

City of Fife, Washington

Ordinance No. 1912

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON ADDING NEW FIFE MUNICIPAL CODE SECTIONS 14.01.070 AND 19.60.035, AMENDING SECTIONS 14.02.030, 14.06.020, 14.06.030, 14.10.030, 14.10.050, 17.04.110, 19.02.020, 19.50.050, 19.60.080, AND REPEALING FMC SECTIONS 19.60.090 RELATED TO PERMIT PROCESSING

WHEREAS, from time to time, it is appropriate to review development regulations; and

WHEREAS, the Washington State Growth Management Act Goal 7 (RCW 36.70A.020 (7) states:

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability

and

WHEREAS, Fife Municipal Code (FMC) Title 14 entitled Planning Permit Processing are the city's permit processing procedures to comply with RCW 36.70B "Local Project Review"; and

WHEREAS, FMC Title 14 has not gone through any substantial revisions since its adoption in 1996; and

WHEREAS, the City of Fife received a planning grant from the Washington State Department of Commerce to assist in implementing the required Growth Management Act (GMA) update pursuant to RCW 36.70A.130 and the City used these funds to hire a planning consultant to review the city's permit processing procedures and prepare recommended amendments that apply best practices, find efficiencies, clarify codes and provide processes more consistent with other local governments; and

WHEREAS, the staff of Fife's Community Development Department reviewed the consultants proposed amendments and have recommended approval; and

WHEREAS, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14-day expedited review from State agencies and no comments from State agencies were received; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on February 23, 2015 with no comments having been received and no appeal filed; and

WHEREAS, the Fife Planning Commission considered recommended amendments on January 5, 2015, February 2, 2015 and conducted a Public Hearing on proposed amendments on

March 2, 2015 and thereafter recommended that the Fife City Council adopt the amendments; and

WHEREAS, the Fife City Council received a briefing on the consultant, staff and Planning Commission's recommendations on May 19, 2015, in regular study session; and

WHEREAS, the Fife City Council held a public hearing on June 9, 2015, considered the record and recommendations of the Planning Commission; the report and recommendations of the Community Development Department; and

WHEREAS, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Fife Municipal Code section 14.02.030 "Project Permit Application Framework – Planning Permit Processing" is hereby amended as set forth in Exhibit A attached hereto.

Section 2. Fife Municipal Code section 14.06.020 is hereby amended to read as follows:

14.06.020 Other public notice options.

A. The city may elect to distribute the notice of application in the following ways:

1. By publishing the notice in a newspaper of local circulation; and
2. By notifying any citizen groups or agencies that have expressed an interest in project permit applications; or
3. By including the notice in the city newsletter.

Section 3. Fife Municipal Code section 14.06.030 is hereby amended to read as follows,

14.06.030 Notice of open record public hearing.

A. The contents of published legal notices for open record public hearings for all application types shall include the following:

1. The name of the applicant or the applicant's representative;
2. A description of the subject property in sufficient description to inform the public of the project location. An assessor's parcel number alone is not considered sufficient to locate the property;

3. The nature of the proposed use or development and the name of the development if applicable;
4. The date, time, and place of the public hearing;
5. A statement that all interested persons may appear at the hearing and provide testimony and/or submit written comments by a specific date;
6. A statement that all information regarding the project can be examined at City Hall with the telephone number and address of City Hall listed; and
7. That a copy of the staff report will be available at City Hall approximately five days before the public hearing date for review.

B. Public hearing notices shall be mailed by the city to the following persons:

1. All property owners within 300 feet of the subject property. If the applicant owns property abutting the project site, all property owners within 300 feet of the abutting property shall also be notified.
2. Any person who submitted comments on the notice of application.

C. The public hearing notice shall include:

1. All of the information in subsection (A) of this section;
2. A map showing the location and approximate boundaries of the project site, including the street address (if one exists) and a north arrow;
3. Any additional information the director chooses to provide.

Section 4. Fife Municipal Code section 14.10.030 is hereby amended to read as follows:

14.10.030 SEPA appeals.

Appeals of environmental determinations under SEPA shall be as follows:

- A. Appeals of determinations of nonsignificance and mitigated determinations of nonsignificance are appealable to the hearing examiner. Any appeal must be filed within 14 days of the close of the comment period;
- B. If the underlying project permit application requires a public hearing, the SEPA appeal shall be heard with the project permit public hearing.
- C. Appeals of an environmental impact statement shall be to the Fife hearing examiner as required by law;

D. Appeals of SEPA determinations other than environmental impact statements shall be subject to all of the provisions of this chapter.

Section 5. Fife Municipal Code section 14.10.050 is hereby amended to read as follows:

14.10.050 Appeal time limits.

All appeals to decisions made on Type I and II permits must be filed within 14 calendar days following the director's written decision on a project permit application. If the last day of the appeal period is a Saturday, Sunday, or city holiday, the filing must be completed by the close of the next business day.

Section 6. Fife Municipal Code section 17.04.110 is hereby amended to read as follows:

17.04.110 Mitigated DNS.

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 15 working days. The response shall:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, to remove all negative impacts, the city shall issue and circulate a DNS under WAC 197-11-340(2).

2. If the city indicated areas of concern, but did not indicate specific measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. Mitigated DNSs under WAC 197-11-340(2) require a 14 day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3) (withdrawal of DNS).

I. The city's written response under subsection (C) of this section shall not be construed as determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

Section 7. Fife Municipal Code section 19.02.020 is hereby amended to read as follows:

19.02.020 Scope and purpose of regulations.

The zoning regulations contained in this title, and subsequent amendments to this title, are adopted to protect, promote and enhance the public health, safety and general welfare and to ensure that all development within the city is consistent with the city of Fife comprehensive plan. To accomplish this purpose, the city council shall:

A. Divide the city into appropriate zoning districts which regulate the use of public and private land, buildings and structures. Within each zoning district, specific standards, requirements and conditions are provided which include the aesthetics, location, height, bulk, number of stories and size of buildings and structures, buffers, open space, population density, lot coverage, setbacks, off-street parking, protection of access to direct sunlight for solar energy systems, and such other standards, requirements, regulations and procedures as are appropriate for each zoning district; and

B. Adopt and implement other standards, requirements and conditions as authorized by law or as necessary or appropriate to implement the goals and policies of the comprehensive plan, the goals and requirements of Chapter 36.70A and the requirements of Chapter 35A.63 RCW, Planning and Zoning in Code Cities.

Section 8. Fife Municipal Code section 19.50.050 is hereby amended to read as follows:

19.50.050 Development standards.

A. Minimum Lot Area and Site Requirements. See subsection (B) of this section for additional minimum requirements.

Minimum lot size	None
Minimum lot dimension circle	None
Minimum frontage width	None
Minimum front yard setback. See Chapter <u>19.64</u> FMC for buffering requirements.	25 feet
Minimum interior setback. See Chapter <u>19.64</u> FMC for buffering requirements.	25 feet
Maximum building height.	35 feet. See FMC <u>19.68.020(C)</u> for possible exceptions
Maximum lot coverage.	45% for overall property

Calculations resulting in a fraction shall be rounded to the nearest whole number with 0.50 being rounded up.

B. Additional zoning district development standards, in accord with FMC 19.68.020, may be required.

C. Limited Access. For noise, safety, traffic and neighborhood character concerns, access to streets with a collector arterial designation or less may be limited or prohibited by the director. For noise, safety and traffic concerns, access to streets with a designation greater than collector arterial may be limited by the director.

D. Parking and Circulation Regulations. Parking, circulation, and loading areas shall be prohibited within the front yard setback area. See Chapter 19.56 FMC.

E. Landscaping and Buffering Regulations. The landscaping plans shall be prepared by a landscape architect registered in the state of Washington. See Chapter 19.64 FMC.

F. Administrative Design Review. An administrative design review will be required of all projects, in accord with Chapter 19.60 FMC.

G. Development Agreements. Development agreements may be considered as provided in FMC 19.68.110.

H. Sewer Hook-Up Requirement. Sanitary sewer hook-ups will be required as provided in FMC 19.68.130.

I. All development must conform to the applicable standards of the Fife Municipal Code.

J. One Legal Lot of Record. Uses within the POS district must be located on at least one legal lot of record, which meets the minimum requirement of this chapter and the development standards elsewhere within the Fife Municipal Code.

Section 9. Repealer. Fife Municipal Code section 19.60.090 is hereby repealed.

Section 10. Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 11. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 23^d day of June, 2015.

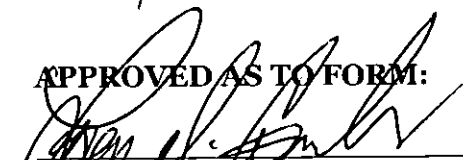
Passed by the City Council on the 14th day of July, 2015.


Subir Mukerjee, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: July 16 2015
Effective Date: July 21, 2015

EXHIBIT "A"

Fife Municipal Code section 14.02.030 "Project permit application framework" is hereby amended to read as set forth below

Planning Permit Processing

Permit Description	Project Permit Types	DRC Meeting	Preapplication Meeting	Notification Distance Mailing List	Notice Newspaper	Notice Post Site	Comment Period	Recommendation Required	Open Record Public Hearing	Final Decision Approval/Denial	Judicial Appeal
Lot Line Adjustments	Type I	Optional	Optional	No	No	No	No	Admin. Approval	No	CD Director	HE PC Superior Court
Binding Site Plan	Type I	Optional	Optional/may be required	No	Yes if SEPA required	Yes if SEPA required	Yes if SEPA required	No	No	CD Director	HE PC Superior Court
SEPA-DNS/MDNS	Type II	Optional	Optional	No	Yes	Yes	14_days	Res. Official	No	Responsible Official	HE PC Superior Court
Variance	Type III	Optional	Required	300 feet	Yes	Yes	14 days	N/A	Yes	Hearing Examiner	PC Superior Court

Planning Permit Processing

Permit Description	Project Permit Types	DRC Meeting	Preapplication Meeting	Notification Distance Mailing List	Notice Newspaper	Notice Post Site	Comment Period	Recommendation Required	Open Record Public Hearing	Final Decision Approval/Denial	Judicial Appeal
Short Subdivision 1 – 4 Lots	Type I	Optional	Optional	No	No	No	No	Admin. Approval	No	CD Director	HE PC Superior Court
Subdivision 5+ Lots (Prelim. Plat)	Type IV	Optional	Required	300 feet	Yes if SEPA required	Yes if SEPA required	14 days	No	Yes	Hearing Examiner	PC Superior Court
Large Lot Division	Type I	Optional	Optional	No	No	No	No	Admin. Approval	No	CD Director	HE PC Superior Court
Final Plat	Type V	Optional	Required	300 feet	Yes	Yes	No	No	No	City Council	PC Superior Court
Site-Specific Rezones	Type IV	Optional	Required	300 feet	Yes with SEPA	Yes with SEPA	14 days	No	Yes	City Council	PC Superior Court

Planning Permit Processing

Permit Description	Project Permit Types	DRC Meeting	Preapplication Meeting	Notification Distance Mailing List	Notice Newspaper	Notice Post Site	Comment Period	Recommendation Required	Open Record Public Hearing	Final Decision Approval/Denial	Judicial Appeal
Shoreline Mgt. Permit	Type IV	Optional	Required	300 feet	Yes	Yes	14 days	No	Yes	Hearing Examiner	PC Superior Court
Conditional Use Permit	Type III	Optional	Required	300 feet	Yes	Yes	14 days	No	Yes	Hearing Examiner	PC Superior Court
Developer Agreement	Type IV	Optional	Required	No	No	No	No	PC	Yes	City Council	PC Superior Court
Building and Other Construction Permits (SEPA Not Required)	Type I	Optional	No	No	No	No	No	No	No	Admin. Approval	HE PC Superior Court
Special Event Permits	Type I	Optional	No	No	No	No	No	No	No	Admin. Approval	HE PC Superior Court

Planning Permit Processing

Permit Description	Project Permit Types	DRC Meeting	Preapplication Meeting	Notification Distance Mailing List	Notice Newspaper	Notice Post Site	Comment Period	Recommendation Required	Open Record Public Hearing	Final Decision Approval/Denial	Judicial Appeal
Sign Permits – Variance	Type III	Optional	Optional	300 feet	Yes	Yes	14 days	No	Yes	Hearing Examiner	PC Superior Court
Comprehensive Plan Adoption and Amendments	Type V	Optional	Required	300 feet	Yes	Yes (if site-specific)	14 days	PC	Yes	City Council	PC Superior Court
Zoning Text Amendments	Type V	Optional	Required	No	Yes with SEPA	Yes (if site-specific)	14 days	PC	Yes	City Council	PC Superior Court
Annexations	Type V	Optional	Required	Yes	Yes	Yes	14 days	PC	Yes	City Council	PC Superior Court
Revocation of Permit	Type III	Optional	Required	300 feet	Yes	Yes	14 days	N/A	Yes	Hearing Examiner	PC Superior

Planning Permit Processing

Permit Description	Project Permit Types	DRC Meeting	Preapplication Meeting	Notification Distance Mailing List	Notice Newspaper	Notice Post Site	Comment Period	Recommendation Required	Open Record Public Hearing	Final Decision Approval/Denial	Judicial Appeal
final plat approval											
Area-Wide Rezones	Type V	No	No	300 feet	Yes with SEPA	Yes with SEPA	14 days	PC	Yes	City Council	PC Superior Court