



The City of Fircrest Public Works Department
APPLICATION FOR RIGHT-OF-WAY ENCROACHMENT PERMIT

7Public Works 120 Ramsdell St · Fircrest · WA 98466 · Mlg: 115 Ramsdell St · Fircrest · WA 98466 · (253) 564-8900 Ph. · (253) 564-3640 Fax · PublicWorks@cityoffircrest.net

Applicant: _____ Phone: _____

Address: _____ Email: _____

City, State Zip: _____

Contractor: _____ Phone: _____

Location of Work (Address): _____

Type of Use (work) proposed in the City's Right-of-Way (attached additional sheet(s) if necessary):

*To do this work in the City's Right-of-Way, will you need to cut any trees? Yes No

***Be sure to include the following with your application:**

- Detailed site plan, showing any existing right-of-way construction, sidewalks, curb, gutter, planter strip, and property lines/right-of-way lines.
- Good quality photographs and drawings showing location(s) of proposed work in all directions.

Understanding and Conditions of Approval:

In order for the possibility of the City to grant a Right-of-Way Encroachment Permit the City shall acknowledge the following criteria are met by the proposal:

1. The proposed complies with the clear vision triangle standards, if applicable,
2. The proposed placement will not interfere with underground utilities,
3. The proposed will not compromise public safety by restricting the ability of sidewalk users to and will avoid conflicts with competing users of the sidewalk,
4. The property owner will be able to obtain and maintain insurance coverage that holds the city harmless if, in the event that, a claim is filed relating to the proposed. The coverage will be provided at a level determined to be acceptable by the risk manager and city attorney, and the property owner will provide documentation of coverage annually to the city. The property owner shall, by written agreement, indemnify and hold harmless the City for any claim filed against the property owner for any action or cause for damages that may occur as a result of the encroachment, and
5. In the event the City needs to perform work in this Right-of-Way, any encroachment(s) shall be removed at the owner's expense.
6. And _____

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7. And _____

8. And _____

9. And _____

10. And _____

I (applicant) hereby assent to the above-stated conditions of approval

Applicant's Signature: _____ Date: _____

For City Staff Use Only

Reviewed for conformance with Chapter 22, Development Regulations and Meets all of the above Understandings and Conditions of Approval.

Approved Denied Date: _____

_____ Print: _____
 Authorized Public Works Department

Approved Denied Date: _____

_____ Print: _____
 Authorized Planning/Building Department Signature

Application Received	Total Fees of Permit	Date Paid	Receipt #
Work Completed, Inspected & Approved By:		Date of Final Inspection:	
Fee Description	Fees Due		
R.O.W. Intake Fee	\$50.00		
Deposit Fee	\$250.00	Additional:	\$
Inspection Fee – UTIL (1 st 150')	\$178.50	Additional:	\$

22.58.004 Fences, walls and hedges.

(a) Fences and walls located within a required yard in a residential zoning district shall not exceed the following height limits:

(1) Front yard: four feet.

(2) Side street side yard: six feet.

(3) Interior side and rear yard: six feet plus one foot of lattice or other material with a surface area that is no more than 50 percent opaque. See Figure 2.

(4) Clear vision triangle: two feet, six inches above centerline grades of intersecting streets when a surface area is more than 50 percent opaque (see FMC 22.58.005).

(b) Fences and walls located in a residential zoning district may exceed the preceding height limits if located outside of required yards or within the allowable building envelope for the principal residential structure. Fences and walls may also exceed the limits specified in subsections (a)(1), (2), and (3) of this section if they are intended to enclose public school grounds, parks, playgrounds, substations, wells or other municipal installations.

(c) Fences and walls located within a commercial or industrial zoning district may exceed the height limits specified in subsection (a) of this section, provided the fence or wall design complies with the city's design guidelines.

(d) Fence height is measured from the ground level where placed or from a retaining wall to the top of the fence, excluding posts. On sloping properties where a fence is constructed of sections which are terraced to match the terrain, fence height shall be the average of the high and low points of each fence section. In such instances, portions of the fence may exceed the maximum allowable height; provided, that the average height of the fence section does not exceed the maximum height.

(e) Solid fences or walls higher than two feet within the front yard are prohibited; this does not include hedges. Front yard fences and walls shall have a surface area that is no more than 50 percent opaque. See Figure 2.

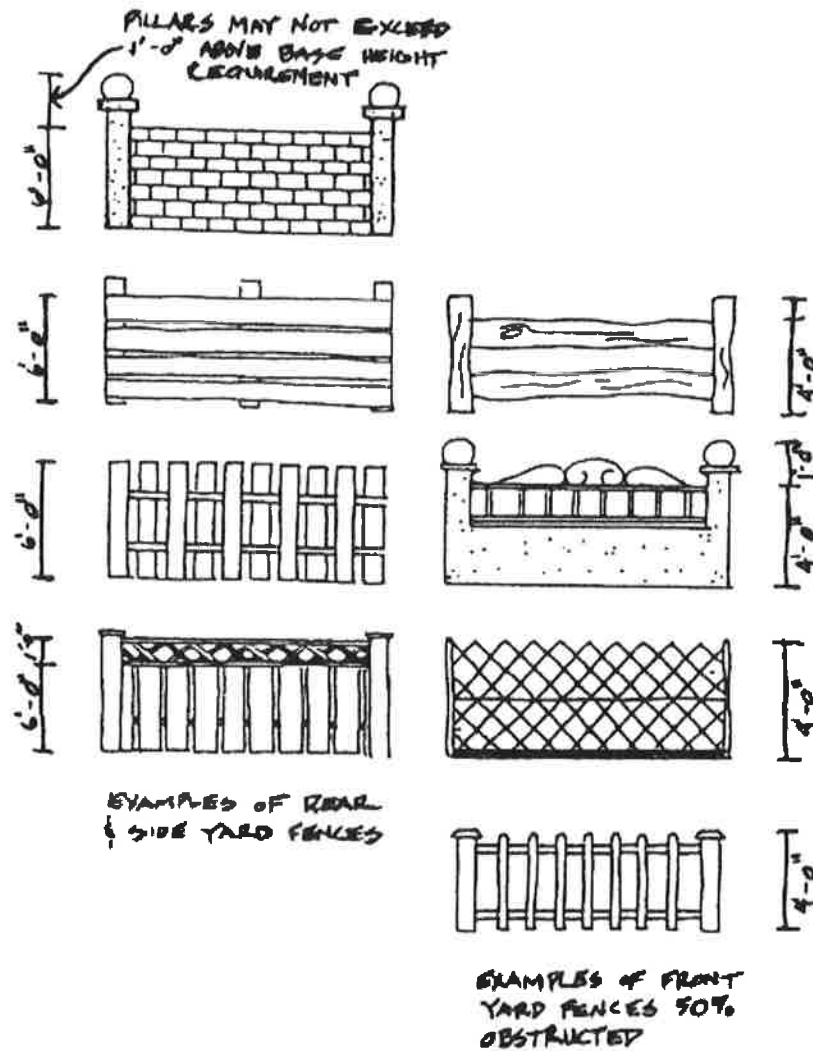


Figure 2

(f) Fence pillars or posts may project a maximum of one foot above maximum fence height.

(g) An administrative exception may be granted to allow the front yard fence height to exceed the four-foot height limit in subsection (a)(1) of this section if the director finds that:

- (1) The principal residential structure existing on the lot at the time of application encroaches into the required front yard.
- (2) The proposed fence will not encroach into the required front yard any further than the existing principal residential structure.

(3) The fence will not exceed a maximum height of six feet plus one foot of lattice or other material with a surface area that is no more than 50 percent opaque. See Figure 2.

(4) The fence will not be located within a clear vision triangle.

(h) Fences and walls shall not be located within a public street right-of-way unless a right-of-way encroachment permit is granted by the city. The request shall be processed as a Type 2 permit project application in accordance with Chapter 22.05 FMC. In order to grant a right-of-way encroachment permit, the city shall adopt written findings showing the following criteria are met by the proposal:

(1) The fence or wall will comply with clear vision triangle standards, if applicable.

(2) The placement of the fence or wall will not interfere with underground utilities.

(3) The fence or wall will not compromise public safety by restricting the ability of sidewalk users to avoid conflicts with competing users of the sidewalk.

(4) The property owner will be able to obtain and maintain insurance coverage in the event that a claim is filed relating to the fence or wall. The coverage will be provided at a level determined to be acceptable by the risk manager and city attorney, and the property owner will provide documentation of coverage annually to the city.

(5) The property owner shall, by written agreement to be recorded with the Pierce County auditor, indemnify and hold harmless the city for any claim filed against the property owner for any action or cause for damages that may occur as a result of the encroachment.

(i) All private swimming pools, wading pools, spas and hot tubs shall be provided with a fence or wall to prevent unauthorized access. See FMC 12.04.020(a) for specific standards.

(j) A fence permit is required for all fences located in required front yards, side street side yards, yards adjoining through-lot street frontages, and clear vision triangles.

(k) Hedges are allowed in all required yards subject to the following height limits:

(1) Front yard, interior side yard, side street side yard, and rear yard equals no limit.

(2) Clear vision triangle equals two feet, six inches above centerline grades of intersecting streets. (Ord. 1562 § 38, 2015; Ord. 1469 § 1, 2009; Ord. 1438 § 1, 2007; Ord. 1417 § 1, 2006; Ord. 1311 § 27, 2002; Ord. 1246 § 15, 2000).

22.58.005 Clear vision triangle.

(a) All corner lots located in zoning districts that require a front and side yard shall maintain a clear vision triangle at the intersection of two streets for the purpose of public safety. A clear vision triangle shall also be maintained at the intersection of a street and alley or driveway. No building, structure, object or growth between a height of two feet, six inches and eight feet above the centerline grades of the intersecting streets shall be allowed within these triangles.

(b) The clear vision triangle at a street intersection shall be determined by measuring 20 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle. See Figure 3.

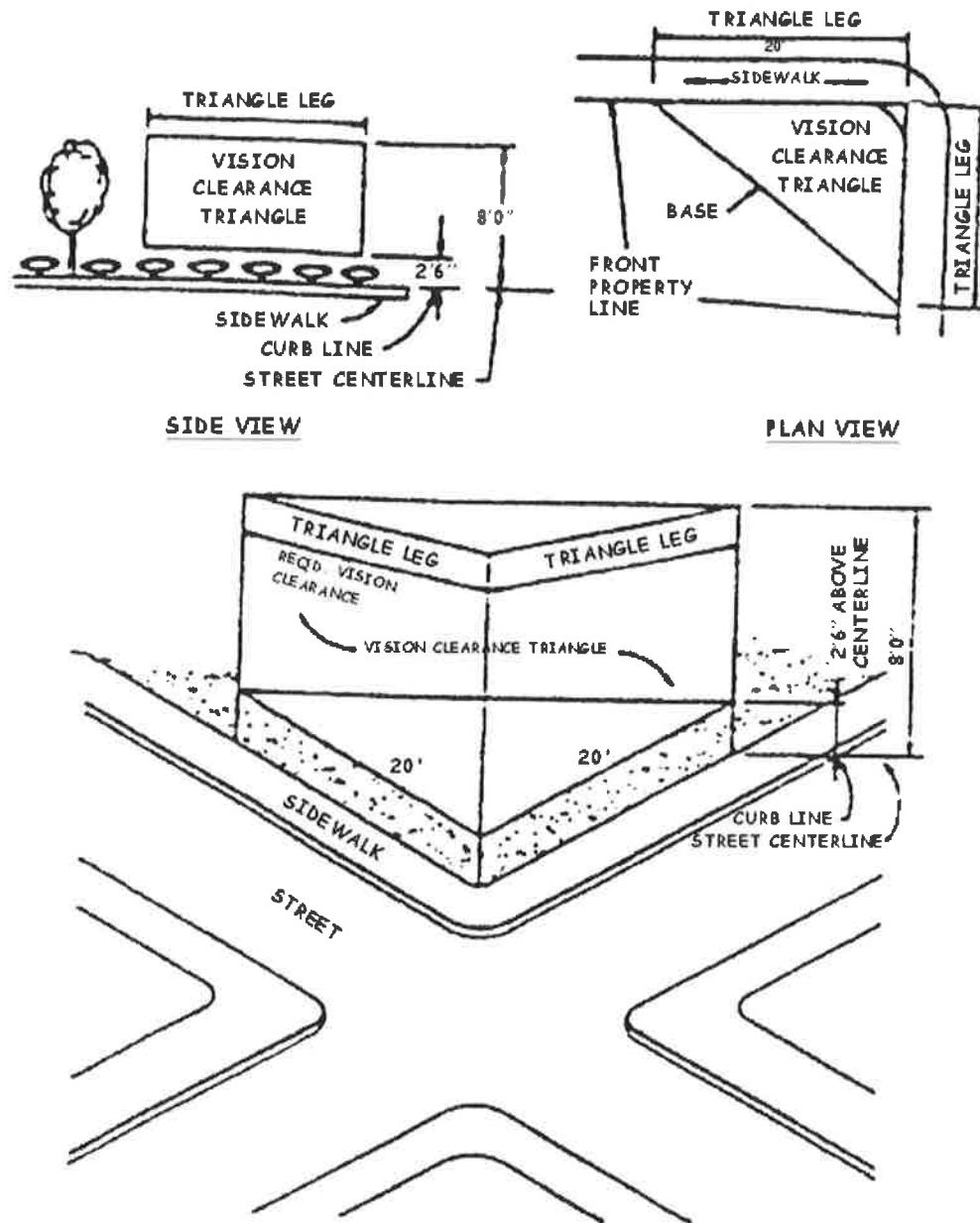


Figure 3

(c) The clear vision triangle at the intersection of a street and alley or driveway shall be determined by measuring 10 feet along the street property line and 10 feet along the edges of the alley or driveway beginning at the respective points of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle. See Figure 3.

(d) The city engineer may allow alteration of the clear vision triangle. This alteration is contingent on unusual site topography, proposed site design features, and other unique circumstances pertaining solely to the site and surrounding properties. The city engineer shall make written findings that the alteration does not constitute a traffic or pedestrian safety hazard.

(e) Street lights, power poles, traffic signs, or other similar street fixtures less than one-foot wide or other objects above eight feet in height above the adjacent street elevation shall be allowed in the clear vision triangle unless the city engineer determines that, individually or cumulatively, they would pose a public safety hazard. The city engineer may authorize other objects in the clear vision triangle that do not comply with this standard if he/she determines that they would not pose a risk to public safety. (Ord. 1246 § 15, 2000).

22.58.007 Height exceptions.

(a) Height exceptions to the applicable zoning district limit shall be limited to the minimum necessary for the intended use. Chimneys, steeples, flag poles, skylights, mechanical equipment and associated screening, fire parapet walls, widow's walk or other similar item required for building operation or maintenance, and tanks and towers required for public utility purposes may be erected above the required height limit provided they meet the structural requirements of the city.

(b) A residential amateur or citizen band antenna array and support structure may be