

1 Sponsored by: Councilmember Roger Bush
2 Requested by: County Executive/Planning and Land Services

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6 **ORDINANCE NO. 2009-97**

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9 **An Emergency Ordinance of the Pierce County Council Requiring Planned**
10 **Development Districts (PDDs) with Less than Five Feet of**
11 **Building Separation Distance from the Property Line to**
12 **Incorporate Fire Resistance Rated Construction (One-Hour Fire**
13 **Wall) Pursuant to the Requirement of the International Residential**
14 **Code Into the Exterior Wall Adjacent to the Reduced Separation;**
15 **Setting an Effective Date and a Sunset Date; and Declaring an**
16 **Emergency.**

17
18 **Whereas**, the Pierce County Development Regulations in Title 18A of the Pierce
19 County Code provide for a Planned Development District (PDD) approval process to
20 allow deviations from land use and infrastructure standards which, when coupled with
21 plans and designs, can result in a project that is a higher quality development than
22 would otherwise occur under the standard requirements of the zone; and

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24 **Whereas**, in 2005, many PDD projects caused concerns with local residents,
25 land use advisory commissions and fire officials because of fire, life safety, access, and
26 visual blight concerns; and

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28 **Whereas**, in response to these concerns, the County Council adopted
29 Emergency Ordinance No. 2006-14, to restrict the submittal of PDD applications by
30 requiring "small lot" design standards be utilized in all PDD developments to ensure
31 better design and appearance; and

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33 **Whereas**, also in response to these concerns, the Pierce County Council
34 adopted Ordinance No. 2006-18, which established a PDD Task Force consisting of
35 individuals and organizations with expertise and interest regarding Planned
36 Development Districts, and staff from the Planning and Land Services, Fire Prevention
37 Bureau and Public Works and Utilities Departments to evaluate the Planned
38 Development District process and provide recommendations regarding the same to the
39 Council; and

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41 **Whereas**, the recommendations of the PDD Task Force were adopted in
42 Ordinance No. 2006-104s and include amendments to Chapters 18A.75 and 18A.85 of
43 the Pierce County Code, and establish new standards for PDDs related to the
44 deviations being sought through the PDD process; and

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46 **Whereas**, since the adoption of Ordinance No. 2006-104s, additional fire
47 safety concerns have been raised directly related to PDD regulations and the PDD



1 Task Force was asked by the County Executive to re-convene and make further
2 recommendations; and

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4 **Whereas**, the PDD Task Force re-convened in April 2009 and met on four
5 occasions; and

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7 **Whereas**, Chapter 18.160.060 D. of the Pierce County Code, states that the lots
8 in a final plat may be developed by the terms of approval of the final plat, and the
9 development regulations in effect at the time the preliminary plat application was
10 deemed complete for a period of five years from the recording date, unless the
11 legislative body finds that a change in conditions creates a serious threat to the public
12 health, safety or welfare; and

13
14 **Whereas**, Chapter 18.160.060 A. of the Pierce County Code, states that an
15 approved use permit shall be allowed to develop for a period of one year from the
16 effective date of the permit approval, unless a different time limitation was specifically
17 authorized in the final approval; and

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19 **Whereas**, the PDD Task Force recommended, pursuant to Chapter 18.160.060
20 D. of the Pierce County Code, based on life, health and safety reasons, to require that
21 buildings on lots with less than a five foot setback from the property line incorporate fire
22 resistance rated construction per the International Residential Code, as adopted by
23 Pierce County, (one-hour fire wall) into the exterior wall adjacent to such setback; **Now**
24 **Therefore**,

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26 **BE IT ORDAINED by the Council of Pierce County:**

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28 Section 1. Buildings constructed within an approved PDD where such PDD
29 application was submitted prior to February 7, 2006, with setbacks of less than five feet
30 shall be required to incorporate fire resistance rated construction per the International
31 Residential Code, as adopted by Pierce County, (one-hour fire wall) into the exterior
32 wall adjacent to such setback.

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34 Section 2. This Emergency Ordinance is necessary for the immediate
35 preservation of the public peace, health, and safety, and support of the County
36 government and its existing institutions because allowing Planned Development
37 Districts which deviate from the standards established pursuant to adopted community
38 plans and pursuant to the Pierce County Road Standards is contrary to the Pierce
39 County Comprehensive Plan and the Growth Management Act and creates a serious
40 threat to the public health, safety, and welfare. Under this circumstance, the
41 Emergency Ordinance is necessary to protect public health and safety and to preserve
42 the County's ability to effectuate long-term planning decisions regarding Planned
43 Development Districts.



1 Section 3. The Findings of Fact set forth in Exhibit A, which are attached hereto
2 and incorporated herein by reference are hereby adopted.

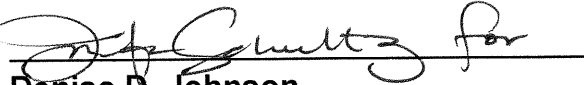
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4 Section 4. This Emergency Ordinance becomes effective upon signature by the
5 County Executive.

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7 Section 5. This ordinance shall sunset 180 days from its effective date.
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10 PASSED this 13 day of October, 2009.

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12 ATTEST:

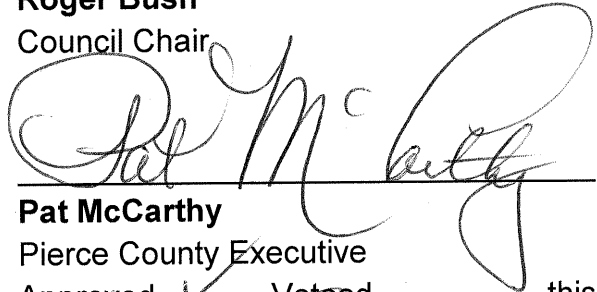
PIERCE COUNTY COUNCIL
Pierce County, Washington

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17 **Denise D. Johnson**
18 Clerk of the Council



Roger Bush
Council Chair

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Pat McCarthy
Pierce County Executive

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24 Approved Vetoed , this
25 14 day of October,
26 2009.

27 Time: 3:30 p.m.

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29 Date of Publication of

30 Notice of Public Hearing: NOT Applicable - Emergency

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32 Effective Date of Ordinance: October 14, 2009 at 3:30 p.m.



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FINDINGS OF FACT

The Pierce County Council Finds That:

1. In 2005 many Planned Development District (PDD) projects caused concerns with local residents, land use advisory commissions, and fire officials because of fire, life safety, access, and visual blight concerns.
2. In response to these concerns, the County Council adopted Emergency Ordinance No. 2006-14, to restrict the submittal of PDD applications by requiring “small lot” design standards be utilized in all PDD developments to ensure better design and appearance.
3. The Pierce County Council adopted Ordinance No. 2006-18, which established a PDD Task Force consisting of individuals and organizations with expertise and interest regarding Planned Development Districts, and staff from the Planning and Land Services, Fire Prevention Bureau, and Public Works and Utilities Departments to evaluate the Planned Development District process and provide recommendations regarding the same to the Council.
4. The PDD Task Force recommendations were adopted in Ordinance No. 2006-104s and include amendments to Chapters 18A.75 and 18A.85 of the Pierce County Code, and establish new standards for PDDs related to the deviations being sought through the PDD process.
5. Since the adoption of Ordinance No. 2006-104s, additional fire safety concerns have been raised directly related to PDD regulations and the PDD Task Force was asked by the County Executive to re-convene and make further recommendations.
6. There are more than 1,500 lots approved through the PDD process with reduced setbacks.
7. Chapter 18.160.060.D. of the Pierce County Code, states that the lots in a final plat may be developed by the terms of approval of the final plat, and the development regulations in effect at the time the preliminary plat application was deemed complete for a period of five years from the recording date unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety, or welfare.
8. Based on life, health, and safety reasons, proposed buildings on lots with less than a five-foot setback from the property line incorporate fire resistance rated construction pursuant to the International Residential Code, as adopted by Pierce County, (one-hour fire wall) into the exterior wall adjacent to such setback.