate the owner or other person(s) having charge  
or control of the property or portions of the property and request entry.
- (3) If after reasonable effort the inspector is unable to locate the owner or other person(s)  
having charge or control of the property, and has reason to believe the condition of the  
stormwater system creates an imminent hazard to persons or property, the inspector may  
enter.
- (4) Unless entry is consented to by the owner or person(s) in control of the property or portion  
of the property or unless conditions are reasonably believed to exist which create  
imminent hazard, the inspector shall obtain a search warrant, prior to entry, as authorized  
by the laws of the state of Washington.
- (5) The inspector may inspect the stormwater system without obtaining a search warrant  
provided for in subsection (b)(4) of this section, provided the inspection can be conducted  
while remaining on public property or other property on which permission to enter is  
obtained.

- (c) Inspection Requirements. The Director is authorized to develop inspection procedures and  
requirements, including checklists, for all stormwater facilities in the City of Fircrest.

- (d) Inspection Fees. Inspection fees shall be established by the City’s master fee resolution.

20.24.070 Enforcement.

Any person violating the provisions of this chapter shall be subject to those penalties outlined in  
Chapter 22.95 FMC.”

**Section 3.** Section 5 of Ordinance No. 1480 and FMC 20.25.040 are hereby amended to read as follows:

“20.25.040 Allowable Discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (a) Diverted stream flows;
- (b) Rising ground waters;
- (c) Uncontaminated ground water infiltration – as defined in 40 CFR 35.2005(20);
- (d) Uncontaminated pumped ground water;
- (e) Foundation drains;
- (f) Air conditioning condensation;
- (g) Irrigation water from agricultural sources that is commingled with urban storm water;
- (h) Springs;
- (i) Uncontaminated water from crawl space pumps;
- (j) Footing drains;
- (k) Flows from riparian habitats and wetlands; and
- (l) Discharge from emergency fire fighting activities.”

**Section 4.** Section 6 of Ordinance No. 1480 and FMC 20.25.050 are hereby amended to read as follows:

“20.25.050 Conditional Discharges.

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (a) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system;
- (b) Lawn watering and other irrigation runoff are permitted but shall be minimized;
- (c) Dechlorinated swimming pool, spa and hot tub discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and oxygenated, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged;
- (d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;
- (e) Non-storm water discharges covered by another NPDES permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system; and

- 1 (f) Other non-storm water discharges. The discharges shall be in compliance with the requirements  
2 of a storm water pollution prevention plan (SWPPP) reviewed and approved by the City, which  
3 addresses control of such discharges by applying AKART to prevent contaminants from  
entering surface or ground water.”

4 **Section 5.** Section 39 of Ordinance No. 1562 and FMC 22.58.008 are hereby amended to read as  
follows:

5 “22.58.008 Performance Standards.

6 In addition to the specific requirements within the applicable zoning district chapter, the following  
performance standards shall apply:

- 7 (a) Objectionable Elements. No land or building shall be used or occupied in any manner so as to  
8 create any dangerous, injurious, noxious or otherwise objectionable element. An objectionable  
element may include, but is not limited to: excessive noise, vibration, glare, smoke, dust or odor.
- 9 (b) Enclosure of Activities. Unless authorized by the applicable zoning district, all home  
10 occupation, commercial and industrial activities shall be conducted within an enclosed structure,  
11 except for customary accessory appurtenances, such as refuse collection containers screened  
from public view, parking and loading areas.
- 12 (c) Outside Storage. Unless authorized by the applicable zoning district, outside storage of material  
13 for commercial and industrial uses is prohibited. An outside storage area shall not exceed 20  
14 percent of lot area and shall be screened from view from any property line. Outside storage shall  
15 be restricted to the area at the rear of a principal building. The outside storage area shall be  
16 enclosed by a fence greater than or equal to eight feet in height. Outside storage exceeding a  
17 height of eight feet shall be set back from the property line a distance of at least twice the height  
18 of material being stored. The height of outside storage shall not exceed twice the height of the  
19 fence in this subsection. Outside storage of junk or wrecked vehicles is prohibited. Outside  
20 storage of inoperable vehicles may be permitted in residential districts subject to compliance  
21 with FMC 22.58.024.
- 22 (d) Refuse Collection Containers. For multifamily or nonresidential structures and uses, all outdoor  
23 refuse collection containers (including recycling containers) shall be completely screened from  
24 public or private streets and from adjacent property by an opaque screen. Refuse storage areas  
25 that are visible from the upper stories of adjacent structures shall have an opaque or semi-opaque  
26 horizontal cover or screen to mitigate unsightly views. The covering structure shall be  
27 compatible with the site’s architecture. The storage of animal or vegetable waste that may attract  
28 insects or rodents or otherwise create a potential health hazard is prohibited. Properties  
29 undergoing substantial improvement as defined in FMC 22.98.697 shall install new screening  
30 or upgrade any existing collection container facilities that do not meet the standards of this  
31 section to ensure code consistency upon completion of the redevelopment. For multi-tenant  
structures, the City’s determination as to whether improvement to an individual tenant space is  
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relative to the assessed valuation of the tenant space, or a comparable judgment if an individual  
tenant space assessment is unavailable.
- (e) Maintenance of Yards and Open Space. All required structures, yards, parking areas and other  
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the zoning district. Yards and open areas shall be maintained, as the responsibility of the  
property owner, free of any hazards to health or safety. Except for permitted earth disturbing  
activity, all ground areas shall be maintained in a manner ensuring that the natural or landscaped  
vegetation or permitted impervious surfaces provide a durable and dust free covering at all times.  
Dumping or storage of junk or debris, including junk vehicles or wrecked vehicles, is prohibited.

- (f) Utilities. For new development, or existing development which is being expanded by greater than or equal to 50 percent of its existing gross floor area, all utilities shall be located underground; provided, that electrical lines of 50,000 volts or greater may be placed aboveground. The construction of a new single-family residence on an infill lot located within a subdivision where electric service is typically provided from an overhead location may be exempted from this requirement by the public works director if he/she determines that the undergrounding of electric facilities for this lot would be impractical.
- (g) Screening of Mechanical Equipment. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from the ground level of any abutting parcel or any public rights-of-way. This shall be accomplished through the extension of the main structure or roof or screening in a manner that is architecturally integrated with the main structure. The screening may require acoustical treatment to mitigate noise generation.
- (h) Barbed or Razor Wire. Barbed, razor or similar security wire may be authorized by the City for municipal facilities, if the fence on which the wire is placed will be effectively screened by landscaping. Barbed or razor wire is prohibited in all other locations and zoning districts.
- (i) Erosion and Sedimentation. A temporary erosion and sedimentation control plan detailing measures for controlling erosion and sediment-laden runoff shall be submitted for approval by the director prior to issuance of a clearing and grading permit or other construction permit for a project. Measures shall include provisions to remove depositions of soil and material from streets and to prevent discharge of soil and materials onto adjoining properties or environmentally sensitive areas. The plan shall be implemented by the applicant before and during construction, and the applicant's performance shall be monitored by the City. The plan shall be upgraded as deemed necessary by the director to ensure effective control during construction.
- (j) Particulates. During site development activities, construction dust and other particulates shall be controlled through frequent watering and/or other dust control measures approved by the director. Reclaimed water shall be used whenever practicable. Soil that is transported in trucks to and from the construction site shall be covered to the extent practicable to prevent particulates from being released.
- (k) Stormwater Management. Stormwater facilities shall be designed in accordance with the standards set forth in FMC 20.24. Stormwater site plans demonstrating compliance with stormwater management standards shall be submitted for approval by the director and City engineer prior to issuance of site development permits.
- (l) Contaminants. During site development activities, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials shall be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work on the site.

**Section 6.** Severability: If any section, sentence, clause, or phrase of this ordinance should be held 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 sentence.

**Section 7.** Publication and Effective Date: A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 11th day of June 2019.

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**DATE OF PUBLICATIONS:**  
**EFFECTIVE DATE:**

## Chapter 20.24

### STORM WATER MANAGEMENT

Sections:

20.24.010 Applicability.

20.24.020 Definitions.

20.24.030 Adoption of standard.

20.24.040 Low Impact Development.

20.24.050 Long-term stormwater facility operation and maintenance.

20.24.060 Inspection.

20.24.070 Enforcement.

**20.24.010 Applicability.**

This chapter applies to all development, redevelopment, and construction site activities where stormwater drains directly or indirectly into the City of Fircrest's municipal storm sewer system. This chapter applies to both private and public development, including roads.

**20.24.020 Definitions.**

For all development, redevelopment, and construction site activities, the definitions published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit shall govern.

**20.24.030 Adoption of standard.**

(a) All new development, redevelopment, and construction site activities will be subject to the thresholds and minimum requirements published in Appendix 1 of the current Western Washington Phase II municipal stormwater permit.

(b) The city adopts as its standard for use in regulating the storm water element for ~~development, redevelopment, and construction site activities~~ new construction within the city; the document entitled "Stormwater Management Manual for Western Washington", ~~August 2001 Edition, and any amendments thereto~~. The city shall incorporate into this manual, upon their adoption by the Washington State Department of Ecology by due process, amendments and revisions to the document as they become effective.

A copy of the manual has been filed with the city clerk for use and examination by the public. (Ord. 1300 § 1, 2001; Ord. 1200 § 1, 1998).

**20.24.040 Low Impact Development.**

Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements, Low Impact Development (LID) designs and LID BMPs shall be required to the maximum extent feasible based on site and soil conditions. Site assessment, planning, layout, and BMP design shall be in accordance with the current editions of the "Low Impact Development Technical Guidance Manual for Puget Sound" published by the Puget Sound Partnership and the "Stormwater Management Manual for Western Washington" published by the Washington State Department of Ecology.

**20.24.050 Long-term stormwater facility operation and maintenance.**

(a) The person or persons holding title to the property shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the current edition of the "Stormwater Management Manual for Western Washington," published by the Washington State Department of Ecology, and remain responsible for any liability as a result of these duties.

(b) The city is authorized to inspect a private stormwater drainage facility at least annually unless there are maintenance records justifying a different frequency pursuant to FMC 20.24.060.

**20.24.060 Inspection.**

(a) Authority. Whenever implementing the provisions of this chapter or whenever there is cause to believe that a violation of this chapter has been or is being committed, the city's inspector is authorized to inspect during regular working hours and at other reasonable times all new development, redevelopment, and construction sites within Fircrest to determine compliance with the provisions of this chapter.

**(b) Inspection Procedures.**

(1) Prior to making any inspections on private property, the inspector shall present identification credentials, state the reason for the inspection and request entry. Any private landowner engaging in new development, redevelopment, or construction activities as defined under this chapter must, as a condition of the building permit required for such development, consent to the creation of an easement for purposes of ingress and egress for inspection of the site.

(2) If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

(3) If after reasonable effort the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater system creates an imminent hazard to persons or property, the inspector may enter.

(4) Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.

(5) The inspector may inspect the stormwater system without obtaining a search warrant provided for in subsection (b)(4) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

(c) Inspection Requirements. The director is authorized to develop inspection procedures and requirements, including checklists, for all stormwater facilities in the city of Fircrest.

(d) Inspection Fees. Inspection fees shall be established by the city's master fee resolution.

**20.24.070 Enforcement.**

Any person violating the provisions of this chapter shall be subject to those penalties outlined in Chapter 22.95 FMC.

## Chapter 20.25

### ILLICIT DISCHARGE DETECTION AND ELIMINATION

Sections:

- 20.25.010 Purpose.
- 20.25.020 Definitions.
- 20.25.030 Prohibited discharges.
- 20.25.040 Allowable discharges.
- 20.25.050 Conditional discharges.
- 20.25.060 Prohibition of illicit connections.
- 20.25.070 Compliance monitoring.
- 20.25.080 Spills.
- 20.25.090 Violations and remedies.
- 20.25.100 Director of public works interpretation authority.

#### **20.25.010 Purpose.**

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the city of Fircrest through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (a) To regulate the contribution of pollutants to the MS4.
- (b) To prohibit illicit connections and discharges to the MS4.
- (c) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter. (Ord. 1480 § 2, 2009).

#### **20.25.020 Definitions.**

For the purposes of this chapter, the following shall mean:

- (a) “AKART” means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.
- (b) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (c) “Clean Water Act” means the federal Water Pollution Control Act (33 USC Section 1251 et seq.), and any subsequent amendments thereto.
- (d) “Director” means the director of public works or his or her designee.
- (e) “Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- (f) “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (g) “Hyperchlorinated” means water that contains more than 10 milligrams/liter chlorine.



- (h) “Illicit discharge” means any direct or indirect non-storm water discharge to the city’s storm drain system, except as expressly allowed by this chapter.
- (i) “Illicit connection” means any manmade connection to the city’s storm drain system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm water system.
- (j) “Municipal separate storm water system (MS4)” means a conveyance or system of conveyances (including roads with ditches, manmade channels, or storm drains):
- (1) Owned or operated by the city of Fircrest;
  - (2) Designed or used for collecting or conveying storm water;
  - (3) Which is not a combined sewer. “Combined sewer” means a system that collects sanitary sewage and storm water in a single sewer system.
- (k) “National Pollutant Discharge Elimination System (NPDES) storm water discharge permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- (l) “Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
- (m) “Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.
- (n) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (o) “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (p) “Storm drainage system” means publicly owned facilities, including the city’s municipal separate storm water system, by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (q) “Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.
- (r) “Storm water pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable. (Ord. 1480 § 3, 2009).

**20.25.030 Prohibited discharges.**

- (a) Illicit discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the city’s storm drainage system and/or surface and ground waters any materials, including hazardous materials and pollutants, other than storm water.
- (b) Examples of prohibited contaminants include but are not limited to the following:

- (1) Trash or debris;
- (2) Construction materials;
- (3) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- (4) Antifreeze and other automotive products;
- (5) Metals in either particulate or dissolved form;
- (6) Flammable or explosive materials;
- (7) Radioactive material;
- (8) Batteries;
- (9) Acids, alkalis, or bases;
- (10) Paints, stains, resins, lacquers, or varnishes;
- (11) Degreasers and/or solvents;
- (12) Drain cleaners;
- (13) Pesticides, herbicides, or fertilizers;
- (14) Steam cleaning wastes;
- (15) Soaps, detergents, or ammonia;
- (16) Swimming pool or spa filter backwash;
- (17) Chlorine, bromine, or other disinfectants;
- (18) Heated water;
- (19) Domestic animal wastes;
- (20) Sewage;
- (21) Recreational vehicle waste;
- (22) Animal carcasses;
- (23) Food wastes;
- (24) Bark and other fibrous materials;
- (25) Lawn clippings, leaves, or branches;
- (26) Silt, sediment, concrete, cement or gravel;
- (27) Dyes;
- (28) Chemicals not normally found in uncontaminated water;
- (29) Any other process-associated discharge except as otherwise allowed in this section; and
- (30) Any hazardous material or waste not listed above. (Ord. 1480 § 4, 2009).

**20.25.040 Allowable discharges.**

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (a) Diverted stream flows;
- (b) Rising ground waters;
- (c) Uncontaminated ground water infiltration – as defined in 40 CFR 35.2005(20);
- (d) Uncontaminated pumped ground water;
- (e) Foundation drains;
- (f) Air conditioning condensation;
- (g) Irrigation water from agricultural sources that is commingled with urban storm water;
- (h) Springs;
- (i) Uncontaminated ~~W~~water from crawl space pumps;
- (j) Footing drains;
- (k) Flows from riparian habitats and wetlands; and
- (l) Discharge from emergency fire fighting activities. (Ord. 1480 § 5, 2009).

**20.25.050 Conditional discharges.**

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (a) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system;
- (b) Lawn watering and other irrigation runoff are permitted but shall be minimized;
- (c) Dechlorinated swimming pool, spa and hot tub discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and oxygenated, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged;
- (d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;
- (e) Non-storm water discharges covered by another NPDES permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system; and
- (f) Other non-storm water discharges. The discharges shall be in compliance with the requirements of a storm water pollution prevention plan (SWPPP) reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water. (Ord. 1480 § 6, 2009).

**20.25.060 Prohibition of illicit connections.**

- (a) The construction, use, maintenance, or continued existence of illicit connections to the city's storm drainage system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 1480 § 7, 2009).

**20.25.070 Compliance monitoring.**

- (a) Right of Entry – Inspection and Sampling. The director shall be permitted to enter and inspect premises subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.
- (1) The director shall be allowed ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (2) The director shall have the right to set up on any premises such devices as are necessary to conduct monitoring and/or sampling of discharges from the site.
- (3) The director has the right to require the owner or operator to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator. All devices used to measure flow and quality shall be calibrated to ensure accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner of the premises.

- (b) Search Warrants. If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. 1480 § 8, 2009).

**20.25.080 Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of nonhazardous materials, said person shall notify the city in person or by phone, e-mail or facsimile. (Ord. 1480 § 9, 2009).

**20.25.090 Violations and remedies.**

- (a) The violation of or failure to comply with any of the provisions of this chapter is unlawful. The remedies and penalties provided in this section, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law.
- (b) If the city observes any violation of the provisions of this chapter, the city may notify the person of the violation in writing, and require the person to cure or correct the violation within a period of time as specified by the city. However, if a violation presents an imminent and material risk of danger to persons, property or the public health, safety or welfare, the city may take any action as may be necessary to protect the persons, property or public. The city may assess any cost incurred by the city against the person that is responsible for the violation.
- (c) The city may pursue any civil remedy at law or in equity, including, but not limited to, the following:

(1) Nuisance. A violation of this chapter is a nuisance, which may be abated in the manner provided by Chapter 9.06 FMC.

(2) Injunction, Mandamus or Order. The city may institute a civil action for an injunction, writ of mandamus or order with respect to a violation of this chapter.

(d) Criminal Violation. A violation of this chapter is a misdemeanor. Any person convicted of violating the provisions of this chapter shall be subject to a fine of up to \$1,000 or jail time not exceeding 90 days or both for each and every violation. Each day that the violation continues shall be a separate offense. (Ord. 1496 § 1, 2010; Ord. 1480 § 10, 2009).

**20.25.100 Director of public works interpretation authority.**

The director of public works or his/her designee shall have the authority to decide any questions which may arise pertinent to the interpretation and/or the application of the regulations of this chapter. (Ord. 1480 § 11, 2009).

**22.58.008 Performance standards.**

In addition to the specific requirements within the applicable zoning district chapter, the following performance standards shall apply:

- (a) **Objectionable Elements.** No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element. An objectionable element may include, but is not limited to: excessive noise, vibration, glare, smoke, dust or odor.
- (b) **Enclosure of Activities.** Unless authorized by the applicable zoning district, all home occupation, commercial and industrial activities shall be conducted within an enclosed structure, except for customary accessory appurtenances, such as refuse collection containers screened from public view, parking and loading areas.
- (c) **Outside Storage.** Unless authorized by the applicable zoning district, outside storage of material for commercial and industrial uses is prohibited. An outside storage area shall not exceed 20 percent of lot area and shall be screened from view from any property line. Outside storage shall be restricted to the area at the rear of a principal building. The outside storage area shall be enclosed by a fence greater than or equal to eight feet in height. Outside storage exceeding a height of eight feet shall be set back from the property line a distance of at least twice the height of material being stored. The height of outside storage shall not exceed twice the height of the fence in this subsection. Outside storage of junk or wrecked vehicles is prohibited. Outside storage of inoperable vehicles may be permitted in residential districts subject to compliance with FMC 22.58.024.
- (d) **Refuse Collection Containers.** For multifamily or nonresidential structures and uses, all outdoor refuse collection containers (including recycling containers) shall be completely screened from public or private streets and from adjacent property by an opaque screen. Refuse storage areas that are visible from the upper stories of adjacent structures shall have an opaque or semi-opaque horizontal cover or screen to mitigate unsightly views. The covering structure shall be compatible with the site's architecture. The storage of animal or vegetable waste that may attract insects or rodents or otherwise create a potential health hazard is prohibited. Properties undergoing substantial improvement as defined in FMC 22.98.697 shall install new screening or upgrade any existing collection container facilities that do not meet the standards of this section to ensure code consistency upon completion of the redevelopment. For multi-tenant structures, the city's determination as to whether improvement to an individual tenant space is considered to be a substantial improvement will be based on the value of the improvements relative to the assessed valuation of the tenant space, or a comparable judgment if an individual tenant space assessment is unavailable.
- (e) **Maintenance of Yards and Open Space.** All required structures, yards, parking areas and other open areas on-site shall be maintained in a neat and orderly manner at all times appropriate for the zoning district. Yards and open areas shall be maintained, as the responsibility of the property owner, free of any hazards to health or safety. Except for permitted earth disturbing activity, all ground areas shall be maintained in a manner ensuring that the natural or landscaped vegetation or permitted impervious surfaces provide a durable and dust free covering at all times. Dumping or storage of junk or debris, including junk vehicles or wrecked vehicles, is prohibited.
- (f) **Utilities.** For new development, or existing development which is being expanded by greater than or equal to 50 percent of its existing gross floor area, all utilities shall be located underground; provided, that electrical lines of 50,000 volts or greater may be placed aboveground. The construction of a new single-family residence on an infill lot located within a subdivision where electric service is typically provided from an overhead location may be exempted from this requirement by the public works director if he/she determines that the undergrounding of electric facilities for this lot would be impractical.
- (g) **Screening of Mechanical Equipment.** All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from the ground level of any abutting parcel or any public rights-of-way. This shall be accomplished through the extension of the main structure or roof or screening in a manner that is architecturally integrated with the main structure. The screening may require acoustical treatment to mitigate noise generation.
- (h) **Barbed or Razor Wire.** Barbed, razor or similar security wire may be authorized by the city for municipal facilities, if the fence on which the wire is placed will be effectively screened by landscaping. Barbed or razor wire is prohibited in all other locations and zoning districts.

(i) Erosion and Sedimentation. A temporary erosion and sedimentation control plan detailing measures for controlling erosion and sediment-laden runoff shall be submitted for approval by the director prior to issuance of a clearing and grading permit or other construction permit for a project. Measures shall include provisions to remove depositions of soil and material from streets and to prevent discharge of soil and materials onto adjoining properties or environmentally sensitive areas. The plan shall be implemented by the applicant before and during construction, and the applicant's performance shall be monitored by the city. The plan shall be upgraded as deemed necessary by the director to ensure effective control during construction.

(j) Particulates. During site development activities, construction dust and other particulates shall be controlled through frequent watering and/or other dust control measures approved by the director. Reclaimed water shall be used whenever practicable. Soil that is transported in trucks to and from the construction site shall be covered to the extent practicable to prevent particulates from being released.

(k) Stormwater Management. Stormwater facilities shall be designed ~~to meet or exceed the standards outlined in the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington in accordance with the standards set forth in FMC 20.24. Plans~~ Stormwater site plans demonstrating compliance with the ~~manual~~ stormwater management standards shall be submitted for approval by the director and city engineer prior to issuance of site development permits. ~~Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements, Low Impact Development (LID) designs and LID BMPs shall be required in areas where soils and geology support it. Larger projects triggering the manual's requirements for water quality treatment and/or flow control shall incorporate LID components to the extent practicable consistent with The Low Impact Development Technical Guidance Manual for Puget Sound.~~

(l) Contaminants. During site development activities, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials shall be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work on the site. (Ord. 1562 § 39, 2015; Ord. 1311 § 28, 2002; Ord. 1246 § 15, 2000).

**NEW BUSINESS:**        **2020-2025 Transportation Improvement Plan**  
**ITEM 10B.**

**FROM:**                    **Jerry Wakefield, Public Works Director**

---

**RECOMMENDED MOTION:**    **I move to adopt Resolution No. \_\_\_\_\_, approving the City of Fircrest's Six-Year Transportation Improvements Program for the period of 2020 – 2025..**

---

**PROPOSAL:** 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. This Program is not only intended to list and program projects for funding, but to establish City Council approval to submit grant applications on those projects contained in the Program. It should be noted that for a project to obtain state or federal funding, it must be included in the City's Six-Year Comprehensive Transportation Improvements Program (TIP).

**FISCAL IMPACT:** None, however, adoption of the TIP results in the projects identified being grant-eligible.

**ADVANTAGE:** The adoption of a six-year transportation improvement plan 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. This program 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:** None known.

**HISTORY:** 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 TIP 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 Program 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 Program 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 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 TIP may at any time be revised by a majority of the City Council, but only after a public hearing.

A public hearing was held at the regular City Council Meeting on May 28, 2019.

**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

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## 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 2019 budget, it is anticipated that revenue received from the state gas tax for the Street Fund will be \$147,150 in FY 2019. This is the same as anticipated to be received in 2020 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
<b>Capital Appropriations</b>								
1.	Major Pavement Patching: Citywide	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$300,000
<b>Grind and Overlays</b>								
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
<b>Roadway Improvements</b>								
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
<b>Pedestrian, Non-Motorized</b>								
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
<b>Street Lights</b>								
16.	LED Street Light Replacement	\$30,000	\$30,000					\$60,000
<b>Total Capital Appropriations</b>		<b>\$305,000</b>	<b>\$1,589,474</b>	<b>\$2,037,922</b>	<b>\$500,000</b>	<b>\$1,265,000</b>	<b>\$480,000</b>	<b>\$6,177,396</b>



## 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

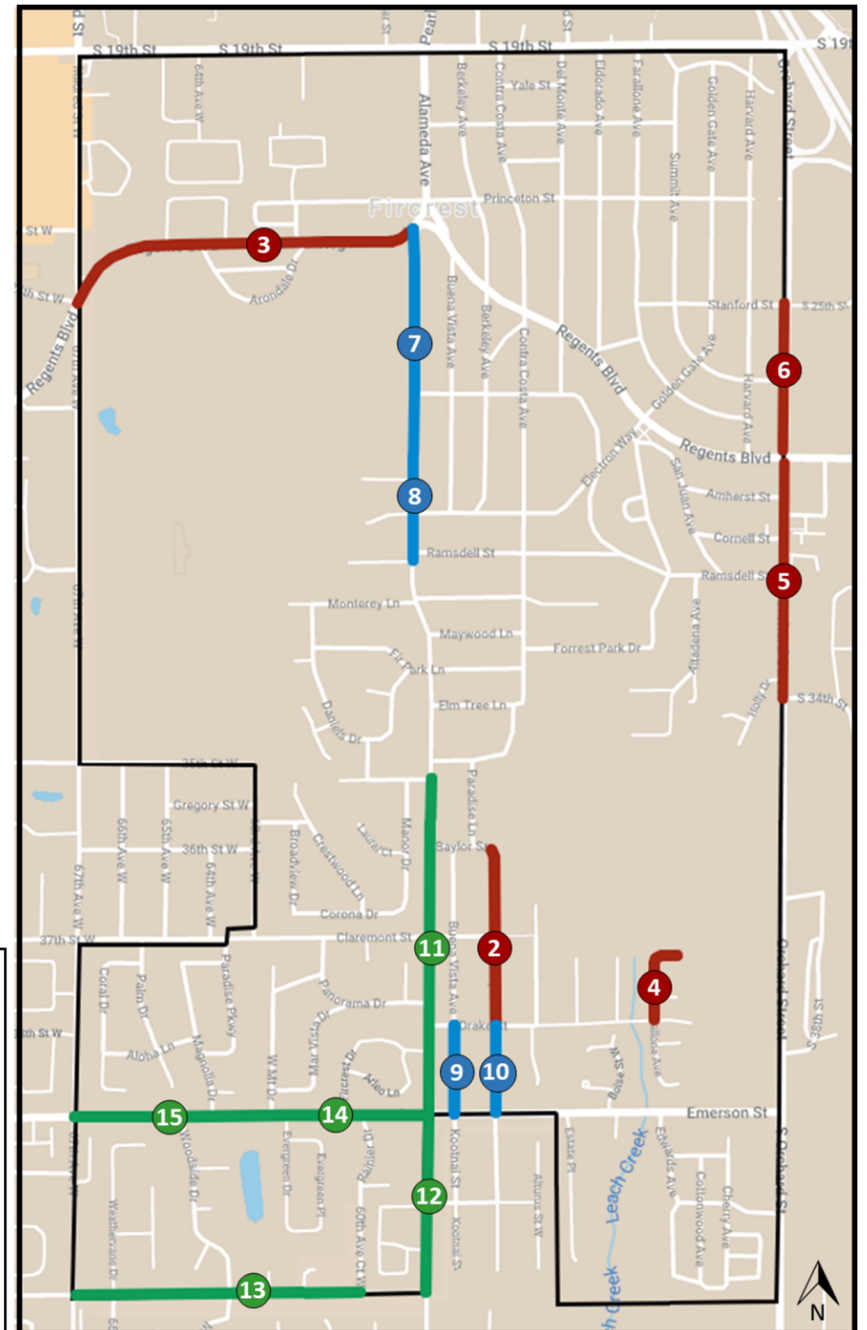
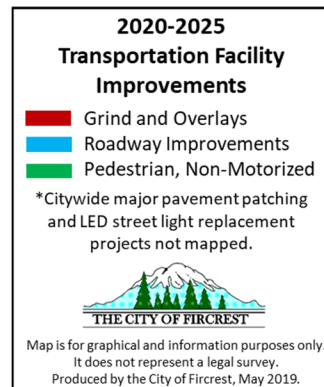
A grind and overlay project consists of grinding the existing pavement down a few inches and overlaying the roadway with a new wearing surface. This is a way to preserve the existing roadway and provide a new wearing surface and seal the roadbed.

### 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:** Custodial Services Contract with F & L Building Maintenance  
**ITEM 10C.**

**FROM:** Colleen Corcoran, Finance Director

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a custodial services contract with F & L Building Maintenance to provide custodial services for the City of Fircrest.

---

**PROPOSAL:** The Council is being asked to authorize the City Manager to execute a maintenance agreement with F & L Building Maintenance for custodial services for the City of Fircrest. This contract will service all four buildings. The work will be performed after normal work hours and will include public areas. Individual offices will continue to be cleaned by each department.

**FISCAL IMPACT:** The total contract price including tax is \$3,200 per month. Total cost for the remainder of 2019 will be \$20,800. The cost remaining in the 2019 Budget for custodial services is \$22,275.

**ADVANTAGE:** F & L Building Maintenance has not provided cleaning services to the City in the past. They have experience with cleaning small to large businesses throughout the South Sound area. Their reference checks came back very good.

**DISADVANTAGES:** Monitoring contractor performance involves some commitment of staff time. It is anticipated that this will not consume a large amount of time.

**ALTERNATIVES:** Not use a custodial service and hire a custodian.

**HISTORY:** Approximately 15 years ago, the City used a custodial service company. During an audit, it was determined that we needed to pay prevailing wages for this service. At that time, it was determined it would cost less to hire a full time employee as a custodian than to pay a contract that included prevailing wages. Recently our custodian retired. Staff received quotes from five companies for custodial services including prevailing wages and determined that it was more cost effective to hire a cleaning company. In October 2018, a contract with Cleanstart, LLC was authorized. As of June 11, 2018 that contract has been terminated. F & L Building Maintenance was the next company on the bid list

**ATTACHMENTS:** [Resolution Agreement](#)  
[F & L Building Maintenance Proposal](#)

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER  
TO EXECUTE A CUSTODIAL SERVICE AGREEMENT WITH F & L  
BUILDING MAINTENANCE TO PROVIDE CUSTODIAL SERVICES  
FOR THE CITY OF FIRCREST.**

**WHEREAS**, the City of Fircrest has need of custodial services; and

**WHEREAS**, F & L Building Maintenance 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 F & L Building Maintenance to provide custodial services for the City of Fircrest.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 11th day of June, 2019.

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**CITY OF FIRCREST  
AGREEMENT FOR JANITORIAL SERVICES**

**1. DATE AND PARTIES**

THIS AGREEMENT, for reference purposes only, is dated the 12th day of June, 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 F & L Building Maintenance, hereinafter referred to as "Contractor" in consideration of the mutual benefits, terms and conditions hereinafter specified.

**2. PROJECT DESIGNATION**

The Contractor is retained by the City to perform janitorial services in connection with the project designated as Fircrest Janitorial Services.

**3. SCOPE OF SERVICES**

The Contractor agrees to perform in a good and professional manner the tasks described in Exhibit A, Scope of Services, attached hereto and incorporated herein by this reference. The Contractor agrees to perform the services including the provision of all labor, materials, equipment and supplies as identified in Exhibit A. The Contractor 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.

Contractor shall provide all employee information necessary for compliance with Criminal History and Sex Offender Background Checks for any person working at or on any City-owned property or facility. This information must be provided to the City within three (3) calendar days of the award of the Contract. The Contractor shall additionally provide to the City a copy of a Washington State Patrol criminal background check form, completed on each person employed by the Contractor or any subcontractor working at or on any City-owned property or facility. Such forms shall be provided to the City prior to any such person working at or on any City-owned property or facility and, based on such forms at the City's sole option, persons with unsatisfactory criminal background checks shall not work at or on any such City-owned property or facility.

The Contractor shall ensure that its staff is drug free. NO alcohol or drug use shall be permitted on City property. Smoking is not allowed in or within twenty-five feet of City buildings. Staff employed by the Contractor shall not work in any City building while under the influence of any non-prescribed drugs and may only work while using prescribed medications if consistent with the usage restrictions of the medication(s).

Upon request by the City, Contractor will remove from City facilities premises any employee who, in the sole opinion of the City, has participated in any improper conduct.

Contractor shall submit a current list of names, and assignments of all employees who will perform work under this Agreement. Changes in the employment list shall be reported to the City of Fircrest Facilities Maintenance Supervisor no less than twenty-four (24) hours before the changes become effective. Said list and changes shall be submitted to the City of Fircrest, 115 Ramsdell Street, Washington 98466.

#### **4. TECHNICAL SPECIFICATIONS**

##### **A. Maintenance Hours.** City facilities are available as follows:

1. **City Hall** is available for cleaning between 5:00 p.m. and 11:59 p.m., Monday through Sunday. Service could be performed at any time on Saturday or Sunday except that if the building is being used it may be difficult to complete the work without delays. The building is available for cleaning during any City scheduled holiday. City Hall is not available for service during regularly scheduled City Council meetings.
2. **Police Station** is available between 5:00 p.m. and 9:00 p.m. Monday through Sunday.
3. **Public Works Building** is available between 5:00 p.m. and 11:59 p.m. Monday through Sunday.
4. **Parks and Recreation Building/Community Center** is available between 9:00 p.m. and 11:59 p.m. Monday through Sunday.

##### **B. Areas to be Cleaned**

1. **City Hall:** All interior spaces, including restrooms, kitchen/lunchroom, hallways, lobby, Council/Court Chambers, and excluding individual offices and locked rooms.
2. **Police Station: All interior areas,** including restrooms, kitchen/lunchroom, hallways, lobby, and excluding individual offices, locked rooms, and Evidence Room.
3. **Public Works Building:** All interior spaces, including restrooms, kitchen/lunchroom, hallways, lobby, and excluding individual offices and locked rooms.
4. **Parks and Recreation Building/Community Center:** All interior spaces, including restrooms, kitchens/lunchrooms, hallways, lobby, gym, and excluding individual offices and locked rooms.

#### **5. ASSIGNMENT**

The Contractor shall not sublet or assign any of the services covered by this agreement without the express written consent of the City.

#### **6. 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.

#### **7. TERMS OF AGREEMENT**

Notwithstanding, the date of execution hereof, this Agreement shall be in effect June 12, 2019 to December 31, 2019, and will renew automatically yearly thereafter. Either party may terminate this Agreement upon thirty (30) day's written notice to the other party.

#### **8. PAYMENT**

Upon receipt of an invoice from the Contractor, progress payments of \$3,200 which includes all taxes will be made on a monthly basis. Effective Jan 1<sup>st</sup> of each year the monthly amount will increase by the previous year's Seattle/Tacoma/Bellevue CPI-W June to June percentage.

#### **9. PERFORMANCE AND STANDARDS**

The City reserves the right to withhold a part or all of the monthly payments if, in the judgment of the City, the Contractor has not performed or has unsatisfactorily performed any of the maintenance services set forth in this contract; provided, that the City shall promptly notify the Contractor in writing of the specific items of non-performance or unsatisfactory performance. It is further provided that any such payments withheld shall reasonably relate to the estimated value of the work not performed. The Contractor shall be responsible to provide the services in this Agreement, in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

#### **10. HOLD HARMLESS, DEFENSE, AND INDEMNITY**

With the exception of the sole negligence of the City, its employees, or elected officials, the Contractor 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.

#### **11. INSURANCE**

Contractor 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. \$100,000 Employee Fidelity coverage that extends to the City and City employee property. |                                   |

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 contractor's liability to the City or public.

#### **12. CONTRACTOR'S REPRESENTATIONS**

The Contractor hereby represents that it has all necessary licenses and certifications to perform the services provided for herein, and is qualified to perform such services.

#### **13. COMPLIANCE WITH LAWS**

The Contractor 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, Contractor agrees to obtain a City of Fircrest business license prior to performing any work pursuant to this Agreement.

#### **14. TERMINATION**

If the Contractor 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, Contractor shall be compensated by the City for all work performed to the date of termination.

**15. 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.

**16. STATUS OF CONTRACTOR**

Neither the Contractor nor personnel employed by the Contractor shall acquire any rights or status in City employment, nor shall they be deemed employees or agents of the City for any purpose. Contractor 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.

**17. PREVAILING WAGES**

Prevailing wages are required for this contract. The rate can be found at <https://fortress.wa.gov/lmi/wagelookup/prvWagelookup.aspx>. The job classification is "Building Service Employees-Janitor" for Pierce County.

**18. COMPLIANCE WITH CITY POLICY**

The Contractor 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**

Contractor 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 NATURAL DISASTER**

It is understood and agreed that the Contractor shall not be responsible or required to repair, at the sole cost and expense of the Contractor, any major damage or destruction caused by acts of vandalism or acts of natural disasters and did not result from the negligent acts or omissions of the Contractor or the Contractor's agents.

**21. EXTRA WORK AND CHANGE ORDERS**

Work in addition to, or different from that provided for in the scope of work section shall only be allowed by prior authorization in writing and signed by the City Manager, as a modification to this agreement. Such modification shall be attached hereto and made a part hereof.

## **22. 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.

## **23. FACILITIES SECURITY REQUIREMENT**

- A. A major violation of the contract specifications, terms and conditions dealing with building security or confidentiality may result in immediate termination of this contract. Examples of a major violation include but may not be limited to failure to follow established security protocol for each facility, leaving a door or doors unlocked with the building unattended, failure to turn on, or off as appropriate, the security system, breach of confidentiality regarding agency files, personal records, or any other agency information not intended for public disclosure, theft of personal or City property, and the drinking of alcoholic beverages, use of drugs, or being inebriated or under the influence while in performance of contractual requirements.
- B. The Contractor shall not engage in and shall prohibit the moving and reading of papers on desks, the opening of desk drawers and cabinets, the using of telephones and office equipment provided for official business.
- C. The Contractor's employees shall be instructed in the security of City buildings. The Contractor is responsible for the security of the facility during the performance of all contract services and shall ensure that facility access restrictions remain in place and functional during cleaning operations. Contractor's employees shall leave only designated lights on and shall check windows and doors for security upon completion of custodial work. All doors are to be properly closed upon Contractor's departure from facility.
- D. Keys and access codes to City facilities issued to the Contractor may not be reproduced or given to another person. The City of Fircrest Facilities Maintenance Supervisor must issue additional keys. The Contractor will be responsible to obtain any keys that may have been provided to employees who terminate employment with his/her firm. Keys or access codes must be safeguarded and accounted for. Contractor is responsible for lost keys and compromised access codes. In the event of contract termination or upon completion of the contract, all monies due the Contractor shall be withheld until the Contractor has surrendered all keys issued by the City. If the Contractor is unable to produce any of the keys issued, the Contractor shall assume full financial responsibility for changing the affected locks and providing necessary keys for the new locks.

## **24. HAZARDOUS CONDITIONS**

The Contractor shall maintain all work sites free of hazards to person and/or property resulting from its operation.

## **25. CHEMICALS**

Chemicals shall be applied in accordance with written Federal, State and City laws.



**26. NON-DISCRIMINATION**

The Contractor agrees not to discriminate against any customer, employee, or applicant for employment, subcontractor, supplier or materialman, because of race, color, sex, creed, religion, national origin, marital status, age or handicap, except for a bona fide occupational qualification. The Contractor understands that if it violates this provision, this Agreement may be terminated by the City and that the Contractor may be barred from performing any service for the City now or in the future.

**27. 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.

**28. 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 Contractor.

**DATED this 12th day of June, 2019**

**CITY OF FIRCREST**

**CONTRACTOR**

By: \_\_\_\_\_  
Scott Pingel, City Manager

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**APPROVED AS TO FORM:**

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

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

**CONTRACTED BUILDING MAINTENANCE RESPONSIBILITIES  
F & L BUILDING MAINTENANCE  
EXHIBIT A**

**RESTROOMS**

1. Clean and disinfect wash basins, commodes and top and bottom of seats and urinals.  
Descale hard water stains.
2. Clean, sanitize and polish mirrors and fixtures.
3. Clean and disinfect showers and floors.
4. Empty and clean waste receptacles.
5. Sanitize sanitary napkin receptacles.
6. Restock all paper products.

**KITCHENS/BREAK ROOMS**

1. Clean and sanitize tables, counter tops and sinks
2. Empty trash and recycle receptacles.
3. Clean floors.

**GENERAL**

1. Vacuum all carpeted areas and sweep/vacuum/mop all hard floors.
2. Vacuum and straighten all walk off mats.
3. Empty and clean waste receptacles.
4. Sanitize and wipe down drinking fountains.
5. Sanitize public phones and light switches.
6. Clean finger prints and smudges from both sides of entrance doors.
7. Restock all paper products.
8. Dust air vents, doorsills, light fixtures, ceiling, corners and edges.
9. Make a list of cleaning/paper products at least weekly and give to Doug Deines.

# Professional Janitorial Service Proposal

Prepared for:

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## **City of Fircrest**

**115 Ramsdell St  
Fircrest , WA 98466**

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Submitted By:

## **F & L Building Maintenance**

227 Bellevue Way NE #485

Bellevue, Washington 98004

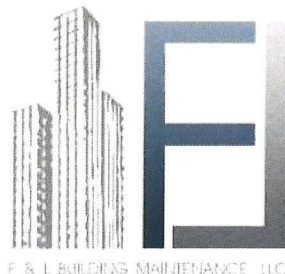
Frank Sosebee

Assigned Representative

1.877.276.3493 Ext. 701

[fsosebee@fnlbuildingmaintenance.com](mailto:fsosebee@fnlbuildingmaintenance.com)

[www.fnlbuildingmaintenance.com](http://www.fnlbuildingmaintenance.com)



June 03, 2019

F & L Building Maintenance  
227 Bellevue Way NE #485  
Bellevue, Washington 98004



June 03, 2019

Colleen Corcoran  
City of Fircrest  
115 Ramsdell St  
Fircrest, WA 98466

Dear Colleen,

Subject: Janitorial Service Proposal - City of Fircrest, 115 Ramsdell St, Fircrest , WA 98466

Thank you for allowing F & L Building Maintenance to prepare a professional cleaning service proposal for your consideration. We know it takes considerable time and effort to show any potential contractor your facility, and to provide them with the necessary information. *So again, thanks!*

Here are a few important highlights:

**Before we start...** All of our cleaners are thoroughly trained on how to perform each cleaning task, as well as on important safety issues. Our goal is to clean each customer's facility professionally and safely.

**During the start...** We know a seamless, no-hassle start-up is important to every customer. So at F & L Building Maintenance, we combine up-front preparation and training with strong management and direction to ensure a smooth, successful startup.

**After the start...** A systematic approach to keep your building looking good! At F & L Building Maintenance, we offer strong management and quality control to plan for, and not lose track of, the many necessary cleaning details.

We look forward to the opportunity of becoming a trusted and valued partner in improving and maintaining the appearance of your building. Please call if you have any questions, or need additional information as you review our proposal.

Sincerely,

  
Frank Sosebee  
Manager  
F & L Building Maintenance

City of Fircrest  
**Professional Janitorial Service Proposal**

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**General**

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F & L Building Maintenance agrees to provide all labor, supervision, material, and equipment necessary to assure performance of specified cleaning service for the customer. This shall include all services described in the written specifications attached. F & L Building Maintenance agrees to furnish such cleaning service for a period of one year, the dates yet to be agreed upon.

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**Compensation**

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- City Hall Building (Per Assigned Areas)**  
**5 Days Cleaning Per Week Cleaning**  
**(4 Days Per Week Spot Cleaning, 1 Day Per Week Deep Cleaning)**
  
- Public Safety Building (Per Assigned Areas)**  
**5 Days Cleaning Per Week Cleaning**  
**(4 Days Per Week Spot Cleaning, 1 Day Per Week Deep Cleaning)**
  
- Community Center Building (Per Assigned Areas)**  
**5 Days Cleaning Per Week Cleaning**  
**(4 Days Per Week Spot Cleaning, 1 Day Per Week Deep Cleaning)**
  
- Public Works Building (Per Assigned Areas)**  
**5 Days Cleaning Per Week Cleaning**  
**(4 Days Per Week Spot Cleaning, 1 Day Per Week Deep Cleaning)**

**\*\*\*\* This amount/Grand Total includes all rates based on Prevailing Wages and all F & L Building Maintenance employees will be paid accordingly.**

- **GRAND TOTAL MONTHLY (ALL TAXES INCLUDED): \$3,200.00**

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**Special Services**

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Carpet cleaning is available - Price quoted upon request.

Waxable hard surface floors can be stripped and refinished or scrubbed and re-waxed - Price quoted upon request.

Exterior windows can be cleaned - Price quoted upon request.

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**Service Schedule**

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Cleaning service operations described in this comprehensive program will be performed 5 days per week.

The cleaning crew will observe holidays observed by the customer. F & L Building Maintenance is prepared to adapt this work schedule to coincide with the needs and requests of the customer provided that such requests do not alter the cost of operations.

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### **Invoicing**

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All invoicing will be itemized according to monthly work or for special tasks. Invoicing will be on the 1st of each month. Payments are due on the last day of each month or as agreed upon between client and F & L.

\*A \$50.00 late fee will be assessed for all payments received after the 5th of each month.

\*An additional fee of \$25 per day will be assessed each day after.

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### **Supervision**

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Adequate personnel and supervision will be furnished to ensure quality service.

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### **Supplies**

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The customer will furnish all consumable products inclusive of but not limited to: toilet tissue, towels, trash liners and hand soap. If desired, F & L Building Maintenance can provide these products and invoice them separately.

F & L Building Maintenance will furnish all cleaning supplies inclusive of but not limited to: cleaning agents, disinfectants, etc.

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### **Insurance**

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F & L Building Maintenance will furnish all forms of insurance required by law and shall maintain the same in force.

- Comprehensive General Liability
- Property Damage
- Workers' Compensation
- Bonding

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### **Employee Status**

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Personnel supplied by F & L Building Maintenance are deemed employees of F & L Building Maintenance and will not for any purpose be considered employees or agents of the customer.

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### **Equal Opportunity Employer**

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F & L Building Maintenance is an equal opportunity employer. All necessary employment forms will be



maintained by our office as required by law.

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### Our Philosophy

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F & L Building Maintenance is committed to providing quality janitorial services that deliver the highest levels of customer satisfaction.

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### Term

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The term of this agreement shall be 6/12/19 to 12/31/19 and shall automatically renew for additional one (1) year periods. Beginning January 1, 2020 and each consecutive year the contract will increase by the Seattle/Tacoma/Bellevue CPI-W June to June percentage rate.

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### Cancellation

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This agreement may be terminated or canceled at any time with a minimum of thirty (30) days written notice from either party.

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### Agreement

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This Agreement ("this Agreement") is made and entered into as of \_\_\_\_\_, 20\_\_\_\_, by and between F & L Building Maintenance, with its principal place of business located at 227 Bellevue Way NE #485, Bellevue, Washington 98004 and City of Fircrest with its principal place of business located at 115 Ramsdell St, Fircrest, WA 98466.

NOW, THEREFORE, in consideration of the mutual promises and benefits to be derived by the parties they mutually agree to the terms and conditions as outlined above in this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date and year first written above.

F & L Building Maintenance

Signature: \_\_\_\_\_

Name: Frank V. Sosebee

Date: 3 June 2019

Title: Manager

City of Fircrest

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

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## References

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**Everest College (Multiple Locations)**

2156 Pacific Avenue  
Tacoma, WA 98402

Timothy Allen : President

253 207 4000

**Lease Crutcher Lewis**

Facebook Facility  
Seattle , WA 98109

Chazz Jinadu : Lead Engineer

410 900 0229

**The Resource Center Facility**

1004 M.L.K. Jr Way  
Tacoma, WA 98405

Drea Bell : President

253 241 9093