

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, DECEMBER 8, 2020
7:00 P.M.**

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PRESIDING OFFICER'S REPORT

- A. County Executive Bruce Dammeier presentation on the South Sound Housing Affordability Partners initiative
- B. Pool and Community Center Project

5. CITY MANAGER COMMENTS

6. DEPARTMENT HEAD COMMENTS

7. COUNCILMEMBER COMMENTS

8. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

(Please email the City Clerk if you would like to make a public comment or speak at the appropriate time)

9. COMMITTEE, COMMISSION & LIAISON REPORTS

- A. Administration
- B. Environmental, Planning, and Building
- C. Finance, IT, Facilities
- D. Other Liaison Reports

10. CONSENT CALENDAR

- A. Approval of [vouchers](#)/payroll checks
- B. Registering no objections to the: [Spring Lake liquor license renewal](#)
- C. Approval of Minutes: [November 16, 2020, Study Session](#)
[November 24, 2020, Regular Meeting](#)

11. PUBLIC HEARING 7:15 P.M.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- A. [Ordinance: Budget Amendment, 2nd Reading](#)
- B. [Resolution: Use of CCN Radio System Access Contract Amendment](#)
- C. [Resolution: 2021 Pierce County Regional Council Appointments](#)
- D. [Resolution: December 22, 2020, Regular Meeting Time Change](#)
- E. [Resolution: Landscaping Maintenance Services Contract Amendment](#)
- F. [Resolution: Department of Ecology Grant Agreement](#)
- G. [Resolution: Washington Traffic Safety Commission Contract Amendment](#)
- H. [Resolution: Humane Society Contract Agreement](#)
- I. [Ordinance: Amendments to the Comprehensive Plan](#)
- J. [Ordinance: Amendments to the Fircrest Municipal Code, Title 22 Land Development Code, including adoption of a form-base code by reference](#)
- K. [Ordinance: Repeal of Moratorium](#)

14. CALL FOR FINAL COMMENTS

15. EXECUTIVE SESSION

- A. To discuss Labor Negotiations per RCW 42.30.140
- B. To Review the Performance of a Public Employee per RCW 42.30.110

16. ADJOURNMENT

ACCOUNTS PAYABLE

City Of Fircrest
MCAG #: 0583

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
23391	12/01/2020	12/08/2020	5781	Batteries Plus Bulbs	87.00 Replacement Battery For Speed Limit Sign
542 30 31 02	Oper Supplies - Street Reg	101 000 542	City Street Fun	87.00	Replacement Battery For Speed Limit Sign
23366	12/01/2020	12/08/2020	8780	Braaksma, Margaret	59.00 Library Reimbursement 1 Year
572 21 49 00	Library Services	001 000 572	General Fund	59.00	Library Reimbursement 1 Year
23417	12/02/2020	12/08/2020	4280	Builders' Hardware & Supply Co.	1,685.14 P#60 Pool / Bathhouse Construction Labor And Materials To Re-Key Building
594 76 62 03	Buildings & Structures	301 000 594	Park Bond Capi	1,685.14	P#60 Pool / Bathhouse Construction Labor And Materials To Re-Key Building
23415	12/02/2020	12/08/2020	3572	CED	362.69 Christmas Lights For Tree - Alice Peers
576 80 31 02	Oper Supplies - Parks	001 000 576	General Fund	362.69	Christmas Lights For Tree - Alice Peers
23410	12/02/2020	12/08/2020	7374	Celis, Victor	87.52 Gym Fees Reimbursement (Jan - Nov 2020)
521 22 20 00	Personnel Benefits - Police	001 000 521	General Fund	87.52	Gym Fees Reimbursement (Jan - Nov 2020) - V. Celis
23364	12/01/2020	12/08/2020	4313	Chuckals Inc	82.61 Central Supplies
518 10 34 01	Central Office Supplies	001 000 518	General Fund	82.61	Central Supplies
23384	12/01/2020	12/08/2020	4313	Chuckals Inc	-34.27 Returned Central Supplies
518 10 34 01	Central Office Supplies	001 000 518	General Fund	-34.27	Returned Central Supplies
23407	12/02/2020	12/08/2020	4313	Chuckals Inc	201.33 Central Supplies
518 10 34 01	Central Office Supplies	001 000 518	General Fund	201.33	Central Supplies
Total Chuckals Inc				249.67	
23422	12/03/2020	12/08/2020	4315	Cities Insurance Assoc of WA	173,151.46 Insurance (12/1/2020 - 12/1/2021)
518 30 46 00	Insurance	001 000 518	General Fund	145,579.04	Insurance (12/1/2020 - 12/1/2021)
548 65 46 05	Non-Dept Insurance	501 000 548	Equipment Ren	517.00	Insurance (12/1/2020 - 12/1/2021)
548 65 46 06	Facilities Insurance	501 000 548	Equipment Ren	1,321.54	Insurance (12/1/2020 - 12/1/2021)
548 65 46 08	Police Insurance	501 000 548	Equipment Ren	11,634.10	Insurance (12/1/2020 - 12/1/2021)
548 65 46 11	Parks/Rec Insurance	501 000 548	Equipment Ren	2,347.82	Insurance (12/1/2020 - 12/1/2021)
548 65 46 12	Street Insurance	501 000 548	Equipment Ren	4,302.40	Insurance (12/1/2020 - 12/1/2021)
548 65 46 13	Storm Insurance	501 000 548	Equipment Ren	2,907.73	Insurance (12/1/2020 - 12/1/2021)
548 65 46 14	Wtr/Swr Insurance	501 000 548	Equipment Ren	4,541.83	Insurance (12/1/2020 - 12/1/2021)
23401	12/02/2020	12/08/2020	4322	City of Tacoma Washington	109.63 Power - Various Locations November 2020

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	535 80 47 01	Utility Services/Pumping	430 000 535 Sewer Fund (de	109.63	Alameda L/S 11/2020
23373	12/01/2020	12/08/2020	3573 Copiers Northwest Inc	189.72	Copier Usage November 2020 - City Hall, Court, Parks / Rec, Public Works
	512 50 45 00	Oper Rentals - Copier - Coi	001 000 512 General Fund	22.69	Court 11/2020
	518 10 45 00	Oper Rentals - Copier - No	001 000 518 General Fund	167.03	CH 11/2020 (Includes P / R)
23378	12/01/2020	12/08/2020	3573 Copiers Northwest Inc	210.91	Copier Usage October 2020 - City Hall, Court, Parks / Rec, Public Works
	512 50 45 00	Oper Rentals - Copier - Coi	001 000 512 General Fund	15.48	Court 10/2020
	518 10 45 00	Oper Rentals - Copier - No	001 000 518 General Fund	152.67	CH 10/2020 (Includes P / R)
	531 50 45 00	Oper Rentals - Copier - Sto	415 000 531 Storm Drain	9.90	PW 10/2020
	534 10 45 02	Oper Rentals - Copier - Wa	425 000 534 Water Fund (de	9.90	PW 10/2020
	535 10 45 00	Oper Rentals - Copier - Sev	430 000 535 Sewer Fund (de	9.92	PW 10/2020
	542 30 45 00	Oper Rentals - Copier - Str	101 000 542 City Street Fun	9.90	PW 10/2020
	571 10 45 01	Oper Rentals - Copier - Rec	001 000 571 General Fund	2.83	REC 10/2020
	576 80 45 00	Oper Rentals - Copier - Par	001 000 576 General Fund	0.31	Parks 10/2020
		Total Copiers Northwest Inc		400.63	
23427	12/03/2020	12/08/2020	7227 Correct Equipment Inc	29,673.00	New Water Meters (100) 4th Order
	594 34 63 01	Other Improvements Water	426 000 594 Water Improve	29,673.00	New Water Meters (100) 4th Order
23381	12/01/2020	12/08/2020	3589 Databar Inc	421.14	Storm Clean-up Insert December 2020
	531 50 49 03	Printing & Binding-Storm	415 000 531 Storm Drain	421.14	Storm Clean-up Insert 12/2020
23382	12/01/2020	12/08/2020	3589 Databar Inc	589.97	Utility Billing Brochure Insert December 2020
	531 50 49 06	Mailing Service - Storm	415 000 531 Storm Drain	196.66	Utility Billing Brochure Insert 12/2020
	534 10 49 06	Mailing Service - Water	425 000 534 Water Fund (de	196.65	Utility Billing Brochure Insert 12/2020
	535 10 49 05	Mailing Service - Sewer	430 000 535 Sewer Fund (de	196.66	Utility Billing Brochure Insert 12/2020
23408	12/02/2020	12/08/2020	3589 Databar Inc	403.49	October 2020 Town Topics Separate Mailing
	518 10 49 01	Town Topics/Citizen Comr	001 000 518 General Fund	403.49	10/2020 TT Separate Mailing
		Total Databar Inc		1,414.60	
23375	12/01/2020	12/08/2020	8271 Davis, Lindsay M	85.71	Gym Fees Reimbursement (Jan - Nov 2020)
	514 23 20 00	Personnel Benefits-Finance	001 000 514 General Fund	85.71	Gym Fees Reimbursement (Jan - Nov 2020) - L. Davis

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Pay #	Received	Date Due	Vendor	Amount	Memo
23420	12/02/2020	12/08/2020	3606	Dickson Company	146.40 Dump Fee - Concrete From Old Tot Lot Swing
	576 80 47 01	Dumping Fees - Parks	001 000 576 General Fund	146.40	Dump Fee - Concrete From Old Tot Lot Swing Set
23368	12/01/2020	12/08/2020	7717	Fay, Fred	59.00 Library Reimbursement 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	59.00	Library Reimbursement 1 Year
23398	12/01/2020	12/08/2020	3638	Fircrest Golf Club	1,307.10 Golf Tank Land Rental December 2020
	534 10 45 01	Land Rental/Water Tank	425 000 534 Water Fund (de	1,307.10	Golf Tank Land Rental 12/2020
23428	12/03/2020	12/08/2020	9338	Fuelman Fleet Program	1,308.46 Gas / Fuel November 2020
	548 65 31 06	Facilities Gas	501 000 548 Equipment Ren	53.18	Facilities 11/2020
	548 65 31 08	Police Gas	501 000 548 Equipment Ren	570.14	Police 11/2020
	548 65 31 11	Parks/Rec Gas	501 000 548 Equipment Ren	100.00	Parks 11/2020
	548 65 31 12	Street Gas	501 000 548 Equipment Ren	290.71	Street 11/2020
	548 65 31 13	Storm Gas	501 000 548 Equipment Ren	60.83	Storm 11/2020
	548 65 31 14	Wtr/Swr Gas	501 000 548 Equipment Ren	233.60	W / S 11/2020
23376	12/01/2020	12/08/2020	6325	GeoEngineers Inc	1,067.75 P#64 Community Center Construction Prof. Services 10/17/20 To 11/13/20
	594 76 62 03	Buildings & Structures	301 000 594 Park Bond Capi	1,067.75	P#64 Community Center Construction Prof. Services 10/17/20 To 11/13/20
23372	12/01/2020	12/08/2020	6774	Greenleaf Landscaping 1 Inc	4,326.49 Monthly Landscape Service November 2020
	518 30 41 01	Contract Maintenance	001 000 518 General Fund	3,201.60	Monthly Landscape Service 11/2020
	542 80 49 03	Beautification Services (co	101 000 542 City Street Fun	1,124.89	Monthly Landscape Service 11/2020
23394	12/01/2020	12/08/2020	3692	Home Depot Credit Services	6.41 Christmas Light Supplies
	542 80 31 04	Beautification-Supplies	101 000 542 City Street Fun	6.41	Christmas Light Supplies
23395	12/01/2020	12/08/2020	3692	Home Depot Credit Services	30.72 Lightbulbs For City Hall
	518 30 31 04	Oper Sup/CH	001 000 518 General Fund	30.72	Lightbulbs For City Hall
			Total Home Depot Credit Services	37.13	
23370	12/01/2020	12/08/2020	5428	Jeff Boers	926.25 October And November 2020 Land Use Consulting (9.75 Hrs)
	558 60 41 00	Prof Svcs - Planning	001 000 558 General Fund	926.25	10/2020 & 11/2020 Land Use Consulting (9.75 Hrs)
23416	12/02/2020	12/08/2020	7936	Labor Law Center Inc	236.82 2021 Labor Law Posters

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518 11 31 00	Office & Oper Sup-Personr	001 000 518	General Fund	236.82	2021 Labor Law Posters
23389	12/01/2020 12/08/2020 6939	Leavitt Group NW		7,250.00	Insurance Broker Fee (2020/2021 Policy)
518 30 46 00	Insurance	001 000 518	General Fund	7,250.00	Insurance Broker Fee (2020/2021 Policy)
23418	12/02/2020 12/08/2020 5079	Les Schwab Tires		654.13	2009 Bobcat Replaced Tires (4)
548 65 48 11	O & M - Parks/Rec	501 000 548	Equipment Ren	327.06	2009 Bobcat Replaced Tires (4)
548 65 48 12	O & M - Street	501 000 548	Equipment Ren	327.07	2009 Bobcat Replaced Tires (4)
23374	12/01/2020 12/08/2020 8404	Linda Kaye Briggs		1,127.05	P#55 Capital Campaign November 2020 (6.916 Hrs)
594 76 62 03	Buildings & Structures	301 000 594	Park Bond Capi	1,127.05	P#55 Capital Campaign November 2020 (6.916 Hrs)
23386	12/01/2020 12/08/2020 3793	MPH Industries Inc		1,295.73	#BTS6572 Python 3 Standard Radar Detector With Kit Components (New Chief Vehicle)
594 48 64 08	Police - ERR Capital	501 000 548	Equipment Ren	1,295.73	#BTS6572 Python 3 Standard Radar Detector With Kit Components (New Chief Vehicle)
23409	12/02/2020 12/08/2020 6369	McLendon Hardware Inc (Tacoma)		198.23	Christmas Lights - City Hall
518 30 31 04	Oper Sup/CH	001 000 518	General Fund	198.23	Christmas Lights - CH
23367	12/01/2020 12/08/2020 1687	Mika, Robert P.		59.00	Library Reimbursement 1 Year
572 21 49 00	Library Services	001 000 572	General Fund	59.00	Library Reimbursement 1 Year
23390	12/01/2020 12/08/2020 6589	Murray, Smith & Associates Inc		4,836.00	2020 Water System Plan Prof. Eng. Services Through 10/31/20
534 10 41 00	Prof Svcs - Water	425 000 534	Water Fund (de	4,836.00	2020 Water System Plan Prof. Eng. Services Through 10/31/20
23396	12/01/2020 12/08/2020 4171	Narrows Market Inc.		31.09	Gas / Fuel October 2020 (Card Not Working)
548 65 31 08	Police Gas	501 000 548	Equipment Ren	31.09	#66367D (Card Not Working)
23430	12/03/2020 12/08/2020 4171	Narrows Market Inc.		18.61	Gas / Fuel October 2020 (Card Not Working)
548 65 31 08	Police Gas	501 000 548	Equipment Ren	18.61	#68056D (Card Not Working)
		Total Narrows Market Inc.		49.70	
23380	12/01/2020 12/08/2020 3923	Orca Pacific Inc		417.07	Chlorine For Wells (110 Gallons)
534 80 31 03	Oper Supplies - Chlorine	425 000 534	Water Fund (de	417.07	Chlorine For Wells (110 Gallons)

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23379	12/01/2020	12/08/2020	3958	PC Budget & Finance - Jail	1,913.47	October 2020 Jail Services
	523 60 40 01	Jail		001 000 523 General Fund	1,913.47	10/2020 Jail Services
23388	12/01/2020	12/08/2020	3957	PC Budget & Finance	509.98	3rd Quarter 2020 Liquor Tax
	566 66 49 00	Substance Abuse Fee		001 000 566 General Fund	509.98	3rd Quarter 2020 Liquor Tax
23314	11/17/2020	12/08/2020	8626	Pacific Office Automation Inc	128.07	December 2020 Postage Meter Rental
	518 10 42 01	Postage - Non-Dept		001 000 518 General Fund	128.07	12/2020 Postage Meter Rental
23377	12/01/2020	12/08/2020	3937	Pape & Sons Construction Inc	14,416.18	Emergency Manhole Replacement 11/17/20 - San Juan & Amherst
	594 35 63 01	Other Improvements Sewer		432 000 594 Sewer Improve	14,416.18	Emergency Manhole Replacement 11/17/20 - San Juan & Amherst
23412	12/02/2020	12/08/2020	3955	Petrocard Systems Inc	332.98	Gas / Fuel November 2020
	548 65 31 11	Parks/Rec Gas		501 000 548 Equipment Ren	55.12	Parks 11/2020
	548 65 31 12	Street Gas		501 000 548 Equipment Ren	26.10	Street 11/2020
	548 65 31 13	Storm Gas		501 000 548 Equipment Ren	201.42	Storm 11/2020
	548 65 31 14	Wtr/Swr Gas		501 000 548 Equipment Ren	50.34	W / S 11/2020
23421	12/03/2020	12/08/2020	8114	Popov, George	139.09	06-02240.6 - 1594 ESTATE PLACE
	343 40 00 00	Sale Of Water		425 000 340 Water Fund (de	-42.74	
	343 50 00 00	Sewer Revenues		430 000 340 Sewer Fund (de	-96.35	
23399	12/01/2020	12/08/2020	5710	Rainier Connect, Mashell Telecom	106.95	Internet Access Fee December 2020
	518 81 42 00	Communication - I/S		001 000 518 General Fund	106.95	Internet 12/2020
23413	12/02/2020	12/08/2020	5710	Rainier Connect, Mashell Telecom	300.12	Internet Access Fee 12/2020 - Pool/Bathhouse, P#60 Pool/Bathhouse Phone Installation And Monthly Service (11/17/20 - 12/31/20)
	518 81 42 00	Communication - I/S		001 000 518 General Fund	111.49	Internet Access Fee 12/2020 - Pool/Bathhouse
	576 80 42 00	Communication - Parks		001 000 576 General Fund	75.78	Pool/Bathhouse Phone Service (11/17/20 - 12/31/20)
	594 76 62 03	Buildings & Structures		301 000 594 Park Bond Capi	112.85	P#60 Pool/Bathhouse Phone Installation (11/17/20)
				Total Rainier Connect, Mashell Telecom	407.07	
23393	12/01/2020	12/08/2020	4035	Sarco Supply	137.59	Garbage Bags For Parks
	576 80 31 02	Oper Supplies - Parks		001 000 576 General Fund	137.59	Garbage Bags For Parks
23411	12/02/2020	12/08/2020	7308	SiteCrafting Inc	99.00	Monthly Hosting Cityoffircrest.net 11/15/20

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518 81 41 02	Web Design & Maintenanc	001 000 518	General Fund	99.00	Monthly Hosting Cityoffircrest.net 11/15/20
23369	12/01/2020	12/08/2020	4690	1,762.83	Sound Inspections
524 20 41 01	Bldg Inspec/Plan Review	001 000 524	General Fund	1,762.83	Inspections, Mileage & Calls 11/2020
23371	12/01/2020	12/08/2020	4084	619.50	Staples Business Advantage
512 50 35 00	Small Tools & Equip-Cour	001 000 512	General Fund	619.50	SAA #1775 Desktop Computer For Judge (AOC CARES Reimbursement)
23387	12/01/2020	12/08/2020	4107	1,054.50	Summit Law Group
521 22 41 00	Prof. Services/Consulting	001 000 521	General Fund	1,054.50	Legal Consulting For Police Guild - 10/2020
23429	12/03/2020	12/08/2020	4139	1,903.82	Tapco Visa Card
511 60 35 00	Small Tools & Equip - Leg	001 000 511	General Fund	158.69	SoundCloud Pro Service - Council Audio
513 10 49 01	Reg & Tuition - Admin	001 000 513	General Fund	-266.87	Credit For ICMA Registration Refund - S. Pingle
594 76 62 03	Buildings & Structures	301 000 594	Park Bond Capi	2,012.00	P#64 Community Center Construction TPU Transformer Disconnect
23419	12/02/2020	12/08/2020	5918	62.14	Titus Will
548 65 48 11	O & M - Parks/Rec	501 000 548	Equipment Ren	62.14	#62855D Oil Change
23365	12/01/2020	12/08/2020	4161	59.00	Turco, Barbara J
572 21 49 00	Library Services	001 000 572	General Fund	59.00	Library Reimbursement 1 Year
23425	12/03/2020	12/08/2020	5934	2,698.43	US Bank, City Hall Account
511 60 31 00	Office & Oper Sup - Legis	001 000 511	General Fund	19.77	Robert's Rules New Edition
511 60 35 00	Small Tools & Equip - Leg	001 000 511	General Fund	39.56	Zoom Webinar Fee 11/2020 (COVID-19 Expense)
512 50 35 00	Small Tools & Equip-Cour	001 000 512	General Fund	494.54	SAA #1776 Printer For Court
512 50 35 00	Small Tools & Equip-Cour	001 000 512	General Fund	1,097.91	SAA #1781 Owl Pro Webcam For Court (AOC CARES Reimbursement)
513 10 49 02	Dues,Memberships,Subscri	001 000 513	General Fund	25.00	WAPRO Membership - J. Westman
517 90 31 01	Health Program - Supplies	001 000 517	General Fund	249.99	Wellness Event Supplies & Handouts
518 10 42 01	Postage - Non-Dept	001 000 518	General Fund	294.50	Passport Postage
518 11 31 00	Office & Oper Sup-Personr	001 000 518	General Fund	46.15	Office Supplies
518 11 41 01	Advertising - Personnel	001 000 518	General Fund	175.00	PW Admin Asst. Job Posting
518 11 41 02	Drug & Alcohol - Personne	001 000 518	General Fund	12.50	Drug & Alcohol Testing Queries For AWC
524 20 49 01	Reg & Tuition - Building	001 000 524	General Fund	100.00	Code Specialist Training - S. Cappiello
558 60 49 01	Reg & Tuition - Planning	001 000 558	General Fund	100.00	Code Specialist Training - S. Cappiello
594 76 62 03	Buildings & Structures	301 000 594	Park Bond Capi	43.51	P#60 Pool/Bathhouse Office Phone
23414	12/02/2020	12/08/2020	8483	75.01	US Bank, Public Works Dept Account
					Public Works Charges Through 11/25/20

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534 10 49 06	Mailing Service - Water		425 000 534 Water Fund (de	20.00	Postage - Returned Handheld To Itron
542 80 31 04	Beautification-Supplies		101 000 542 City Street Fun	55.01	Plants For Planter Box
23424	12/03/2020	12/08/2020	8484 US Bank, Recreation Dept Account	929.89	Rec Charges Through 11/25/20
571 10 31 00	Office Supplies - Rec		001 000 571 General Fund	34.06	Computer Headphones - C. Wells
573 90 49 01	Community Events		001 000 573 General Fund	581.94	Halloween And Lights Of Fircrest Event Supplies, Car Show Poster Graphics
576 20 31 03	Oper Supplies - Pool		001 000 576 General Fund	231.46	Pool Supplies
594 76 62 03	Buildings & Structures		301 000 594 Park Bond Capi	82.43	P#64 Community Center Construction Container Rental 11/05 To 12/04
23383	12/01/2020	12/08/2020	4178 University Place Refuse Inc	236.25	Dump Fees - Street Sweeping October 2020
531 50 47 01	Dumping Fees - Storm		415 000 531 Storm Drain	236.25	Dump Fees - SS 10/2020
23385	12/01/2020	12/08/2020	4179 Unum Life Insurance Company of America	46.80	Retired Benefits December 2020
521 22 20 02	LEOFF I Long Term Care]		001 000 521 General Fund	46.80	Police 0220603-011 12/2020
23400	12/01/2020	12/08/2020	3645 WEX BANK, Wright Express FSC	670.81	Gas / Fuel November 2020
548 65 31 08	Police Gas		501 000 548 Equipment Ren	670.81	Police 11/2020
23423	12/03/2020	12/08/2020	4108 Washington Tractor	1,135.08	2018 John Deere #1570 Mower Repair Hydraulic Fluid Leak
548 65 48 11	O & M - Parks/Rec		501 000 548 Equipment Ren	1,135.08	2018 John Deere #1570 Mower Repair Hydraulic Fluid Leak
23397	12/01/2020	12/08/2020	9469 Western Systems, Inc.	1,270.06	Controller Repair - Emerson / Alameda Traffic Light
542 30 48 01	Rep & Maint - Street Maint		101 000 542 City Street Fun	1,270.06	Controller Repair - Emerson / Alameda Traffic Light
23392	12/01/2020	12/08/2020	4246 Whistle Workwear	119.01	Work Boots - J. Davis
531 50 20 00	Personnel Benefits - Storm		415 000 531 Storm Drain	29.75	Work Boots - J. Davis
534 10 20 00	Personnel Benefits - Wtr A		425 000 534 Water Fund (de	29.75	Work Boots - J. Davis
535 10 20 00	Personnel Benefits-Swr Ad		430 000 535 Sewer Fund (de	29.75	Work Boots - J. Davis
542 30 20 00	Personnel Benefits-Street R		101 000 542 City Street Fun	29.76	Work Boots - J. Davis
23426	12/03/2020	12/08/2020	9473 Whitworth Pest Solutions	700.61	Invasive Species Removal At Thelma Gilmur And Whittier Parks
576 80 48 00	Rep & Maint - Parks		001 000 576 General Fund	700.61	Invasive Species Removal At Thelma Gilmur And Whittier Parks

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Vendor

Amount Memo

Report Total:

264,095.53

Fund

001 General Fund	170,015.92
101 City Street Fund	2,583.03
301 Park Bond Capital Fund	6,130.73
415 Storm Drain	893.70
425 Water Fund (department)	6,859.21
426 Water Improvement Fund	29,673.00
430 Sewer Fund (department)	442.31
432 Sewer Improvement Fund	14,416.18
501 Equipment Rental Fund	33,081.45

This report has been reviewed by:

REMARKS:

Signature & Title

Date



LIQUOR LICENSE RENEWAL

Applicant Information

Licensee Name: Regents Café, LLC
Establishment Name: Spring Lake Café
Address: 616 Regents Blvd, Fircrest, WA 98466
License Number: 421622
Request Received: 11/223/2020
Expiration Date: 02/28/2021

Department Comments

Finance

No concerns per Finance

Planning and Building

Allowed by zone. No objections.

Police

No Concerns

Colleen Corcoran

Director Signature

11/23/2020

Date

Angelie Stahlnecker

Director Signature

11/25/2020

Date

Acting Chief Celis

Director Signature

11/23/2020

Date



Washington State
Liquor and Cannabis Board
PO Box 43098,

, Olympia WA 98504-3098, (360) 664-1600

CITY OF FIRCREST

NOV 23 2020

RECEIVED

MAYOR OF FIRCREST
115 RAMSDELL
FIRCREST, WA 98466



**Washington State
Liquor and Cannabis Board**

PO Box 43098

, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

November 06, 2020

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wsxcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10

CITY OF FIRCREST

NOV 23 2020

RECEIVED

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 11/06/2020

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF FIRCREST
(BY ZIP CODE) FOR EXPIRATION DATE OF 20210228

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. REGENTS CAFE LLC	SPRING LAKE CAFE 616 REGENTS BLVD FIRCREST WA 98466 7043	421622	BEER/WINE REST - BEER/WINE

CITY OF FIRCREST

NOV 23 2020

RECEIVED

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, Joe Barrentine, Denny Waltier, and Jamie Nixon were present.

AGENDA MODIFICATIONS

George asked to change the order of the agenda to move the Readerboard Discussion to the beginning followed by the Westside Disposal Contract Discussion. No objections were received.

READERBOARD DISCUSSION

Planning and Building Administrator Stahlnecker briefed the Council on the options to amend the Municipal Code to allow for a digital sign in the right-of-way. The recommendation was to exempt the City from the requirements. A brief discussion was held on engaging the public and getting input before moving forward with the exemption. City Manager Pingel reported that the staff has been in contact with Stewart Signs and has received a preliminary rendering and cost estimates. Discussions included revisiting the history leading up to this point and interconnecting the potential sign with other signs to be cohesive. There was a Council consensus that they would like to see additional renderings that capture the feel of Fircrest before engaging the public. A brief discussion was held on going out for bid to see what companies can produce a sign that mimics the current sign and setting hours of operation.

Councilmember Viafore departed the meeting at 6: 44 pm and did not return.

WESTSIDE DISPOSAL CONTRACT DISCUSSION

City Manager Pingel highlighted the potential contract amendments and explained the contract term has historically been eight years and the current expiration date is 2022. Discussions included the addition of a low-income program similar to the utility program and amending the future rates to be based on the CPI of the base rate for added transparency. The cost of the program would be covered by Westside Disposal.

COMPREHENSIVE PLAN AND TITLE 22 LAND DEVELOPMENT AMENDMENTS DISCUSSION

Planning & Building Administrator Stahlnecker provided an overview of the Comprehensive Plan and Code Amendments which include the Form-based Code. She highlighted that there will be a Public Hearing at the next regular meeting and provided an overview of the parking and lighting standards. There was a brief discussion on parking standards and making the parking spots wider with new developments.

ADJOURNMENT

Barrentine MOVED to adjourn the meeting at 7:28 P.M., seconded by Nixon. The Motion Carried (6-0).

Hunter T. George, Mayor

Jayne Westman, City Clerk

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Mayor Hunter T. George called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Joe Barrentine, and Denny Waltier were present. Councilmember Jamie Nixon was absent and excused.

PRESIDING OFFICER'S REPORT**A. Pool and Community Center Project**

Parks and Recreation Director Grover reported that the Pool Company will be on-site next week to install the pool cover and Kassel continues to complete punch list items. Lastly, the community center project site is in the excavation phase.

CITY MANAGER COMMENTS

Pingel requested to close City buildings at noon on December 24, 2020, and December 31, 2020, stating staff had the option to work in the afternoon hours during the building closures if they chose not to utilize personal leave. **Viafore MOVED to authorize the City Manager to close City buildings at noon on December 24, 2020, and on December 31, 2020; seconded by Waltier.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (6-0).**

Pingel reported that in recent years, the start time of the last regular meeting of the year was earlier and asked for input on changing the meeting start time to 4 P.M. on December 22, 2020. A brief discussion was held on canceling the Study Session on December 21, 2020.

Pingel briefed the Council on the Pierce County Regional Council appointment for 2021 and reports that Councilmember Reynolds has served the City well in her position. Councilmember Waltier recommended Councilmember Reynolds continue to serve on the Pierce County Regional Council. There was a discussion about which Councilmember would serve as the alternate and there was consensus to ask Councilmember Nixon if he would continue to serve as an alternate.

Lastly, Pingel reported that the Motion to extend virtual meetings is set to expire at the end of the year and asked for input on the extension. Comments included the importance of continuing social distancing to protect vulnerable populations. **Waltier MOVED to extend virtual meetings through June 30, 2021; seconded by Barrentine.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (6-0).**

PUBLIC HEARING**A. To receive comments on the 2020 Comprehensive Plan and Title 22 Land Development Code Amendments, including adoption of a Form-Based Code**

At 7:15 P.M., George opened the public hearing. Planning and Building Administrator Stahlnecker briefed the Council on the Code Amendments, including the adoption of a Form-Based Code, stating the public hearing was to receive comments on the proposal to amend the City's Comprehensive Plan and update the six-year Capital Facilities Improvements Plan. Stahlnecker reported that the Planning Commission held a Public Hearing and did not receive any comments or opposition. George invited councilmember comments; Viafore expressed concern that the language was changed after the Planning Commission Public Hearing and asked for a legal opinion. City Attorney Michael B. Smith commented that he was not consulted on the change. Stahlnecker commented it

would not impact the zoning unless the Council approved by Ordinance to change the zoning code. George invited public testimony; Brian Rybolt, 1036 Daniels Drive, commented on his concern for duplexes on corner lots being added to the Comprehensive Plan and the lack of in-person engagement due to COVID-19. Stahlnecker reported that the Comprehensive Plan does not supersede the zoning code and the addition came from the requirement for grant funds. The Council would have to change the zoning by Ordinance to allow duplexes on corner lots. Viafore is concerned about lots in the north end and the impact of allowing duplexes on corner lots. Stahlnecker reported that for 2021, the Council can remove the language if desired. At 7:33 P.M., George closed the public hearing.

DEPARTMENT HEAD COMMENTS

- Grover provided an update to the tree lighting ceremony changes due to COVID-19 and the details will be coming soon. Mayor George reported that the ceremony will be recorded Saturday night and will be posted to Facebook.

COUNCILMEMBER COMMENTS

- Waltier; no comment provided.
- Barrentine wished everyone a Happy Thanksgiving and asked that everyone thank those who are helping fill the needs of the community or help pitch in where you can.
- Wittner wished everyone a Happy Thanksgiving and commented that many are facing difficult times and the unemployment benefits are set to expire soon.
- Reynolds expressed concern about an economic contraction that may be coming due to the impacts of COVID-19 and the 7-day trends for cases is concerning.
- Viafore wished everyone a Happy Thanksgiving and expressed concern for struggling businesses. Viafore reminded everyone that this Saturday is, “Small Business Saturday.”
- George expressed frustration with those who do not cancel their holiday plans to comply with the Governor's recommendation.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

George invited public comment; the following individuals provided comment:

- Brian Rybolt, 1036 Daniels Drive, commented that Councilmember Nixon has missed 19 regular meetings since January 2019.
- Rick Little, 154 Harvard Ave, commented on how great Community Events Coordinator Schmidtke and the Parks Department has adapted to the COVID-19 restrictions and the events are important to the community.

COMMITTEE, COMMISSION, AND LIAISON REPORTS**A. Parks and Recreation**

Reynolds; no report provided.

B. Pierce County Regional Council

Reynolds reported that the PCRC met and conducted 4 months of business and finalized the legislative items.

C. Public Safety, Courts

As Nixon was absent, no report was provided.

D. Street, Water, Sewer, and Storm Drain

Wittner; no report provided

E. Other Liaison Reports

There were none.

CONSENT CALENDAR

George requested the City Clerk read the Consent Calendar: approval of Voucher No. 215767 through Voucher Check No. 215821 in the amount of \$772,500.95; approval of Payroll Check No. 13984 through Payroll Check No. 13984 in the amount of \$103,134.38; approval of the October 27, 2020, Regular Meeting minutes; approval of November 10, 2020, Regular Meeting minutes; Setting study sessions for January 19, February 16, March 15, April 19, May 17, June 14, July 19, August 16, September 20, October 18, November 15, and December 20, 2021, at 6:00 P.M. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Wittner. The Motion Carried (6-0).**

PUBLIC HEARING

None scheduled.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

A. 2020 Budget Amendment – 1st Reading

Finance Director Corcoran briefed the Council on the first reading of the budget adjustment to the Adopted 2020 Budget and reported on the request for additional appropriations for anticipated revenues and expenditures not provided for in the Adopted 2020 Budget. Discussions included the decreased ending fund balance in the general fund and staff not modifying revenues unless the amount is so large that we must account for it. Corcoran indicated the second reading and approval of the 2020 budget adjustment would take place at the next regularly scheduled Council meeting.

B. Tacoma Hearing Examiner for Dog Hearings Contract Amendment

Pingel briefed the Council on the proposed amendment to the professional services agreement with the City of Tacoma to extend the date of the agreement to December 31, 2023 and update the schedule of fees for hearing examiner services for dangerous and potentially dangerous dog appeal hearings. **Wittner MOVED to adopt Resolution No. 1694, authorizing the City Manager to execute Amendment #3 the professional services agreement with the City of Tacoma for hearing examiner services for dangerous and potentially dangerous dog appeal hearings; seconded by Barrentine.** George invited councilmember comment; none were provided. George invited public comment; none were provided. The Motion Carried (6-0 with Nixon absent).

C. KPG, P.S. Contract Amendment

Public Works Director Wakefield briefed the Council on the proposed amendment to the professional services agreement with KPG, P.S. to provide on-call engineering services for transportation type projects and additional services as needed. **Wittner MOVED to adopt Resolution No. 1695, authorizing the City Manager to execute Amendment #6 to the professional services agreement with KPG, P.S. for providing on-call engineering services for transportation type projects and additional services as needed; seconded by**

Barrentine. George invited councilmember comment; Viafore asked for clarity as to what Exhibit “B” was and Wakefield reported that Exhibit ”B” was the schedule of fees. The 2021 rates did not increase. George invited public comment; none were provided. **The Motion Carried (6-0).**

D. Apex Engineering Contract Amendment

Wakefield briefed the Council on the proposed amendment to the professional services agreement with Apex Engineering to provide on-call engineering services for surveying type projects and additional services as needed. The 2021 rate increased 5% over the 2020 rates. **Wittner MOVED to adopt Resolution No. 1696, authorizing the City Manager to execute Amendment #5 to the professional services agreement with Apex Engineering for providing on-call engineering services for surveying type projects and additional services as needed; seconded by Barrentine.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (6-0).**

E. Acceptance of the Alameda Overlay Project

Wakefield briefed the Council on the Alameda Overlay Project and reported that TIB has accepted the project and the project was completed under the budgeted amount. **Wittner MOVED to accept the contract for the Alameda Overlay Project completed by Miles Resources, LLC in the final contract amount of \$301,739.37; seconded by Barrentine.** George invited councilmember comment; Wittner commented that the project turned out great and thanked Councilmember Viafore for his input on the curb and gutter. George invited public comment; none were provided. **The Motion Carried (6-0).**

F. Acceptance of the Emerson Sidewalk Project

Wakefield briefed the Council on the Emerson Sidewalk Project and reported that the manufacturer will be on-site to replace the crosswalk flashers as they are not working properly. **Wittner MOVED to accept the contract for the Emerson Sidewalk Project completed by R.L. Alia in the final contract amount of \$324,000.15; seconded by Barrentine.** George invited councilmember comment; George commented that he loves the new crosswalk and thanked the staff for obtaining grants to help fund the improvement projects George invited public comment; none were provided. **The Motion Carried (6-0).**

G. Interfund Loan from Cumulative Reserve to Park Capital

Corcoran briefed the Council on the proposed interfund loan and highlighted that the interest rate will be 0.5% and the loan amount will be \$2.3 Million. **Wittner moved to adopt Ordinance No. 1664, establishing an interfund loan from the Cumulative Reserve Fund-General to the Park Capital Bond Fund for the purpose of cash flow; seconded by Barrentine.** George invited councilmember comment; Viafore requested that the City Manager shall notify the Council when such action is taken. George recognized that former Councils and especially Councilmember Viafore for their diligence in building our Cumulative Reserves to where we are in a healthy financial position. Pingel commented that the staff has requested a \$1.4 Million draw from GTCF. George invited public comment; none were provided. **The Motion Carried (6-0).**

H. BricksRus.com ACH Agreement

Pingel briefed the Council on the status of the bricks campaign and reported that the bricks will be 8” X 8” and will be priced at \$100 per brick. **Waltier MOVED to adopt Resolution No. 1697 authorizing the City Manager to execute an agreement with BricksRus.com to provide merchant services for the brick campaign; seconded by Wittner.** George invited councilmember comment; Waltier thanked staff for their dedication and the community will benefit from their work. George commented his gratitude to Councilmember Waltier for his involvement in the bricks campaign. George invited public comment; none were provided. **The Motion Carried (6-0).**

COUNCILMEMBER COMMENTS

- Viafore asked about the status of the Police Guild negotiations. Pingel reported that he has received correspondence from the Guild and will be updating the Council at the next regular meeting executive session.

EXECUTIVE SESSION

ADJOURNMENT

Reynolds MOVED to adjourn the meeting at 8:26 P.M., seconded by Barrentine The Motion Carried (6-0).

Hunter T. George, Mayor

Jayne Westman, City Clerk

FIRCREST CITY COUNCIL AGENDA SUMMARY

NEW BUSINESS: **Budget Amendment, 2nd Reading for Adoption**
ITEM 13A
DATE: **December 8, 2020**

RECOMMENDED MOTION: **I move to adopt Ordinance No. _____, authorizing revenues and expenditures of funds for matters not provided for in the Adopted 2020 Budget**

PROPOSAL: This is a request for additional appropriations for anticipated revenues and expenditures not provide for in the Adopted 2020 Budget.

FISCAL IMPACT: The fiscal impact of this proposal results in increases in expenditures with corresponding increases in revenue or corresponding decreases in fund balances as follows:

Fund	Account	Title	Increase/(Decrease)	
General	333.21.00.00	Covid-19 Grant Reimbursement	304,650	1
	334.01.20.00	AOC Grant Reimbursement	15,125	2
	512.50.10.00	Salaries & Wages-Court	8,935	3
	512.50.20.00	Benefits-Court	1,885	3
	512.50.35.00	Small Tools & Equipment-Court	13,650	2
	512.50.49.01	Reg & Training-Court	1,475	2
	513.10.10.00	Salaries & Wages-Admin	6,720	3
	513.10.20.00	Benefits-Court-Admin	1,405	3
	514.23.10.00	Salaries & Wages-Finance	8,600	3
	512.23.20.00	Benefits-Finance	1,805	3
	517.78.20.00	Unemployment Benefits	5,000	4
	518.10.10.00	Salaries & Wages-Non Dept	760	3
	518.10.20.00	Benefits-Non Dept	165	3
	518.10.35.00	Small Tools-Non Dept	23,000	1
	518.63.40.00	Financial Asst Grants-Non-Dept	218,950	1
	518.11.10.00	Salaries & Wages-Personnel	875	3
	518.11.20.00	Benefits-Personnel-Personnel	185	3
	518.30.10.00	Salaries & Wages-Facilities	3,610	3
	518.30.20.00	Benefits-Facilities	830	3
	518.30.35.00	Small Tools-Facilities	2,475	1
	521.10.41.00	Professional Serv-Civil Service	1,100	5
	521.22.10.00	Salaries & Wages-Police	33,310	3
	521.22.20.00	Benefits-Police	5,515	3
	524.20.10.00	Salaries & Wages-Building	2,160	3
	524.20.20.00	Benefits-Building	455	3
	524.20.41.01	Bldg & Inspection Plan Review	10,000	6
	525.60.10.00	Salaries & Wages-Emrg Mgt	250	3
	525.60.20.00	Benefits-Emrg Mgt	40	3
	558.60.10.00	Salaries & Wages-Planning	2,160	3
	558.60.20.00	Benefits-Planning	455	3
	571.10.10.00	Salaries & Wages-Rec	7,100	3

	571.10.20.00	Benefits-Rec	1,615	3
	571.10.35.00	Small Tools-Rec	885	7
	571.10.41.01	Professional Serv-Rec	3,300	7
	571.10.41.01	Professional Serv-Rec	885	7
	571.20.43.00	Excise Tax-Participation Rec	2,515	8
	576.20.10.00	Salaries & Wages-Pool	85	3
	576.20.20.00	Benefits-Pool	20	3
	576.20.35.00	Small Tools-Pool	435	7
	576.20.41.00	Professional Serv-Pool	1,600	7
	576.20.41.00	Professional Serv-Pool	435	7
	576.80.10.00	Salaries & Wages-Parks	3,110	3
	576.80.20.00	Benefits-Parks	715	3
	576.80.41.00	Professional Services-Parks	2,600	9
	594.71.64.00	Capital Outlay-Recreation	(7,540)	7
	508.80.01.01	Ending Fund Balance	(53,755)	3,4,5,6,8,9
Street	397.00.00.06	Transfer-In from REET 1	55,000	10
	595.10.63.06	Project Engineering-Street	5,000	10
	595.32.63.06	Other Improvements-Street	75,000	10
	542.30.10.00	Salaries & Wages-St Maint	2,470	3
	542.30.20.00	Benefits-St Maint	555	3
	542.30.48.99	Interfund R&M to ERR Fund	3,300	11
	542.80.10.00	Salaries & Wages-St Beaut	85	3
	542.80.20.00	Benefits-St Beaut	20	3
	508.00.01.01	Ending Fund Balance-Street	(31,430)	3,10,11
Park Bond Debt Srv	397.00.00.15	Transfer-In from Bond Capital Fund	100,000	12
	591.75.02.01	Principal Payment	(327,845)	13
	592.75.82.01	Interest Payment	327,845	13
	508.10.02.01	Ending Fund Balance	100,000	12
Park Bond Capital	597.10.00.15	Transfer-Out to Park Bond Service Fund	100,000	12
	508.10.03.01	Ending Fund Balance	(100,000)	12
REET	597.06.00.01	REET 1 Transfer-Out to Street Fund	55,000	10
	508.10.03.11	Ending Fund Bal (1st 1/4)	(55,000)	10
Storm	531.50.10.00	Salaries & Wages-Storm	3,690	3
	531.50.20.00	Benefits-Storm	795	3
	508.00.04.15	Ending Fund Balance-Storm	4,485	3
Water	534.10.10.00	Salaries & Wages-Water Admin	3,020	3
	534.10.20.00	Benefits-Water Admin	635	3
	534.50.10.00	Salaries & Wages-Water Maint	2,895	3
	534.50.20.00	Benefits-Water Maint	670	3
	534.50.48.99	Interfund R&M to ERR Fund	7,875	11
	534.80.10.00	Salaries & Wages-Operations	6,315	3

	534.80.20.00	Benefits-Operations	1,450	3
	508.00.04.25	Ending Fund Balance-Water	(22,860)	3,11
Water Capital	334.04.20.00	Grant from Department of Commerce	194,000	17
	594.34.63.01	Capital Outlay	36,565	14
	594.34.63.01	Capital Outlay	194,000	17
	508.80.04.26	Ending Fund Balance-Water Capital	(36,565)	14
Sewer	535.10.10.00	Salaries & Wages	3,020	3
	535.10.20.00	Benefits	635	3
	535.10.44.00	Excise Tax-Sewer	45,000	8
	535.50.10.00	Salaries & Wages	2,175	3
	535.50.20.00	Benefits	495	3
	535.50.48.99	Interfund R&M to ERR Fund	7,875	11
	535.80.10.00	Salaries & Wages	460	3
	535.80.20.00	Benefits	105	3
	508.80.04.30	Ending Fund Balance	(59,765)	3,8,11
ERR	348.30.09.00	Transfer in for Street O&M	3,300	11
	348.30.11.00	Transfer in for Water/Sewer O&M	15,750	11
	548.65.48.12	O&M Street	3,300	11
	548.65.48.14	O&M W/S	15,750	11
	594.48.64.01	ERR Capital Outlay-Legislative	996	15
	594.48.64.02	ERR Capital Outlay-Court	996	15
	594.48.64.08	ERR Capital Outlay-Police	1,500	16
	594.48.64.10	ERR Capital Outlay-Planning	498	15
	508.00.05.01	Ending Fund Balance-ERR	(3,990)	11,15,16

The City of Fircrest adopts an annual budget at the fund level. The above adjustments will result in an Amended 2020 Budget by fund as follows:

<u>FUND</u>	<u>ORIGINAL</u>	<u>ADJUSTMENT #1</u>	<u>ADJUSTMENT #2</u>	<u>AMENDED</u>
General	9,275,972	387,992	319,775	9,983,739
Street	2,109,372	(31,800)	55,000	2,132,572
Park Bond Debt Srv	1,191,440	(500,000)	100,000	791,440
Park Bond Capital	9,870,141	(211,679)		9,658,462
Storm Drain	698,699	96,798		795,497
Storm Drain Capital	601,148	22,109		623,257
Water	1,455,688	33,060		1,488,748
Water Capital	285,621	112,950	194,000	592,571
Sewer	3,597,771	227,394		3,825,165
Sewer Capital	1,380,841	328,930		1,709,771
ERR	1,671,083	44,816	19,050	1,734,949
Police Investigation	12,253	69		12,322
REET	1,806,124	37,081		1,843,205
Cumulative Reserve	3,780,763	250,000		4,030,763
				0
Total	37,736,916	797,720	687,825	39,222,461

ADVANTAGE: This proposal will provide the necessary budget for the following:

1. Grant for COVID expenses from the Department of Commerce
2. Grant for COVID expenses from Administrative Offices of the Courts
3. Expense for extra pay date in 2020 caused by leap years.
4. Unemployment costs for layoffs
5. Testing for new officers
6. Tenant Improvement for dialysis business
7. Move funds from Capital Outlay for RecDesk program
8. Tax due from Department of Revenue excise tax audit
9. Pros plan update
10. Alameda curb and gutter paid for by REET 1
11. Repair to backhoe
12. Transfer from Bond Capital to Bond Debt Service Fund for reserves
13. Move budget from Principal to Interest line to match actual
14. Rollover funds for Summit Water Main project from 2019
15. Purchase computer for sound system in Council chambers
16. Purchase radar for Police Chief's new vehicle

Attachment(s): [Ordinance](#)

**CITY OF FIRCREST
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF FIRCREST,
WASHINGTON, AUTHORIZING ADDITIONAL
EXPENDITURES OF FUNDS FOR MATTERS NOT FORESEEN
AT THE TIME OF FILING THE ANNUAL BUDGET FOR 2020.**

WHEREAS, the City anticipates certain revenues and expenditures not foreseen at the time of filing the Annual Budget for 2020; and;

WHEREAS, the City of Fircrest adopts an annual budget at the fund level and;

WHEREAS, it is necessary to amend the adopted 2020 budget to defray the anticipated expenditures; Now, Therefore,

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

Section 1. These revenues and expenditures are not one of the emergencies specifically enumerated in RCW 35A.33.080.

Section 2. The anticipated revenues and expenditures will result in the 2020 Amended Budget by fund as follows:

<u>FUND</u>	<u>ORIGINAL</u>	<u>ADJUSTMENT #1</u>	<u>ADJUSTMENT #2</u>	<u>AMENDED</u>
General	9,275,972	387,992	319,775	9,983,739
Street	2,109,372	(31,800)	55,000	2,132,572
Park Bond Debt Srv	1,191,440	(500,000)	100,000	791,440
Park Bond Capital	9,870,141	(211,679)		9,658,462
Storm Drain	698,699	96,798		795,497
Storm Drain Capital	601,148	22,109		623,257
Water	1,455,688	33,060		1,488,748
Water Capital	285,621	112,950	194,000	592,571
Sewer	3,597,771	227,394		3,825,165
Sewer Capital	1,380,841	328,930		1,709,771
ERR	1,671,083	44,816	19,050	1,734,949
Police Investigation	12,253	69		12,322
REET	1,806,124	37,081		1,843,205
Cumulative Reserve	3,780,763	250,000		4,030,763
				0
Total	37,736,916	797,720	687,825	39,222,461

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 8th day of December 2020.

APPROVED:

Hunter George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

Publication Date:
Effective Date:

NEW BUSINESS: **Use of CCN Radio System Access Contract Amendment**
ITEM 13B.

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: **I move to adopt Resolution No. _____, authorizing the City Manager to execute Amendment No. 2 to the System Access and Use Contract between Pierce Transit-Pierce County Combined Communications Network and the City of Fircrest.**

PROPOSAL: The CCN system is incorporated into the South Sound 911 system but owned by the Pierce Transit-Pierce County. The System Access and Use Agreement describes the access to approved mobile and portable radios and associated approved equipment to the CCN Single County-Wide Communication System. This is an essential system for the City's police department and is heavily subsidized by South Sound 911.

FISCAL IMPACT: There will be an increase of \$2,740 from the 2020 fee; the assessment for use of the system for 2021 is \$10,678.

ADVANTAGE: The CCN systems have provided true interoperability with surrounding police and fire agencies. This translates into increased safety for our officers and more reliable services for our citizens.

DISADVANTAGES: None identified.

ALTERNATIVES: None identified.

HISTORY: Before South Sound 911, the City used Pierce County Radio Communication for communication infrastructure. As CCN is part of the South Sound 911 infrastructure, the City is able to use the system, and a large part of the cost is absorbed by South Sound 911.

ATTACHMENTS: [Resolution](#)
[Amendment](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER
TO EXECUTE AMENDMENT NO. 2 TO THE SYSTEM ACCESS AND
USE AGREEMENT BETWEEN PIERCE TRANSIT-PIERCE
COUNTY COMBINED COMMUNICATIONS NETWORK AND
THE CITY OF FIRCREST.**

WHEREAS, the City of Fircrest believes it to be in the best interest of our citizens to continue to contract with Pierce Transit-Pierce County for City and County radio coverage and communication infrastructure; and

WHEREAS, the City of Fircrest Police Department desires access to the Single County-Wide Communication System for public safety, first responder, and public service communications, and to use its approved mobile and portable radios and associated approved equipment. 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 Amendment No. 2 to the System Access and Use Agreement between Pierce Transit-Pierce County Combined Communications Network and the City of Fircrest from January 1, 2021 through December 31, 2021.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 8th day of December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**AMENDMENT # 2
to Contract CC-101872
dated 12/02/2019
for Radio System Access**

THIS AGREEMENT is made and entered into by the Combined Communications Network and City of Fircrest.

WHEREAS, the parties have previously entered into an agreement dated April 7, 2019, for system access to the Combined Communications Network Single County-wide Communication System.

WHEREAS, the parties desire to amend the agreement in consideration of the mutual benefits and advantages to be derived by each of the parties,

IT IS HEREBY AGREED as follows: Extend the agreement through December 31, 2021, and increase the value of the agreement to \$10,678 for 21 subscriber units with an annual fee of \$508.48.

All other terms and conditions of the agreement and all supplements and modifications thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement, on the day and year last specified below.

C O N T R A C T O R :

Full Firm Name

(Signature)

Title of Signatory Authorized by Firm Bylaws

Mailing Address: _____

Street Address, if different: _____

Federal Tax ID or Social Security Number:

P I E R C E C O U N T Y :

Approved as to legal form only:

DEPUTY PROSECUTING ATTORNEY Date

Approved:

FINANCE Date

DEPARTMENT DIRECTOR Date

COUNTY EXECUTIVE Date
(\$250,000 or more)

NEW BUSINESS: **2021 Pierce County Regional Council Appointments
ITEM 13C.**

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: I move to adopt Resolution No.____, appointing Councilmember Shannon Reynolds as representative to the Pierce County Regional Council, and further appointing Councilmember Nixon as alternate representative to the Pierce County Regional Council for 2021.

PROPOSAL: The Council is being asked to appoint a councilmember as the Fircrest representative and the alternate to the Pierce County Regional Council. Should the Council make these appointments, the representative will have voting authority at the next regularly scheduled PCRC meeting.

FISCAL IMPACT: There will not be a direct fiscal impact because of these appointments.

ADVANTAGE: Participation in a cooperative effort on issues relevant to all cities is of advantage to Fircrest.

DISADVANTAGES: None identified.

ALTERNATIVES: Not to participate in the organization.

HISTORY: Fircrest has been a participating member of the Pierce County Regional Council (PCRC) since 1992. The PCRC provides a multi-government forum for coordination of growth management issues, reviews and approves for funding certain transportation projects, and provides the opportunity for building consensus on issues common to all of the cities and towns.

ATTACHMENT: [Resolution](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, APPOINTING COUNCILMEMBER
SHANNON REYNOLDS AS REPRESENTATIVE TO THE
PIERCE COUNTY REGIONAL COUNCIL, AND
FURTHER APPOINTING COUNCILMEMBER JAIME NIXON
AS ALTERNATE REPRESENTATIVE TO THE
PIERCE COUNTY REGIONAL COUNCIL.**

WHEREAS, the City of Fircrest has been a participating member of the Pierce County Regional Council (PCRC) since 1992; and

WHEREAS, an appointment needs to be made for a representative and alternate representative on the Pierce County Regional Council for the year 2021. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. Councilmember Shannon Reynolds is hereby appointed as the City of Fircrest representative to the Pierce County Regional Council for a one-year term, commencing January 1, 2021 and expiring December 31, 2021.

Section 2. Councilmember Jaime Nixon is hereby appointed as alternate representative to the Pierce County Regional Council for a one-year term, commencing January 1, 2021 and expiring December 31, 2021.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 8th day of
December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

NEW BUSINESS: December 22, 2020, Regular Meeting Time Change
ITEM 13D.

FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to adopt Resolution No. _____ changing the time of the December 22, 2020, meeting from 7:00 P.M. to 4:00 P.M.

PROPOSAL: The Council is being asked to adopt a resolution changing the time of the December 22, 2020 regular Council meeting from 7:00 P.M. to 4:00 P.M. Should the Council approve this resolution, copies of the resolution will be posted at the City Hall and other Council- approved public posting places per the Fircrest Municipal Code 2.12.010.

FISCAL IMPACT: None.

ADVANTAGE: Allows the Council to conduct its regularly scheduled meeting at an earlier time of day.

DISADVANTAGES: None known.

ALTERNATIVE: Council could choose to not change the meeting time of the December 22, 2020, regular Council meeting time.

HISTORY: At the November 24, 2020, regular Council meeting, there was general consensus to change the time of the December 22, 2020, regular meeting to 4:00 P.M.

ATTACHMENT: [Resolution](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, CHANGING THE TIME OF
THE DECEMBER 22, 2020 REGULAR COUNCIL MEETING TO
BEGIN AT 4:00 P.M.**

WHEREAS, Fircrest Municipal Code 2.12.010 Date and Time of Meetings states: “*The City Council shall hold regular meetings on the second and fourth Tuesdays of each month of each calendar year, beginning at 7:00 p.m. unless otherwise determined by the City Council. The Council may cancel one regular meeting during any month by adoption of a resolution to such effect at least 10 days in advance of the meeting to be canceled. In the event any regular meeting is so canceled, copies of the resolution shall be posted at the City Hall and other council-approved public posting places. In the event any such meeting date falls on a legal holiday, such meeting shall be held on the day following, unless rescheduled to another day or canceled as provided hereunder.*”; and

WHEREAS, the Fircrest City Council desires to conduct its December 22, 2020 regular Council meeting at 4:00 P.M. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The time of the December 22, 2020 regular Council meeting will begin at 4:00 P.M.

Section 3. Copies of the resolution will be posted at the City Hall and other Council-approved public posting places per the Fircrest Municipal Code 2.12.010.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 8th day of December
2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

NEW BUSINESS: **Landscaping Maintenance Services Contract Amendment**
ITEM 13E.

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: **I move to adopt Resolution No.____ authorizing the City Manager to amend the landscape maintenance contract with Greenleaf Landscaping, Inc. to provide landscape maintenance services for the City of Fircrest.**

PROPOSAL: The Council is being asked to authorize an amendment for landscape maintenance services with Greenleaf Landscape, Inc. extending the term of the said agreement through December 31, 2021, and will renew yearly thereafter. For 2021, the contract amount of \$47,241 plus tax will remain the same. Each year thereafter, the yearly total cost for services amount will increase by 100% of the previous year's Seattle/Tacoma/Bellevue CPI-W June to June percentage.

FISCAL IMPACT: The 2021 Preliminary Budget includes funds for this expenditure.

ADVANTAGE: Greenleaf Landscaping, Inc. has provided the City with excellent service in the past. They have experience with our landscaping needs. They have also done tree pruning and maintenance of our street trees.

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

ALTERNATIVES: Not use landscape maintenance services and hire a landscape maintenance worker.

HISTORY: The City of Fircrest has been using Greenleaf Landscaping, Inc. since 2015. The current contract was originally adopted on February 27, 2018, with a term of March 1, 2018, through December 31, 2018 (10 months). It also includes a renewal clause to extend the term yearly. Either party can terminate the contract with a 30-day written notice. The first amendment dated October 23, 2018, extended the term to December 31, 2019. The second amendment dated November 12, 2019, extended the term to December 31, 2020. This amendment is for a one-year term beginning January 1, 2021, through December 31, 2021, and will renew automatically on the first of every year thereafter.

ATTACHMENTS: [Resolution](#)

[Contract Amendment](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON AUTHORIZING THE CITY MANAGER TO AMEND
THE LANDSCAPE MAINTENANCE CONTRACT WITH GREENLEAF
LANDSCAPING, INC. TO PROVIDE LANDSCAPE MAINTENANCE
SERVICES FOR THE CITY OF FIRCREST.**

WHEREAS, the City of Fircrest has need of landscape maintenance services; and

WHEREAS, Greenleaf Landscaping, Inc. has the required experience and expertise to provide such services; and

WHEREAS, the City of Fircrest desires to maintain these services for as long as necessary. 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 Greenleaf Landscaping, Inc. to provide landscape maintenance services for the City of Fircrest through December 31, 2021 and will renew yearly thereafter.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 8th day of December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**AMENDMENT #3
TO THE CITY OF FIRCREST**

**PROFESSIONAL SERVICES AGREEMENT WITH GREENLEAF LANDSCAPING, INC. TO
PROVIDE LANDSCAPING MAINTENANCE SERVICES.**

This amendment is hereby made and entered into this 8th day of December 2020, by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the "City" and Greenleaf Landscaping, Inc., hereinafter referred to as "Contractor", to be effective January 1, 2021.

WITNESSETH:

1. Purpose

The purpose of this first amendment is to amend the February 27, 2018 agreement. This amendment is limited to the amendments as set forth herein. All of the remaining terms and conditions of the February 27, 2018 agreement as amended shall remain in full force and effect. The amendments are as follows:

2. Term of Agreement is hereby amended to read as follows:

Notwithstanding, the date of execution hereof, this Agreement shall be in effect January 1, 2021 to December 31, 2021 and will renew automatically yearly thereafter. Either party may terminate this Agreement upon thirty (30) day's written notice to the other party.

3. Payment is hereby amended to read as follows:

Upon receipt of an invoice from the Contractor, progress payments may be made on a monthly basis for work completed. Each invoice shall itemize by site and date the work performed and include the 'Affidavit of Wages Paid' that was filed with State of Washington Department of Labor and Industries. The total cost for services in 2021 shall not exceed \$47,241 plus sales tax (code 2707). Effective Jan 1st of each year thereafter, the yearly total cost for services amount will increase by 100% of the previous year's Seattle/Tacoma/Bellevue CPI-W June to June index.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in three counterparts, each of which shall be deemed as originals, in the year and day first above mentioned.

CITY OF FIRCREST

GREENLEAF LANDSCAPING, INC.

By: _____
City Manager

By: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

By: _____

**AMENDMENT #3
TO THE CITY OF FIRCREST**

City Clerk

**NEW BUSINESS
ITEM 13F**

Washington State Department of Ecology (WSDOE) Agreement

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: I move to adopt Resolution No. _____, authorizing the City Manager to execute an agreement with WSDOE to accept the grant in the amount of \$313,050.67 for funding the Pre-Treatment Stormwater Outfalls to Leach Creek.

PROPOSAL: The Council is being asked to authorize the City Manager to execute an agreement with WSDOE to accept the grant in the amount of \$313,050.37 for funding the Pre-Treatment Stormwater Outfalls to Leach Creek.

FISCAL IMPACT: The adopted 2021 budget has this project included, so the funds for the matching funds are approved. Additional matching funds are approved with the Pierce County Flood District Opportunity funds to assist with the match.

ADVANTAGE: Allows the City to make needed improvements for the pre-treatment of 5 storm outfalls that discharge to Leach Creek.

DISADVANTAGES: None.

ALTERNATIVES: Not accept the grant and do not complete the project or fund it with our resources.

HISTORY: In 2019, the City of Fircrest applied for grant funding for this project based on input from the Council based on the history of the prior engineering work that was completed for this project. The application was submitted to Ecology and was selected for funding in the spring of 2020. As a result, the City applied to the Pierce County Flood District to use the Opportunity funds for a portion of the match funds for this project. Those funds were approved in the fall of 2020. This agreement is for the funding of the entire project with a 25% match funding. Approval of this grant allows the City to proceed with this project in 2021.

ATTACHMENTS: [Resolution](#)
[Agreement](#)

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2 APPROVED AS TO FORM:

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Michael B. Smith, City Attorney

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Agreement No. WQC-2021-FircPW-00004

WATER QUALITY COMBINED FINANCIAL ASSISTANCE AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF FIRCREST

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and City of Fircrest, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	Installation of Pre-Treatment Stormwater Outfalls to Leach Creek
Total Cost:	\$313,050.67
Total Eligible Cost:	\$313,050.67
Ecology Share:	\$234,788.00
Recipient Share:	\$78,262.67
The Effective Date of this Agreement is:	07/01/2020
The Expiration Date of this Agreement is no later than:	09/30/2022
Project Type:	Stormwater Facility

Project Short Description:

This project will improve water quality in Leach Creek through installation of four pre-treatment devices and one basic treatment device, each with GULD (General Use Level Designation), at five Leach Creek outfall locations within the City of Fircrest. This project will provide pre-treatment for most of the project area and basic treatment, removal of total suspended solids (TSS), for a small contributing area.

Project Long Description:

Leach Creek is located in the Chambers-Clover Creek Watershed, flowing three miles from a holding pond just south of Whittier Park in Fircrest to the confluence with Chambers Creek. Leach Creek is designated as a spawning, rearing, and migration stream, supporting runs of Coho, Chum, and Steelhead Trout.

The City of Fircrest has multiple stormwater outfalls located within the Leach Creek drainage course that do not provide

Agreement No: WQC-2021-FircPW-00004
Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek
Recipient Name: City of Fircrest

any water quality treatment for collected street runoff. This untreated runoff provides unnecessary stress/hardship on the downstream aquatic environment, Chambers Creek, and Puget Sound. Leach Creek has impairment listings for copper, bacteria, and mercury.

This project will improve water quality in Leach Creek by installing pre-treatment devices with GULD (General Use Level Designation) at four outfalls, two discharging directly into Leach Creek and two discharging indirectly through a detention pond. The contributing basin encompasses approximately 24 acres - of which 12.7 acres is impervious surface, residential, or built out. The pre-treatment devices will collect, screen, and separate debris, sediments, oil, and grease. In addition, the proposed pre-treatment devices will be able to capture and remove floatables and neutrally buoyant material. At a fifth Leach Creek outfall location, the project will install a basic treatment GULD device, which will treat runoff from the 6-month design storm and provide treatment for total suspended solids (TSS).

Overall Goal:

This project will help protect and restore water quality in Washington State by reducing stormwater impacts from existing infrastructure and development.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

RECIPIENT INFORMATION

Organization Name: City of Fircrest

Federal Tax ID: 91-6001431

DUNS Number: 024850927

Mailing Address: 115 Ramsdell Street
Fircrest, Washington 98466

Physical Address: 120 Ramsdell Street
Fircrest, Washington 98466

Contacts

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Project Manager	<p>Jerry Wakefield Director of Public Works</p> <p>115 Ramsdell Street Fircrest, Washington 98466 Email: jwakefield@cityoffircrest.net Phone: (253) 238-4134</p>
Billing Contact	<p>Colleen Corcoran Finance Director</p> <p>115 Ramsdell Street Fircrest, Washington 98466 Email: ccorcoran@cityoffircrest.net Phone: (253) 564-8901</p>
Authorized Signatory	<p>Scott Pingel City Manager</p> <p>120 Ramsdell Street Fircrest, Washington 98466 Email: spingel@cityoffircrest.net Phone: (253) 564-8900</p>

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Water Quality
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Water Quality
300 Desmond Drive SE
Lacey, WA 98503

Contacts

Project Manager	David Mora 12121 NE 99th Street Suite 2100 Vancouver, Washington 98677 Email: damo461@ecy.wa.gov Phone: (360) 690-4782
Financial Manager	Stephanie Herbst PO Box 47600 Olympia, Washington 98504-7600 Email: SHER461@ecy.wa.gov Phone: (360) 407-7639
Technical Advisor	Doug Howie Senior Stormwater Engineer PO Box 47600 Olympia, Washington 98504-7600 Email: DOHO461@ecy.wa.gov Phone: (360) 407-6444

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology’s authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

Washington State Department of Ecology	City of Fircrest
By: _____	By: _____
Vincent McGowan, P.E. Water Quality Program Manager	Scott Pingel City Manager
Date	Date
Template Approved to Form by Attorney General's Office	

Scott Pingel

City Manager

Date

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 1

Task Cost: \$2,000.67

Task Title: Grant and Loan Administration

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements.

Responsibilities include, but are not limited to: Maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; the EAGL (Ecology Administration of Grants and Loans) recipient closeout report; and a two-page outcome summary report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be available upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

* Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page outcome summary report.

* Properly maintained project documentation.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Grant and Loan Administration**Deliverables**

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form)	
1.3	Two-page Outcome Summary Report	

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 2 **Task Cost:** \$12,800.00

Task Title: Cultural and Environmental Reviews, and Permitting

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will provide both the ECOLOGY project manager and separegister@ecy.wa.gov with the initial consultation on the draft State Environmental Policy Act (SEPA) documents.
- B. The RECIPIENT will notify the ECOLOGY project manager, in addition to the required distribution and public notice, when SEPA documents have been issued for the official comment period, which is a minimum of 21 days.
- C. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.
- D. Above and below ground activities must be reviewed for cultural resource impacts. The RECIPIENT will submit the forms listed below to ECOLOGY to initiate consultation for cultural resources review.

To initiate cultural resources review:

- 1. The RECIPIENT will submit the 05-05/106 Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archeology and Historic Preservation's Washington State Standards for Cultural Resource Reporting.
- 2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the ECOLOGY template. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. The IDP template may be found on the ECOLOGY website.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Work done prior to written notice to proceed shall not be eligible for reimbursement. This includes geotechnical work.

Task Goal Statement:

The RECIPIENT will complete all cultural and environmental reviews and permitting tasks in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by the cultural resource protection requirements, State Environmental Policy Act, and all other applicable federal, state, and local laws, and regulations.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Cultural and Environmental Reviews, and Permitting**Deliverables**

Number	Description	Due Date
2.1	SEPA checklist, or other documentation for projects considered exempt from SEPA review. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.2	List of permits acquired and environmental review documents. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.3	ECOLOGY 05-05/106 Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager. ECOLOGY will upload documentation to EAGL when cultural resources is complete.	
2.4	Inadvertent Discovery Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 3

Task Cost: \$34,000.00

Task Title: Design Plans and Specifications

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will develop a stormwater project design. The design submittals must conform to the Design Deliverables for Stormwater Projects with Ecology Funding (Design Deliverables Document). Projects must be designed in accordance with the Stormwater Management Manual for Eastern Washington, Stormwater Management Manual for Western Washington, or equivalent manual. Refer to the ECOLOGY website for specific guidance. Project must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement.

The RECIPIENT will upload the design submittals listed below to EAGL for ECOLOGY review. Reduce design figures to 11x17 inches in size and ensure they are legible.

1. The RECIPIENT will submit a Design Report to ECOLOGY for review and acceptance. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent Design.

2. The RECIPIENT will submit a 90 Percent Design Package to ECOLOGY for review and acceptance. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost, which includes a schedule of eligible costs, and project construction schedule. The current required bid inserts and specifications may be found on the Ecology website. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding Final Design.

3. The RECIPIENT will submit a Final Bid Package to ECOLOGY for review and acceptance prior to advertising the project. The Final Bid Package includes: project plans, specifications, engineer's opinion of cost including a schedule of eligible costs, and project construction schedule. Allow 15 calendar days for ECOLOGY review.

B. The RECIPIENT will calculate and submit a preliminary equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Design Deliverables Document.

C. The RECIPIENT will submit a preliminary GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-approved equivalent. The project area should include polygon features for stormwater facilities and contributing areas.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Task Goal Statement:

The RECIPIENT will complete all design tasks and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by ECOLOGY water quality facility design standards and all other applicable federal, state, and local laws, and regulations.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Design Plans and Specifications**Deliverables**

Number	Description	Due Date
3.1	Contract documents (if contracting out for design). Upload to EAGL and notify ECOLOGY when upload is complete.	
3.2	Design Report. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.3	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.4	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.5	90 Percent Design Package. Upload to EAGL and notify ECOLOGY when complete.	
3.6	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.7	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.8	Preliminary equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.9	Preliminary project area shapefile, geodatabase file, or ECOLOGY-approved equivalent. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
3.10	Final Bid Package. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.11	Responses to ECOLOGY Final Bid Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.12	Ecology Final Bid Package Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.13	Bid documents (e.g. bid announcement, bid tabulations, and bid award). Upload to EAGL and notify ECOLOGY when upload is complete.	

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 4

Task Cost: \$35,000.00

Task Title: Construction Management

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will provide construction oversight and management of the project.
- B. The RECIPIENT will submit a detailed Construction Quality Assurance Plan (CQAP) to ECOLOGY for review and acceptance before the start of construction. This plan must describe how the RECIPIENT will perform adequate and competent construction oversight. Guidance for CQAP development is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- C. The RECIPIENT will conduct a pre-construction conference meeting and invite ECOLOGY to attend.
- D. The RECIPIENT will submit an updated project schedule and cost estimate prior to the start of construction and whenever major changes occur.
- E. Prior to execution, the RECIPIENT will submit to ECOLOGY any eligible change orders that deviate from ECOLOGY-accepted plans and specifications. ECOLOGY must review and accept all change orders that affect grant eligible activities prior to implementation. Allow 10 calendar days for ECOLOGY review.

Task Goal Statement:

The RECIPIENT will oversee and manage construction, communicate with ECOLOGY in a timely fashion, and provide ECOLOGY with all requested project documentation.

Task Expected Outcome:

The project will be constructed on schedule and in accordance with accepted plans.

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Construction Management**Deliverables**

Number	Description	Due Date
4.1	Construction Quality Assurance Plan. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
4.2	Pre-construction conference meeting minutes. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.3	Project Schedule. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.4	Revised construction cost estimates when changes in construction schedule occur. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.5	Change Order(s). Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	

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Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 5

Task Cost: \$221,750.00

Task Title: Construction

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will complete construction of the project in accordance with ECOLOGY-accepted plans and specifications. The construction project will include installation of four pre-treatment devices and one basic treatment device, each with GULD (General Use Level Designation) to mitigate runoff from 12.7 acres of pollution-generating impervious surfaces.

B. Stormwater Construction Completion Form signed by a professional engineer indicating that the project was completed in accordance with the plans and specifications, and major change orders approved by ECOLOGY's Project Engineer and shown on the Record Drawings. The Stormwater Construction Completion Form can be found on the ECOLOGY website.

Task Goal Statement:

Construction of the project in accordance with ECOLOGY-accepted plans and specifications.

Task Expected Outcome:

Constructed project will provide water quality benefits including reductions in total suspended solids (TSS).

Construction**Deliverables**

Number	Description	Due Date
5.1	Signed and dated construction contract. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.2	Stormwater Construction Completion Form. Upload to EAGL and notify ECOLOGY when upload is complete.	

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Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

SCOPE OF WORK

Task Number: 6

Task Cost: \$7,500.00

Task Title: Project Close Out

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will operate and maintain the constructed facility for the design life of the facility. The RECIPIENT will develop and submit an Operations and Maintenance (O&M) plan for all facilities constructed with ECOLOGY funding to ECOLOGY for review. The O&M plan must address long-term activities to assure ongoing pollutant removal and flow-control capability of the project in accordance with the design manual. O&M plan development guidance is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.

B. The RECIPIENT will calculate and submit a final equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Design Deliverables Document.

C. The RECIPIENT will submit the final GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-approved equivalent. The project area should include polygon features for stormwater facilities and contributing areas.

D. The RECIPIENT will submit the Recipient Closeout Report (RCOR) in EAGL in accordance with Task 1.

E. The RECIPIENT will submit the Two-page Outcome Summary Report using the ECOLOGY template in accordance to Task 1. Upload the Two-page Outcome Summary Report in the RCOR in EAGL.

Task Goal Statement:

The RECIPIENT will complete all close out submittals in a timely manner.

Task Expected Outcome:

* Timely and complete submittal of O&M plan, equivalent area calculation, GIS, Recipient Closeout Report, and Two-page Outcome Summary Report.

* Proper maintenance of the constructed facility to maintain water quality benefits.

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Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Project Close Out**Deliverables**

Number	Description	Due Date
6.1	Facility Operation and Maintenance Plan. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
6.2	Final, as constructed, equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY when upload is complete.	
6.3	Final, as constructed, project area shapefile, geodatabase file, or ECOLOGY-approved equivalent. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

BUDGET**Funding Distribution EG210112**

NOTE: *The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.*

Funding Title: SFAP

Funding Type:

Grant

Funding Effective Date: 07/01/2020

Funding Expiration Date:

09/30/2022

Funding Source:

Title: SFAP - SFY21

Type: State

Funding Source %: 100%

Description: Environmental Legacy Stewardship Account (ELSA) - State

Approved Indirect Costs Rate:

Approved State Indirect Rate: 0%

Recipient Match %:

25%

InKind Interlocal Allowed:

No

InKind Other Allowed:

No

Is this Funding Distribution used to match a federal grant?

No

SFAP	Task Total
Grant and Loan Administration	\$ 2,000.67
Cultural and Environmental Reviews, and Permitting	\$ 12,800.00
Design Plans and Specifications	\$ 34,000.00
Construction Management	\$ 35,000.00
Construction	\$ 221,750.00
Project Close Out	\$ 7,500.00

Total: \$ 313,050.67

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Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

Funding Distribution Summary**Recipient / Ecology Share**

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
SFAP	25.00 %	\$ 78,262.67	\$ 234,788.00	\$ 313,050.67
Total		\$ 78,262.67	\$ 234,788.00	\$ 313,050.67

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS**SECTION 1: DEFINITIONS**

Unless otherwise provided, the following terms will have the respective meanings for all purposes of this agreement:

“Administration Charge” means a charge established in accordance with Chapter 90.50A RCW and Chapter 173-98 WAC, to be used to pay Ecology’s cost to administer the State Revolving Fund by placing a percentage of the interest earned in an Administrative Charge Account.

“Administrative Requirements” means the effective edition of ECOLOGY's Administrative Requirements for Recipients of Ecology Grants and Loans at the signing of this agreement.

“Annual Debt Service” for any calendar year means for any applicable bonds or loans including the loan, all interest plus all principal due on such bonds or loans in such year.

“Average Annual Debt Service” means, at the time of calculation, the sum of the Annual Debt Service for the remaining years of the loan to the last scheduled maturity of the loan divided by the number of those years.

“Acquisition” means the purchase or receipt of a donation of fee or less than fee interests in real property. These interests include, but are not limited to, conservation easements, access/trail easements, covenants, water rights, leases, and mineral rights.

“Centennial Clean Water Program” means the state program funded from various state sources.

“Contract Documents” means the contract between the RECIPIENT and the construction contractor for construction of the project.

“Cost Effective Analysis” means a comparison of the relative cost-efficiencies of two or more potential ways of solving a water quality problem as described in Chapter 173-98-730 WAC.

“Defease” or “Defeasance” means the setting aside in escrow or other special fund or account of sufficient investments and money dedicated to pay all principal of and interest on all or a portion of an obligation as it comes due.

“Effective Date” means the earliest date on which eligible costs may be incurred.

“Effective Interest Rate” means the total interest rate established by Ecology that includes the Administrative Charge.

“Estimated Loan Amount” means the initial amount of funds loaned to the RECIPIENT.

“Estimated Loan Repayment Schedule” means the schedule of loan repayments over the term of the loan based on the Estimated Loan Amount.

“Equivalency” means projects designated by ECOLOGY to meet additional federal requirements.

“Expiration Date” means the latest date on which eligible costs may be incurred.

“Final Accrued Interest” means the interest accrued beginning with the first disbursement of funds to the RECIPIENT through

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such time as the loan is officially closed out and a final loan repayment schedule is issued.

“Final Loan Amount” means all principal of and interest on the loan from the Project Start Date through the Project Completion Date.

“Final Loan Repayment Schedule” means the schedule of loan repayments over the term of the loan based on the Final Loan Amount.

“Forgivable Principal” means the portion of a loan that is not required to be paid back by the borrower.

“General Obligation Debt” means an obligation of the RECIPIENT secured by annual ad valorem taxes levied by the RECIPIENT and by the full faith, credit, and resources of the RECIPIENT.

“General Obligation Payable from Special Assessments Debt” means an obligation of the RECIPIENT secured by a valid general obligation of the Recipient payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

“Gross Revenue” means all of the earnings and revenues received by the RECIPIENT from the maintenance and operation of the Utility and all earnings from the investment of money on deposit in the Loan Fund, except (i) Utility Local Improvement Districts (ULID) Assessments, (ii) government grants, (iii) RECIPIENT taxes, (iv) principal proceeds of bonds and other obligations, or (v) earnings or proceeds (A) from any investments in a trust, Defeasance, or escrow fund created to Defease or refund Utility obligations or (B) in an obligation redemption fund or account other than the Loan Fund until commingled with other earnings and revenues of the Utility or (C) held in a special account for the purpose of paying a rebate to the United States Government under the Internal Revenue Code.

“Guidelines” means the ECOLOGY’s Funding Guidelines that that correlate to the State Fiscal Year in which the project is funded.

“Initiation of Operation Date” means the actual date the Water Pollution Control Facility financed with proceeds of the loan begins to operate for its intended purpose.

“Loan” means the Washington State Water Pollution Control Revolving Fund Loan or Centennial Clean Water Fund (Centennial) Loan made pursuant to this loan agreement.

“Loan Amount” means either an Estimated Loan Amount or a Final Loan Amount, as applicable.

“Loan Fund” means the special fund created by the RECIPIENT for the repayment of the principal of and interest on the loan.

“Loan Security” means the mechanism by which the RECIPIENT pledges to repay the loan.

“Loan Term” means the repayment period of the loan.

“Maintenance and Operation Expense” means all reasonable expenses incurred by the RECIPIENT in causing the Utility to be operated and maintained in good repair, working order, and condition including payments to other parties, but will not include any depreciation or RECIPIENT levied taxes or payments to the RECIPIENT in lieu of taxes.

“Net Revenue” means the Gross Revenue less the Maintenance and Operation Expense.

“Original Engineer’s Estimate” means the engineer’s estimate of construction costs included with bid documents.

“Principal and Interest Account” means, for a loan that constitutes Revenue-Secured Debt, the account created in the loan fund to be first used to repay the principal of and interest on the loan.

“Project” means the project described in this agreement.

“Project Completion Date” means the date specified in the agreement on which the Scope of Work will be fully completed. This term is only used in loan agreements.

“Project Schedule” means that schedule for the project specified in the agreement.

“Revenue-Secured Debt” means an obligation of the RECIPIENT secured by a pledge of the revenue of a utility and one not a general obligation of the RECIPIENT.

“Reserve Account” means, for a loan that constitutes a Revenue Secured Debt and if specifically identified as a term and condition of the funding agreement, the account of that name created in the loan fund to secure the payment of the principal of and interest on the loan.

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“Risk-Based Determination” means an approach to sub-recipient monitoring and oversight based on risk factors associated to a RECIPIENT or project.

“Scope of Work” means the tasks and activities constituting the project.

“Section 319” means the section of the Clean Water Act that provides funding to address nonpoint sources of water pollution.

“Senior Lien Obligations” means all revenue bonds and other obligations of the RECIPIENT outstanding on the date of execution of this loan agreement (or subsequently issued on a parity therewith, including refunding obligations) or issued after the date of execution of this loan agreement having a claim or lien on the Gross Revenue of the Utility prior and superior to the claim or lien of the loan, subject only to Maintenance and Operation Expense.

“State Water Pollution Control Revolving Fund (Revolving Fund)” means the water pollution control revolving fund established by Chapter 90.50A.020 RCW.

“Termination Date” means the effective date of ECOLOGY’s termination of the agreement.

“Termination Payment Date” means the date on which the RECIPIENT is required to repay to ECOLOGY any outstanding balance of the loan and all accrued interest.

“Total Eligible Project Cost” means the sum of all costs associated with a water quality project that have been determined to be eligible for ECOLOGY grant or loan funding, including any required recipient match.

“Total Project Cost” means the sum of all costs associated with a water quality project, including costs that are not eligible for ECOLOGY grant or loan funding.

“ULID” means any utility local improvement district of the RECIPIENT created for the acquisition or construction of additions to and extensions and betterments of the Utility.

“ULID Assessments” means all assessments levied and collected in any ULID. Such assessments are pledged to be paid into the Loan Fund (less any prepaid assessments permitted by law to be paid into a construction fund or account). ULID Assessments will include principal installments and any interest or penalties which may be due.

“Utility” means the sewer system, stormwater system, or the combined water and sewer system of the RECIPIENT, the Net Revenue of which is pledged to pay and secure the loan.

SECTION 2: THE FOLLOWING CONDITIONS APPLY TO ALL RECIPIENTS OF WATER QUALITY COMBINED FINANCIAL ASSISTANCE FUNDING.

The Water Quality Financial Assistance Funding Guidelines are included in this agreement by reference and are available on ECOLOGY’s Water Quality Program website.

A. Architectural and Engineering Services: The RECIPIENT certifies by signing this agreement that the requirements of Chapter 39.80 RCW, “Contracts for Architectural and Engineering Services,” have been, or shall be, met in procuring qualified architectural/engineering services. The RECIPIENT shall identify and separate eligible and ineligible costs in the final architectural/engineering services contract and submit a copy of the contract to ECOLOGY.

B. Acquisition: The following provisions shall be in force only if the project described in this agreement is an acquisition project:

a. Evidence of Land Value and Title. The RECIPIENT shall submit documentation of the cost of the property rights and the type of ownership interest that has been acquired.

b. Legal Description of Real Property Rights Acquired. The legal description of the real property rights purchased with funding assistance provided through this agreement (and protected by a recorded conveyance of rights to the State of Washington) shall be incorporated into the agreement before final payment.

c. Conveyance of Rights to the State of Washington. Upon purchase of real property rights (both fee simple and lesser interests), the RECIPIENT shall execute the document necessary to convey certain rights and responsibilities to ECOLOGY, on behalf of the State of Washington. The documents required will depend on the project type, the real property rights being acquired, and whether or not those rights are being acquired in perpetuity (see options below). The RECIPIENT shall use language provided by ECOLOGY, to record the executed document in the County where the real property lies, and to provide a copy of the recorded document to ECOLOGY.

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Documentation Options:

1. Deed of Right. The Deed of Right conveys to the people of the state of Washington the right to preserve, protect, and/or use the property for public purposes consistent with the fund source. RECIPIENTS shall use this document when acquiring real property rights that include the underlying land. This document may also be applicable for those easements where the RECIPIENT has acquired a perpetual easement for public purposes. The RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the deed of right.
2. Assignment of Rights. The Assignment of Rights document transfers certain rights such as access and enforcement to ECOLOGY. The RECIPIENT shall use this document when an easement or lease is being acquired for water quality and habitat conservation. The Assignment of Rights requires the signature of the underlying landowner and must be incorporated by reference in the easement document.
3. Easements and Leases. The RECIPIENT may incorporate required language from the Deed of Right or Assignment of Rights directly into the easement or lease document, thereby eliminating the requirement for a separate document. Language will depend on the situation; therefore, the RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the easement or lease.

d. Real Property Acquisition and Relocation Assistance.

1. Federal Acquisition Policies. See Section 4 of this agreement for requirements specific to Section 319 and SRF funded projects.
2. State Acquisition Policies. When state funds are part of this agreement, the RECIPIENT agrees to comply with the terms and conditions of the Uniform Relocation Assistance and Real Property Acquisition Policy of the State of Washington, Chapter 8.26 RCW, and Chapter 468-100 WAC.
3. Housing and Relocation. In the event that housing and relocation costs, as required by federal law set out in subsection (1) above and/or state law set out in subsection (2) above, are involved in the execution of this project, the RECIPIENT agrees to provide any housing and relocation assistance required.

e. Hazardous Substances.

1. Certification. The RECIPIENT shall inspect, investigate, and conduct an environmental audit of the proposed acquisition site for the presence of hazardous substances, as defined in RCW 70.105D.020(10), and certify:
 - i. No hazardous substances were found on the site, or
 - ii. Any hazardous substances found have been treated and/or disposed of in compliance with applicable state and federal laws, and the site is deemed "clean."
2. Responsibility. Nothing in this provision alters the RECIPIENT's duties and liabilities regarding hazardous substances as set forth in RCW 70.105D.
3. Hold Harmless. The RECIPIENT will defend, protect and hold harmless ECOLOGY and any and all of its employees and/or agents, from and against any and all liability, cost (including but not limited to all costs of defense and attorneys' fees) and any and all loss of any nature from any and all claims or suits resulting from the presence of, or the release or threatened release of, hazardous substances on the property the RECIPIENT is acquiring.

f. Restriction On Conversion Of Real Property And/Or Facilities To Other Uses

The RECIPIENT shall not at any time convert any real property (including any interest therein) or facility acquired, developed, maintained, renovated, and/or restored pursuant to this agreement to uses other than those purposes for which funds were approved without prior approval of ECOLOGY. For acquisition projects that are term limited, such as one involving a lease or a term-limited restoration, renovation or development project or easement, this restriction on conversion shall apply only for the length of the term, unless otherwise provided in written documents or required by applicable state or federal law. In such case, the restriction applies to such projects for the length of the term specified by the lease, easement, deed, or landowner agreement.

C. Best Management Practices (BMP) Implementation: If the RECIPIENT installs BMPs that are not approved by

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ECOLOGY prior to installation, the RECIPIENT assumes the risk that part or all of the reimbursement for that activity may be delayed or ineligible. For more details regarding BMP Implementation, please reference the Water Quality Financial Assistance Funding Guidelines available on ECOLOGY's Water Quality Program funding website.

D. Electronic Fund Transfers: Payment will be issued through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process or electronic fund transfers, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.

E. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of work or the Ecology approved construction plans and specifications, must be pre-approved by ECOLOGY's project manager before purchase. All equipment purchases over \$5,000 and not included in a contract for work being completed on the funded project, must also be reported on the Equipment Purchase Report in EAGL.

F. Funding Recognition: The RECIPIENT must inform the public about ECOLOGY or any EPA (see Section 3.B for Section 319 funded or Section 5.E for SRF funded projects) funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, websites, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from ECOLOGY's Financial Manager upon request.

G. Growth Management Planning: The RECIPIENT certifies by signing this agreement that it is in compliance with the requirements of Chapter 36.70A RCW, "Growth Management Planning by Selected Counties and Cities." If the status of compliance changes, either through RECIPIENT or legislative action, the RECIPIENT shall notify ECOLOGY in writing of this change within 30 days.

H. Interlocal: The RECIPIENT certifies by signing this agreement that all negotiated interlocal agreements necessary for the project are, or shall be, consistent with the terms of this agreement and Chapter 39.34 RCW, "Interlocal Cooperation Act." The RECIPIENT shall submit a copy of each interlocal agreement necessary for the project to ECOLOGY upon request.

I. Lobbying and Litigation: Costs incurred for the purposes of lobbying or litigation are not eligible for funding under this agreement.

J. Post Project Assessment Survey: The RECIPIENT agrees to participate in a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion. A representative from ECOLOGY's Water Quality Program may contact the RECIPIENT to request this data. ECOLOGY may also conduct site interviews and inspections, and may otherwise evaluate the project, as part of this assessment.

K. Project Status Evaluation: ECOLOGY may evaluate the status of this project 18 months from the effective date of this agreement. ECOLOGY's Project Manager and Financial Manager will meet with the RECIPIENT to review spending trends, completion of outcome measures, and overall project administration and performance. If the RECIPIENT fails to make satisfactory progress toward achieving project outcomes, ECOLOGY may change the scope of work, reduce grant funds, or increase oversight measures.

L. Technical Assistance: Technical assistance for agriculture activities provided under the terms of this agreement shall be consistent with the current U.S. Natural Resource Conservation Service ("NRCS") Field Office Technical Guide for Washington State and specific requirements outlined in the Water Quality Funding Guidelines. Technical assistance, proposed practices, or project designs that do not meet these standards may be eligible if approved in writing by ECOLOGY.

SECTION 3: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND CENTENNIAL CLEAN WATER FUNDED PROJECTS BEING USED TO MATCH SECTION 319 FUNDS.

The RECIPIENT must submit the following documents to ECOLOGY before this agreement is signed by ECOLOGY:

1. Federal Funding Accountability and Transparency Act (FFATA) Form, available on the Water Quality Program website.

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2. “Section 319 Initial Data Reporting” form in EAGL.

A. Data Reporting: The RECIPIENT must complete the “Section 319 Initial Data Reporting” form in EAGL before this agreement can be signed by Ecology. This form is used to gather general information about the project for EPA.

B. Funding Recognition and Outreach: In addition to Section 2.F. of these Special Terms and Conditions, the RECIPIENT shall provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo and follow usage requirements available at <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. To obtain the appropriate EPA logo or seal graphic file, the RECIPIENT may send a request to their Ecology Financial Manager.

To increase public awareness of projects serving communities where English is not the predominant language, RECIPIENTS are encouraged to provide their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

The RECIPIENT shall use the following paragraph in all reports, documents, and signage developed under this agreement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement to the Washington State Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.”

C. Load Reduction Reporting: The RECIPIENT shall complete the “Section 319 Annual Load Reduction Reporting” form in EAGL by January 15 of each year and at project close-out. ECOLOGY may hold reimbursements until the RECIPIENT has completed the form. This form is used to gather information on best management practices (BMPs) installed and associated pollutant load reductions that were funded as a part of this project.

D. Time Extension: The RECIPIENT may request a one-time extension for up to 12 months. However, the time extension cannot exceed the time limitation established in EPA’s assistance agreement. In the event a time extension is requested and approved by ECOLOGY, the RECIPIENT must complete all eligible work performed under this agreement by the expiration date.

SECTION 4: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.

A. Accounting Standards: The RECIPIENT shall maintain accurate records and accounts for the project (PROJECT Records) in accordance with Generally Accepted Accounting Principles (GAAP) as issued by the Governmental Accounting Standards Board (GASB), including standards related to the reporting of infrastructure assets or in accordance with the standards in Chapter 43.09.200 RCW “Local Government Accounting – Uniform System of Accounting.”

B. Acquisitions: Section 319 and SRF Equivalency project RECIPIENTS shall comply with the terms and conditions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1970)--Public Law 91-646, as amended by the Surface Transportation and Uniform Relocation Assistance Act, PL 100-17-1987, and applicable regulations and procedures of the federal agency implementing that Act.

C. Audit Requirements: In accordance with 2 CFR 200.501(a), the RECIPIENT agrees to obtain a single audit from an independent auditor, if their organization expends \$750,000 or more in total Federal funds in their fiscal year. The RECIPIENT must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse’s Internet Data Entry System available at:

<https://harvester.census.gov/fac/collect/ddeindex.html>. For complete information on how to accomplish the single audit submission, go to the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>.

D. Archaeological Resources and Historic Properties (Section 106): The RECIPIENT shall comply with the additional requirements under section 106 of the National Historic Preservation Act (NHPA, 36 CFR 800).

E. Data Universal Numbering System (DUNS) and Central Contractor Registration (CCR) Requirements: RECIPIENTS shall

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have a DUNS number. Unless exempted from this requirement under 2 CFR 25.110, the RECIPIENT must ensure that their organization's information in the System for Award Management (SAM), <https://www.sam.gov>, is kept current through project closeout. This requires that the RECIPIENT reviews and updates the information at least annually after the initial registration, and more frequently if information changes.

F. Disadvantaged Business Enterprise (DBE): General Compliance, 40 CFR, Part 33. The RECIPIENT agrees to comply with the requirements of the Environmental Protection Agency's Program for Utilization of Small, Minority, and Women's Business Enterprises (MBE/WBE) 40CFR, Part 33 in procurement under this agreement.

Six Good Faith Efforts, 40 CFR, Part 33, Subpart C. The RECIPIENT agrees to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under this agreement. Records documenting compliance with the following six good faith efforts shall be retained:

- 1) Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government RECIPIENTS, this shall include placing Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- 2) Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- 3) Consider, in the contracting process, whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State, and Local Government RECIPIENTS, this shall include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- 4) Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- 5) Use services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- 6) If the prime contractor awards subcontracts, require the prime contractor to take the five good faith efforts steps in paragraphs 1 through 5 above.

The RECIPIENT agrees to submit ECOLOGY's Contractor Participation Report Form D with each payment request. Contract Administration Provisions, 40 CFR, Section 33.302. The RECIPIENT agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

Non-discrimination Provision. The RECIPIENT shall not discriminate on the basis of race, color, national origin or sex in the performance of this agreement. The RECIPIENT shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the RECIPIENT to carry out these requirements is a material breach of this agreement which may result in the termination of this contract or other legally available remedies.

This does not preclude the RECIPIENT from enacting broader nondiscrimination protections.

The RECIPIENT shall comply with all federal and state nondiscrimination laws, including but not limited to, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq, the Americans with Disabilities Act (ADA).

In the event of the RECIPIENT's noncompliance or refusal to comply with any applicable nondiscrimination law, regulation, or policy, this agreement may be rescinded, canceled, or terminated in whole or in part and the RECIPIENT may be declared ineligible for further funding from ECOLOGY. The RECIPIENT shall, however, be given a reasonable time in which to cure this noncompliance.

The RECIPIENT shall include the following terms and conditions in contracts with all contractors, subcontractors, engineers,

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vendors, and any other entity for work or services pertaining to this agreement.

“The Contractor will not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. The Contractor will carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under Environmental Protection Agency financial agreements. Failure by the Contractor to carry out these requirements is a material breach of this Contract which may result in termination of this Contract or other legally available remedies.”

Bidder List, 40 CFR, Section 33.501(b) and (c). The RECIPIENT agrees to create and maintain a bidders list. The bidders list shall include the following information for all firms that bid or quote on prime contracts, or bid or quote subcontracts, including both MBE/WBEs and non-MBE/WBEs.

1. Entity's name with point of contact
2. Entity's mailing address, telephone number, and e-mail address
3. The procurement on which the entity bid or quoted, and when
4. Entity's status as an MBE/WBE or non-MBE/WBE

G. Electronic and information Technology (EIT) Accessibility: RECIPIENTS shall ensure that loan funds provided under this agreement for costs in the development or purchase of EIT systems or products provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology as per Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7. Systems or products funded under this agreement must be designed to meet the diverse needs of users without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology.

H. Hotel-Motel Fire Safety Act: The RECIPIENT shall ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (15 USC 2225a, PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance, or to find other information about the Act. Pursuant to 15 USC 2225a.

I. Trafficking In Persons: The RECIPIENT and RECIPIENT employees that are private entities shall not engage in forms of trafficking in persons during the period of time this agreement is effective. This includes, but is not limited to, the procurement of a commercial sex act or forced labor. The RECIPIENT shall notify ECOLOGY immediately of any information received from any source alleging a violation under this provision.

SECTION 5: THE FOLLOWING CONDITIONS APPLY TO STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.

The RECIPIENT must submit the following documents/forms to ECOLOGY before this agreement is signed by ECOLOGY:

1. Financial Capability Assessment Documentation
2. Opinion of RECIPIENT's Legal Council
3. Authorizing Ordinance or Resolution
4. Federal Funding Accountability and Transparency Act (FFATA) Form
5. CWSRF Federal Reporting Information form available in EAGL
6. Fiscal Sustainability Plan Certification Form (only required if the project includes construction of a wastewater or stormwater facility construction)
7. Cost and Effectiveness Analysis Certification Form

A. Alteration and Eligibility of Project: During the term of this agreement, the RECIPIENT (1) shall not materially alter the design or structural character of the project without the prior written approval of ECOLOGY and (2) shall take no action which would adversely affect the eligibility of the project as defined by applicable funding program rules and state statutes, or which would cause a violation of any covenant, condition, or provision herein.

B. American Iron and Steel (Buy American): This loan provision applies to projects for the construction, alteration,

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maintenance, or repair of a “treatment works” as defined in the Federal Water Pollution Control Act (33 USC 1381 et seq.) The RECIPIENT shall ensure that all iron and steel products used in the project are produced in the United States. Iron and Steel products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. The RECIPIENT may request waiver from this requirement from the Administrator of the Environmental Protection Agency. The RECIPIENT must coordinate all waiver requests through ECOLOGY. This provision does not apply if the engineering plans and specifications for the project were approved by ECOLOGY prior to January 17, 2014. ECOLOGY reserves the right to request documentation of RECIPIENT’S compliance with this provision.

C. Authority of RECIPIENT: This agreement is authorized by the Constitution and laws of the state of Washington, including the RECIPIENT’s authority, and by the RECIPIENT pursuant to the authorizing ordinance or resolution. The RECIPIENT shall submit a copy of the authorizing ordinance or resolution to the ECOLOGY Financial Manager before this agreement shall be signed by ECOLOGY.

D. Equivalency Projects: (For designated equivalency projects only)

1. The RECIPIENT must procure architectural and engineering services in accordance with the federal requirements in Chapter 11 of Title 40, U.S.C. (see www.gpo.gov/fdsys/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitleI-chap11.pdf).

E. Fiscal Sustainability Plan Certification: The RECIPIENT shall submit a completed Fiscal Sustainability Plan Certification before this agreement is signed by ECOLOGY. The Fiscal Sustainability Plan Certification is available from the ECOLOGY Financial Manager or on the Water Quality Program website.

F. Funding Recognition and Outreach: In addition to Section 2.F of these Terms and Conditions, the RECIPIENT agrees to comply with the EPA SRF Signage Guidance in order to enhance public awareness of EPA assistance agreements nationwide. The signage guidance can be found at:

<http://www.ecy.wa.gov/programs/wq/funding/FundPrgms/CWSRF/SignageGuidanceJune2015.pdf>.

G. Insurance: The RECIPIENT shall at all times carry fire and extended insurance coverage, public liability, and property damage, and such other forms of insurance with responsible insurers and policies payable to the RECIPIENT on such of the buildings, equipment, works, plants, facilities, and properties of the Utility as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, and against such claims for damages as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, or it shall self-insure or participate in an insurance pool or pools with reserves adequate, in the reasonable judgment of the RECIPIENT, to protect it against loss.

H. Litigation Authority: No litigation is now pending, or to the RECIPIENT’S knowledge, threatened, seeking to restrain, or enjoin:

- (i) the execution of this agreement; or
- (ii) the fixing or collection of the revenues, rates, and charges or the formation of the ULID and the levy and collection of ULID Assessments therein pledged to pay the principal of and interest on the loan (for revenue secured lien obligations); or
- (iii) the levy and collection of the taxes pledged to pay the principal of and interest on the loan (for general obligation-secured loans and general obligation payable from special-assessment-secured loans); or
- (iv) in any manner questioning the proceedings and authority under which the agreement, the loan, or the project are authorized. Neither the corporate existence, or boundaries of the RECIPIENT nor the title of its present officers to their respective offices is being contested. No authority or proceeding for the execution of this agreement has been repealed, revoked, or rescinded.

I. Loan Interest Rate and Terms: This loan agreement shall remain in effect until the date of final repayment of the loan, unless terminated earlier according to the provisions herein.

When the Project Completion Date has occurred, ECOLOGY and the RECIPIENT shall execute an amendment to this loan agreement which details the final loan amount (Final Loan Amount), and ECOLOGY shall prepare a final loan repayment schedule. The Final Loan Amount shall be the combined total of actual disbursements made on the loan and all accrued

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interest to the computation date.

The Estimated Loan Amount and the Final Loan Amount (in either case, as applicable, a "Loan Amount") shall bear interest based on the interest rate identified in this agreement as the "Effective Interest Rate," per annum, calculated on the basis of a 365 day year. Interest on the Estimated Loan Amount shall accrue from and be compounded monthly based on the date that each payment is mailed to the RECIPIENT. The Final Loan Amount shall be repaid in equal installments, semiannually, over the term of this loan "Loan Term" as outlined in this agreement.

J. Loan Repayment:

Sources of Loan Repayment

1. Nature of RECIPIENT's Obligation. The obligation of the RECIPIENT to repay the loan from the sources identified below and to perform and observe all other agreements and obligations on its part, contained herein, shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind. To secure the repayment of the loan from ECOLOGY, the RECIPIENT agrees to comply with all of the covenants, agreements, and attachments contained herein.

2. For General Obligation. This loan is a General Obligation Debt of the RECIPIENT.

3. For General Obligation Payable from Special Assessments. This loan is a General Obligation Debt of the RECIPIENT payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

4. For Revenue-Secured: Lien Position. This loan is a Revenue-Secured Debt of the RECIPIENT's Utility. This loan shall constitute a lien and charge upon the Net Revenue junior and subordinate to the lien and charge upon such Net Revenue of any Senior Lien Obligations.

In addition, if this loan is also secured by Utility Local Improvement Districts (ULID) Assessments, this loan shall constitute a lien upon ULID Assessments in the ULID prior and superior to any other charges whatsoever.

5. Other Sources of Repayment. The RECIPIENT may repay any portion of the loan from any funds legally available to it.

6. Defeasance of the Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT shall not be entitled to, and shall not affect, an economic Defeasance of the loan. The RECIPIENT shall not advance refund the loan.

If the RECIPIENT defeases or advance refunds the loan, it shall be required to use the proceeds thereof immediately upon their receipt, together with other available RECIPIENT funds, to repay both of the following:

(i) The Loan Amount with interest

(ii) Any other obligations of the RECIPIENT to ECOLOGY under this agreement, unless in its sole discretion ECOLOGY finds that repayment from those additional sources would not be in the public interest.

Failure to repay the Loan Amount plus interest within the time specified in ECOLOGY's notice to make such repayment shall incur Late Charges and shall be treated as a Loan Default.

7. Refinancing or Early Repayment of the Project. So long as ECOLOGY shall hold this loan, the RECIPIENT shall give ECOLOGY thirty days written notice if the RECIPIENT intends to refinance or make early repayment of the loan.

Method and Conditions on Repayments

1. Semiannual Payments. Notwithstanding any other provision of this agreement, the first semiannual payment of principal and interest on this loan shall be due and payable no later than one year after the project completion date or initiation of operation date, whichever comes first.

Thereafter, equal payments shall be due every six months.

If the due date for any semiannual payment falls on a Saturday, Sunday, or designated holiday for Washington State agencies, the payment shall be due on the next business day for Washington State agencies.

Payments shall be mailed to:

Department of Ecology
Cashiering Unit
P.O. Box 47611

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Olympia WA 98504-7611

In lieu of mailing payments, electronic fund transfers can be arranged by working with ECOLOGY's Financial Manager. No change to the amount of the semiannual principal and interest payments shall be made without a mutually signed amendment to this agreement. The RECIPIENT shall continue to make semiannual payments based on this agreement until the amendment is effective, at which time the RECIPIENT's payments shall be made pursuant to the amended agreement.

2. Late Charges. If any amount of the Final Loan Amount or any other amount owed to ECOLOGY pursuant to this agreement remains unpaid after it becomes due and payable, ECOLOGY may assess a late charge. The late charge shall be one percent per month on the past due amount starting on the date the debt becomes past due and until it is paid in full.

3. Repayment Limitations. Repayment of the loan is subject to the following additional limitations, among others: those on defeasance, refinancing and advance refunding, termination, and default and recovery of payments.

4. Prepayment of Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT may prepay the entire unpaid principal balance of and accrued interest on the loan or any portion of the remaining unpaid principal balance of the Loan Amount. Any prepayments on the loan shall be applied first to any accrued interest due and then to the outstanding principal balance of the Loan Amount. If the RECIPIENT elects to prepay the entire remaining unpaid balance and accrued interest, the RECIPIENT shall first contact ECOLOGY's Revenue/Receivable Manager of the Fiscal Office.

K. Loan Security

Due Regard: For loans secured with a Revenue Obligation: The RECIPIENT shall exercise due regard for Maintenance and Operation Expense and the debt service requirements of the Senior Lien Obligations and any other outstanding obligations pledging the Gross Revenue of the Utility, and it has not obligated itself to set aside and pay into the loan Fund a greater amount of the Gross Revenue of the Utility than, in its judgment, shall be available over and above such Maintenance and Operation Expense and those debt service requirements.

Where collecting adequate gross utility revenue requires connecting additional users, the RECIPIENT shall require the sewer system connections necessary to meet debt obligations and expected operation and maintenance expenses.

Levy and Collection of Taxes (if used to secure the repayment of the loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of its electors on all of the taxable property within the boundaries of the RECIPIENT in an amount sufficient, together with other money legally available and to be used therefore, to pay when due the principal of and interest on the loan, and the full faith, credit and resources of the RECIPIENT are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

Not an Excess Indebtedness: For loans secured with a general obligation pledge or a general obligation pledge on special assessments: The RECIPIENT agrees that this agreement and the loan to be made do not create an indebtedness of the RECIPIENT in excess of any constitutional or statutory limitations.

Pledge of Net Revenue and ULID Assessments in the ULID (if used to secure the repayment of this loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges the Net Revenue of the Utility, including applicable ULID Assessments in the ULID, to pay when due the principal of and interest on the loan.

Utility Local Improvement District (ULID) Assessment Collection (if used to secure the repayment of the loan): All ULID Assessments in the ULID shall be paid into the Loan Fund and used to pay the principal of and interest on the loan.

L. Maintenance and Operation of a Funded Utility: The RECIPIENT shall, at all times, maintain and keep the funded Utility in good repair, working order, and condition.

M. Opinion of RECIPIENT's Legal Counsel: The RECIPIENT must submit an "Opinion of Legal Counsel to the RECIPIENT" to ECOLOGY before this agreement will be signed. ECOLOGY will provide the form.

N. Prevailing Wage (Davis-Bacon Act): The RECIPIENT agrees, by signing this agreement, to comply with the Davis-Bacon Act prevailing wage requirements. This applies to the construction, alteration, and repair of treatment works carried out, in whole or in part, with assistance made available by the State Revolving Fund as authorized by Section 513, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1372). Laborers and mechanics employed by contractors and

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subcontractors shall be paid wages not less often than once a week and at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor.

The RECIPIENT shall obtain the wage determination for the area in which the project is located prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation). These wage determinations shall be incorporated into solicitations and any subsequent contracts. The RECIPIENT shall ensure that the required EPA contract language regarding Davis-Bacon Wages is in all contracts and sub contracts in excess of \$2,000. The RECIPIENT shall maintain records sufficient to document compliance with the Davis-Bacon Act, and make such records available for review upon request.

The RECIPIENT also agrees, by signing this agreement, to comply with State Prevailing Wages on Public Works, Chapter 39.12 RCW, as applicable. Compliance may include the determination whether the project involves “public work” and inclusion of the applicable prevailing wage rates in the bid specifications and contracts. The RECIPIENT agrees to maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and make such records available for review upon request.

O. Progress Reports: RECIPIENTS funded with State Revolving Fund Loan or Forgivable Principal shall include the following verification statement in the “General Comments” text box of each progress report.

“We verify that we are in compliance with all the requirements as outlined in our funding agreement(s) with the Department of Ecology. This includes but is not limited to:

- The Davis-Bacon Act, 29 CFR (If applicable)
- Washington State Prevailing Wage Rate, Chapter 39.12 RCW (Pertaining to all recipients)
- The Disadvantaged Business Enterprise (DBE), 40 CFR, Part 33”

P. Representations and Warranties: The RECIPIENT represents and warrants to ECOLOGY as follows:

Application: Material Information. All information and materials submitted by the RECIPIENT to ECOLOGY in connection with its loan application were, when made, and are, as of the date the RECIPIENT signs this agreement, true and correct. There is no material adverse information relating to the RECIPIENT, the project, the loan, or this agreement known to the RECIPIENT, which has not been disclosed in writing to ECOLOGY.

Existence; Authority. It is a duly formed and legally existing municipal corporation or political subdivision of the state of Washington or a federally recognized Indian Tribe. It has full corporate power and authority to execute, deliver, and perform all of its obligations under this agreement and to undertake the project identified herein.

Certification. Each payment request shall constitute a certification by the RECIPIENT to the effect that all representations and warranties made in this loan agreement remain true as of the date of the request and that no adverse developments, affecting the financial condition of the RECIPIENT or its ability to complete the project or to repay the principal of or interest on the loan, have occurred since the date of this loan agreement. Any changes in the RECIPIENT’s financial condition shall be disclosed in writing to ECOLOGY by the RECIPIENT in its request for payment.

Q. Sale or Disposition of Funded Utility: The RECIPIENT shall not sell, transfer, or otherwise dispose of any of the works, plant, properties, facilities, or other part of the funded Utility or any real or personal property comprising a part of the funded Utility unless:

1. The facilities or property transferred are not material to the operation of the funded Utility, or have become unserviceable, inadequate, obsolete, or unfit to be used in the operation of the funded Utility or are no longer necessary, material, or useful to the operation of the funded Utility; or
2. The aggregate depreciated cost value of the facilities or property being transferred in any fiscal year comprises no more than three percent of the total assets of the funded Utility; or
3. The RECIPIENT receives from the transferee an amount equal to an amount which will be in the same proportion to the net amount of Senior Lien Obligations and this LOAN then outstanding (defined as the total amount outstanding less the amount of cash and investments in the bond and loan funds securing such debt) as the Gross Revenue of the funded Utility from the portion of the funded Utility sold or disposed of for the preceding year bears to the total Gross Revenue for that period.

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4. Expressed written agreement by the ECOLOGY-

The proceeds of any transfer under this paragraph must be used (1) to redeem promptly, or irrevocably set aside for the redemption of, Senior Lien Obligations and to redeem promptly the loan, and (2) to provide for part of the cost of additions to and betterments and extensions of the Utility.

R. Sewer-Use Ordinance or Resolution for Funded Wastewater Facility Projects: If not already in existence, the RECIPIENT shall adopt and shall enforce a sewer-use ordinance or resolution. Such ordinance or resolution shall be submitted to ECOLOGY upon request.

The sewer use ordinance must include provisions to:

- 1) Prohibit the introduction of toxic or hazardous wastes into the RECIPIENT's sewer system.
- 2) Prohibit inflow of stormwater into separated sewer systems.
- 3) Require that new sewers and connections be properly designed and constructed.

S. Termination and Default:

Termination and Default Events

1. For Insufficient ECOLOGY or RECIPIENT Funds. ECOLOGY may terminate this loan agreement for insufficient ECOLOGY or RECIPIENT funds.
2. For Failure to Commence Work. ECOLOGY may terminate this loan agreement for failure of the RECIPIENT to commence project work.
3. Past Due Payments. The RECIPIENT shall be in default of its obligations under this loan agreement when any loan repayment becomes 60 days past due.
4. Other Cause. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance in full by the RECIPIENT of all of its obligations under this loan agreement. The RECIPIENT shall be in default of its obligations under this loan agreement if, in the opinion of ECOLOGY, the RECIPIENT has unjustifiably failed to perform any obligation required of it by this loan agreement.

Procedures for Termination. If this loan agreement is terminated prior to project completion, ECOLOGY shall provide to the RECIPIENT a written notice of termination at least five working days prior to the effective date of termination (the "Termination Date"). The written notice of termination by the ECOLOGY shall specify the Termination Date and, when applicable, the date by which the RECIPIENT must repay any outstanding balance of the loan and all accrued interest (the "Termination Payment Date").

Termination and Default Remedies

No Further Payments. On and after the Termination Date, or in the event of a default event, ECOLOGY may, at its sole discretion, withdraw the loan and make no further payments under this agreement.

Repayment Demand. In response to an ECOLOGY initiated termination event, or in response to a loan default event, ECOLOGY may at its sole discretion demand that the RECIPIENT repay the outstanding balance of the Loan Amount and all accrued interest.

Interest after Repayment Demand. From the time that ECOLOGY demands repayment of funds, amounts owed by the RECIPIENT to ECOLOGY shall accrue additional interest at the rate of one percent per month, or fraction thereof.

Accelerate Repayments. In the event of a default, ECOLOGY may, in its sole discretion, declare the principal of and interest on the loan immediately due and payable, subject to the prior lien and charge of any outstanding Senior Lien Obligation upon the Net Revenue. That is, the loan is not subject to acceleration so long as any Senior Lien Obligations are outstanding.

Repayments not made immediately upon such acceleration will incur Late Charges.

Late Charges. All amounts due to ECOLOGY and not paid by the RECIPIENT by the Termination Payment Date or after acceleration following a default event, as applicable, shall incur late charges.

Intercept State Funds. In the event of a default event and in accordance with Chapter 90.50A.060 RCW, "Defaults," any state funds otherwise due to the RECIPIENT may, at ECOLOGY's sole discretion, be withheld and applied to the repayment

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of the loan.

Property to ECOLOGY. In the event of a default event and at the option of ECOLOGY, any personal property (equipment) acquired under this agreement may, in ECOLOGY's sole discretion, become ECOLOGY's property. In that circumstance, ECOLOGY shall reduce the RECIPIENT's liability to repay money by an amount reflecting the fair value of such property. Documents and Materials. If this agreement is terminated, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT shall, at the option of ECOLOGY, become ECOLOGY property. The RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Collection and Enforcement Actions. In the event of a default event, the state of Washington reserves the right to take any actions it deems necessary to collect the amounts due, or to become due, or to enforce the performance and observance of any obligation by the RECIPIENT, under this agreement.

Fees and Expenses. In any action to enforce the provisions of this agreement, reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of legal staff) shall be awarded to the prevailing party as that term is defined in Chapter 4.84.330 RCW.

Damages. Notwithstanding ECOLOGY's exercise of any or all of the termination or default remedies provided in this agreement, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and/or the state of Washington because of any breach of this agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

T. User-Charge System for Funded Utilities: The RECIPIENT certifies that it has the legal authority to establish and implement a user-charge system and shall adopt a system of user-charges to assure that each user of the funded utility shall pay its proportionate share of the cost of operation and maintenance, including replacement during the design life of the project. The user-charge system will include provisions for a connection charge.

In addition, the RECIPIENT shall regularly evaluate the user-charge system, at least annually, to ensure the system provides adequate revenues necessary to operate and maintain the funded utility, to establish reserves to pay for replacement, and to repay the loan.

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a

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person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING

REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrs.gov <http://www.fsrs.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsrs.gov <http://www.fsrs.gov>.

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GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS AS OF LAST UPDATED 7-1-2019 VERSION

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. The RECIPIENT must agree to hold harmless the State of Washington in relation to any claim related to historical or cultural artifacts discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - For capital construction projects or land acquisitions for capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.
 - For projects with any federal involvement, if required, comply with the National Historic Preservation Act.
 - Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.

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- Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff and contractors working at the project site.
 - Implement the IDP when cultural resources or human remains are found at the project site.
- c) If any archeological or historic resources are found while conducting work under this Agreement:
- Immediately stop work and notify the ECOLOGY Program, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement:
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.
- j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of

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Washington which affect wages and job safety.

- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review. The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in

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accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at:

<http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

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RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through

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September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.

e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.

b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.

c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

a) Be kept in a manner which provides an audit trail for all expenditures.

b) Be kept in a common file to facilitate audits and inspections.

c) Clearly indicate total receipts and expenditures related to this Agreement.

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d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder. RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and

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imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the agreement and any amendments. If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

Agreement No: WQC-2021-FircPW-00004

Project Title: Installation of Pre-Treatment Stormwater Outfalls to Leach Creek

Recipient Name: City of Fircrest

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

**NEW BUSINESS: Washington Traffic Safety Commission Interagency Agreement
ITEM 13G****FROM: John Cheesman, Police Chief**

RECOMMENDED MOTION: I move to adopt Resolution No._____, authorizing the City Manager to execute an interagency agreement with the Washington Traffic Safety Commission allowing the Fircrest Police Department to assist in multi-jurisdictional DUI, Motor Cycle and Distracted Driving patrols.

PROPOSAL: The Council is being asked to adopt a resolution allowing the City Manager to execute an Interagency Agreement with the Washington Traffic Safety Commission allowing the City of Fircrest Police Department to assist in multi-jurisdictional DUI, distracted driving, and motorcycle patrols.**FISCAL IMPACT:** We will be able to put additional officers on the street at little cost to our citizens. If approved, we will be receiving a grant to participate in various emphasis patrols. We will receive \$2,500 to participate in distracted driving patrols, \$600 to participate in motorcycle safety patrols, and \$8,000 to participate in DUI patrols. The grant money will be used to pay for the officer's overtime and benefits. This is a total of \$11,100.00.**ADVANTAGE:** Additional officers on the street at no direct cost to our citizens. This program has enabled us to put extra officers on the City of Fircrest streets at very little cost to our taxpayers. We have found this program to be very beneficial for our city. By participating in this program, our officers have made a positive statement to our community that we care about their safety and want them to pay attention while driving and that we will not tolerate DUI and or drugged driving. This is a wonderful program, which has been very well received and enthusiastically approached by our officers. By continuing to be a member of this multi-agency task force, we will be provided a great opportunity to work with and form close ties with officers from other jurisdictions around Pierce County.**DISADVANTAGES:** None identified.**ALTERNATIVES:** Not to participate in the DUI emphasis patrols.**HISTORY:** Since 1998, the Fircrest Police Department has been participating with other agencies from around Puget Sound in doing traffic emphasis patrols. Many of the emphasis patrols will be conducted in our City and some will be targeted in other areas of the County. In support of this program, police agencies in Pierce County conduct traffic safety emphasis patrols on various nights throughout the year. Traditionally the most dangerous times of the year for motorists are selected to put extra officers on the street. We have been fortunate to receive grant dollars from the Washington Traffic Safety Commission to pay for the extra patrols.

The Interagency Agreement asks us to participate in DUI and other emphasis patrols during the following time frames:

- Holiday DUI Patrols: December 11 to January 2
- Distracted Driving Patrols: April 1 - April 19
- It's a Fine Line: July 11 - July 27
- Drive Sober or Get Pulled Over - August 20 - September 6
- U Drive. U Text. U Pay: October 5 – October 12

We will also be hosting an emphasis patrol during the weekend Cinco de Mayo is celebrated.

ATTACHMENTS: [Resolution](#)
[Interagency Agreement](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON AUTHORIZING THE CITY MANAGER TO EXECUTE
AN INTERAGENCY AGREEMENT WITH THE WASHINGTON
TRAFFIC SAFETY COMMISSION ALLOWING THE FIRCREST
POLICE DEPARTMENT TO ASSIST IN MULTI-JURISDICTIONAL
DUI, MOTORCYCLE, AND DISTRACTED DRIVING PATROLS.**

WHEREAS, the City of Fircrest is concerned about the safety of all its citizens and property;
and

WHEREAS, an entity known as the Washington Traffic Safety Commission has created the Tacoma/Pierce County DUI and Traffic Safety Task Force to assist in multi-jurisdictional high visibility emphasis patrols for the purpose of promoting the targeting, apprehending and successfully prosecuting as many DUI violators as possible and for participating in motorcycle, and distracted driving focused patrols as part of a statewide high-visibility enforcement campaign; and

WHEREAS, it is the desire of various law enforcement agencies within Pierce County to participate in such a task force; and

WHEREAS, multi-agency participation in such a task force is possible by virtue of the Washington Mutual Aid Peace Officer Powers Act set forth in Chapter 10.93 R.C.W. and the Interlocal Cooperation Act set forth in Chapter 39.34 R.C.W. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute an Inter-agency Agreement with the Washington Traffic Safety Commission.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 8th day of December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

INTERAGENCY AGREEMENT

BETWEEN THE

Washington Traffic Safety Commission

AND

THIS AGREEMENT is made and entered into by and between the Washington Traffic Safety Commission, hereinafter referred to as “WTSC,” and [REDACTED], hereinafter referred to as “SUB-RECIPIENT.”

NOW THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the Parties mutually agree as follows:

1. PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to provide funding, provided by the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) and allowed under the Assistance Listings Catalog of Federal Domestic Assistance (CFDA) numbers 20.600 and 20.616, for traffic safety grant project **2021-HVE-4094-Region 5 Target Zero Task Force**, specifically to provide funding for the law enforcement agencies in WTSC Region 5 to conduct overtime high-visibility enforcement (HVE) traffic safety emphasis patrols as outlined in the Statement of Work (SOW), in support of Target Zero priorities. The Target Zero Manager (TzM) and/or the Law Enforcement Liaison (LEL) shall coordinate the SOW with the SUB-RECIPIENT with the goal of reducing traffic crashes.

Grant **2021-HVE-4094-Region 5 Target Zero Task Force** was awarded to the **Region 5** to support collaborative efforts to conduct HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in the region’s HVE grant.

2. PERIOD OF PERFORMANCE

The period of performance of this Agreement shall commence upon the date of execution by both Parties, but not earlier than October 1, 2020, and remain in effect until September 30, 2021, unless terminated sooner, as provided herein.

3. STATEMENT OF WORK

SCOPE OF WORK:

Note: This statement of work applies only to High Visibility Emphasis patrols (HVE) for traffic safety areas which your region has received HVE funding.

GOAL: To prevent traffic crashes to reduce traffic related deaths and serious injuries through increased enforcement.

STRATEGY: Prevent drivers from engaging in high risk behaviors by increasing their perception of the risk of receiving a citation through high visibility enforcement campaigns (HVE). HVE Campaigns influence driver behavior by creating the perception that there is an increased risk of engaging in risky driving behaviors. This perception is achieved through 1) an increase in media messages about upcoming emphasis periods so that the targeted drivers know when the patrols will occur and what will be enforced and 2) during the patrols drivers have the perception of increased enforcement because they can see a significant and noticeable increase in law enforcement presence (officers pulling cars over) that reinforces the media messages they received and influences them to modify their driving behavior.

OBJECTIVES: Research and experience has shown that the strategy is only effective if all partners that engage in HVE adhere to these requirements. The SUB-RECIPIENT agrees to follow all seven of these requirements.

1. Implement the mobilization plan developed by the local traffic safety task force for each HVE event that includes:
 - a. Problem Statement
 - b. Description of enforcement strategy, including expected law enforcement agencies participating in the event, target violation, and target locations so that the HVE has the greatest chance of preventing traffic crashes.
 - c. Public outreach strategy that targets the drivers most likely to contribute to traffic crashes.
 - d. Evaluation plan
2. The event is data driven. This means data (such as traffic crash data) is used to identify the locations where the HVE should occur and drivers with the highest potential of causing traffic crashes.
3. The enforcement is multijurisdictional and uses a saturation approach. This means SUB-RECIPIENT is coordinating its efforts with adjacent law enforcement agencies so that the driving public has the perception of law enforcement omnipresence on the targeted roads. Enforcement is highly visible – clearly more than a typical day. WTSC proposes that no less than three officers work an HVE.
4. Each participating officer will make at least 3 contacts per hour.
5. The public is made aware of the event before, during, and after the enforcement takes place. This means that messages reach all target audiences in the community, regardless of English proficiency, who use the targeted transportation system. The WTSC will conduct statewide public education campaigns during national campaigns, but it is the responsibility of the SUB-RECIPIENT and task force to ensure that all elements of HVE are being met.
6. Local media are highly involved in the effort to reach communities in which HVE will occur.

7. The SUB-RECIPIENT deploys resources to enforce traffic laws in priority areas throughout the year when HVE is not being implemented.

ADDITIONAL REQUIREMENTS FOR ALL HVE EVENTS:

In addition to the seven critical elements, SUB-RECIPIENT agrees to all of the following requirements for all HVE events.

1. To use the WEMS system provided by the WTSC to record all activities conducted by their commissioned officers pursuant to the HVE events. SUB-RECIPIENT will also ensure all supervisors and fiscal staff have the ability to review and edit those activity logs.
2. All participating staff receive a briefing prior to the event so that every participant understands and can explain all of the items on the briefing list below. This can be done in person (preferred) or electronic via telephone, email, or virtually.
 - Purpose, goals, strategy, and objectives of the specific HVE event with a focus on the targeted locations and driving behaviors
 - List of on-call DREs and request procedures
 - How to fill out their digital activity log in WEMS
 - Information on how the Mobile Impaired Driving Unit will be used (if applicable)
 - Dispatch information
 - All Participating officers
 - Spotter processes (if applicable)
 - Available Draeger machines and locations
3. All officers participating in these patrols are BAC certified and passed the SFST refresher training within the prior three years (this is regardless of ARIDE or DRE Training mentioned below).
4. To utilize all available media platforms it has available (website, email newsletters, social media etc...) to the fullest extent to publicize the HVE events.
5. Make at least one individual available for weekend media contacts, beginning at noon on Fridays before HVE mobilizations.

ADDITIONAL REQUIREMENTS FOR SPECIFIC HVE EVENTS

In addition to the seven critical elements, and the additional requirements of all HVE events, the SUB-RECIPIENT agrees to all of the following requirements for each type of specific HVE in which they will participate.

1. IMPAIRED DRIVING:
 - a. Impaired driving HVE events must begin after 8:00 p.m. and occur between Thursday-Sunday.
 - b. SUB-RECIPIENT will ensure participating officers have made a DUI/DWI arrest within the past twelve months.

- c. SUB-RECIPIENT will participate in national impaired driving HVE events including:
 - i. Holiday DUI Patrols (December 11 – January 2)
 - ii. Drive Sober or Get Pulled Over (August 20 – September 6)

2. DISTRACTED DRIVING

- a. Distracted driving HVE events will be conducted using a team approach with designated spotters.
- b. SUB-RECIPIENT will participate in national impaired driving HVE events including:
 - i. U Drive. U Text. U Pay. (October 5 – 12)
 - ii. On the Road, Off the Phone (April 1 – 19)

3. MOTORCYCLE SAFETY PATROLS

- a. Patrols will focus on the illegal and unsafe driving actions of motorcycles that are known to cause serious and fatal crashes. This includes impaired driving, speeding, and following too closely.
- b. Patrols will focus on the illegal and unsafe driving actions of all other motor vehicles when relating to motorcycles. This includes speeding, failure to yield to a motorcycle, following too closely to a motorcycle, distracted driving, etc.
- c. SUB-RECIPIENT will utilize motorcycle officers in these patrols to the fullest extent possible.
- d. The SUB-RECIPIENT will engage in multijurisdictional HVE patrols, as part of a regional or national effort, for all or part of the following campaigns:
 - i. It's a Fine Line – July 11 – 27, 2021. Note: Patrols must take place Friday, Saturday, or Sunday during the campaign.
 - ii. Oyster Run Event – Summer 2021 (Region 11 only)
 - iii. ABATE Spring Opener – Summer 2021 (Region 12 only)
 - iv. Ocean Shores Motorcycle Event (formerly Bikers at the Beach) – Summer 2021 (Region 2 only)

OTHER CONSIDERATIONS, EXCEPTIONS, AND NOTES REGARDING HVE EVENTS

At least three contacts per hour requirement explained:

- Participating law enforcement officers should make as many contacts as they can during their OT patrol in the spirit of changing driving behavior.
- They must make a minimum of three self-initiated contacts per hour of enforcement unless they engage in a related enforcement activity that prevents them from doing so – in which case, the contact requirement is waived while the officer is addressing that activity. For example, if an officer stops a vehicle and arrests the driver for DUI, he/she is not required to make three contacts per hour for the time spent processing the DUI.
- Other activities, such as collision investigations or emergency response that are not initiated through emphasis patrol contact WILL NOT be reimbursed.

Impaired Driving HVE events:

- The WTSC encourages participation from officers who have successfully completed Advanced Roadside Impaired Driving Enforcement (ARIDE) or are a certified Drug Recognition Expert.

- Exceptions to any impaired driving HVE requirements must be submitted to the WTSC HVE Program Manager for approval.
- Funding in this category can be expended outside of the campaign periods. However, the funds must only be used for impaired driving enforcement and during another national impaired driving enforcement campaign or other large local event/mobilization. Participation during Holiday DUI Patrols and Drive Sober or Get Pulled Over should be prioritized when scheduling enforcement dates.
- The WTSC encourages law enforcement agencies to use this funding to support the professional growth of officers with limited exposure to impaired driving enforcement. With the approval of the region's TZM and WTSC, officers can participate in mentoring for impaired driving enforcement. Requirements for this use of funds include the following:
 - WTSC approval for impaired driving mentorship is done through the HVE Mobilization Plan. Approval for mentorship must be received prior to the activity date.
 - The training officer must be a Drug Recognition Expert or ARIDE trained. TZMs can submit a request for an officer who doesn't meet these requirements to be a mentor. This request must be detailed on the HVE Mobilization Plan.
 - There must be a review of the SFST procedure prior to the enforcement activity.
 - There is a limit of two times per year that an officer can be a mentee.
 - Funds permitting, it is expected that mentees will participate in at least one impaired driving mobilization after completing mentoring.
 - Each region or county-level task force can set additional requirements for participation in this use of funding.
 - To be eligible for this activity, the task force must have a policy for DUI Mentoring. WTSC will provide a model DUI Mentoring policy if requested.
 - Funding will pay for overtime for the mentor officer and the mentee officer.
- This funding can be used to conduct premises checks (such as the Home Safe Bar Program) in bars and other establishments that sell alcohol. To be used for this purpose, the activity must meet the following requirements:
 - Approval for this activity must be done through the HVE Mobilization Plan. This plan must be received by WTSC at least 2 weeks prior to the activity date. It should include details such as the estimated number of hours and officers who will be participating in this activity. It should also include a plan for what officers will discuss with the establishment (Ex. distributing coasters, HVE dedication materials, mobilization creative, etc.)
 - Each establishment is counted as one contact on the Officer Activity Log.
 - The WA Liquor and Cannabis Board should be notified in advance of this activity to encourage collaboration and support.
- These funds can be used for DUI warrant round-up events. Prior approval is needed for these activities and must include evidence of thorough planning to include a threat matrix on warrant suspects, most current address information obtained through the court or local record management system and current Department of Licensing or booking photos on warrant suspects available.

Distracted Driving HVE Events:

- With the State of Washington's distracted driving law, these patrols will be important to ensure through education and enforcement that drivers understand and are following the new law ([RCW 46.61.672](#)).

- These patrols shall be deployed at locations where the data indicates that the most traffic safety benefit can be realized as determined by the local Traffic Safety Task Force. Wherever possible these patrols shall occur in areas with the highest number of past distracted driving violations. This approach has shown to best identify distracted driving violations.
- Spotter Requirement Explained: A distracted driving HVE patrol must consist of at least three officers – one spotter and at least two officers responding to violations.
- This funding can be expended outside of the national campaigns, but the funds must only be used for distracted driving HVE enforcement.

Motorcycle Safety HVE Events:

- Patrols must take place Friday, Saturday, or Sunday during the It's a Fine Line campaign, however the local Traffic Safety Task Force can request to conduct patrols during other days in the week if data shows the need for this. These requests must be sent to the WTSC Program Manager managing the Motorcycle Safety program prior to the enforcement dates.
- During special events, patrols should be scheduled during the dates of the event and could start one day before the official event start date and end one day after the official event end date.

3.1. MILESTONES AND DELIVERABLES

Mobilization

U Drive. U Text. U Pay.

DUI Holiday Patrols

On the Road, Off the Phone

It's a Fine Line

DUI Drive Sober or Get Pulled Over

Dates

October 5 – 12

December 11 - January 2

April 1 - 19

July 11 - 27

August 20 - September 6

3.2. COMPENSATION

3.2.1. Compensation for the overtime work provided in accordance with this Agreement has been established under the terms of RCW 39.34. The cost of accomplishing the work described in the SOW will not exceed dollar total from amounts listed below. Payment for satisfactory performance of the overtime work shall not exceed this amount unless the WTSC and SUB-RECIPIENT mutually agree to a higher amount in a written Amendment to this Agreement executed by both the WTSC and SUB-RECIPIENT. Comp-time is not considered overtime and will not be approved for payment. All law enforcement agencies who are active members of the Region 5 traffic safety task force with a fully executed grant agreement are eligible to participate in this grant.

3.2.2. WTSC will reimburse for personnel overtime expenses at 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following:

- FICA
- Medicare
- Any portion of L & I that is paid by the employer (SUB-RECIPIENT)

- Retirement contributions paid by the employer (SUB-RECIPIENT) can be included if the contribution is based on a percentage of their hours worked

Health insurance, or any other benefits not listed above, are not eligible for reimbursement.

The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, portable breath testers, etc.) to participate in the emphasis patrols.

3.2.3. Funding alterations are permitted as follows: Upon agreement by the regional TZM and all other parties impacted by a proposed budget alteration, the allocation amounts may be increased or decreased without amending this agreement. HVE grant funds should be managed collaboratively by the SUB-RECIPIENT and the TZM.

These alterations must be requested through email communication among all involved parties, including the TZM, and the WTSC Fiscal Analyst. This communication shall include an HVE Allocation Adjustment form, which details the funding alterations.

Funds within the same HVE campaign budget category only, can be increased and decreased across parties, so long as the modified total does not exceed the regional total allocation per funding category.

3.2.4. These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

3.2.5. Dispatch: WTSC will reimburse communications officers/dispatch personnel for work on this project providing SUB-RECIPIENT has received prior approval from their region's TZM. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.6. Transport Officers: WTSC will reimburse transport officers for their work on this project providing SUB-RECIPIENT has received approval from their regions TZM. The TZM will work with the regional LEL to determine if need is warranted for the type of HVE activity. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.7. The law enforcement agency involved will not schedule individual officer overtime shifts for longer than eight hours. WTSC understands there may be instances when more than eight hours are billed due to DUI processing or other reasons and an explanation should be provided on the WEMS Officer Activity Log.

3.2.8. The law enforcement agency involved will ensure that any reserve officer for whom reimbursement is claimed has exceeded his/her normal weekly working hours when participating in an emphasis patrol and is authorized to be paid at the amount requested. Reserve officers may only be paid at the normal hourly rate and not at the 150 percent overtime rate.

3.3. SUMMARY OF PROJECT COSTS

The WTSC has awarded **\$151,000.00** to the **Region 5 Traffic Safety Task Force** for the purpose of conducting coordinated overtime HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in this grant. All activity must be coordinated by the region's traffic safety task force and TZM in order to be eligible for reimbursement.

The funding for **Region 5** is as follows:

EMPHASIS PATROL

Impaired Driving Patrols (Section 402, CFDA 20.600)	\$100,000.00
Distracted Driving Patrols (Section 402, CFDA 20.600)	\$31,000.00
Motorcycle Safety (164 Funds, CFDA 20.608)	\$20,000.00

3.3.1. The funds issued under this Agreement are only to be used for the specified category and shall not be commingled between categories.

APPLICABLE STATE AND FEDERAL TERMS AND CONDITIONS:

4. ACTIVITY REPORTS

The SUB-RECIPIENT agrees to have all personnel who work HVE patrols submit a WEMS Officer Activity Log within 24 hours of the end of all shifts worked. These same logs will be associated with invoices as detailed in the "BILLING PROCEDURE" section. Use of the Officer Activity Log in the WTSC's online grant management system, WEMS, is required. Supervisor review and accuracy certification will also be done in WEMS.

5. ADVANCE PAYMENTS PROHIBITED

No payments in advance of or in anticipation of goods or services to be provided under this Agreement shall be made by the WTSC.

6. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties in the form of a written request to amend this Agreement. Such amendments shall only be binding if they are in writing and signed by personnel authorized to bind each of the Parties. Changes to the budget, SUB-RECIPIENT'S Primary Contact, and WTSC Program Manager can be made through email communication and signatures are not required.

7. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings,

oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

8. ASSIGNMENT

The SUB-RECIPIENT may not assign the work to be provided under this Agreement, in whole or in part, without the express prior written consent of the WTSC, which consent shall not be unreasonably withheld. The SUB-RECIPIENT shall provide the WTSC a copy of all third-party contracts and agreements entered into for purposes of fulfilling the SOW. Such third-party contracts and agreements must follow applicable federal, state, and local law, including but not limited to procurement law, rules, and procedures. If any of the funds provided under this Agreement include funds from NHTSA, such third-party contracts and agreements must include the federal provisions set forth in this Agreement in sections 34 through 42.

9. ATTORNEYS' FEES

In the event of litigation or other action brought to enforce the Agreement terms, each Party agrees to bear its own attorney fees and costs.

10. BILLING PROCEDURE

All invoices for reimbursement of HVE activities will be done using the WTSC's grant management system, WEMS. WEMS Officer Activity logs will be attached to invoices, directly linking the cost of the activity to the invoice. Because the activity, approval, and invoicing are all done within WEMS, no back up documentation is required in most cases.

Once submitted by the SUB-RECIPIENT, invoices are routed to the regional TZM for review and approval. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2021, **must be received by WTSC no later than August 10, 2021.** All invoices for goods received or services performed between July 1, 2021 and September 30, 2021, **must be received by WTSC no later than November 15, 2021.**

11. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

The SUB-RECIPIENT shall not use or disclose any information concerning the WTSC, or information which may be classified as confidential, for any purpose not directly connected with the administration of this Agreement, except with prior written consent of the WTSC, or as may be required by law.

12. COST PRINCIPLES

Costs incurred under this Agreement shall adhere to provisions of 2 CFR Part 200 Subpart E.

13. COVENANT AGAINST CONTINGENT FEES

The SUB-RECIPIENT warrants that it has not paid, and agrees not to pay, any bonus, commission, brokerage, or contingent fee to solicit or secure this Agreement or to obtain approval of any application for

federal financial assistance for this Agreement. The WTSC shall have the right, in the event of breach of this section by the SUB-RECIPIENT, to annul this Agreement without liability.

14. DISPUTES

14.1. Disputes arising in the performance of this Agreement, which are not resolved by agreement of the Parties, shall be decided in writing by the WTSC Deputy Director or designee. This decision shall be final and conclusive, unless within 10 days from the date of the SUB-RECIPIENT's receipt of WTSC's written decision, the SUB-RECIPIENT furnishes a written appeal to the WTSC Director. The SUB-RECIPIENT's appeal shall be decided in writing by the Director or designee within 30 days of receipt of the appeal by the Director. The decision shall be binding upon the SUB-RECIPIENT and the SUB-RECIPIENT shall abide by the decision.

14.2. Performance During Dispute. Unless otherwise directed by WTSC, the SUB-RECIPIENT shall continue performance under this Agreement while matters in dispute are being resolved.

15. GOVERNANCE

15.1. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

15.2. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

15.2.1. Applicable federal and state statutes and rules

15.2.2. Terms and Conditions of this Agreement

15.2.3. Any Amendment executed under this Agreement

15.2.4. Any SOW executed under this Agreement

15.2.5. Any other provisions of the Agreement, including materials incorporated by reference

16. INCOME

Any income earned by the SUB-RECIPIENT from the conduct of the SOW (e.g., sale of publications, registration fees, or service charges) must be accounted for, and that income must be applied to project purposes or used to reduce project costs.

17. INDEMNIFICATION

17.1. To the fullest extent permitted by law, the SUB-RECIPIENT shall indemnify and hold harmless the WTSC, its officers, employees, and agents, and process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs of whatsoever kind ("claims") brought against WTSC arising out of or in connection with this Agreement and/or the SUB-RECIPIENT's performance or failure to perform any aspect of the Agreement. This indemnity provision applies to all claims against WTSC, its officers, employees, and agents arising out of, in connection with, or incident to the acts or omissions of the SUB-RECIPIENT, its officers, employees, agents, contractors, and subcontractors. Provided, however, that nothing herein shall require the SUB-RECIPIENT to indemnify and hold harmless or defend the WTSC, its agents, employees, or officers to the extent that claims are caused by the negligent acts or omissions of the WTSC, its officers, employees or agents; and provided further that if such claims result from the concurrent negligence of (a) the SUB-RECIPIENT, its officers, employees, agents, contractors, or

subcontractors, and (b) the WTSC, its officers, employees, or agents, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors.

17.2. The SUB-RECIPIENT waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the WTSC, its officers, employees, or agents.

17.3. The indemnification and hold harmless provision shall survive termination of this Agreement.

18. INDEPENDENT CAPACITY

The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.

19. INSURANCE COVERAGE

19.1. The SUB-RECIPIENT shall comply with the provisions of Title 51 RCW, Industrial Insurance, if required by law.

19.2. If the SUB-RECIPIENT is not required to maintain insurance in accordance with Title 51 RCW, prior to the start of any performance of work under this Agreement, the SUB-RECIPIENT shall provide WTSC with proof of insurance coverage (e.g., vehicle liability insurance, private property liability insurance, or commercial property liability insurance), as determined appropriate by WTSC, which protects the SUB-RECIPIENT and WTSC from risks associated with executing the SOW associated with this Agreement.

20. LICENSING, ACCREDITATION, AND REGISTRATION

The SUB-RECIPIENT shall comply with all applicable local, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of this Agreement. The SUB-RECIPIENT shall complete registration with the Washington State Department of Revenue, if required, and be responsible for payment of all taxes due on payments made under this Agreement.

21. RECORDS MAINTENANCE

21.1. During the term of this Agreement and for six years thereafter, the SUB-RECIPIENT shall maintain books, records, documents, and other evidence that sufficiently and properly reflect all direct and indirect costs expended in the performance of the services described herein. These records shall be subject to inspection, review, or audit by authorized personnel of the WTSC, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration. The Office of the State Auditor, federal auditors, the WTSC, and any duly authorized representatives shall have full access and the right to examine any of these materials during this period.

21.2. Records and other documents, in any medium, furnished by one Party to this Agreement to the other Party, will remain the property of the furnishing Party, unless otherwise agreed. The receiving Party will not disclose or make available this material to any third Parties without first giving notice to the furnishing Party and giving them a reasonable opportunity to respond. Each Party will utilize reasonable security procedures

and protections to assure that records and documents provided by the other Party are not erroneously disclosed to third Parties.

22. RIGHT OF INSPECTION

The SUB-RECIPIENT shall provide right of access to its facilities to the WTSC or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement. The SUB-RECIPIENT shall make available information necessary for WTSC to comply with the right to access, amend, and receive an accounting of disclosures of their Personal Information according to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or any regulations enacted or revised pursuant to the HIPAA provisions and applicable provisions of Washington State law. The SUB-RECIPIENT shall upon request make available to the WTSC and the United States Secretary of the Department of Health and Human Services all internal policies and procedures, books, and records relating to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Agreement.

23. RIGHTS IN DATA

23.1. WTSC and SUB-RECIPIENT agree that all data and work products (collectively called "Work Product") pursuant to this Agreement shall be considered works made for hire under the U.S. Copyright Act, 17 USC §101 et seq., and shall be owned by the state of Washington. Work Product includes, but is not limited to, reports, documents, pamphlets, advertisement, books, magazines, surveys, studies, computer programs, films, tapes, sound reproductions, designs, plans, diagrams, drawings, software, and/or databases to the extent provided by law. Ownership includes the right to copyright, register the copyright, distribute, prepare derivative works, publicly perform, publicly display, and the ability to otherwise use and transfer these rights.

23.2. If for any reason the Work Product would not be considered a work made for hire under applicable law, the SUB-RECIPIENT assigns and transfers to WTSC the entire right, title, and interest in and to all rights in the Work Product and any registrations and copyright applications relating thereto and any renewals and extensions thereof.

23.3. The SUB-RECIPIENT may publish, at its own expense, the results of project activities without prior review by the WTSC, provided that any publications (written, visual, or sound) contain acknowledgment of the support provided by NHTSA and the WTSC. Any discovery or invention derived from work performed under this project shall be referred to the WTSC, who will determine through NHTSA whether patent protections will be sought, how any rights will be administered, and other actions required to protect the public interest.

24. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to completion of the SOW under this Agreement, the WTSC may terminate the Agreement under the "TERMINATION FOR CONVENIENCE" clause, without the 30-day notice requirement. The Agreement is subject to renegotiation at the WTSC's discretion under any new funding limitations or conditions.

25. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held

invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

26. SITE SECURITY

While on WTSC premises, the SUB-RECIPIENT, its agents, employees, or sub-contractors shall conform in all respects with all WTSC physical, fire, or other security policies and applicable regulations.

27. TAXES

All payments of payroll taxes, unemployment contributions, any other taxes, insurance, or other such expenses for the SUB-RECIPIENT or its staff shall be the sole responsibility of the SUB-RECIPIENT.

28. TERMINATION FOR CAUSE

If the SUB-RECIPIENT does not fulfill in a timely and proper manner its obligations under this Agreement or violates any of these terms and conditions, the WTSC will give the SUB-RECIPIENT written notice of such failure or violation, and may terminate this Agreement immediately. At the WTSC's discretion, the SUB-RECIPIENT may be given 15 days to correct the violation or failure. In the event that the SUB-RECIPIENT is given the opportunity to correct the violation and the violation is not corrected within the 15-day period, this Agreement may be terminated at the end of that period by written notice of the WTSC.

29. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement, either Party may terminate this Agreement, without cause or reason, with 30 days written notice to the other Party. If this Agreement is so terminated, the WTSC shall be liable only for payment required under the terms of this Agreement for services rendered or goods delivered prior to the effective date of termination.

30. TREATMENT OF ASSETS

30.1. Title to all property furnished by the WTSC shall remain property of the WTSC. Title to all property furnished by the SUB-RECIPIENT for the cost of which the SUB-RECIPIENT is entitled to be reimbursed as a direct item of cost under this Agreement shall pass to and vest in the WTSC upon delivery of such property by the SUB-RECIPIENT. Title to other property, the cost of which is reimbursable to the SUB-RECIPIENT under this Agreement, shall pass to and vest in the WTSC upon (i) issuance for use of such property in the performance of this Agreement, or (ii) commencement of use of such property in the performance of this Agreement, or (iii) reimbursement of the cost thereof by the WTSC in whole or in part, whichever first occurs.

30.2. Any property of the WTSC furnished to the SUB-RECIPIENT shall, unless otherwise provided herein or approved by the WTSC, be used only for the performance of this Agreement.

30.3. The SUB-RECIPIENT shall be responsible for any loss or damage to property of the WTSC which results from the negligence of the SUB-RECIPIENT or which results from the failure on the part of the SUB-RECIPIENT to maintain and administer that property in accordance with sound management practices.

30.4. If any WTSC property is lost, destroyed, or damaged, the SUB-RECIPIENT shall immediately notify the WTSC and shall take all reasonable steps to protect the property from further damage.

30.5. The SUB-RECIPIENT shall surrender to the WTSC all property of the WTSC upon completion, termination, or cancellation of this Agreement.

30.6. All reference to the SUB-RECIPIENT under this clause shall also include SUB-RECIPIENT's employees, agents, or sub-contractors.

31. WAIVER

A failure by either Party to exercise its rights under this Agreement shall not preclude that Party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement.

APPLICABLE CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 CFR PART 1300 APPENDIX A):

32. BUY AMERICA ACT

The SUB-RECIPIENT will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using federal funds. Buy America requires the SUB-RECIPIENT to purchase only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use federal funds to purchase foreign produced items, the WTSC must submit a waiver request that provides an adequate basis and justification, and which is approved by the Secretary of Transportation.

33. DEBARMENT AND SUSPENSION

Instructions for Lower Tier Certification

33.1. By signing this Agreement, the SUB-RECIPIENT (hereinafter in this section referred to as the “lower tier participant”) is providing the certification set out below and agrees to comply with the requirements of 2 CFR part 180 and 23 CFR part 1300.

33.2. The certification in this section is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

33.3. The lower tier participant shall provide immediate written notice to the WTSC if at any time the lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

33.4. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Covered Transactions sections of 2 CFR part 180.

33.5. The lower tier participant agrees by signing this Agreement that it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

33.6. The lower tier participant further agrees by signing this Agreement that it will include the clause titled “Instructions for Lower Tier Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions, and will require lower tier participants to comply with 2 CFR part 180 and 23 CFR part 1300.

33.7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

33.8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

33.9. Except for transactions authorized under paragraph 35.5. of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

33.10. The lower tier participant certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

33.11. Where the lower tier participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this Agreement.

34. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

34.1. The SUB-RECIPIENT shall:

34.1.1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and shall specify the actions that will be taken against employees for violation of such prohibition.

34.1.2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the SUB-RECIPIENT's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug violations occurring in the workplace.

34.1.3. Make it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph 36.1.1. of this section.

34.1.4. Notify the employee in the statement required by paragraph 36.1.1. of this section that, as a condition of employment under the grant, the employee will abide by the terms of the statement, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction, and notify the WTSC within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

34.1.5. Take one of the following actions within 30 days of receiving notice under paragraph 36.1.3. of this section, with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination, and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

34.1.6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

35. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

In accordance with FFATA, the SUB-RECIPIENT shall, upon request, provide WTSC the names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in federal awards, received \$25,000,000 or more in annual gross revenues from federal awards, and if the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

36. FEDERAL LOBBYING

36.1. The undersigned certifies, to the best of his or her knowledge and belief, that:

36.1.1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the

entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

36.1.2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

36.1.3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

36.2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

37. NONDISCRIMINATION (Title VI, 42 U.S.C. § 2000d et seq.)

37.1. During the performance of this Agreement, the SUB-RECIPIENT agrees:

37.1.1. To comply with all federal nondiscrimination laws and regulations, as may be amended from time to time.

37.1.2. Not to participate directly or indirectly in the discrimination prohibited by any federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR Part 21 and herein.

37.1.3. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the WTSC, USDOT, or NHTSA.

37.1.4. That, in the event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding Agreement, the WTSC will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies, and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part.

37.1.5. To insert this clause, including all paragraphs, in every sub-contract and sub-agreement and in every solicitation for a sub-contract or sub-agreement that receives federal funds under this program.

38. POLITICAL ACTIVITY (HATCH ACT)

The SUB-RECIPIENT will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

39. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The SUB-RECIPIENT will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists. This Agreement does not include any aspects or elements of helmet usage or checkpoints, and so fully complies with this requirement.

40. STATE LOBBYING

None of the funds under this Agreement will be used for any activity specifically designed to urge or influence a state or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a state official whose salary is supported with NHTSA funds from engaging in direct communications with state or local legislative officials, in accordance with customary state practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

41. DESIGNATED CONTACTS

The following named individuals will serve as designated contacts for each of the Parties for all communications, notices, and reimbursement regarding this Agreement:

The Contact for the SUB-RECIPIENT is:	The Target Zero Manager for Region 5 is:	The Contact for WTSC is:
	Renee Tinder Region 5 Target Zero Manager reneetinder@yahoo.com 360-906-0522	Manny Gonzalez WTSC Program Manager mgonzalez@wtsc.wa.gov 360-725-9888

42. AUTHORITY TO SIGN

The undersigned acknowledges that they are authorized to execute this Agreement and bind their respective agencies or entities to the obligation set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement.

	WASHINGTON TRAFFIC SAFETY COMMISSION
_____ Signature	_____ Signature
_____ Printed Name	_____ Printed Name
_____ Title	_____ Title
_____ Date	_____ Date

Pierce County Traffic Safety Taskforce – FFY 2020 Allocations

FFY 2020	DUI (Former-TZT) + General DUI = TOTAL	Seatbelts	Distracted Driving	Motorcycle Safety	Agency Totals
Bonney Lake PD	$(\$5,000) + \$6,200 = \mathbf{\$11,200}$	\$0	\$4,000	\$1,600	\$16,800
Buckley PD	$(\$0) + \$750 = \mathbf{\$750}$	\$0	\$0	\$0	\$750
DuPont PD	$(\$0) + \$750 = \mathbf{\$750}$	\$0	\$0	\$0	\$750
Fife PD	$(\$6,000) + \$8,500 = \mathbf{\$14,500}$	\$0	\$4,000	\$2,400	\$20,900
Fircrest PD	$(\$3,000) + \$5,000 = \mathbf{\$8,000}$	\$0	\$2,500	\$600	\$11,100
Gig Harbor PD	$(\$0) + \$1,500 = \mathbf{\$1,500}$	\$0	\$4,000	\$1,100	\$6,600
Lakewood PD	$(\$3,000) + \$3,000 = \mathbf{\$6,000}$	\$0	\$3,000	\$1,800	\$10,800
Milton PD	$(\$0) + \$1,250 = \mathbf{\$1,250}$	\$0	\$500	\$0	\$1,750
Orting PD	$(\$0) + \$1,250 = \mathbf{\$1,250}$	\$0	\$0	\$0	\$1,250
Pierce Co. Sheriff	$(\$12,000) + \$13,800 = \mathbf{\$25,800}$	\$0	\$6,000	\$2,400	\$34,200
Puyallup PD	$(\$6,000) + \$8,500 = \mathbf{\$14,500}$	\$0	\$4,000	\$2,400	\$20,900
Ruston PD	$(\$0) + \$1,250 = \mathbf{\$1,250}$	\$0	\$500	\$300	\$2,050
Steilacoom PD	$(\$0) + \$750 = \mathbf{\$750}$	\$0	\$0	\$0	\$750
Sumner PD	$(\$3,000) + \$5,500 = \mathbf{\$8,500}$	\$0	\$2,500	\$0	\$11,000
Tacoma PD	$(\$8,500) + \$11,500 = \mathbf{\$20,000}$	\$0	\$3,000	\$2,400	\$25,400
University Place PD	$(\$2,500) + \$2,500 = \mathbf{\$5,000}$	\$0	\$1,000	\$0	\$6,000
WSLCB	$(\$4,000) + \$0 = \mathbf{\$4,000}$	\$0	\$0	\$0	\$4,000
TOTALS	\$125,000	\$0	\$35,000	\$15,000	\$175,000

NEW BUSINESS: **Humane Society Contract**
ITEM 13H .

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: I move to adopt Resolution No. , authorizing the City Manager to execute the agreement between The Humane Society for Tacoma and Pierce County and the City of Fircrest for animal sheltering and related services through 2023.

PROPOSAL: The Council is being asked to authorize an agreement with the Humane Society for furnishing and maintaining a suitable shelter for the handling of stray, impounded, and unwanted companion animals turned over to the Humane Society by Fircrest residents. The facility includes kennels, as well as facilities for the humane disposal of sick and injured companion animals. The facility provides cremation services for animals deceased upon arrival or during the time of sheltering. The proposed contract requires that Fircrest Animal Control Officers perform certain functions, and comply with certain policies, and receive specified training. In 2021, the City will once again be contracting with Tacoma for animal control and we are assured that their Animal Control Officers will be in compliance with the Human Society's requirements.

FISCAL IMPACT: 2021 costs for these services will be \$7,686, which is an increase of 4% or \$296.00 over what was paid in 2020. This cost will be paid in monthly payments of \$640.50 in 2021. For 2022, the yearly cost will be \$8,262, which is an increase of 7.5%, and will be paid at the rate of \$688.50 per month. For 2023 the yearly cost will be \$8,964, which is an increase of 8.5%, and will be paid at the rate of \$747.00 per month. While the increase in costs over the next few years seems steep, it is not as steep as initially anticipated when the Humane Society hired their new CEO and Finance Director last year, and we were able to get the increase over a period of a few years rather than an all at once increase. The contract allows impounded animals awaiting disposition by the courts to be held at no charge for 3 days; After 3 days, board will be charged to Fircrest. The daily rate also increased. Fircrest will be charged at the rate of \$26.50 per day in 2021, \$27.30 per day in 2022, and \$28.10 per day in 2023.

ADVANTAGE: This contract is deemed to be in the best interest of the City. The City has had a good working relationship with the Humane Society and they have always been very responsive to the City's needs.

DISADVANTAGES: None known.

ALTERNATIVES: None known, this is the only reasonable option the City has at this time as there are no other animal shelters in close proximity.

HISTORY: The City has had a contract with The Humane Society for many years and up until 2006 The Humane Society had always provided animal control services for our City.

ATTACHMENTS: [Resolution](#)
[Contract](#)
[City of Fircrest Humane Society 2019 Report](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY
MANAGER TO EXECUTE AN AGREEMENT WITH THE
HUMANE SOCIETY FOR TACOMA AND PIERCE COUNTY TO
PROVIDE ANIMAL SHELTERING AND RELATED SERVICES.**

WHEREAS, the City of Fircrest believes it to be in the best interest of our citizens to continue to contract with the Humane Society for Tacoma and Pierce County for animal sheltering and related services; and

WHEREAS, the Humane Society for Tacoma and Pierce County offers the residents of Fircrest a full time staff for receiving companion animals, business hours allowing residents to redeem their animals, and they provide veterinary staff to treat animals during business hours. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute an agreement with the Humane Society for Tacoma and Pierce County to provide animal sheltering from January 1, 2021 through December 31, 2023.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 8th day of
December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

THE HUMANE SOCIETY FOR TACOMA AND PIERCE COUNTY AGREEMENT FOR SHELTER AND RELATED SERVICES

The parties to this contract are the **CITY OF FIRCREST**, a political subdivision of the state of Washington, hereinafter referred to as the "City of Fircrest," and **THE HUMANE SOCIETY FOR TACOMA AND PIERCE COUNTY**, a non-profit corporation formed and operating pursuant to RCW 16.52.020, hereinafter referred to as the "Society." The terms of this contract shall cover the period from January 1, 2021, through December 31, 2023. In consideration of the mutual benefits derived, the parties agree as follows:

THE SOCIETY AGREES:

(1) To furnish and maintain and to employ adequate staff for suitable shelter for the handling of stray, impounded, and unwanted companion animals turned over to the Society by the City of Fircrest or its residents. Companion animals are specifically defined as dogs, cats, domestic birds, domestic rabbits and small domestic rodents. Companion animals specifically exclude livestock (horses, cows, pigs, sheep, goats, fowl, etc.) venomous or dangerous reptiles and wild or exotic animals. Such facility shall include cat kennels and dog kennels, as well as facilities for the humane disposal of sick and injured companion animals. The facility will provide disposal (cremation) services for animals deceased upon arrival or during the time of sheltering. Impounded animals, awaiting disposition by the courts or held as directed by Animal Control will be held for a maximum of 3 days without additional charge. After 3 days, board will be charged to City of Fircrest at the rate of \$26.50 per day in 2021, \$27.30 per day in 2022, and \$28.10 per day in 2023.

(2) To keep the shelter staffed and open for the purposes of receiving companion animals and allowing such animals to be redeemed during regular business hours Monday through Saturday; PROVIDED THAT the Society shall establish and maintain 7-day per week, 24-hour per day access for City of Fircrest animal control officers to drop off companion animals or carcasses outside of normal shelter hours. It is understood that this does not include responsibility for care for sick or injured companion animals outside of normal shelter hours.

(3) To provide licensing services for animals adopted or impounded at the Humane Society shelter whose owner resides within the City of Fircrest. The license service for impounded and adopted animals shall be provided during normal business hours, with no time limitation and shall also be provided by the Society in animal illness or injury conditions so as to expedite medical attention for the animal. The Humane Society shall maintain complete and adequate records of all licenses issued and shall provide a timely report to the City of Fircrest listing the name and address of the licensee and a description of the animal licensed. The Humane Society will retain 100% of every license sold and payments shall be made to the Humane Society.

(4) To provide orientation and training to City of Fircrest animal control officers and other City of Fircrest staff to the Society shelter and its admissions policies, practices and other Society operations as appropriate.

(5) To maintain complete records of animals received and animals disposed of on behalf of the City of Fircrest and other entities with whom the City of Fircrest has contracted. The Society agrees to promptly make its records of investigations available for the City of Fircrest's inspection at reasonable times, and to furnish reports of the Society's activities to Fircrest, and to provide, within reason, such other data as the City of Fircrest requests and as may be inspected or requested by other entities with whom the City of Fircrest has contracted. This means the Society at such times and in such form as the City of Fircrest may require, shall furnish the City of Fircrest with periodic reports pertaining to the work and services undertaken pursuant to this Contract. The Society will make available to the City of Fircrest all work-related records and documents for inspection, or evaluation during normal business hours in order to assess performance, compliance and/or quality assurance under this Contract. The Society further agrees to fully cooperate with any civil or criminal investigations by the City of Fircrest and to make its employees available for interviews conducted in the furtherance of such investigations.

(6) To provide access to computers for the City of Fircrest for Animal Control Officers to enter data into the database software for animals picked up by City of Fircrest Animal Control Officers.

(7) To provide basic blood draw, fecal sample, lab tests and weight at time of admission for animals involved in cruelty investigation, per request of the City of Fircrest Animal Control Officers. This service will be offered for cases of 1 to 2 animals and may be repeated weekly as deemed necessary by the Veterinarian staff at the Humane Society. Cruelty cases involving 3 to 6 animals require advance notification in order to perform this service. Cases larger than 6 animals or animals needing detailed history and/or physical exams will be performed by an outside veterinarian of the City of Fircrest's choice. Costs associated with any lab tests and/or physical exams that are beyond the basic tests identified in this section will be billed separately to the City of Fircrest.

(8) To procure and maintain comprehensive general liability insurance, and professional liability insurance with limits not less than \$1,000,000.00 (\$1,000,000.00 bodily and personal injury and property damage insurance). The City of Fircrest is to be named as an additional insured and such insurance as is carried by the Society is primary over any insurance carried by the City of Fircrest. In the event of a nonrenewal, cancellation, or material change in the coverage provided, 30 days' written notice will be furnished to the City of Fircrest prior to the date of nonrenewal, cancellation, or change. Such notice shall be sent to the City of Fircrest, City Manager, 115 Ramsdell Street, Fircrest, WA 98466. The City of Fircrest has no obligation to report occurrences unless a claim is filed with the City of Fircrest, and the City of Fircrest has no obligations to pay premiums on such insurance.

(9) To furnish equipment and supplies used in the performance of the Society's obligations arising from this contract, except equipment and supplies which the City of Fircrest expressly promises to furnish.

(10) The Society agrees to hold harmless, indemnify and defend the City of Fircrest and its officers, officials and employees from any claim, liability, lawsuit or legal judgment arising from or out of the negligent or tortuous actions or inactions of the Humane Society in its performance of the activities and services set forth herein in this agreement to be performed by the Society. The Agreement to indemnify, defend and hold harmless the City of Fircrest by the Society shall not apply to any loss, claim, liability, lawsuit or legal judgment arising from the sole negligence of the City of Fircrest.

(11) To allow City of Fircrest animal control officers to sanitize their vehicles in accordance with Society practices until the Society requires the sanitizing facility to be vacated for construction. The Humane Society will provide 90 days' notice if the area is to be vacated.

(12) The Society agrees to comply with Title 16 RCW and Title 7 of the Fircrest Municipal Code. The Society will not release any animal except in full compliance with the municipal code.

(13) Non-discrimination. The Society agrees to take all steps necessary to comply with all federal, state and City of Fircrest laws and policies regarding nondiscrimination and equal employment opportunities. The Society shall not discriminate in any employment action because of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, or the presence of any sensory, mental or physical handicap.

THE CITY OF FIRCREST AGREES:

(1) To pay to the Society a total of approximately \$7,686 for 2021. The contract price for year 2022 will increase 7.5% to \$8,262 and the year 2023 will increase 8.5% to \$8,964 to reflect the expected increases in the Society's costs. The contracted amount will be paid monthly as 1/12th of the annual contract costs, or \$640.50 per month in 2021, \$688.50 per month in 2022, and \$747 per month in 2023.

Monthly payments are due on or before the 10th of each month, with the final payment due by January 10 of the following year. Any payment in full over 60 days late may cause a suspension of service and will automatically be charged a 1% penalty.

(2) Authorizes the Society to act on behalf of the Municipality for the purpose of selling pet licenses to owners of pets residing in the City of Fircrest in accordance with PCC chapter 6.04

(3) To allow the Humane Society to retain all adoption, impound, board, fines and other fees collected from the public for animals accepted into the shelter since the Society has factored retention of such fees into the cost of the contract.

(4) To provide the Humane Society all licenses and licensing material for the City of Fircrest and other entities with whom the City of Fircrest has contracted.

(5) The Society does not have emergency veterinary or intensive care facilities (ICU) and cannot provide overnight monitoring of animals. Animals needing emergency medical care, will be taken to an appropriate facility to be treated prior to booking with the Society. For the purposes of this contract, emergency medical treatment is defined as a level of care higher than the Society can provide, such as obvious broken bones, trauma, or other medical issues that would require intensive care and monitoring. Until the Humane Society accepts the animal, the City of Fircrest is responsible for all after-hours emergency medical treatment of any animal that the City impounds.

(6) During hours that the Shelter is open, the Society normally has a veterinarian available to provide routine veterinary care; however, in the event that the Humane Society does not have a veterinarian available to provide routine veterinary care at the Shelter, any animals needing such care shall be the responsibility of the City of Fircrest. The Society shall immediately inform Fircrest Animal Control when the Society does not have a veterinarian available to provide routine veterinary care at the Shelter and the expected duration. The City of Fircrest is responsible for transporting the animal to the chosen veterinary clinic and to the Humane Society once the animal is stabilized.

(7) The City of Fircrest animal control officers will not bring known feral cats to the Society unless they can be neutered and returned to field. It is accepted that stray cats frequently cannot be identified as true strays or feral cats and this clause only relates to known feral cats and/or members of feral cat colonies. On the same principle the Society cannot accept feral cat colonies that cannot be returned to field following spay/neuter surgery as the only options would be euthanasia and it would therefore be more humane to leave the feral cats where they are.

(8) The City of Fircrest animal control officers will completely and accurately perform the data input required for shelter admission as well as scan each animal for microchips. The Society will provide the necessary training for the computer intake requirements. The Society will create the shelter admissions policy and provide it to the City of Fircrest.

(9) To hold the Society harmless from any damages or attorneys' fees or costs incurred by the Society, as a result of litigation which (a) names the Society and (b) involves a City of Fircrest ordinance that is declared illegal or unenforceable and upon which the Society relied in the performance of its obligations under this agreement.

MUTUAL COVENANTS AND UNDERSTANDINGS – both parties hereto agree to the following conditions:

(1) All persons employed by the Society to perform its obligations under this contract shall be employees of the Society and not of the City of Fircrest with the proviso that the Society may from time to time have to use contract veterinarians.

(2) Either party can terminate this contract upon 180 days' written notice; Provided that either party may terminate upon 60 days' written notice for breach of any material clause herein. To facilitate timely renewal or termination, the parties agree to commence negotiations for the 2024/2026 contract by August 1, 2023, and to gather and provide to each other all pertinent data reasonably necessary to meaningfully negotiate.

(3) If this contract is not renewed or terminated by the expiration date of this contract, it shall remain in full force and effect on a month-to-month basis with an annual 3.5% rate increase, in accordance with the terms of this contract.

(4) Modification. This instrument constitutes the entire Agreement between the parties and supersedes all prior agreements. No modification or amendment shall be valid unless evidenced in writing, properly agreed to and signed by both parties. In the event either party shall desire to renegotiate any provision of the agreement, the party shall provide 90 days' notice to the other party. The notice shall identify the provision or provisions to be renegotiated, the requested changes, and shall state the reasons for the request. The party receiving the request shall respond in writing on or before the end of the 90-day period.

(5) 2024 Contract. Both parties agree that the next contract will be based on a COLA plus 1% price increase for 2024 with COLA being defined as the annual average of the Seattle-Tacoma-Bellevue metro area CPI-U as determined by the Bureau of Labor Statistics. With a three-year contract further price increases for 2025 and 2026 would be calculated annually using the same formula.

(6) Notices. All notices, requests, demands and other communications required by this Agreement shall be in writing and, except as expressly provided elsewhere in this Agreement, shall be deemed to have been given at the time of delivery if personally delivered or at the time of mailing if mailed by first class, postage pre-paid and addressed to the party at its address as stated in this Agreement or at such address as any party may designate at any time in writing.

Notice to City of Fircrest shall be sent to:

*City of Fircrest
ATTN: City Manager
115 Ramsdell Street
Fircrest, WA 98466*

Notice to the Society shall be sent to:

*Stuart Earley, CEO
2608 Center Street
Tacoma, WA 98409*

(6) Litigation Costs and Fees. In the event of litigation concerning the terms of or performance under this Agreement, the prevailing party, in addition to costs, shall be entitled to reasonable attorney's fees as determined by the court.

(7) Benefits. This Agreement is entered into for the benefit of the parties to this Agreement only and shall confer no benefits, direct or implied, on any third persons.

End of Agreement. Signature page immediately following.

DATED this ____ day of _____, 2020.

**THE HUMANE SOCIETY FOR
TACOMA AND PIERCE COUNTY**

CITY OF FIRCREST

Stuart Earley, CEO

Scott Pingel, City Manager

Approved as to form:

City Attorney

Attest:

City Clerk

Grand Total \$ 5,520.00

Animals Received

Live	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total YTD
Dog	1	1	0	1	0	0	2	0	0	0	1	1	7
Cat	5	0	2	2	0	2	2	2	0	1	0	2	18
Exotic	0	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal	6	1	2	4	0	2	4	2	0	1	1	3	26
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	6	1	2	4	0	2	4	2	0	1	1	3	26

Owner Surrender

Dog	1	0	2	0	0	0	0	0	0	0	0	0	3
Cat	0	1	1	1	1	0	0	0	1	0	0	1	6
Exotic	0	0	0	0	0	0	0	0	0	0	0	0	0
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	1	0	0	0	0	0	1
Total	1	1	3	1	1	0	1	0	1	0	0	1	10

DOA ACO

Dog	0	0	0	0	0	0	0	0	0	0	0	0	0
Cat	0	0	0	1	0	0	0	0	0	0	0	0	1
Exotic	0	0	0	0	0	0	0	0	0	0	0	0	0
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	1	0	0	0	0	0	0	0	0	1

Grand Total	7	2	5	6	1	2	5	2	1	1	1	4	37
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Animal Outcomes

Animals Placed	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total YTD
Dog	1	0	1	2	0	0	0	0	0	0	0	0	4
Cat	4	2	0	0	1	1	2	0	1	2	1	2	16
Exotic	0	0	0	0	0	0	0	0	0	0	0	0	0
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	0	1	0	0	0	0	1
Total	5	2	1	2	1	1	2	1	1	2	1	2	21

Animals United with Owners

Dog	1	1	1	1	0	0	2	0	0	0	1	1	8
Cat	0	1	0	0	0	0	1	0	0	0	0	0	2
Exotic	0	0	0	0	0	0	0	0	0	0	0	0	0
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	2	1	1	0	0	3	0	0	0	1	1	10

Animals Euthanized

Dog	1	0	2	0	0	0	0	0	0	0	0	0	3
Cat	0	0	0	1	0	0	0	0	0	0	0	1	2
Exotic	0	0	0	1	0	0	0	0	0	0	0	0	1
Rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0
Rodent	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	0	2	2	0	0	0	0	0	0	0	1	6

Deceased Animals

Disposal	0	0	0	1	0	0	0	0	0	0	0	0	1
Died	1	0	0	0	0	0	0	0	0	0	0	0	1
Total	1	0	0	1	0	0	0	0	0	0	0	0	2

Grand Total	8	4	4	6	1	1	5	1	1	2	2	4	39
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Billed Rate	Extend Total
\$ 195.00	\$ 1,365.00
\$ 195.00	\$ 3,510.00
\$ 195.00	\$ 195.00
\$ 50.00	\$ -
\$ 50.00	\$ -
\$ 40.00	\$ 120.00
\$ 40.00	\$ 240.00
\$ 40.00	\$ -
\$ 40.00	\$ -
\$ 40.00	\$ 40.00
\$ 50.00	\$ -
\$ 50.00	\$ 50.00
\$ 50.00	\$ -
\$ 50.00	\$ -
\$ 50.00	\$ -

FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW
BUSINESS
: ITEM 13I.**

Amendments to the Comprehensive Plan

FROM: Angelie Stahlnecker, Planning & Building Administrator

RECOMMENDED MOTION: I move to adopt Ordinance No. _____, amending the City of Fircrest Comprehensive Plan and amending Ordinance 1651, section 1 and FMC 23.04.020.

PROPOSAL: The City of Fircrest proposes to amend the City's Comprehensive Plan.

The amendments include updates to the 6-year capital improvement plan, changes to the commercial mixed use area and other staff recommended changes. The amendments affect the following elements: Community Character, Land Use, Housing, Transportation, Capital Facilities, and Utilities.

Per FMC 23.06070, the City Council may adopt any comprehensive plan amendment if it (1) is in the public interest and complies with the Growth Management Act, and (2) is in the public interest and not contrary to the public health, safety and welfare. In making this determination, the council shall weigh the following factors:

- (a) Consistency with the adopted Fircrest comprehensive plan;
- (b) Consistency with pertinent plans for adjacent jurisdictions and countywide planning policies;
- (c) Eliminates conflicts with existing elements or policies;
- (d) Establishes a logical, compatible extension of existing land use designations;
- (e) Clarifies or amplifies existing policy or accommodates new policy directives of the city council;

FISCAL IMPACT: The proposed amendments will have no direct fiscal impact as it is for planning purposes and does not commit the City to fund the proposed projects. However, the amended 6-year capital improvement schedules identify projected timing and possible funding sources for specific capital projects during 2020-2025. Inclusion in the 6-year schedule is required for many grants and loans.

ADVANTAGE: The proposed amendments will update the Comprehensive Plan to ensure consistency with the Growth Management Act as amended, the Puget Sound Regional Council VISION 2040 growth strategy and multicounty planning policies, and the updated Pierce County Countywide Planning Policies.

DISADVANTAGES: None identified.

ALTERNATIVES: The City Council could choose to not approve or amend the proposed amendments.

HISTORY: The City conducted a major revision and update of the Comprehensive Plan in 2015 as required by the Growth Management Act. The City is allowed to amend the Comprehensive

Plan once a year and has done that primarily to update the 6-year Capital Facilities Improvement Plan.

The City held public outreach meetings on January 21-23, 2020 and September 1, 2020 to gain public input on changes related to incorporating a form-based code to 19th and Mildred area.

The City prepared an Environmental Checklist and issued a Determination of Nonsignificance/Adoption of Existing Environmental Documents for the 2020 Amendments to the Fircrest Comprehensive Plan and Development Code on September 11, 2020. The environmental determination was issued with a 14-day comment/appeal period ending on September 28, 2020. No comments were received.

The City submitted a 60-day Notice of Intent to Adopt a Plan Amendment to the Washington State Department of Commerce on July 16, 2020. The state agency comment period ended September 14, 2020. No comments were received.

On October 6, 2020, the Planning Commission held a public hearing and recommended by resolution approval of the Comprehensive Plan amendments.

On November 24, 2020, the City Council held a public hearing on the proposed changes.

ATTACHMENTS: Ordinance
Exhibit A – 2020 Comprehensive Plan Amendments (redlined)
Planning Commission Resolution
Planning Commission Minutes October 6, 2020 - draft

**CITY OF FIRCREST
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
AMENDING THE CITY OF FIRCREST COMPREHENSIVE PLAN
AND AMENDING ORDINANCE 1651, SECTION 1 AND FMC
23.04.020.**

WHEREAS, the Fircrest City Council may adopt any comprehensive plan amendment if it is in the public interest and complies with the Growth Management Act, and is in the public interest and not contrary to the public health, safety and welfare; and

WHEREAS, the City is required to periodically review and update its Comprehensive Plan, as needed, per the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies; and

WHEREAS, the City intends to address future population and employment needs of the City, County, and Region as well as the objectives of a Countywide Center designation by increasing the density and intensity of the 19th and Mildred area; and

WHEREAS, Land Use Element Goal 9 of the Comprehensive Plan states that the 19th and Mildred Countywide Center should be Fircrest's priority for accommodating growth as laid out under VISION 2040 and the Pierce County Countywide Planning Policies and should provide a broad mix of commercial, cultural, and residential opportunities; and

WHEREAS, the City held public outreach workshops related to increased development intensity and adoption of a form-based code for the Commercial Mixed-Use designation on January 21, 22, and 23, 2020; and

WHEREAS, the City Council and Planning Commission held a joint public meeting to consider a virtual presentation and public input related to increased development intensity and adoption of a form-based code for the Commercial Mixed-Use designation on September 1, 2020; and

WHEREAS, Capital Facilities Element Goal 1 of the Comprehensive Plan states the City is to provide and maintain adequate public facilities to meet the needs of existing and new development, and Goal 4 states the City is to provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide; and

WHEREAS, the City submitted a Notice of Intent to Adopt to the Washington State Department of Commerce July 16, 2020, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW, and no comments were received; and

1 **WHEREAS**, the City issued a *Determination of Nonsignificance/Incorporation by*
2 *Reference of Environmental Documents, Adoption of Existing Environmental*
3 *Documents* for the 2020 Amendments on September 11, 2020 with a 14-day
comment period ending September 28, 2020, and no comments were received; and

4 **WHEREAS**, the Planning Commission conducted a public hearing on October 6,
5 2020 to accept public testimony and after considering the factors listed in Section
23.06.070 FMC, recommended approval;

6 **WHEREAS**, the City Council held a public hearing on November 24, 2020 to accept
7 public testimony; and

8 **WHEREAS**, the City Council has considered the factors listed in Section 23.06.070
9 FMC and have determined that the amendments are in the public interest, comply
10 with the Growth Management Act, and not contrary to the public health, safety, and
welfare; Now, Therefore,

11 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

12 **Section 1.** The City Council of the City of Fircrest hereby adopts all of the “whereas”
section of this ordinance as findings.

13 **Section 2.** The Fircrest Comprehensive Plan is hereby amended as shown in Exhibit
14 “A” to this ordinance.

15 **Section 3.** Ordinance 1651, §1, and FMC 23.04.020 are hereby amended to read as
16 follows:

17 The Fircrest Comprehensive Plan, as adopted by Ordinance 1569 on
18 December 28, 2015, and as subsequently amended in accordance with the
provisions of his chapter through December 8, 2020, is hereby adopted by
19 reference pursuant to the Growth Management Act, Chapter 36.70A RCW,
and codified within this title.

20 **Section 4.** Severability: If any section, sentence, clause, or phrase of this ordinance
21 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
22 other section, sentence, clause, or phrase of this sentence.

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

25 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**
26 **WASHINGTON,** at a regular meeting thereof this 8th day of December 2020.

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APPROVED:

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Hunter T. George, Mayor

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ATTEST:

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Jayne Westman, City Clerk

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APPROVED AS TO FORM:

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Michael B. Smith, City Attorney

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Exhibit “A”

2020 Comprehensive Plan Amendments

CHAPTER 2

COMMUNITY CHARACTER



COMMUNITY CHARACTER - TABLE OF CONTENTS

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INTRODUCTION

Thirty years after the establishment of the Northern Pacific transcontinental railroad terminus in Tacoma in 1873, and following the depression associated with the Panic of 1893, optimism for future development within the Tacoma area was revived. A land speculator named Major Edward J. Bowes (of Major Bowes' Original Amateur Hour fame) and his partner W.A. Irwin of California saw tremendous opportunities for growth in Tacoma. After buying property, then called Regents Park, Bowes and Irwin hired Civil Engineer M.R. (Roy) Thompson to design a subdivision layout and plat the land.

Many of the ideas credited to Thompson in the design of what are now the original plats for Fircrest, Regents Park I and II, were likely fostered by Fredrick Law Olmsted. The similarities between Thompson's plan for Regents Park and the Olmsted plan of 1873 for downtown Tacoma were striking. The concept of open space and abundant park lands was Olmsted's, as were his ideas for taking full advantage of topography in designing streets and other improvements. According to James Osness in his book "Of Lions and Dreams, of Men and Realities", Regents Park was declared to be one of the earliest developments in the United States to eschew straight streets and rectangular blocks, in favor of curved streets and correspondingly aesthetically designed blocks.

The community has since grown well beyond its roots, and today, 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.

The Community Character Element provides a design framework for new development and redevelopment and addresses natural features and historic character preservation. The Element is meant to address the goals of retaining Fircrest's distinct character and creating gathering places and cultural opportunities for people of diverse backgrounds. It addresses Fircrest's desire to maintain and enhance a successful business climate and to foster innovative thinking. It addresses the vision of respect for the natural environment. It is also intended to help carry out the vision of keeping Fircrest a safe, healthy, friendly, and attractive city in the future.

This Element is complementary to other elements of the Comprehensive Plan where specific aspects of community character are addressed. For example, Fircrest's locations for various uses are addressed primarily in the Land Use Element. The Community Character Element focuses more closely on design goals and historic resource opportunities and challenges for the community over a 20-year planning horizon. It considers the following aspects of Community Character:

- People and Public Places
- Events and Community Building
- View Corridors, Entrances and Landmarks
- Buildings and Site Design

- Street and Pathway Linkages
- Urban Forest Management
- Streetscape Landscaping
- Residential Character
- Historic Resources
- Community Life

COMMUNITY CHARACTER VISION

Looking ahead 20 years...

Fircrest has maintained its distinctive character.

The quality design of new development is a reflection of the value Fircrest's community members place on the community's appearance. Care has been taken to create distinctive streets and pathways and to enhance the comfort, safety, and usability of public places. Public view corridors and entryways have been preserved and enhanced. The city's historic roots are still apparent through preservation of special sites, structures, and buildings. Interpretive signage has also been used to enhance the community's sense of its heritage.

Community gathering places are found throughout the city.

Spaces for parks have been acquired and improved by the City, and plazas have been incorporated into new developments. Both public and private investment into place-making creates and maintains spaces where informal social gatherings and community building occur. The City and private partners continue to sponsor a wide variety of community events in an array of public places. Fircrest Park provides an especially unique venue for such events and is recognized for its historical significance to the community. Community members also enjoy community gardens, other parks, and plazas with walkable and bikeable neighborhoods that support healthy lifestyles and a sustainable future.

Care has been given to preserve elements of the natural environment.

Landscaping regulations have ensured preservation of special natural areas and significant trees that help define the character of the city. New landscaping has incorporated native plants and low-impact development design elements. Areas of open space and forested groves adjoining Leach Creek, the Tacoma Holding Basin, Wainwright and Whittier schools, and in other locations have been preserved where possible through public/private collaboration. Through creative design, such as in combination with neighborhood entryways, public and private projects have incorporated natural features and enhanced natural systems. Fircrest continues to promote the value of the natural environment by inventorying and monitoring the elements that define its green character, including forested parks and open space.

GOALS AND POLICIES

This Element contains the community character goals and policies for the City of Fircrest. The following goals represent the general direction of the City related to community character, while the policies provide more detail about the steps needed to meet the intent of each goal. Discussions provide background information, may offer typical examples, and clarify intent.

PEOPLE AND PUBLIC PLACES

Community cohesiveness develops in many ways. It can come from a shared vision for the community. It can be developed ~~using through the use of~~ public places for interaction. Successful public places have the following qualities: accessibility, comfort or image, activity, a welcoming feeling, and sociability. Accessibility means having good links from surrounding areas, by foot, bike, transit, or other means. It also means visual accessibility. The comfort and image come from several characteristics, including a perception of safety, cleanliness, and availability of seating, both formal and informal. Identifying features, such as a fountain, artwork, or a unique building, may also enhance image. Activity may be a natural outcome from a collection of uses or may be programmed through music presentations, performing arts or other endeavors.

People typically feel welcome at public places that provide basic features, such as lighting, shelter and play areas for children, along with spaces for meetings or other gatherings. Sociability is when a space becomes a place sensitive to diverse cultural context for people to go or to meet, usually because it has elements of the first four qualities.

GOAL CC1

Facilitate the success of public places that foster community cohesiveness by ensuring well-designed spaces that support activity and community interaction.

Policy CC1.1

Continue to provide community gathering places in recreation facilities and park sites throughout the city and encourage development of new community gathering places, especially in underserved areas of the community.

Discussion: Fircrest Park, Whittier Park, the Gene Goodwin Tot Lot, and other city parks represent examples of publicly owned and managed community gathering places. Future redevelopment of Fircrest's ~~neighborhood commercial and commercial mixed-use neighborhoods areas~~, especially those located on Regents Boulevard or within the 19th ~~and Mildred area Street and Mildred Street corridors~~, should explore opportunities for establishing new gathering places.

Policy CC1.2

Preserve, develop, and enhance informal community gathering places, such as plazas, mixed-use centers that include local cafes and coffee shops with comfortable

outdoor seating, and spaces within parks. This can be accomplished by:

- Requiring/providing seating opportunities with multi-seasonal amenities, such as canopies or other cover from the elements and heating during periods of cooler temperatures.
- Encouraging installation of art or water features.
- Installing outdoor plantings and other landscape features
- Providing visual access to sites.
- Providing for active uses in the space.
- Promoting partnerships and implementing incentives where appropriate to create public places, such as plazas in combination with outdoor cafes.

Discussion: Future planning, especially for neighborhoods located on Regents Boulevard or within the 19th and Mildred area ~~Street and Mildred Street corridors~~, should explore opportunities for establishing new informal gathering places. Redevelopment proposals for areas regulated by the City's form-based code should establish green streets, squares, and other open spaces consistent with the adopted regulating plan. Adoption of development standards and incentives in support of such gathering places should be considered.

Policy CC1.3

Ensure that public places are designed and managed to encourage high levels of activity by including:

- Multiple entrances.
- Flexible spaces.
- Linear urban parks.
- Focal points that create activity throughout the space.
- A signature attraction that provides a compelling identity.
- Multi-seasonal attractions.
- Active management of space and activities.

Policy CC1.4

Design and build Fircrest's public buildings and indoor/outdoor facilities to enhance their function as community gathering places.

Discussion: The Recreation Center at Fircrest Park, replaced in 2020, is an example of a public facility designed to be a community gathering place. ~~Redevelopment or replacement of this structure in the future should ensure its continuing function for this purpose.~~

Policy CC1.5

Incorporate and provide opportunities for art in and around public buildings and facilities. Encourage additional opportunities throughout the city for art as design elements or features of new development, as well as placement of significant art.

Discussion: The Pacific Northwest has an international reputation for displaying works of art in public settings. The City can contribute to this regional legacy by incorporating art in public projects and encouraging developers to incorporate art into their projects. Many items in the public environment – lighting, railings, walls, benches, etc. can be made more visually

interesting through the participation of artists.

EVENTS AND COMMUNITY BUILDING

Community cohesiveness can also be nurtured by community events. Community events provide an opportunity to help foster people's interest in getting to know the diverse cultures of the community and their neighbors and form friendships and collaborative networks. These events can also enhance awareness of diversity, cultural traditions, and Fircrest's heritage throughout the community. By providing or supporting community events, such as Fircrest Fun Days, the community Tree Lighting Ceremony, Derby Days and Car Show, as well as a variety of other public activities, the City serves as a conduit supporting these interactions and possible community building outcomes that can support a myriad of other objectives from disaster preparedness to economic vitality.

GOAL CC2

Promote activities and events that enliven public spaces, build community, and enrich the lives of Fircrest citizens.

Policy CC2.1

Provide links to public places to encourage their use through such means as:

- Providing safe and convenient pedestrian walkways.
- Providing bikeways.
- Developing nearby transit stops and other transit-supportive facilities.
- Designing for visual access to and from the site.

Discussion: The redevelopment of arterials into complete streets will support access to public spaces.

Policy CC2.2

Encourage and support a wide variety of community festivals or events, such as Fircrest Fun Days, the community Tree Lighting Ceremony, and Derby Days, reflecting the diversity, heritage, and cultural traditions of the Fircrest community.

Policy CC2.3

Facilitate the continued development and support of a diverse set of inter-generational recreational and cultural programs and organizations that celebrate Fircrest's heritage and cultural diversity, such as visual and performing arts, and an active parks and recreation program.

Policy CC2.4

Facilitate the development of a farmers' market, community gardens and school gardens that increase residents' access to fresh produce and other healthy food, support local and regional agriculture, and increase community interaction.

ENTRANCES AND LANDMARKS

People orient themselves by remembering certain features that include unique public views, defined entries, and landmarks. These features also can set apart one community from another and are part of what defines the unique character of a place. Preserving key features and creating new ones can help define Fircrest and its neighborhoods.

GOAL CC3

Preserve and enhance key features and create new ones that can help define Fircrest and its neighborhoods.

Policy CC3.1

Identify and establish distinctive gateways or entryways into the city, support neighborhood efforts to identify and maintain unique neighborhood entryways, and emphasize these locations with design elements, such as landscaping, signage, art, or monuments.

Discussion: Key entry points to the community are the intersections of Regents Boulevard and Orchard Street, Regents Boulevard and Mildred Street, Emerson Street and Orchard Street, Emerson Street and 67th Avenue West, 19th Street and Mildred Street, 19th Street and Alameda Avenue, and 19th Street and Orchard. Continued development and enhancement of gateway features at these locations will help to define the sense of arrival for those entering Fircrest.

Policy CC3.2

Encourage schools, religious facilities and other public or semi-public buildings to locate and design unique facilities to serve as community landmarks and to foster a sense of place.

Policy CC3.3

Prohibit new billboards and other large signs and use design review for new signage to avoid visual clutter and ensure design standards are met.

Policy CC3.4

Encourage and require, when practicable, underground installation of utility distribution lines.

Discussion: Numerous above-ground utility lines and cables lining streets produce a cluttered effect and detract from territorial views of the community -- as well as more focused views of buildings, landscaping, and open space areas. Use of underground lines should be required, when practicable, in accordance with rate, tariffs, and franchise agreements and/or regulations applicable to the serving utility. The City should work with utility providers, citizens, and developers to find ways of funding the undergrounding of existing utilities.

BUILDINGS AND SITE DESIGN

There is a high expectation for quality design in Fircrest, and form-based codes and design standards and guidelines provide local guidance. Commercial, multifamily, mixed-use, civic, and traditional residential design projects receive a higher level of scrutiny than detached single-family homes. Generally, these projects are reviewed at an administrative level using the City's adopted design standards and guidelines, which may apply to specific locations or to types of uses.

GOAL CC4

Adopt and implement form-based codes and design standards and guidelines that will achieve design excellence, desired urban form, and community character goals consistent with citizens' preferred design parameters.

Policy CC4.1

Effectively implement form-based codes and design standards and guidelines to guide development within the 19th and Mildred area. Consider adopting additional form-based codes that would apply to ~~Adopt new design standards and guidelines that will guide new development and redevelopment within~~ Neighborhood Commercial areas on Regents Boulevard, ~~Commercial Mixed Use areas within the Mildred and 19th Street corridors,~~ and the City's medium to high density multifamily areas in order to achieve unique, high quality built environments in each area. ~~Consider the introduction of additional form-based zoning within the Neighborhood Commercial and Commercial Mixed Use areas.~~

Discussion: ~~In 2000, the City has previously adopted generalized design standards and guidelines that apply to commercial and other types of development. These were supplemented by detailed design standards and guidelines for multifamily development in 2015. In 2020, the City adopted a form-based code that applies to mixed-use zones located within the 19th and Mildred area. The City may consider expanding the scope of this code to apply to an expanded geographic area including nearby multifamily areas and portions of Regents Boulevard. These design standards and guidelines are not fully consistent with the community's community character goals nor will they achieve design excellence or the preferred urban form. The City anticipates modifying these provisions to achieve planning and design goals and objectives for future neighborhood commercial, commercial mixed use, and multifamily development.~~

Policy CC4.2

Apply form-based codes and design standards and guidelines through an administrative ~~design~~-review process to help achieve or accomplish the following:

- Development that exhibits the highest standards of urban design, architecture, and landscaping at the scale of neighborhood, block, lot, and building.
- An increased focus on the design of the public realm – the public space defined by the exterior of buildings and the surrounding streets and open space.

- A human-scale character that creates a pleasant walking environment for all ages and abilities. Buildings should provide “eyes-on-the-street”.
- Elements of design, proportion, rhythm, and massing that are desirable and appropriate for proposed structures and the site.
- Places and structures in the city that reflect the uniqueness of the community and provide meaning to its residents.
- Building scale and orientation that are appropriate to the site.
- The use of high-quality and durable materials, as well as innovative building techniques and designs.
- The use of environmentally friendly design and building techniques, such as LEED, for the construction or rehabilitation of structures.
- Minimization of negative impacts, such as glare or unsightly views of parking.
- Incorporation of historic features whenever possible.
- A design that fits with the context of the site, one that is sensitive to its surroundings and reflective of natural features and existing character.

Policy CC4.3

Design and build Fircrest’s civic buildings in a superior way and with high-quality materials to serve as innovative and sustainable models to the community.

Policy CC4.4

Ensure safe environments by strongly encouraging the use of building and site design techniques consistent with CPTED guidelines to:

- Distinguish between publicly accessible open space and private open space.
- Provide vandal-resistant construction.
- Provide opportunities for residents and workers to view spaces and observe activities nearby.
- Reduce or eliminate “unclaimed” areas, such as unmaintained easements between fence lines and street or trail right-of-way.

Discussion: The National Crime Prevention Institute endorses a set of guidelines called Crime Prevention through Environmental Design (CPTED). These guidelines illustrate how design can affect the safety of a site or building. Clearly distinguishing between public and private spaces makes it easier to identify intruders. The ability to easily observe activities helps parents and caregivers keep sight of children and helps neighbors or workers identify activities that should not be occurring. Areas with little or no use are typically not cared for and can offer areas for unwanted activities.

Policy CC4.5

Foster the natural environment and maintain and enhance the green character of the city, while integrating healthy built environments through techniques such as:

- Encouraging design that minimizes impact on natural systems.
- Using innovations in public projects that improve natural systems.
- Preserving key areas of open space.
- Requiring the preservation, maintenance and installation of new street trees and other vegetation in accordance with the City’s design standards and guidelines,

and landscaping requirements.

Discussion: Members of the Fircrest community have expressed that stewardship of the natural environment is important to them. Although Fircrest continues to urbanize, many features of the natural environment can be preserved, enhanced, and restored. Design of landscaping and the built environment can reduce the impacts to natural systems. At the same time, well-thought-out landscape design can enhance a site and create unique character.

Policy CC4.6

Encourage design and installation of landscaping that:

- Creates character and a sense of place.
- Retains and enhances existing green character.
- Preserves and utilizes native trees and plants.
- Enhances water and air quality.
- Minimizes water consumption.
- Provides aesthetic value.
- Creates spaces for recreation.
- Unifies site design.
- Softens or disguises less aesthetically pleasing features of a site.
- Provides buffers for transitions between uses or helps protect natural features.

STREET AND PATHWAY LINKAGES

Streets can be more than just a means of getting from one point to another. They can define how the city is viewed as one passes through it and create a sense of unique character. Elements of street design, such as width, provisions for transit or bikes, pavement treatments, and street-side vegetation, affect the quality of a traveler's trip and the sense of place. These design elements also can affect the behavior of motorists, such as their speed, their decisions to yield or take the right-of-way, and the degree of attention that is paid to pedestrians, bicycles, and other vehicles.

Linear urban parks that incorporate pathways and complement the street system can create a park-like setting for the community.

GOAL CC5

Pay special attention to street design ~~in order~~ to create a sense of unique character that distinguishes Fircrest from neighboring communities.

Policy CC5.1

Promote the conversion of arterial streets originally designed primarily to move motor vehicles quickly to *complete streets* that support safe and convenient access for all users within uniquely designed corridors that are visually differentiated from arterial streets in adjacent cities. Coordinate with Tacoma and University Place in

redesigning arterials shared with Fircrest when opportunities arise for *complete street* conversions.

Discussion: The City's arterials should be redeveloped to enable pedestrians, bicyclists, motorists, and transit riders of all ages and abilities to safely move along and across these *complete streets*. The design for these streets should be unique and respond to its community context. *Complete streets* in Fircrest may include a mix of design elements including sidewalks, bike lanes, special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, curbside parking, and other traffic calming elements.

Policy CC5.2

Ensure that *complete street* designs result in active urban streets, accessible public spaces, and safe and convenient linkages for all users, especially within the 19th and Mildred area Street and 19th Street corridors and along Regents Boulevard.

Discussion: *Complete streets* will help create a more walkable and accessible community leading to increased mobility, street life, economic activity, community vibrancy, and the development and preservation of a unique community character.

Policy CC5.3

Use distinctive design elements to create unique identities for ~~Neighborhood Commercial and Commercial Mixed Use~~ mixed-use areas, such as:

- Specially designed landscape.
- Unique crosswalk treatments and frequent crosswalks.
- Sidewalk design that supports a mix of commercial, residential, and other uses ~~allows and encourages~~ and activities such as outdoor café service.
- Character-defining materials and accessories, such as seating and wayfinding elements.
- Art elements.
- Pedestrian-scale lighting.

Discussion: The 19th and Mildred area ~~Street and 19th Street corridors~~ and Regents Boulevard are unique geographic areas. The introduction of distinctive design elements to each area can be used to foster unique neighborhood character.

Policy CC5.4

Design and create trails, urban linear parks, sidewalks, bikeways, and paths to increase physical activity and connectivity for people by providing safe, direct, or convenient links between the following:

- Residential neighborhoods.
- Schools.
- Parks, open spaces, greenbelts, and recreation facilities.
- Employment centers.
- Shopping and service destinations.
- Civic buildings and spaces.

URBAN FOREST MANAGEMENT

An urban forest refers to the natural and planted vegetation in an urban area -- both public and private. A community's urban forest is comprised not just of trees and other vegetation in parks but also trees and other landscaping that line the roadways and vegetation on private property. A well-managed, healthy urban forest:

- Provides opportunities to develop neighborhood and community partnerships that benefit the participants physically, sociologically, and psychologically.
- Can lessen the impacts of drought, tree diseases, insect pests, construction, storm damage and stormwater runoff.
- Benefits the entire community economically, aesthetically, and ecologically.
- Supports the conservation, protection, and enhancement of Fircrest's watershed and the Puget Sound, and promotes the health of fish habitat.
- Has a positive effect on surrounding businesses and residences and people's sense of well-being.

Trees and other vegetation within the urban forest provide a unique green infrastructure that if maintained and cared for will continue to give back to the community. Trees also have great potential to shape the character of a community. A worthwhile challenge is to find ways to increase the tree canopy and enhance the health, properly maintain, and diversify the urban forest while achieving, over time, the community character desired by Fircrest citizens.

GOAL CC6

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

Policy CC6.1

Require landscaping with a drought-tolerant native plant component (trees, shrubs, and groundcovers) to be installed when significant development activities take place.

Discussion: Generally, landscaping requirements should apply to new construction and substantial alterations of existing structures, parking areas, streets, and sidewalks. The use of native, drought-tolerant plants within landscaping can provide for an attractive urban setting; support the urban citywide tree canopy and wildlife; buffer the visual impacts of development; help reduce storm water runoff; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest.

Policy CC6.2

Landscaping should comply with applicable City standards and guidelines for plant retention, selection, installation, and maintenance. These standards are intended to maintain existing trees when practicable, better ensure that plants survive and thrive, minimize conflicts with infrastructure, and in some cases provide a substantial visual screen or buffer.

Discussion: The City should periodically review the effectiveness of its landscaping and tree retention requirements and amend them as necessary to ensure they will achieve desired urban forest goals and objectives.

STREETSCAPE LANDSCAPING

Street trees and other landscaping treatments are essential for creating beauty and improving the quality of life within neighborhood commercial and commercial mixed-use centers, residential neighborhood settings and other areas of a community. Benefits include providing shade and cooling effects; providing a sense of enclosure; providing definition and scale to the street; protection from wind; separation from vehicular traffic; and reducing airborne dust and pollutants.

Many opportunities exist for street tree planting and other landscaping treatments in existing neighborhoods and areas undergoing redevelopment in Fircrest. The most favorable locations in terms of making a positive visual and functional impact are within sidewalks and planting strips to enhance the streetscape environment -- and within traffic medians to reinforce traffic calming measures.

GOAL CC7

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

Policy CC7.1

Periodically review and update, as needed, the City's adopted street tree list and associated landscape design standards and guidelines to ensure that they reflect current science as to tree selection, installation, and maintenance.

Discussion: Proper management of the urban forest requires attention be paid to diversity of plantings, the arrival of insect pests and disease to an area that may affect existing trees and future selections, and the long-term performance of trees previously identified as being suitable for specific applications. As new selections are identified as being good candidates for street tree plantings in Fircrest, or as other trees on the current list are identified as being ones to avoid in the future, the list of approved street trees should be updated to reflect this new information.

RESIDENTIAL CHARACTER

Much of the City's projected housing unit and population growth over the next couple of decades may be accommodated through construction of higher density housing in commercial mixed-use areas and redevelopment of existing multifamily neighborhoods. Additional growth will occur in the form of infill development in established single-family residential neighborhoods.

Today, factors such as an aging population, changes in family size and composition, and shifting generational preferences for different housing types and neighborhood

designs and functions are contributing to changes in the social and economic factors relating to housing choices. These factors have the potential to influence greatly the character of the community. As such, it is important that the City guide future residential development in a manner that will be compatible with surrounding areas and build upon the positive aspects and character of the neighborhood.

GOAL CC8

Support residential infill development and redevelopment that responds to local preference and demand for innovative, high quality housing, that is sensitive to surrounding residential areas, and that supports community character goals and objectives.

Policy CC8.1

Periodically review and update form-based codes, design standards and guidelines and other zoning provisions that apply to ~~commercial-residential~~ mixed-use development, multifamily redevelopment, and single-family infill housing to assess their effectiveness in accomplishing design objectives and community character goals, and to assess the extent to which they successfully respond to neighborhood compatibility issues and concerns.

Discussion: In response to changing needs and preferences for housing in the community and the likely increase in the type and number of housing units being constructed within existing neighborhoods, the City should consider expanding the applicability of its form-based codes to medium- and high-density multifamily zones to better ensure a high quality public realm, design excellence and neighborhood compatibility. ~~adopt design standards and guidelines that apply to new cottage housing, small lot and multi-family development to better ensure design excellence and neighborhood compatibility. In addition, the City should refine existing design standards and guidelines to provide more beneficial and effective design direction for commercial mixed use development that may be constructed along the Mildred Street and 19th Street corridors.~~

HISTORIC RESOURCES

Historic resources offer a way to connect with the city's past and provide a sense of continuity and permanence. Those resources represent development patterns and places associated with Fircrest's notable persons and community events. The historic fabric, together with unique qualities of new development patterns, defines the character of a community. It is essential to preserve some historic resources to maintain the character of Fircrest and to continue to honor its past. Adaptive reuse of historic structures also helps reduce the need to obtain additional resources for new building construction.

Fircrest has a rich history but very few "surviving" historic structures and identified cultural and archaeological sites. Nonetheless, the community takes pride in its shared heritage and history. The City of Fircrest has maintained photographs and other historic records that date back to the beginnings of the community in 1907, well before its

incorporation in 1925. Public projects can help foster this connection and build community awareness by incorporating elements of Fircrest's history into design features.

GOAL CC9

Support the preservation and active use of cultural and historic resources to enhance Fircrest's quality of life, economic vibrancy, and environmental stewardship.

Policy CC9.1

Encourage preservation, restoration, and appropriate adaptive reuse of historic properties to serve as tangible reminders of the area's history and cultural roots.

Policy CC9.2

Incorporate features, such as interpretive signage and other elements reflecting original historic designs into park projects, transportation projects and buildings on historic sites, when feasible, as a means of commemorating past events, persons of note and city history.

Policy CC9.3

Establish an ongoing process of identification, documentation, and evaluation of historic properties. Maintain and update the historic property inventory as new information arises to guide planning and decision making, as well as to provide reference and research material for use by the community.

Discussion: Identification of historic properties and archaeological sites is an essential step towards preservation. This includes evaluation of the historic and cultural significance of a property and the extent to which it has maintained its integrity. Property evaluation forms, deed documents, news articles and other information may all be used to evaluate a property. Knowing the history and significance of properties can foster stewardship by owners and the public.

Policy CC9.4

Encourage nomination of historic resources that appear to meet Historic Landmark criteria by individuals, community groups and public officials.

Discussion: A Historic Landmark designation is the most common method to identify which historic and cultural resources to protect. Designation of a property can occur at four levels: local, county, state or national. Pierce County, the State of Washington, and the United States -- through the United States National Park Service (Secretary of the Interior) -- all maintain registers of Historic Landmarks. The City of Fircrest has not established a local historic landmark register.

Policy CC9.5

Emphasize the preservation of historic properties through methods such as adaptive reuse for promoting economic development and /or public use.

Discussion: Without special code provisions for historic or cultural sites, adaptive reuse (placing new uses in a building once intended for another use) or even modification of a building to make it more functional or economically competitive may trigger a requirement to bring the structure up to existing codes. The economics of bringing older construction types up to modern ones can be prohibitive to the point that the owners often choose not to make alterations. The resulting effect may be that owners allow the building to deteriorate because of its inability to draw sufficient income to cover adequate maintenance. Alternatively, the property owner may be inclined to tear down and replace the structure.

Policy CC9.6

Encourage restoration and maintenance of historic properties through code flexibility, fee reductions, and other regulatory and financial incentives.

Discussion: Historic resources reflect a use of certain materials, an architectural style, or an attention to detail. Improper alterations or additions can eliminate the very reason that the structure gave character to the area. Incentives actively encourage both preservation of existing structures and restoration of structures to more closely resemble the original style and setting.

Policy CC9.7

Protect Historic Landmarks from demolition or inappropriate modification.

Policy CC9.8

Protect Historic Landmarks and significant archaeological resources from the adverse impacts of development.

Policy CC9.9

Mitigate adverse impacts to the following by methods such as documentation of the original site or structure, interpretive signage, or other appropriate techniques:

- Landmark or archaeological sites; and
- Properties proposed to be demolished or significantly altered that are eligible for landmark designation or are of sufficient age and meet a portion of the other criteria for landmark designation.

Discussion: There may be instances where alteration or demolition of a Historic Landmark is reasonable or necessary. In these cases, it is valuable for later researchers to have records of the modifications or past use. New land uses and development can have adverse effects on historic resources. Sensitive design of new development can allow new growth, while retaining community character.

Policy CC9.10

Share survey and inventory information with Pierce County, the State Department of Archaeology and Historic Preservation, federal agencies, the public, historical societies, museums, and other appropriate entities. Use technical assistance from other agencies as appropriate.

Policy CC9.11

Support efforts by residents, property owners, cultural organizations, public agencies,

and school districts to support the development of a more active historic preservation program, including:

- Brochures and plaques.
- Online information.
- Educational efforts to foster public awareness of Fircrest's history.

Discussion: Survey and evaluation work is time intensive. It is not efficient to duplicate such efforts, and opportunities such as grants to foster preservation should be explored. There are financial or other limits to maintaining or contracting personnel with technical knowledge of preservation. It is important to maintain some resources to preserve the historic character of Fircrest and, through cooperation knowledge can be preserved and shared.

COMMUNITY LIFE

Community character can be influenced over time by how well a community supports its residents – in terms of supporting educational opportunities, the provision of care facilities, public participation, and sensitive pricing of fees and charges for services offered to those who may have limited physical, mental, or financial abilities.

Goal CC10

Fircrest shall encourage programs and practices that foster a sense of community and enrich citizens' lives.

Policy CC10.1

The City should cooperate with Tacoma and University Place School Districts and Tacoma Community College to ensure that Fircrest residents are provided high quality, diverse, and satisfying educational opportunities. Continuing education programs for adults should be encouraged as well as educational programs for college students and children.

Policy CC10.2

To ensure locally focused essential services are available for working householders, Fircrest should encourage the establishment of high-quality child and adult care facilities. To increase safety of children attending after school care, childcare facilities offering after school care shall be most encouraged in the vicinity of schools.

Policy CC10.3

City programs should encourage and facilitate the sharing of the talents, skills, and abilities of Fircrest's citizens with other members of the Fircrest community.

Policy CC10.4

The City should encourage new residents to participate in Fircrest's community life and to fully integrate with the community.

Policy CC10.5

The special requirements of small children, the elderly, disabled persons, and other potentially disadvantaged persons should be considered when making decisions concerning utility fees and rates, licensing fees, park and recreation programs and fees, facility projects, City programs, development projects, and other matters that may affect the quality of life in Fircrest for those who may have limited physical, mental, or financial ability.

CHAPTER 3

LAND USE ELEMENT



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INTRODUCTION

The Land Use Element is designed to help Fircrest achieve its vision for a city that has gracefully accommodated growth and change, while ensuring that the community's high quality of life, cherished natural features, distinct places and character are retained. The Land Use Element provides the basis for planning for anticipated growth, including needs for transportation, parks and open space, and other public facilities and services to serve future growth. The pattern of uses that make up Fircrest helps support the community's long-term vision and goals by describing locations where development is appropriate and what the desired intensity and general character should be. The Land Use Element is intended to ensure the land use pattern in Fircrest meets the following Fircrest objectives:

- ~~Considers~~~~Takes into account~~ the land's characteristics and directs development away from environmentally sensitive areas and important natural resources.
- Provides for attractive, affordable, high-quality, and stable residential neighborhoods that include a variety of housing choices.
- Supports a healthy community by encouraging physical activity, promoting social and mental wellness, and maintaining and enhancing its reputation as a destination for recreation, and special community events and festivals.
- Encourages redevelopment of properties that are underutilized or being used in a way that is inconsistent with the Comprehensive Plan designation.
- Focuses and promotes employment growth and retail, office, and housing development ~~within~~~~along~~ the 19th and Mildred ~~area~~~~and 19th Street corridors~~;
- Enhances the economic vibrancy of historic neighborhood-serving commercial areas centered on Regents Boulevard.
- Supports creation and enhancement of community gathering places, including public parks and recreation facilities that accommodate special events, and privately developed venues.
- Provides opportunities to meet daily shopping or service needs close to residences and workplaces.
- Maintains and enhances an extensive system of parks, trails and open space that meets ~~local~~ residents' needs.
- Advances best management practices, multimodal travel, a high-quality natural environment, and sustainable development.

ORGANIZATION OF THE LAND USE ELEMENT

The Land Use Element is divided into ten sections. The Introduction section summarizes the intent of the Element and its organization. The second and third sections describe the state and regional planning contexts, respectively. The fourth section provides a local planning context and articulates a land use vision statement for a 20-year planning horizon. The fifth section lists goals and policies that shape how the Fircrest community lives on the land and how Fircrest's citizens and government officials will manage the processes of making land use decisions. The goals and policies also respond to the requirements, goals, and planning principles of the GMA

while providing for the protection and enhancement of Fircrest's community character. The sixth section of the Element identifies and defines land use designations and contains required information such as population density and building intensity. Information concerning lands useful for public purposes is provided in the seventh section. The eighth section summarizes mandated population, housing unit and employment targets and the provisions of the buildable lands program that are used to demonstrate Comprehensive Plan consistency with these targets. Information concerning critical areas and natural resource lands is covered in the ninth section. The final section examines planned land use in adjacent jurisdictions to ensure consistency.

STATE PLANNING CONTEXT

GROWTH MANAGEMENT ACT

The Washington State Growth Management Act identifies that for cities such as Fircrest that are required to plan under RCW 36.70A.070, a comprehensive plan must include a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. Each comprehensive plan shall include:

"A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound."

REGIONAL PLANNING CONTEXT

VISION 2040 MULTICOUNTY PLANNING POLICIES (MPPs)

Under the Growth Management Act, multicounty planning policies provide a common region-wide framework for countywide and local planning in the central Puget Sound region, particularly in ~~the area of~~ transportation planning and its relationship to land use. The unified structure established by the MPPs has both practical and substantive effects on the development and implementation of comprehensive plans, including land use elements.

The MPPs provide guidance for implementing Puget Sound Regional Council's *VISION 2040* Regional Growth Strategy. This strategy is a preferred pattern for accommodating

a significant share of the region's residential and employment growth within a number of regional centers. It is designed to minimize environmental impacts, support economic prosperity, improve mobility, and make efficient use of existing infrastructure. The strategy promotes infill and redevelopment within urban areas to create more compact, walkable, and transit-friendly communities.

PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (CPPs)

The Pierce County Countywide Planning Policies is a written policy statement that establishes a countywide framework from which county and municipal comprehensive plans are developed and adopted. The framework is intended to ensure that municipal and county comprehensive plans are consistent.

The CPPs are intended to provide the guiding goals, objectives, policies, and strategies for the subsequent adoption of comprehensive plans. CPPs that offer guidance for development of the Land Use Element include ones that address *Buildable Lands, Community and Urban Design, Economic Development and Employment, Health and Well-Being, Urban Growth Areas, and Promotion of Contiguous and Orderly Development and Provision of Urban Services*.

LOCAL PLANNING CONTEXT

LAND USE VISION

Looking ahead 20 years...

In the 2030s, Fircrest is treasured for its character, natural assets, friendly and welcoming atmosphere, diversity, safety, and quiet settings.

Fircrest includes a broad choice of housing types at a range of prices, including affordable homes. During the past 20 years, there has been more variety in the types and prices of newly constructed homes, including more cottages, accessory dwelling units, attached homes, live-work units, and other smaller single-family homes. New homes blend with existing homes and the natural environment, retaining valued characteristics of neighborhoods as they continue to evolve. While single-family neighborhoods have remained stable, the number and variety of multifamily housing choices, including units oriented towards seniors, have increased significantly, especially ~~within mixed-use neighborhoods developments along within the 19th and Mildred area Street and 19th Street~~. Through careful planning and community involvement, changes and innovation in housing styles and development have been embraced by the community. Residents enjoy a feeling of connection to their neighborhoods and to the community ~~as a whole~~.

Fircrest has acted to create and maintain a strong economy and a more diverse employment base.

Fircrest is the home to many small, medium-size and locally owned businesses and services. Businesses are proud to be partners in the community. The city provides a positive business climate that supports innovation and attracts sustainable development, while retaining existing businesses.

Fircrest's ~~commercial~~ mixed-use neighborhoods ~~in the fronting on 19th and Mildred area and 19th Streets~~ are thriving centers of commercial activity supported by a mix of newly constructed housing. Historic neighborhood commercial centers on Regents Boulevard are outstanding places, at a smaller scale, to work, shop, live and recreate. Attractive ~~new housing, restaurants, offices, retail shops~~ ~~stores, and services and residential developments~~ have contributed to a new level of vibrancy in the community, while retaining a comfortable, connected feel that appeals to residents, business and visitors.

~~During the past 20 years, redevelopment of the Mildred and 19th Street corridors has brought retail storefronts closer to the street and improvements to streetscapes to reflect the green character of Fircrest, making the area more hospitable to transit, pedestrians and bicyclists. This portion of Fircrest has also become much more distinct in character, featuring a variety of housing choices, small-scale shopping and services to serve employees and residents, and connections to a network of parks, sidewalks, and transit services.~~

Fircrest has supported the creation of a vibrant center that is home to a mix of housing, businesses, and public spaces that attract residents, workers and visitors alike.

During the past 20 years, redevelopment of the 19th and Mildred area has resulted in an urban environment with a vibrant public realm – valued by Fircrest residents and visitors from outside the community. Green streets, squares, paseos and woonerfs, and other public spaces knit together highly livable neighborhoods where well-designed housing, a mix of commercial and recreational activities, and other uses activate the streets and sidewalks. Neighborhood design is hospitable to and supportive of pedestrians, cyclists, transit users and others who do not rely on the private auto for mobility. Connectivity with other areas of Fircrest has been achieved through visionary development that has established a fine-grained street grid -- consistent with the City's regulating plan for the area. Physical improvements and proximity to the TCC Transit Center and Sound Transit light rail line on 19th Street support access to other communities in the Puget Sound region.

Fircrest in the 2030s has enhanced and maintained a very green character.

Citizens benefit from its livability, which contributes to the general quality of life. An abundance of trees continues to define Fircrest's physical appearance, including those within the Fircrest Golf Club and the forested hillsides above Leach Creek and the Tacoma Holding Basin. A system of interconnected open spaces provides habitat for a variety of wildlife. The city prides itself for its environmental stewardship, including an

emphasis on sustainable land use and development patterns, landscaping that requires little watering, and other techniques to protect and conserve the natural environment, while flourishing as a successful small, yet urban, community. Fircrest maintains an extraordinary park, recreation and open space system that serves all age groups and a wide variety of interests.

GOALS AND POLICIES

This Element contains the land use goals and policies for the City of Fircrest. The following goals establish broad direction for land use, while the policies provide more detail about the outline steps needed to meet the intent of each goal. Goals may be preceded by an initial statement that provides an intent or purpose for the goal. Discussion text may follow policies to provide background information, offer typical examples and help clarify intent.

The land use goals contained in this Comprehensive Plan are:

- Growth management
- Land use compatibility
- Community facilities and services
- Land use designations
- Residential uses
- Commercial uses
- Essential public facilities and other public facilities
- Industrial uses
- Centers of local importance
- Environmental quality
- Water resources
- Development regulations and permit processing
- Interjurisdictional planning

GROWTH MANAGEMENT

The goals that are the foundation of Washington's Growth Management Act are consistent with the hopes for the community expressed by people who live or work in Fircrest. These goals include encouraging efficient development in urban areas to retain open space, providing a variety of housing types and sustainable economic growth, focusing population and employment growth in cities, ensuring that public facilities and services are adequate, and investing in transportation to support planned land use and to provide travel choices.

VISION 2040 calls for compact communities and centers with densities that support transit service and walking. It also calls for each city to identify one or more central places for compact, mixed-use development that will reinforce effective use of urban land.

GOAL LU1

Provide sufficient land area and densities to meet Fircrest's projected needs for housing, employment and public facilities while focusing growth in appropriate locations.

Policy LU1.1

The city should ensure that development regulations, including form-based codes and the allowed density, land uses and site development standards requirements, provide for achievement of Fircrest's preferred land use pattern and urban form.

Policy LU1.2

The city should manage growth so that delivery of public facilities and services will occur in a fiscally responsible manner to support development and redevelopment. Allow new development only where adequate public facilities and services can be provided.

Policy LU1.3

The city should encourage development of both public and private lands in Fircrest that provides long-term benefit to the community using through the use of techniques, such as green building and green infrastructure.

Policy LU1.4

The city should provide an appropriate level of flexibility through development regulations to promote efficient use of buildable land. Balance this flexibility with other community goals and the need for predictability in decision making. Achieve this through implementation of form-based codes, through measures such as clustering that preserve open space, and by considering administrative variances for minor variations.

Policy LU1.5

The city should encourage infill development on suitable vacant parcels and redevelopment of underutilized parcels. Ensure that the height, bulk and design of infill and redevelopment projects are supportive of the public realm and compatible with their surroundings.

Policy LU1.6

The city should support opportunities for shops, services, recreation, and access to healthy food sources within walking or bicycling distance of homes, workplaces, and other gathering places.

Policy LU1.7

The city should encourage project designs to encourage access by modes of travel other than driving alone, such as walking, bicycling and transit, and to provide connections to the nonmotorized system.

LAND USE COMPATIBILITY

Retaining and enhancing Fircrest's high quality of life and special character is ~~very~~ important to Fircrest citizens. A variety of mechanisms is used to protect and enhance the city's quality of life and character as the community continues to grow. For example, form-based codes are used to achieve development that exhibits the highest standards of urban design, architecture, and landscaping with a focus on the design of the public realm – the public space defined by the exterior of buildings and the surrounding streets and open space. Height and bulk regulations are used to ensure that buildings within various areas of the city fit those locations and are compatible in scale with adjacent structures. Intensity or density regulations control the amount of a particular use that is allowed and are used to achieve compatibility between uses, protect environmentally sensitive areas, and ensure that public facilities are not overloaded. Performance standards limit and often prohibit pollution discharges to the environment, stormwater drainage and sanitary sewers to ensure that uses are compatible and safe and that Fircrest's ~~commercial~~ mixed-use and neighborhood commercial areas remain desirable places for business.

Fircrest's preferred land use pattern recognizes that many uses can be good neighbors if designed and developed well. Some activities such as noise or fumes may create impacts which adversely affect other uses. Fircrest's overall policy is to minimize adverse impacts on sensitive, lower intensity uses, such as residences.

GOAL LU2

Ensure that future growth and development protect and enhance the City's quality of life and character and are compatible with existing community fabric.

Policy LU2.1

The city should refine and maintain development regulations to promote compatibility between uses; retain and enhance desired neighborhood character and the public realm; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services. Through these regulations address features, including but not limited to:

- Impervious surface area and lot coverage.;
- Building height, bulk, placement, and separation.
- Development intensity.
- Access and connections for walking and bicycling; and
- Landscaping.

Policy LU2.2

The city should apply design standards and guidelines for residential development to:

- Provide variety in building and site design and visually appealing streetscapes in residential developments of several dwellings or more.
- Minimize significant impacts, such as loss of light or privacy, from large residential infill buildings on adjacent residents.
- Promote compatibility with Fircrest's residential neighborhoods and avoid an appearance of overcrowding when rezones will increase residential development capacity or when density bonuses or flexibility in site standards are utilized.
- Emphasize features typical of ~~detached~~ single-detached dwellings, such as pitched roofs, single points of entry and substantial window trim, as part of ~~missing middle housing residential structures containing two or more dwelling units.~~

Policy LU2.3

The City should promote compatibility between land uses and minimize land use conflicts when there is potential for adverse impacts on lower-intensity or more sensitive uses by:

- Ensuring that uses or structures meet performance standards that limit adverse impacts, such as noise, vibration, smoke, and fumes; and
- Creating an effective transition between land uses through building and site design, use of buffers and landscaping, or other techniques.

COMMUNITY FACILITIES AND SERVICES

A well-functioning community depends on the availability of and equitable access to a variety of community facilities and services. Schools, libraries, and facilities for enjoying recreation and art are essential to the social and cultural vibrancy of the community. The health of the community depends on the availability of safe drinking water, adequate wastewater collection, sustainable stormwater management, a coordinated public safety system, access to healthy food, and opportunities for active living.

GOAL LU3

Ensure the provision of community facilities and services commensurate with the needs of the community.

Policy LU3.1

The city should encourage the provision of needed facilities that serve the ~~general~~ public such as facilities for education, libraries, parks, culture and recreation, police and fire, transportation, and utilities. Ensure that these facilities are located in a manner that is compatible with the City's preferred land use pattern. When facilities are not provided within the community, provide alternative means of support for their services.

Policy LU3.2

The city should incorporate consideration of physical health and well-being into local decision making by locating, designing, and operating public facilities and services in a manner that:

- Uses building and development practices that provide long-term benefit to the community.
- Encourages walking and bicycling access to public facilities.
- Supports creation of community gardens on public open space in accessible locations throughout Fircrest.
- Provides tools such as educational and demonstration programs that help foster a healthy environment, physical activity and well-being, and public safety.

LAND USE DESIGNATIONS

The Land Use Designation Map (**Figure LU-1**), also referred to as the Plan Map, graphically displays the City's preferred land use pattern. The different areas on the Plan Map are referred to as land use designations. These designations provide a framework for guiding development consistent with the City's vision, goals, objectives, and policies. The Plan Map divides the city into areas where different types and intensities of land uses are allowed. The designations serve to protect areas from incompatible development, maintain property values and support development consistent with each designation. The purpose and intent of each designation, and the general types of uses allowed in each designation, are provided in the section of the Land Use Element following the goals and policies.

GOAL LU4

Ensure that decisions on land use designations and zoning are consistent with the City's vision, goals, objectives and policies as articulated in the Comprehensive Plan and take into account GMA goals regarding urban growth, sprawl, property rights, permits, economic development, and open space and recreation.

Policy LU4.1

The city should consider the following when making decisions on land use designations and zoning:

- Land use and community character objectives.
- Whether development will be directed away from environmentally sensitive areas and other important natural resources and in a way that minimizes impacts on natural resources.
- The adequacy of the existing and planned transportation system and other public facilities and services.
- Projected need and demand for housing types and commercial space.
- The balance between the amount and type of employment in Fircrest and the amount and type of housing in Fircrest.
- Suitability of an area for the proposed designation or zone.

- Opportunities to separate potentially incompatible uses by topography, buffers, zoning transitions or other techniques.

Policy LU4.2

The city should apply zone classifications and overlays consistent with the Plan Map land use designations, as shown in **Table LU-1**.

Table LU-1

Plan Map Land Use Designation	Consistent Zone Classifications and Overlays
Low Density Residential	Residential-4; Residential-6;
Low Density Residential – Conservation	Residential-4-C
Medium Density Residential	Residential-8
Medium Density Residential – Traditional Community Design	Residential-10-TCD
High Density Residential	Residential-20; Residential-30
Parks, Recreation and Open Space	Park, Recreation and Open Space; Golf Course
Neighborhood Commercial	Neighborhood Commercial; Neighborhood Office
Commercial Mixed-Use	Commercial Mixed-Use <u>Neighborhood; Mixed-Use Urban</u>
Public and Quasi Public Facilities	All districts

RESIDENTIAL LAND USE

Fircrest residents treasure their neighborhoods. Each neighborhood has characteristics that are unique and make it special. There are also qualities that many residents throughout Fircrest frequently cite as ones they value about their neighborhoods. These qualities include safety, quiet, friendliness, attractiveness, and a feeling of connection to their neighborhoods and to the community ~~as a whole~~.

Residents also value being near to open space, parks, trees, and other greenery, and having good transportation connections that enable easy access to stores and services. They are appreciative of the importance of having a diverse range of housing choices in Fircrest. There is recognition of the value of having a community in which people of a wide range of ages and needs can live and be able to remain in Fircrest through changes in age or household size. Housing types that can help address current and future needs include additional smaller starter homes, cottages, accessory dwelling units, live-work units, attached homes, senior housing, and housing for families. In thinking about the future, citizens also emphasize that new development needs to be well designed and fit well with the surrounding area.

The following residential policies in the Land Use Element provide general guidance for development in residential areas, including density, allowed uses and development standards. This Element is complementary to the Housing Element and Community Character Element. The Housing Element addresses a range of housing topics, including neighborhood preservation, housing choice, housing affordability and special needs housing. The Community Character Element addresses residential neighborhood compatibility issues and concerns.

GOAL LU5

Achieve a mix of housing types and densities, maintain attractive and healthy residential neighborhoods, and guide new housing development into appropriate areas.

Policy LU5.1

Development regulations should accommodate and encourage a wide range of housing types to meet the needs of residents through various life stages. Housing choice should be expanded to enable residents to remain living in the community as their housing needs or preferences change over time, and to attract new residents to the community.

Policy LU5.2

The mix of housing within the community should include detached and attached single-family dwellings, cottage housing, live-work units, multi-family dwellings, including townhomes and units located within vertical mixed-use buildings, accessory dwelling units, residential care facilities for those who are unable to maintain independent living arrangements, and other innovative housing that is compatible with the type, scale and character of surrounding residential development.

Policy LU5.3

Manufactured homes shall be allowed in low density residential areas, subject to applicable federal and state siting requirements and local health and safety regulations.

Policy LU5.4

A range of residential densities shall be provided for based on existing development patterns, community needs and values, proximity to facilities and services, immediate surrounding densities, and protection of natural environmental features.

Policy LU5.5

Innovation in site and building design shall be encouraged in and adjacent to critical areas in accord with Comprehensive Plan goals and policies. For example, clustering of units outside of critical areas and associated buffers may be permitted provided that *overall* density of a site does not exceed the maximum allowable dwelling units per acre. Appropriate buffering, design features, and amenities must be included in all innovative designs.

Policy LU5.6

The character of existing single-family residential neighborhoods should be preserved and enhanced.

Discussion: Established residential neighborhoods are the foundation of the community. They provide a sense of well-being for ~~local~~ residents and enhance the stability of the entire City. Single-family neighborhoods should be protected from negative impacts of conflicting or inappropriate nearby land uses.

Policy LU5.7

Implement form-based codes and mixed-use zoning to achieve increased Greater residential density and building height should be allowed in existing commercial in mixed-use and multifamily areas near along or close to major arterials and transit routes, for example the 19th and Mildred area Street and Mildred Street, to accommodate expected population and employment growth.

Discussion: Puget Sound Regional Council projections anticipate a significant amount of growth occurring through Fircrest's 2035 planning horizon, and the Pierce County Regional Council has allocated a comparable amount of population and housing growth for 2030. To protect the character of existing single-family neighborhoods from increased, and incompatible, infill development, to provide greater housing choice, and to encourage the use of alternative transportation modes, housing units needed to accommodate the allocated growth targets should be located primarily in the 19th and Mildred and 19th Street areas where multi-family housing is already established and mixed-use development is strongly encouraged ~~allowed to expand and where mixed-use development will be encouraged~~.

Policy LU5.8

Residential infill development shall be compatible with surrounding development in terms of scale, form, relationship to the street and other design elements.

Discussion: Residential uses in multifamily and ~~commercial~~-mixed-use zones should be designed to provide a harmonious transition into nearby single-family neighborhoods. Buffers, landscaping, and building design and placement that blend with the neighboring community enhance the transition between different densities and land uses. Multifamily design standards and guidelines should be implemented ~~adopted~~ to support this objective.

Policy LU5.9

To expand local economic opportunities for Fircrest's residents, home occupations that are compatible with the surrounding residential area shall be encouraged.

COMMERCIAL LAND USE

Commercial areas provide for the development and operation of retail and service businesses in support of community needs. The design and location of commercial areas are important to residents and businesses. Well-designed and -located commercial developments enable people to walk to a nearby restaurant or to park once and shop at several businesses. Good design and location are also important to

providing transit service, avoiding conflicts with nearby uses, reducing traffic problems, and providing for easy delivery and pickup of goods. Allowing small-scale commercial areas near homes can reduce the distance people have to travel for frequently purchased goods and services. Neighborhood commercial areas also help provide for small-scale gathering places that are accessible from neighborhoods, help promote walkability and bikeability, and support many aspects of Fircrest's long-term vision and goals, including economic vitality.

GOAL LU6

Achieve a mix of commercial land uses that serve the needs of the City's residents, businesses and visitors while protecting and enhancing the unique character of Fircrest's residential neighborhoods.

Policy LU6.1

New and redeveloped commercial and mixed-use buildings and neighborhoods should be designed to achieve community goals for attractive streets, public spaces, and pedestrian amenities.

Discussion: Most ~~of the City's~~ development in ~~commercial the 19th and Mildred~~ mixed-use areas occurred prior to annexation to Fircrest, without the guidance of a plan that was consistent with GMA and urban design goals. Many land uses are auto oriented -- and building design and site planning are generally uncoordinated. Additionally, building orientation and parking lot locations vary considerably, with surface parking often being a highly visible component. Similarly, most development that has occurred in the City's neighborhood commercial areas predates adoption of this Comprehensive Plan and the City's land development code. Improved functionality and appearance of ~~commercial~~ mixed-use and neighborhood commercial areas could attract new business to the City and enhance the quality of life for Fircrest residents.

Encouraging an appropriate mix of land uses and ~~adopting and~~ implementing form-based codes and design standards and guidelines for new construction and redevelopment will achieve economic development goals while supporting the protection of nearby residential neighborhoods from incompatible commercial use.

Policy LU6.2

Fircrest should encourage development of new businesses and expansion of existing businesses to help meet the retail and service needs of Fircrest's residents. New businesses should be recruited to the City to expand and diversify the City's employment base.

Policy LU6.3

Environmentally clean, non-polluting businesses shall be encouraged in Fircrest through the implementation of performance standards that mitigate potential impacts. Commercial uses that have minimal impact on adjacent areas shall be preferred over higher impact uses when located immediately adjacent to residential land uses.

Policy LU6.4

The expansion of linear commercial "strips" should be discouraged, and pedestrian-

oriented development should be supported.

Discussion: Buildings and off-street parking should be sited so that the public realm and streetscape ~~are is~~ enhanced and pedestrian orientation ~~is achieved~~ is encouraged. Parking should be located to the rear or side of buildings. Buildings should have an obvious pedestrian entrance, pedestrian-level windows, weather protection, and architectural details and pedestrian-scale signage on the street.

Policy LU6.5

Additional automobile-oriented businesses such as restaurants with drive-up windows should be prohibited in neighborhood commercial areas. Businesses providing delivery services may be permitted in these areas subject to compliance with performance standards that ensure there will be no negative impact on the surrounding neighborhood and streets.

Policy LU6.6

Existing A Automobile-oriented businesses such as restaurants with drive-up windows may continue to operate or be modified in ~~be permitted in commercial~~ mixed-use areas subject to compliance with design standards and guidelines ~~screening and other site development standards~~ intended to minimize impacts on neighboring properties. Site design for such businesses should ensure safe and convenient pedestrian access separate from drive-up access and that does not require the pedestrian to cross drive-up facilities to reach the pedestrian entry. Site design shall consider the safety of motorists, bicyclists, and pedestrians on the streets, shoulders, and sidewalks adjacent to the business driveways. Additional drive-through facilities should be prohibited in mixed-use areas.

Policy LU6.7

The visual appearance of commercial areas should be improved through public and private measures for beautification, implementation of design strategies, maintenance, and streetscape improvements. Commercial and mixed-use buildings should conform to form-based codes and design standards and guidelines to achieve urban design objectives and ensure architectural compatibility with surrounding neighborhoods. Where commercial rehabilitation, development, or redevelopment occurs in an area with historic significance, it should be sensitive to the historic fabric of the area. New commercial and mixed-use development should incorporate landscaping, seating, and other pedestrian-supportive amenities to provide pleasant and comfortable resting, socializing, and picnicking areas for employees and shoppers.

Policy LU6.8

Commercial and mixed-use development should include high quality, safe, and contiguous facilities for pedestrians, bicyclists, disabled persons, and users of the public transit services. Fircrest should work with public transit providers to improve transit service to ~~commercial~~ mixed-use and neighborhood commercial areas. Commercial and mixed-use development should be designed to provide take into consideration the connections, both vehicular and pedestrian, to adjoining sites to

reduce personal automobile trips. Sidewalks and internal pathways should be incorporated to enhance pedestrian circulation.

Policy LU6.9

Maximum automobile parking standards should be implemented for various types of commercial development. Shared parking facilities should be encouraged. Parking areas shall include plantings of vegetation that reduce its visual impact through effective screening and the establishment of a substantial tree canopy. Form-based codes and ~~D~~esign standards that strongly encourage the placement of parking to the side or rear of buildings should be implemented. Parking facilities should conform to the parking-related policies of the Transportation Element.

Policy LU6.10

Commercial uses should be concentrated in locations that best serve the community, complement stable residential areas, and are attractive to private investment.

Discussion: The City's commercial base is expected to grow, but little undeveloped land remains. To accommodate future growth, an adequate supply of land must be preserved in areas where future redevelopment will not be detrimental to residential neighborhoods and other sensitive land uses. Growth should be encouraged in areas where adequate public facilities exist or can be efficiently provided.

Policy LU6.11

A mix of retail, office, service, and residential uses should be encouraged in ~~commercial~~-mixed-use and neighborhood commercial areas.

Discussion: Traditional zoning typically segregates various land uses, such as commercial and residential, into different locations. In some locations, however, it may be more beneficial and appropriate for land uses to be "mixed" together. A vertical "mixed-use" building provides different uses within a structure or site – typically, retail uses on the first floor with office and/or residential on the upper floors. This type of development may promote a more economically vibrant and pedestrian-friendly environment. Mixed-use zoning may also accommodate a variety of uses within a site but in separate buildings. ~~For example, sites on Mildred Street with deep dimensions when measured from the street may be developed with retail uses near the front of the site and residential or office uses toward the rear.~~ Where mixed-use development succeeds it is often due to its attraction to residents who want to be within easy walking distance of shops, restaurants and other services – and its attraction to businesses that benefit from a relatively large number of nearby residents with disposable income.

Policy LU6.12

Redevelopment of vacant and underutilized sites should be encouraged.

Discussion: A number of properties in the City's ~~commercial~~-mixed-use and neighborhood commercial areas are vacant or underutilized. The City should encourage and assist the landowners of these properties to develop or redevelop their properties to the highest and best use allowed under the City's plan policies and development regulations.

The limited amount of land zoned to accommodate commercial uses dictates that maximum

utility should be derived from what is available. Efficient use of ~~commercial~~-mixed-use properties should be achieved by redeveloping and consolidating existing underdeveloped commercial properties. Infill development and expansion of existing facilities is of prime importance.

Policy LU6.13

Culturally enriching uses such as libraries, bookstores, galleries, museums, and theaters, should be encouraged in ~~commercial and~~-mixed-use areas.

Policy LU6.14

Residential areas and public gathering places such as parks, schools and churches, and neighborhood commercial areas shall be protected from the negative impacts of “adult” business and entertainment establishments.

Discussion: Cities may regulate adult entertainment businesses ~~if as long as~~ a “reasonable opportunity” is provided to operate such a business within the municipal boundaries. To limit the negative impacts of these establishments in the City, adult entertainment businesses shall be regulated in a manner that protects residential, public, and other business uses from the negative impacts of these businesses.

ESSENTIAL PUBLIC FACILITIES

Essential public facilities of a local, statewide, or regional nature may range from schools and fire stations to jails, work release facilities, state prisons, airports, and sewage treatment facilities. Some public facilities are controversial and difficult to site because of real and/or perceived impacts. The GMA requires that local comprehensive plans include a process for identifying and siting essential public facilities.

GOAL 7

Essential public facilities shall be allowed in locations appropriate for the services provided and the people served. Essential public facilities shall harmonize with the surrounding development and with the natural features of the surrounding land and vegetation.

Policy LU7.1

The city shall administer a process to site essential public facilities that is consistent with the Growth Management Act and Countywide Planning Policies and that adequately considers impacts of specific uses.

Policy LU7.2

Small public facilities intended to serve a few neighborhoods may be located within a neighborhood. Examples of these facilities include neighborhood parks, drainage facilities, and electrical transformer boxes.

Policy LU7.3

Public facilities intended to serve the entire city should be located to provide convenient access for residents who must frequent them. Examples of such facilities include community parks, schools, government offices, and similar facilities. Large facilities that serve the entire city and are not frequented by citizens should be located where they will not disrupt the urban landscape or disturb residential and commercial areas with noise, glare, dust, or other pollution. Examples of such facilities include power substations, water wells, and sewer lift stations.

Policy LU7.4

Public facilities that have service areas extending substantially beyond the city boundaries should be sited at a location appropriate to meet the transportation needs of the users of the facilities. Facilities that generate a significant amount of truck, automobile, or foot traffic should be located along arterial streets and convenient to public transit facilities. School facilities should be given flexibility to locate on non-arterial streets. Developers of these facilities should be required to make infrastructure improvements to support the facilities. These improvements may include, but are not limited to, street construction, signage, sidewalks, streetlights, bus shelters, benches, parking, bicycle racks, utility lines, and similar improvements.

Policy LU7.5

The city recognizes that some federal, state, regional, and county facilities may impose detrimental effects on the Fircrest community if located within the city. Such facilities shall be packaged with accompanying facilities or programs having clear benefits for the community. The city shall seek mitigation of disproportionate financial burdens resulting from the siting of essential public facilities in Fircrest.

Policy LU7.6

Siting proposals by federal, state, regional, and county agencies shall include clear justification for the need for the facility and for its location within Fircrest. Alternate sites not in Fircrest shall be explored through a cooperative interjurisdictional approach. If the final site selected is within Fircrest, the site shall be consistent with the provisions of all of Fircrest's Comprehensive Plan elements.

Policy LU7.7

All public facilities should be sited, designed, and buffered to fit in harmoniously with the surrounding neighborhood. Facility design and buffering should conform to the provisions of the urban landscaping and environmental goals and policies of this Comprehensive Plan. In addition, special attention should be given to minimizing the noise, light, glare, dust, and traffic associated with essential public facilities.

Policy LU7.8

Proposals for public facilities that are not difficult to site should be processed using the minimum permitting procedures required to ensure the facilities conform with the goals and policies of this Comprehensive Plan while providing adequate opportunity for public input.

LIGHT INDUSTRIAL LAND USE

Light industrial businesses can supply employment opportunities and services for the greater Fircrest community and region. Historically, few properties in Fircrest have supported industrial uses, with the notable exceptions being two sites that hosted industrial activities on Mildred Street. Today, few if any opportunities exist to accommodate light industrial uses on a moderate- to large-scale.

On a smaller scale, however, opportunities exist within Fircrest to support the *maker movement*, an umbrella term for independent inventors, designers, and tinkerers. Typical interests enjoyed by individuals who consider themselves to be part of the maker culture include engineering-oriented pursuits such as electronics, robotics, 3-D printing, and the use of computer numerical control (CNC) tools, as well as more traditional activities such as metalworking, woodworking, and traditional arts and crafts. The movement stresses new and unique applications of technologies and encourages invention and prototyping. Some of these examples, which may not be highly visible to or have any measurable impact on surrounding land uses, may be integrated into the community in live-work units and other appropriate locations. Small-scale production, where individuals are making items in limited quantities for retail or wholesale markets, can be a key to a stronger local economy.

GOAL LU8

Provide for limited light industrial land uses within appropriate locations.

Policy LU8.1

The city should support incubator or start-up small-scale light industrial uses in appropriate locations within the ~~Commercial~~-mixed-use areas. Support activities pursued by individuals that fit under the *maker movement* umbrella in appropriate locations while ensuring that sensitive land uses located ~~near~~in close proximity to such businesses are protected from potential impacts.

Policy LU8.2

The city should prohibit heavy manufacturing uses, which generally require large parcels of land and separation from sensitive land uses such as parks, schools, and housing.

Policy LU8.3

The city should separate manufacturing uses that create impacts from incompatible uses through techniques, such as creation of buffers or zoning that enables transitions from more intensive to less intensive uses. ~~Consider~~Take into account during site plan review potential adverse impacts on nearby uses due to manufacturing operations.

COUNTYWIDE CENTER

The northwest corner of Fircrest contains the community's most intensively developed concentration of land uses, including ~~commercial~~ retail, office, service, and restaurant uses, and multifamily neighborhoods. This area was approved as a Center of Local Importance (CoLI) by the Pierce County Regional Council (PCRC) in 2015. The city's largest undeveloped tract of land planned and zoned for ~~commercial~~ mixed-use development, is located within this center. ~~This area was approved as a Center of Local Importance (CoLI) by the Pierce County Regional Council (PCRC) in 2015.~~

In 2019, the City of Fircrest applied to the PCRC to have a portion of the Northwest Fircrest CoLI re-designated as part of the 19th and Mildred Countywide Center with the City of University Place and the City of Tacoma. This Countywide Center is bisected by Mildred Street West, which runs north-south, and by South 19th Street, which runs east-west. The joint center includes Tacoma Community College, the Narrows Plaza, which is part of University Place, and James Center, a Tacoma mixed-use center. In addition, the Tacoma Community College Transit Center is a centrally located multimodal facility currently serving Pierce Transit and Sound Transit. This location is planned to be and is the future terminus for the ST3 Link Light Rail Extension.

The 19th and Mildred Countywide Center will allow complementary planning as it accommodates much of the community's planned commercial and residential growth over the next 20 years.

GOAL LU9

Ensure that the 19th and Mildred Countywide Center will be the Fircrest's priority location for accommodating growth as laid out under *VISION 2040* and the Pierce County Countywide Planning Policies. The Countywide Center shall support include a high intensity density mix of business, residential, cultural, and recreational uses that may operate during both the daytime and nighttime hours and that provide a sense of place and community.

Policy LU9.1

Ensure that form-based codes, development standards, design guidelines, level of service standards, public facility plans, and funding strategies support focused development within the 19th and Mildred Countywide Center.

Policy LU9.2

Recognize the 19th and Mildred Countywide Center in all relevant local, regional policy, planning and programming forums.

Policy LU9.3

Leverage local, regional, state, and federal agency funding for needed public facilities and services within the 19th and Mildred Countywide Center. Give priority to this center for multimodal transportation projects that will increase mobility to, from

and within this center.

ENVIRONMENTAL QUALITY

Sensitive management of land uses and development and redevelopment projects is essential for preserving and improving the natural, as well as built, environment.

GOAL LU10

Land uses and development and redevelopment projects shall be managed to preserve and improve the natural environment as well as the built environment.

Policy LU10.1

The city should support development of green infrastructure ~~in order~~ to improve the capacity of, and complement the services provided by, the city's natural systems as future land use becomes more intense to accommodate growth. Recognize green infrastructure as a capital/public asset. Support efforts to reserve, enhance and expand the community's inventory of green infrastructure, including but not limited to:

- Natural areas, such as critical areas and portions of public lands that are monitored and maintained by citizen stewards.
- Community gardens.
- Rain gardens and other natural stormwater management facilities.
- Native habitat areas.

Discussion: Green infrastructure refers to services that natural systems provide Fircrest, including:

- Cleaning the water in streams, wetlands, and ponds.
- Reducing flooding.
- Improving air quality.
- Providing wildlife habitat.

In addition, green infrastructure provides benefits to Fircrest, such as:

- Making the city more beautiful.
- Providing peaceful, restful places.
- Increasing recreational opportunities.
- Improving the health of members of the community.

Many elements of green infrastructure are natural places within Fircrest -- places such as forests, parks, protected open spaces, streams and wetlands. Fircrest should, when possible, build or support the building of facilities that mimic natural systems to improve the capacity of, and complement the services provided by, the city's natural systems.

These facilities can also be considered green infrastructure and include such structures as constructed wetlands, rain gardens and green roofs. The city and the community may support green infrastructure through a combination of green development techniques and

preserving environmental assets into the future as land use becomes more intense to accommodate growth.

Policy LU10.2

The city shall enforce standards that will achieve environmentally sensitive development when it occurs within and adjoining critical areas, natural buffers, and areas designated as open space.

Policy LU10.3

Wetlands shall be sized and categorized with respect to their natural features rather than with respect to city boundaries. Wetlands that are contiguous across jurisdictional boundaries shall be treated according to their total size and characteristics.

Policy LU10.4

To allow reasonable use of property while protecting the environment, reduction or variation of residential lot sizes, density bonuses, planned developments, clustering of housing, and innovative development techniques shall be considered when designed to preserve open space, protect critical areas, or provide vegetative buffers.

Policy LU10.5

Performance standards shall be considered as a regulatory alternative to fixed zoning regulations in and around environmentally sensitive areas.

Policy LU10.6

City facility projects, maintenance and operating procedures, and programs should be structured to minimize and mitigate environmental damage, restore, and improve the environment if possible, and increase the environmental education and awareness of city employees and citizens.

Policy LU10.7

To minimize maintenance costs, conserve water, and provide vegetation with the maximum usefulness as wildlife habitat, urban landscaping should emphasize the use of indigenous plants that are drought tolerant during the summer months. Landscaping may also include non-native plant species that are adapted to growing and providing wildlife habitat with minimal human intervention in the local climate and soils.

Policy LU10.8

The city should seek to protect wildlife habitat resources by preventing the indiscriminate and unnecessary removal of native trees, shrubs, and ground covers; by promoting the protection of areas that provide food, cover, resting, and nesting areas for wildlife; and by protecting and enhancing the quality of Leach Creek waters.

Policy LU10.9

The city should preserve, protect and, where possible, restore natural habitat critical for the conservation of salmonid species listed under the Federal Endangered Species Act. Aquatic ecosystems, associated habitats and aquifers should be protected and maintained or restored ~~using through the use of~~ management zones, development regulations, incentives for voluntary efforts of private landowners and developers, land use designations, habitat acquisition programs or habitat restoration projects. The city should support efforts to remove invasive species and re-plant cleared areas with native plants.

Policy LU10.10

The city should protect the natural habitat critical for the conservation of salmonid species listed under the federal Endangered Species Act, through the use of planning activities or study techniques that are capable of determining changes in stream hydrology and water quality under different land use scenarios at full build-out of designated land use classifications.

Policy LU10.11

In the event that a species listed under the federal Endangered Species Act is determined to be located within Fircrest, the city should establish a monitoring and evaluation method that is designed to determine the effectiveness of enhancement and recovery strategies for the species. The methodology should be developed with technical assistance from appropriate state or federal resource agencies.

Policy LU10.12

The city recognizes that the best available science to address listed species recovery issues is evolving. The city should apply an adaptive management strategy to determine how well the objectives of listed species recovery and critical habitat preservation/restoration are being achieved. The city should incorporate the results of pilot developments into land use regulations, zoning, and technical standards.

Policy LU10.13

The city should ensure that there is “no net loss” of wetlands by function and values.

Policy LU10.14

The city shall ensure that development is properly located and constructed with respect to the limitations of the underlying soils, geological hazards, and areas subject to flooding.

Policy LU10.15

City facilities, services, programs, and procedures should be designed and managed to conserve resources and to reduce demand for facilities with significant environmental impacts. Similarly, procedures, programs, and rate structures should encourage citizens to conserve resources and to minimize the negative environmental impacts of their use of facilities and services.

Policy LU10.16

Development activities and land uses within the city should be managed to minimize noise; light and glare; and water, soil, and air pollution. The city shall work with adjacent jurisdictions and property owners to minimize transmission of pollutants from development activities and industrial, commercial, and public facility land uses near the city's boundary.

Policy LU10.17

Fircrest should consider the adoption of new development controls and guidelines designed to avoid or mitigate adverse cumulative air quality impacts prior to project approval. Fircrest should require air quality impact analyses for major new developments that could adversely impact the air quality levels in the vicinity. Such analyses should address the policies listed in Transportation Goal 3 that are intended to promote the reduction of criteria pollutants for mobile sources (WAC 173-420-080). In Fircrest, criteria pollutants include ozone (HC and NO_x) and carbon monoxide (CO).

WATER RESOURCES**GOAL LU11**

Surface, ground, storm, waste, and creek waters shall be managed in an ecologically responsible manner and as interconnected components of the region's watershed.

Policy LU11.1

Private and public development and redevelopment projects should be conducted in a way that preserves or improves the viability of each component of the water ecosystem and of the entire ecosystem.

Policy LU11.2

The quality of stormwater runoff should be improved, flooding due to stormwater runoff should be minimized, and the erosion of land by stormwater runoff should be minimized, ~~in order~~ to maintain natural aquatic communities and beneficial uses. Development regulations shall be enforced to minimize stormwater runoff as a result of development projects by limiting grading and clearing of a development site only to the extent reasonably needed to accommodate the development project, minimizing roadways and other impervious surfaces in the completed project, and encouraging the use of natural vegetation and ground covers during development and in the completed project.

Policy LU11.3

Where removal of trees or other vegetation may result in runoff and erosion, the city should require effective erosion control during and after the tree or vegetation removal. Where extensive removal of trees or other vegetation occurs, the city may require restoration and replanting consistent with urban landscaping guidelines and significant tree retention and protection standards.

Policy LU11.4

All new development and redevelopment shall be required to use the sanitary sewer system. Development currently using septic systems shall be required to convert to sanitary sewer when any portion of the on-site system fails, functions improperly, or needs replacement, or whenever a community or neighborhood sewer system is extended by local improvement methods or becomes reasonably available by other means. Where property is adjacent to presently existing accessible sewer mains, connections shall be made within a specified time ~~period~~ established by city ordinance.

Policy LU11.5

City procedures and programs should be structured to minimize pollutants entering storm, surface, ground, and creek waters from city-owned and city-maintained properties. City procedures and programs should encourage the city's citizens to minimize non-point pollutants contributed from buildings, landscapes, automobiles, and similar sources.

Policy LU11.6

The quality of ground water shall be monitored closely, and protective measures maintained or increased to ensure an uncontaminated water supply. Regulations should be implemented regarding installation, inspection, maintenance, and removal of above ground and below ground tanks designed to store potentially contaminating materials such as heating oil and industrial chemicals. Regulations should be developed and implemented as necessary to ensure management of potentially contaminating wastes from commercial and industrial operations. Other protective regulations should be developed as appropriate to protect ground water.

Policy LU11.7

City procedures, programs, and water rates should be structured to minimize the city's consumption of water and to improve the water conservation habits of Fircrest's citizens.

Policy LU11.8

In accordance with EPA Phase II Western Washington Municipal Stormwater Permit directives, the city shall require Low Impact Development (LID) in areas where soils and geology support it.

Discussion: The goal of low impact development is to mimic the predevelopment hydrology of a site using a combination of site planning and structural design strategies to control runoff rate and volumes. Achieving this goal will help to prevent physical, chemical, and biological degradation to streams, lakes, wetlands, and other natural aquatic systems from commercial, residential, or industrial development sites.

Low impact development can provide many environmental and economic benefits:

- Improved Water Quality. Stormwater runoff can pick up pollutants such as oil, bacteria, sediments, metals, hydrocarbons and some nutrients from impervious surfaces and

discharge these to surface waters. Using LID practices will reduce pollutant-laden stormwater reaching local waters. Better water quality increases property values and lowers government clean-up costs.

- **Reduced Number of Costly Flooding Events.** In communities that rely on ditches and drains to divert runoff to local waterways, flooding can occur when large volumes of stormwater enter surface waters very quickly. Incorporating LID practices reduces the volume and speed of stormwater runoff and decreases costly flooding and property damage.
- **Restored Aquatic Habitat.** Rapidly moving stormwater erodes stream banks and scours stream channels, obliterating habitat for fish and other aquatic life. Using LID practices reduces the amount of stormwater reaching a surface water system and helps to maintain natural stream channel functions and habitat.
- **Improved Groundwater Recharge.** Runoff that is quickly shunted through ditches and drains into surface waters cannot soak into the ground. LID practices retain more rainfall on-site, allowing it to enter the ground and be filtered by soil as it seeps down to the water table.
- **Enhanced Neighborhood Beauty.** Traditional stormwater management infrastructure may include unsightly pipes, outfalls, concrete channels, and fenced basins. Using LID broadly can increase property values and enhance communities by making them more beautiful, sustainable and wildlife friendly.

To support the use of LID more fully where feasible, the city should review and revise its development policies and regulations, as warranted, to improve their effectiveness. The city should consider adoption of the Low Impact Development Technical Guidance Manual for Puget Sound. This manual was prepared by the Washington State University Extension and Puget Sound Partnership with the participation and support of a broad range of stakeholders.

Policy LU11.9

The city should promote use of techniques, such as current use taxation programs, stormwater utility funds, conservation easements, sensitive site planning, best land management practices and flexible regulations, to help retain and protect open space, environmentally sensitive areas, and unique natural features.

Policy LU11.10

The city should adopt and implement the latest version of the Department of Ecology Stormwater Management Manual for Western Washington.

DEVELOPMENT REGULATIONS AND PERMIT PROCESSING

GOAL LU12

Fircrest should continue to refine its permit process for development and other local government approvals, as needed, to ensure that it is timely and fair to all affected parties.

Policy LU12.1

Development regulations shall be periodically reviewed and revised to ensure that they are consistent with and relate directly to implementation of the Comprehensive Plan and other state and federal mandates. Duplicate and unnecessary regulations should be eliminated.

Policy LU12.2

In the event of conflict between development regulations and this Comprehensive Plan, the provisions of this Comprehensive Plan take precedence. This policy applies immediately upon adoption of this Comprehensive Plan and amendments thereto. Development regulations that are significantly inconsistent with this Comprehensive Plan shall be given high priority for rapid revision.

Policy LU12.3

Procedures for processing permits shall be periodically reviewed and modified to improve interdepartmental coordination, ensure uniform processing for all permit applications, enhance communication with applicants, combine and simplify processing steps, and minimize processing time.

Policy LU12.4

Inputs from developers, business proprietors, residents, and other interested parties should be solicited concerning updates to regulations and permit processing procedures.

Policy LU12.5

Permit applications for minor projects of a routine nature should be processed at the staff level and should not require public hearings. However, the streamlining of permit processing procedures should not be done at the expense of public input concerning permit applications of a non-routine, major, or controversial nature. The public should be given ample opportunity to review and comment on major, non-routine, or controversial development permit applications.

Policy LU12.6

The city should maintain adequate staff and equipment to ensure meaningful revision and enforcement of development regulations and timely processing of permits.

Policy LU12.7

The city should consider the impact of land use ordinances and policies on the rights of private property owners. The city should take steps to ensure the rights of private property owners are protected through a cost effective and timely appeal process.

Policy LU12.8

The city should support local community groups in critical habitat restoration and enhancement efforts through reduced or waiver of permit fees and streamlined permitting procedures.

INTERJURISDICTIONAL PLANNING

GOAL LU13

The city should take steps to ensure that decisions, policies, and activities of other governmental and advisory agencies that may affect Fircrest are consistent with the goals and policies of the Comprehensive Plan. Fircrest shall encourage cooperative, coordinated inter-jurisdictional efforts consistent with this goal.

Policy LU13.1

The city shall participate in various county and regional organizations concerned with the implementation of the Growth Management Act and the planning and funding of transportation projects.

Policy LU13.2

The city shall support the development of interjurisdictional programs that address regional problems and issues that affect the city and the Puget Sound region. Examples of regional issues include affordable housing, transportation, health care, open space corridors, and economic growth.

Policy LU13.3

The city shall seek to develop and adopt interlocal agreements to address concerns relating to land use, new development, and redevelopment. The city shall attempt to reach agreements with adjacent jurisdictions to ensure that land uses adjacent to Fircrest are compatible with Fircrest land uses. The city shall also seek agreements with adjacent jurisdictions to minimize and mitigate the negative impacts to Fircrest of land uses and development in adjacent jurisdictions.

Policy LU13.4

The city shall work with adjacent jurisdictions to identify and protect natural habitat networks that cross jurisdictional boundaries. Networks should link large, protected, or significant blocks of fish and wildlife habitats within and between jurisdictions to achieve a continuous countywide network. The city should establish informational sharing workshops or present information at established coordinating committees. Whenever possible, the city should utilize watershed boundaries instead of jurisdictional boundaries for plans and studies.

Policy LU13.5

The city shall work with adjacent jurisdictions to coordinate watershed/aquatic restoration planning and implementation activities within a watershed.

ECONOMIC DEVELOPMENT

Fircrest and the surrounding region will have a prospering and sustainable regional economy by supporting businesses and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life.

GOAL LU14

Support small and locally owned businesses, recognizing their importance in both job growth and promoting sustainable economic development. Support key employment sectors in the region including established and emerging industry clusters that create wealth by selling products or services to outside markets, industries involved in trade-related activities, startups, and new businesses that provide family-wage jobs.

Policy LU14.1

Foster a supportive environment for business startups, small businesses, and locally owned businesses to help them continue to prosper.

Policy LU14.2

Encourage the private, public, and non-profit sectors to incorporate environmental and social responsibility into their practices.

Policy LU14.3

Promote economic activity and employment growth that creates widely shared prosperity and sustains a diversity of family wage jobs for Fircrest's residents.

Policy LU14.4

Sustain and enhance arts and cultural institutions to foster an active and vibrant community life.

Policy LU14.5

Ensure that economic development sustains and respects Fircrest's environmental quality.

Policy LU14.6

Utilize urban design strategies and approaches to ensure that changes to the built environment preserve and enhance Fircrest's unique attributes and distinctive identity in recognition of the economic value of sense of place.

Policy LU14.7

Concentrate economic growth in the 19th and Mildred area~~Fircrest's Commercial Mixed-use District~~ in a manner that is coordinated with economic growth and infrastructure development within the adjacent University Place Regional Growth Center, Tacoma's James Center Mixed-Use Center and Tacoma Community College in order to strengthen the local and regional economy and promote economic opportunity.

LAND USE DESIGNATIONS

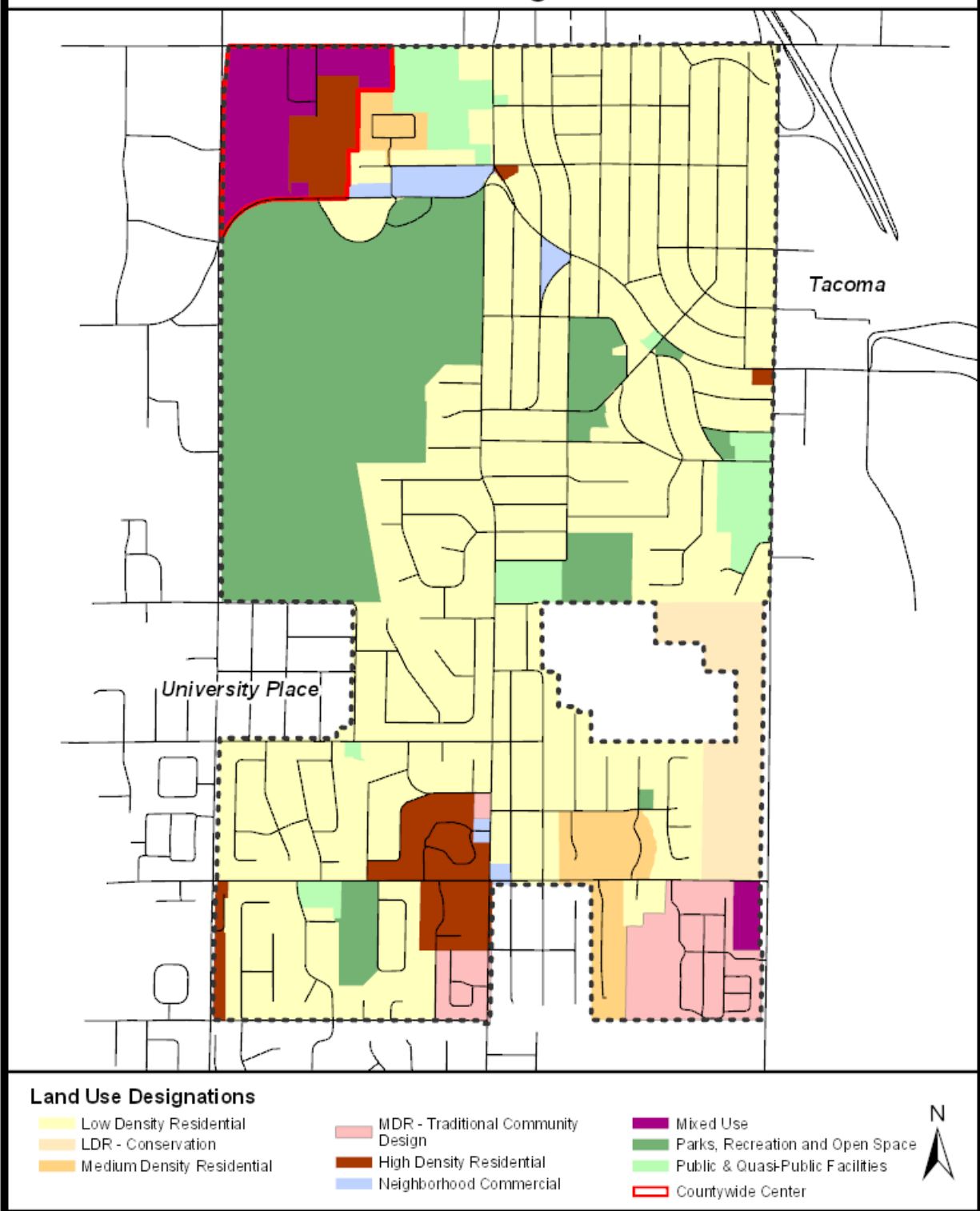
Land use designations for this Comprehensive Plan have been determined largely by existing land uses and development opportunity. Fircrest is extensively developed and provides limited infill development opportunities. Much of the development in Fircrest is recent enough that redevelopment opportunities are also limited. Thus, goals and policies, while addressing infill development and redevelopment, also focus on the ongoing maintenance, refinement, and improvement of the existing community. This Comprehensive Plan emphasizes maintaining and enhancing Fircrest's unique community character through land use designations and goals and policies that cultivate the presence of desirable features in existing neighborhoods and through development and redevelopment.

Figure LU-1 shows Fircrest's land use designations, which include:

- Low Density Residential
- Low Density Residential - Conservation
- Medium Density Residential
- Medium Density Residential - Traditional Community Design
- High Density Residential
- Parks, Recreation, and Open Space
- Neighborhood Commercial
- ~~Commercial~~ Mixed-Use
- Public and Quasi-Public Facilities

The remainder of this section defines each land use designation for Fircrest.

**Figure LU-1
Land Use Designations**



LOW DENSITY RESIDENTIAL

Allowable Uses

The Low Density Residential designation generally applies to areas of the community that were platted and developed for single-family dwellings prior to 2000. These areas may include the following housing types:

- Single-family dwelling units
- Attached and detached accessory dwelling units
- Group family homes, including adult family homes
- Assisted living facilities, congregate care facilities, convalescent homes, hospice care centers, residential care facilities and residential treatment facilities in accord with the applicable goals and policies of this Comprehensive Plan
- Duplex dwelling units when allowed within a zoning district
- *Existing* duplex or multifamily dwelling units, which may be renovated or redeveloped as duplex or multifamily dwelling units in accord with the applicable goals and policies of this Comprehensive Plan

Additional uses in Low Density Residential areas include public facilities that support residential neighborhoods. For example, streets, sidewalks and other pedestrian facilities, bike paths and associated facilities, transit facilities including stops, shelters and benches, neighborhood parks, and utilities will be allowed. Infrastructure for utilities may include, but is not limited to, storm drainage, power, water, sewer, natural gas, and telecommunications facilities. In addition, other small public facilities compatible with the surrounding neighborhood will be allowed. Home occupations that are compatible with the surrounding neighborhood will be allowed.

Building Intensity

A building intensity of four to six dwelling units per acre may be achieved in Low Density Residential areas, depending on the zoning classification and development pattern. Allowable building intensity is limited by bulk regulations, impervious surface coverage limits, and other provisions specified in the city's Land Development Code (Title 22 FMC).

LOW DENSITY RESIDENTIAL -- CONSERVATION

Allowable Uses

The Low Density Residential – Conservation designation generally applies to undeveloped environmentally-sensitive tracts of land. These areas may include the following housing types:

- Single-family dwelling units, including cottage housing and small lot developments
- Attached and detached accessory dwelling units

- Group family homes, including adult family homes
- Assisted living facilities, including congregate care facilities, convalescent homes, hospice care centers, residential care facilities, and residential treatment facilities in accord with the applicable goals and policies of this Comprehensive Plan

Additional uses in Low Density Residential -- Conservation areas include public facilities that support residential neighborhoods. For example, streets, sidewalks and other pedestrian facilities, bike paths and associated facilities, transit facilities including stops, shelters and benches, neighborhood parks, and utilities will be allowed. Infrastructure for utilities may include, but is not limited to, storm drainage, power, water, sewer, natural gas, and telecommunications facilities. In addition, other small public facilities compatible with the surrounding neighborhood will be allowed. Home occupations that are compatible with the surrounding neighborhood will be allowed.

Building Intensity

Low Density Residential -- Conservation areas contain significant physical constraints, which place practical limitations on building intensity. Physical constraints include wetlands, frequently flooded areas, and steep slopes. Properties located within these areas are subject to the city's critical area regulations, which may further limit building intensities. New development in these areas shall be clustered to provide for the retention of substantial portions of the properties as undeveloped open space; avoid critical areas; and generally, avoid steep slopes. In consideration of these physical site constraints and regulatory constraints, a base density of four dwelling units per acre may be achieved in Low Density Residential -- Conservation areas. This density may be increased to a maximum of five to eight dwelling units per acre when innovative designs, including small lot development or cottage housing, are used.

Allowable building intensity is limited by bulk regulations, impervious surface coverage limits, and other provisions specified in the city's Land Development Code (Title 22 FMC). Innovation in site and building design will be encouraged in accord with Comprehensive Plan goals and policies; appropriate buffering, design features, and amenities must be provided.

MEDIUM DENSITY RESIDENTIAL

Allowable Uses

The Medium Density Residential designation generally applies to areas previously developed for single-family attached and duplex housing. These areas may include the following housing types:

- Single-family attached dwelling units
- Attached and detached accessory dwelling units
- Group family homes, including adult family homes
- Duplex dwelling units
- Assisted living facilities, including congregate care facilities, convalescent homes,

hospice care centers, residential care facilities and residential treatment facilities in accord with the applicable goals and policies of this Comprehensive Plan

- *Existing* multifamily dwelling units, which may be renovated or redeveloped as multifamily dwelling units in accord with the applicable goals and policies of this Comprehensive Plan
- *New* multifamily dwelling units in tracts containing critical areas or significant open space, when clustered to avoid critical areas or to retain significant open space, and provided that overall density does not exceed ten dwelling units per acre. In such cases, innovation in site and building design will be encouraged in accord with Comprehensive Plan goals and policies; appropriate buffering, design features, and amenities must be provided; and no more than four dwelling units per building will be allowed.

Additional uses in Medium Density Residential areas include public facilities that support residential neighborhoods. For example, streets, sidewalks and other pedestrian facilities, bike paths and associated facilities, transit facilities including stops, shelters and benches, neighborhood parks, and utilities will be allowed. Infrastructure for utilities may include, but is not limited to, storm drainage, power, water, sewer, natural gas, and telecommunications facilities. In addition, other small public facilities compatible with the surrounding neighborhood will be allowed. Home occupations that are compatible with the surrounding neighborhood will be allowed.

Building Intensity

A maximum building intensity of eight dwelling units per acre may be achieved in Medium Density Residential areas. Allowable building intensity is limited by bulk regulations impervious surface limits, and other provisions specified in the city's Land Development Code (Title 22 FMC).

MEDIUM DENSITY RESIDENTIAL - TRADITIONAL COMMUNITY DESIGN

Allowable Uses

Medium Density Residential -- Traditional Community Design designations apply to The Commons and Fircrest Greens neighborhoods and other smaller sites. These areas may include the following housing types:

- Single-family attached and detached dwelling units, including cottage housing and small lot developments
- Attached and detached accessory dwelling units
- Group family homes, including adult family homes
- Duplex dwelling units
- Assisted living facilities including congregate care facilities, convalescent homes, hospice care centers, residential care facilities, and residential treatment facilities in accord with the applicable goals and policies of this Comprehensive Plan

- Multifamily dwelling units within a structure containing no more than eight dwelling units, when clustered to avoid critical areas or to retain significant open space

Additional uses in Medium Density Residential -- Traditional Community Design areas include public facilities that support residential neighborhoods. For example, streets, sidewalks and other pedestrian facilities, bike paths and associated facilities, transit facilities including stops, shelters and benches, and utilities will be allowed.

Infrastructure for utilities may include, but is not limited to, storm drainage, power, water, sewer, natural gas, and telecommunications facilities. In addition, other small public facilities compatible with the surrounding neighborhood will be allowed. Home occupations that are compatible with the surrounding neighborhood will be allowed.

Building Intensity

Medium Density Residential -- Traditional Community Design areas may contain physical constraints, such as wetlands, which place practical limitations on building intensity within portions of an area. Property located within such areas is subject to the city's critical area regulations, which may further limit building intensities. In consideration of these physical site constraints and regulatory constraints, a maximum building intensity of ten dwelling units per acre may be achieved in Medium Density Residential -- Traditional Community Design areas. Allowable building intensity is limited by bulk regulations, impervious surface limits and other provisions specified in the city's Land Development Code (Title 22 FMC).

Development Guidelines

Development and redevelopment of Medium Density Residential – Traditional Community Design areas shall be designed to incorporate, at a minimum, the following elements:

- Alleys, sidewalks, street trees and human-scaled architectural design elements
- Housing types designed to maintain the look of conventional single-family neighborhoods in terms of scale, orientation to street, style, and appearance
- Dwelling units that face the street and sidewalk or common open space areas with entries, balconies, porches, and other architectural features, which create a safe, pleasant walking environment
- Residential building setbacks from public streets that are minimized while maintaining privacy
- Building facades that are varied and articulated to provide visual interest to pedestrians
- Building intensities, orientation, and massing which support transit and reinforce public open spaces
- Parking which is placed to the rear of building where feasible with access from alleys
- A variety of architectural building styles and architectural features such as dormers, gables, porches, bay windows, and other detailing

- A mix of housing types, including single-family residences, cottage housing, duplexes, row homes, townhomes, and multi-family designs to help meet the community's demand for a variety of affordable housing types. Multi-family dwellings are limited to no more than 50% of the total number of units in these areas to ensure compatibility with the surrounding neighborhood.

HIGH DENSITY RESIDENTIAL

Allowable Uses

High Density Residential designations generally apply to areas developed primarily for multifamily housing, and to a lesser extent duplex housing. These areas may include the following housing types:

- Duplex dwelling units
- Group family homes, including adult family homes
- Multifamily dwelling units
- Assisted living facilities, including congregate care facilities, convalescent homes, hospice care centers, residential care facilities and residential treatment facilities in accord with the applicable goals and policies of this Comprehensive Plan

Additional uses in High Density Residential areas include public facilities that support residential neighborhoods. For example, streets, sidewalks and other pedestrian facilities, bike paths and associated facilities, transit facilities including stops, shelters and benches, neighborhood parks, and utilities will be allowed. Infrastructure for utilities may include, but is not limited to, storm drainage, power, water, sewer, natural gas, and telecommunications facilities. In addition, other public facilities compatible with the surrounding neighborhood will be allowed. Home occupations that are compatible with the surrounding neighborhood will be allowed.

Building Intensity

A building intensity of 20 to 30 dwelling units per acre may be achieved in High Density Residential areas, depending on the zoning classification and development pattern. Rehabilitation or redevelopment of existing development will be in accord with the goals and policies of this Comprehensive Plan and applicable design standards and guidelines. Allowable building intensity is limited by bulk regulations impervious surface limits and other provisions specified in the city's Land Development Code (Title 22 FMC).

PARKS, RECREATION, AND OPEN SPACE

Allowable Uses

Lands designated as Parks, Recreation, and Open Space include tracts that are publicly and privately owned. Allowed uses in Parks, Recreation and Open Space areas, subject to restrictions of the critical areas ordinance where applicable, include:

- Neighborhood parks designed to meet the needs of residents and employees in the immediate area
- Community parks designed to meet the needs of the entire Fircrest community
- Recreational buildings including facilities such as gymnasiums, basketball courts, community kitchens, banquet halls, indoor stages, meeting rooms, etc.
- Outdoor recreational facilities such as swings, climbing toys, picnic areas, swimming pools, golf courses, disc golf courses, baseball diamonds, volleyball courts, bocce ball courts, lawn bowling lanes, outdoor stages, etc.
- Trails and paths for pedestrians and bicyclists
- Transit facilities including stops, shelters and benches which serve the park, recreation facility, open space site or adjacent uses
- Preserved natural areas characterized by native vegetation and wildlife
- Residences may be developed on private property that is designated as park, recreation or open space but that has not been permanently dedicated as park, recreation, or open space, provided significant tracts are permanently dedicated for parks, recreation, or open space at the time of development approval

Building Intensity

Building intensity for Parks, Recreation, and Open Space areas will vary widely. There will be no building intensity in preserved natural areas. For other park and recreation facilities, building intensity will be determined by the purpose of the facility. Because park and recreation facilities may occur in conjunction with other land uses, any park or recreation facility that is proposed must harmonize with surrounding development and must not exceed the building intensity of the surrounding area. Ideally, park and recreation facilities will provide visual relief in the urban landscape by having a significantly lower building intensity than the surrounding development.

NEIGHBORHOOD COMMERCIAL

Allowable Uses

Neighborhood Commercial areas provide for small-scale shops that offer retail goods and personal services primarily for the needs of nearby neighborhoods. These areas are intended to reduce vehicle trips by providing convenient shopping for nearby residents. Neighborhood Commercial areas are located on transit routes, and site and building design encourage pedestrian, bicycle, and transit use. A pedestrian orientation is required for new development and new automobile-oriented uses are prohibited. Neighborhood Commercial areas are limited in size to keep them in scale with the neighborhoods they serve.

Limited residential uses above the ground floor level of mixed-use buildings are encouraged, and culturally enriching uses will also be allowed. Additional automobile-oriented businesses such as restaurants with drive-up windows are prohibited in Neighborhood Commercial areas. Businesses providing delivery services may be permitted provided they meet development standards specified in the Land Development Code.

High quality landscaping helps make Neighborhood Commercial areas attractive and functional and minimizes negative impacts on nearby uses. Other measures, such as buffering requirements and limits on hours of operation, may be used to reduce impacts to nearby residences. Public facilities, including transit facilities such as stops, shelters and benches that support development in the commercial areas, will be allowed, as will quasi-public facilities that are compatible with the surrounding development.

~~Neighborhood commercial areas will allow retail businesses and offices for which the primary clientele will most likely be Fircrest residents and local employees. Examples of such businesses include appropriately sized grocery stores, health care and other professional offices, pharmacies, gift shops, delicatessens, small bakeries, clothiers, beauty shops, coffee shops, small restaurants, small financial institutions, etc. Businesses and organizations that are culturally enriching will also be allowed. Examples of such businesses and organizations include art galleries, bookstores, dance studios, museums, live theaters, etc. Additional automobile-oriented businesses such as restaurants with drive-up windows are prohibited in Neighborhood Commercial areas. Businesses providing delivery services may be permitted provided they are compatible with the goals and policies of this Comprehensive Plan.~~

~~In addition, residential uses may be allowed on upper floors of vertical Mixed-use buildings subject to compliance with design guidelines. Residential uses must complement commercial uses and avoid impacting the commercial viability or functional operation of the commercial area. Public facilities, including transit facilities such as stops, shelters and benches that support development in the commercial areas, will be allowed, as will quasi-public facilities that are compatible with the surrounding development. Commercial uses must continue to be the predominant use in Neighborhood Commercial areas. Any noncommercial development should not cause a practical restriction on continued commercial use of the area.~~

Building Intensity

Allowable building intensity for new development, rehabilitation, and redevelopment in Neighborhood Commercial areas is limited by bulk regulations, impervious surface limits and other provisions specified in the city's Land Development Code (Title 22 FMC).

~~COMMERCIAL MIXED-USE~~

Allowable Uses

Mixed-Use areas provide opportunities for a broad mix of retail and office uses, personal, professional and business services, institutions, recreational and cultural uses, residential uses, and other facilities that provide services for the needs of nearby residents and businesses and the surrounding community. Development standards support moderate to high density residential development and moderately intense commercial development. In addition, Mixed-Use areas provide limited opportunities for light industrial activities that enhance the city's economic base and provide employment for residents in the area in a manner that is compatible with neighboring commercial and residential uses.

~~Commercial Mixed-Use areas will allow the same types of retail businesses, offices, and organizations that are allowed in neighborhood commercial areas. In addition, community commercial areas may include businesses that serve a clientele that will most likely be drawn equally from the Fircrest community and the surrounding University Place and Tacoma area. Examples of such businesses include large grocery stores and other retail outlets, consolidated medical and professional centers, major financial institutions, movie theaters, etc. Automobile-oriented businesses such as restaurants with drive-up windows and businesses providing delivery services may only be permitted when they are compatible with the goals and policies of this Comprehensive Plan.~~

~~Residential uses are allowed on upper floors of vertical mixed-use buildings. In addition, stand-alone residential buildings may be permitted when located toward the rear of a site when separated from a public street by one or more intervening commercial or mixed-use buildings. In such instances, the development plan should achieve a predominantly commercial orientation at the ground floor level in areas located between the stand-alone residential building(s) and the street. Any noncommercial development should not cause a practical restriction on continued commercial activities within a commercial Mixed-Use area.~~

Public facilities, including transit facilities such as stops, shelters and benches that support development in the ~~Mixed-Use~~commercial areas, will be allowed, as will quasi-public facilities that are compatible with the surrounding development.

Development Form

Site and building design support pedestrian, bicycle and transit use while accommodating automobiles. As properties redevelop, a fine-grained street grid and block pattern are established. Community greens, squares, plazas, and other publicly accessible spaces are incorporated into mixed-use developments that include a variety of complementary uses. High quality architecture, landscaping, streetscape, artwork, and other public amenities contribute to making the area inviting, attractive, functional, and vibrant for residents, employees, and visitors alike.

Buildings are close to property lines and occupied with ground floor retail, service, and other active uses along commercially viable corridors. Residential uses on the ground floor provide appropriate frontage that ensure privacy to the units. Units are accessed directly from the street. Upper floors and the floor area behind shopfronts are flexible for a wide variety of office, lodging, and housing uses. Building mass along the street's edge is articulated with balconies and terraces and building bases include human scaled detailing.

Active streetscapes provide continuity with adjacent areas. A range of tree-lined walkable streets continues the adjacent street pattern while also providing opportunities for future development to extend the street grid. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees encourage

interesting, safe, and comfortable walking environment, while yards porches, dooryards, stoops, forecourts and lightcourts may extend privacy to residential frontages.

Building Intensity

Allowable building intensity for new development, rehabilitation, and redevelopment in ~~commercial~~-Mixed-Use areas is regulated by form-based codes, limited by bulk regulations in the MUN and MUU zones, ~~impervious surface limits~~ and other provisions specified in the city's Land Development Code (Title 22 FMC).

PUBLIC AND QUASI-PUBLIC FACILITIES

Allowable Uses

Areas designated for Public and Quasi-Public Facilities are now used for, or could be used for, public facilities such as schools, libraries, parks, major utilities, and other government-owned facilities. Designated areas are also suitable for quasi-public facilities such as privately-owned utility facilities, religious institutions, private recreational facilities, and private organizations offering services complementing or supplementing services typically offered by government agencies.

To improve visual clarity on the land use map, public facilities that occur throughout the city, such as paths and utilities, are not shown on the land use map. Such facilities are discussed in the Transportation, Utilities, and Capital Facilities Elements of this Comprehensive Plan.

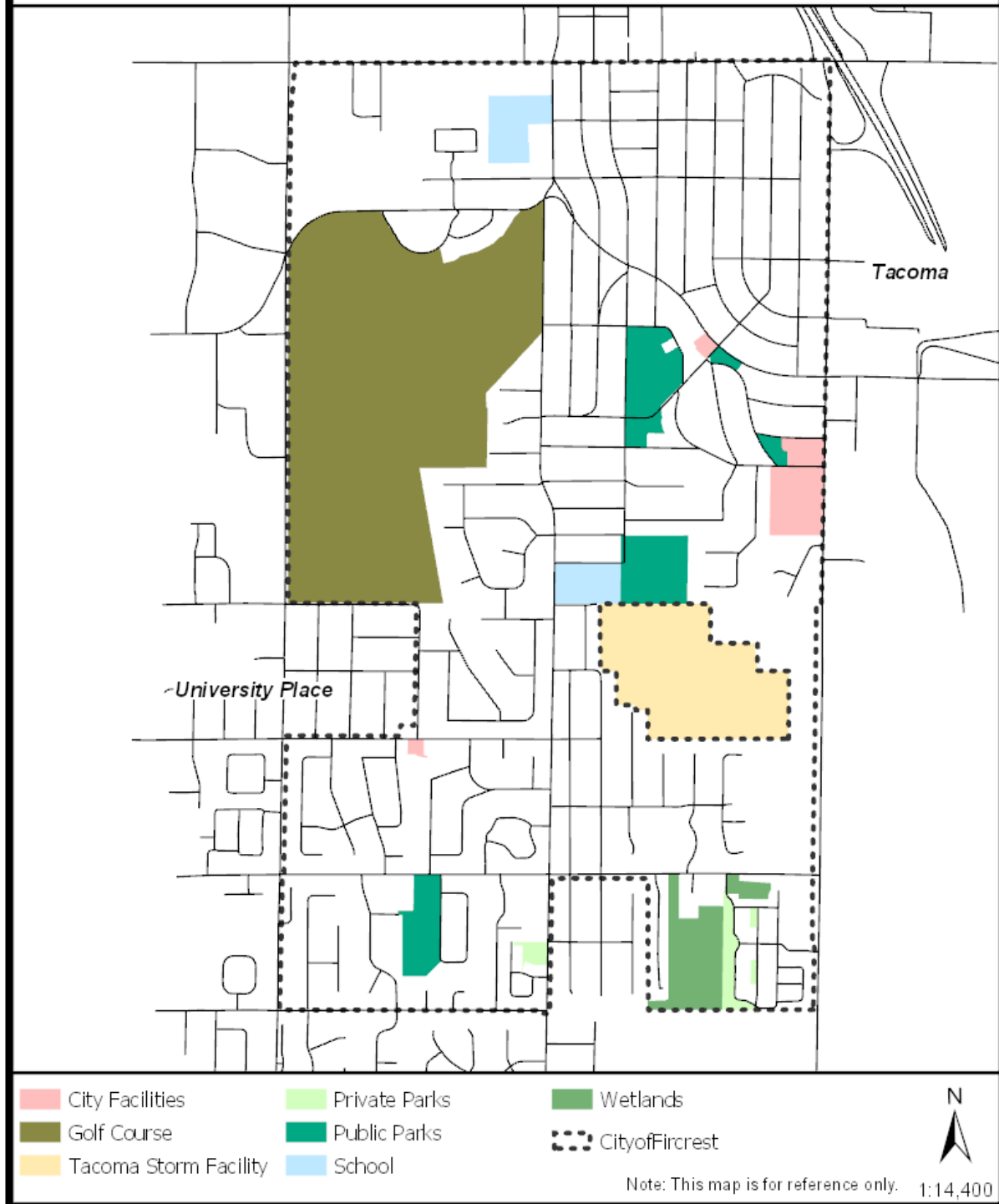
Building Intensity

Building intensity for a public or quasi-public facility depends upon the purpose of the facility. Because public facilities may occur in conjunction with other land uses, any public facility that is proposed must harmonize with surrounding development and must not exceed the building intensity of the surrounding area.

LANDS USEFUL FOR PUBLIC PURPOSES

Figure LU-2 indicates lands useful for public purposes. Lands useful for parks, recreation, and open space are, by definition, useful for public purposes. In addition, lands that may be useful for public purposes include those designated Public and Quasi-Public Facilities, ~~Commercial~~-Mixed-Use, and Neighborhood Commercial. These designations are shown in **Figure LU-1**. Public or quasi-public facilities are considered a secondary use in commercial areas and must be compatible with surrounding development. All public and quasi-public facilities must be appropriately sited and buffered in accord with the goals and policies of this Comprehensive Plan.

**Figure LU-2
Lands Useful for Public Purposes**



POPULATION, HOUSING UNIT AND EMPLOYMENT TARGETS

The Growth Management Act requires Pierce County to designate urban growth areas based upon the urban growth management population projection made for the County by the Office of Financial Management. Counties have the authority, as regional governments, to allocate population and employment to the cities within their boundaries. In addition, *VISION 2040* requires Pierce County and its cities and towns to adopt housing unit and employment targets, ~~considering~~taking into account PSRC's Regional Growth Strategy regional geographies and their respective growth shares for population and employment.

Fircrest must plan for a 20-year planning horizon under the GMA and therefore must show it can accommodate projected growth for a 20-year period – 2015 through 2035. Pursuant to Pierce County Ordinance No. 2011-36s, however, the Pierce County Council has established population, housing unit, and employment targets for 2030 -- rather than for 2035. In recognition that the Pierce County 2030 targets represent a build-out condition for Fircrest, no additional growth is anticipated, or will need to be accommodated, for 2035. The adopted Pierce County targets for Fircrest and 2035 projections are summarized in **Table LU-2**.

Table LU-2

GMA Population, Housing Unit and Employment Estimates, Targets and Needs				
Population	Estimated 2008 Population (OFM)	2030 Total Population Target	2008-2030 Population Growth	2035 Population Projection
	6,315	6,950	635	6,950
Housing Units	2010 Housing Units (US Census)	2030 Total Housing Unit Target	2030 Additional Housing Units Needed	2035 Housing Units Projection
	2,847	3,351	544	3,351
Employment	2010 Total Employment Estimate	2030 Total Employment Target	2030 Additional Employment Needs	2035 Employment Projection
	1,369	1,544	206	1,544

The Pierce County Buildable Lands Report (July 2014) identifies the extent to which Fircrest can achieve the adopted targets identified in **Table LU-2**. Pierce County has assigned Fircrest a housing target of 3,351 units for 2030. According to the US Census Bureau, the city had a total of 2,847 housing units in 2010. The difference between

existing units and the 2030 target represents 504 additional units over a two-decade period. The Buildable Lands report identifies that an additional 40 displaced units need to be factored in to recognize that some of the city's underutilized parcels will be unavailable for redevelopment due to site-specific circumstances. As a result, the report states that Fircrest's 2030 housing need is 544 additional units.

The Buildable Lands Report also states that current residential land capacity is 254 units. This capacity is 290 fewer units than needed to meet the 2030 housing target. Therefore, the city will need to apply a variety of approaches that can, collectively, increase its residential development capacity by at least 290 units.

Since adoption of its first GMA Comprehensive Plan in 1996 and Land Development Code in 2000, Fircrest's development policies and regulations have reflected the community's strong preference to maintain existing housing character and densities within its single-family residential neighborhoods. ~~In order to~~ To accommodate additional growth consistent with the city's 2030 population and housing targets – without significantly increasing densities and changing housing types in these single-family neighborhoods, Fircrest ~~has taken~~ took the following reasonable measures in 2015:

- Increased the maximum density from 20 units per acre to 30 units per acre for a portion of the High Density Residential designation area.
- Rezoned R-20 zoned properties located in the 19th and Mildred Countywide Center to an R-30 zoning classification that will accommodate a higher 30 units per acre density.
- Increased the maximum density in the Commercial Mixed-Use designation (formerly Community Commercial) from a range of 6 to 10 units per acre to 35 units per acre.
- Increased the maximum density in the Commercial Mixed-Use zone (formerly Community Commercial) from 10 units per acre to 35 units per acre.
- Rezoned Community Office zoned properties (6 units per acre) to Commercial Mixed-Use (35 units per acre).
- Increased the maximum density for the Low Density Residential – Conservation designation and R-4C zoned properties from 4 units per acre to a range of 5 to 8 units per acre for innovative housing designs.

The combination of these amendments ~~will increase~~ increased Fircrest's residential land capacity by an estimated 303 units, thereby satisfying the housing (and population) growth targets.

In terms of employment capacity, Fircrest has been assigned a 2030 employment target of 1,544. The Buildable Lands Report estimates Fircrest's 2010 employment to be 1,369 – implying the City would need to accommodate employment growth of 175. Technical adjustments summarized in the report, however, result in additional employment needs of 206. Employment capacity based on Fircrest zoning in effect at the time of buildable lands analysis was 222, which exceeds by 16 the minimum additional capacity needed to meet the 2030 target. Therefore, the City is not required to increase employment capacity for this purpose.

In 2020, the City enacted a form-based code that applies to the 19th and Mildred area. The City also amended its mixed-use zoning to substantially increase residential and commercial development potential and capacity in this area. This expanded capacity will be analyzed vis-à-vis updated regional housing and employment allocations and targets developed during the next State-mandated buildable lands review.

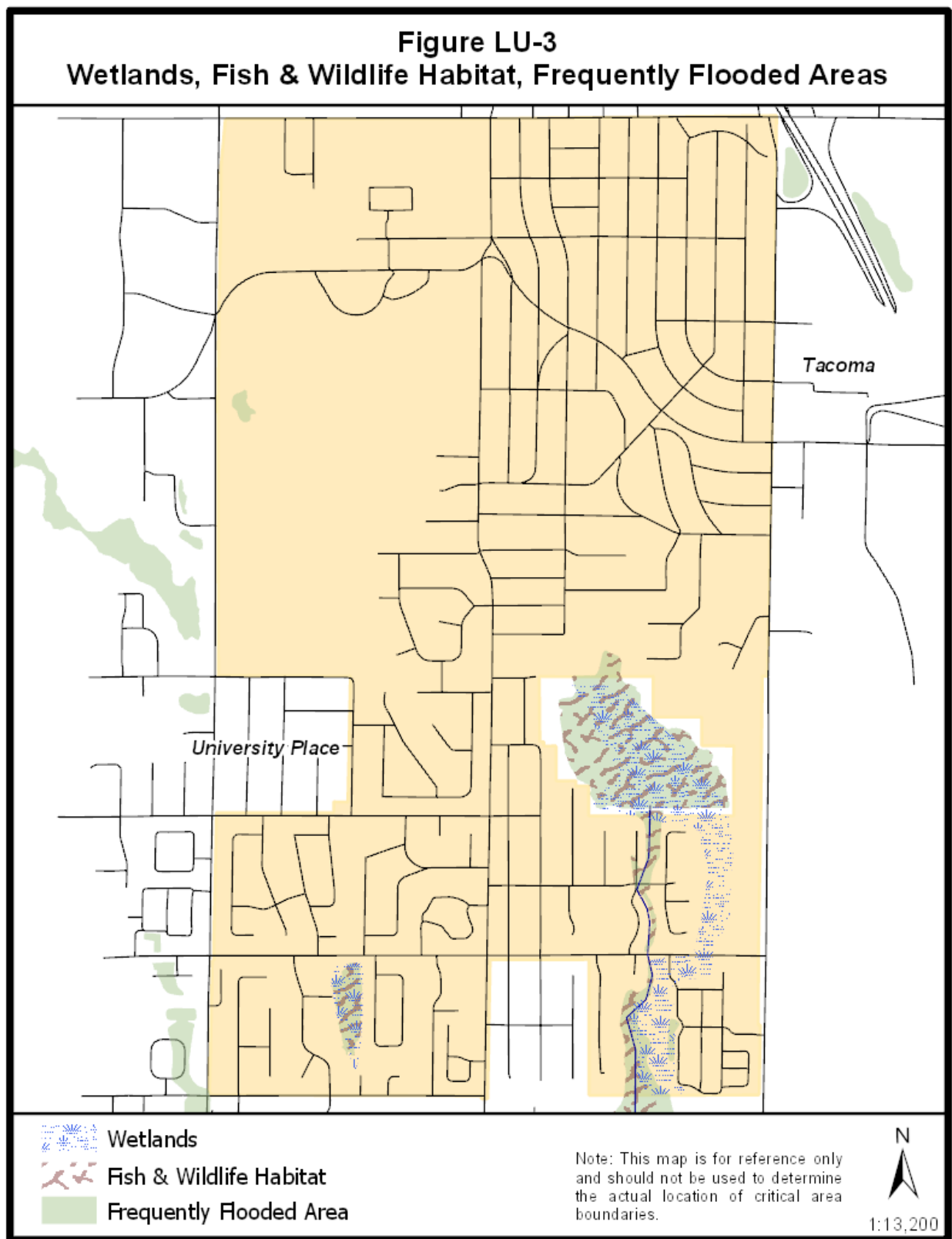
CRITICAL AREAS AND NATURAL RESOURCE LANDS

The GMA includes a requirement to designate, classify, and enact development standards for critical areas. Critical areas are defined as the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

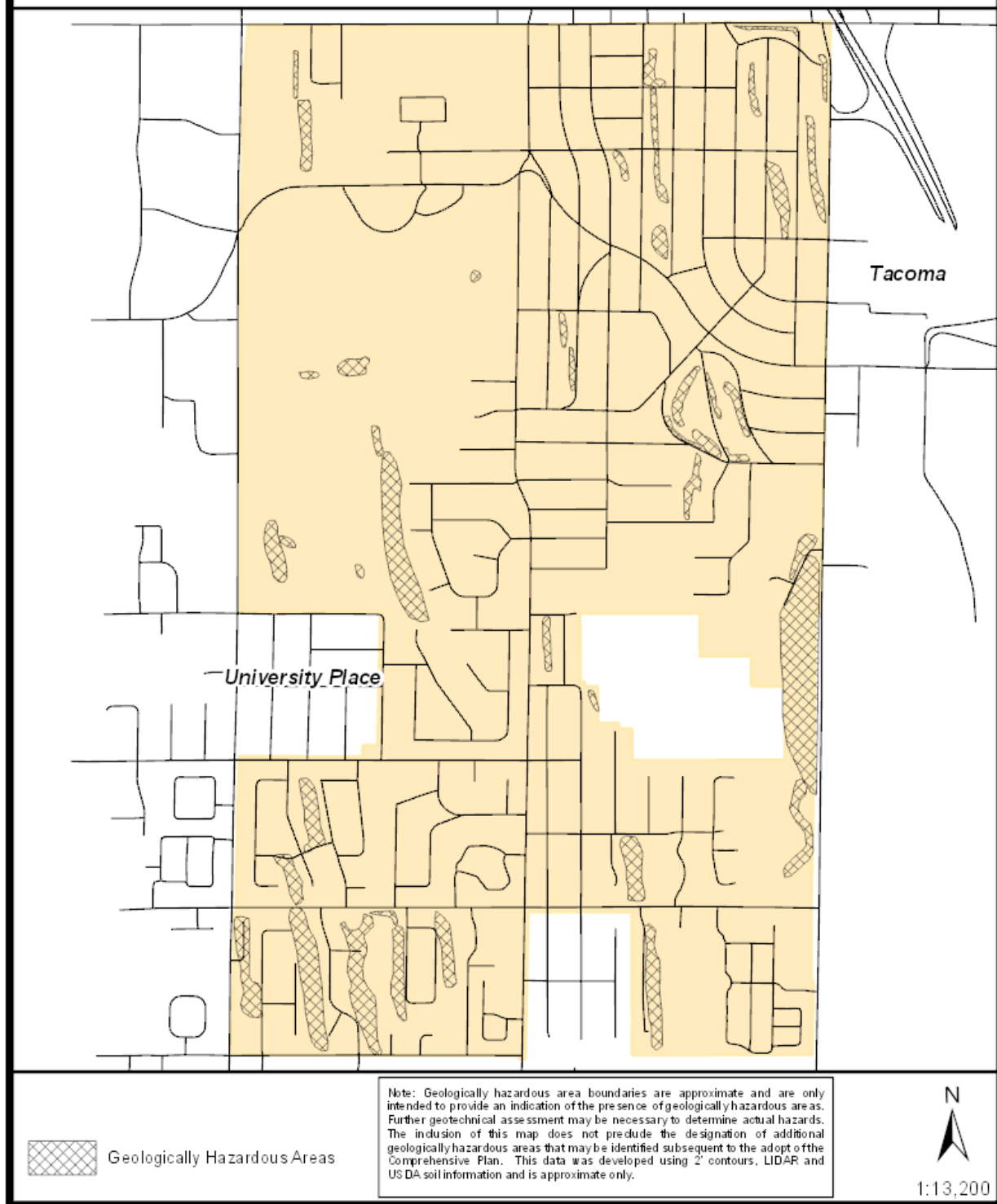
Figure LU-3 identifies lands for which the presence of wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas is indicated. **Figure LU-4** identifies lands for which the presence of geologically hazardous areas is indicated. Areas with a critical recharging effect on aquifers used for potable water are not illustrated because the entire city is within the Clover-Chambers Creek Groundwater Management Area, which has a critical recharging effect on the Tacoma and Clover-Chambers Creek Aquifers. The inclusion of these maps in the Land Use Element does not preclude the designation of additional critical areas that may be identified subsequent to the adoption of this plan.

The City of Fircrest adopted interim development regulations for critical areas in February 1993. These regulations were updated in 2005 to incorporate the best available science and special consideration for anadromous fisheries as required by RCW 36.70A.172. The city subsequently updated these regulations in 2015 to ensure consistency with state law as part of the mandatory GMA Update for comprehensive plans and development regulations.

The GMA also requires the designation of natural resource lands of long-term commercial significance. These areas include forest, agriculture, and mineral resource lands. Natural resource lands are not found within the City of Fircrest.



**Figure LU-4
Geologically Hazardous Areas**



PLANNED LAND USE IN ADJACENT JURISDICTIONS

Figure LU-5 shows planned land use in areas adjacent to Fircrest. Future land use designations for adjacent lands west and south of Fircrest are based on those indicated in the ~~Pierce County Comprehensive Plan and the University Place Comprehensive Plan~~. Designations for the areas east and north of Fircrest are based on the *City of Tacoma Generalized Land Use Plan*.

Adjacent land use designations are summarized in this Comprehensive Plan to identify potential inconsistencies and incompatibilities with Fircrest land uses. Fircrest will coordinate with other jurisdictions as appropriate to address consistency and compatibility issues.

MAJOR CHARACTERISTICS -- ADJACENT LAND USE DESIGNATIONS

Table LU-3 summarizes the primary permitted uses for each land use designation shown on **Figure LU-5** and identifies the most similar land use designation in Fircrest.

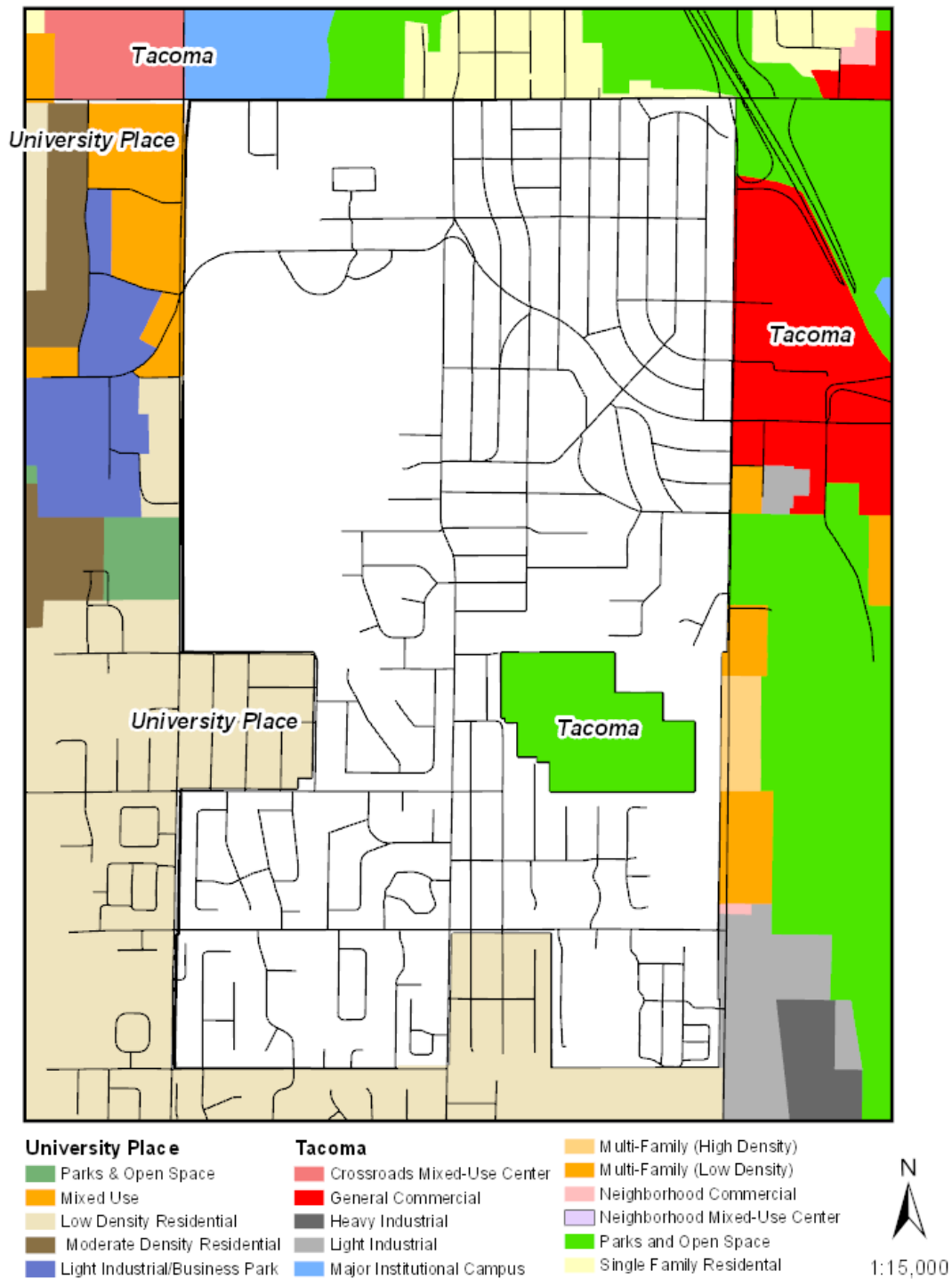
Table LU-3

Permitted by Pierce County and City of University Place (UP) Designations	Permitted by City of Tacoma Designations	Permitted by City of Fircrest Designations
Pierce County Moderate Density Single Family: -- Single family dwellings, accessory dwelling units, and duplexes -- up to 4 dwelling units/acre in areas without sewer, up to 6 dwelling units/acre in areas with sewer UP-Low Density Residential: -- Base density of 4 to 6 single-family dwelling units/acre, with range of 6 to 9 dwelling units/acre allowed through small lot development process	Single-Family Detached Housing Areas: -- Single-family dwellings; accessory dwelling units and limited duplex, triplex, or small-scale multifamily with a maximum density of 8 dwelling units/acre Low Intensity: -- Same uses as above with a maximum density of 15 dwellings/acre <u>target developmental density 6-12 units/net acre</u> <u>Multi-Family (Low Density):</u> <u>-- Multi-family dwelling: target development density of 14-36 dwelling units/net acre</u>	Low Density Residential: -- Single-family dwellings, accessory dwelling units, and existing duplexes and multifamily – 4 to 6 dwelling units/acre depending on zoning classification Medium Density Residential: -- Single-family dwellings, accessory dwelling units, duplexes, and multifamily – 8 to 10 dwelling units/acre depending on zoning classification
UP-Moderate Density Residential:	Medium Intensity:	High Density Residential: -- Multifamily dwellings – 20 to 30 dwelling units/acre

Permitted by Pierce County and City of University Place (UP) Designations	Permitted by City of Tacoma Designations	Permitted by City of Fircrest Designations
-- Base density of 35-55 multifamily dwelling units/acre -- Density bonus to 40-60 dwelling units/acre with affordable housing component	-- Multifamily dwellings with a maximum density of 45 dwelling units/acre <u>Multi-Family (High Density):</u> <u>-- Wide range of housing types at medium and high density, with community facilities and institutions</u>	depending on zoning classification
UP Mixed-Use, Mixed-Use Office, Neighborhood Commercial, Community Commercial, and Town Center: -- Mix of retail, office, service, and multifamily residential uses	Community Center: -- Concentration of commercial and/or institutional development that serves many neighborhoods and includes a unique attraction that draws people from throughout the city. -- Not directly equivalent in that it is intended to accommodate Tacoma Community College. <u>Neighborhood Mixed-Use:</u> <u>-- Mix of commercial, institutional, and residential development</u> <u>Neighborhood Commercial, General Commercial:</u> <u>-- Mix of small-scale to high intensity commercial uses</u> <u>Major Institutional Campus:</u> <u>-- Institutions including colleges, universities and hospitals</u>	Commercial Mixed-Use: -- Mix of retail, office, service, and multifamily residential uses Neighborhood Commercial: -- Mix of neighborhood-scale retail, office, service, and multifamily residential uses
	Low Intensity: -- Neighborhood-serving public and quasi-public facilities such as parks,	Public and quasi-public facility: -- Neighborhood- and community-serving public and

Permitted by Pierce County and City of University Place (UP) Designations	Permitted by City of Tacoma Designations	Permitted by City of Fircrest Designations
	schools, fire stations, libraries, and churches plus open spaces such as the Tacoma Holding Basin <u>Parks and Open Space:</u> <u>--Public and private parks and open space land</u>	quasi-public facilities such as parks, schools, government buildings, and churches permitted if compatible with surrounding development
UP Light Industrial – Business Park: -- Light and clean industries, storage and warehousing, auto repair, limited retail, offices, and entertainment uses	Medium Intensity: --Commercial and industrial uses <u>Light Industrial:</u> <u>--Variety of moderate scale industrial uses</u>	Commercial Mixed-Use: -- small-scale light industrial uses within Mixed-Use development

**Figure LU-5
Adjacent Land Use Designations**



CHAPTER 4

HOUSING ELEMENT



HOUSING ELEMENT - TABLE OF CONTENTS

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INTRODUCTION

Housing conditions have a direct impact on Fircrest's quality of life. Residents place a high value on having a safe and comfortable place to live -- a home that is affordable and located within a neighborhood that is attractive and conveniently located. These factors must be taken into consideration when planning for housing needs to ensure that Fircrest's high quality of life is maintained. Today, factors such as an aging population, changes in family size and composition, and shifting generational preferences for different housing types and neighborhood designs and functions are contributing to changes in the social and economic factors relating to housing choices. This Element addresses the major housing issues facing the City of Fircrest over a 20-year planning horizon, 2015-2035. These issues include:

- Preserving and enhancing the special qualities of existing residential neighborhoods.
- Encouraging the availability of housing that is affordable for all economic segments of the community.
- Increasing the range of housing choices that are reflective of rapidly changing demographics, preferences and needs.
- Accommodating an increase in population and housing units consistent with Pierce County GMA population and housing targets for 2030 and the PSRC VISION 2040 Regional Growth Strategy, through support of innovative, high quality design that is functional -- as well as livable.

STATE AND REGIONAL PLANNING CONTEXT

Fircrest's efforts to plan for its housing needs must fit within the planning framework established through the enactment of state, regional and county laws, directives, goals, and policies.

At the state level, the Growth Management Act requires local jurisdictions to adopt housing elements that are consistent with statewide goals and objectives.

At the regional level, the Puget Sound Regional Council has established multi-county housing policies in VISION 2040 that encourage local jurisdictions to adopt best housing practices and innovative techniques to advance the provision of affordable, healthy and safe housing for all the Puget Sound region's residents.

At the county level, the Pierce County Countywide Planning Policy establishes a countywide framework to ensure that municipal and county comprehensive plans are consistent.

Fircrest must comply with GMA requirements and consider the guidelines and policies of the other documents that have already been endorsed or accepted by the City Council. Consistency at all levels – state, regional and county – is required ~~in order~~ for the City to qualify for loans and grants for transportation and other infrastructure improvements.

GROWTH MANAGEMENT ACT

The Washington State Growth Management Act Housing Goal mandates that counties and cities encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of the existing housing stock. [RCW 36.70A.020(4)]

The GMA also identifies mandatory and optional plan elements. [RCW 36.70A.070 and .080]. A Housing Element is a mandatory plan element that must, at a minimum, include the following [RCW 36.70A.070(2)]:

- An inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth.
- A statement of goals, policies and objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences.
- Identification of sufficient land for housing, including, but not limited to, government assisted housing, housing for low income families, manufactured housing, multi-family housing, group homes, and foster care facilities.
- Adequate provisions for existing and projected housing needs of all economic segments of the community.

Since the Comprehensive Plan must be an internally consistent document [RCW 36.70A.070] and all Plan Elements must be consistent with the future land use map prepared as part of the required Land Use Element [RCW 36.70A.070], these other Plan Elements dictate, to a great extent, what is in the Housing Element.

Thus, the Land Use Element, relying upon estimates of future population, growth, average numbers of persons per household, and land use densities, indicates how much (and where) land needs to be made available to accommodate the identified housing needs. The Capital Facilities, Transportation and Utilities Elements indicate when and how public facilities will be provided to accommodate the projected housing, by type, density, and location. And, the Community Character Element contains policies that support infill development and redevelopment that will be sensitive to surrounding residential areas and help enhance the quality of neighborhoods – consistent with Housing Element policies. A full understanding of Fircrest's housing policies and plans should include an examination of these other Elements of the Comprehensive Plan.

VISION 2040 MULTICOUNTY PLANNING POLICIES (MPPs)

The overarching goal of *VISION 2040*'s housing policies is for the Puget Sound region to "preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people."

VISION 2040's housing policies respond to changing demographics and the need to diversify the region's housing supply. The policies address housing diversity and affordability, achieving a jobs-housing balance, focusing housing in centers, and innovations in housing.

VISION 2040 policies place an emphasis on preserving and expanding housing affordability, incorporating quality and environmentally responsible design in homebuilding, and offering healthy and safe home choices for all the region's residents. Goals and policies in the Land Use, Housing and Community Character Elements of this Plan address these topics.

PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (CPPs)

Pierce County Countywide Planning Policies is a written policy statement that establishes a countywide framework from which county and municipal comprehensive plans are developed and adopted. The framework is intended to ensure that municipal and county comprehensive plans are consistent.

The GMA's housing affordability requirements are expounded upon in greater detail in Pierce County's *Countywide Planning Policy* on the "*Need for Affordable Housing for All Economic Segments of The Population and Parameters for its Distribution*".

This Countywide Planning Policy provides goals, objectives, policies, and strategies relating to:

- Determining the extent of the need for housing for all economic segments of the population, both existing and projected, over the planning period.
- Exploring and identifying opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective.
- Encouraging the availability of housing affordable to all economic segments of the population.
- Supporting efforts by the County and each municipality in the County to establish a countywide program by an organization capable of long-term consistent coordination of regional housing planning, design, development, funding, and housing management.
- Meeting the City's affordable and moderate-income housing needs goal by utilizing a range of strategies that will result in the preservation of existing, and production of new, affordable, and moderate-income housing that is safe and healthy.
- Working with the County, and each municipality in the County, to cooperatively maximize available local, state, and federal funding opportunities and private resources in the development of affordable housing for households.

- Exploring and identifying opportunities to reduce land costs for non-profit and for-profit developers to build affordable housing.
- Periodically monitoring and assessing the City's success in meeting the housing needs to accommodate its 20-year population allocation.

LOCAL PLANNING CONTEXT

HOUSING VISION

Looking ahead 20 years...

Fircrest is treasured for its character, natural assets, friendly and welcoming atmosphere, diversity, safety, and quiet settings.

Fircrest includes a broad choice of housing types at a range of prices, including affordable homes. During the past 20 years, there has been much more variety in the types and prices of newly constructed homes, including more cottages, accessory dwelling units, attached homes, live-work units, and other smaller single-family homes. New homes blend with existing homes and the natural environment, retaining valued characteristics of neighborhoods as they continue to evolve.

While single-family neighborhoods have remained stable, the number and variety of multifamily housing choices have increased, especially in mixed-use ~~neighborhoods~~ developments along in the 19th and Mildred ~~area~~ and 19th Street corridors. More people live ~~in~~ close ~~proximity~~ to employment opportunities, small-scale shopping and services, connections to parks and trails, transit, and other amenities.

Through careful planning and community involvement, changes and innovation in housing styles and development have been embraced by the whole community. Residents enjoy a feeling of connection to their neighborhoods and to the community ~~as a whole~~.

MAJOR HOUSING ISSUES

One of the challenges facing Fircrest is that over the past few decades, the average size of single-family dwellings has increased dramatically ~~while at the same time that~~ household size has decreased significantly. Meanwhile, it is estimated that 50-60% of the housing market today is comprised of singles, single parents, seniors, and starter families.

The most common type of housing being constructed in Fircrest today, however, is a relatively large, detached single-family dwelling on an existing platted lot within an existing low-density neighborhood. While there is clearly a demand for this type of housing in the area, it does not meet the needs or match the preferences of a large portion of the market, namely the four housing market groups noted above. Many people who fall within these groups do not have any desire to live in a detached single-family dwelling on a moderate to large lot, even if they could afford to do so. However, the housing choices currently available to them and for some other segments of the market are quite limited.

Recent indications on the national level are that home sizes have begun declining somewhat in response to higher energy costs, more expensive construction materials, a slightly greener perspective toward consumption of resources, continued decreases in household size, and other factors. However, were this trend to continue or even accelerate in the future, it would not begin to address the mismatch between what is being constructed, what is allowed by regulation, and what may be preferred by an increasingly large share of the market.

There is an affordability gap for both renters and homeowners in Fircrest. The affordability gap is especially pronounced for very low-income, low-income, and moderate-income households. The people in the low- and moderate-income categories are vital members of the workforce. They include office clerks, security guards, bank tellers, teachers, legal secretaries, pharmacy technicians, and firefighters. Few homes are available at the prices that are affordable to low- and moderate-income families. Consequently, these families experience financial hardships because they are often forced to pay more than 30 percent of their monthly income on housing costs.

Because few large undeveloped tracts of land remain available for new residential development, the City will need to rely on the maintenance of existing housing stock, construction of new infill housing on smaller lots and underutilized properties, and redevelopment of existing properties to meet some of its housing needs.

Current residents' desires to maintain or enhance the existing character of single-family neighborhoods will need to be respected. A strong community preference exists to maintain current planned densities within these low-density neighborhoods. However, development policies and regulations enacted to support PSRC's VISION 2040 goals and objectives -- by increasing residential densities in some High Density Residential and Community Commercial designation areas -- may lead to increased traffic volumes and associated noise, air quality, and safety impacts in nearby single-family residential areas. Potential impacts will need to be mitigated through careful planning, design, and construction.

Residents are concerned about the incursion of commercial development into residential areas. The City should refine its regulatory tools as needed to more effectively minimize impacts that could result from additional commercial development in areas where a transition to more intensive use is supported by this Comprehensive Plan. As the City's population ages, the demand for housing for people with special needs will increase. The City will need to encourage fair and equal access to housing in accordance with state and federal law.

Finally, the City has been assigned population and housing targets by the Pierce County Council for 2030 consistent with the PSRC VISION 2040 Regional Growth Strategy. This action directs Fircrest to accommodate a population of 6,950 and a housing unit count of 3,351 in 2030. As the City had a population of 6,497 and 2,847 housing units in 2010, this would represent a population increase of about 7% and a housing unit increase of 6% over a two-decade period. Fircrest will need to be creative and comprehensive in its

approaches to accommodating this increase while preserving the desirable character of existing single-family neighborhoods.

GOALS AND POLICIES

This Element contains the housing goals and policies for the City of Fircrest. The following goals reflect the general direction of the City, while the policies provide more detail about the steps needed to meet the intent of each goal. Discussions provide background information, may offer typical examples, and clarify intent. References to specific Countywide Planning Policies relating to affordable housing (CPP AH) and summarized above are intended to document this Element's consistency with these provisions.

NEIGHBORHOOD PRESERVATION

The policy intent is to apply a number of community values in support of approaches that may be used to preserve and enhance existing residential neighborhoods.

GOAL H1

Preserve and enhance existing residential neighborhoods.

Policy H1.1

Effectively implement zoning regulations, including design standards and guidelines, to help support the stability of established residential neighborhoods.

Discussion: Zoning classifications protect areas from encroachment by dissimilar residential densities and commercial uses, which may create noise, traffic, and other impacts. By creating intermediate zones of activity, they enable a gradual transition between uses. Where Comprehensive Plan policies and zoning classifications support the introduction of a range of housing types into existing neighborhoods, the City should enforce design standards and guidelines to ensure that new development is well designed, integrated compatibly into the neighborhood context, and contributes to an enhanced community aesthetic.

Policy H1.2

Encourage repair and maintenance of existing housing.

Discussion: As housing ownership is transferred or if housing conditions deteriorate, existing affordable units may either be converted to more expensive homes or may gradually become unsuitable for occupation. As housing ages, the need for repair and maintenance becomes more common. Neglected housing can also negatively affect a neighborhood's property values. The City has a substantial stock of small to moderate-size bungalows, cottages, split level, and rambler style homes built through the 1970s. This housing represents nearly 60 percent of the City's owner-occupied housing stock. Maintaining this existing housing in good condition can support neighborhood stability and be a cost-effective way of providing affordable housing opportunities within Fircrest.

The City should provide information to citizens about existing programs that offer maintenance and repair assistance. The City should work with entities such as Paint Tacoma-Pierce Beautiful to explore whether services might be expanded to include Fircrest. This program organizes volunteer crews to paint the exterior of homes of low-income, elderly, and disabled homeowners. The City should enforce regulations that require maintenance of housing in safe and sanitary conditions. The City should also support Block Watch activities to reduce crime in support of neighborhood stability.

Policy H1.3

Promote home ownership opportunities for people at various income levels.

Discussion: The City's housing vision statement encourages housing choice including a mix of home ownership opportunities in the community. Home ownership helps foster stable neighborhoods and supports investments in the community ~~as a whole~~. Maintaining existing older housing stock and encouraging the development of small lot attached and detached housing, townhouses, live/work units, cottage housing, multi-family condominium units within mixed-use projects, and cluster housing can provide more opportunities for affordable home ownership – thereby supporting neighborhood stability.

Policy H1.4

Encourage residential development in areas that are already adequately served by utilities and transportation.

Discussion: Opportunities exist for infill development on vacant lots in single-family, mixed-use, and multifamily neighborhoods. Such development is generally desirable since the utilities, services, and street improvements are already in place and available. The cost of this housing is generally lower than in completely new subdivisions. Infill development may enhance the stability of existing neighborhoods if it is appropriately designed and well-constructed.

HOUSING CHOICE

The policy intent is to promote a wider range of housing choices to meet the needs of a diverse and changing population, especially housing types that help meet the needs for more affordable housing.

GOAL H2

Achieve a mix of housing types to meet the needs of diverse households at various income levels.

Policy H2.1

Support and encourage innovative and creative responses, ~~using through the use of~~ appropriate incentives, to meet Fircrest's needs for housing affordability and diversity for a variety of household sizes, incomes, types and ages.

Discussion: Examples of innovative housing include, but are not limited to: cottage housing, small lot development, live/work units, condominiums in vertical mixed-use buildings, cluster housing and attached units (two or three units per building) that are

designed to fit the general character and bulk of other single-family homes in the neighborhood in which the new housing is located.

Increased housing choices, especially for smaller households, will help the overall housing supply better match the needs of an increasingly diverse population. Fircrest's development regulations are intended to allow development of housing that will satisfy varied consumer preferences.

The City has already taken some initial strides in this area through allowing increased housing densities in traditional community design neighborhoods and a wider variety of housing, such as accessory dwelling units, in existing single-family neighborhoods. As new and different housing styles become available, consideration should be given to how they might fit within existing neighborhoods to provide increased affordability for low- and moderate-income families and increased options for seniors and small households. Having these choices will help maintain economic viability and community stability by providing housing choices for people of all ages and stages of life, which could allow changing households to remain in the same home or neighborhood.

Policy H2.2

Encourage increased residential density in ~~commercial~~ mixed-use and multi-family zones, especially those located within the ~~19th and Mildred area~~ ~~Street and 19th Street corridors~~, subject to compliance with appropriate form-based code standards ~~development~~ and design guidelines ~~standards~~. Prohibit new detached single-family development in these areas to promote more intensive use of ~~commercial~~ mixed-use and multi-family properties.

Discussion: Residential development in ~~commercial~~ mixed-use zones provides a lifestyle that many people find desirable. Transportation costs and commuting time can be minimized, by residing in areas near employment and services. Businesses also benefit from consumers who live in the immediate vicinity and who may frequent the business establishment during the traditionally "off" evening hours. These same residences can absorb some of the City's anticipated future population growth. The result will be less pressure for higher density development in single-family zones.

Policy H2.3

Permit accessory dwelling units in conjunction with single-family structures.

Discussion: Accessory dwelling units (ADU's) are intended to increase the affordable housing options. They may provide supplementary income, offer semi-independent living for people with special needs, and provide for increased personal and home security. ADU's should be designed to maintain the single-family character of the property in which they are located. Modifications to the exterior of an existing home to accommodate an ADU should be architecturally consistent with the existing design. Detached ADUs should be designed to be architecturally compatible with the principal residence.

Policy H2.4

Allow manufactured homes in all zones where detached single-family residential development is permitted.

Discussion: State law precludes local jurisdictions from regulating manufactured homes differently from site-built homes. Manufactured homes should comply with all Fircrest design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.

Policy H2.5

Prevent discrimination and encourage fair and equitable access to housing for all persons in accordance with state and federal law.

Discussion: The City has a diverse population and supports equal access to housing for everyone.

HOUSING AFFORDABILITY

The policy intent is to increase the supply of housing that is affordable to residents of the community in a manner generally consistent with Countywide Planning Policies on affordable housing.

GOAL H3

Encourage the availability of housing affordable to all economic segments of the population.

Discussion: A complex challenge facing the City is to provide appropriate housing opportunities for all economic segments of the community. The quality of any city is defined, in large part, by whether families and individuals ~~can~~are able to find the type and size of housing that fits their household needs at a price they can afford.

Communities that offer a range of housing types and affordability provide more opportunity for families and individuals to live where they choose. This allows workers to live near their jobs, older family members to continue to live in the communities where they raised their families, and younger adults to establish new households. When housing options are provided close to where people work, there are increased opportunities for people to participate in community and family activities.

Policy H3.1

Fircrest shall determine the extent of the need for housing for all economic segments of the population, both existing and projected for its jurisdiction over the planning period – consistent with CPP AH1.

Discussion: An analysis of the community's population, economic, social, housing, and financial characteristics provides some of the basis for assessing housing needs. Cost-burdened households, or those households paying more than 30 percent of income for housing, represent a large share of the City's population. Nearly one-third of owner households, and two-fifths of renter households, are considered cost burdened.

The US Census Bureau classifies nearly 8 percent of the City's population as having a disability. Likewise, nearly one-quarter of the population age 65 and older – a substantial proportion – is classified as having a disability. Households with one or more individuals with disabilities may be further cost burdened.

For ~~the purpose of~~ this and related housing policies, the following definitions apply:

- “Affordable housing” means housing affordable to households earning up to 80 percent of the countywide median income.
- “Low income households” means households earning 80 percent or less of the countywide median income.
- “Moderate income households” means households earning 80 to 120 percent of the countywide median income.
- “Special needs housing” means supportive housing opportunities for populations with specialized requirements, such as the physically and mentally disabled, the elderly, people with medical conditions, the homeless, victims of domestic violence, foster youth, refugees, and others.
- “Housing affordability” is a measure of household’s ability to afford housing, whether ownership or rental property, based on the percentage of gross monthly income that goes toward housing expenses, regardless of income level. For ownership housing, this percentage typically includes taxes, insurance, and other related housing expenses. For rental housing, a utility allowance is included in the 30 percent figure. A household in which housing costs exceed 30 percent of gross monthly income is ~~considered to be~~ “cost burdened”; if costs exceed 50 percent of gross monthly income, the household is severely cost burdened. Another measure, the H+T Index, offers an expanded view of affordability -- one that combines housing and transportation costs and sets the benchmark at no more than 45 percent of household income.

Policy H3.2

Explore and identify opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective – consistent with CPP AH2, provided the same is consistent with the countywide policy on historic, archaeological, and cultural preservation.

Discussion: The City, landowners and developers should continue to communicate on a regular basis regarding redevelopment opportunities. The Planning and Building Department’s pre-application review process may be used to facilitate initial review of potential projects with respect to opportunities, challenges, and obstacles.

Policy H3.3

Encourage the availability of housing affordable to all economic segments of the population – consistent with CPP AH3.

Policy H3.4

Encourage the development of housing affordable to low-to-moderate income households in a manner that reflects Fircrest’s unique demographic characteristics, Comprehensive Plan vision and policies, development and infrastructure capacity, location and proximity to job centers, local workforce, and access to transportation -- consistent with CPP AH3.2.1.

Discussion: Success in achieving this directive will increase housing diversity and affordability, improve the City’s jobs-housing balance, support the creation of new or

rehabilitation of existing housing along the 19th and Mildred area and ~~19th Street corridors~~, and support innovations in housing.

Consistent with the community's unique demographics, Comprehensive Plan vision and policies, existing and projected market forces, development and infrastructure capacity, local workforce characteristics, and access to transportation, the development of housing affordable to low-to-moderate income households will mainly occur in areas of the community located outside of existing low density single-family neighborhoods.

Policy H3.5

Achieve a minimum of 25 percent of the Pierce County 2030 growth population allocation for Fircrest through affordable housing, consistent with CPP AH-3.3.

Policy H3.6

Support efforts by Pierce County and other municipalities in the County to establish a countywide program by an organization capable of long-term consistent coordination of regional housing planning, design, development, funding, and housing management – consistent with CPP AH4.

Discussion: Fircrest should be represented in directing the work program and priorities of the organization to the extent feasible.

Policy H3.7

Fircrest should plan to meet its affordable and moderate-income housing needs goal by utilizing a range of strategies that will result in the preservation of existing, and production of new, affordable and moderate-income housing that is safe and healthy -- consistent with CPP AH5.

Discussion: Techniques to preserve existing affordable and moderate-income housing stock may include repair, maintenance, and/or rehabilitation and redevelopment ~~in order to~~ extend the useful life of existing affordable housing units consistent with CPP AH5.1.

When feasible, the City should seek and secure state funds such as the Housing Trust Fund, and federal subsidy funds such as Community Development Block Grant, HOME Investment Partnership, and other sources to implement housing preservation programs consistent with CPP AH5.1.1. The City should promote the use of reasonable measures and innovative techniques (e.g., clustering, accessory dwelling units, cottage housing, small lot developments and mixed-use) to stimulate new higher density affordable and moderate-income housing stock on mixed-use- and residentially-zoned vacant and underutilized parcels consistent with CPP AH5.2, while ensuring compatibility with Fircrest's community character.

To promote affordable housing and ensure access to services and jobs, the City should consider the availability and proximity of public transportation, governmental and commercial services necessary to support residents' needs consistent with CPP AH5.3.

Policy H3.8

Provide incentives to developers and builders of affordable housing for moderate- and low-income households -- consistent with CPP AH5.4.

Discussion: Consistent with CPP AH5.4, the City should encourage property owners and housing developers and builders to take advantage of the opportunities provided by the City's innovative housing provisions and increased densities to build a variety of housing types that help meet the demand for more affordable, yet high quality, housing.

Alternative development regulations that reduce development cost in exchange for housing that is ensured to be affordable should be explored -- consistent with CPP AH5.4.1. The City may consider providing financial incentives -- consistent with CPP AH5.4.2, and technical assistance to affordable housing developers -- consistent with CPP AH5.4.3.

Policy H3.9

Consider inclusionary zoning measures or other creative regulatory measures, such as incentives and bonuses, as a condition of major rezones and development -- consistent with CPP AH5.5.

Discussion: As part of any rezone that increases residential capacity, the City should consider requiring a portion of units, up to 25% of the total number of units within future developments, to be affordable to low- to moderate-income households. Such units should be designed to have an exterior appearance comparable to that of market rate units.

Policy H3.10

Work with Pierce County and other municipalities and entities in the County to cooperatively maximize available local, state, and federal funding opportunities and private resources in the development of affordable housing for households -- consistent with CPP AH6.

Discussion: The City should jointly explore opportunities to develop a countywide funding mechanism and the potential for both voter-approved measures (bond or levy), and nonvoter approved sources of revenue to support the development of affordable housing consistent with CPP AH6.1.

State legislative changes to give local jurisdictions the authority to provide tax relief to developers of affordable housing should be supported consistent with CPP AH6.2.

The City should explore opportunities to dedicate revenues from sales of publicly owned properties, including tax title sales, to affordable housing consistent with CPP AH6.3.

The feasibility of applying additional resources to facilitate the development of affordable housing through an entity such as a new countywide organization (based on inter-local agreements), a county-wide land trust, the Pierce County Housing Authority, and expansion of existing nonprofit partnerships should be explored by the City consistent with CPP AH6.4.

Policy H3.11

Explore and identify opportunities to reduce land costs for non-profit and for-profit developers to build affordable housing -- consistent with CPP AH7.

Discussion: The City should explore options to dedicate or make available below market rate surplus land for affordable housing projects consistent with CPP AH7.1.

The City should also explore and identify opportunities to assemble, reutilize, and redevelop existing parcels consistent with CPP AH7.2.

Development standards and regulations should be periodically reviewed and streamlined if warranted to advance their public benefit, provide flexibility, and minimize costs to housing consistent with CPP AH7.3.

Policy H3.12

Periodically monitor and assess the City's success in meeting housing needs to accommodate its 20-year population allocation – consistent with CPP AH8.

Discussion: The City should utilize the available data and analyses provided by federal, state, and local sources to monitor its progress in meeting housing demand as part of any required GMA comprehensive plan update process consistent with CPP AH8.1.

The City should support countywide efforts to periodically monitor, evaluate and determine if countywide needs are being adequately met consistent with CPP AH8.2.

The quantity of affordable housing units created, preserved, or rehabilitated within Fircrest since the previous required update should be made available consistent with CPP AH8.3. The City should establish minimum densities for future subdivision development within its single-family districts to help ensure that such development is generally consistent with the density assumptions relied upon for the City's 20-year population and housing allocations.

Policy H3.13

Ensure that policies, codes, and procedures do not create barriers to affordable housing opportunities.

Discussion: Regulatory barriers can increase housing costs anywhere from 10 to 35 percent and, in many cases, can even prevent its construction. Sometimes existing regulations, procedures or practices can increase the cost of housing without a corresponding public benefit, and sometimes these increased costs may not be recognized by a jurisdiction. The City should strive to increase benefits to the community while lowering housing costs by periodically reviewing, at a minimum, the following areas for possible revision or amendment:

- Comprehensive Plan policies
- Zoning and subdivision regulations
- Infrastructure requirements
- Development standards
- Building and fire codes
- Administrative procedures
- Processing times
- Fees and exactions
- Inspection procedures

Policy H3.14

Craft and implement regulations and procedures to provide a high degree of certainty and predictability to applicants and the community-at-large to minimize unnecessary time delays in the review of residential permit applications, while still maintaining opportunities for public involvement and review. Encourage the use of innovative development review processes to promote sustainability, flexibility in development standards and affordability in housing construction.

Discussion: The City is responsible for establishing land use policies and development regulations that can encourage a variety of housing types and affordability levels. Through its zoning code and permitting procedures, Fircrest can directly and indirectly impact several housing cost components, such as land, fees, and time of development. The challenge for the City is to balance the provision of public needs (e.g., safe streets, environmental protection) and not unduly impact the cost of housing. Although City land use policies and site standard regulations can be used to affect the supply of housing affordable to all income levels, its effect will be most beneficial to moderate- and median-income households.

Policy H3.15

Improve social, emotional, and mental wellness by supporting residential stability and efforts to improve the ability of residents to live independently in affordable, accessible, and service-enriched housing.

Discussion: Affordable housing may improve health outcomes by freeing up family resources for nutritious food and health care expenditures. By providing families with greater residential stability, affordable housing can reduce stress and related adverse health outcomes. Stable, affordable homeownership may positively impact mental health by increasing the control that homeowners have over their physical environment and minimizing the disruptions associated with frequent, unwanted moves. Well-constructed and managed affordable housing developments can reduce health problems associated with poor quality housing by limiting exposure to allergens, neurotoxins, and other dangers.

Stable, affordable housing may improve health outcomes for individuals with chronic illnesses and others by providing a stable and efficient platform for the ongoing delivery of health care and reducing the incidence of certain forms of risky behavior. By providing families with access to neighborhoods of opportunity, certain affordable housing strategies can reduce stress, increase access to amenities, and generate important health benefits. By alleviating crowding, affordable housing can reduce exposure to stressors and infectious disease, leading to improvements in physical and mental health. By allowing victims of domestic violence to escape abusive homes, affordable housing can lead to improvements in mental health and physical safety. Affordable and accessible housing linked to supportive services enables older adults and others with mobility limitations to remain in their homes.

SPECIAL NEEDS HOUSING

Special needs housing means supportive housing opportunities for populations with specialized requirements, such as the physically and mentally disabled, the elderly, people with medical conditions, the homeless, victims of domestic violence, foster youth, refugees, and others. The policy intent is to support cooperative efforts to help meet the needs of an increasing number of citizens who require such housing.

GOAL H4**Support opportunities for the provision of special needs housing, including group homes, assisted care facilities, nursing homes and other facilities.**

Discussion: Special needs citizens include those people who require some assistance in their day-to-day living, such as the mentally ill, people with developmental or physical disabilities, victims of domestic violence, substance abusers, people living with AIDS, youth at risk, veterans and the frail elderly. Over a half of the senior population is over 75, and this age group is more likely to be frail and need housing with services. In some cases, homeless persons, as well as pregnant and parenting youth or young adults, also require special needs housing. Family living situations, institutional settings, social service programs and assisted housing all serve a portion of those with special needs.

Policy H4.1

Work with agencies, private developers, and nonprofit organizations to locate housing in Fircrest intended to serve Fircrest's special needs populations, particularly those with challenges related to age, health or disability.

Policy H4.2

Encourage and support the development of emergency, transitional and permanent housing with appropriate on-site services for persons with special needs.

Policy H4.3

Support actions to secure grants and loans tied to the provision of special needs housing by agencies, private developers, and nonprofit organizations.

Policy H4.4

Encourage the provision of a sufficient supply of special needs housing – consistent with CPP AH3.4. Such housing should avoid the creation of significant impacts from inappropriate scale and design. Some clustering of special needs housing may be appropriate if proximity to public transportation, medical facilities or other essential services is necessary.

Policy H4.5

Ensure development regulations allow for and have suitable provisions to accommodate a sufficient supply of housing opportunities for special needs populations in Fircrest.

Policy H4.6

Encourage a range of housing types for seniors affordable at a variety of incomes, such as independent living, various degrees of assisted living and skilled nursing care facilities. Strive to increase opportunities for seniors to live in.

Policy H4.7

Encourage and support accessible design and housing strategies that provide seniors the opportunity to remain in their own neighborhood as their housing needs change.

Policy H4.8

Support the strategic plan contained in the Consolidated Plan for Pierce County to increase the level of support for meeting the region's demand for special needs housing, as well as other types of affordable housing.

Discussion: The Consolidated Plan for Pierce County fulfills the requirement that recipients of certain funds administered by the federal Department of Housing and Urban Development (HUD) create a plan describing how these funds will be expended over a five-year period. These funds are Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Emergency Shelter Grant (ESG). Pierce County and 19 of its cities, including Fircrest, have formed a funding partnership (Urban County), which receives funds each year from the federal government for housing and community development activities. These funds are intended to meet priority needs locally.

Policy H4.9

Work with other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness.

HOUSING INVENTORY

The GMA requires the Housing Element to include an inventory to “*identify sufficient land for housing, including government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities*”. (RCW 36.70A.070(2)(c)).

This section identifies how much land currently is available for residential development in Fircrest. It demonstrates how the City will meet the 2030 population and housing unit allocations assigned to Fircrest by the Pierce County Council for GMA planning purposes. And, it summarizes the wide range of housing types allowed by City regulations.

RESIDENTIAL LAND CAPACITY

Pierce County Ordinance No. 2011-36s establishes GMA population, housing unit and employment targets for cities, towns, and unincorporated areas of Pierce County for 2030. These targets are based on allocations contained in VISION 2040, Office of Financial Management projections, actual growth trends, and regional, county and city policies.

Pierce County has assigned Fircrest a housing target of 3,351 units for 2030. According to the US Census Bureau, the City had a total of 2,847 housing units in 2010. The difference between existing units and the 2030 target represents 504 additional units over a two-decade period. The Pierce County Buildable Lands report (July 2014) identifies that an additional 40 displaced units need to be factored in to recognize that

some of the City's underutilized parcels will be unavailable for redevelopment due to site-specific circumstances. As a result, the report states that Fircrest's 2030 housing need is 544 additional units. The Buildable Lands Report also states that current residential land capacity is 254 units. This capacity is 290 fewer units than needed to meet the 2030 housing target. Therefore, the City ~~has~~ adopted a variety of approaches to increase its residential development capacity by 303 units, slightly more than ~~an excess of~~ the needed 290 units. These approaches are identified in the Land Use Element.

Since adoption of its first GMA Comprehensive Plan in 1996 and Land Development Code in 2000, the City's development policies and regulations have reflected the community's strong preference to maintain existing housing character and densities within its single-family residential neighborhoods. In order to accommodate additional growth consistent with the City's 2030 population and housing targets – without significantly increasing densities and changing housing types in these single-family neighborhoods, Fircrest intends to accommodate a substantial share of this growth through increased densities in its multi-family and ~~commercial~~ mixed-use Plan designations and zones.

In 2020, the City enacted a form-based code that applies to the 19th and Mildred area. The City also amended its mixed-use zoning to substantially increase residential development potential and capacity in this area. This expanded capacity will be analyzed vis-à-vis updated regional housing allocations and targets developed during the next State-mandated buildable lands review.

HOUSING TYPES SUPPORTED BY POLICIES AND REGULATIONS

This Element's *housing choice*, *housing affordability*, and *special needs* housing goals and policies direct the City to accommodate and support the development of a mix of housing types to meet the needs of the City's residents for housing that is affordable, fits desired lifestyles and satisfies a variety of special needs. The City will consider amending its development regulations to allow a wider range of housing types at higher densities to increase choice and affordability. **Table H-1** below summarizes the housing types allowed by zoning classifications that permit residential uses.

**Table H-1
Housing Types Allowed by Zone**

Zone	Detached SFD Duplex / Family Group Home / ADU / Mfg.	Attached SFD / Duplex / Family Group Home	Small Lot / Cottage / Carriage / Two-Three Unit Home	Multi-family	Live-Work	Unit above Ground Floor of Vertical Mixed-Use Building	Assisted Living / Nursing Home
R-4	X						X
R-4-C	X		X				X
R-6	X						X
R-8		X		X			X
R-10-TCD	X	X		X			X
R-20		X		X			X
R-30		X		X			X
NO						X	
NC						X	
CMUN			X	X	X	X	X
MUU				X	X	X	X
GC	X	X	X	X			

HOUSING PROFILE

The GMA requires the Housing Element to provide information pertaining to the adequate provision for existing and projected housing needs for *all economic segments of the community*. (RCW 36.70A.070(2)(d)). This section presents demographic and housing characteristics for Fircrest that strongly influence the ability of individuals and families to secure housing in the community that meets their needs and is affordable.

These characteristics are summarized in the following tables:

- Table H-2 Population Characteristics – Age and Race
- Table H-3 Economic Characteristics – Household Income
- Table H-4 Economic Characteristics – Income Below Poverty Level
- Table H-5 Social Characteristics -- Household by Type
- Table H-6 Social Characteristics – Disability Status
- Table H-7 Housing Characteristics -- Occupancy and Tenure
- Table H-8 Housing Characteristics – Units in Structure
- Table H-9 Housing Characteristics – Year Structure Built
- Table H-10 Housing Characteristics – Home Value Owner Occupied Units
- Table H-11 Financial Characteristics – Monthly Owner Costs
- Table H-12 Financial Characteristics – Cost-Burdened Households -- Monthly Owner Costs as a Percentage of Household Income
- Table H-13 Financial Characteristics – Gross Rent
- Table H-14 Financial Characteristics -- Cost-Burdened Households -- Gross Rent as a Percentage of Household Income
- Table H-15 Financial Characteristics – Cost-Burdened Households -- Households Paying More Than 30 Percent of Income for Housing
- Table H-16 Financial Characteristics – Cost-Burdened Households -- Households Paying More Than 45 Percent of Income for Housing and Transportation Costs Combined

Table H-2
Population Characteristics – Age and Race

	2000	2010	Observation
Population	5,868	6,497	10.7% increase over decade
Population % under 20	25.0%	25.4%	Stable younger share of population
Population % 55 and over	31.1%	29.6%	Stable senior share of population
Median Age	41.8	41.2	Stable median age
Race – White	87.5%	78.9%	Decreasing share of population
Race – Black/African American	5.2%	7.0%	Increasing share of population
Race – American Indian and Alaska Native	0.6%	0.7%	Stable share of population
Race – Asian	2.7%	5.1%	Rapidly increasing share of population
Race – Native Hawaiian and Other Pacific Islander	0.5%	0.5%	Stable share of population
Race – Other	0.5%	0.8%	Increasing share of population
Race – Two or more	3.1%	7.0%	Rapidly increasing share of population
Hispanic or Latino of any race	2.7%	4.6%	Rapidly increasing share of population
Source: U.S. Census 2000 and 2010			

Population grew at a moderate rate during 2000-2010. The age of the population, in terms of the younger (under age 20) cohort and senior (55 years and over) cohort remained stable. The population grew increasingly diverse, with the percentage of white population declining while the percentage of Black/African American, Asian, multi-race and Hispanic populations increased significantly.

Table H-3
Economic Characteristics – Household Income

Household Income	1999	Percentage 1999	2012	Percentage 2012
Less than \$10,000	99	4.0%	89	3.4%
\$10,000 to \$14,999	112	4.5%	54	2.1%
\$15,000 to \$24,999	215	8.6%	194	7.5%
\$25,000 to \$34,999	285	11.4%	232	8.9%
\$35,000 to \$49,999	428	17.1%	318	12.2%
\$50,000 to \$74,999	612	24.5%	626	24.1%
\$75,000 to \$99,999	394	15.8%	380	14.6%
\$100,000 to \$149,999	305	12.2%	490	18.8%
\$150,000 to \$199,999	33	1.3%	140	5.4%
\$200,000 or more	16	0.6%	79	3.0%
	Median Household Income \$54,912		Median Household Income \$63,750	
	Median Family Income \$61,611		Median Family Income \$79,375	
	80% of Median Household Income \$43,930		80% of Median Household Income \$51,000	
Source: U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012				

Household and family income increased substantially during 1999-2012. Median household income increased over 16 percent, and median family income increased nearly 29 percent.

Table H-4
Economic Characteristics – Income below Poverty Level

	1999	2012
All Families	4.6%	2.2%
With related children under 18 years	7.6%	4.2%
With related children under 5 years	10.6%	X
With related children under 5 years <i>only</i>	X	0%
Married-couple families	X	1.3%
With related children under 18 years	X	2.8%
With related children under 5 years <i>only</i>	X	0%
Families with female householder (no husband present)	15.5%	6.2%
With related children under 18 years	19.6%	4.6%
With related children under 5 years	12.1%	X
With related children under 5 years <i>only</i>	X	0%
All People / Individuals	5.9%	4.3%
Under 18 years	X	4.6%
Related children under 18 years	10.2%	4.6%
Related children under 5 years	X	0%
Related children 5 to 17 years	9.7%	6.7%
18 years and over	4.7%	4.2%
18 to 64 years	X	5.0%
65 years and over	2.7%	1.5%
Unrelated individuals 15 years and over	7.3%	14.6%
Source: U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012		
x = data not available		

The percentage of population below poverty level significantly increased between 1999 and 2012 for one general category – *unrelated individuals 15 years and over*. The lack of consistent data for some similar categories makes comparison from one period to the other problematic. For example, sizable decreases in the *families with female householder* categories may be attributed to differing sampling methodologies and somewhat different category definitions used for the two periods. The poverty level for *all families* declined from 4.6 percent to 2.2 percent. For *all people / individuals*, the poverty level declined from 5.9 percent to 4.3 percent.

Table H-5
Social Characteristics -- Household by Type

	2000	2010
Total households	2,505	2,705
Family households (families)	66.8%	65.5%
With own children under 18 years	28.3%	28.7%
Married-couple family	53.4%	48.2%
With own children under 18 years	20.8%	19.2%
Male householder (no wife present) family	X	4.0%
With own children under 18 years	X	7.4%
Female householder (no husband present) family	10.7%	13.3%
With own children under 18 years	6.1%	7.4%
Non-family households	33.2%	34.5%
Householder living alone	28.5%	28.7%
Householder 65 years and over	13.3%	13.6%
Households with individuals under 18 years	30.3%	31.2%
Households with individuals 65 years and over	33.8%	30.7%
Average Household Size	2.34	2.39
Average Family Size	2.85	2.93
Source: U.S. Census 2000 and 2010 x = data not available		

Total households increased by 8.0 percent while the proportion of family households to non-family households shifted slightly toward more non-family households. The largest percentage declines for household group size were for *married couple families* and *households with individuals 65 years and over*. The largest growth occurred in the percentage of *female householder (no husband present) family*, and *female householder (no husband present) family with own children under 18 years*. Average household and average family size increased slightly from 2000 to 2010.

**Table H-6
Social Characteristics – Disability Status**

Civilian Non-Institutionalized Population	Population 2000	Percentage of Age Group with a Disability 2000	Population 2012	Percentage of Age Group with a Disability 2012
Total Population 5 and over	5,509		6,511	
Population with a Disability	1,029	18.7%	521	8.0%
Population with a Disability under 18 years	X	X	38	2.3%
Population 5 to 20 years with a Disability	96	8.2%	X	X
Population with a Disability 18 to 64 years	X	X	239	6.4%
Population with a Disability 21 to 64 years	609	19.2%	X	X
Population with a Disability 65 years and older	324	27.5%	244	22.3%
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012 Data based on self-reporting by respondents x = data not available				

The number of individuals classified by the Census Bureau as having a disability declined substantially between 2000 and 2012, especially for the adult populations less than 65 years of age. Eight percent of the population, a substantial proportion however, remains classified as having a disability in 2012. The decrease may be attributed to different reporting methods.

Table H-7
Housing Characteristics -- Occupancy and Tenure

Housing Occupancy	2000	2010
Total Housing Units	2,573	2,847
Occupied Housing Units	2,505	2,705
Vacant Housing Units	68	147
Homeowner Vacancy Rate	0.7%	1.9%
Rental Vacancy Rate	2.9%	5.9%
Housing Tenure	2000	2010
Owner Occupied Housing Units	69.3%	67.5%
Renter Occupied Housing Units	30.7%	32.5%
Average Household Size of Owner-Occupied Housing	2.49	2.43
Average Household Size of Renter Occupied Housing	2.00	2.31
Source: U.S. Census 2000, U.S. Census 2010, and U.S. Census American Community Survey 5-Year Estimates 2008-2012		

Homeowner vacancy rates increased somewhat but remained low while rental vacancy rates increased significantly during the 2000-2010 period. Rental vacancy rates have fluctuated rapidly when compared with homeowner vacancy rates due in part to the greater mobility of renters and their responsiveness to rental market conditions that are quickly affected by both local and regional factors – including the fundamental balance between supply and demand.

Table H-8
Housing Characteristics – Units in Structure

Units in Structure	Number of Units 2000	Percentage 2000	Number of Units 2012	Percentage 2012
1 unit, detached	1,760	68.6%	1,940	70.2%
1 unit, attached	199	7.8%	215	7.8%
2 units	50	2.0%	72	2.6%
3 or 4 units	166	6.5%	203	7.3%
5 to 9 units	152	5.9%	165	6.0%
10 to 19 units	86	3.4%	82	3.0%
20 units or more	145	5.7%	74	2.7%
Mobile Home	6	0.2%	12	0.4%
Other	0	0%	0	0%
Total Housing Units	2,564		2,763	
Source: U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012				

The proportion of detached single-family homes increased slightly relative in terms of the share of the total units. Comparing the data from the 2000 Census with the estimates summarized in the 2008-2012 survey suggests that the number of units in the *20 units or more* category fluctuated rapidly during this period. However, the unit count fluctuation from the census to the survey more likely may be attributed to different reporting methods.

**Table H-9
Housing Characteristics – Year Structure Built**

Year Structure Built	Total Housing Units (Occupied plus Unoccupied)		Owner-Occupied Housing Units		Renter-Occupied Housing Units	
2000 to 2009	326	12.5%	215	8.3%	111	4.3%
1990 to 1999	168	6.5%	106	4.1%	62	2.4%
1980 to 1999	178	6.8%	44	1.7%	134	5.1%
1970 to 1979	550	21.1%	258	9.9%	292	11.2%
1960 to 1969	427	16.4%	395	15.2%	32	1.2%
1950 to 1959	627	23.2%	433	15.7%	194	7.5%
1940 to 1949	228	8.8%	153	5.9%	75	2.9%
1939 or earlier	98	3.8%	70	2.7%	28	1.1%
All years	2602	100.0%	1,674	64.3%	928	35.7%
	Median year all structure built: 1968		Median year owner-occupied structure built: 1965		Median year renter-occupied structure built: 1975	
U.S. Census American Community Survey 5-Year Estimates 2008-2012						

Although the original Regents Park plats were recorded in 1907 and Fircrest incorporated in 1925, the City's housing stock of mostly smaller bungalows and cottages remained limited until the 1940s. Rapid growth occurred during the 1950s through the 1970s, when a relatively large number of modest-size split level and rambler style housing (62 percent of the total housing stock) was built. Apartment construction was especially strong during the 1970s. Construction of larger size detached single-family housing occurred during the 1980s and 1990s but in more limited numbers compared with the housing constructed in prior decades. With the construction of new subdivisions, including The Commons and Fircrest Greens in the 2000s, detached and attached single-family construction increased -- until the housing market crash of the late 2000s. In the current decade, Fircrest is seeing mostly infill single-family housing on individual lots being constructed.

Table H-10
Housing Characteristics – Home Value Owner Occupied Units

Home Value	Number of Units 2000	Percentage 2000	Number of Units 2012	Percentage 2012
Owner-Occupied Units	1,615	100%	1,674	100%
Less than \$50,000	0	0%	30	1.8%
\$50,000 to \$99,999	69	4.3%	0	0%
\$100,000 to \$149,999	540	33.4%	76	4.5%
\$150,000 to \$199,999	642	39.8%	53	3.2%
\$200,000 to \$299,999	302	18.7%	620	37.0%
\$300,000 to \$499,999	54	3.3%	833	49.8%
\$500,000 to \$999,999	0	0%	62	3.7%
\$1,000,000 or more	8	0.5%	0	0%
	Median Value \$161,800		Median Value \$309,400	
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012				

The median value of owner-occupied housing increased by \$147,600 (91 percent) between 2000 and 2012. The proportion of homes valued between \$200,000 and \$499,999 increased from a combined total of 22 percent to nearly 87 percent of all owner-occupied housing stock.

Table H-11
Financial Characteristics – Monthly Owner Costs

	Number of Units 1999	Percentage 1999	Number of Units 2012	Percentage 2012
Housing Units with a Mortgage	1,086		1,163	
Less than \$300	0	0%	0	0%
\$300 to \$499	0	0%	0	0%
\$500 to \$699	27	2.5%	0	0%
\$700 to \$999	203	18.7%	68	5.8%
\$1,000 to \$1,499	530	48.8%	162	13.9%
\$1,500 to \$1,999	218	20.05%	388	33.4%
\$2,000 or more	108	9.9%	545	46.9%
	Median Mortgage: \$1,297		Median Mortgage: \$1,951	
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012 Note: Percentage categories were revised for the 2008-2012 Estimates.				

As the value of housing increased (Table 2-10), the cost of mortgages increased considerably, as well, with the median mortgage increasing by 50 percent.

Table H-12
Financial Characteristics – Cost Burdened Households
Monthly Owner Costs as a Percentage of Household Income

	Number of Units 1999	Percentage 1999	Number of Units 2012	Percentage 2012
Housing Units with a Mortgage	1,086		1,163	
Less than 15.0 percent (2000)	581	36.0%	X	X
15.0 to 19.9 percent (2000)	300	18.6%	X	X
Less than 20.0 percent (2012)	X	X	328	28.2%
20.0 to 24.9 percent	170	10.5%	152	13.1%
25.0 to 29.9 percent	151	9.3%	203	17.5%
30.0 to 34.9 percent	88	5.4%	119	10.2%
35.0 percent or more	311	19.3%	361	31.0%
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012 Note: Percentage categories were revised for the 2008-2012 Estimates. Mortgage payment typically includes taxes, insurance, and other related housing expenses x = data not available				

The number and percentage of cost-burdened households paying more than 30 percent of their income for owner-occupied housing increased from 399 (24.7 percent of the total units with a mortgage) to 480 units (41.2 percent of the total units with a mortgage). This represents a significant increase in cost burdened households. The number of households paying less than 20 percent of their income decreased from 54.6 percent to 28.2 percent.

Table H-13
Financial Characteristics – Gross Rent

Gross Rent Per Month	Number of Occupied Units Paying Rent 1999	Percentage 1999	Number of Occupied Units Paying Rent 2012	Percentage 2012
Occupied Units Paying Rent*	770		878	
Less than \$200	0	0%	0	0%
\$200 to \$299	0	0%	0	0%
\$300 to \$499	36	4.7%	0	0%
\$500 to \$749	414	53.8%	15	1.7%
\$750 to \$999	163	21.2%	298	33.9%
\$1,000 to \$1,499	91	11.8%	384	43.7%
\$1,500 or more	11	1.4%	181	20.6%
No cash rent	55	X	50	X
	Median Rent \$703		Median Rent \$1,165	
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012 x = data not available				

Median rent increased by more than 65 percent. The number of renters paying more than \$1000.00 per month increased from 102 (13.2 percent of all renters in 1999) to 565 (64.3 percent of all renters in 2012).

Table H-14
Financial Characteristics – Cost-Burdened Households
Gross Rent as a Percentage of Household Income

Gross Rent as a Percentage of Household Income (GRAPI)	Number of Occupied Rental Units 1999	Percentage 1999	Number of Occupied Rental Units 2012	Percentage 2012
Occupied Units Paying Rent*	707		864	
Less than 15.0 percent	160	20.8%	76	8.8%
15.0 to 19.9 percent	110	14.3%	43	5.0%
20.0 to 24.9 percent	88	11.4%	189	21.9%
25.0 to 29.9 percent	95	12.3%	55	6.4%
30.0 to 34.9 percent	74	9.6%	139	16.1%
35.0 percent or more	180	23.4%	362	41.9%
Not computed	63	8.2%		
*Excluding units where GRAPI cannot be calculated U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012 Rent payments typically include a utility allowance				

The number of cost-burdened households paying more than 30 percent of their income for renter-occupied housing increased from 254 (33.0 percent of rental units) to 501 units (58.0% percent of renter units). This represents a significant increase (97.2 percent) during a relatively short thirteen-year period in the number of rental households considered to be cost-burdened. The number of households paying less than 20 percent of their income on rental housing decreased from 35.1 percent to 13.8 percent.

Table H-15
Financial Characteristics – Cost-Burdened Households
Households Paying More Than 30 Percent of Income for Housing

Household Income	Number of Households Paying > 30% 1999	Percentage of Households Paying > 30% 1999	Number of Households Paying > 30% 2012	Percentage of Households Paying > 30% 2012
Owner Households				
Less than \$20,000	101 of 107	94.4%	60 of 95	63.2%
\$20,000 to \$34,999	101 of 222	45.5%	79 of 146	54.1%
\$35,000 to \$49,999	84 of 275	30.5%	106 of 177	60.0%
\$50,000 to \$74,999	67 of 415	12.8%	146 of 350	41.7%
\$75,000 or more	46 of 596	7.7%	155 of 906	17.1%
All Income Categories	399 of 1615	24.7%	546 of 1,674	32.6%
Renter Households				
Less than \$20,000	148 of 199	74.4%	95 of 95	100.0%
\$20,000 to \$34,999	79 of 172	45.9%	194 of 219	88.6%
\$35,000 to \$49,999	27 of 147	18.4%	111 of 141	78.7%
\$50,000 to \$74,999	0 of 170	0.0%	74 of 276	26.8%
\$75,000 or more	0 of 82	0.0%	27 of 183	14.8%
All Income Categories	254 of 770	33.0%	501 of 928	54.0%
Owner and Renter Households Combined				
All Income Categories	653 of 2,385	27.4 %	1,047 of 2,602	40.2%
U.S. Census 2000 and U.S. Census American Community Survey 5-Year Estimates 2008-2012				
Mortgage costs typically include taxes, insurance, and other related housing expenses				
Rent payments typically include a utility allowance				
x = data not available				

Housing is generally considered to be affordable when housing costs total no more than 30 percent of a household's gross income. For owner households, the percentage paying more than 30 percent increased from 24.7 percent in 1999 to 32.6 percent in 2012. For renter households, the percentage paying more than 30 percent increased from 27.4 percent in 1999 to 40.2 percent in 2012. Nearly one-third of owner households, and two-fifths of renter households, are considered cost burdened.

Table H-16
Financial Characteristics – Cost-Burdened Households
Households Paying More Than 45 Percent of Income for Housing and
Transportation Costs Combined

Percentage of Income Spent on Housing and Transportation Costs Combined	Number of Households*	Percentage
Less than 45 percent	826	34.3%
Cost Burdened Households Paying More than 45 percent	1,585	65.7%
Source: Center for Neighborhood Technology *Based on six Fircrest neighborhoods that correlate to US Census Bureau block groups		

The Center for Neighborhood Technology's Housing and Transportation (H+T®) Affordability Index provides a more comprehensive way of thinking about the cost of housing and true affordability. The Index examines transportation costs at a neighborhood level and shows that transportation costs vary between and within regions depending on neighborhood characteristics. People who live in location-efficient neighborhoods -- compact, mixed-use, and with convenient access to jobs, services, transit, and amenities -- tend to have lower transportation costs. People who live in location-inefficient places that require automobiles for most trips are more likely to have high transportation costs.

The traditional measure of affordability recommends that housing cost no more than 30 percent of income. However, that benchmark ignores transportation costs, which are typically a household's second largest expenditure. The H+T Index offers an expanded view of affordability, one that combines housing and transportation costs and sets the benchmark at no more than 45 percent of household income.

The H+T Index analysis for Fircrest provides data for 6 neighborhoods, which correlate to US Census Bureau block groups. Of the City's 6 neighborhoods, 4 are considered cost-burdened -- based on combined housing and transportation costs exceeding the 45 percent threshold, on average. The City's average combined household housing and transportation cost is 46 percent, based on a regional average income of \$64,219. The most cost-burdened neighborhood has average combined costs of about 54 percent, well above the 45 percent threshold. And, over 65 percent of all households are cost-burdened based on combined housing and transportation costs, according to CNT.

HOUSING NEEDS ASSESSMENT

The preceding Housing Profile section presents population, economic, social, housing, and financial characteristics that strongly influence the ability of individuals and families to secure housing in Fircrest that is affordable and meets their needs. This Housing Needs section provides an assessment of “housing affordability” in Fircrest -- based in part on the profile information.

When speaking of housing affordability, the standard used by lending institutions, the real estate industry and government is that no more than 30 percent of a household’s gross monthly income goes toward housing expenses, regardless of income level. For ownership housing, this percentage typically includes taxes, insurance, and other related housing expenses. For rental housing, a utility allowance is included in the 30 percent figure. A household in which housing costs exceed 30 percent of gross monthly income is ~~considered to be~~ “cost burdened”; if costs exceed 50 percent of gross monthly income, the household is severely cost burdened.

“Affordable housing” typically refers to housing that is affordable to households earning 80 percent or less of the Pierce County median income. Households earning 80 to 120 percent of the median income are referred to as “moderate-income” households. Those earning 80 percent or less are commonly referred to as “low-income” households, and those earning 30 percent or less are also known as “very low-income” households. While Pierce County affordable housing targets are only established for moderate- and low-income levels, there are many households who are very low-income, so it is important to create housing opportunities affordable to this income level.

Using the definition of housing affordability together with the 2012 median household income of \$59,105 for a four-person household, Table H17 represents the amount of money that Fircrest individuals and families earning median income or less can afford to pay for rental and ownership housing. All income groups are experiencing a gap between what they can afford to spend on housing and how much the market is demanding from them.

Table H-17
Affordable Rents and Prices
Based on 2012 Pierce County Median Household Income

Income Group	2012 Annual Household Income	Maximum Affordable Monthly Rent/Utility*	Maximum Affordable House Price**
Very Low-Income (< 30 percent)	\$17,732	\$443	\$53,196
Low-Income (30 to 80 percent)	\$17,733 to \$47,284	\$444 to \$1,182	\$53,197 to \$141,854
Moderate-Income (80 to 120 percent)	\$47,285 to \$70,926	\$1,182 to \$1,773	\$141,855 to \$212,778
Median-Income (100 percent)	\$59,105***	\$1,478	\$177,315
* 30 percent of monthly income			
** Annual income multiplied by 3			
*** Fircrest 2012 Median Household Income is \$63,750			
U.S. Census American Community Survey 5-Year Estimates 2008-2012			

Based on a 2012 median household income for Pierce County of \$59,105, the maximum affordable home price for low-income households is \$53,197 to \$141,854. The affordable home price range for moderate-income households is \$141,855 to \$212,778. These figures are substantially below the 2012 median home price for Pierce County (\$251,400) and even further below the 2012 median home price for Fircrest (\$309,400). The Pierce County median price home would require an annual income of \$83,800, which exceeds the median household income by approximately 42 percent. The Fircrest median price home would require an annual income of \$103,333, which exceeds the Pierce County median household income by approximately 75 percent.

Low-income households could afford a monthly rent maximum of between \$444 and \$1,182, and moderate-income households could afford no more than \$1,773 per month. The 2012 median rent price in Fircrest is \$1,165, which would be affordable to a household earning \$46,600, approximately 73% of the City's median household income.

There is an affordability gap for both renters and homeowners in Fircrest. The affordability gap is especially pronounced for very low-income, low-income, and moderate-income households. The people in the low- and moderate-income categories are vital members of the workforce. They include office clerks, security guards, bank tellers, teachers, legal secretaries, pharmacy technicians, and firefighters. Few homes are available at the prices that are affordable to low- and moderate-income families. Consequently, these families experience financial hardships because they are often forced to pay more than 30 percent of their monthly income on housing costs.

CHAPTER 5

TRANSPORTATION ELEMENT



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INTRODUCTION

To achieve Fircrest's vision and goals, the Transportation Element is designed to guide development of the City's transportation system to serve the community as envisioned in this Plan. The transportation policies in this Element are designed to guide the actions of the City, public agencies and private decision-makers related to individual developments.

In accordance with the Comprehensive Plan, a limited amount of new residential and commercial mixed-use development, with associated population and employment growth, is forecasted. Fircrest's 2030 growth targets and 20-year projections through 2035 are contained in Table LU-2 in the Land Use Element. Land uses surrounding the city are assumed to develop in a pattern consistent with the regional strategies, including *VISION 2040* and *Transportation 2040*. Land use and transportation forecasts for surrounding areas are integrated into the assumptions underlying the transportation improvement identified in this Element.

In developing a transportation system that serves current and future needs, the policies in this Element support programs, projects and services with long term benefits to the community that address economic, social, and environmental needs. Fircrest's transportation policies promote long term community benefits by:

- Developing a transportation system that supports a mix of uses, from low- to moderate-density single-family neighborhoods, to multifamily, neighborhood-serving commercial uses, a moderately intense mix of commercial and residential uses along-in the 19th and Mildred area and ~~19th Street corridors~~, park and recreation facilities, schools, and public uses; and
- Offering multimodal travel choices and achieving *complete streets* that support safe and convenient access for all users.

In promoting such benefits, the City seeks to address the need for a better transportation system -- one that is accessible with connections between places, helps improve air quality through the use of alternative fuels that reduce greenhouse gas emissions, and is designed to encourage healthier lifestyles and independent living, particularly for vulnerable populations.

The overarching goals of the Element are to:

- Ensure that the transportation system, including all programs, projects, and services, whether funded, built or operated privately or by a public sector agency, serve to achieve the preferred land use pattern contained in the Land Use Element.

- Ensure that the transportation system provides for the mobility and access needs of those who live, shop, visit, work, and recreate in Fircrest; and
- Ensure the safe and environmentally sound use of the transportation system and limit the loss of life due to fatality accidents.

ORGANIZATION OF THE TRANSPORTATION ELEMENT

This element contains the following sections:

- Introduction
- State planning context
- Regional planning context
- Local planning context
- Goals and policies
- Land use assumptions
- Inventory of facilities and services
- Levels of service
- Arterial and transit adequacy
- Recommended transportation improvements
- Transportation demand management
- Transportation systems management
- Funding capability and resources

The transportation improvement program is described in the Capital Facilities Element.

STATE PLANNING CONTEXT

GROWTH MANAGEMENT ACT

The Washington State Growth Management Act (RCW 36.70A) requires the City to include a Transportation Element within its Comprehensive Plan. The Act identifies transportation facilities planning and, specifically, encouraging efficient multimodal transportation systems based on regional priorities coordinated with local comprehensive plans, as a planning goal to guide the development and adoption of comprehensive plans and development regulations. The Transportation Element must include: (a) land use assumptions used in estimating travel; (b) facilities and services needs; (c) finance; (d) intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions; and (e) demand management strategies.

COMMUTE REDUCTION EFFICIENCY ACT

The Commute Reduction Efficiency Act of 2006 (RCW 70.94.521-531) goal is to reduce congestion on the roadway network and help address the air pollution issues within the urban areas. This act requires local governments to work with their larger employers to develop and implement strategies for reducing their single occupant auto trips. Jurisdictions affected by the commute trip reduction (CTR) law are required to develop local CTR plans that include the documenting of local transportation settings of the

affected work sites and the strategies by which the rate of single occupant vehicle use may be reduced.

REGIONAL PLANNING CONTEXT

VISION 2040 MULTICOUNTY PLANNING POLICIES (MPPs)

Puget Sound Regional Council's (PSRC) *VISION 2040* offers an integrated approach to addressing land use and transportation, along with the environment and economic development. It calls for a clean, sustainable transportation future that supports the regional growth strategy. Sustainable transportation involves the efficient and environmentally sensitive movement of people, information, goods, and services – with attention to safety and health. Sustainable transportation minimizes the impacts of transportation activities on our air, water, and climate. It includes the design of walkable cities and bikeable neighborhoods, as well as using alternatives to driving alone. It relies on cleaner, renewable resources for energy.

The transportation-related multicounty planning policies in *VISION 2040* are presented in three groups. The first group of policies calls for maintaining, preserving, and operating the existing transportation system in a safer and more efficient way. They advance transportation that is less polluting. The second group of policies calls for developing the system to support regional growth centers, particularly travel within and between centers. Investments are to be prioritized to support pedestrian-oriented, mixed-use development. The policies address *complete streets* to serve all users, green streets that are better for the environment, and context sensitive design that guides the development of transportation facilities to better fit within the context of the communities in which they are located. Policies address nonmotorized transportation as well as freight. The final group of policies addresses greater transportation options, including alternatives to driving alone, mobility choices for people with special needs, and avoiding construction of new roads or capacity expansion in rural areas.

PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (CPPs)

The GMA's transportation planning requirements and *VISION 2040* transportation planning policy directives are expounded upon in greater detail in Pierce County's Countywide Planning Policy on "*Transportation Facilities and Strategies*". This policy directs Fircrest, to the extent practicable, to:

- Promote a sustainable transportation system that assures the ability of future generations to provide transportation infrastructure and services in an effective, efficient, clean, and cost-effective manner. (CPP Tr-1)
- Improve safety in the transportation system by working toward the state's "zero death and disabling injury" target. (CPP Tr-2)
- Deem the following transportation services Countywide in nature (for the purpose of this Policy):

- state and federal highways.
 - major arterials.
 - transit facilities and services.
 - waterborne transportation (ferries, shipping).
 - airports (passenger or freight).
 - rail facilities (passenger or freight).
 - nonmotorized facilities. (CPP Tr-3)
- Include the following facilities and system components in the multi-modal network:
 - roads, including major highways, arterials, and collectors.
 - public transit, including bus, rail, vanpool, paratransit, and park and ride lots and other emerging concepts.
 - nonmotorized facilities.
 - Ferries.
 - Airports.
 - parking facilities.
 - facilities related to transportation demand management. (CPP Tr-4)
 - Consider the impacts of its planning activities on neighboring jurisdictional (inclusive of WSDOT) roadway facilities when developing and administering its level of service standards.
 - Designate or adopt multimodal levels of service (LOS) per RCW 36.70A.108 such as:
 - for roadways and intersection.
 - transit levels of service (e.g., hours of service, headways, pedestrian environment, accessibility, safety, rider comfort, reliability, transfer necessity, cost, and travel time).
 - Enter into interlocal agreements, where necessary, to establish uniform, coordinated service levels between jurisdictions for countywide facilities. (CPP Tr-5)
 - Establish an adopted LOS that may be:
 - set below existing levels (thereby allowing reserve capacity for growth and minimizing the need for new capital investment.
 - set above existing levels (thereby increasing comfort and convenience of travel, enhancing economic development, and minimizing some environmental impacts.
 - set at existing levels (thereby allowing new development to mitigate full marginal impacts.
 - set at different levels of service in different zones.

- set at different levels of service based on facility classifications.
- set for multi-modal facilities.
- taken directly from standards developed by the Washington State Department of Transportation for Highways of Statewide Significance and directly from standards developed by the Puget Sound Regional Council for regionally significant state highways. (CPP Tr-6)
- Determine the adequacy of transportation facilities, including transit infrastructure, taking into account existing development, approved but unbuilt development, current and future roadway conditions, and multiple modes of transportation through utilization of
 - capacity-to-demand levels of service (LOS).
 - availability of capacity based on current and future demand including phased capacity.
 - appropriate standards of design across jurisdictional lines. (CPP Tr-7):
- Address substandard LOS for existing facilities by:
 - designating funding mechanisms.
 - prioritizing facility needs in capital improvement and transportation improvement programs to correct existing deficiencies.
 - using transportation demand management.
 - using transportation systems management to promote cost effective methods of moving people and goods.
 - promoting nonmotorized travel. (CPP Tr-8)
- In cooperation with the transit and transportation agencies, establish:
 - policies and/or regulations for park and ride facilities.
 - parking requirements for public facilities so as to encourage public transit use. (CPP Tr-9)
- Address concurrency through the following methods:
 - providing transportation facilities needed to accommodate new development within six years of development approval.
 - limiting new development to a level that can be accommodated by existing facilities and facilities planned for completion over the next six years.
 - encouraging new and existing development to implement measures to decrease congestion and enhance mobility through transportation demand and congestion management. (CPP Tr-10)

- Address compatibility between land use and transportation facilities by:
 - Requiring new transportation facilities and services in areas in which new growth is appropriate or desirable to be phased within a twenty-year time frame consistent with six-year capital improvement programs.
 - Discouraging the extension of new transportation facilities into areas not planned for growth (e.g., outside urban growth areas) and avoiding planning of major roads and capacity expansion in rural and resource areas.
 - Using development regulations to ensure that development does not create demands exceeding the capacity of the transportation system, including transit alternatives.
 - Using land use regulations to increase the modal split between automobiles and other forms of travel:
 - Designating high densities in transit and transportation corridors and designated Transit Oriented Development (TOD) sites.
 - Dedications and impact fees to provide public transit facilities.
 - Requiring pedestrian-oriented design.
 - Encouraging or requiring mixed-use development and TOD.
 - Facilitating ease of access for physically challenged individuals.
 - Developing plans or planning provisions, where appropriate, to protect the continued operation of general aviation airports by using adopted land compatibility standards such as those published by the Federal Aviation Administration (FAA) and the Washington State Department of Transportation (WSDOT) to discourage incompatible land uses and development on adjacent land. (CPP Tr-11)
- Plan and implement programs, as appropriate, for designing, constructing, and operating transportation facilities for all users, including motorists, pedestrians, bicyclists, and transit users. (CPP Tr-12)
- Address environmental impacts of the transportation policies through:
 - programming capital improvements and transportation facilities designed to alleviate and mitigate impacts on land use, air quality and energy consumption such as high-occupancy vehicle lanes, public transit infrastructure, or bicycle/pedestrian facilities designed for home-to-work travel.
 - locating and constructing transportation improvements so as to discourage adverse impacts on water quality and other environmental resources. (CPP Tr-13)
- Use low-impact development practices or environmentally appropriate approaches for the design, construction, and operation of transportation facilities

to reduce and mitigate environmental impacts, including, but not limited to, storm water runoff from streets and roadways. (CPP Tr-14)

- In cooperation with transit agencies, promote the facilities and services to encourage alternatives to automobile travel and/or to reduce the number of vehicle miles traveled (modal split, trip generation and trip length) including:
 - structural alternatives (public transit [such as grade separated guideways, for bus and rail applications]; construction of new high-occupant vehicle lanes; limitations on highway/roadway construction; carpool/vanpool facilities; non-recreational bicycle/pedestrian facilities).
 - non-structural/regulatory alternatives (growth management [concurrency; urban growth areas]; road/congestion pricing; auto-restricted zones; parking management; site design; ridesharing incentives, and transportation systems and demand management). (CPP Tr-15)
- Work with transit agencies to identify and preserve existing rights-of-way in order to preserve options for future transit alignments. (CPP Tr-16)
- Work in cooperation with WSDOT and Port authorities to plan and implement projects and programs to meet freight mobility and access needs, including the establishment of programs designed to maintain, preserve and expand freight rail capacity including planning for needed capital improvements. (CPP Tr-17)
- Consider a number of financing measures, including but not limited to:
 - general revenues.
 - fuel taxes.
 - toll roads and other user fees.
 - bonding.
 - congestion pricing.
 - public/private partnerships, and public/public partnerships.
 - assessment and improvement districts, facility benefit assessments, impact fees, dedication of right-of-way and voluntary funding agreements.
 - grants.
 - others, as may be appropriate. (CPP Tr-18)
- Protect the transportation investments and preservation of assets through the proper operations and maintenance. (CPP Tr-19)
- Protect the transportation system against disaster, develop prevention and recovery strategies, and plan for coordinated responses by using transportation-related preparedness, prevention, mitigation, response, and recovery strategies and procedures adopted in the emergency management plans and hazard mitigation plans of the County and cities, as well as the Washington State Comprehensive Emergency Management Plan. (CPP Tr-20)

LOCAL PLANNING CONTEXT

TRANSPORTATION VISION

Looking ahead 20 years...

In the 2030s, Fircrest's transportation system offers people a variety of real choices for how they travel between where they live, work, shop, and play. Each year, more people walk, bicycle, carpool or use transit to travel within the city and to access the regional bus and light rail system. Land uses that reflect a vibrant community character have created a strong market demand for these options.

The City's transportation infrastructure reflects this by prioritizing more people-oriented travel that supports the community's land uses, manages its limited roadways most efficiently, provides a transportation system that embodies the City's long-term mobility goals, and achieves Fircrest's preferred land use pattern and vision.

The City has invested strategically and leveraged regional funds to ensure a safe, well-maintained system and improve transportation choices and mobility. A traditional urban street grid has been established in the northwest corner of the city through redevelopment of the 19th and Mildred area. Historic Fircrest neighborhoods are increasingly connected with have increased access to commercial newer mixed-use neighborhoods areas located in the 19th and Mildred area along Mildred and 19th Streets, neighboring cities and the region. Significant investments in SR16, I-5, and regional and local transit routes have improved mobility for people and goods. In Fircrest roadway projects have been built where needed to improve safety and operating efficiency or to create more accessible connections. The City continues to maintain an effective system of access and circulation for delivery and freight. Streetscapes include lighting, are attractive and well designed, and enhance environmental quality for various travel modes.

In responding to significant energy costs and new vehicles' fuel options and technologies, the City has developed alliances with other agencies and the private sector to create new opportunities and efficiencies. In turn, these alliances support easy access to electric vehicle charging stations and other alternative fueling infrastructures, as well as access to information about travel conditions, incidents, and transit arrival and departure times.

GOALS AND POLICIES

This Element contains the transportation goals and policies for the City of Fircrest. The following goals establish broad direction for transportation planning while the policies provide strategies for achieving the intent of each goal. Goals are preceded by an initial background statement that provides an intent or purpose for each goal.

A MULTIMODAL TRANSPORTATION NETWORK

The automobile is expected to remain the dominant mode of transportation for the foreseeable future. However, there appears to be increasing demand for, or desire to use, other forms of transportation. Mass transit, ridesharing, micromobility, biking, walking, as well as driving personal vehicles, are increasingly in the mix of choices being considered and used. In today's society, expanding the use of modes of transportation other than the privately-owned automobile will be important in reducing congestion on roadways, emissions, and fuel consumption. Improving circulation in the City for all modes of transportation will help promote the safe, convenient, and reliable movement of people, goods, and services.

A well-integrated multimodal transportation network will help support the City's other growth management goals and policies including those addressing economic vitality and livability. It will improve accessibility for all regardless of socioeconomic status or individual ability. It can be designed in such a way that it enhances the community around it and be compatible with natural systems. And, it can enhance Fircrest's role in the regional economy by supporting economic development within the City's center of local importance.

GOAL T1

Develop, maintain, and operate a multimodal transportation system that provides for the safe, efficient, and reliable movement of people, goods, and services.

Policy T1.1

Create a transportation network that includes vehicle, pedestrian, bicycle, and transit components located throughout the City -- and connecting to adjacent communities -
- to provide for the safe, efficient, convenient, and reliable movement of people, goods, and services.

Policy T1.2

~~Develop and implement~~ form-based code street standards and complete street design standards to provide safe and convenient access for all modes of transportation. ~~These streets which~~ will support pedestrians, bicyclists, micromobility and transit users, and motorists, thereby increasing capacity, increasing safety, and improving street aesthetics and walkability. Include amenities in street designs, including trees and other landscaping, street lights, benches and waste receptacles to add to the pedestrian experience and further calm traffic.

Policy T1.3

Employ Context-Sensitive Design techniques in transportation projects that take into consideration aesthetics, historical and cultural elements, the environment, and other aspects of community character, while ensuring safety and accessibility.

Policy T1.4

Classify ~~streets-collector~~ and arterials ~~streets~~ to reflect their desired use and function consistent with state and regional classifications to support transportation funding requests. Classification should be based on present and future traffic volumes and other criteria. ~~the type of land uses along the streets.~~

ACCESSIBILITY TO TRANSPORTATION

Approximately one-third of the region's population does not drive or have access to an automobile. This group includes people who choose not to drive, people without licenses or with disabilities, people who are not able to afford a car, and young people under the driving age. These people rely on others to provide them private automobile mobility, public transit, walking and cycling. Providing facilities for all modes of transportation will help enable these individuals to meet their transportation needs and more fully participate in society.

GOAL T2

Transportation improvements within the City should ensure alternative transportation choices are available to underserved areas and provide mobility choices for people with special needs including persons with disabilities, the elderly, young and low-income populations.

Policy T2.1

Ensure compliance with Americans with Disabilities Act (ADA) requirements by making all street sidewalk and curb ramp areas accessible to all pedestrians, including those with disabilities, by constructing new pedestrian facilities in compliance with the ADA (at a minimum), and upgrading existing facilities to remove barriers and improve accessibility. Improvements should include appropriate pavement markings and signalization and facilitate the use of transit.

Policy T2.2

Design and build *complete streets* with facilities for all modes of transportation. Connect residential neighborhoods to ~~commercial~~-mixed-use areas and public transit with sidewalks, paths and bike lanes to provide greater access to transportation choices for those who do not drive and those who have limited mobility resources.

TRANSPORTATION SAFETY

Transportation safety is affected by how the transportation system is designed, constructed, operated, and maintained. Traffic conditions on residential streets can greatly affect neighborhood livability and environment. When streets are safe and pleasant, the quality of life is enhanced. When high vehicle speeds or excessive volumes of through-traffic become a daily occurrence, residents' sense of community and personal well-being are threatened. These in turn can lead to related problems, such as collisions, conflicts with driveway access, and unreasonable safety risks for

pedestrians and bicyclists. Generally, higher rates of speed equate to much higher fatality rates when vehicle-pedestrian accidents occur.

GOAL T3

Improve the safety of the transportation system, reduce speeds, and protect the quality of life in residential and mixed-use neighborhoods.

Policy T3.1

Establish speed limits that reflect street function, adjacent land uses, and physical condition of the roadway. Promote travel at a lower rate of speed, where appropriate, to improve safety, help achieve the State's goal of zero deaths and disabling injuries and create a more comfortable environment for pedestrians and cyclists. Achieve lower vehicular travel speeds through traffic calming and effective enforcement of appropriate speed limits.

Policy T3.2

Protect the quality of life in residential and mixed-use neighborhoods by monitoring traffic volumes and developing comprehensive, integrated, and cost-effective traffic, bicycle, and pedestrian safety improvements in residential areas. Such improvements may include sidewalks and pathways to connect to schools, parks, and transit stops. Additional improvements may include signage, bicycle facility and street improvements that include traffic calming design elements.

Policy T3.3

Establish and assign truck routes to the City's major delivery destinations along major arterials to avoid impacts on secondary arterials, collectors, and neighborhood streets. Heavy truck use of these streets, which are not designed to accommodate significant amounts of truck traffic, may increase maintenance, and decrease safety.

Policy T3.4

Require shared access driveways and cross-access between developments when planning for public rights-of-way improvements and private development ~~in-order~~ to reduce turning movement conflicts and enhance pedestrian and vehicular traffic safety. When street improvements are implemented, consolidate private driveway access to properties along major, secondary, and collector arterials ~~in-order~~ to reduce safety hazards and increase street capacity.

Policy T3.5

Encourage the use of existing major arterials for the movement of through-traffic and freight ~~in-order~~ to reduce the need for new capital projects and support the reliable movement of people, goods, and services. Employ traffic calming measures on residential and mixed-use neighborhood streets to discourage or slow neighborhood through-traffic.

Policy T3.6

Use traffic circles, landscaped medians, pedestrian bump-outs, and other traffic calming measures to reduce speeds and increase safety. Where appropriate, design these facilities to provide pedestrian refuge areas that reduce pedestrian crossing

distances, reduce conflict points and enhance streetscape landscaping. Use other traffic calming measures that offer pedestrian protection such as on-street parking or increase driver awareness of pedestrians ~~through the use of~~using textured pavement and signage.

Policy T3.7

Avoid the creation of excessively large blocks and long local access streets that are uninterrupted by intersections, mid-block neck-downs, or other traffic calming elements ~~in order~~ to discourage higher motor vehicle speeds that reduce pedestrian and bicyclist safety.

Policy T3.8

Implement form-based code street standards to ensure that street designs will
Avoid the construction of sidewalks next to ~~street~~ curbs except where parking lanes
will and provide physical separation between traffic lanes and sidewalks. Such
designs will to enhance pedestrian safety, add to sidewalk users' comfort, and
encourage higher pedestrian usage. ~~Wherever possible, s~~Separate pedestrians from
traffic lanes by installing landscaped planter strips that include street trees, or where
a more urban streetscape is desired, use contrasting paving, street trees in tree
wells, and street furniture consistent with form-based code street standards.

VEHICULAR AND PEDESTRIAN CIRCULATION

Roadway, sidewalks, trails, designated bicycle areas, and other areas of public circulation should be designed to provide the highest level of safety for the protection of human life and to ensure that there are transportation choices for people of all ages and abilities. Pedestrian facilities must meet ADA accessibility requirements. Safe, convenient, and interconnected transportation networks should be provided for all major modes of transportation. An integrated, safety-oriented pedestrian and bicycle system increases mobility choices, reduces reliance on single-occupant vehicles, provides convenient access to schools, ~~commercial~~ mixed-use centers, transit systems, parks and other recreation areas throughout the city, and encourages regular physical activity to enhance health and wellness.

GOAL T4

Improve vehicular and pedestrian traffic circulation within the City to enhance the quality of life.

Policy T4.1

Through redevelopment, establish a traditional urban street grid in the 19th and
Mildred area and extend this grid to adjoining properties to ~~E~~ensure that streets and
sidewalks provide access between residential and mixed-use neighborhoods and
areas that are common destinations, including commercial ~~areas, mixed-use areas,~~
schools, and parks. Maintain and enhance continuity of the street and sidewalk
pattern by avoiding dead-end and half-streets not having turnaround provisions and
by requiring through-connections in new developments.

Policy T4.2

Seek opportunities to obtain private easements or use existing public rights-of-way or public easements to develop alternative routes or improved linkages between residential and mixed-use areas or between these areas and from residential to parks and commercial ~~mixed-use~~ areas. Work with property owners to create well-lighted pedestrian paths in established areas with poor connections. New pathways should tie into a network of walking trails and help improve pedestrian facility connectivity, thereby encouraging physical activity and overall health and well-being.

Policy T4.3

Design and improve ~~residential~~ collector and arterials streets to reduce speeds and accommodate neighborhood concerns about safety, aesthetics, and noise.

TRANSIT

Transit is a key element of Fircrest's multimodal infrastructure and plays an important role in providing connections, mobility, and access both locally and regionally. PSRC's *VISION 2040* and *Transportation 2040* plans contain the regional growth and transportation strategies for the central Puget Sound region. These plans call for channeling future growth into regional growth centers and other centers of local importance – and linking these centers with transit. The Pierce Transit Tacoma Community College (TCC) Transit Center is located directly across 19th Street from the northwest corner of Fircrest. Investments that improve access to this center and support more frequent service will benefit the community by providing enhanced local and regional connections.

GOAL T5

Encourage use of public transportation to accommodate a larger proportion of the traveling public.

Policy T5.1

Use transit ~~as a way~~ to provide for access, circulation and mobility needs in Fircrest. Work with Pierce Transit to support the provision of local transit service on principal arterial, minor arterial, and collector streets ~~Major, Secondary, and Collector Arterials~~ providing feeder service to residential areas and connections to adjacent jurisdictions. Local transit service should be expanded to serve the entire community including underserved neighborhoods and those individuals with special needs.

Policy T5.2

Coordinate with Pierce Transit and the Tacoma and University Place school districts to develop bus stops and shelters with seating to provide greater comfort for riders and encourage higher ridership.

Policy T5.3

Participate in Sound Transit's system planning process to help identify and evaluate potential options for system expansion, including design alternatives for its proposed ST3 Link light rail extension to a new terminus near the TCC Transit Center. Work

with Sound Transit and the community to determine long-term high capacity and express transit needs for the City and regional transportation partners. Consider Sound Transit's long-range plans to provide regional express bus service to the Tacoma Community College Transit Center during planning for the 19th and Mildred area and 19th Street corridors. Work with citizens and other stakeholders to determine what regional high capacity transit modes and routes would best serve the community.

SIDEWALKS AND BICYCLE LANES

The needs of bicyclists, pedestrians and transit users must be integrated in all roadway projects. Sidewalk networks should be well connected with opportunities for regular safe street crossings. The availability of bicycle facilities can encourage people to bike rather than drive for short- and moderate-distance trips. If a roadway is designed to discourage vehicular speeding, it can be comfortably used by pedestrians and bicyclists alike.

Transit-friendly design should support a high level of transit activity and include provisions for pedestrians safely crossing the street on their return trip. Walking and bicycling provide numerous individual and community benefits related to health, safety, the environment, transportation, and quality of life. People who cannot or prefer not to drive should have safe and efficient transportation choices.

GOAL T6

Develop facilities for pedestrians and bicyclists to achieve a walkable community to support active and independent living, health, environmental quality, and cost savings for travel.

Policy T6.1

Require sidewalk facilities on all new and substantially redeveloped public streets to enhance public safety. Ensure the provision of sidewalks ~~in close proximity to~~ near schools to offer protection for children who walk to and from school. Assign high priority to projects that provide linkages to transit or complete planned pedestrian facilities or trails. Provide pedestrian facilities on non-arterial streets to supplement principal pedestrian facilities located on arterials. Ensure that crosswalks, signing, and pedestrian-activated signals conform to the *Manual on Uniform Traffic Control Devices (MUTCD)*.

Policy T6.2

Develop a system of bicycle routes that connects neighborhoods and is coordinated with surrounding jurisdictions to allow people to conveniently travel between and within neighborhoods and local parks, ~~commercial~~-mixed-use areas and regional facilities. Consider the recommendations of the *Town of Fircrest Comprehensive Bikeway Plan* when updating bicycle route system facilities. Coordinate the planning, design, and construction of these facilities with adjacent jurisdictions to ensure consistency with regional plans. Base the design and type of bicycle facilities on the design standards for the functional classification of the roadway.

Policy T6.3

Require that during the project review process for new development or redevelopment:

- Projects are consistent with applicable pedestrian and bicycle plans, master plans and development standards.
- Planned facilities include required frontage and crossing improvements consistent with applicable pedestrian and bicycle plans.
- On-site bicycle trails and pedestrian facilities have formal, direct, and safe connections between buildings and subdivisions and the general circulation system.
- New subdivisions and short plats include, consistent with state law, the required pedestrian facilities (frontage and off-site improvements) that assure safe walking conditions for students who walk to and from school.
- Construction and implementation of other multi-use trails and trail crossings, as described in the Park, Recreation and Open Space Plan, are coordinated with project review.
- Safety and security considerations for pedestrians and bicyclists are factored into the review of development proposals.

CONCURRENCY

Transportation concurrency and level of service (LOS) standards are key requirements of the GMA. By policy and regulation, the City of Fircrest is required to ensure that transportation programs, projects and services needed to serve growth are in place either when growth occurs or within six years. Regulations implementing concurrency and LOS standards are contained in FMC Chapter 22.12 Concurrency Management.

GOAL T7

Maintain a consistent level of service on the arterial system that mitigates impacts of new growth and is adequate to serve adjoining land uses.

Policy T7.1

Except as otherwise designated, establish a capacity LOS standard D for intersections and roadways on major arterials, secondary arterials, and collector arterials and minor streets where they intersect with a major or secondary arterial street.

Policy T7.2

Ensure transportation facilities and services are in place concurrent with or within a reasonable time ~~period~~ to support growth as it occurs consistent with the Growth Management Act, as restated in *VISION 2040* and the Pierce County Countywide Planning Policies. Make sure facilities and services do not drop below the adopted level of service and thereby cause negative impacts such as congestion, diminished safety, environmental and health impacts. Ensure concurrency by requiring payment of traffic impact fees to be used for capacity improvements, using SEPA to mitigate

development-related impacts, or requiring developers to pay a proportionate share of traffic mitigation measures to maintain the adopted level of service.

Policy T7.3

Ensure that Fircrest's transportation concurrency management responses to growth have the effect of expanding travel choices and achieve a multimodal travel environment. Programs, projects, and services in response to existing and growth-related travel include those that improve access and connections, including motor vehicle operations, public transit service levels, the walking and bicycling environment, and transportation demand management.

TRANSPORTATION REVENUE AND FUNDING

The Capital Facilities Element's Six-Year Capital Improvements Plan for transportation facilities contains details of transportation revenue sources that the City can reasonably expect to receive during the life of the transportation facilities plan. Revenue sources vary widely in terms of the amounts available and the types of projects for which they may be used. In most cases, individual transportation projects are funded by a combination of funding sources, reflecting the fact that transportation projects have multiple purposes and serve multiple beneficiaries.

GOAL T8

Develop an adequate and equitable funding program to make transportation improvements in a timely manner, as mandated by the Growth Management Act.

Policy T8.1

Use regional, state, and federal funding sources for arterial street and other major improvements serving the City of Fircrest to ensure implementation of the City's transportation plan in an efficient, timely manner, concurrent with development. Ensure that the funding program recognizes and accommodates not only existing and future development in the City, but also regional traffic.

Policy T8.2

Supplement public funding sources with new revenue sources including, where appropriate, Local Improvement Districts (LIDs), traffic impact fees, a Transportation Benefit District and other funding sources. Ensure these new revenue sources are equitable and consistent with the benefits derived from improvements. Ensure that funding programs allow implementation of transportation improvements concurrently with development. Require new development to pay a fair share of the cost to serve it.

Policy T8.3

Secure grants available for sidewalk and bicycle lane improvements to implement alternative transportation action strategies and meet multimodal and *complete street* goals and objectives.

STREET MAINTENANCE AND MANAGEMENT

The quality of life for many people is significantly affected by how well streets function for pedestrians, bicyclists, transit riders and motorists. To serve Fircrest well, streets require cost effective maintenance, safety, and efficiency improvements.

GOAL T9

Maintain the public street system to promote safety, comfort of travel, and cost-effective use of public funds.

Policy T9.1

Administer a Pavement Management System (PMS) and comprehensive signage and markings program to address improvements for motorized and nonmotorized travel and the impacts of present and projected land uses. Implement the PMS in a manner that can reduce the need to build higher cost capital improvements by extending the useful life of existing facilities. The maintenance program should include provisions for vegetation removal to improve sight distances, installing adequate crosswalk markings and signage, and repairing sidewalks as needed.

Policy T9.2

Protect the public investment in the existing transportation system by administering an effective maintenance and preservation program that lowers the overall life cycle costs of the transportation infrastructure and reduces the need for new capital facility improvements.

Policy T9.3

Utilize Transportation System Management (TSM) strategies to make the existing roadways more efficient. Maximize the efficiency of the existing roadway system to reduce or delay the need for system improvements. Use a variety of methods, including: coordinating traffic signal timing; implementing a signal retiming and coordination program to reduce delay and congestion at the City's signalized intersections as major improvements are implemented; making intersection improvements to facilitate turning movements; and restricting access along principal roadways.

DEMAND MANAGEMENT STRATEGIES

Transportation Demand Management (TDM) encompasses the range of actions and strategies that offer alternatives to single-occupant vehicle (SOV) travel and help to use the transportation system more efficiently. TDM focuses on more effectively using existing and planned transportation capacity, ensures the compatible use of the transportation system consistent with planned uses, helps accommodate growth consistent with community character and land use objectives, and serves to mitigate impacts and to better meet mobility needs.

GOAL T10

Implement TDM strategies to achieve efficient use of transportation infrastructure, increase the person-carrying capacity, accommodate, and facilitate future growth, and achieve Fircrest's land use objectives.

Policy T10.1

Utilize TDM strategies to reduce congestion, emissions, fuel consumption and the need for new transportation facilities – especially new roads and capacity improvements. Coordinate with Pierce Transit on service levels, frequency, and route location, and actively pursue street improvements that include bike lanes, sidewalks and pedestrian crossings that provide a safe, convenient alternative to the use of the automobile. Consider developing vanpool and ride match programs in conjunction with Pierce Transit, advancing other private and public rideshare programs and systems, and actively promoting commute trip reduction practices, including complying with the requirements of the State Commute Trip Reduction (CTR) Act, if applicable.

Policy T10.2

Require large employers to implement a CTR Program for employees, as mandated by the State Commute Trip Reduction Act.

Policy T10.3

Implement TDM strategies that emphasize incentives rather than disincentives and avoiding the imposition of disincentives to single-occupant vehicle travel when the City determines that there is an absence of reasonable transportation alternatives.

Policy T10.4

Provide physical features supportive of the use of alternative modes of travel and develop and maintain a list of acceptable TDM techniques and physical features.

Policy T10.5

Encourage large employers to participate in Transportation Management Associations to support trip reduction activities.

Policy T10.6

Support the development and implementation of TDM programs for both commute/ employer-based, and non-commute/non-employer-based sites including schools.

CONSISTENCY WITH PLANS AND POLICIES

One of the most important planning tenets expressed in the Growth Management Act is the *consistency* requirement. With respect to transportation planning, Fircrest must ensure its Transportation Element is consistent with the Land Use Element. This Element must be consistent with the City's Six-Year Capital Improvement Program. There must be consistency between the City's Comprehensive Plan, the Pierce County Comprehensive Plan, and the comprehensive plans of all municipalities within the County in accordance with the Pierce County Countywide Planning Policies. And, there must be consistency with the PSRC Multicounty Planning Policies.

GOAL T11

Integrate land use and transportation planning to support active communities through the provision of a variety of travel choices, improve accessibility and mobility.

Policy T11.1

Make transportation choices based on projected population and employment growth that support the distribution and intensity of land uses identified in the Land Use Element. Plan transportation facilities and services including roads, transit, pedestrian, and bicycle keeping in mind the type and intensity of land uses -- including the location of high- and low-density housing, jobs, shopping, schools, and parks.

Policy T11.2

Use mechanisms that encourage transit use including limiting off-street parking spaces, establishing maximum parking requirements, offering commute trip reduction programs, and implementing other TDM measures. Locate higher densities and intensities of use close to transit stops to create a core area to support transit and high occupancy vehicle use. Support development of transit centers, bus pullouts, and other transit facilities. Establish incentives for developers to provide transit and TDM-supportive amenities to further encourage transit use. Design and construct *complete streets*, bicycle-friendly facilities including bike-activated signals and secure bicycle racks or lockers, and pedestrian pathways.

Policy T11.3

Ensure comprehensive plan consistency with the Regional Transportation Plan, *Transportation 2040*, by supporting the development of a safe and efficient transportation network that supports a healthy environment and strong economy, encouraging increased utilization of clean and renewable energy and a reduction in greenhouse gas emissions, and promoting sustainable funding programs.

Policy T11.4

Coordinate with state, regional and local transportation efforts to develop a highly efficient multimodal system that supports the *VISION 2040* Regional Growth Strategy. Coordinate with the State Department of Transportation, PSRC, Sound Transit, the Pierce County Regional Council, Pierce Transit, BNSF, Pierce County and surrounding cities and towns to integrate transportation systems for easy and efficient mobility of people, freight, and services.

ENVIRONMENTAL HEALTH

The transportation system within Fircrest represents major public facilities whose quality of design, sensitivity to human needs, and integration with their surroundings can enhance an urban environment or erode it. The transportation system needs to be designed in a manner that contributes to the long-term benefit of the community and supports Fircrest's environmental health policies.

GOAL T12**Reduce environmental impacts associated with transportation infrastructure and operations.****Policy T12.1**

Enhance strategies that improve air quality and reduce greenhouse gas emissions. The City should build *complete streets* with sidewalks and bike lanes, coordinate with transit agencies, and build green streets to improve air and water quality. The City should support the development of infrastructure to encourage the use of electric and low emission vehicles by including electric vehicle charging stations in new and substantially redeveloped public facilities. As electric and low emission vehicle technology advances, the City should revise its regulations to encourage use of this technology.

Policy T12.2

Adopt design standards to improve water quality and create more appealing streetscapes. Emphasize the use of landscaping elements in street improvement projects that help curb stormwater runoff – bioswales, planters, rain gardens, and street trees – and that are mutually beneficial for mobility and ecology. Design these green elements to be deterrents of crashes and injuries and contribute to a more comfortable and visually interesting environment for all users. When designing *complete streets*, include trees and other plants to clean runoff and manage stormwater at the site. Use traffic-calming elements like traffic circles, chicanes, islands, and curb extensions to provide site opportunities for bioswales, street trees, and rain gardens.

Policy T12.3

Develop strategies to reduce solid waste including the use of recycled materials in street paving and other maintenance projects ~~in order to~~ lower costs and reduce landfill use, provided the strategies and materials meet cost and durability objectives.

GOAL T13**Consider benefits and impacts to health in the design of transportation infrastructure by providing opportunities for exercise, and reducing exposure to air, water, and noise pollution.****Policy T13.1**

Identify gaps in bike lanes and sidewalks and opportunities for pathway and trail connections between neighborhoods and to parks and schools to encourage greater pedestrian facility use and reduce reliance on automobiles. Support the construction of improvements to trail systems to provide connections between parks and neighborhoods for walkers and cyclists.

Policy T13.2

Design, build and maintain bike lanes, sidewalks, paths, and trails to expand opportunities for walking and biking to improve individual and community health. Provide transportation facilities that are walkable and bicycle friendly to improve economic and living conditions so that businesses and skilled workers are attracted to the community.

Policy T13.3

Concentrate population and employment growth ~~alongin~~ the 19th and Mildred area ~~and 19th Street corridors~~ and other areas served by transit routes to reduce environmental impacts associated with growth and the construction of additional infrastructure. Integrate transportation and land use planning to meet environmental goals by reducing the impacts of the transportation system such as contaminated storm water run-off, greenhouse gas emissions, noise pollution and energy consumption.

DISASTER PLANNING

Safety planning and mitigation, including strategies for protecting the transportation system from disasters, are multidisciplinary efforts that can significantly improve the livability of the community. Many opportunities exist to implement relatively low-cost but effective safety measures at the local level. The City is committed to protecting its transportation system and making it safe for users of all modes of travel.

GOAL T14

Protect the City's transportation system against disaster and develop prevention and recovery strategies and coordinated responses.

Policy T14.1

Work with partner organizations including the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and Pierce County Emergency Management to prepare for disasters by developing prevention and recovery strategies. Participate in emergency management preparedness training opportunities for transportation facilities.

CITIZEN INVOLVEMENT

Transportation improvements may strongly influence community design and function and have direct impacts on residents, business owners and other stakeholders within a community. The designs for such improvements may benefit greatly from input received during public outreach in the early stages of project formulation and for some projects during the final stages of design work.

Goal T15

Facilitate the involvement of interested citizens in planning transportation system improvements.

Policy T15.1

Where major improvements are planned, solicit input from interested citizens concerning the improvements early in the design process. Use some or all of the following techniques to encourage participation: may be used: citizen advisory committees, design charrettes, public open houses, workshops and hearings, and informational outreach through *Town Topics*, the city's website, social media, and other effective means. Where minor improvements will affect a specific neighborhood, provide neighborhood residents with an opportunity to provide their input and comment on designs. Review work done by citizens in the past such as the *Town of Fircrest Comprehensive Bikeway Plan*, and incorporate elements into future transportation improvement plans, as appropriate.

Policy T15.2

After a major transportation system improvement is approved by Council, initiate changes, including those to landscaping, lighting, and to utility locations and configurations, through a formal engineering change request and review procedure that ensures that potential impacts of the change are considered by all departments that participated in developing the approved design. Disallow changes that negatively impact the proposed design's safety or level of service. Approve changes that do not significantly alter any element of the design at the staff level. Require Council approval for proposed design changes that significantly alter design elements.

LAND USE ASSUMPTIONS

The land use assumptions used while developing this Transportation Element are summarized in **Table T-1** and described in detail in the documents listed.

Table T-1

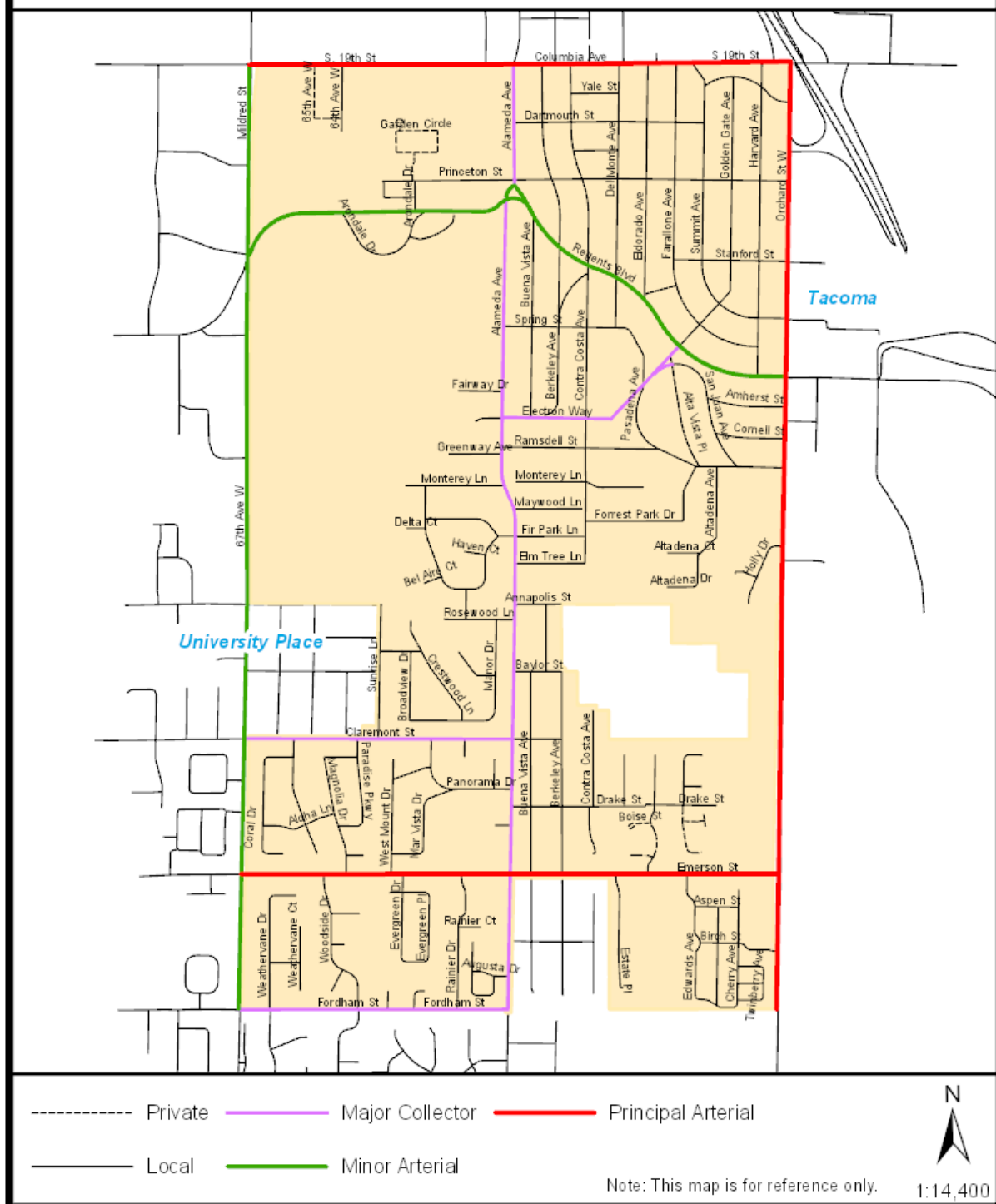
Area	Document
Within Fircrest	Future land use in low to moderate density residential neighborhoods will remain essentially unchanged except for the conversion of some undeveloped land in the southeast corner of the City to residential uses. Properties located <u>along within the 19th and Mildred area and 19th Street corridors</u> will redevelop to include a more intensive mix of uses including retail, office, service, <u>and</u> multifamily, <u>and other</u> residential components. The Fircrest Golf Club property will remain largely devoted to the golf course and supportive uses. The Land Use Element provides details.
North and east of Fircrest	Future land use in areas adjacent to Fircrest is specified in the <i>City of Tacoma Land Use Management Plan</i> . Future land uses specified are essentially the same as those existing at the time this plan was updated.
South and west of Fircrest	The <i>Comprehensive Plan for Pierce County, Washington and the City of University Place Comprehensive Plan</i> specifies that most land uses in developed areas adjacent to Fircrest will remain

Area	Document
	<p>generally unchanged. Several tracts of vacant land west and south of Fircrest will be developed for low to moderate density residential use. A portion of the <i>University Place Regional Growth Center</i> (RGC), provisionally designated <u>certified</u> by <u>the</u> PSRC <u>Executive Board</u> in August 2018<u>December 2014</u>, is located adjacent to the western border of Fircrest west of Mildred Street and south of 19th Street West. The RGC will accommodate mixed-use development that is comparable in intensity and allowed uses to the Fircrest Commercial Mixed-<u>u</u>se designation on the east side of Mildred and south side of 19th Street.</p>

INVENTORY OF FACILITIES AND SERVICES

Because Fircrest is a geographically small, land-locked city with limited internal commercial activity, Fircrest does not contain many of the typical components of a multimodal transportation network. Fircrest has no water, air, or rail facilities. The city's transportation facilities are limited to streets and those transportation modes and services that use streets.

Figure T-1
Functional Classification



STREETS

Improved streets and their classifications are illustrated in **Figure T-1**. Fircrest has two distinctly different street networks, one in the northern area of the city and one in the central and southern area of the city. The two networks are linked by Alameda Ave., which runs north-south through the approximate center of the city. The differences between these street networks can be traced to their surroundings when they were developed and the development standards that were used.

The most common paved width of local streets is 28 to 30 feet. A few streets in the older part of the city are 24 to 26 feet wide. Paved width is usually between 40 and 80 feet in streets that have been recognized in the past as collectors and arterials. Most streets provide automobile parking parallel to the curb.

A primary determinant of the functional classification is the present and anticipated traffic volumes to be carried by a street. Within a given classification the number of lanes can be varied to accommodate the anticipated volume. Roadway functional classifications are summarized below.

- *Local Streets*

Local streets are typically low volume roadways that provide access to individual lots adjacent to them. A number of factors including multiple driveways accessing the roadway, on-street parking, and the potential presence of children playing and riding bicycles suggest that the design and width of local streets should encourage slower traffic speeds (i.e., 25 mph or less). An interconnected network of local streets disperses traffic and allows multiple access routes for emergency service vehicles.

- *Collector Streets*

Collector streets gather traffic from local streets and direct it to arterial routes. Collectors provide both land access and traffic circulation within residential neighborhoods and commercial and industrial areas. Roadways should be of sufficient width to allow for on-street parking and yet facilitate efficient traffic flow at moderate speeds (i.e., 25 to ~~30~~35 mph). It is desirable to have collector streets spaced at ¼- to ½-mile intervals. With this frequency, access from neighborhoods can be achieved without circuitous, time consuming travel and without overburdening residential streets with through traffic.

Minor Arterial Streets

Minor arterial streets interconnect with and augment arterial streets as the principle circulation routes within the community. Ease of traffic mobility and the length of trips may be somewhat less along minor arterials than principle arterials. Intercommunity travel is typically facilitated by minor arterials. In fully developed areas minor arterials are normally not more than one mile apart.

- **Principal Arterial Streets**

Principal Arterial Streets serve as the primary routes within and through the community. They may serve as the principle routes to and from freeway access points and other intercommunity connections. Frequently, intercity bus routes are located along principal arterials. Efficient traffic movement is of prime concern. Roadway width and intersection design should accommodate concentrated traffic volumes at moderate speeds (30 to ~~35~~40 mph). Urban principal arterials may be as closely spaced as one mile apart in highly developed central business districts.

NONMOTORIZED FACILITIES

Figure T-2 illustrates the distribution and type of nonmotorized facilities in Fircrest. Sidewalks are almost always present along streets originally developed prior to 1940 in the northern part of the City. These sidewalks are generally separated from automobile travel lanes by curb and gutter and often include a narrow planting strip between the sidewalk and the curb. Sidewalks are present along most of Alameda Avenue. Fircrest has a limited number of off-street pedestrian facilities, including paved pathways in newer planned developments and a few short, unmaintained footpaths through vacant properties, school grounds, and open space.

PUBLIC TRANSIT

Pierce Transit

Public transportation service in the area is provided by the Pierce County Transportation Benefit Authority (or PTBA, commonly known as Pierce Transit). Pierce Transit is a municipal corporation formed under the authority of RCW Chapter 36.57 and is governed by a ten-member Board of Commissioners comprised of elected officials representing thirteen jurisdictions, unincorporated Pierce County, and one non-voting union representative within the benefit area.

Pierce Transit covers 292 square miles of Pierce County containing roughly 70% of the county population. It provides three types of service: fixed route, SHUTTLE (paratransit), and vanpools that help get passengers to jobs, schools, and personal appointments.

Pierce Transit operates four fixed bus routes (2, 51, 52, and 53) that serve or stop in the City of Fircrest. These routes are shown in **Figure T-3**.

- Route 2 connects the community with the Tacoma Community College (TCC) Transit Center and the Lakewood Transit Center via South 19th Street and Bridgeport Way West.

Figure T-2
Nonmotorized Facilities

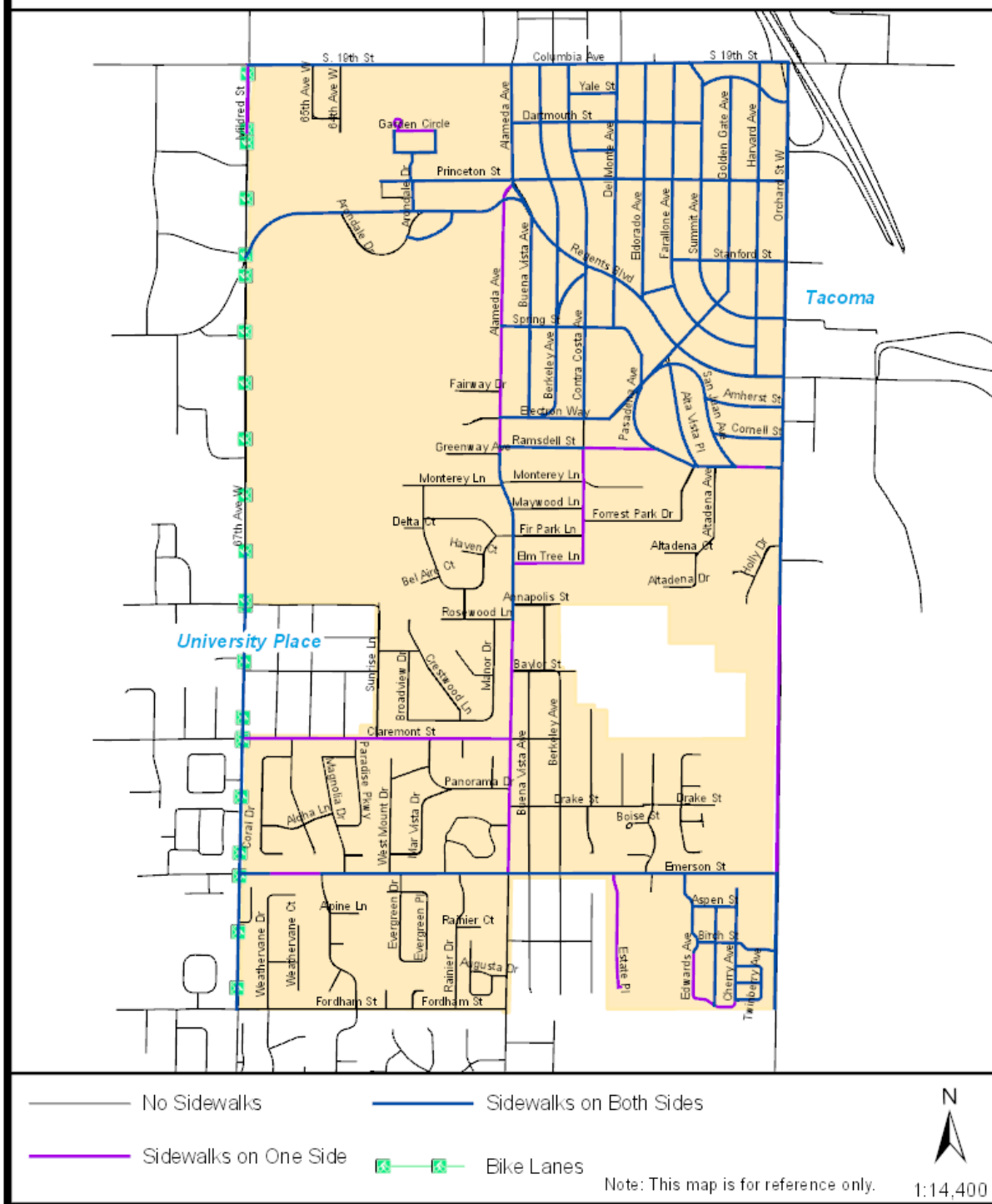
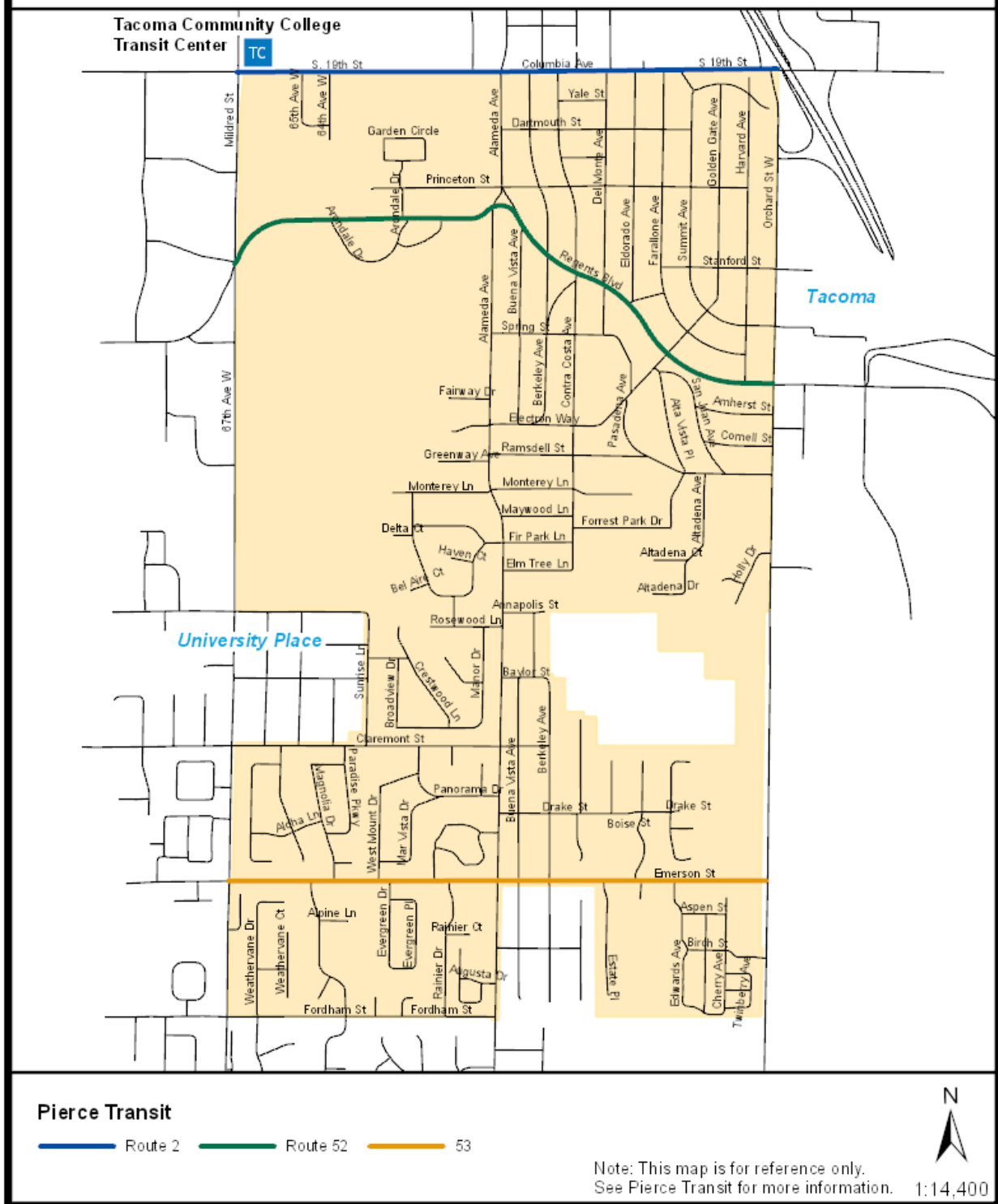


Figure T-3 Bus Routes



- Route 51 connects Fircrest to Tacoma's Proctor District and the Lakewood Sounder commuter rail station via South Orchard Street.

Route 52 links the community with the TCC Transit Center via Regents Boulevard and the Narrows Plaza neighborhood. Route 52 also links the Tacoma Mall Transit Center via Regents Boulevard and various arterials in Tacoma.

Route 53 provides access for the southern part of Fircrest to the TCC Transit Center via Emerson Street and various arterials in University Place. Route 53 also provides access to the vicinity of the South Tacoma Sounder commuter rail station via South Orchard Street and South 66th Street, although the bus route alignment is three blocks south of the station. Route 53 continues to the Tacoma Mall Transit Center, eventually terminating in downtown Tacoma. The buses serving these routes accommodate both riders with bicycles and wheelchairs.

SHUTTLE (paratransit) service is provided by Pierce Transit for persons with disabilities in accordance with the Americans with Disabilities Act of 1990 (ADA). Pierce Transit's SHUTTLE provides transportation for individuals who are unable to access or use fixed route bus services due to a disability. SHUTTLE eligibility standards and service characteristics are designed to meet the complementary paratransit requirements of the ADA. Using lift-equipped vans, SHUTTLE provides door-to-door service, or in some cases access to fixed route service. SHUTTLE provides service that is comparable to fixed route service in a geographic area and hours of service within each area. SHUTTLE is provided directly by Pierce Transit and through contracted services with First Transit. The area served by SHUTTLE is generally defined by the area that is within three-quarters of a mile of a fixed route.

Pierce Transit also offers vanpool, special use van, and rideshare programs. Pierce Transit vanpools typically serve a group of 5 to 15 people sharing the ride in a 12- or 15-passenger van. These vanpools commonly serve groups traveling to and from work, whose trip origin or destination is within Pierce Transit's service area. This highly successful program complements Pierce Transit's network of local and express services, providing commute alternatives to many destinations that cannot be effectively served by local fixed route services.

Sound Transit

Regional transit service is provided by the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit. Sound Transit plans, builds, and operates express bus, light rail, and commuter train services in the urban areas of King, Pierce, and Snohomish counties. These services are intended to complement other transit services including those operated by Pierce Transit.

Sound Transit's Regional Transit Long-Range Plan establishes goals, policies, and strategies to guide the long-term development of the region's high capacity transportation (HCT) system. It is based on years of intensive planning, environmental analysis, and public outreach. It is intended to guide how the Sound Transit system can

best address the region's mobility needs and support growth management objectives. The long-range plan will be implemented in a series of phases and will be updated over time.

This long-range plan updates and modifies earlier adopted plans. In 1996, Sound Transit adopted *The Regional Transit Long-Range Vision* and Sound Move, -- Sound Transit's initial phase of regional HCT investments. In 2005 the Long-Range Plan was updated and Sound Transit 2 (ST2) was the second phase of regional HCT investments. Where the long-range plan represents a broad regional framework for long-term investments, Sound Move and ST2 represent more detailed sets of projects for which voters approved funding. ~~Most Sound Move and ST2 projects and services are being implemented and are successfully addressing many regional mobility needs. Sound Transit will use this updated long-range plan as the basis for developing the next phase of investments—Sound Transit's next system plan. As with Sound Move and, ST2, the next phase of system planning will encompass a specific set of projects and services designed to build upon the first two phases and to further expand mobility options for the citizens of the central Puget Sound region.~~

Sound Transit 3 (ST3) was a ballot measure proposed by Sound Transit and approved by voters in November 2016 to expand the regional public transit system. The \$53.8 billion ST3 plan will expand the existing Link light rail system to Fircrest, University Place, Federal Way, Everett, and Issaquah, as well as the Seattle neighborhoods of Ballard and West Seattle. The resulting transit network after the completion of ST3 will include 62 miles (100 km) of additional light rail serving 37 new stations; the entire 116-mile (187 km) light rail system will carry an estimated 600,000 daily passengers. The package's projects are set to open in stages from 2024 to 2041, with light rail construction beginning in the late 2020s for most extensions.

Sound Transit in Pierce County consists of three distinct lines of business:

- 1) Regional Express (bus).
- 2) Sounder (commuter rail).
- 3) Link (light rail).

Sound Transit improvements in the general area include express bus service from the TCC Transit Center, the Lakewood Towne Center Transit Center, and the Tacoma Dome Station. Sounder operates commuter rail service from the Lakewood, South Tacoma, and Tacoma Dome Stations north to Seattle via Puyallup, Sumner, Auburn, Kent, and Tukwila. Sounder service is available to Everett on the Seattle-Everett segment. In Pierce County, Sound Transit operates a light rail segment between downtown Tacoma and the Tacoma Dome station. Additional light rail ~~lines are service is~~ under construction in Tacoma's Stadium District and Hilltop neighborhood. Under ST3, Link light rail will be extended along 19th Street to a new terminus near the TCC Transit Center planned for Tacoma.

AIR, WATER, AND RAIL TRANSPORTATION

Fircrest does not have an airport within its planning area. Sea-Tac International Airport, located approximately 28 miles north of the City, is the largest airport in Washington State. Regional, national, and international connections can be made through this airport. Shuttle services such as Shuttle Express provide door-to-door service between Sea-Tac and Fircrest residences and businesses. Sound Transit express buses provide service between the airport and the Tacoma Dome Station and other Tacoma-area locations.

Tacoma Narrows Airport is located on the west side of the Tacoma Narrows, south of the Tacoma Narrows Bridge. This general aviation airport provides a limited number of regional commuter flights but does not offer national or international service.

The Washington State Ferry System operates the Point Defiance-Tahlequah route connecting the south end of Vashon Island with the Tacoma area. The Point Defiance dock is located approximately five miles north of the City.

An Amtrak station is located in the City of Tacoma at 1101 Puyallup Avenue. Service is provided from Tacoma to the north to Tukwila, Seattle, Edmonds, Everett, Mount Vernon, Bellingham, and Vancouver, British Columbia, and to the south to Olympia-Lacey, Centralia, Kelso-Longview, Vancouver, Portland, Oregon, and destinations further south. Amtrak service from Tacoma is also provided on the east-west corridor to Seattle, Wenatchee, Moses Lake, Ritzville, and Spokane. There are no passenger rail stops within City limits.

LEVELS OF SERVICE

Level of service (LOS) standards are measures describing both the operational conditions within a traffic stream and the perception of these conditions by motorists and/or passengers. Each LOS describes traffic conditions in objective terms such as speed, travel time, or vehicle density (i.e. number of vehicles per mile). The conditions are also qualitatively described in terms of a driver's ability to change lanes, to safely make turns at intersections, and to choose their own travel speed.

The LOS grading ranges are from A to F. LOS A describes conditions when no delays are present and low volumes are experienced. LOS E, on the other hand, represents an "at capacity" condition under which no more vehicles could be added to the intersection or road segment without a breakdown in traffic flow. LOS F indicates long delays and/or forced traffic flow. In most jurisdictions in the Puget Sound region, LOS D or better is defined as acceptable, LOS E as tolerable in certain areas, and LOS F as unacceptable.

The following summarizes level of service (LOS) characteristics for signalized intersections and unsignalized intersections.

SIGNALIZED INTERSECTION LOS CHARACTERISTICS

- LOS A** Traffic is light. Most vehicles arrive when the light is green and do not stop at all. Vehicle Delay Range is 0.0 to 10 seconds.
- LOS B** Conditions are similar to LOS A, but more vehicles are forced to slow or stop at the light. Vehicle Delay Range is >10 to 20 seconds.
- LOS C** The number of vehicles stopping is significant and individual cycle failures may begin to appear. Vehicle Delay Range is >20 to 35 seconds.
- LOS D** Longer delay may result from longer cycle lengths, poor progression, and/or more traffic. Many vehicles stop and cycle failures become noticeable. Vehicle Delay Range is >35 to 55 seconds.
- LOS E** This is the limit of acceptable delay. Cycle failures become a frequent occurrence. Vehicle Delay Range is > 55 to 80 seconds.
- LOS F** Delays are considered unacceptable to most drivers. This often occurs when arrival rates exceed the capacity of the intersection. Vehicle Delay Range is more than 80 seconds.

UNSIGNALIZED INTERSECTION LOS CHARACTERISTICS

- LOS A** Average total delay is less than or equal to 10 seconds per vehicle.
- LOS B** Average total delay is between 10 and 15 seconds per vehicle.
- LOS C** Average total delay is between 15 and 25 seconds per vehicle.
- LOS D** Average total delay is between 25 and 35 seconds per vehicle.
- LOS E** Average total delay is between 35 and 50 seconds per vehicle.
- LOS F** Average total delay is greater than 50 seconds per vehicle.

ARTERIAL AND TRANSIT ADEQUACY

INTERSECTION LOS

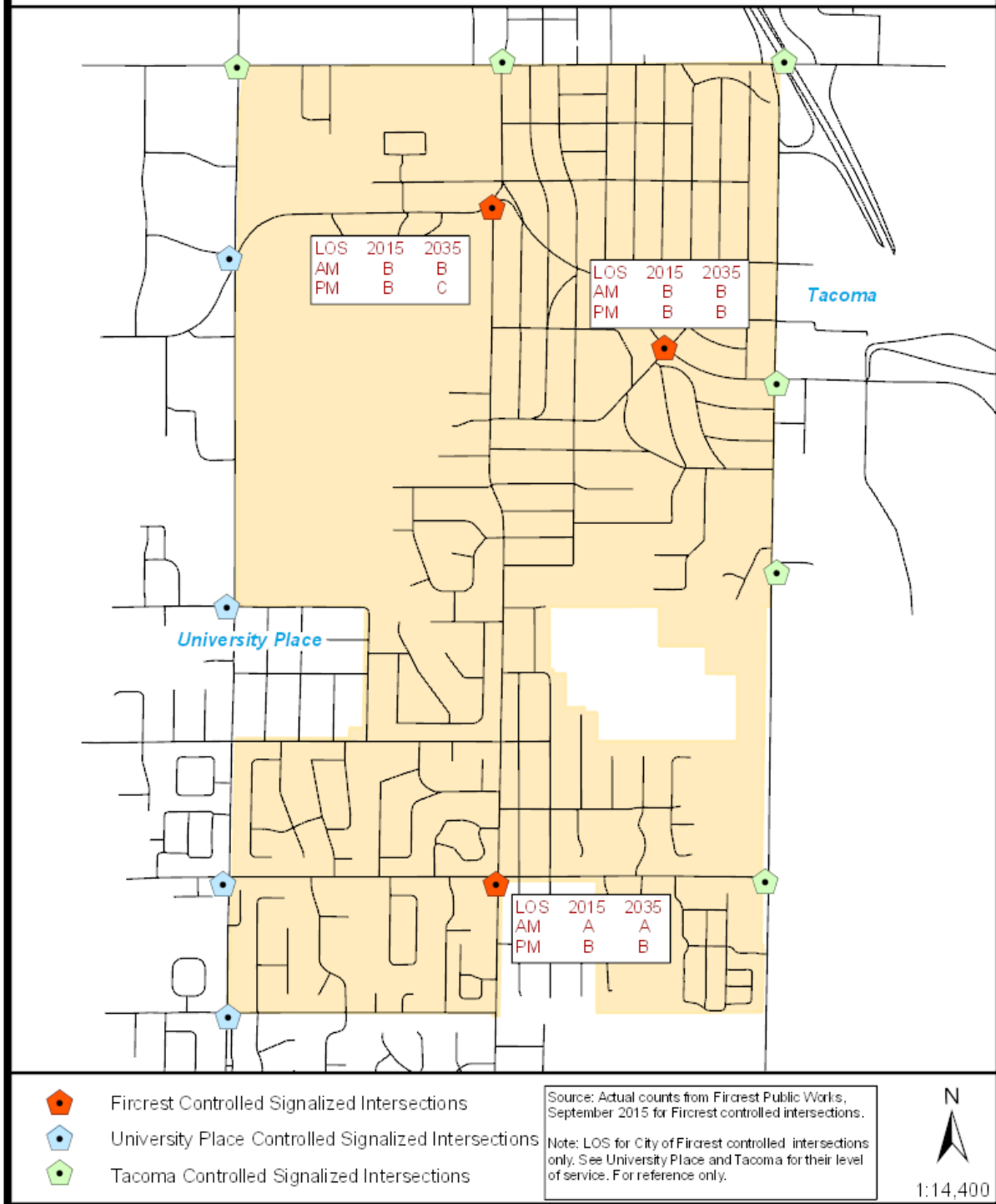
The City performed LOS analyses for existing arterial intersections in 2015. The results of the intersection AM and PM “peak hour” LOS analysis for Fircrest are shown in **Figure T-4**. The intersections shown are under control operation of the City of Fircrest. A number of arterial-arterial intersections surrounding the City such as Center Street/ Regents Boulevard and Orchard Street, and Regents Boulevard and Mildred Street West, are under the control and operation of Tacoma or University Place.

IN 2015, the intersection operation of the key intersections operated at LOS B or better during the AM peak hour and the PM peak hour. The individual directions at each of the intersections shows the 2015 LOS is LOS C or better.

TRAFFIC FORECASTS

Traffic forecasting is a way of estimating future traffic volumes based on expected population and employment growth. For Fircrest, traffic forecasts were prepared using current traffic counts, a travel demand forecasting computer model developed by PSRC and population and employment estimates contained in the Land Use Element. Given the influence of pass-through traffic, growth rates used in neighboring jurisdictions such as Tacoma and University Place, and WSDOT forecasts, were reviewed to best derive the growth rate used.

Figure T-4
Signalized Intersections - Level of Service



Based on this analysis, the traffic growth rate used is forecasted to be 0.5 percent per year as a conservative projection -- with 0.2 to 0.3 percent growth per year more likely. Based on the 0.5 percent growth rate and projected 2035 traffic volumes, the AM peak hour and PM peak hour LOS for signalized intersections were calculated and are shown in **Figure T-4**.

All signalized intersection PM peak hour LOS are expected to decrease moderately between 2015 and 2035. In 2015, there were no signalized intersections operating at either LOS E or F, with the maximum overall LOS expected to be LOS B. By 2035, no signalized intersections will reach LOS E or F (assuming no improvements) with only one intersection, Alameda Avenue and Regents Boulevard, reaching LOS C overall.

ADOPTED ARTERIAL LEVEL OF SERVICE STANDARD

The GMA requires the City of Fircrest to adopt a LOS standard for arterial streets. A LOS standard is a determination of the maximum level of congestion allowed on a roadway before improvements should be made. For example, if the established level of service for a specific roadway is LOS D, improvements should be made to that roadway if its level of service falls below LOS D (more congestion) or if projected growth would cause the road to exceed the LOS D standard.

LOS standards help ensure that the transportation system can adequately serve expected growth and development consistent with local standards. In addition, the service level policy can become the basis for establishing a traffic impact mitigation fee system to provide “fair share” funding of needed transportation improvements. The City of Fircrest has adopted a LOS standard of LOS D for its arterial streets.

CONCURRENCY

Concurrency describes a situation in which adequate facilities are available when the impacts of the development occur, or within a specified time thereafter. Based on the City’s adoption of LOS D for its arterial streets, new development will not be permitted if it causes a particular transportation facility to decline below LOS D unless improvements or strategies to accommodate the development’s impacts are made “concurrent with” the development. For transportation, “concurrent with” means that the improvement must be in place at the time of development or within six years of completion and occupancy of the development that impacts the facility. The City has adopted concurrency management regulations in FMC Chapter 22.12 to implement its concurrency management program.

PUBLIC TRANSIT LEVEL OF SERVICE STANDARD

Pierce Transit ~~adopted in 2016~~is developing a Long Range Plan (LRP) called Destination 2040, which ~~will include~~s performance measures prescribed under MAP-21. In addition, the LRP ~~will include~~s revised and updated service guidelines ~~for 2015 and beyond. It should be noted, however, that t~~he agency does not have Level of Service standards for fixed route services that are designed to align with the roadway network of the municipalities Pierce Transit serves – including Fircrest.

PSRC is working with WSDOT to begin designing multimodal concurrency guidelines “to ensure that transportation infrastructure supports development as it occurs according to local standards.” As such, Pierce Transit will await PSRC’s and WSDOT’s specific guidelines for transit agencies once they are formally adopted. In the interim, more information is available at: [http://www.psrc.org/assets/11737/Multimodal Concurrency Presentation.pdf](http://www.psrc.org/assets/11737/Multimodal_Concurrency_Presentation.pdf).

RECOMMENDED TRANSPORTATION IMPROVEMENTS

Over the next twenty years, increases in population and employment within Fircrest and surrounding communities will increase traffic volumes. To maintain or reduce levels of congestion on roadways and at intersections in Fircrest, certain transportation strategies will be needed. Possible strategies include:

- Making improvements to existing roads and intersections.
- Construction of new roads to improve access and circulation.
- Enhancement of nonmotorized travel facilities to encourage alternate modes of transportation such as walking, bicycling, and eliminating trips altogether through commute trip reduction.
- Supporting a shift in travel mode from private vehicles to transit and carpooling.
- Transportation Demand Management (TDM) strategies. TDM strategies help create or preserve existing capacity of roadways by reducing demand, thereby deferring, or reducing the need for capacity improvements.
- Transportation System Management (TSM) strategies. TSM strategies focus on improving operations of the existing roadway system to reduce or delay the need for system improvements.

These strategies will require close coordination with surrounding jurisdictions (Tacoma and University Place), Pierce Transit, and other agencies. Arterials located on the perimeter of Fircrest – 19th Street West, South Orchard Street, and 67th Avenue West (Mildred Street) -- are partly or entirely under the jurisdiction of either Tacoma or University Place. Arterial intersections may have shared jurisdiction with two or even three cities (e.g., 19th and Mildred Streets) as do numerous arterial/local street intersections.

MOTORIZED IMPROVEMENTS

To meet the adopted LOS standards, future improvements along arterials and at intersections may be necessary to accommodate growth and achieve concurrency. However, projected growth within Fircrest is unlikely to result in insufficient arterial capacity given the condition of current facilities and completion of funded improvements.

~~By 2016, t~~The City of University Place ~~recently will have~~ reconstructed Mildred Street (which falls within University Place jurisdiction between 19th Street and Regents Boulevard) as a *complete street* that ~~has will have~~ fewer lanes and new curbs, gutters, planter strips with street trees, sidewalks, lighting and transit facilities. The Mildred

Street design will provide sufficient motor vehicle and nonmotorized capacity to accommodate ~~commercial~~ mixed-use development likely to occur adjacent to the street within Fircrest.

19th Street and Orchard Street, each shared by Tacoma and Fircrest, will have sufficient overall capacity to accommodate the growth projected to occur within Fircrest. However, non-capacity improvements may be required to improve circulation, improve emergency vehicle response time, enhance pedestrian and vehicular safety, and improve intersection signalization performance.

Planned road improvements that are programmed during the next six-years are included in the City's Six-Year Transportation Improvement Plan (TIP), hereby incorporated by reference. The TIP is updated and adopted annually. The Six-Year Capital Improvement Program (CIP) contained in the Capital Facilities Element also lists planned roadway improvements. Projects listed in the CIP schedule focus on maintenance and repair of existing roadway facilities and construction of new pedestrian facilities. No roadway capacity projects are proposed in the current schedule.

TRANSIT IMPROVEMENTS

Proposed business strategies, capital projects, service changes, and capital facility improvements or investments over the next six years are documented in Pierce Transit's *Transit Development Plan*, which is updated and submitted to WSODT annually. The agency's current TDP does not include any proposals for specific service modifications or facility improvements in Fircrest. However, future capital improvements and route expansion within or adjacent to Fircrest may occur in high need areas and in conjunction with new ~~commercial~~ mixed-use and residential development activity. Development proposals that will generate significant new demand for transit services may be required by Pierce Transit to mitigate impacts from increased demand by funding transit shelters and supportive facilities ~~nearin close proximity to~~ the development.

AIR, WATERBORNE, RAIL IMPROVEMENTS

None of the regional air, marine, or rail facilities has a significant impact on the Fircrest transportation system.

NONMOTORIZED IMPROVEMENTS

Improvements to the nonmotorized transportation system would establish a more complete framework for an inter-connected pedestrian and bicycle circulation system. A complete pedestrian and bicycle network would link neighborhoods with schools, parks, public services, and retail activity, allowing residents and visitors to walk or bicycle to these areas rather than drive. The creation of a city-wide trail network linking all recreation and school facilities is supported by the *City of Fircrest Comprehensive Park, Recreation and Open Space Plan*.

The community's comprehensive bicycle facility improvement plan, *Town of Fircrest Comprehensive Bikeway Plan*, was prepared in 1975. The bikeway plan is based on

inputs from a citizen advisory board and a consultant analysis. It addresses bicycle and pedestrian facilities on all streets that the plan identified as bike routes. The emphasis is on route continuity, access to frequent travel destinations, and the safety of bicyclists and pedestrians along the routes. It provides streetscape design that includes street trees and appropriate separation of pedestrians, bicyclists, and vehicles.

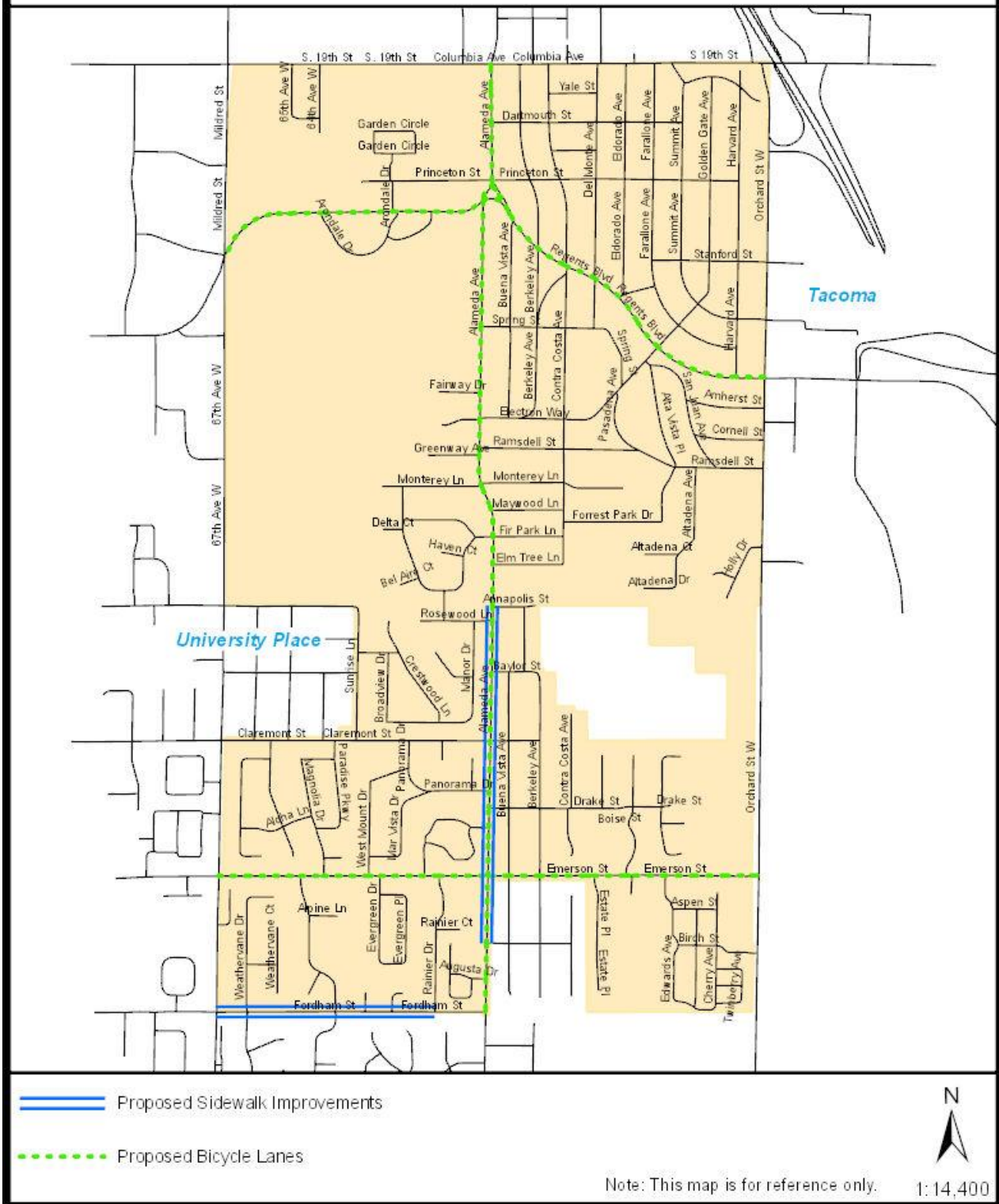
Figure T-5 depicts proposed nonmotorized improvements. Development of an integrated nonmotorized improvements plan, which would build on previous Fircrest planning efforts for sidewalk, trail and bicycle facilities, would support the creation of a continuous pedestrian and bicycle circulation system that achieves Fircrest transportation, land use, community character, and park, recreation and open space goals and objectives.

TRANSPORTATION DEMAND MANAGEMENT

Transportation demand management (TDM) strategies can help create or preserve existing capacity of roadways by reducing demand, thereby deferring, or negating the need for capacity improvements. Examples of TDM strategies include:

- Developing a comprehensive transit information program with Pierce Transit,
- Working with Pierce Transit to develop vanpool and ride match services and increase the availability of transit, including the frequency of service and number of routes serving the city.
- Providing a continuous system of walkways and bikeways servicing the community and connecting it with nearby activity centers.
- Providing facilities and services that make multimodal travel more convenient, e.g., covered transit stops, provisions for bicycles on transit vehicles, and shuttle services to transit centers.
- Actively promoting commute trip reduction practices, including complying with the requirements of the State Commute Trip Reduction (CTR) Act for larger employers and encouraging smaller employers to promote commuter trip reduction practices in the work place through employee incentives for using high occupancy vehicles, preferential parking for high occupancy vehicles, improved access for transit vehicles, compressed work weeks, flexible work hours, and telecommuting.
- Using traffic calming strategies to reduce vehicular speeds and enhance the safety of pedestrians and bicyclists, thereby maximizing pedestrian and bicycle mobility. Examples of traffic calming strategies include the use of raised crosswalks, roundabouts, traffic circles, medians (especially near intersections), narrow driving lanes, interrupted sight lines, narrow distance between curbing to create "neck-downs" or "chokers" (curb extensions), textured pavement, and neighborhood speed watch programs.

Figure T-5
Proposed Nonmotorized Facilities



TRANSPORTATION SYSTEMS MANAGEMENT

Transportation Systems Management (TSM) strategies focus on improving the operations of the existing roadway system. Maximizing the efficiency of the existing system can reduce or delay the need for system improvements. TSM strategies include:

- Coordination of traffic signal timing.
- Traffic control devices at highly congested intersections.
- Implementing intersection improvements to facilitate turning movements.
- Access restriction along principal roadways.
- Implementing a signal retiming and coordination project to reduce delay and congestion at the City's signalized intersections as major improvements are implemented.

FUNDING CAPABILITY AND RESOURCES

The Growth Management Act (RCW 36.70A.070(6)) requires local comprehensive plans to include a multi-year transportation financing plan for how the jurisdiction will meet the mobility needs identified for the planning period. This financing plan serves in part as the basis for the City's Six-year Transportation Improvement Program.

GMA requirements regarding the financing and funding of transportation-related improvements are addressed in the Capital Facilities Element and goals and policies of this Comprehensive Plan. The Six-year Transportation Facilities Improvements schedule contained in the Capital Facilities Element extends through 2035, Fircrest's 20-year planning horizon, to provide information for the City's multi-year transportation financing plan. This information includes a list of investments to meet transportation needs over the planning period, estimated costs for those investments, and estimated probable revenues available to Fircrest. Potential funding sources are summarized, below and in the Capital Facilities Element.

FUNDING SOURCES

Transportation funding comes from a variety of local, regional, state, and federal sources. Funding sources can be divided into four primary categories: developer, local, state, and federal. Some state and federal funds are allocated to PSRC, the region's Metropolitan Planning Organization, which then disperses the funds through grants and other programs.

Developer Funding

As new development occurs, transportation impacts associated with the development are mitigated by the developer. Transportation mitigation typically includes intersection improvements, road widening, new or extended turn lanes, sidewalks, bike lanes and other improvements. These mitigation measures must be in place or provided concurrent with development to maintain adopted LOS.

Local Funding Sources**Arterial Street Fund**

The City receives a proportionate share of the State Motor Vehicle Fuel Tax, based on the population. The exact amount varies depending on the amount of fuel sold in the State.

General Fund

The General Fund is supported primarily from local taxes to provide governmental services such as police protection, jail services, court services, parks maintenance, recreation programs, building inspections, planning and zoning, construction and maintenance of streets, and general government administration.

Surface Water Management Funds

The City collects a surface water management fee on each City parcel to finance surface water and storm drainage elements of various road improvement projects. In addition, the City uses revenues from the Surface Water Management Fund to finance capital improvement surface water and storm drainage projects.

Real Estate Excise Tax

The Real Estate Excise Tax is levied on all sales of real estate, measured by the full selling price. The City has authorized a locally imposed tax of 0.5%, in two 0.25% increments. These revenues are restricted to financing capital projects as specified in the City's Capital Improvements Program.

State Funding Sources

State funding programs are administered to counties and cities through the Transportation Improvement Board (TIB) and the County Road Administration Board (CRAB). The State also funds projects through the Safe Routes to Schools and Pedestrian and Bicycle Safety Programs.

Federal Funding Sources

Federal programs are currently funded under the Moving Ahead for Progress in the 21st Century Act (MAP-21) and are administered by the Highways and Local Programs Division of the Washington State Department of Transportation (WSDOT), in conjunction with PSRC and the Regional Federal Highway Engineer.

CMAQ

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds transportation programs and projects that will, or are likely to, contribute to attainment of a National Air Quality Standard. WSDOT is required to consult with the Environmental Protection Agency to determine whether a transportation project or program will contribute to attainment of standards unless such project or program is included in an approved State implementation plan. CMAQ funds cannot be used on projects resulting in the construction of new capacity available to single-occupant vehicles unless they are available to single-occupant vehicles at other than peak travel times. Allocation for CMAQ funds will follow the same criteria as Surface Transportation Program (STP)

funds. To be eligible for funding under this program, a project must be on the Regional Transportation Improvement Program (TIP) list and rank high enough on the region's priority array. Funding is based on a Federal share of 86.5 percent, with a 13.5 percent local match.

STP

The objective of the Surface Transportation Program (STP) is to fund construction, reconstruction, resurfacing, restoration, and rehabilitation of roads that are not functionally classified as local or rural minor collectors. STP also supports funding for transportation enhancements, operational improvements, highway and transit safety improvements, surface transportation planning, capital and operating cost for traffic management and control, carpool and vanpool projects, development and establishment of management systems, participation in wetland mitigation and wetland banking, bicycle facilities and pedestrian walkways.

STP funds have regional allocation through PSRC. The PSRC sub-allocates funds by County region, based on the percentage of the population. Pierce County, as a region, will receive an allocation of 21 percent from STP funds allocated to the PSRC. The Puget Sound Region is formed by the counties of King, Kitsap, Pierce, and Snohomish. To be eligible for funding under this program, a project must be on the Regional TIP list and rate high enough within the region's priority array. Funding is based on a federal share of 86.5 percent, with a 13.5 percent local match.

REASSESSMENT

The GMA requires that Fircrest reassess its plans ~~in order~~ to align them with available revenue if the City's financial analysis shows that revenue is inadequate to support transportation needs. Reassessment should occur as part of the eight-year periodic review process and should include:

- Comparison of actual levels of service to adopted levels of service.
- Updated revenue forecasts.
- Evaluation of progress in implementing the Transportation Element to show that the community is making progress toward construction of projects and implementation of policies identified in the Transportation Element.

CHAPTER 7

CAPITAL FACILITIES ELEMENT



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INTRODUCTION

The purpose of the Capital Facilities Element is to set policy direction for determining capital improvement needs and for evaluating proposed capital facilities projects. The Element also establishes funding priorities and a strategy for utilizing various funding alternatives. It represents the City's policy plan for the financing of public facilities for a 20-year planning horizon and includes a six-year financing plan for capital facilities.

The Capital Facilities Element promotes efficiency by requiring the City to prioritize capital improvements for a longer period of time than a single budget year. It also requires coordination between other government bodies to ensure that all levels of government are working together to help the City achieve its community vision. Long range financial planning presents the opportunity to schedule projects so that various steps in development logically follow one another, with regard to relative need, economic feasibility, and community benefit. In addition, the identification of funding sources results in the prioritization of needs and requires that the benefits and costs of projects are evaluated explicitly.

The Capital Facilities Element is concerned with needed improvements that are of relatively large scale, are generally nonrecurring high cost, and may require multi-year financing. Day to day operating items such as paper, desks, and shovels are not included. The list of facilities and improvements has been limited to major components in order to analyze community needs at a level of detail that is both manageable and reasonably accurate.

For purposes of this Capital Facilities Element, capital improvements are those major facilities or items which cost \$10,000 or more and which require the expenditure of public funds over and above annual operating expenses. These facilities and items will generally have a life or use expectancy of more than ten years and will result in an addition to the City's fixed assets and/or extend the life or usefulness of existing capital improvements. The cost of capital improvements may include design, engineering, permitting, environmental work, land acquisition, construction, landscaping, initial furnishings, and equipment.

Facilities and improvements which cost less than \$10,000, routine maintenance (e.g. painting and reroofing), and the City's rolling stock (e.g. police cars, public works trucks) will be addressed in the City's annual budget and not within this Capital Facilities Element. The Element will also not include the capital expenditures or improvements of private or nonprofit organizations that provide services or facilities to the public.

ORGANIZATION OF THE CAPITAL FACILITIES ELEMENT

The Capital Facilities Element is organized into the following sections:

- Introduction
- State planning context
- Local planning context
- Public schools, land, and buildings
- Goals and policies
- Level of service standards
- Current and possible funding sources
- Six-year capital improvements program

RELATIONSHIP TO OTHER ELEMENTS AND FACILITY PLANS

Most information about facilities is contained in other elements and documents. To avoid redundancy, this Capital Facilities Element provides references to information contained in other elements and documents instead of repeating information.

Utilities and Transportation Elements

The Utilities, Transportation, and Park, Recreation and Open Space (PROS) Elements of the Comprehensive Plan are concerned with many of the same public facilities as the Capital Facilities Element. To improve readability of the Comprehensive Plan, all topics related to Fircrest-owned public utilities, other than the 6-year CIP, are consolidated in the Utilities Element. Likewise, topics related to transportation are consolidated in the Transportation Element, and park, recreation and open space facility topics are consolidated in the PROS Element, specifically, those elements contain facility inventories, existing demand and capacities, levels of service, and future needs for water, sanitary sewer, stormwater, transportation, and park, recreation and open space facilities. Where an improvement will result in capacity changes in a utility, capacity information for the improvement is included in the Utilities Element. The Utilities Element contains additional references to other utility or facility plans as necessary for more detailed information. Detailed project descriptions are available for future projects in the Fircrest Public Works Department.

Park, Recreation, and Open Space Plan

The PROS Element of this Comprehensive Plan incorporates by reference the *City of Fircrest Comprehensive Park, Recreation and Open Space (PROS) Plan*. The PROS plan contains facility inventories, existing demand and capacity, levels of service, future needs, and project information for Fircrest's park, recreation and open space facilities. The PROS Plan will be updated periodically during the implementation of this Comprehensive Plan to reflect changing facility needs and preferences, capacities, and desired improvements. If there are conflicts between the PROS Plan and this Comprehensive Plan, the information in this Comprehensive Plan will supersede that in the PROS Plan. All capital improvement program revisions in the PROS Plan will be included in amendments to this Capital Facilities Element during the Comprehensive Plan amendment process.

STATE PLANNING CONTEXT

Section RCW 36.70A.070 (3) of the *Washington State Growth Management Act* (GMA) requires that all comprehensive plans contain:

"A capital facilities element consisting of:

- (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
- (b) A forecast of the future needs for such capital facilities;
- (c) The proposed locations and capacities of expanded or new capital facilities;
- (d) At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
- (e) A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

Additionally, the GMA contains a planning goal that states that comprehensive plans and their associated development regulations must:

"Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."

LOCAL PLANNING CONTEXT

CAPITAL FACILITIES VISION

Looking ahead 20 years...

In the 2030s, infrastructure and services meet the needs of a growing, aging and diverse population and promote a safe and healthy environment.

Fircrest provides high-quality public safety services and well-maintained and dependable public facilities.

The community continues to enjoy excellent fire and emergency response times, professional police services, beautiful parks, clean drinking water, and effective

wastewater and stormwater management because the capital facilities needed to provide these services were, and still are, planned and maintained for the long term.

An efficient multimodal transportation system has taken shape and is continually improved. The City's arterials have been redeveloped as complete streets to enable safe and convenient access for all road users, while accommodating the movement of freight and goods where appropriate. Pedestrians, bicyclists, motorists, and transit riders of all ages and abilities can safely move along and across these complete streets.

The design for each of these streets is unique and responds to its community context. Complete streets in Fircrest include a mix of design elements including sidewalks, bike lanes, special bus lanes, comfortable and accessible public transportation stops frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, and narrower travel lanes.

Complete streets have improved safety and created efficient connections for all users, and eliminated barriers to achieve neighborhood-level walking routes, within and between residential and business areas, parks and other public facilities. They have increased capacity, avoided the need for expensive retrofits, encouraged physical activity, and helped created a more walkable community. Capital improvements have supported increased street life and community vibrancy. Fircrest residents also embrace and support the high-quality educational, cultural and recreational facilities in the community.

Expansion of park, open space and recreation facilities and services has been achieved through cooperative efforts of the City, school districts, and citizen volunteers. Residents enjoy enhanced neighborhood parks and public spaces, a community center, and a variety of recreation programs and activities for children, youth, adults, and senior citizens.

Long-term planning for services and facilities.

Long-term planning carries out the Comprehensive Plan goals and policies, such that new development and new services and facilities arrive concurrently.

The cost of providing and maintaining Fircrest's quality services and facilities is borne equitably, balancing the needs of the community with those of the individual.

Fircrest continues to draw from diverse revenue streams to finance capital facility projects. Additionally, maintenance of new facilities is anticipated well in advance as part of the capital planning program to ensure facility maintenance costs can be effectively incorporated into the City's operating budget. The public facility costs associated with new growth are recovered in part using impact fees that reflect up-to-date costs, including those related to land acquisition and construction. In addition, Fircrest continues to seek grants and other outside funding to maintain its high quality of life.

PUBLIC SCHOOLS, LAND, AND BUILDINGS

Capital facilities in Fircrest that are not associated with utilities, transportation, or parks, recreation and open space consist of public schools and Fircrest-owned land and buildings. This section provides basic information about those facilities. All of the facilities discussed in this Element are owned and operated by Fircrest except school facilities. Information about school facilities is included to ensure that all capital facilities owned by public entities are addressed. Information about school facilities is based on school district capital facilities plans and other documentation.

PUBLIC SCHOOLS

Tacoma Schools

The Tacoma School District serves a large portion of the City of Fircrest. Whittier Elementary, located at 777 Elm Tree Lane, provides classrooms and other facilities for grades kindergarten through 5. A second elementary school, Wainwright Elementary, was closed by the District several years ago and is scheduled to be replaced by a new grade 4-8 facility in 2016.

The Tacoma School District determines level of service (LOS) standards for the three school types in the district: 1) elementary schools; 2) middle schools; and, 3) high schools. The Tacoma School District's 2014-2019 Capital Facilities Plan (CFP), dated June 10, 2014, identifies for each type of school, student capacity (with and without portables), existing LOS standards (with and without portables), as well as a recommended LOS for each school type. Six-year needs, six-year funding and projects, a rolling capacity balance sheet, and operating and maintenance costs for both the current inventory and proposed projects are all included.

Existing Inventory

An inventory of Tacoma schools is contained within the Tacoma School District 2014-2019 CFP. The CFP indicates that the District operates 35 elementary schools, nine middle schools and eight high schools. For detailed information about these schools, refer to the Tacoma School District CFP.

Future Needs

The Tacoma School District CFP has calculated six-year capacity needs for each school type based on recommended LOS. These are summarized in **Table CF-1**.

Table CF-1
Tacoma School District Projected Capacity Needs

School Type	Year 2019 (Demand)	Square Feet Required
Elementary School (1)	15,834	1,425,060
Middle School (2)	6,375	658,570
High School (3)	7,589	936,970

(1) Recommended LOS of 90 sq. ft. per student (K-5)

(2) Recommended LOS of 90 sq. ft. per student (grade 6), 110 sq. ft. (grades 7-8)

(3) Recommended LOS of 110 sq. ft. per student (grade 9), 130 sq. ft. (grades 10-12)

Proposed Location and Capacities

The Tacoma School District's 2014-2019 CFP identifies proposed projects over a six year period for each school type. Nine elementary school (ES) replacement projects are planned as well as the replacement of Fircrest's Wainwright Elementary School with an elementary/middle school (4-8 grades), historic modernization of McCarver ES, historic modernization and additions to Stewart Middle School (MS), and replacement of Hunt MS, modernization and additions to Wilson High School (HS), and modernizations and additions to SAMI HS. Completion of these projects should leave a net reserve of 766,648 square feet.

The District proposes the development of no new middle schools. However, as noted above, a new elementary/middle school would be established on the site of Wainwright ES, and two existing middle schools, Stewart and Hunt, would be replaced. Completion of these projects would result in a year 2019 net reserve of 427,903 square feet.

The Tacoma School District's capacity balance sheet for high schools indicates that with Wilson and SAMI High School modernizations, a net reserve of 492,924 square feet is projected for the year 2019.

Six-Year Funding Plan

Six-year funding plans are included in the Tacoma School District's CFP for each school type. Six-year operation and maintenance cost schedules by school type have also been prepared. The District will rely upon State matching funds, remaining levy funds, 2013 Capital bond funds, impact fees through voluntary agreements, and impact fees by ordinance, to fund school improvements. For elementary schools, the District anticipates an approximate total of \$307,800,000 from funding sources, \$118,500,000 for middle schools, and \$81,500,000 for high schools.

University Place Schools

University Place School District has no facilities within Fircrest. The district has completed a series of capital improvements district-wide that were designed to meet projected build-out demand as well as current demand at the district's recommended levels of service. Fircrest students who attend University Place schools typically attend the neighborhood schools listed in the following table. Each school's capacity and the district's levels of service are provided in **Table CF-2**.

**Table CF-2
Capacity and Level of Service**

Facility	Capacity and Recommended Level of Service
Evergreen Primary Grades kindergarten through 4	Evergreen School capacity is 572 students. The district's recommended level of service is 20-24 students per classroom in Kindergarten to 4 th grade.
Narrows View Intermediate Grades 5 through 7	Narrows View School capacity is 702 students. The district's recommended level of service is 24-26 students per classroom.
Curtis Junior High Grades 8 through 9	Curtis Junior High School capacity is 1,000 students. The district's recommended level of service is 26-28 students per classroom and 1,000 students on a 20-acre site.
Curtis Senior High Grades 10 through 12	Curtis Senior High School capacity is 1,600 students. The district's recommended level of service is 26-28 students per classroom.

FIRCREST-OWNED LAND AND BUILDINGS

Fircrest owns a number of tracts of land for the purpose of delivering urban services. The table below summarizes information about Fircrest's land, buildings and other facilities. Park, recreation, and open space facilities are noted in **Table CF-3** and described in greater detail in the *City of Fircrest PROS Plan*.

**Table CF-3
Park, Recreation and Open Space Facilities**

Location, Size, and Use	Improvements
302 Regents Blvd. Approximately 0.5 acres Public Safety Building	Existing: This 9,750 sq. ft. building was completed in 1979 and is shared by the Fircrest Police Department and Tacoma Fire Department. The first floor (5760 sq. ft.) is mostly dedicated for fire purposes including 3 bays for fire apparatus, with the exception of the Police Department offices. The basement area (3,176 sq. ft.) is mostly dedicated to police uses, including a four-stall parking garage. Parking for employees and visitors is provided on site. The Tacoma Fire portion was remodeled in 1995. Planned: There are no plans to remodel or add facilities to the Public Safety Building at this time.
115 Ramsdell Street Approx. 1.44 acres City Hall	Existing: The building, which is approximately 7,800 sq. ft., serves as City Hall, Municipal Court, and Administrative Offices. It was built in 1998 and replaced the prior City hall building on the site. Parking for employees and visitors is provided on the building site and the south side of Ramsdell Street. Planned: There are no plans to remodel or add facilities to the City Hall at this time.

Location, Size, and Use	Improvements
120 Ramsdell Street 7.07 acres Public Works Building, 2 water wells (wells 4 and 5)	<p>Existing: The 3,600 sq. ft. public works building with offices, meeting rooms, showers, and shared office facilities was completed in 1993. Associated with the building are two 2,400 sq. ft. enclosed vehicle/equipment storage bays and four 4,800 sq. ft. open bays.</p> <p>Planned: There are no plans to remodel or add facilities to the Public Works Building at this time.</p>
Pierce County Parcel 668000-001 (Paradise Parkway Lot 1, Block 1) Pierce County Parcel 0220143-008 (1500 block of Alameda Ave) Pierce County Parcel 0220113-001 (Property owned by Fircrest Golf Club) Orchard and 25th Street (Located outside of City boundaries; Access to site is via 25th Street). Pierce County Parcel 7160200370	<p>These tracts are improved as described:</p> <p>Contains water wells 6 and 7</p> <p>Contains water well 8</p> <p>Contains one water tank</p> <p>Contains two water tanks (one high, one low)</p> <p>Contains water well 9 (located in Masko Park)</p>
805 San Juan Avenue 1.2 acres Masko Park Special Use Area	<p>Existing: Veterans Memorial Garden, Rhododendron Garden, and Seabrook Specialty Garden.</p> <p>Planned: See PROS Plan.</p>
601 San Juan Avenue 0.2 acres Alice Peers Park Pocket Park	<p>Existing: City of Fircrest flag pole, rose garden, and community message board.</p> <p>Planned: See PROS Plan.</p>
611 Contra Costa Avenue 1.4 acres Gene Goodwin Tot Lot Neighborhood Park	<p>Existing: Tot Lot contains children's play area with pre-school play opportunities, playground equipment, large sand area, restrooms, lawn and picnic area. The park also has three tennis courts with fencing separation between the children's playground area and the active courts.</p> <p>Planned: See PROS Plan.</p>
555 Contra Costa Avenue 7.8 acres Fircrest Park	<p>Existing: Community Center, seasonal swimming pool and wading pool, Ron Russo Pavilion group picnic shelter and outdoor basketball court, sports fields for soccer and</p>

Location, Size, and Use	Improvements
Community Park	ball games, and open space for annual community events. The park maintenance center is located onsite, as is limited parking. Planned: See PROS Plan.
921 Contra Costa Avenue 10.0 acres Whittier Park Community Park	Existing: Baseball field, softball field, two soccer fields, three outdoor tennis courts, basketball court, group picnic shelter, restrooms, Bocce courts and nature trail. Planned: See PROS Plan.
921 Contra Costa Avenue 6.5 acres Thelma Gilmur Park Natural Open Space	Existing: Mostly undeveloped with a designated wetland. Nature trails bisect the forested hillside on the eastern edge of the site and the native plant-dominated upland area abutting the centrally located wetland. Planned: See PROS Plan.

GOALS AND POLICIES

This section contains the goals and policies that will guide the design, construction, operation, maintenance, renovation, removal, cost management, and financing of capital facilities in Fircrest for a 20-year planning horizon following adoption of the Comprehensive Plan and amendments thereto. The following goals reflect the general direction of the City, while the policies provide more detail about the steps needed to meet the intent of each goal. Discussions provide background information, may offer typical examples, and clarify intent. Goals and policies are organized into the following categories:

- Level of service and concurrency
- Environmental impacts
- Facility and service providers
- Financial feasibility
- Coordination with the Comprehensive Plan, other Plans, and other Policies
- Siting facilities
- Essential public facilities

LEVEL OF SERVICE AND CONCURRENCY

GOAL CF1:

Provide and maintain adequate public facilities to meet the needs of existing and new development. Establish level of service (LOS) standards and identify capital improvements needed to achieve and maintain these standards.

Policy CF1.1

Establish level of service (LOS) standards for certain City owned and operated public facilities. The City shall work with owners and operators of non-City owned and operated facilities to establish levels of service standards necessary to provide for growth and achieve the City's vision. Levels of service should be established in interlocal or contractual agreements between the City and the service provider. Where Fircrest's service area for a particular facility or service extends beyond Fircrest's boundaries, extensions shall be planned and built to a master plan that will ensure adequacy for the entire service area.

Discussion: Level of service (LOS) standards are benchmarks for measuring the amount of a public facility and/or services provided to the community. Level of service means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need (WAC 365-195-210). Level of service standards will be a determining factor for when and where development will occur. This is because level of service is intricately tied to concurrency. (See Policy CF1.2.)

Policy CF1.2

Require transportation, storm water, sewer, and water facilities concurrent with development. Other public facilities such as schools and parks will be provided based on adopted plans and development schedules.

Discussion: GMA Goal 12 states that public facilities and services necessary to support development shall be adequate to serve the development at the time of development without decreasing current service level standards below locally established minimums (RCW 36.70A.020(12)). The GMA requires concurrency for transportation facilities. (The City's level of service for transportation facilities is established in the Transportation Element.) In addition, water and sewer concurrency is highly recommended by the Department of Commerce.

Policy CF1.3

Issue no development permits (such as a building permit or a land use approval associated with a building permit) unless sufficient capacity for facilities exists or is developed concurrently to meet the minimum level of service for both existing and proposed development.

Discussion: New development must not cause the level of service to drop below the City's adopted minimums. If a development causes the level of service to drop below an adopted minimum, a permit will not be issued allowing the new development until the City has assurances that the level of service will be maintained. Other public facilities will be monitored by the City as development occurs. Provision of these public facilities will be evaluated against applicable codes and levels of service per local, state, and federal requirements.

Policy CF1.4

If necessary public facilities are not already provided at the level of service for facilities identified in CF1.2, or if the development proposal would decrease the level of service below the locally established minimum, the applicant may:

1. Provide the public facilities and improvements;

2. Delay development until public facilities and improvements are available; or
3. Modify the proposal to eliminate the need for public facilities and improvements.
(Modification may include reduction in the number of lots and/or project scope.)

Discussion: Should a development cause level of service to go below the established minimum, then options do exist that may allow development to proceed at some point in time.

Policy CF1.5

Exempt the following development from concurrency requirements:

1. Development “vested” in accordance with RCW 19.26.095, 58.17.033, or 58.17.170;
2. Expansions of existing development that were disclosed and tested for concurrency as part of the original application; and,
3. Development that creates no additional impact to public facilities.

Discussion: Concurrency requirements do not apply to vested developments. (Vested developments are those projects entitled to develop under the regulations that were in effect when application was made. Washington State courts and the legislature have defined “vested rights” and these continue to evolve.) Additionally, phased developments can be tested once for all phases, allowing construction to proceed thereafter without the need to revisit concurrency.

Policy CF1.6

Evaluate needed improvements to the City’s public facilities on an annual basis.

Discussion: Public facilities must be kept in good repair and need to be maintained or expanded as the City grows. Well-maintained facilities with appropriate capacity contribute to quality of life. The City should evaluate the condition of public facilities and determine needed repairs (non-capacity projects). Additionally, the City should annually assess expansion needs based on projected growth (capacity projects). This will assist in the timely identification of improvements needed to achieve minimum LOS standards.

Policy CF1 When prioritizing improvement projects, Fircrest should consider if the project is needed to correct existing deficiencies, replace needed facilities, or extend the life or usefulness of facilities; increase public health and safety; reduce long-term maintenance and operating costs; coordinate with other providers' projects; meet state facility requirements; and improve the environment. Financial feasibility and the impact on Fircrest's budget should also be considered.

Policy CF1.7

Fircrest shall apply its concurrency management regulations to new development to support the implementation of this Comprehensive Plan.

Policy CF1.8

Re-evaluation of total cumulative future demand for capital facilities shall be a requirement prior to issuance of any permits for large-scale residential development on the Fircrest golf club property. No development permits shall be issued if such

development will cause levels of service to fall below standards established in this Comprehensive Plan, unless the developer provides the compensating facilities and improvements at the time of development or provides funds to Fircrest to make the necessary facilities improvements when they become necessary to maintain levels of service.

ENVIRONMENTAL IMPACTS

GOAL CF2

Capital facilities and services shall be designed and managed to minimize and mitigate adverse environmental impacts resulting from construction, use, operation, maintenance, renovation, and removal of the facilities.

Policy CF2.1

Facilities, services, programs, and procedures should be structured to prevent or minimize pollutants entering the air, water, and soil and to protect the environmental integrity of critical areas.

Policy CF2.2

During facility planning and implementation, the cumulative adverse environmental impacts of all projects should be considered as well as immediate adverse impacts.

Policy CF2.3

Facilities, services, programs, and procedures should be designed and managed to conserve resources and reduce demand for facilities with significant adverse environmental impacts. Similarly, procedures, programs, and rate structures should encourage citizens to conserve resources and to minimize the negative environmental impacts of their use of facilities and services.

FACILITY AND SERVICE PROVIDERS

GOAL CF3

Fircrest may contract with other facility and service providers to ensure adequate urban facilities and services. All providers serving Fircrest should conform to Fircrest's service standards.

Policy CF3.1

When selecting facility and service providers, potential providers should be evaluated with respect to cost, Fircrest's service standards, and environmental responsibility. Additional evaluation criteria may be established as appropriate. Fircrest should select the provider offering optimum conformance with evaluation criteria.

Policy CF3.2

Existing facility and service providers that do not conform to Fircrest's service standards should be informed in writing of nonconformance issues.

FINANCIAL FEASIBILITY**GOAL CF4**

Provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide.

Policy CF4.1

Require new development to fund a fair share of costs to provide services for growth generated by that development.

Discussion: New development creates impacts upon public facilities and should be responsible for bearing its fair share of costs. Impact fees are one possible source to fund certain public facilities for new growth. However, impact fees cannot be used to pay for existing deficiencies. Other funding sources must be used to pay for existing system deficiencies.

Policy CF4.2

Review project costs scheduled in the Capital Improvements Program so that expected revenues are not exceeded.

Discussion: Financial feasibility is required for scheduled capital improvements that support new developments. Revenue estimates and amounts must be realistic and probable. Revenues for transportation improvements must be "financial commitments" as required by the GMA. A financial commitment is one sufficient to finance the public facility and to provide reasonable assurance that the funds will be used for that purpose.

Policy CF4.3

Consider life cycle costs when making capital facilities purchases.

Discussion: Capital facilities acquisition often focuses on purchase cost. However, a need also exists to focus on facility maintenance and operation costs and/or depreciation. Capital facility purchases commit the City to an operation and maintenance program. Sound financial practices are necessary when considering capital facility purchases, especially given other existing or anticipated long-term life cycle cost commitments.

Policy CF4.4

Provide public facilities and services that the City can most effectively deliver, and contract for those best provided by other public entities and the private sector.

Discussion: Certain public facilities and services are provided to the City by other public entities through contracts or other agreements. The City should regularly evaluate and monitor each service provider's quality of service and rates. The City may study the feasibility of directly owning and operating these public facilities and services should concerns arise.

Policy CF4.5

Help residents develop Local Improvement Districts (LIDs) and Utility Local Improvement Districts (ULIDs) and consolidate them to save administrative costs.

Discussion: A process exists, mandated by state law, to approve and implement LIDs and ULIDs. This process is often lengthy and consumes considerable staff time and resources. Rather than supporting numerous separate LIDs and ULIDs within a geographic area, the City should anticipate other LID and ULID improvements in the area and help residents implement them under one LID formation process.

Policy CF4.6

Aggressively seek conventional and innovative funding sources necessary to achieve the City's capital facilities goals, policies, and service standards. Fircrest should make efforts to secure grants and similar sources of funding and should explore other funding mechanisms when such sources will provide needed funding for capital improvements.

Policy CF4.7

If proposed facility plans, projects, operating procedures, and maintenance procedures will cause cumulative adverse impacts to the natural environment, future costs of mitigating cumulative adverse impacts should be estimated. When decisions are made to implement such plans, projects, or procedures, funding programs should be established concurrently to ensure funds sufficient for future restoration and mitigation programs. Funding programs should be designed to ensure availability of funds when restoration or mitigation programs are expected to be needed.

COORDINATION WITH THE COMPREHENSIVE PLAN, OTHER PLANS, AND OTHER POLICIES

GOAL CF6

Implement the Capital Facilities Element in a manner that is consistent with other applicable plans, policies, and regulations. This includes, but is not limited to, the Growth Management Act (GMA), VISION 2040, Pierce County ~~County-Wide~~Countywide Planning Policies (CPPs), other Comprehensive Plan Elements, and plans of other regional entities, Pierce County, and municipalities.

Policy CF6.1

Ensure that public facility improvements are consistent with the adopted land use plan map and other Comprehensive Plan Elements.

Discussion: The GMA requires internal consistency between the Capital Facilities Element (CFE) and other Comprehensive Plan Elements. Consistency is essential because the cost and long life of capital facilities sets precedent for location and intensity of future development.

Consistency is also important because the CFE implements other Comprehensive Plan Elements. The CFE serves as a catalyst for financing key proposed projects, and establishes a process to balance competing requests for funds.

Policy CF6.2

Reassess the Land Use Element if funding for concurrent capital facilities is insufficient to meet existing needs.

Discussion: The Comprehensive Plan needs to continually be reassessed to determine whether or not projected capital facilities funding is sufficient to meet existing needs. If probable funding for capital facilities is insufficient to meet existing needs, then Plan Elements will be reassessed. At a minimum, this includes reassessment of the Land Use Element to evaluate whether the growth projected in the Land Use Element can realistically be achieved given expected capital facilities funding. Additional options include re-evaluating projected funding, alternative sources of funding, and level of service standards.

Policy CF6.3

Amend the six-year Capital Improvements Plan (CIP) on an annual basis.

Discussion: The six-year CIP should be amended on a relatively short-term basis so that financial planning remains current with changing conditions, development trends, and the economy.

Policy CF6.4

Implement the Capital Facilities Element consistent with the requirements of the adopted Pierce County ~~County-Wide~~Countywide Planning Policies (CPPs), Puget Sound Regional Council (PSRC) VISION 2040, the GMA, and other relevant plans.

Discussion: The CPPs, VISION 2040 and the GMA represent region-wide visions for growth. Inter-jurisdictional consistency for capital projects within these regional visions is important in achieving the goal of managed growth. Fircrest should participate in project coordination efforts and joint planning with other jurisdictions to ensure achievement of capital facilities goals, policies, and service standards and to ensure consistency among jurisdictions.

Policy CF6.5 Seek inter-jurisdictional agreements allocating costs equitably for improvements, operations, and maintenance of facilities that are shared by other jurisdictions.

Policy CF6.6

Explore opportunities to share facilities and services with nearby jurisdictions to achieve mutually beneficial increases in services or overall reduction in costs to the citizens of Fircrest and those of other jurisdictions.

Policy CF6.7

Inform affected school districts early in the permit application review process for any residential developments that will significantly increase demand for school facilities. Permit applications may be denied if the school district is unable to provide educational services at the time that development is available for occupancy. Impact

fees may be imposed to compensate for the school facilities impact of new developments.

Policy CF6.8

Plans and projects described in other elements shall be consistent with the financial plan of the Capital Facilities Element and with the capacity of the City to fund facility operations and maintenance. If probable funding falls short of meeting needs, affected elements and the Capital Facilities Element shall be reassessed and revised as necessary to ensure an achievable Comprehensive Plan. Levels of service may be adjusted if other reconciliation measures do not achieve consistency.

SITING FACILITIES**GOAL CF7**

Locate capital facilities for maximum public benefit while minimizing negative impacts.

Policy CF7.1

Site public facilities to encourage physical activity and minimize impacts on residential neighborhoods and sensitive environmental areas.

Discussion: Like other development, public facilities may impact surrounding land uses and environmentally sensitive areas. Techniques to minimize negative impacts include: completing the environmental review process, conforming to code requirements related to landscaping, setbacks, buffering etc., and avoiding sensitive areas whenever reasonably possible (e.g., designing public roads to avoid sensitive areas).

Policy CF7.2

Acquire and locate public facilities to create multiple use opportunities and support business areas where appropriate.

Discussion: Certain public facilities support multiple uses. For instance, public facilities may have meeting rooms available for use by community groups and private parties. Accessible areas should be considered when acquiring and siting public facilities. Further, certain public facilities attract people to an area and promote adjacent business development. This provides a convenience to the public while also fostering economic development.

Policy CF7.3

Encourage adaptive reuse of existing buildings as community facilities when possible.

Discussion: Where feasible and if appropriate, the City will consider adaptive reuse of existing buildings as community facilities. Certain buildings may become notable community landmarks. In such cases, adaptive reuse should at least initially be considered as an alternative to demolition.

Policy CF7.4

Coordinate capital facility siting with the plans of surrounding jurisdictions and regional and State agencies as required and as appropriate for each facility.

Discussion: Inter-jurisdictional coordination is a fundamental GMA concept. Certain capital facilities are linear in nature and pass through more than one jurisdiction. These facilities often require significant inter-jurisdictional coordination. Other capital facilities may be site specific but regional in nature. These capital facilities serve a population beyond City limits and may have a disproportionate financial burden on the jurisdiction where sited. These facilities also require considerable coordination and may have specific siting criteria.

ESSENTIAL PUBLIC FACILITIES**GOAL CF8**

Permit the siting of essential public facilities in accordance with state requirements and City codes.

Policy CF8.1

Use the City-adopted process and approval criteria when siting listed Statewide, Countywide, and local essential public facilities.

Discussion: Essential public facilities are capital facilities typically difficult to site. The GMA requires that no local comprehensive plan may preclude the siting of essential public facilities. Essential public facilities may be drawn from three sources:

- a) the State list,
- b) the County-~~wide~~ list; and
- c) the City list.

Fircrest will identify essential public facilities of a ~~State-wide~~statewide nature as defined by the Washington State Office of Financial Management (OFM) list. The Pierce County ~~County-Wide~~Countywide Planning Policies (CPPs) and the Pierce County Comprehensive Plan policies will be used as guidance to identify ~~County-wide~~countywide essential public facilities. City essential public facilities will be identified using, at a minimum, criteria recommended in WAC 365-195-340 (2)(ii)(C).

Policy CF8.2

Adaptively manage the process for siting and permitting essential public facilities to insure the public is protected from adverse impacts.

Discussion: Adaptive management involves the monitoring of processes and outcomes to determine if they are achieving their purpose and to modify the process if necessary, to achieve the desired outcome. By definition, essential public facilities are difficult and controversial to site due to negative impacts associated with these facilities. An intensive public involvement process, analysis and appropriate mitigation are needed before an essential public facility can be sited. The process needs to be dynamic in order to adapt to changing conditions and technologies.

Policy CF8.3

Actively monitor and participate in siting of essential public facilities in other parts of the County that may have an impact on Fircrest.

Discussion: The siting of essential public facilities in a neighboring jurisdiction or in the County may have an adverse impact on facilities and services and the citizens of Fircrest. By monitoring proposals to site essential public facilities, the City will be better prepared to mitigate and seek mitigation for any associated impacts.

LEVEL OF SERVICE STANDARDS

In order to determine existing capacity and future capital improvement needs, level of service standards are required. Level of service (LOS) standards are an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility or improvement. These levels of service, the land use vision, or the capital facilities program may need to be modified in the future in response to changing community expectations or vision, revenue shortfalls, or unforeseen or emergency expenditures.

It is important to note that the level of service standards listed below should be considered minimums. Future capital improvements are not limited to meeting these standards, and in some cases the City may choose to exceed these standards. The City's adopted 2014 Comprehensive Water System Plan Update, 2002 Comprehensive Sewer System Plan, and 2014 PROS Plan contain capital and non-capital improvements that exceed the level of service standards. These plans contain additional projects and improvements that although desirable for the community are not essential to the day-to-day operation of the City. **Figure CF-1** identifies level of service standards that are used to determine what capital improvements are essential to the community.

Figure CF-1 - Summary of LOS Standards

<u>Facility/Improvement</u>	<u>Level of Service Standard</u>
Fire/EMS	4-minute response time
Law Enforcement	1.33 uniformed commissioned officers/1000 population
Parks/Open Space	See PROS Plan for each type of facility
Power (electric)	Undergrounding for new facilities; National Electric Code and Washington State Electric Code; LOS as adopted by Tacoma Power
Schools	LOS as adopted by Tacoma Public School and University Place School Districts
Sanitary Sewer	220 gpd/eru

Stormwater	Department of Ecology Stormwater Management Manual for Western Washington – Latest Adopted Version
Streets (arterial)	LOS “D”
Streets (collector/local)	FMC Chapters 22.22 and 22.64
Water (supply service)	173 gpd/eru
Water (fire flow)	1000 gpm @ 20 psi for residential; 2500 gpm @ 20 psi for non-residential

Note: For additional detailed information on existing and proposed levels of service and LOS standards, please see the Transportation, Utilities, and Park, Recreation and Open Space Elements, and specific facility plans referenced in this Comprehensive Plan.

CURRENT AND POSSIBLE FUNDING SOURCES

This section of the Capital Facilities Element describes the current budgeted sources of City revenue for the General Fund. The possible funding sources listed within this Element are subject to change and should be periodically reviewed for applicability and appropriateness for the City. Additional sources in other funds will also be used in the Six-Year Capital Improvement Program.

Figure CF-2 - ~~2015~~ 2020 Sources of Revenue

TAXES

General Property Taxes	\$1,502,174 <u>\$1,600,049</u>
E.M.S. Taxes	311,478 <u>335,204</u>
Retail Sales & Use Tax	280,000 <u>530,000</u>
Zoo Tax	50,000 <u>75,000</u>
Sales Tax - Criminal Justice	92,000 <u>135,000</u>
Franchise Fee Cable TV	103,000
Gas Utility Tax	132,000 <u>110,000</u>
Garbage/Solid Waste Tax	91,000 <u>102,000</u>
Television Cable Tax	130,000 <u>150,000</u>
Telephone/Telegraph Tax	200,000 <u>95,000</u>
Water Utility Tax	68,000 <u>88,000</u>
Water Franchise Fee	5,100
Sewage Utility Tax	120,000 <u>162,000</u>
Storm Drain Utility Tax	29,700
Gambling Excise Tax	4,000 <u>0</u>
TOTAL TAXES	3,088,752 <u>3,411,953</u>

LICENSES & PERMITS

Non-Compete Electric Fee	\$290,000
Franchise Fee Cable TV	125,000
Water Franchise Fee	7,000
Business Licenses & Permits	\$45,000 <u>60,000</u>
Home Occupation Permit	2,500

Building/Structures/Equipment	99,630 <u>36,000</u>
Mechanical Permit	17,000 <u>11,000</u>
Plumbing Permit	14,600 <u>9,000</u>
Excavation Permit	400 <u>0</u>
Sign Permit	270 <u>500</u>
Other/Miscellaneous Fees	950 <u>1400</u>
TOTAL LICENSES & PERMITS	90,050<u>539,900</u>

INTERGOVERNMENTAL REVENUE

Reimbursements – State of WA	\$5,000 <u>8,000</u>
Planning Grant – State of WA	9,000 <u>20,000</u>
City Assistance	73,500 <u>120,000</u>
MVET/CJF/Violent Crimes/Pop	1,600 <u>2,000</u>
MVET/CJ/Special Programs	5,830 <u>7,500</u>
DUI – Cities	1,200 <u>1,000</u>
Liquor Excise Tax	12,520 <u>36,800</u>
Liquor Board Profits	45,860 <u>42,900</u>
Liquor Control Board	11,630 <u>10,900</u>
TOTAL INTERGOVERNMENT REVENUES	166,140<u>256,700</u>

OTHER SERVICES AND CHARGES

<u>Ruston Court Contract</u>	<u>\$236,000</u>
Passport Fees	\$7,500 <u>23,000</u>
Plan Checking Fees	63,000 <u>19,000</u>
Planning Permit	14,990 <u>7,000</u>
Site Development	5,800 <u>2,000</u>
Swimming Pool Fees	31,000 <u>45,000</u>
Swim Team Fees	3,500 <u>5,000</u>
Swimming Instructions	32,000 <u>34,500</u>
Recreation Fees	6,000 <u>0</u>
Basketball Registration	12,250 <u>13,000</u>
Baseball Registration	17,500 <u>24,000</u>
Indoor Soccer	1,500 <u>1,800</u>
Police Reimbursement & Special Inspection	2,000 <u>0</u>
5K Race Registration	2,500 <u>0</u>
Flag Football	800 <u>1,000</u>
Instructor Based Revenue	17,000 <u>18,000</u>
RCO Grant	36,500 <u>0</u>
Interdepartmental Service Charges	430,876 <u>669,237</u>
TOTAL OTHER SERVICES & CHARGES	684,716<u>1,104,537</u>

FINES & FORFEITS

Municipal Court	\$220,000 <u>265,000</u>
Investigative Fund	4,500 <u>2,800</u>
DUI Invest	3,500 <u>1,800</u>
TOTAL FINES & FORFEITS	228,000<u>269,600</u>

MISCELLANEOUS REVENUE

Investment Interest	5,000 <u>120,000</u>
Interest – Utility Deposits	100 <u>0</u>

Sales Interest	75 700
Interest on General Property Taxes	100 2,000
Interest on EMS Property Taxes	50 500
Space & Facility Rental	17,000 23,000
Soccer Field Rental	6,000
Land Rental	85,070 81,315
Time/Temp Sign	2,640
Parks Donations	10,500 10,000
Police Donations	5,000 9,000
Fireworks Donations	1,000
Beautification Donations	10,000
Other Miscellaneous Revenue	1,000 500
Non-Competition Charge	210,000
TOTAL MISCELLANEOUS REVENUE	344,895 259,855
TOTAL ESTIMATED REVENUE	\$4,374,5535,842,545

POSSIBLE FUNDING SOURCES

The following are major sources of funding that could be explored to meet existing and miprojected capital improvement needs. These funding sources are divided into the following categories, with the more common funding sources within each of these categories described in greater detail in the following pages.

- Debt Financing
- Local Multi-Purpose Levies
- Local Single Purpose Levies
- Local Non-Levy Financing Mechanisms
- State Grants and Loans
- Federal Grants and Loans
- Utility Rates

Debt Financing

Short-Term Borrowing: The extremely high cost of many capital improvements requires local governments to occasionally utilize short-term financing through local banks.

Revenue Bonds: Bonds financed directly by those benefiting from the capital improvement. Revenue obtained from these bonds is used to finance publicly owned facilities. The debt is retired using charges collected from the users of these facilities. In this respect, the capital project is self-supporting. Interest rates tend to be higher than for general obligation bonds, and issuance of the bonds may be approved without a voter referendum.

General Obligation Bonds: Bonds backed by the value of the property within the jurisdiction. Voter-approved bonds increase property tax rates and dedicate the increased revenue to repay bondholders. Councilmanic bonds do not increase taxes and are repaid with general revenues. Revenue may be used for new capital facilities, or maintenance

and operations at existing facilities. These bonds should be used for projects that benefit the city as a whole.

Local Multipurpose Levies

Ad Valorem Property Taxes: (Tax rate in mills (1/10 cent per dollar of taxable value). The maximum rate is \$3.75 per \$1,000 assessed valuation. The city is prohibited from raising its levy more than 1% of the highest amount levied in the previous year, before adjustments for new construction and annexation. A temporary or permanent excess levy may be assessed with voter approval. Revenue may be used for new capital facilities, or maintenance and operations of existing facilities.

Local Option Sales Tax: Retail sales and use tax of up to 1%.

Real Estate Excise Tax (REET): REET 1 authorizes a 0.25% tax on each sale of real property and the Growth Management Act authorized another 0.25%. Revenues must be used solely to finance new capital facilities, or maintenance and operations of existing facilities, as specified in the Capital Facilities Element.

Utility Tax: A tax assessed on the gross receipts of electric, gas, telephone, water, sewer, stormwater utilities, cable TV and solid waste services. Revenue may be used for new capital facilities, or maintenance and operations of existing facilities.

Local Single Purpose Levies

Emergency Medical Services Tax: Property tax level of \$0.50/1,000 assessed valuation for emergency medical services. Revenue may be used to offset the costs of emergency medical services provided by the Tacoma Fire Department.

Motor Vehicle Fuel Tax: Tax paid by gasoline distributors. Local jurisdiction receives a percentage of total tax receipts. Shared revenue is distributed by the State of Washington. Revenues must be spent for highway construction, maintenance, or operation; policing of local roads; or related activities.

Zoo Tax: A Countywide voter approved tax equivalent to one-tenth of 1% sales and use tax to provide funds for capital and operating costs for parks and nationally accredited zoos, aquariums and wildlife preserves pursuant to RCW 82.14.400. Fifty percent is authorized for Point Defiance Zoo and Northwest Trek. The remainder is distributed on a per-capita basis for parks to Pierce County (with a required match), Tacoma Metropolitan Park District, and each city and town in the county (except Tacoma).

Local Non-Levy Financing Mechanisms

Fines, Forfeitures, and Charges for Services: This includes various administrative fees and user charges for services and facilities operated by the jurisdiction. Examples are

franchise fees, sales of public documents, permits, sale of public property, and all private contributions to the city. Revenue from these sources may be restricted in use.

Impact Fees: These fees are paid by new development based upon its impact to the delivery of services. Impact fees must be used for capital facilities needed by growth, not for current deficiencies in levels of service, and cannot be used for operating expenses. These fees must be equitably allocated to the specific entities that will directly benefit from the capital improvement, and the assessment levied must fairly reflect the true costs of these improvements. Impact fees may be imposed for public streets, parks, open space, recreational facilities, school facilities, and fire protection facilities.

Reserve Funds: Revenue that is accumulated in advance. Sources of funds can be surplus revenues, funds in depreciation reserves, or funds resulting from the sale of capital assets.

Special Assessment District: District created to service entities completely or partially outside of the jurisdiction. Special assessments are levied against those who directly benefit from the new service or facility. Includes Local Improvement Districts (LIDs), Road Improvement Districts, Utility Improvement Districts, and the collection of development fees. Funds must be used solely to finance the purpose for which special assessment district was created.

Special Purpose District: District created to provide a specified service. Often the district will encompass more than one jurisdiction. Includes districts for fire facilities, hospitals, libraries, metropolitan parks, airports, ferries, parks and recreation facilities, cultural art/stadiums/ convention centers, sewers, water flood control, irrigation, and cemeteries. Voter approval required for airports, parks and recreation facilities, and cultural art/stadiums/convention center districts. The district has authority to impose levies or charges. Funds must be used solely to finance the purpose of which the district was created.

User Fees, Program Fees, and Tipping Fees: Fees or charges for using park and recreational facilities, solid waste disposal facilities, sewer and water services, surface water drainage facilities. Fee may be based on measure of usage, flat rate, or design features. Revenue may be used for new capital facilities, or maintenance and operations of existing facilities.

State Grants and Loans

Community Development Block Grants: Grant funds available for public facilities, economic development, housing, and infrastructure projects that benefit low- and moderate-income household. Grants distributed by the Department of Community, Trade and Economic Development primarily to applicants who indicate prior commitment to a project. Revenue restricted in type of project and may not be used for maintenance and operations.

Drinking Water State Revolving Fund (DWSRF): The Drinking Water State Revolving Fund loan is an agreement entered into between the City and the State of Washington, and the Public Works Board, acting through the Department of Community Trade & Economic Development. Funds for the loan are provided by the United States Environmental Protection Agency, CFDA No. 66.468, Title: Safe Drinking Water State Revolving Fund. The loan funds local improvement projects that further the goals and objectives of the Washington State Drinking Water State Revolving Loan Fund Program.

Recreation and Conservation Office: Administers several grant programs for outdoor recreation and habitat conservation purposes. Each grant program requires that monies be spent for specific types of projects. The program requires sponsors to complete a systematic planning process prior to seeking IAC funding. IAC has grant limits on most of its programs, and also encourages and often requires sponsors to share in the project's cost. Grants are awarded by the Committee based on a public, competitive process that weighs the merits of proposed projects against established program criteria.

Public Works Trust Fund: Low interest loans to finance capital facility construction, public works emergency planning, and capital improvement planning. To apply for the loans, the city must have a Capital Facilities Element in place and must be levying the original .25% REET authorized for capital facilities. Funds are distributed by the Department of Commerce. Loans for construction projects require matching funds generated only from local revenues or state shared entitlement revenues.

Transportation Improvement Account: Revenue available for projects to alleviate and prevent traffic congestion caused by economic development or growth. Entitlement funds are distributed by the State Transportation Improvement Board subject to a percentage match. Revenue may be used for capital facility projects that are multimodal and involve more than one agency.

Water Pollution Control State Revolving Fund: Low interest loans and loan guarantees for water pollution control projects. Loans distributed by the Department of Ecology. Applicant must show water quality need, have a facility plan for treatment, and show a dedicated source of funding for repayment.

Federal Grants and Loans

Congestion Mitigation/Air Quality: Established under the ISTEA Section 1009. The purpose of the program is to fund transportation projects and programs that will contribute to attainment of National Ambient Air Quality Standards. Federal participation for most CM/AQ projects is 80 percent, which increased to 86.50 percent due to public lands adjustments. Federal participation can be 90 percent for some activities that are on the Interstate system. Pedestrian and bicycle activities are limited to 80 percent federal participation.

Utility Rates

Utility Rates: Revenues for replacement and repair of existing capital improvements and for new capital improvements can be collected through utility rates.

SIX-YEAR CAPITAL IMPROVEMENT PROGRAM

This section of the Capital Facilities Element determines whether sufficient revenue will be available under the current budgeting assumptions to fund needed capital improvements. It provides an analysis of revenue sources available for capital improvements and balances these revenues against anticipated expenditures for capital improvements. Using this process, the City can estimate annual revenue surpluses and shortfalls. Proposed funding sources for currently unfunded capital projects have also been provided.

The improvements schedules provided in the following pages set forth each capital project that the City intends to construct over the next six years and presents estimates of the resources needed to finance the projects. The schedules will reflect the goals and policies of the Capital Facilities Element and the other elements of the Comprehensive Plan. The first year of the schedules will be included within the annual capital budget, while the remaining five-year programs will provide long-term planning. The Six-Year Capital Improvement Program is a rolling plan that will be revised and extended annually to reflect changing needs and aspirations of the community, revenue projections, implementation of utility, transportation, and park, recreation and open space plans, and changing circumstances. Improvement schedules are included for the following facilities:

- Transportation
- Sanitary sewer
- Stormwater management
- Water
- Parks, recreation, and open space

The Transportation schedule extends through ~~2035~~2036, Fircrest's 20-year planning horizon, to provide additional information required under RCW 36.70A.070(6) for the City's multi-year transportation financing plan.

Transportation Facility Improvements

Revenues	2020	2021	2022	2023	2024	2025	2026	TOTAL	2026-2036	20 Year Total
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified</i>										
Light Funds from the sale of the Light Utility								0	0	0
Property Tax								0		0
Real Estate Excise Tax- To be used as deemed necessary by the City Council to fund improvements		60,000	60,000	60,000	60,000	60,000	60,000	360,000	700,000	1,060,000
State/Federal Grant			450,000	376,200	1,003,400		761,200	2,590,800	1,760,000	4,350,800
Local Match Funds for Grants – From REET or Rate Revenue			50,000	58,800	156,600		118,800	384,200	440,000	824,200
Utility Funds for grind and overlay with utility work			150,000			150,000		300,000	500,000	800,000
Developer Contributions								0	1,000,000	1,000,000
Total Revenues	0	60,000	710,000	495,000	1,220,000	210,000	940,000	3,635,000	4,400,000	8,035,000

Capital Appropriations	2020	2021	2022	2023	2024	2025	2026	TOTAL	2024-2036	20 Year Total
Major Pavement Patching: Citywide		60,000	60,000	60,000	60,000	60,000	60,000	360,000	700,000	1,060,000
Berkeley Ave. : 1100-1200 block grind and overlay			150,000					150,000		150,000
1/2 street Orchard BLVD/Regents Blvd to end of Right-of-way grind and overlay							250,000	250,000		250,000
1/2 Street Orchard Blvd/Standford St. to Regents Blvd grind and overlay							180,000	180,000		180,000
Alameda Avenue: Emerson to Rosewood Ln (<i>curb, gutter, sidewalk on east side, bike lane designation</i>)			500,000					500,000		500,000
Alameda Avenue: 44th to Emerson (<i>curb, gutter, and sidewalk on both side, and bike lane designation</i>)				300,000				300,000		300,000
44th Street: 67th Ave to 62nd Ave (<i>curb gutter and sidewalk on north side</i>)							450,000	450,000		450,000
Regents: Alameda Ave to 67 th Ave (<i>grind and overlay</i>)				82,000	760,000			842,000		842,000
Emerson – Woodside to 67 th (<i>Retaining walls and entry islands</i>)				53,000	400,000			453,000		453,000
Berkeley Ave: 1300 Block (<i>curb/gutter and overlay</i>)						75,000		75,000		75,000
Buena Vista Ave. 1300 block (<i>curb/gutter and overlay</i>)						75,000		75,000		75,000
Grind and Overlay: Various City Streets								0	1,500,000	1,500,000
Sidewalk Gap Completion and Replacement								0	950,000	950,000
Regents Blvd. and Alameda Avenue (<i>channelization and restriping for bike lanes shared facilities</i>)								0	250,000	250,000
New development roadway improvements								0	1,000,000	1,000,000
Total Capital Appropriations	0	60,000	710,000	495,000	1,220,000	210,000	940,000	3,635,000	4,400,000	8,035,000

Sewer Facility Improvements

Revenues	2020	2021	2022	2023	2024	2025	2026	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Sewer Rate Revenue		295,000	195,000	235,000	245,000	170,000	155,000	1,295,000
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								0
Public Works Trust Fund Loan								0
Washington State Department of Ecology Loan								0
Capital Contributions - Tap Fees		5,000	5,000	5,000	5,000	5,000	5,000	30,000
Bond Issue								0
Total Revenues	0	300,000	200,000	240,000	250,000	175,000	160,000	1,325,000

Capital Appropriations	2020	2021	2022	2023	2024	2025	2026	TOTAL
44 th (Fordham) lift station upgrades			200000					200,000
Pipe burst sewer replacement between Cornell and Amherst.		150000						150,000
Pipe burst sewer main between Amherst and Regents		150000						150,000
Pipe burst sewer 100-200 block of Farallone and Eldorado				180000				180,000
Pipe burst sewer main on 100 block Alameda between Alameda and Berkeley				60000				60,000
Pipe burst sewer main between sunrise/Broadview					250000			250,000
Pipe Burst sewer between Alta Vista/Ramsdell/Electron							100000	100,000
Pipe burst sewer between Alameda/Paradis Ln						175,000	60,000	235,000
Total Capital Appropriations	0	300,000	200,000	240,000	250,000	175,000	160,000	1,325,000

Stormwater Management Facility Improvements

Revenues	2020	2021	2022	2023	2024	2025	2026	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Rate Revenues		80,000	30,000	30,000	30,000	30,000	30,000	230,000
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								0
WSDOE grants monies		213,750	150,000	150,000	150,000	375,000	262,500	1,301,250
Local Match Funds for Grants – From REET or Rate Revenue		71,250	50,000	50,000	50,000	125,000	87,500	433,750
Total Revenues	0	365,000	230,000	230,000	230,000	530,000	380,000	1,965,000

Capital Appropriations	2020	2021	2022	2023	2024	2025	2026	TOTAL
Estatel place storm pond modification		80,000						80,000
Outfall water quaility improvements Source 10 and 11		285,000						285,000
Storm line improvemnts			30,000	30,000	30,000	30,000	30,000	150,000
Storm Water Quality outfall projects, SQ1 to SQ09 (2 per yr.)			200,000	200,000	200,000	500,000	350,000	1,450,000
Total Capital Appropriations		365,000	230,000	230,000	230,000	530,000	380,000	1,965,000

Water Facility Improvements

Revenues	2020	2021	2022	2023	2024	2025	2026	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
Rate Revenues		220,600	370,600	215,600	65,600	65,600	65,600	1,003,600
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								0
Capital Contributions - Tap Fees		4,400	4,400	4,400	4,400	4,400	4,400	26,400
Bond Issue								0
Local Match Funds for Grants – From REET or Rate Revenue								
Total Revenues	0	225,000	375,000	220,000	70,000	70,000	70,000	1,030,000

Capital Appropriations	2020	2021	2022	2023	2024	2025	2026	TOTAL
Recoat exterior of the "Golf Course Tank"			150000					150,000
Upgrade water meters and software for meter readying changes		150000	150000	150000				450,000
8" Water Main on Farallone from Columbia St. to Princeton St.			75000					75,000
8" Water Main on Eldorado Avenue from Princeton St to Columbia St		75000						75,000
8" Water Main Replacement of Old & Undersized Mains				70,000	70,000	70,000	70,000	280,000
Total Capital Appropriations	0	225,000	375,000	220,000	70,000	70,000	70,000	1,030,000

Parks and Recreation Improvements

Revenues	2020	2021	2022	2023	2024	2025	2026	TOTAL
<i>The following revenue sources may be available to the City to be used for part or all of the Capital Appropriations identified.</i>								
State/Federal Grants		\$75,000			\$15,000	\$30,000	\$25,000	\$145,000
General Fund								\$0
General Obligation Bonds		\$5,600,000	\$100,000	\$330,000				\$6,030,000
Donations		\$5,000,000						\$5,000,000
Real Estate Excise Tax - To be used as deemed necessary by the City Council to fund improvements								\$0
Local Match Funds for Grants (44 th & Alameda fund)		\$136,000	\$40,000		\$15,000	\$30,000	\$30,000	\$251,000
Total Revenues	\$0	\$10,811,000	\$140,000	\$330,000	\$30,000	\$60,000	\$55,000	\$11,426,000

Capital Appropriations	2020	2021	2022	2023	2024	2025	2026	TOTAL
Recreation Center Replacement		10,600,000						\$10,600,000
Fircrest Park Sports Fields Improvements		120,000						\$120,000
Whittier Park Master Plan					30,000			\$30,000
Alice Peers Park Reader Board		60,000						\$60,000
Fox Property Development & Tot Lot Entrance Relocation			100,000					\$100,000
Fircrest Park Storage Garage			40,000					\$40,000
Resurface Fircrest Park tennis courts		\$31,000						\$31,000
Fircrest Park Sports Field 1 Improvements				30,000				\$30,000
Fircrest Park Sports Field 2 & 3						60,000		\$60,000
Fircrest Park Lighting Upgrade				300,000				\$300,000
Fircrest Park Paved Paths							55,000	\$55,000
Total Capital Appropriations	\$0	\$10,811,000	\$140,000	\$330,000	\$30,000	\$60,000	\$55,000	\$11,426,000

CHAPTER 8

UTILITIES ELEMENT



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INTRODUCTION

The purpose of this element is to ensure utilities: (1) are provided at appropriate levels to accommodate projected growth at a reasonable cost; (2) facilitate reliable service; (3) ensure public health and safety; and (4) maintain an attractive community.

INFORMATION INCLUDED IN THIS ELEMENT

To ensure that all urban services necessary for the health and well-being of the community are available in the future, this element discusses both public utilities and private (investor-owned) utilities. The City of Fircrest currently owns and operates, water, sanitary sewer, and stormwater management utilities within its corporate boundaries. A few areas adjacent to Fircrest are also served by some of Fircrest's utilities. Other public entities such as Pierce County and the City of Tacoma provide some public utilities in Fircrest.

Private utilities in Fircrest provide natural gas and telecommunications services. In addition, solid waste services are provided by a private vendor, although there are no facilities located within Fircrest. Information provided to Fircrest by the private utilities is included in this element.

ORGANIZATION OF THE UTILITIES ELEMENT

This Utilities Element contains the following sections:

- Introduction
- Goals and policies
- Water
- Sanitary sewer
- Stormwater management
- Electric
- Natural gas
- Telecommunications
- Solid waste

RELATIONSHIP TO THE CAPITAL FACILITIES ELEMENT

The Capital Facilities Element is concerned with the same public utilities as the Utilities Element. To improve readability of the Comprehensive Plan, all topics related to public utilities are consolidated in the Utilities Element except the capital improvement program. Cross-references between the Capital Facilities Element and Utilities Element are provided as necessary to meet GMA requirements.

STATE PLANNING CONTEXT

Section RCW 36.70A.070 (4) of the *Washington State Growth Management Act* (GMA) requires that all comprehensive plans contain:

"A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunications lines, and natural gas lines."

Additionally, the GMA contains the following planning goal relating to public facilities and services. This goal affects utilities planning and states that the comprehensive plan must:

"Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."

Finally, the Section RCW 36.70A.110 (3) states:

". . . it is appropriate that urban government services be provided by cities. . ."

REGIONAL PLANNING CONTEXT

The Pierce County *Countywide Planning Policies* relating to urban growth areas and urban services elaborate on these and other GMA requirements. In addition, the *Comprehensive Plan for Pierce County, Washington* may specify for municipalities a potential annexation area (PAA), formerly known as an urban service area. The PAA represents the geographic area within which the city may anticipate providing urban services in the future, either prior to or subsequent to annexation. Each city's PAA is based on input from the municipalities and on the evidence that the city is capable of providing urban services to the area.

Fircrest's PAA was annexed in 2018.

LOCAL PLANNING CONTEXT

UTILITIES VISION

Looking ahead 20 years...

Through the 2030s, the planning and placement of utilities in Fircrest has supported the community's vision for the preferred location and amount of growth.

Utility planning for higher growth areas such as the 19th and Mildred area and ~~19th Street corridors~~ has advanced the vision. For those utilities provided by public entities and

private companies, the City has ensured sufficient area is available to locate such facilities and provided a reasonable regulatory climate.

Utility planning has contributed to a high quality of life for Fircrest residents and businesses by ensuring efficient utility delivery.

Communications facilities are keeping up with changes in technology. Conservation and protection of existing resources has ensured a continued supply of clean water and energy.

Proper utility planning has also protected Fircrest's natural environment and resources.

Upgrades to the sanitary sewer system have eliminated septic systems, thereby controlling contaminants released into the environment. The City has protected the natural environment by developing stormwater systems to prevent or reduce excess stormwater runoff that eventually makes it way to Puget Sound, by designing and upgrading systems and plans to prevent damage to the environment, by fostering conservation operationally and by implementing low-impact development practices.

GOALS AND POLICIES

This Element contains the Utilities goals and policies for the City of Fircrest. These goals reflect the general direction of the City, while the policies provide more detail about the steps needed to meet the intent of each goal. The goals and policies address the following utilities challenges:

- Ensuring that adequate public utilities and facilities are planned for, extended, and sized in a cost-effective manner consistent with planned population and economic growth described in the Land Use Element and other provisions of the Comprehensive Plan;
- Locating utilities to minimize impacts on public health and safety, surrounding development, the environment and interference with other public facilities; and
- Reducing demand for new resources through support of conservation policies and strategies and the use of innovative technologies.

GOAL U1

Ensure that adequate public utilities and facilities are planned for, extended, and sized in a cost-effective manner consistent with planned population and economic growth described in the Land Use Element and other provisions of the Comprehensive Plan.

Policy U1.1

Work with providers to appropriately site new utility facilities to maintain a reliable level of service, accommodate growth, minimize adverse impacts to the City, maximize efficiency, and preserve neighborhood character.

Policy U1.2

Support efforts by utilities to employ new technology to make operations and work practices safer, increase reliability, facilitate permitting, and minimize rate increases. Consider allowing utilities to develop pilot projects for innovative utility programs in Fircrest that may benefit the City's residents and businesses. Facilitate access to state-of-the-art technology.

Policy U1.3

Work with utility providers and policy makers to improve service while maintaining the lowest possible utility rates. Actively monitor services provided by each utility provider and assess these services against the applicable rate structure. Utilize the franchise negotiation process to ensure provision of quality services to residents. Support reduced service rates for low income senior and disabled householders.

Policy U1.4

Process utility permits in a fair and timely manner, consistent with development and environmental regulations, to minimize the time and cost required for a utility to provide needed services to local residents and businesses. Consider utility providers' concerns about regulations during periodic code updates and strive to balance concerns for the public health, safety, welfare, and environment with utility providers' needs.

Policy U1.5

Assist utilities with the development of accurate, long-term system facility plans that will ensure provision of adequate service capacity by sharing land use planning and growth projections and other information.

Policy U1.6

Ensure reasonable access to rights-of-way for all providers consistent with federal and state laws. Utilize the franchise negotiation process to ensure that utilities have reasonable access to use the public right-of-way while guaranteeing that utility use will not degrade the roadway or overly disrupt the traveling public.

Policy U1.7

Require proponents of development to pay for or construct the growth-related portion of utility infrastructure needs in order for utility service providers to balance capital expenditures with revenues and still maintain established service standards. Support the use of reimbursement agreements, such as latecomer agreements, as a method of employing equitable cost sharing for development costs among the original developer and subsequent developers who benefit from the increased capacity provided by the original developer.

GOAL U2

Locate utilities to minimize impacts on public health and safety, surrounding development, the environment and interference with other public facilities.

Policy U2.1

Encourage sharing of utility corridors to save time and expense associated with the cost of utility installation and repairs to the City right-of-way, reduce traffic disruptions, extend pavement life, and minimize required monitoring of repair quality. When permits are requested, the City should require the utility to notify other providers for possible coordination.

Policy U2.2

Coordinate the design and timing of utilities siting, installation and repair with street improvements whenever possible. The City should share plans for street construction or overlay with utilities in order to identify opportunities for simultaneous construction projects and provide timely resolution of conflicts.

Policy U2.3

Promote high quality designs for utility facilities to minimize aesthetic impacts and integrate these facilities into neighborhoods. Use architecturally compatible designs for above ground utilities, landscape screening, buffers, setbacks, and other design and siting techniques to minimize impacts. Mitigate the visual impact of transformers and associated vaults through measures such as the use of varied and interesting materials, use of color, additions of artwork, and superior landscape design.

Policy U2.4

Minimize negative siting impacts associated with siting personal wireless telecommunication facilities through the administration of regulations consistent with applicable State and federal laws. Regulate the placement, construction and maintenance of such facilities to minimize their obtrusiveness by ensuring appropriate screening of facilities and encouraging collocation to lessen the number of towers or structures needed to support telecommunications equipment.

Policy U2.5

Apply regulations and franchise agreement provisions that encourage the use of smaller telecommunication facilities that are less obtrusive and can be attached to existing utility poles or other structures without increasing their visual impact.

Policy U2.6

Design, locate and construct facilities to minimize adverse impacts to the environment and to protect environmentally sensitive areas, including critical areas. When no viable alternative exists to constructing facilities in critical areas, the environmental review process and critical areas regulations should identify and, if appropriate, mitigate negative impacts. Mitigation should take into account both

individual and cumulative impacts. Impacts should be minimized through actions such as:

- Using construction methods and materials to prevent or minimize the risk of overflows into watercourses and water bodies;
- Locating utility corridors in existing cleared areas;
- Locating utility facilities and corridors outside of wetlands;
- Minimizing crossings of fish-bearing watercourses;
- Using biostabilization, riprap or other engineering techniques to prevent erosion where lines may need to follow steep slopes; and
- Minimizing corridor widths.

Policy U2.7

Avoid utility impacts to public health and safety, consistent with current research and scientific consensus. Monitor scientific research and adopt regulatory measures if research concludes that a proven relationship exists between electric utility or wireless communication facilities and adverse health impacts. Monitor improvements in the natural gas industry and require gas pipeline utilities to upgrade their facilities to implement the best available technology with respect to leak detection devices and other components.

Policy U2.8

Protect the City's rights-of-way from unnecessary damage and interference and ensure restoration to pre-construction condition or better. Ensure that trenching for the installation, repair, or maintenance of facilities; installation of poles and streetlights; boring; or patching or restoring streets where work has just been completed are performed in accordance with City standards that apply to construction or repair of utility facilities in the right-of-way. Require bonds or other financial guarantees to ensure that restoration is performed properly and that failed repairs will be corrected.

Policy U2.9

Promote undergrounding of existing utility lines to reduce visual clutter, minimize inappropriate pruning of trees and shrubs to accommodate maintenance of overhead lines, and enhance reliability of power and telecommunication facilities. Consider new technologies, such as wireless transmission, as they become available in order to minimize aboveground utilities.

Policy U2.10

Require undergrounding of utility distribution lines or provisions for future undergrounding as a condition for development projects. Underground existing utility distribution lines or provide for future undergrounding as street projects occur. Fund undergrounding through a capital improvement program or through formation of a local improvement district. Require individual service lines to be underground when significant site improvements are made. Require undergrounding except where

underground installation would cause greater environmental harm than alternatives or where it is demonstrated that such installation will be economically infeasible.

Policy U2.11

Support efforts by utility providers to enhance the security of their infrastructure and protect critical systems from natural environmental forces and intentional acts of vandalism and terrorism. Coordinate with utility service providers in advance planning efforts as well as during or following an event that threatens critical infrastructure and public health and safety.

GOAL U3

Reduce demand for new resources through support of conservation policies and strategies and the use of innovative technologies.

Policy U3.1

Encourage resource saving practices and procedures in facilities and services used by the City. Conduct operations in a manner that leads by example through activities such as recycling, water conservation, energy conservation and low- impact development processes whenever possible. Encourage coordination with utility providers to identify and implement resource saving procedures in City facilities and services. Use City facilities as demonstration sites for innovative resource conservation techniques.

Policy U3.2

Cooperate with utility providers and other agencies in encouraging resource conservation by local residents, employees, citizens and businesses. Support efforts to disseminate educational materials and other information regarding resource conservation programs.

Policy U3.3

Encourage the use of innovative technologies to provide and maintain utility services, reduce the negative impacts of additional utility service demands, improve the existing service, and reduce, where appropriate, the overall demand on utility systems.

UTILITY SERVICES AND FACILITIES

Water

SUMMARY OF SERVICES AND FACILITIES

Water services are provided in Fircrest within the context of federal, state, regional, and county regulatory acts, plans, and programs. A host of agencies is responsible for implementing and overseeing programs ensuring water quality and supply, allocating rights, controlling distribution, and promoting conservation. The Fircrest Public Works Department, which provides water service within Fircrest, conforms to regulations through the ongoing implementation of its *Comprehensive Water System Plan*. Tacoma Public Utilities, which provides water service to portions of the areas annexed to the City in the 1990s and 2018, conforms through the ongoing implementation of its *Water*

System Plan. The delineation of service area boundaries is contained in a May 27, 2014 service area agreement as part of the Comprehensive Water System Plan.

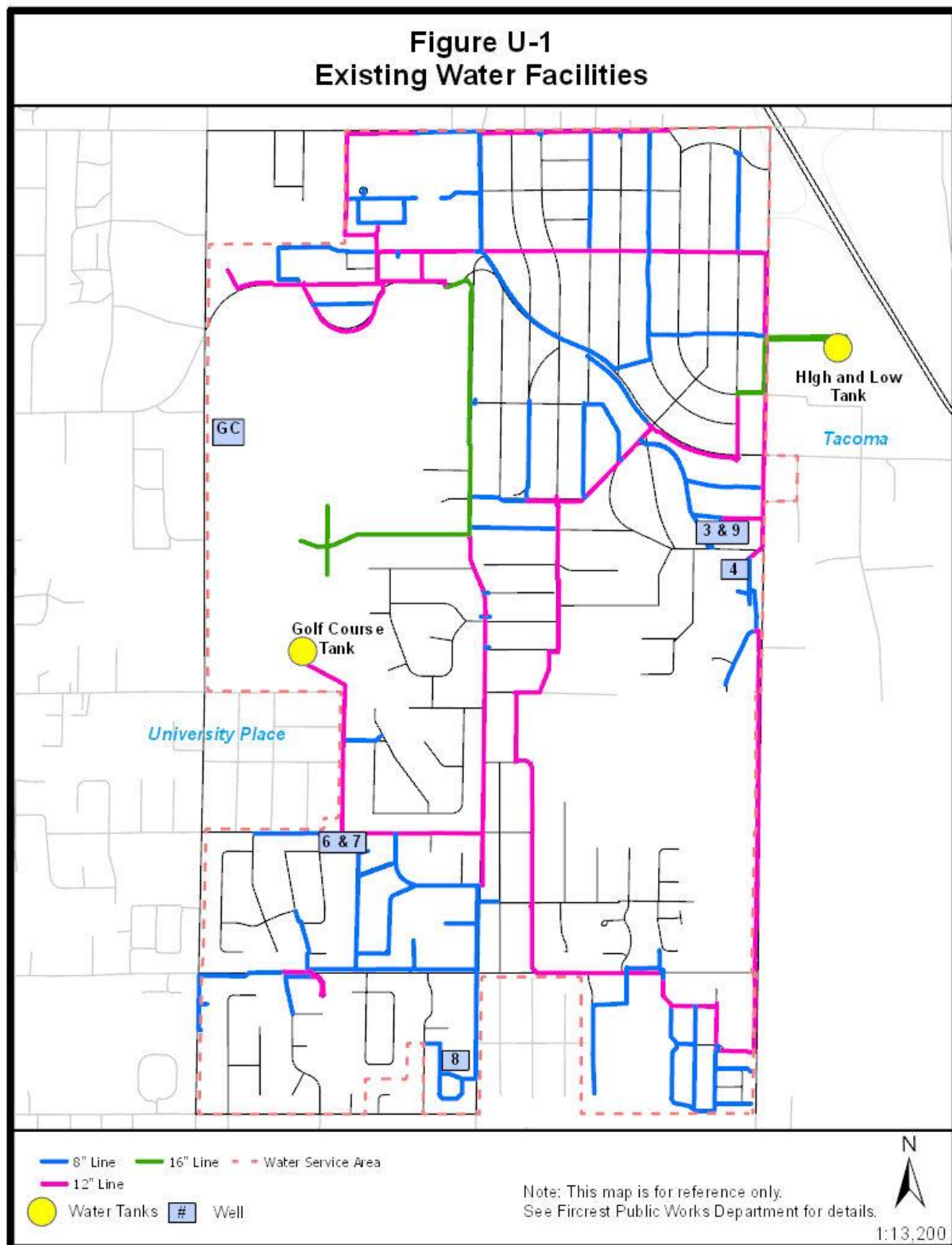
FIRCREST FACILITIES INVENTORY

Figure U-1 shows Fircrest's major water facilities and their capacities. Fircrest relies on five existing ground water wells located within its municipal boundaries for its entire water supply. Fircrest has ground water rights and pumping capacity projected to be sufficient to serve a population of 10,000-15,000 (depending on consumption levels). The system also includes reservoir storage capacity of 1.8 million gallons and 26 miles of transmission and distribution piping. Descriptions of the current service area and customer base, consumption patterns, and service levels are provided in Fircrest's *Comprehensive Water System Plan*. The water system plan also contains a detailed inventory of facilities (including locations and capacities), projections of demand through 2033, system adequacy to meet projected demand, and a list of capital improvement projects and costs.

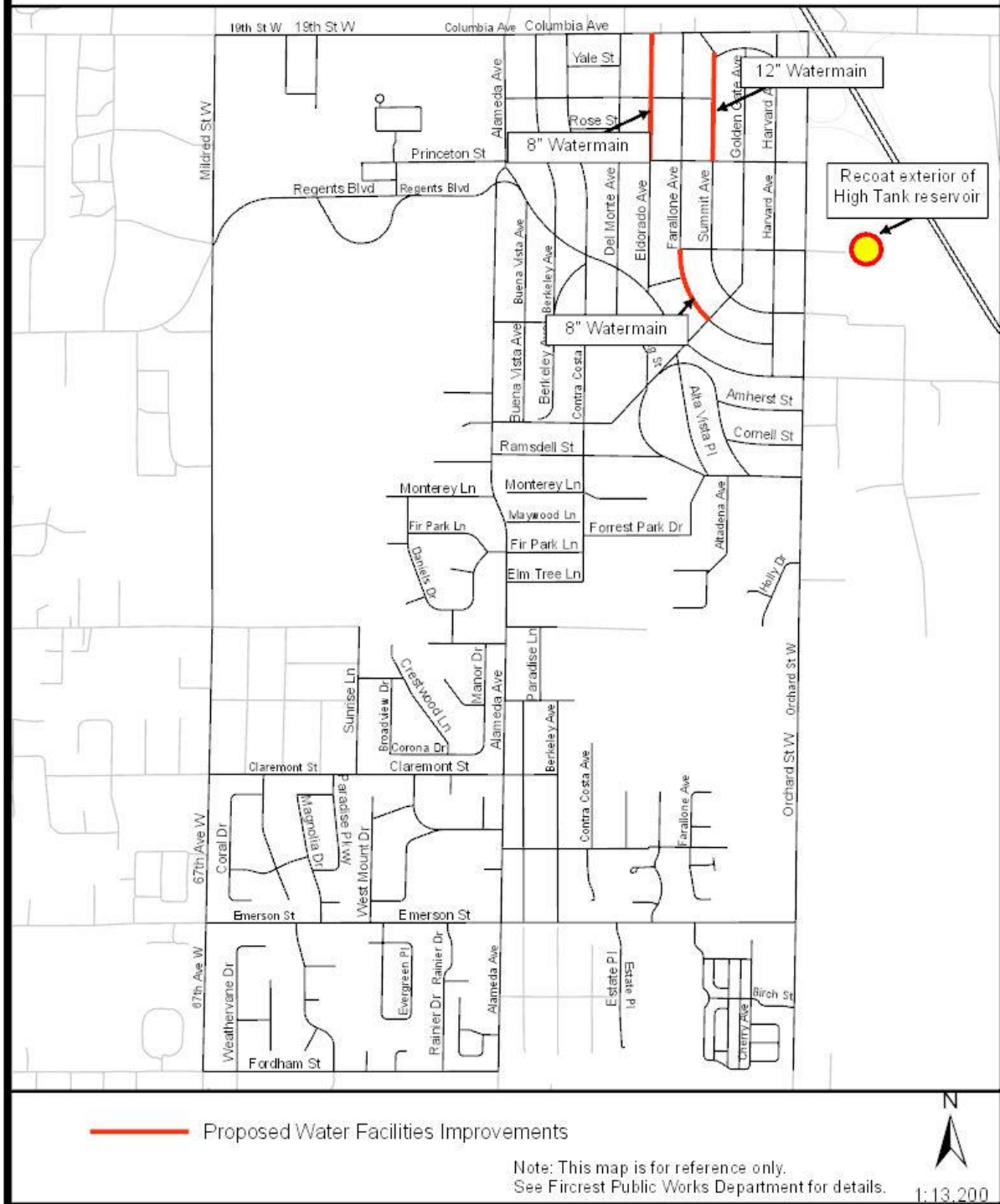
TACOMA FACILITIES INVENTORY IN FIRCREST AREA

Tacoma Public Utilities provides water service to 24 parcels in the northwest corner of the City, properties within the 1300 blocks of Buena Vista Avenue, Berkeley Avenue, and Contra Costa Avenue, the Valley Firs Condominiums and the former 67th Avenue PAA. Tacoma Public Utilities is governed by a five-member board, appointed by the Tacoma City Council.

The primary water supply to this area comes from the Green River in King County and local wells. During high demand periods, mostly in the summer, well water from the south Tacoma aquifer and other local aquifers supplements the river water. Tacoma Water's Green River First Diversion water right can supply up to 73 million gallons of water each day. Tacoma Water's Green River Second Diversion water right can provide up to 65 million gallons of water each day. This second diversion is subject to minimum streamflow standards and is a resource shared with Tacoma Water and its Regional Water Supply System partners. Tacoma Water's share of the second diversion equals 27 million gallons of water per day. In addition to the Green River, Tacoma Water owns wells located in and around the City of Tacoma. Tacoma Water's wells have a short-term combined pumping capacity of approximately 60 million gallons per day.



**Figure U-2
Water Facilities Improvements**



A water system consists of a transmission supply and distribution system made up of various sized mains (transmission and distribution), reservoirs, standpipes, wells, and pump stations. **Figure U-2** identifies Tacoma Water facilities inside the City of Fircrest. Tacoma Water supplies water to Fircrest's 2018 annexed area, some properties located in the northwestern corner of the city, and a small area in the southeastern corner of the City.

The City of Tacoma Capital Facilities Plan (CFP) establishes a level of service of 442 gallons per day per equivalent residential unit (ERU) and/or as contained in Tacoma Water's current Washington State Department of Health approved water system plan. 442 gallons per day per ERU represents a 4-day peak period demand, with a peak factor of 2.01 times the actual average daily residential water consumption of 220 gpd per ERU. Based on Tacoma Water current demand forecast, Tacoma Water has excess supplies when taking into account peak day requirements looking out to year 2060.

Tacoma Water will complete construction and initiate operations of a new Green River filtration facility in 2015. Filtration of the supply will meet regulatory requirements and provide enhanced reliability for the supply.

SERVICE LEVELS AND CURRENT DEMAND AND ADEQUACY

As with all other aspects of water supply, service levels and standards applicable in Fircrest are determined by federal, state, regional, and county regulations. Fircrest's *Comprehensive Water System Plan Update* plan is being implemented in conformance with all applicable regulations.

Supply

Fircrest consumption levels conform to the assumptions used for county-wide long-term planning in Pierce County's *Coordinated Water System Plan (CWSP)*. The CWSP assumes consumption for Fircrest as 180 gallons per capita per day. Fircrest's average consumption is currently 172 gallons per day per equivalent residential unit (ERU), which is the amount consumed by a household in a single-family dwelling unit.

Storage

The available storage for the Fircrest water system is 1.8 million gallons. Based on the hydraulic analysis and the "Source and Storage" analysis in the Fircrest Comprehensive Water System Plan, the Fircrest water system has sufficient storage for the planning period.

Fire Flows

In Fircrest, the standard for fire flow in residential areas has been set at 1,000 gallons per minute and in commercial areas, 2000 gallons per minute. The engineering analysis of areas requiring improved fire flows is contained in Fircrest's *Comprehensive Water System Plan*. Projects to improve fire flows are listed in this plan.

FUTURE DEMAND AND ADEQUACY

Demand and Adequacy in Fircrest's Service Area

Details concerning future demand and facility adequacy in Fircrest's service area are available in the *Comprehensive Water System Plan*. **Table U-1** summarizes the adequacy of Fircrest's facilities to meet future demand.

Table U-1
Demand and Adequacy

Demand Factor	Future Adequacy
Supply	Fircrest has sufficient water rights and well and reservoir capacity to supply up to 3,959 ERUs (approximately 9,461 population). This capacity is well above the Fircrest build-out population, which is projected to be 6,950.
Storage	Adequate based on current consumption levels.
Transmission & distribution	Adequate for fire flows in most areas; older main replacement may be made to provide better flow.
Telemetry	Adequate and in good working order.
Service metering	Adequate; installation of individual service meters at all services was completed in 2001.

WATER FACILITY ISSUES

Fircrest faces issues concerning transmission and distribution piping, consumption levels, and potential contamination of Fircrest's water supply. A summary of each of these issues is provided in the *Comprehensive Water System Plan*. In the event the Fircrest water system is not capable of meeting system demands due to an emergency or unforeseen circumstance an intertie with the City of Tacoma water system will supply the needed water. This intertie was completed in 1994 and is located on the east side of Orchard Street across from Stanford Street.

WATER FACILITY PROJECTS

The capital improvements program in the 2014 *Comprehensive Water System Plan* identifies the improvements needed for the current planning period. Figure U-2 shows the proposed water system for Fircrest and includes new or updated facilities as well as existing facilities. Project schedules, costs, and financing are summarized in the Capital Facilities Element.

Sanitary Sewer

Fircrest are part of the Chambers Creek-Clover Creek Drainage Basin, which is an aquifer recharge area providing ground water for public use. As Pierce County has developed, ensuring wastewater treatment capacity sufficient to handle increasing wastewater volumes and to protect ground water quality has increasingly become a

focus of sanitary sewer facilities planning. Septic systems, which dispose of wastewater through percolation into the aquifer, are a known source of ground water pollution. Hence, Fircrest and Pierce County share the long-term goal of eventually connecting all development in the Chambers Creek-Clover Creek Drainage Basin to a sewer system. The sewer system replaces septic tanks and drain fields with wastewater collection and conveyance facilities and percolation of untreated effluent with wastewater treatment and biosolid disposal.

In August 2000, Fircrest hired a consultant to develop a Comprehensive Sewer System Plan. This plan was approved by the City and the Washington State Department of Ecology in 2002.

SUMMARY OF SERVICES AND FACILITIES

Fircrest is provided with wastewater collection services by the City of Fircrest Public Works Department. Refer to **Figure U-3** for service area boundaries. The majority of Fircrest's service area is on the sewer system, with the primary exceptions being a portion of the West End Addition that was annexed in 1997 and the 2018 annexation, where a number of residences use septic systems.

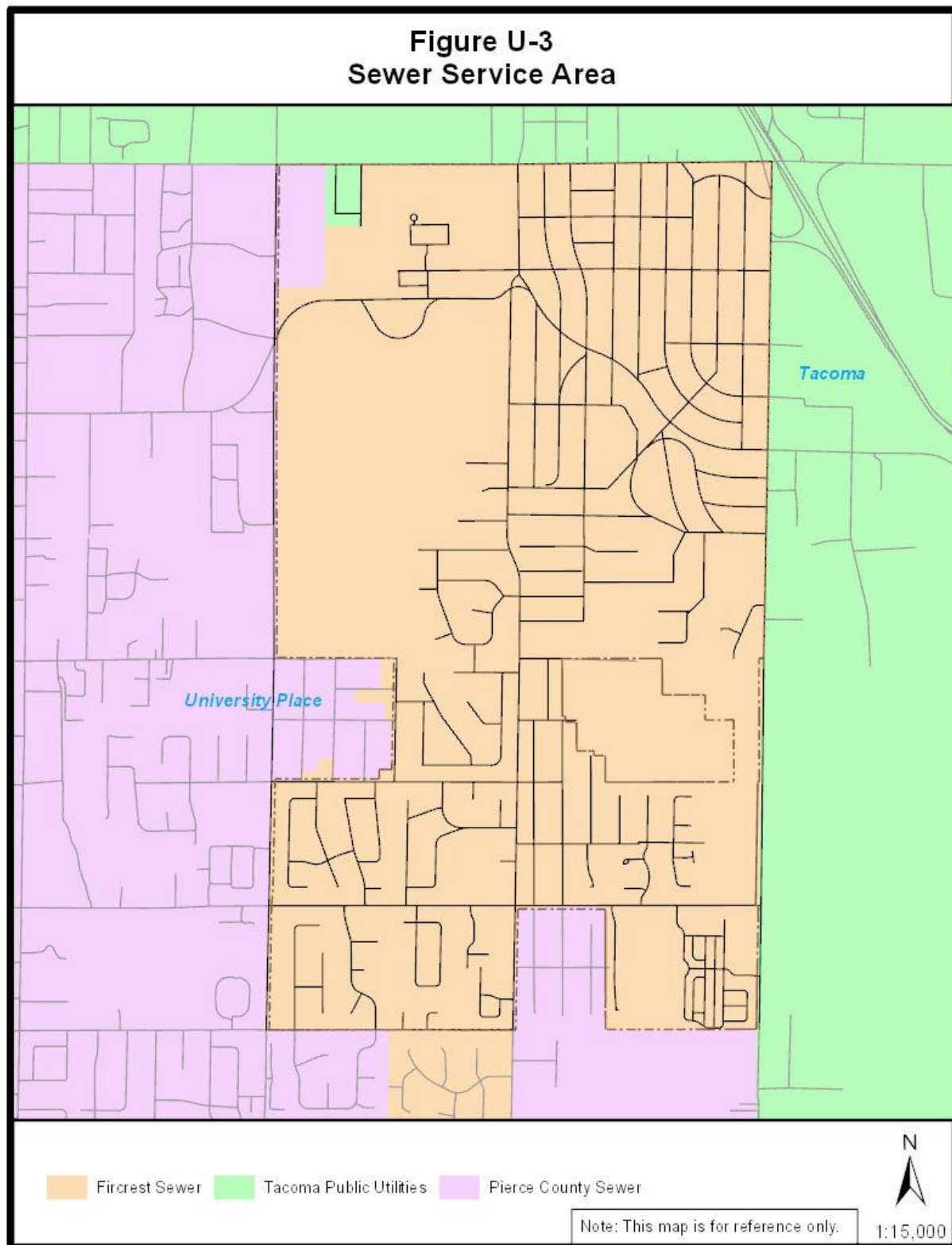
The primary components of Fircrest's sanitary sewer system are 32 miles of sewer main and six lift stations. The lift stations pump wastewater against gravity to overcome elevation gains on the route to a Tacoma Public Utilities treatment plant. Wastewater is conveyed to a Tacoma treatment plant outside of Fircrest.

Part of the development of the Comprehensive Sewer System Plan included in-line video inspections of the pipes and manholes, which occurred in 2013. Updated and prioritized repair and replacement projects were identified and will be completed by 2016.

SERVICE AGREEMENTS

Fircrest has agreements with other service providers concerning service area boundaries and wastewater treatment. An ongoing agreement with the City of University Place delineates service area boundaries. Under this agreement, Fircrest provides service to specific areas outside of its corporate boundaries.

Wastewater treatment is provided through the *Tacoma-Fircrest Sewer Agreement*, which began in 1979 and was updated in 2014. This agreement provides for treatment of all wastewater from Fircrest at the Tacoma Central Wastewater Treatment Plant.



ALTERNATIVE SERVICE

The Pierce County Sewer Division Unified Sewer Plan was adopted in 2001 and updated in 2010 with final state Department of Ecology approval in 2012. The plan identifies future service needs for the County and makes provision for expansions to meet those needs, including expansion of the Chambers Creek Wastewater Plant (WWTP) to 43-45 MGD (million gallons per day) capacity in the first phase of a five-phase major expansion to be completed in December 2016.

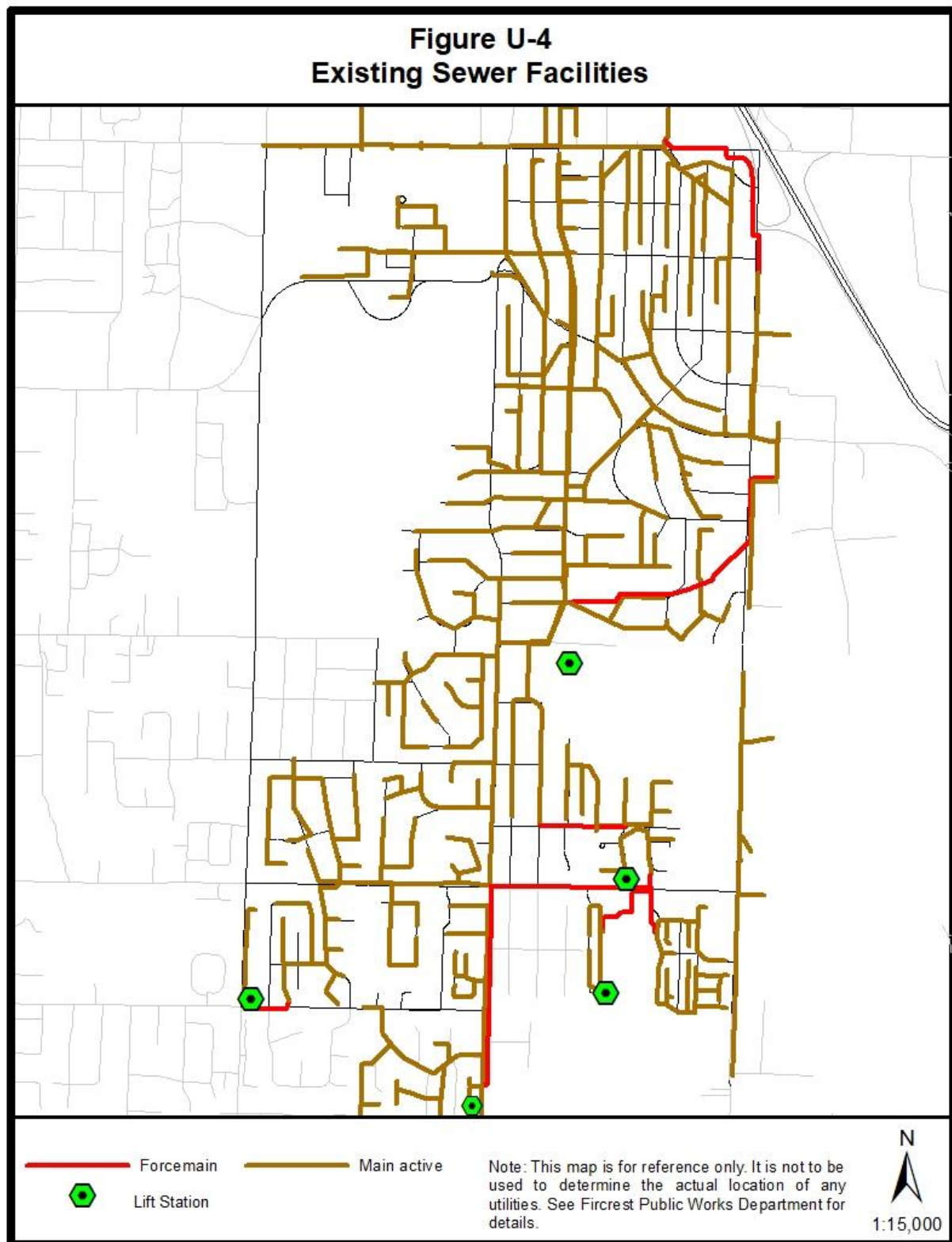
The Unified Sewer Plan identifies one project, the Upper Leach Creek Interceptor, which is on schedule to be completed by 2020. This improvement will enable new service to be provided to areas of eastern University Place not served and could also serve the City of Fircrest in the event its flows were to be transferred to Pierce County. This system component would be generally gravity fed, designed to direct flows downhill to the WWTP. Current treatment capacity is rated at 28.7 MGD and the WWTP operates at an average capacity of 18.0 - 20.0 MGD. Expansion is expected to continue to meet demand, accommodate anticipated growth (including possible flows from Fircrest), and meet increasingly stringent water quality standards over the next 25 years. Total build out is expected to be 60 MGD as outlined in the Unified Sewer Plan.

FACILITIES INVENTORY

Table U-2 summarizes Fircrest's major sewer facilities. **Figure U-4** shows locations of major facilities. Detailed maps showing all sewer lines are available in Fircrest Public Works.

Table U-2
Major Sewer Facilities

Facility Name and Location	Capacity and Condition
Sewer mains: located primarily in road and alley rights-of-way; some are located on private property.	Fircrest's service area has approximately 32 miles of sewer mains ranging in diameter from 4 to 24 inches. The majority of the pipe is 8-inch. Fircrest also uses a 14-inch force main that conveys large amounts of wastewater across extensive geographic areas on the route to a treatment plant. Some sewer mains are force mains through which lift stations pump wastewater to adjacent gravity systems. Lengths of force mains depend on the elevation rise. Sewer main conditions range from failure to excellent depending on the age of the pipe, the quality of the installation, and the quality of ongoing maintenance.
Lift stations (6): <ul style="list-style-type: none"> Contra Costa Av. & Elm Tree Lane Drake & Farallone Alameda & 46th St. 67th Av. & 44th St. Estate Place Princeton Place 	Pump 1: 1,850 gallons per minute (gpm) maximum Pump 2: 1,800 gpm max. Combined capacity: 2,550 100 gpm normal, 234 gpm max. 100 gpm normal, 200 gpm max. 100 gpm normal, 200 gpm max. 172 gpm constant output 150 gpm, two pumps alternating All lift stations are in fair to good condition.
Manholes	Manholes are typically located approximately every 300 feet along sewer mains. Fircrest has approximately 600 manholes, which vary from good to poor.



SERVICE LEVELS AND STANDARDS

Table U-3 summarizes the service levels and standards applicable in Fircrest.

Table U-3
Service Levels and Standards

Service Parameter	Service Level
Capacity	220 gallons per day (gpd) per single family dwelling, which is referred to as a <i>residential equivalent</i> (one RE); service levels for multifamily dwellings, commercial and industrial businesses, public service organizations, etc. are expressed in numbers of REs; for example, multifamily units are expected to produce .83 RE or 183 gpd.
Average daily and peak flows	Average daily flow in 2014: 482,000 gpd Peak flow in 2014: 790,000 gpd
Wastewater quality	Sewage quality must conform to County Sanitary Sewer Utility Administrative Code and county Pretreatment Code requirements.
Design and construction of facilities	Construction of new facilities and rehabilitation of old facilities must conform to the standards of the wastewater treatment service provider.

DEMAND AND ADEQUACY

This section discusses current and future demand for sanitary sewer services and adequacy of facilities to meet demand.

Current demand from Fircrest's service area was studied by a consulting firm under the supervision of the Fircrest Public Works Department. The system is capable of handling current demand and future projected growth demand.

Future demand is based on assumptions of successful reduction of infiltration and inflow and of decreased residential water consumption. Therefore, a standard effluent rate of 220 gallons/RE has been used for computing future demand.

Table U-4 summarizes future residential demand in Fircrest.

Table U-4
Projected Residential Demand in 2035

Area	Single Family (millions of gallons/day [mgd])	Duplex, Multifamily and ADUs (mgd)	Total (mgd)
Total projected residential demand	0.558 (2,535 units)	0.162 (884 units)	0.720 (3,419 units)

Stormwater Management

Surface water and stormwater in Fircrest originate with precipitation falling in and north, west, and east of Fircrest. Fircrest is located in the approximate center of this drainage area, which is known as the Leach Creek drainage subbasin. The Leach Creek subbasin has a total of 7.18 square miles and is a portion of the larger Chambers Bay drainage basin. This drainage basin is located in the Chambers - Clover Creek Watershed Resource Inventory Area 12 (WRIA 12). A small portion of Fircrest falls within the Tacoma West drainage basin. **Figure U-5** illustrates those portions of the Chambers Bay and Tacoma West drainage basins located in close proximity to Fircrest.

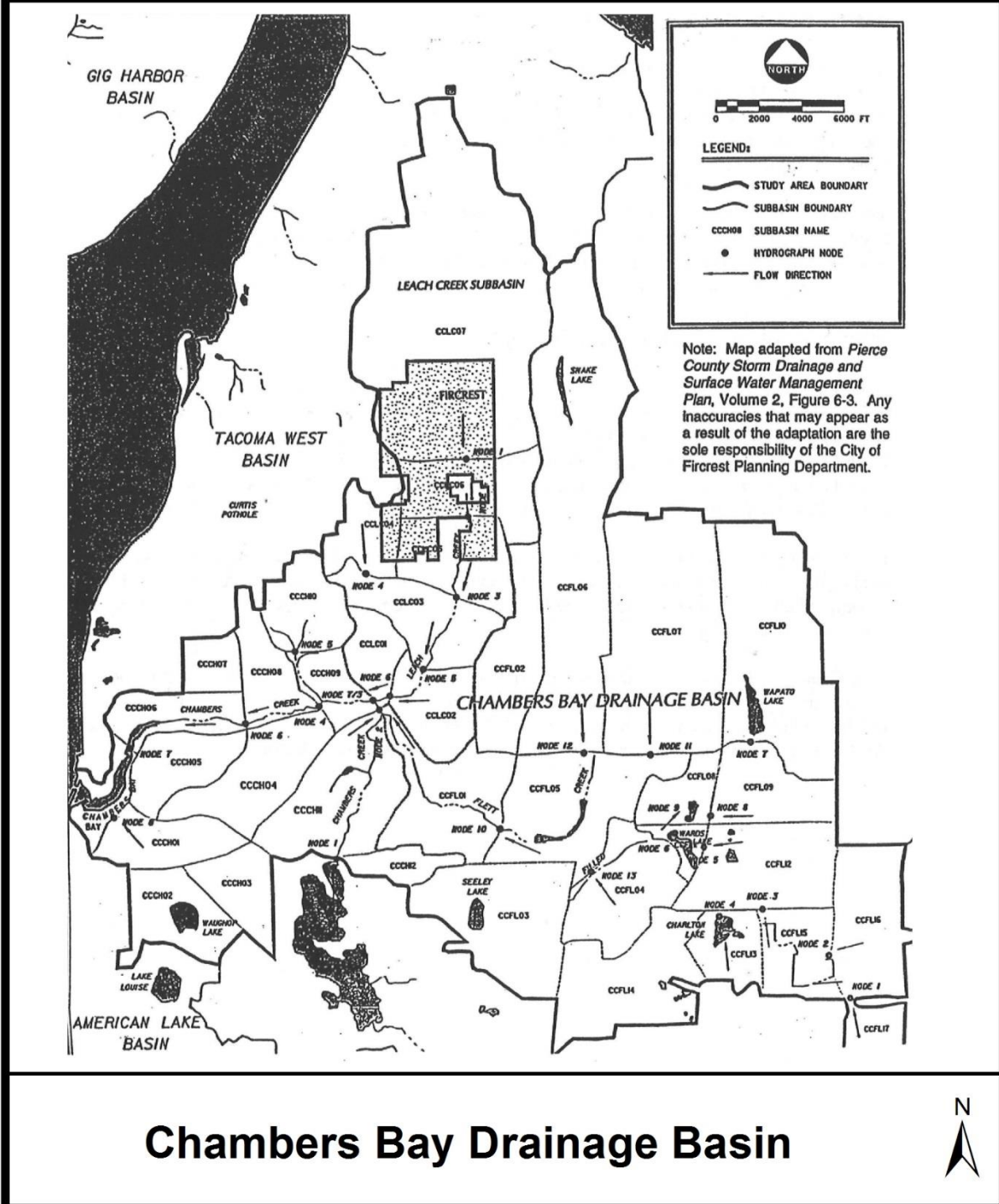
Stormwater within the Leach Creek subbasin, along with stormwater from the entire Chambers Bay basin, eventually reaches Puget Sound via Chambers Bay. The following section provides a general overview of flows in the Leach Creek subbasin.

SUMMARY OF SERVICES AND FACILITIES

Stormwater flows over the surface into dry wells, swales, ponds, and basins where some of it percolates through the soil into ground water. The remainder is conveyed to detention facilities via ditches and subsurface storm drainage pipes. Much of the stormwater originating in the northern portion of the Leach Creek subbasin is collected in the Leach Creek holding basin, which provides sediment removal, infiltration to ground water, peak discharge control, and outflow to Leach Creek. Subsurface water at Fircrest Park, the former site of Spring Lake, also is intercepted and piped to the holding basin.

In the southern portion of Fircrest, a pond within the Thelma Gilmur Park is a collection point for some stormwater. Like the holding basin, this pond provides sediment removal and infiltration. Overflow from Thelma Gilmur Park is conveyed ultimately to Leach Creek. Leach Creek flows into Chambers Creek, which flows into Puget Sound via Chambers Bay.

**Figure U-5
Drainage Basin**



A small amount of stormwater within the western boundary of Fircrest sheds west toward Puget Sound rather than east; this area is part of the Tacoma West drainage basin. The small number of facilities in that area conveys stormwater away from Fircrest and Leach Creek. Stormwater in the Tacoma West drainage basin does not have a significant impact on Fircrest stormwater facilities.

Because stormwater originating in the City of Tacoma, City of University Place and unincorporated Pierce County flows through Fircrest, how stormwater is managed in those jurisdictions directly impacts the stormwater present in Fircrest. Likewise, Fircrest's stormwater management practices affect the water present in Leach and Chambers Creeks.

Fircrest has adopted the *latest version of Department of Ecology (DOE) Stormwater Management Manual for Western Washington* which addresses the standards, procedures, and development practices needed to implement good stormwater management.

FACILITIES INVENTORY

Stormwater facilities in Fircrest are owned by the City of Fircrest and the City of Tacoma and are planned, installed, maintained, and operated under the supervision of the respective Public Works Departments. Each jurisdiction assesses properties for stormwater management within its own boundaries. The *DOE Stormwater Management Manual for Western Washington* includes the procedures necessary to facilitate consistency in interlocal planning and implementation of stormwater facilities projects.

Note: In addition to publicly-owned stormwater facilities, there are some privately-owned stormwater facilities. Privately-owned stormwater facilities are not discussed in this document.

Table U-6 lists major stormwater facilities and their owners and capacities. Locations are shown in **Figure U-6**. Jurisdiction-specific maps showing the locations of all facilities listed below are available in the City of Fircrest Public Works Department.

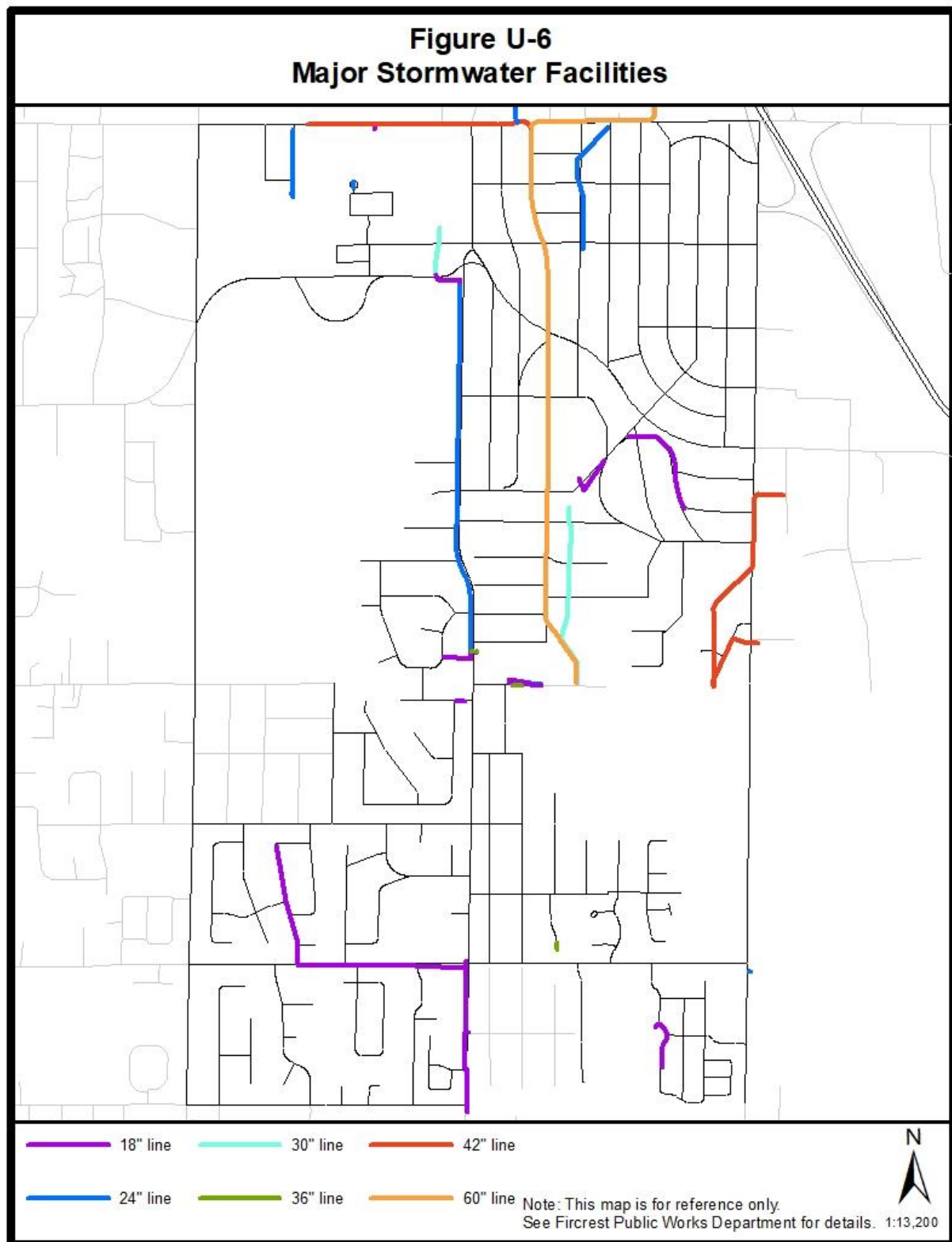
Table U-6

Facility Name (Owner)	Location, Capacity, and Condition
Leach Creek holding basin and pump (Tacoma Public Works)	Located near Fircrest's eastern boundary between 35th Street West and 37th Street West Drainage area: 2,450 acres Storage capacity: 82 acre-feet Pumping capacity: 96 cubic feet per second When stormwater flows discharged from the holding basin exceed a preset level, the pump redirects some of the stormwater to the Thea Foss Waterway in Commencement Bay.
Conveyance system facilities (Tacoma Public Works)	Design event: 10-year, 24-hour storm
Trunk lines (Tacoma Public Works)	Design event: 25-year, 24-hour storm
Detention pond (Fircrest Public Works)	Thelma Gilmur Park contains a natural detention pond south of Emerson St. between Woodside and Evergreen Drives. Capacity data is not available.
Conveyance system facilities and trunk lines (Fircrest Public Works)	Design events: Existing stormwater facilities in Fircrest have been designed in accord with the <i>Standard Plans for Road, Bridge, and Municipal Construction</i> by the Washington State Department of Transportation and the American Public Works Association.

SERVICE LEVELS AND STANDARDS

The primary controls for stormwater quality in Fircrest have been administrative. Administrative techniques are still in use. For example, development projects are controlled through site plan review, conditioned permits, and on-site inspection. Controls also include Public Works maintenance techniques such as street sweeping and cleaning of sedimentation out of catch basins. Operational solutions such as installation of oil/water separators are also employed. Fircrest publishes educational articles in the City's newsletter that encourage the reduction of non-point pollution sources from households and businesses.

Standards, specifications, and best management practices to prevent, control, and treat pollution in stormwater in new development and redevelopment in Fircrest must conform to those defined in the latest version of the *DOE Stormwater Management Manual for Western Washington*.



Fircrest will need to comply with Phase II Western Washington Municipal Stormwater Permit requirements in accordance with the EPA's National Pollutant Discharge Elimination System (NPDES). The City will need to incorporate best management practices during periodic refinement of storm water regulations to address stormwater quality and quantity, erosion prevention, and minimizing downstream impacts of runoff in a manner consistent with NPDES Phase II requirements.

STORMWATER MANAGEMENT ISSUES AND PROJECTS

The City of Fircrest has been developing a Stormwater Management Program since 2007. The first Stormwater Management Program was adopted in 2009 and an update of the program was completed in April, 2015. The purpose of the program is to reduce the discharge of pollutants to the “maximum extent practicable”, protect water quality and satisfy the appropriate requirements of the Clean Water Act. This program is operated by the City and regulates its surface and storm water facilities. The program includes five permit specific elements:

- Public Education and Outreach;
- Public Involvement and Participation;
- Illicit Discharge Detection and Elimination;
- Controlling Runoff from New Development, Redevelopment and Construction Sites; and
- Pollution Prevention, and Operations and Maintenance for Municipal Operations.

Planned improvements that are consistent with this program are identified in the Capital Facilities Element. These improvements are intended primarily to provide for treatment of existing stormwater facilities.

Electric

Tacoma Power, a division of Tacoma Public Utilities, is the electrical provider to Fircrest. The utility is governed by a five-member utility board appointed by the Tacoma City Council. Tacoma Power has a 180 square mile service area that includes the cities of Tacoma, Ruston, University Place, Fife, and Fircrest, part of Lakewood, as well as portions of unincorporated Pierce County including Graham, Spanaway, Parkland, Joint Base Lewis McChord, Midland, Summit, Frederickson, Waller, South Hill Puyallup, and Elk Plan

SUMMARY OF SERVICES AND FACILITIES

Tacoma Power operates both transmission and distribution facilities. Tacoma Power has one transmission line that runs through Fircrest. Six distribution substations, each located outside of Fircrest, supply customer load for the city, and the total nameplate capacity is 150 Megavolt Amperes (MVA). Several feeders from these substations ring the area along major arterials. Through these feeders, the substations back one another up in case of substation outage. Of the 3082 customers served by Tacoma Power in Fircrest, approximately 92.7 percent are residential and 7.3 percent are commercial and other non-residential.

Tacoma Power utilizes forecasts produced by the Puget Sound Regional Council (PSRC) and local municipalities to project future load growth. Tacoma Power uses this information in conjunction with its system planning criteria to prepare a six-year facilities plan. The six-year plan helps Tacoma Power identify those strategic projects that will ensure a safe, reliable, and operable system. Tacoma Power's current level of service is to maintain the standard voltage level within + or - 5% of nominal voltage. All distribution service shall be provided within the acceptable range established by current industry standards.

Pursuant to its six-year plan, Tacoma Power does not anticipate development of new substations or major line replacements within Fircrest. The addition of a large commercial or industrial load in the area may require development of additional new facilities.

Figure U-7 depicts the general location of electrical system facilities in Fircrest and adjoining areas.

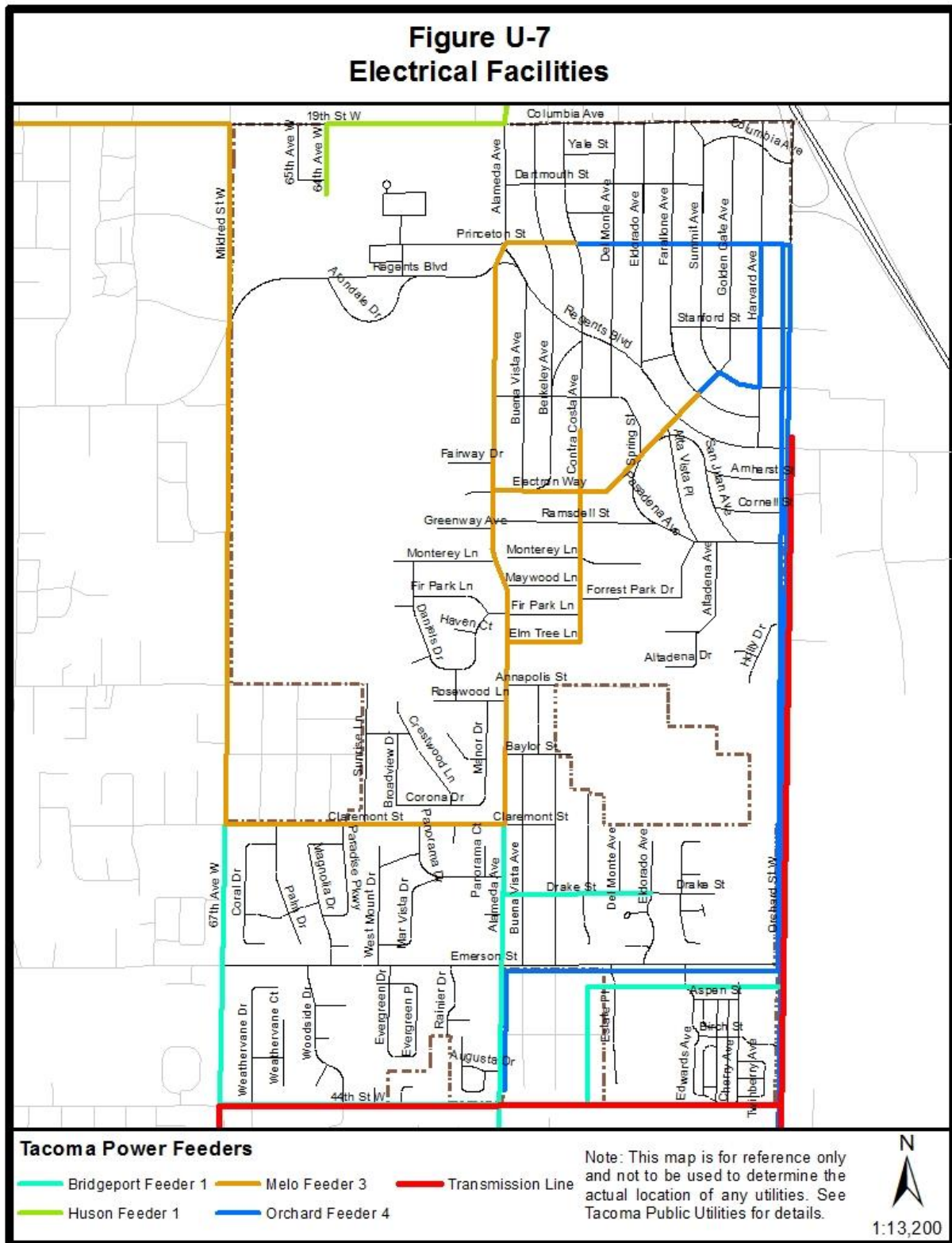
Natural Gas

COMPANY OVERVIEW

Natural gas is provided in Fircrest by Puget Sound Energy (PSE), an investor-owned utility. PSE is a private utility providing natural gas and electric service to homes and businesses in Puget Sound region of Western Washington and portions of Eastern Washington, covering 10 counties and approximately 6,000 square miles. PSE's regional and local natural gas and electric planning efforts are integrated and centered on providing safe, dependable, and efficient energy service. PSE provides natural gas to more than 770,000 customers, throughout six counties, covering approximately 2,900 square-mile area. As of March 2015, PSE provides natural gas service to approximately 1,893 customers within the City of Fircrest.

REGULATORY ENVIRONMENT

PSE's operations and rates are governed by the Washington Utilities and Transportation Commission (WUTC). PSE natural gas utility operations and standards are further regulated by the U.S. Department of Transportation (DOT), including the Pipeline and Hazardous Materials Administration (PHMSA). PHMSA's Pipeline Safety Enforcement Program is designed to monitor and enforce compliance with pipeline safety regulations. This includes confirmation that operators are meeting expectations for safe, reliable, and environmentally sound operation of PSE's pipeline infrastructure. PHMSA and the WUTC update pipeline standards and regulations on an ongoing basis to assure the utmost compliance with standards to ensure public safety. The businesses and residents within the City of Fircrest rely on the coordinated effort between PSE and the City for the adoption and enforcement of ordinances and/or codes to support on the safe, reliable, and environmentally sound construction, operation and maintenance of PSE's natural gas facilities.



INTEGRATED RESOURCE PLAN

In order for PSE to meet its regulatory requirements, it updates and files an Integrated Resource Plan (IRP) with the WUTC every two years. The IRP identifies methods to provide dependable and cost-effective natural gas service that address the needs of retail natural gas customers. Natural gas sales resource need is driven by design peak day demand. The current design standard ensures that supply is planned to meet firm loads on a 13-degree design peak day, which corresponds to a 52 Heating Degree Day (HDD). Currently, PSE's supply/capacity is approximately 970 MDth/Day at peak. This figure will be updated in the fall of 2015. The IRP suggests the use of liquefied natural gas (LNG) for peak day supply and to support the needs of emerging local maritime traffic and truck transport transportation markets.

NATURAL GAS SUPPLY

PSE controls its gas-supply costs by acquiring gas, under contract, from a variety of gas producers and suppliers across the western United States and Canada. PSE purchases 100 percent of its natural-gas supplies needed to serve its customers. About half the natural gas is obtained from producers and marketers in British Columbia and Alberta, and the rest comes from Rocky Mountain States. All the gas PSE acquires is transported into PSE's service area through large interstate pipelines owned and operated by Williams Northwest Pipeline. PSE buys and stores significant amounts of natural gas during the summer months, when wholesale gas prices and customer demand are low, and stores it in large underground facilities and withdraws it in winter when customer usage is highest; ensuring a reliable supply of gas is available.

SYSTEM OVERVIEW

To provide the City of Fircrest and adjacent communities with natural gas, PSE builds, operates, and maintains an extensive system consisting of transmission and distribution natural gas mains, odorizing stations, pressure regulation stations, heaters, corrosion protection systems, above ground appurtenances, and metering systems. When PSE takes possession of the gas from its supplier, it is distributed to customers through more than 21,000 miles of PSE-owned natural gas mains and service lines.

PSE receives natural gas transported by Williams Northwest Pipeline's 36" and 30" high pressure transmission mains at pressures ranging from 500 PSIG to 960 PSIG. The custody change and measurement of the natural gas occurs at locations known as Gate Stations. PSE currently has 39 such locations throughout its service territory. This is also typically where the gas is injected with the odorant mercaptan. Since natural gas is naturally odorless, this odorant is used so that leaks can be detected. The Gate Station is not only a place of custody transfer and measurement but is also a common location of pressure reduction through the use of "pressure regulators". Due to state requirements, the pressure is most commonly reduced to levels at or below 250 PSIG. This reduced pressure gas continues throughout PSE's high-pressure supply system in steel mains ranging in diameter of 2" to 20" until it reaches various other pressure reducing locations. PSE currently has 755 pressure regulating stations throughout its service territory. These locations consist of Limiting Stations, Heaters, District Regulators, and/or high-pressure Meter Set Assemblies.

The most common of these is the intermediate pressure District Regulator. It is at these locations that pressures are reduced to the most common levels ranging from 25 PSIG to 60 PSIG. This reduced pressure gas continues throughout PSE's intermediate pressure distribution system in mains of various materials consisting of polyethylene and wrapped steel that range in diameters from 1-1/4" to 8" (and in a few cases, larger pipe). The gas flows through the intermediate pressure system until it reaches either a low-pressure District Regulator or a customer's Meter Set Assembly.

To safeguard against excessive pressures throughout the supply and distribution systems due to regulator failure, over-pressure protection is installed. This over-pressure protection will release gas to the atmosphere, enact secondary regulation, or completely shut off the supply of gas. To safeguard steel main against corrosion, PSE builds, operates, and maintains corrosion control mitigation systems to prevent damaged pipe as a result of corrosion.

FUTURE PROJECTS

To meet the regional and City of Fircrest's natural gas demand, PSE's delivery system is modified every year to address new or existing customer growth, load changes that require system reinforcement, rights-of-way improvements, and pipeline integrity issues. The system responds differently year to year and PSE is constantly adding or modifying infrastructure to meet gas volume and pressures demands. Ongoing system integrity work includes:

- The replacement of DuPont manufactured polyethylene main and service piping and certain/qualified steel wrapped intermediate pressure main and service piping. There will be ongoing pipe investigations throughout the city to determine the exact location of any DuPont pipe and qualified steel wrapped pipe to be replaced.
- Investigations throughout the City to determine the location of where gas lines have been cross bored through sewer lines and make subsequent repairs.

Telecommunications

Telecommunications services in Fircrest consist of land-based telephone service, cellular telephone service, and cable television service furnished by private providers. The following subsections summarize the information provided to Fircrest by each of the private service providers.

LAND-BASED TELEPHONE SERVICE

CenturyLink, a private for-profit corporation, is certified by the Washington Utilities and Transportation Commission (WUTC) to provide local telephone and other related special services (alarm circuits and data transmittal) throughout Fircrest. The WUTC regulates the provision of telecommunication services, including those provided by local exchange carriers such as CenturyLink. Telephone utilities are considered an essential utility by the WUTC; therefore, CenturyLink has an obligation to serve the public

requirements for communication utilities. CenturyLink is also subject to various federal laws and regulations administered by the Federal Communications Commission (FCC).

Local jurisdictions in Washington fall within a particular Local Access and Transportation Area (LATA). A LATA is a telephone exchange area that services to define the area within which Century Link is permitted to transport telecommunications traffic. Century Link is permitted to carry telephone calls only within LATA boundaries. Calls outside of the LATA require long distance carriers, which Fircrest residents may select for this service.

Hundreds of Central Offices (COs) serve Century Link customers in Washington. A CO is a telecommunications common carrier facility where calls are switched. For local exchange or intra-LATA calls the central office switches calls within and between line exchange groupings.

The transmission facilities that serve Fircrest originate with the Logan Central Office located at 2823 Bridgeport Way, from which main cable routes extend generally north, south, east, and west to serve Fircrest and the surrounding area. From each main cable route are branch feeder routes. Branch feeder routes may be aerial or buried, copper or fiber. Extending from the branch feeder routes are the local loops that provide dial tone to every telephone subscriber. Century Link construction planning is driven by the needs of its customers. As communities grow, facilities are upgraded to ensure adequate service levels. RCW 80.36.090 requires Century Link to provide adequate telecommunications services on demand. To comply with RCW 80.36.090, Century Link regularly evaluates the capacity of its facilities. Century Link's goal is to maintain its routes at 85 percent capacity. When usage exceeds 85 percent, additional facilities are planned, budgeted and installed. Moreover, facilities are upgraded as technology makes additional services available. Capacity is available to serve the area.

CELLULAR SERVICE

There are seven cellular providers licensed by the FCC to serve in the Puget Sound area. With the passage of the Federal Telecommunications Act of 1996, service area competition has increased. Prior to the Act's passage, only two cellular providers would be licensed by the FCC to service a particular area. With the Act's passage, the number of carriers competing in a particular market may conceivably include all seven. In the future, the FCC may also expand the frequency range available to wireless providers, potentially resulting in new providers entering the market.

Where feasible, cellular companies site facilities on existing structures, poles, and buildings. This is where antennas can be mounted on rooftops and electronic equipment located within the building itself. Topography and other engineering constraints influence specific site selection because of the need to "hand off" the signal so that it can be picked up by another facility. The City has adopted telecommunications regulations to address the siting of cellular and other telecommunications facilities inside of the City limits.

There are two cellular transmission facilities in Fircrest. The facilities are located on the City's water tank within the Fircrest Golf Club and the Fircrest water tower located east of the City's Orchard Street boundary across from Stanford Street.

CABLE TELEVISION SERVICE

Click!, a division of Tacoma Public Utilities, and Comcast provide cable service to the City of Fircrest under separate franchise agreements. Fircrest is a member of Rainier Communications Commission, which was created through an inter-local agreement with Pierce County and other cities and towns in the County, in order to establish inter-jurisdictional cooperation on regulation and oversight activities and to build expertise in negotiating with cable companies.

Cable service is delivered to customers through a complex series of electrical components and many miles of cable. Located at the origin of a cable system is the *receive site* where towers with antennae and earth station receivers are located to pick up off-air and satellite signals. From the receive site, signals are sent to the *headend* to be processed for entry onto the *trunk line*, which is the main artery of the cable system. From the trunk, the signals are branched off onto *feeder lines*, which carry the signals through neighborhoods past individual residences. The signals are branched off again from the feeder onto *drop cable* that allows the signal to flow to the subscriber's television set or computer cable modem.

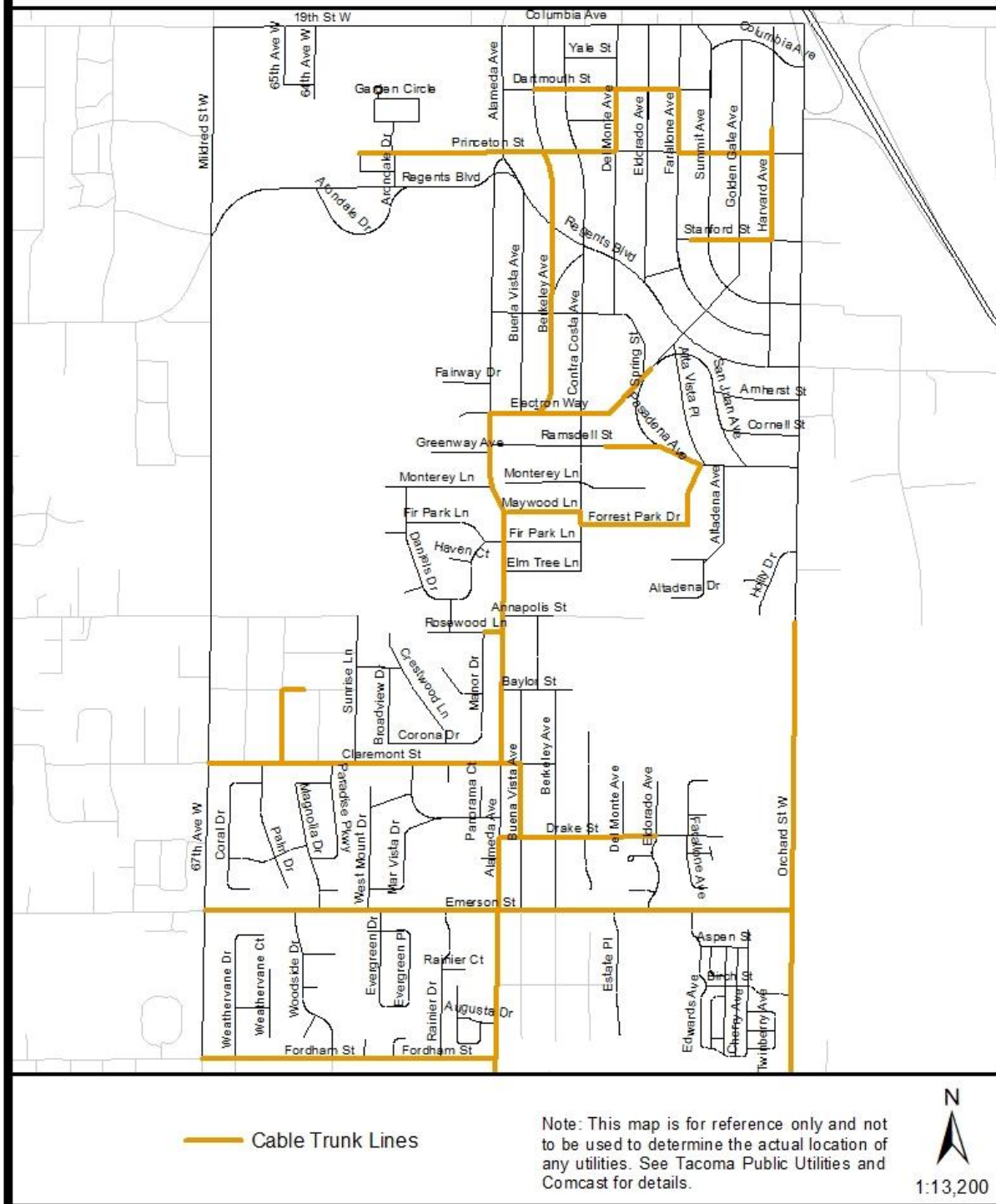
The Comcast headend serving Fircrest is located at S. 56th St. and Orchard St. The trunk line runs north along Orchard St. from the headend. At Emerson Street St. it branches west and follows Emerson west through Fircrest. Figure U-8 shows Comcast trunk line routes in Fircrest. Feeder lines branch off from this trunk line to reach every street in Fircrest. Feeder lines are generally co-located with electric lines. Detailed maps indicating the locations of all facilities in Fircrest are available in the Fircrest Public Works Department.

Click! offers cable television packages for residential and commercial locations in Fircrest. Two internet service providers (ISPs) operate on its network: Advanced Stream and Rainier Connect. These ISPs offer a variety of high-speed internet and phone packages to residential and commercial locations.

Commercial customers in Fircrest have access to custom network solutions through Click's Authorized Service Partners: Integra, Rainier Connect, Optic Fusion and Spectrum Networks. These Authorized Service Partners offer voice and data services, internet, co-location, and local and long-distance phone services. Services can be delivered over SONET Based Line Services or Metro Ethernet Services.

Comcast and Click! make every attempt to provide service to all residents within their franchise areas. Factors considered in extending service include the overall technical integrity, economic feasibility, and franchise agreements. Both Comcast and Click! can serve future growth in Fircrest.

Figure U-8 Cable Facilities



Solid Waste

State law requires counties, in coordination with their cities, to adopt comprehensive solid waste plans for the management, handling, and disposal of solid waste for twenty years and to update them every five years. Cities may choose to be joint participants in the plan, delegate planning to the county, or do their own plan. In Pierce County, waste management and recycling activities for all jurisdictions are coordinated under the umbrella of the Tacoma-Pierce County Solid Waste Plan.

There are three separate collection and disposal systems in the County: 1) The County's system includes the unincorporated areas of the county and 19 cities and towns using the County's disposal system; 2) Tacoma, as a joint participant in the plan, has its own collection utility and disposal system and the Town of Ruston operates its own collection utility, but has an inter-local agreement with Tacoma for disposal and an inter-local agreement with the County adopting the Solid Waste Plan; and, 3) Joint Base Lewis McChord use the Fort's disposal system but coordinate with the County on public outreach and educational programs about waste reduction and recycling.

An update of the Solid Waste Plan was adopted in 2008 and the City signed an interlocal agreement with Pierce County pursuant to the plan. Under this agreement, the County has responsibility for overall planning, disposal and waste reduction and recycling education. Cities are responsible for collection and the development of any recycling program specific to their jurisdiction.

Waste is collected in Fircrest by Westside Disposal, a subsidiary of University Place Refuse. Collected waste is handled through the Pierce County disposal system. Westside Disposal has a franchise with the City that runs through 2022. The company offers residents solid waste, recycling, and yard waste collection programs coordinated with the unincorporated areas and 18 other cities and towns. Further, the company coordinates with the City to provide citywide clean-up programs in the spring and fall of each year plus special yard waste pick-up programs each spring and fall. The County provides public outreach and school education programs about waste management, waste reduction, and recycling for all residents of 19 cities and unincorporated areas.

Cities are responsible for collection and the development of any recycling program specific to their jurisdiction.

**CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 20-01
Case No. LU20-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF FIRCREST, WASHINGTON, RECOMMENDING
ADOPTION OF AMENDMENTS TO THE CITY OF FIRCREST
COMPREHENSIVE PLAN**

WHEREAS, the Fircrest Planning Commission is authorized, under Section 23.08.110 FMC, to study, promulgate, develop and update coordinated plans, including a Comprehensive Plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulation of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation; and

WHEREAS, the City is required to periodically review and update its Comprehensive Plan, as needed, to ensure consistency with the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies; and

WHEREAS, the City intends to address future population and employment needs of the City, County, and Region as well as the objectives of a Countywide Center designation; and

WHEREAS, Land Use Element Goal 9 of the Comprehensive Plan states that the 19th and Mildred Countywide Center should be Fircrest's priority for accommodating growth as laid out under VISION 2040 and the Pierce County Countywide Planning Policies and should provide a broad mix of commercial, cultural, and residential opportunities; and

WHEREAS, Capital Facilities Element Goal 1 of the Comprehensive Plan states the City is to provide and maintain adequate public facilities to meet the needs of existing and new development, and Goal 4 states the City is to provide needed public facilities within the City's ability to fund or within the City's authority to require others to provide; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce July 16, 2020, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW; and

WHEREAS, the City issued a *Determination of Nonsignificance/Incorporation by Reference of Environmental Documents, Adoption of Existing Environmental Documents* for the 2020 Amendments on September 11, 2020 with a 14-day

comment period ending September 28, 2020, and no adverse comments were received; and

WHEREAS, the City held public outreach workshops related to increased development intensity and adoption of a form-based code for the Commercial Mixed-Use designation on January 21, 22, and 23, 2020; and

WHEREAS, the Planning Commission held a study session on the proposed amendments on June 2, 2020; and

WHEREAS, the City Council and Planning Commission held a joint public meeting to consider a virtual presentation and public input related to increased development intensity and adoption of a form-based code for the Commercial Mixed-Use designation on September 1, 2020; and

WHEREAS, the Planning Commission conducted a public hearing on October 6, 2020 to accept public testimony and comment; and

WHEREAS, the Planning Commission has considered the factors listed in Section 23.06.070 FMC and have determined that the amendments are in the public interest, comply with the Growth Management Act, and not contrary to the public health, safety, and welfare.

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby adopts all of the "whereas" section of this resolution as findings and recommends to the City Council the following:

Section 1. Adoption of the proposed amendments Fircrest Comprehensive Plan by incorporating the revisions as identified in Exhibit 3.

MOVED AND ADOPTED by the Planning Commission of the City of Fircrest on the 6th day of October 2020 by the following vote:


YES: (5) McVay, Imholt, Hamel, Ferguson, Schultz

APPROVED:



Sarah Hamel
Chair, Fircrest Planning Commission

ATTEST:



Angelie Stadlnecker
Planning/Building Administrator

10/7/20

Date

**CITY OF FIRCREST PLANNING COMMISSION
REGULAR MEETING MINUTES**

October 6, 2020
6:00 PM

Fircrest City Hall
115 Ramsdell Street

CALL TO ORDER

Chair Sarah Hamel called the regular meeting of the Fircrest Planning Commission to order at 6:00 p.m. (meeting was held by remote attendance)

ROLL CALL

Commissioners Kathy McVay, Andrew Imholt, Sarah Hamel, Ben Ferguson, and Shirley Schultz were present. Staff present: Planning and Building Administrator Angelie Stahlnecker, Principal Planner Jeff Boers, and Administrative Assistant Suzie Cappiello.

APPROVAL OF MINUTES

The minutes for the meeting of June 2, 2020 were presented for approval.

Moved by McVay and seconded by Schultz to approve the minutes. Upon vote, motion carried unanimously.

CITIZENS COMMENTS

None.

PUBLIC HEARINGS

Case No. LU20-08 – Comprehensive Plan and Land Development Code Amendments

Hamel opened the public hearing at 6:02 p.m.

Planning and Building administrator Angelie Stahlnecker presented the amendments to the Comprehensive Plan and Land Development Code, which included adoption of a form-based code for the commercial mixed use zoning district, updates to the 6-year capital facilities plan, and other staff initiated amendments.

Responding to a question, Jeff Boers affirmed that the changes should help the City meet its future population allocations.

Hamel invited public comments.

No comments were received.

Hamel closed the public hearing at 6:16 p.m.

No discussions held.

Moved by McVay and seconded by Imholt to adopt Resolution No. 20-01, a resolution of the Planning Commission of the City of Fircrest, Washington, recommending adoption of amendments to the city of Fircrest comprehensive plan. Upon vote, motion carried unanimously.

Moved by Ferguson and seconded Schultz to adopt Resolution No. 20-02, a resolution of the Planning Commission of the City of Fircrest, Washington, recommending adoption of amendments to the Fircrest Municipal Code, Title 22 Land Development, including adoption of a form-based code. Upon vote, motion carried unanimously.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Moved by McVay and seconded by Imholt to adjourn the meeting at 6:20 p.m. Upon vote, motion carried unanimously.

Sarah Hamel
Chair, Fircrest Planning Commission

Angelie Stahlnecker
Planning/Building Administrator

FIRCREST CITY COUNCIL AGENDA SUMMARY

NEW BUSINESS: Amendments to the Fircrest Municipal Code, Title 22
ITEM 13J. Land Development Code, including adoption of a form-based
code by reference

FROM: Angelie Stahlnecker, Planning & Building Administrator

RECOMMENDED MOTION: I move to adopt Ordinance No. _____, amending the Fircrest Municipal Code, Title 22 Land Development Code, including adoption of a form-based code.

PROPOSAL: The City of Fircrest proposes to amend the Fircrest Municipal Code, Title 22 Land Development Code, including adoption of a form-base code by reference.

Per FMC 22.78.004, the City Council may approve amendments to the zoning code and development regulations when written finding show 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).

FISCAL IMPACT: The proposed amendments will have no direct fiscal impact as it is for planning purposes and does not commit the City to fund the proposed projects.

ADVANTAGE: The proposed amendments will improve code administration and ensure greater consistency with the Comprehensive Plan, the Growth Management Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce County Countywide Planning Policies. Adoption of the form-based code will help address future population and employment needs of the City, County, and Region.

DISADVANTAGES: None identified.

ALTERNATIVES: The City Council could choose to not approve or amend the proposed amendments.

HISTORY: On January 29, 2019, the City Council/Planning Commission held a joint meeting and discussed the commercial mixed-use zone, changes that were occurring in adjacent jurisdictions, and were introduced to form-based code as an alternative regulation tool than conventional zoning.

On August 19, 2019, the City Council directed staff to move forward with developing a proposal to increase the development potential of the 19th and Mildred (Commercial Mixed-Use area) and consider incorporating a form-based code for this area.

On January 21-23, 2020, the City hosted three charette workshops led by urban planning consultant, Kaizer Rangwala. Notices were sent to property owners within 500', business owners, apartment residents, and local agencies and jurisdictions. It was also advertised on the website and on Facebook. The meetings were well attended by residents, stakeholders, and public officials. Comments and discussions were incorporated into the first draft document.

On February 4, 2020, the City Council and Planning Commission held a joint meeting to recap the community workshops.

On September 1, 2020, the City held a virtual community meeting in order for Mr. Rangwala to present the form-based code draft, answer questions and receive comments.

The City prepared an Environmental Checklist and issued a Determination of Nonsignificance/Adoption of Existing Environmental Documents for the 2020 Amendments to the Fircrest Comprehensive Plan and Development Code on September 11, 2020. The environmental determination was issued with a 14-day comment/appeal period ending on September 28, 2020. No comments were received.

The City submitted a 60-day Notice of Intent to Adopt a Plan Amendment to the Washington State Department of Commerce on July 16, 2020. The state agency comment period ended September 14, 2020. No comments were received.

On October 6, 2020, the Planning Commission held a public hearing and recommended by resolution approval of the Comprehensive Plan amendments.

On November 10, 2020, the City Council held a study session to review the proposed amendments.

On November 24, 2020, the City Council held a public hearing on the proposed changes.

ATTACHMENTS: [Ordinance Redline](#)
[Form-Based Code](#)
[2020 City of Fircrest Zoning Map](#)
[Planning Commission Resolution](#)

**CITY OF FIRCREST
ORDINANCE NO. ____**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE 1638, SECTION 18 AND FMC 22.24.011, AMENDING ORDINANCE 1153, SECTION 2 AND FMC 22.24.012, AMENDING ORDINANCE 1598, SECTION 50 AND FMC 22.26.010, AMENDING ORDINANCE 1598, SECTION 18 AND FMC 22.26.018, AMENDING ORDINANCE 1598, SECTION 24 AND FMC 22.26.024, AMENDING ORDINANCE 1562, SECTION 3 AND FMC 22.30.001, AMENDING ORDINANCE 1562, SECTION 4 AND FMC 22.30.002, ADDING NEW CHAPTER FMC 22.48, AMENDING ORDINANCE 1562, SECTION 26 AND FMC 22.50, AMENDING ORDINANCE 1562, SECTION 27 AND FMC 22.50.001, AMENDING ORDINANCE 1611, SECTION 12 AND FMC 22.50.002, AMENDING ORDINANCE 1562, SECTION 29 AND FMC 22.50.003, AMENDING ORDINANCE 1611, SECTION 13 AND FMC 22.50.004, AMENDING ORDINANCE 1611, SECTION 14 AND FMC 22.50.006, AMENDING ORDINANCE 1611, SECTION 15 AND FMC 22.50.007, AMENDING ORDINANCE 1611, SECTION 16 AND FMC 22.50.008, ADDING NEW CHAPTER FMC 22.57, AMENDING ORDINANCE 1640, SECTION 5 AND FMC 22.58.008, AMENDING ORDINANCE 1562, SECTION 40 AND FMC 22.58.014, REPEALING ORDINANCE 1246, SECTION 15 (PART) AND FMC 22.58.016, AMENDING ORDINANCE 1562, SECTION 41 AND FMC 22.58.018, AMENDING ORDINANCE 1562, SECTION 42 AND FMC 22.58.025, AMENDING ORDINANCE 1562, SECTION 44 AND FMC 22.58.027, AMENDING ORDINANCE 1611, SECTION 18 AND FMC 22.58.029, AMENDING ORDINANCE 1246, SECTION 16 (PART) AND FMC 22.60.001, AMENDING ORDINANCE 1638, SECTION 27 AND FMC 22.60.003, AMENDING ORDINANCE 1638, SECTION 28 AND FMC 22.60.004, AMENDING ORDINANCE 1638, SECTION 30 AND FMC 22.60.006, AMENDING ORDINANCE 1638, SECTION 31 AND FMC 22.60.008, AMENDING ORDINANCE 1246, SECTION 16 (PART) AND FMC 22.60.009, AMENDING ORDINANCE 1638, SECTION 35 AND FMC 22.60.015, ADDING NEW SECTION FMC 22.60.016, AMENDING ORDINANCE 1562, SECTION 51 AND FMC 22.63.002, REPEALING ORDINANCE 1638, SECTION 36 AND FMC 22.64.005, REPEALING ORDINANCE 1272, SECTION 8 (PART) AND FMC 22.64.008, AMENDING ORDINANCE 1536, SECTION 2 AND FMC 22.64.009, AMENDING ORDINANCE 1562, SECTION 53 AND FMC 22.64.020, REPEALING ORDINANCE 1272, SECTION 8 (PART) AND FMC 22.64.021, AMENDING ORDINANCE 1272, SECTION 8 (PART) AND FMC 22.64.022, AMENDING ORDINANCE 1575, SECTION 19 AND FMC 22.65.002, AMENDING ORDINANCE 1246, SECTION 19 (PART) AND FMC 22.66.006, AMENDING ORDINANCE 1246, SECTION 19 (PART) AND FMC 22.66.009, AMENDING ORDINANCE 1246, SECTION 22 (PART)

1 **AND FMC 22.72.003, AMENDING ORDINANCE 1638, SECTION 45**
2 **AND FMC 22.72.004, AMENDING ORDINANCE 1246, SECTION 22**
3 **(PART) AND FMC 22.72.009, ADDING NEW SECTION FMC**
4 **22.98.229.1, ADDING NEW SECTION FMC 22.98.266, AMENDING**
5 **ORDINANCE 1598, SECTION 86 AND FMC 22.98.652, ADDING**
6 **NEW SECTION FMC 22.98.697.1**

7 **WHEREAS**, Land Use Goal 12 of the Fircrest Comprehensive Plan and its related
8 policies state the City should continue to refine its permit process and periodically
9 review and revise its development regulations; and

10 **WHEREAS**, the City has identified amendments that will improve code administration
11 and ensure greater consistency with the Comprehensive Plan, the Growth Management
12 Act, Puget Sound Regional Council VISION 2040 Growth Strategy, and the Pierce
13 County Countywide Planning Policies; and

14 **WHEREAS**, the City also desires to adopt a form-based code for the City's
15 commercial mixed-use areas in order to provide a broad mix of commercial, cultural,
16 and residential opportunities in the commercial mixed-use area along 19th and
17 Mildred which is designated a Countywide Center and to address future population
18 and employment needs of the City, County, and Region; and

19 **WHEREAS**, the City held public outreach workshops related to increased
20 development intensity and adoption of a form-based code for the Commercial Mixed-
21 Use designation on January 21, 22, and 23, 2020; and

22 **WHEREAS**, the City Council and Planning Commission held a joint public meeting
23 to consider a virtual presentation and public input related to increased development
24 intensity and adoption of a form-based code for the Commercial Mixed-Use
25 designation on September 1, 2020; and

26 **WHEREAS**, the City submitted a *Notice of Intent to Adopt* to the Washington State
27 Department of Commerce July 16, 2020, which was issued to state agencies for a 60-
28 day comment period as required pursuant to RCW 36A.70 RCW, and no comments
29 were received; and

30 **WHEREAS**, the City issued a *Determination of Nonsignificance/Incorporation by*
31 *Reference of Environmental Documents, Adoption of Existing Environmental*
32 *Documents* for the 2020 Amendments on September 11, 2020 with a 14-day
33 comment period ending September 28, 2020, and no comments were received; and

34 **WHEREAS**, the Planning Commission conducted a public hearing on October 6,
35 2020 to accept public testimony and recommended approval of the amendments after
36 considering the criteria listed in FMC Section 22.78.004 and finding the following:

- a. The proposed amendments are consistent with the goals, objectives and policies
of the comprehensive plan, including the following goals and policies:
 - Goal LU4 Ensure that decisions on land use designations and zoning are
consistent with the City's vision, goals, objectives and policies as articulated

1 in the Comprehensive Plan and take into account GMA goals regarding
2 urban growth, sprawl, property rights, permits, economic development, and
3 open space and recreation.

- 4 • Goal LU9 Ensure that the 19th and Mildred Countywide Center be Fircrest's
5 priority for accommodating growth as laid out under VISION 2040 and the
6 Pierce County Countywide Planning Policies. The Countywide Center shall
7 include a high-density mix of business, residential, cultural, and recreational
8 uses during day and night that provide a sense of place and community.
- 9 • Policy LU12.1 Development regulations shall be periodically reviewed and
10 revised to ensure that they are consistent with and relate directly to
11 implementation of the Comprehensive Plan and other state and federal
12 mandates. Duplicate and unnecessary regulations should be eliminated.

13 b. The proposed amendments will promote, rather than detract from, the public
14 health, safety, morals and general welfare.

15 c. The proposed zoning is compatible with the uses and zoning of surrounding
16 property.

- 17 • The Mixed-Use Urban (MUU) zoning classification will complement
18 development regulations by the adjoining cities of University Place and
19 Tacoma and the goals and objectives of the joint Countywide Center.
- 20 • The Mixed-Use Neighborhood (MUN) zoning classification will serve as a
21 transition between the more intense MUU zone and the less intense
22 Residential-30 and Residential-8 zones.

23 d. No significant changes are being proposed to the uses allowed in the properties
24 proposed to be rezoned from CMU to either MUU or MUN.

25 e. A change of conditions has occurred within the community since adoption of
26 the comprehensive plan, this title, and amendments thereto, to warrant a
27 determination that the proposed amendment is in the public interest, including:

- 28 • Continued population growth in the County and Region;
- 29 • Designation of the City of Fircrest as a high capacity transit community by
30 the Pierce County Regional Council; and
- 31 • Designation of the 19th and Mildred area as a Countywide Center.

WHEREAS, the City Council held a public hearing on November 24, 2020 to accept
public testimony; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Council of the City of Fircrest hereby adopts all of the "whereas"
section of this ordinance as findings.

Section 2. Ordinance 1638, §18, and FMC 22.24.011 are hereby amended to read as
follows:

1 **22.24.011 Design criteria.**

2 (a) As provided in FMC 22.24.010, new facilities shall be designed to accommodate
3 co-location, unless the applicant demonstrates why such design is not feasible for
economic, technical, or physical reasons.

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

6 (1) Setback. Antennas and associated support structures shall comply with the
7 minimum setback requirements specified in the underlying zone district and shall not
8 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:

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

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

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

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

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

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

20 (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
21 FCC or FAA.

22 (5) Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers
23 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.

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

26 (A) The maximum floor area is 300 square feet and the maximum height is 12 feet.
27 Except in unusual circumstances or for other public policy considerations the
28 equipment building may be located no more than 250 feet from the tower or antenna.

1 Depending upon the aesthetics and other issues, the city, in its sole discretion, may
2 approve multiple equipment structures or one or more larger structures.

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

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

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

13 (E) Equipment buildings, antennas, and related equipment shall occupy no more than
14 25 percent of the total roof area of the building the facility is mounted on, which may
15 vary in the city's sole discretion if co-location and an adequate screening structure are
16 used.

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

28 (8) Building Codes, Safety Standards. To ensure the structural integrity of towers, the
29 provider/owner of a tower shall ensure that it is maintained in compliance with
30 standards contained in applicable city building codes and the applicable standards for
31 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 ~~mixed-use 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.

1 (B) A variance from the height limit may be granted if the applicant can show by clear
2 and convincing evidence that the additional height is necessary to provide adequate
3 service to the residents of the city and no other alternative is available. When granting
4 a variance, the hearing examiner shall require that a significant portion of the tower
5 and related facilities be screened by existing trees or existing structures. Generally,
6 this means that all but the top 15 feet of the tower and related facilities shall be
7 screened by existing trees or existing structures. Variance criteria are listed in FMC
8 22.24.013.

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

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

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

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

26 (B) The antenna shall be mounted on a wall of an existing building in a configuration
27 as flush to the wall as technically possible and shall not project above the wall on
28 which it is mounted unless it must for technical reasons. In no event shall an antenna
29 project more than 16 feet above the roof line including parapets. An antenna may
30 project into a required building setback a distance not to exceed that allowed for
31 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 roofline 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 preexisting 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 centrally located on the roof and 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 roofline 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 centrally located when placed on a building roof and in all locations 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 it is attached; or

(ii) A panel antenna no more than two feet wide and six feet long, extending above the structure to which it is 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) Antennas, 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,

1 and their support structure shall be a color that blends with the structure on which they
2 are mounted.

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

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

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

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

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

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

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

30 (S) No person shall locate an antenna or tower for wireless communications services
31 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 3. Ordinance 1153, §2, and FMC 22.24.012 are hereby amended to read as
follows:

22.24.012 Permits required.

~~(a) Where a tower or antenna support structure will be 110 feet or less in height and
located within an industrial, community commercial, park, recreation and open space,
or public and quasi-public facilities land use designation area, in addition to the other
provisions of this chapter, an applicant will be required to obtain a Type II~~

~~administrative use permit. In the event that a proposed tower or antenna support structure will be located in a neighborhood commercial, high density residential, medium density residential, or low density residential land use designation area, in addition to the other provisions of this chapter, an applicant will be required to obtain a Type III conditional use permit. For all towers or structure-mounted or building-mounted wireless facilities which will require a variance, an applicant will be required to obtain a Type III conditional use permit.~~

(ba) Project permit review procedures are specified in this title. The following table specifies the permits required for the various types of personal wireless service facilities that meet the standards of this chapter.

Type of Permit

Type of Facility	Conditional Use	Administrative Use	<u>Building Permit</u>
Towers ≤ 110 feet and structure-mounted or building-mounted wireless facilities in: industrial; community commercial mixed-use ; parks, recreation and open space; and public and quasi-public facilities land use designation areas	X (only if variance required)	X (if no variance is required)	
Towers ≤ 60 feet and structure-mounted or building-mounted wireless facilities in: neighborhood commercial; high density residential; medium density residential; and low density residential land use designation areas	X		
<u>Antenna mounted on building</u>			<u>X</u>
Modification of existing facilities to accommodate co-location, <u>including “eligible facilities request” pursuant to federal law</u>	X (only if variance required)	X	<u>X</u>
All other towers and structure-mounted or building-mounted wireless facilities which require a variance	X		

Section 4. Ordinance 1598, §10, and FMC 22.26.010 are hereby amended to read as follows:

22.26.010 Classification and regulation of signs.

(a) Classification. Signs may be classified in the following general categories:

- (1) Accessory signs;
- (2) Awning, canopy, and marquee signs;
- (3) Changeable copy signs;

- (4) Digital signs;
- (5) Freestanding signs;
- (6) Portable signs;
- (7) Projecting signs;
- (8) Service island signs;
- (9) Temporary signs;
- (10) Under-canopy signs;
- (11) Wall signs; or
- (12) Window signs.

(b) Regulation. No classification of sign shall be permitted to be constructed, erected or placed on any property unless it is listed as a permitted sign within the sign group applicable to the subject property as set forth in subsection (c) of this section or listed as an exemption in FMC 22.26.025.

(c) Sign Groups. For purposes of this regulation, the various sign groups are established as follows:

(1) Group 1. Properties located within a PROS, GC, or other nonresidential or noncommercial zoning classification; properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, or other residential zoning classification established subsequent to adoption of this chapter that are developed for nonresidential uses such as schools, churches, parks and municipal buildings or facilities;

(2) Group 2. Residentially developed properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, or other residential zoning classification established subsequent to adoption of this chapter; and

(3) Group 3. Properties located within a ~~an~~ NO, NC, ~~MUN, MUUCMU~~, or other commercial or mixed-use zoning classification established subsequent to adoption of this chapter.

(d) Table 1 identifies the permitted types of signs by sign group. An “X” in the table indicates that the particular type of sign is allowed in a sign group. See applicable standards in the section noted for each sign type for specific requirements and for possible exceptions to the provisions below.

Table 1

Sign Type	Sign Group		
	Group 1 (Nonresidential and noncommercial)	Group 2 (Residential)	Group 3 (Commercial and mixed-use)
Accessory	X ¹		X
Awning, canopy, and marquee	X		X
Changeable copy	X		X
Digital	X		X

	Sign Group		
Sign Type	Group 1 (Nonresidential and noncommercial)	Group 2 (Residential)	Group 3 (Commercial and mixed-use)
Freestanding	X		X
Portable	X	X ²	X
Projecting			X
Service island			X
Temporary	X	X	X
Under-canopy			X
Wall	X	X	X
Window	X	X ²	X

¹ Excluding large accessory signs

² Temporary only

Section 5. Ordinance 1598, §18, and FMC 22.26.018 are hereby amended to read as follows:

22.26.018 Portable signs.

(a) No Permit Required. No sign permit is required for portable signs.

(b) Design and Materials. Portable signs must be designed with durable materials; otherwise they will be regulated as temporary signs under FMC 22.26.021. Portable signs must be designed to withstand wind and include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

(c) Size and Height (See Figure 18).

(1) Sandwich Board Signs. Maximum four feet in height and three feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.)

(2) Pole-Mounted Signs. Maximum four feet in height and three feet in width.

(3) Feather Signs. Maximum 13 feet in height.

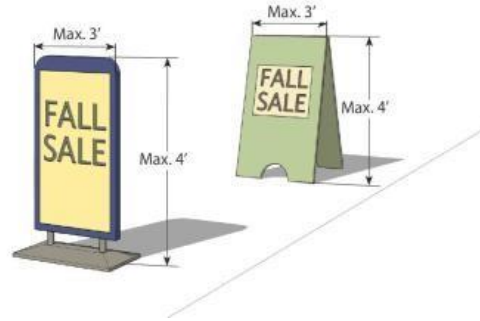


Figure 18

(d) Number, Location and Spacing.

(1) Sandwich Board or Pole-Mounted Sign. One sandwich board or pole-mounted sign may be displayed per tenant space. Signs shall be located within 12 feet of the primary building entrance.

(2) Feather Sign. A feather sign may be displayed in lieu of a portable sandwich board or pole-mounted sign. Spacing of feather signs shall be no closer than 100 feet apart on a property frontage as shown in Figure 19. Each property may qualify for one feather sign regardless of frontage length.



Figure 19

Feather signs shall be placed at intervals of no more than one sign per 100 lineal feet of frontage and located behind the sidewalk outside the public ROW.

(e) Placement. No portable sign may be located on city right-of-way, including sidewalk, without city approval. Such signs shall not be placed within a clear vision triangle (see FMC 22.58.005) or any location that will impede vehicular traffic. Further, such signs shall not be placed in a manner that will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

(f) Display Hours. During business or operating hours only.

(g) Location. Portable signs (durable and temporary) may be permitted in Group 1 (nonresidential/noncommercial) and Group 3 (commercial), and temporary portable signs may be permitted in Group 2 (residential). Temporary portable signs are subject to the provisions of FMC 22.26.021. Feather signs are permitted only in the MUN and MUUCMU zones.

(h) Visually Obscured Building Signage. In order to provide increased visibility for businesses and other tenants located in buildings that are visually obscured from public street frontage by an intervening building, sandwich or pole-mounted signs may be placed along the arterial street frontage in lieu of these signs being placed within 12 feet of the primary entrance to the rear building or business, subject to the following limitations:

(1) The property is located within a MUU, MUN, CMU or NC zone.

(2) Signs shall be placed on private property subject to the property owner's permission.

(3) The number of signs shall be limited to one per tenant.

(4) Spacing shall be no closer than 40 feet apart to minimize their visual impact.

Section 6. Ordinance 1598, §24, and FMC 22.26.024 are hereby amended to read as follows:

22.26.024 Window signs.

Window signs may be used in place of permitted wall signs (except where otherwise specified herein), provided they comply with the following standards:

(a) Number. One permanent window sign may be placed in a single window.

(b) Area. Maximum four square feet or 10 percent of the area of the window in which they are placed, whichever is greater (temporary and permanent window signs combined). These area limits apply to individual windows or to window units separated from another window or window unit by a pier, column, or other substantial architectural element. These limits do not apply to uses providing commercial services located within a MUN or MUUCMU zone located at least 150 feet from a public or private street.

(c) Location. Permanent signs shall not be placed in windows above the second story level. For the requirements applicable to temporary window signs, see FMC 22.26.021.

(d) Design. Permanent signs are limited to individual painted or vinyl cut-out letters and graphics, or neon signs constructed without a solid or opaque background. Permanent signs with solid backgrounds or opaque backgrounds are not permitted in windows ~~in order~~ to ensure maximum light and visibility through windows. Temporary window signs are exempt from these design restrictions.

(e) Location. Window signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

1 **Section 7.** Ordinance 1562, §3, and FMC 22.30.001 are hereby amended to read as
2 follows:

3 **22.30.001 Establishment of zoning districts.**

4 In order to carry out the purpose of this title in the interest of public health, safety and
5 general welfare, the following zoning districts are established:

6 Residential-4	R-4
7 Residential-4-Conservation	R-4-C
8 Residential-6	R-6
9 Residential-8	R-8
10 Residential-10-Traditional Community Design	R-10-TCD
11 Residential-20	R-20
12 Residential-30	R-30
13 Neighborhood Office	NO
14 Neighborhood Commercial	NC
15 Commercial-Mixed-Use <u>Neighborhood</u>	<u>MUNCMU</u>
16 <u>Mixed-Use Urban</u>	<u>MUU</u>
17 Park, Recreation and Open Space	PROS
18 Golf Course	GC

19 **Section 8.** Ordinance 1562, §4, and FMC 22.30.002 are hereby amended to read as
20 follows:

21 **22.30.002 Official zoning map**

22 The boundaries of the zoning districts are established and delineated on the official
23 zoning map entitled “City of Fircrest Zoning Map,” effective date ~~October 13,~~
2015 December 8, 2020. The map is incorporated as a part of this title. The official
24 zoning map may consist of more than one map sheet for ease of use.

25 **Section 9.** A new chapter is hereby adopted to read as follows:

26 **Chapter 22.48 MIXED-USE NEIGHBORHOOD DISTRICT (MUN)**

27 Sections:

28 22.48.001 Purpose.

29 22.48.002 Permitted uses.

30 22.48.003 Accessory uses.

31 22.48.004 Conditional uses.

22.48.005 Administrative uses.

1 **22.48.006 Prohibited uses.**

2 **22.48.007 Development standards.**

3 **22.48.001 Purpose.**

4 The MUN zoning district is intended to implement the comprehensive plan's mixed-
5 use land use designation. This district provides opportunities for a broad mix of retail
6 and office uses, personal, professional and business services, institutions, recreational
7 and cultural uses, residential uses, and other facilities that provide services for the
8 needs of nearby residents and businesses and the surrounding community.
9 Development standards support moderate density residential development and
10 moderately intense commercial development. In addition, the MUN district provides
11 limited opportunities for light industrial activities that enhance the city's economic
12 base and provide employment for residents in the area in a manner that is compatible
13 with neighboring commercial and residential uses. Site and building design support
14 pedestrian, bicycle and transit use while accommodating automobiles. Applicable
15 form-based code standards require new development to establish a fine-grained street
16 grid and block pattern as properties redevelop. Community greens, squares, plazas,
17 and other publicly accessible spaces are incorporated into mixed-use developments
18 that include a variety of complementary uses. High quality architecture, landscaping,
19 streetscape, artwork, and other public amenities contribute to making the area inviting,
20 attractive, functional, and vibrant for residents, employees, and visitors alike.

21 **22.48.002 Permitted uses.**

22 Uses permitted subject to compliance with form-based standards in accordance with
23 Chapter 22.57 FMC, site plan approval in accordance with Chapter 22.72 FMC and
24 administrative design review approval in accordance with Chapter 22.66 FMC:

25 (a) Commercial use, including retail, service, office, financial institution, fitness
26 center, and food-serving establishment.

27 (b) Microbeverage production facility, including microbrewery, microdistillery and
28 microwinery.

29 (c) Culturally enriching use, including art gallery, dance studio, library, museum, live
30 theater venue, and senior center.

31 (d) Laboratory, including medical, dental, and optical.

(e) Civic, labor, social, and fraternal organization.

(f) Veterinary clinic, with treatment and storage of animals within an enclosed
building.

(g) Entertainment and recreation facility (indoor only).

(h) Automobile, recreational vehicle, and boat sales or rental, new or used (indoor
showroom only).

1 (i) Child day-care center.

2 (j) Preschool, accredited, public or private.

3 (k) Lodging.

4 (l) Religious institution.

5 (m) Family group home, including adult family home.

6 (n) Cottage housing, live-work unit, and multifamily dwelling.

7 (o) Assisted living facility, including congregate care facility, convalescent home,
8 hospice care center, residential care facility, and residential treatment facility.

9 (p) Necessary public or quasi-public utility building, structure or equipment, unstaffed
10 and less than or equal to 500 square feet in gross floor area (subject to compliance
11 with landscape standards in Chapter 22.62 FMC). Excludes substation.

12 **22.48.003 Accessory uses.**

13 Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC
14 22.48.002:

15 (a) Temporary accessory use or structure (subject to compliance with FMC
16 22.58.015).

17 (b) Home occupation – Type I and Type II (subject to compliance with FMC
18 22.58.013).

19 (c) Family day-care facility (subject to compliance with FMC 22.58.010).

20 (d) Electric vehicle charging station (subject to compliance with FMC 22.58.025).

21 (e) Electric vehicle battery exchange station (subject to compliance with FMC
22 22.58.025).

23 (f) Other accessory use or structure that is subordinate and incidental to a principally
24 permitted use, as determined by the director.

25 **22.48.004 Conditional uses.**

26 Uses permitted subject to conditional use permit approval in accordance with Chapter
27 22.68 FMC and administrative design review in accordance with Chapter 22.66 FMC:

28 (a) Essential public facility, as determined by FMC 22.58.022. Excludes family and
29 general group homes and includes correctional group homes.

30 (b) Necessary public or quasi-public structure or equipment greater than 500 square
31 feet in gross floor area (subject to compliance with landscape standards in Chapter
22.62 FMC). Excludes substation.

(c) Personal wireless service facility for which a variance is required (subject to
compliance with Chapter 22.24 FMC).

1 (d) A use not listed above which: is not listed in another zoning district as a permitted
2 or conditional use; is similar in nature to the above list of permitted and conditional
3 uses; is consistent with the purpose and intent of this zoning district; and is compatible
4 with the uses on adjoining properties.

4 **22.48.005 Administrative uses.**

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

7 (a) Outdoor sidewalk cafe or other food- or beverage-serving facility or establishment,
8 when located on a public sidewalk or other public right-of-way area (subject to
9 compliance with FMC 22.58.017).

10 (b) Establishment licensed by the Washington State Liquor and Cannabis Board to
11 serve liquor for on-premises consumption in an outdoor customer seating area (subject
12 to compliance with FMC 22.58.029).

13 (c) Drive-up or drive-through facility established prior to effective date of the
14 ordinance codified in this section (modifications subject to compliance with FMC
15 22.60.012 and FMC 22.64.043).

16 (d) Light industrial uses including: engineering-oriented pursuits such as electronics,
17 robotics, 3-D printing, and the use of computer numerical control (CNC) tools;
18 metalworking, woodworking, and traditional arts and crafts; small-scale assembly and
19 manufacturing of products using processed materials that do not have the potential to
20 create a nuisance for adjoining land uses; wholesale sale of products manufactured on
21 site; and technological and biotechnological uses, including scientific research, testing
22 and experimental development laboratories.

23 (e) Outdoor seasonal sales, such as Christmas tree or pumpkin patch lots, or other
24 outdoor special event sales.

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

26 **22.48.006 Prohibited uses.**

27 The following uses are prohibited:

28 (a) Vehicle wrecking yard.

29 (b) Impound yard.

30 (c) Junk or salvage yard.

31 (d) Mini-storage or mini-warehouse.

(e) Service station or vehicle repair.

(f) New drive-up or drive-through facility.

22.48.007 Development standards.

<u>Residential density</u>	<u>Determined through project compliance with development standards.</u>
<u>Building placement</u>	<u>See form-based building standards in Chapter 22.57 FMC.</u>
<u>Minimum height/number of stories</u>	<u>25 feet/2 stories above grade.</u>
<u>Maximum height/number of stories</u>	<u>50 feet/4 stories above grade.</u>
<u>Form-based standards</u>	<u>See Chapter 22.57 FMC.</u>
<u>Additional specific use and structure regulations</u>	<u>See Chapter 22.58 FMC.</u>
<u>Parking and circulation</u>	<u>See Chapter 22.60 FMC.</u>
<u>Landscaping regulations</u>	<u>See Chapter 22.62 FMC.</u>
<u>Design standards and guidelines</u>	<u>See Chapter 22.64 FMC. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.</u>
<u><i>Calculations resulting in a fraction shall be rounded to the nearest whole number with 0.50 being rounded up.</i></u>	

Section 10. Ordinance 1562, §26, and FMC 22.50 are hereby amended to read as follows:

Chapter 22.50

~~COMMERCIAL-MIXED-USE~~ URBAN DISTRICT (~~MUCMU~~)

Sections:

- 22.50.001 Purpose.
- 22.50.002 Permitted uses.
- 22.50.003 Accessory uses.
- 22.50.004 Conditional uses.
- 22.50.005 *Repealed.*
- 22.50.006 Administrative uses.
- 22.50.007 Prohibited uses.
- 22.50.008 Development standards.

Section 11. Ordinance 1562, §27, and FMC 22.50.001 are hereby amended to read as follows:

1 **22.50.001 Purpose.**

2 The ~~CMUU~~ zoning district is intended to implement the comprehensive plan's
3 ~~commercial-mixed-use~~ land use designation. This district provides opportunities for a
4 broad mix of retail and office uses, personal, professional and business services,
5 institutions, recreational and cultural uses, residential uses, and other facilities that
6 provide services for the needs of nearby residents and businesses and the surrounding
7 community. Development standards support higher density residential development
8 and more intense commercial development compared to the MUN zoning district. In
9 addition, the ~~MUUcommercial-mixed-use~~ district provides limited opportunities for
10 light industrial activities that enhance the city's economic base and provide
11 employment for residents in the area in a manner that is compatible with neighboring
12 commercial and residential uses. Site and building design ~~support~~encourage
13 pedestrian, bicycle and transit use while accommodating automobiles. Applicable
14 form-based code standards require new development to establish a fine-grained street
15 grid and block pattern as properties redevelop. Community greens, squares, plazas,
16 and other publicly accessible spaces are incorporated into mixed-use developments
17 that include a variety of complementary uses. High quality architecture, landscaping,
18 ~~hard~~streetscape, artwork, and other public amenities contribute to making the area
19 inviting, attractive, functional, and vibrant for residents, employees, and visitors alike.

20 **Section 12.** Ordinance 1611, §12, and FMC 22.50.002 are hereby amended to read
21 as follows:

22 **22.50.002 Permitted uses.**

23 Uses permitted subject to compliance with form-based standards in accordance with
24 Chapter 22.57 FMC, site plan approval in accordance with Chapter 22.72 FMC and
25 administrative design review approval in accordance with Chapter 22.66 FMC:

26 ~~(a) Retail sales store including, but not limited to, the sale or rental of the following~~
27 ~~items: antiques, appliances (new), art and art supplies, bicycles, books, building~~
28 ~~materials, clothing, fabrics, floor coverings, flowers, food, gifts, groceries, hardware,~~
29 ~~hobby and craft supplies, home furnishings, jewelry, lawn and garden equipment and~~
30 ~~supplies, newspapers, office equipment and supplies, paint, music, pets and pet~~
31 ~~supplies, pharmaceuticals, photography supplies and processing, sporting goods,~~
~~stationery, toys, vehicle parts (new/remanufactured), videos and wallpaper.~~

~~(b) Commercial service including, but not limited to: beauty and hair care, consulting,~~
~~copying, dry cleaning, fitness/health studios, funeral services, laundry and cleaning~~
~~(self-service), locksmithing, optical, pet grooming, post office or substation, printing,~~
~~studio photography, real estate sales, repair of products listed in subsection (a) of this~~
~~section, security, signs, tailoring, telecommunication sales, title, travel agency service,~~
~~upholstery and vehicle detailing.~~

~~(c) Food-serving establishment including, but not limited to, bakery, cafeteria, coffee~~
~~shop, confectionery, delicatessen, espresso stand, ice cream or yogurt shop, restaurant~~
~~and other sit-down, self-service, or take-out establishments.~~

(a) Commercial use, including retail, service, office, financial institution, fitness center
and food-serving establishment.

1 (~~db~~) Microbeverage production facility, including microbrewery~~ies~~, microdistillery~~ies~~
2 and microwinery~~ies~~.

3 ~~(e) Commercial office including, but not limited to: medical, dental, optometric,~~
4 ~~business and professional offices.~~

5 ~~(fc)~~ Culturally enriching use, including, ~~but not limited to:~~ art gallery, dance studio,
6 library, museum, live theater venue, and senior center.

7 ~~(gd)~~ Laboratory, including ~~but not limited to:~~ medical, dental, and optical.

8 ~~(he)~~ Civic, labor, social, and fraternal organization.

9 ~~(if)~~ Veterinary clinic, with treatment and storage of animals within an enclosed
10 building.

11 ~~(ig)~~ Entertainment and recreation facility (indoor only), ~~including but not limited to:~~
12 ~~arcade, bowling alley, indoor miniature golf course, indoor movie theater, indoor~~
13 ~~skating rink, racquetball court and tennis court.~~

14 (h) Automobile, recreational vehicle, and boat sales or rental, new or used (indoor
15 showroom only).

16 (i) Child day-care center.

17 (j) Preschool, accredited, public or private.

18 ~~(k) Lodging~~Hotel and motel.

19 ~~(l) Financial institution, including but not limited to: bank, savings and loan, and credit~~
20 ~~union.~~

21 ~~(ml)~~ Religious institution.

22 ~~(nm)~~ Family group home, including adult family home.

23 ~~(no)~~ Live-work unit and Mmultifamily dwelling.

24 ~~(op)~~ Assisted living facility, including congregate care facility, convalescent home,
25 hospice care center, residential care facility, and residential treatment facility.

26 ~~(pq)~~ Necessary public or quasi-public utility building, structure, or equipment,
27 unstaffed and less than or equal to 500 square feet in gross floor area (subject to
28 compliance with landscape standards in Chapter 22.62 FMC). Excludes substation.

29 **Section 13.** Ordinance 1562, §29, and FMC 22.50.003 are hereby amended to read
30 as follows:

31 **22.50.003 Accessory uses.**

Uses permitted in conjunction with, or accessory to, a principal use permitted in FMC
22.50.002:

1 (a) Temporary accessory use or structure (subject to compliance with FMC
2 22.58.015).

3 (b) Home occupation – Type I and Type II (subject to compliance with FMC
4 22.58.013).

5 ~~(c) Employee recreation facility and play area.~~

6 ~~(d) Employee cafe or cafeteria operated in conjunction with a principally permitted
7 use.~~

8 ~~(ce)~~ Family day-care facility (subject to compliance with FMC 22.58.010).

9 ~~(f) Other accessory use or structure that is subordinate and incidental to a principally
10 permitted use, as determined by the director.~~

11 ~~(gd)~~ Electric vehicle charging station (subject to compliance with FMC 22.58.025).

12 ~~(he)~~ Electric vehicle battery exchange station (subject to compliance with FMC
13 22.58.025).

14 ~~(f) Other accessory use or structure that is subordinate and incidental to a principally
15 permitted use, as determined by the director.~~

16 **Section 14.** Ordinance 1611, §13, and FMC 22.50.004 are hereby amended to read
17 as follows:

18 **22.50.004 Conditional uses.**

19 Uses permitted subject to conditional use permit approval in accordance with Chapter
20 22.68 FMC and administrative design review in accordance with Chapter 22.66 FMC:

21 ~~(a) Child day-care center.~~

22 ~~(b) Preschool, accredited, public or private.~~

23 ~~(c) Home occupation—Type II (subject to compliance with FMC 22.58.013).~~

24 ~~(d) Automobile and boat sales or rental, new or used.~~

25 ~~(e) Vehicle repair established prior to effective date of the ordinance codified in this
26 section.~~

27 ~~(af)~~ Service station established prior to effective date of the ordinance codified in this
28 section.

29 ~~(g) Entertainment facility, outdoor.~~

30 ~~(bh)~~ Adult entertainment establishments (subject to compliance with FMC 22.58.014).

31 ~~(ci)~~ Essential public facilities, as determined by FMC 22.58.022. Excludes family and
general group homes and includes correctional group homes.

(dj) 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). Excludes substation.

(ek) Personal wireless service facility for which a variance is required (subject to compliance with Chapter 22.24 FMC).

(fl) 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 15. Ordinance 1611, §14, and FMC 22.50.006 are hereby amended to read as follows:

22.50.006 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) Drive-up or drive-through facility established prior to effective date of the ordinance codified in this section (modifications) subject to compliance with FMC 22.60.012 and FMC 22.64.043).

(d) Light industrial uses including: engineering-oriented pursuits such as electronics, robotics, 3-D printing, and the use of computer numerical control (CNC) tools; metalworking, woodworking, and traditional arts and crafts; small-scale assembly and manufacturing of products using processed materials that do not have the potential to create a nuisance for adjoining land uses; wholesale sale of products manufactured on site; and technological and biotechnological uses, including scientific research, testing and experimental development laboratories.

(e) Outdoor seasonal sales, such as Christmas tree or pumpkin patch lots, or other outdoor special event sales.

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

Section 16. Ordinance 1611, §15, and FMC 22.50.007 are hereby amended to read as follows:

22.50.007 Prohibited uses.

The following uses are prohibited:

(a) ~~Automobile~~Vehicle wrecking yard.

- (b) Impound yard.
- (c) Junk or salvage yard.
- (d) Mini-storage or mini-warehouse.

(e) New service station or vehicle repair.

(f) New drive-up or drive-through facility.

Section 17. Ordinance 1611, §16, and FMC 22.50.008 are hereby amended to read as follows:

22.50.008 Development standards.

Maximum Residential density	Determined through project compliance with development standards.30 dwelling units per acre.
Building placement	See form-based building standards in Chapter 22.57 FMC.
Minimum height/number of stories	35 feet/3 stories above grade.
Maximum height/number of stories	4580 feet/7 stories above grade. A maximum 55-foot height may be authorized if 1 or more levels of structured parking are provided at or below grade level within the building footprint. For other exceptions, see FMC 22.58.007.
Front yard and side-street side yard setback	0 feet minimum/20 feet maximum for first 2 stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first 2 stories.
Minimum interior side yard setback	10 feet for first 2 stories. Additional stories shall be stepped back at least 5 feet from the wall plane established for the first 2 stories.
Minimum rear yard setback	10 feet, except when abutting an R-district (see below).
Minimum setback when abutting an R-district	20 feet for first 2 stories. Additional stories shall be stepped back at least 10 feet from the wall plane established for the first 2 stories.
Maximum lot coverage for structures	65% for all structures combined. 75% for all structures combined if at least 50% of required parking is provided at or below grade level within the building footprint.
Maximum impervious surface coverage	85% for structures and other impervious surfaces combined.

Exterior wall modulation	Building elevations greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 4% of the length of the facade, but no less than 6 feet. The projections or recesses shall extend at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 80 horizontal feet. See FMC 22.64.009 for an illustration of this requirement. Alternative designs that: incorporate recessed or projecting balconies; use base, middle and top treatments with different forms; include roof modulation; and/or provide strong articulation of the facade through the use of multiple siding materials and textures, various building forms, awnings and variation in colors—in conjunction with appropriate landscaping, may be approved in lieu of compliance with the wall modulation standard specified above.
Business hours	Limitations may be imposed through the site plan review or conditional use permit review processes in order to mitigate impacts on nearby land uses. See Chapters 22.68 and 22.72 FMC.
Limitation on nonretail use	For a lot or a group of lots having a gross lot area greater than 0.5 acres, the ground floor of buildings within 250 feet of the Mildred Street ROW on such lots shall be designed to accommodate retail use per FMC 22.64.016 and FMC 22.64.020. Not more than 20% of building floor within this ground floor may be leased or otherwise made available for nonretail use. A lot with an area that exceeds 0.5 acres prior to the effective date of the ordinance codified in this section, and that is subsequently subdivided or otherwise reduced in area to less than 0.5 acres, shall remain subject to these requirements.
<u>Form-based standards</u>	<u>See Chapter 22.57 FMC.</u>
Additional specific use and structure regulations	See Chapter 22.58 FMC.
Pedestrian plaza requirements	See FMC 22.58.016.
Parking and circulation	See Chapter 22.60 FMC.
Landscaping regulations	See Chapter 22.62 FMC.

Design standards and guidelines	See Chapter 22.64 FMC. See also multifamily design standards and guidelines adopted by reference in Chapter 22.63 FMC.
Ground floor use of a commercial or mixed-use building	See FMC 22.64.016(a).
Continuous storefront requirement for parking structures	See FMC 22.64.016(b).
Minimum floor to ceiling height for ground floor commercial space	See FMC 22.64.016(c).
Large retail establishment requirements	See FMC 22.64.042.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with 0.50 being rounded up.</i>	

Section 18. A new chapter is hereby adopted to read as follows:

Chapter 22.57

FORM-BASED CODE

Sections:

22.57.001 Purpose.

22.57.002 Authority.

22.57.003 Applicability.

22.57.004 Review process.

22.57.005 Form-based code adopted.

22.57.006 Amendment of form-based code.

22.57.007 Minor departure from form-based code regulating plan.

22.57.001 Purpose.

The purpose of this chapter is to establish form-based standards that will implement goals, policies, and objectives set forth in the Fircrest Comprehensive Plan relating

1 to preservation of community character and community vitality, appropriate urban
2 form, and design principles emphasizing pedestrian orientation, integration of land
3 uses, treatment of streetscapes as community living space, and environmentally
4 sensitive building design and operation.

5 **22.57.002 Authority.**

6 The provisions of this chapter shall augment and/or supersede existing regulations in
7 this title. When provisions included in these form-based standards conflict with other
8 requirements of this title, these standards shall apply unless otherwise provided.

9 **22.57.003 Applicability.**

10 (a) The form-based standards adopted pursuant to this chapter shall apply to
11 development proposed to be constructed or carried out in any areas subject to the
12 provisions of this chapter. These include the neighborhoods, corridors, or districts
13 identified in the comprehensive plan and reiterated below:

14 (1) Mixed-Use Urban (MUU) District

15 (2) Mixed-Use Neighborhood (MUN) District

16 (b) The form-based standards are designed to prescribe appropriate land uses, and
17 project and site design principles relating to appropriate building types, housing mix,
18 integration of land uses, and appropriate form for the pedestrian orientation,
19 streetscape, and public realm in the subject area.

20 **22.57.004 Review process.**

21 Administrative design review is required for development subject to compliance with
22 the form-based standards adopted pursuant to this chapter. The city shall review
23 applications in accordance with Chapter 22.66 FMC. In addition, for certain uses
24 specified in a zoning district, administrative use permit approval may be required in
25 accordance with Chapter 22.68 FMC, conditional use permit approval may be required
26 in accordance with Chapter 22.68 FMC, or site plan approval may be required in
27 accordance with Chapter 22.72 FMC.

28 **22.57.005 Form-based code adopted.**

29 The “Fircrest Form-Based Code” is adopted by reference and contained in a separate
30 manual.

31 **22.57.006 Amendment of form-based code.**

(a) An amendment to the “Fircrest Form-Based Code” shall be processed in
accordance with the procedures set forth in Chapter 22.78 FMC.

(b) An amendment to the text, tables, or graphics contained within the “Fircrest Form-
Based Code” shall be processed as a development regulation amendment.

(c) An amendment to a regulating plan contained within the “Fircrest Form-Based
Code” that requires a change to the boundaries of an underlying zoning district shall
be processed as a zoning map amendment.

1 **22.57.007 Minor departure from form-based code regulating plan.**

2 (a) Minor departure from the streets and open space areas configurations shown on
3 the regulating plan established in Figure x.x.x of the “Fircrest Form-Based Code”
4 may be approved by the review authority in accordance with FMC 22.66.006(b) and
5 (c), and as follows.

6 (1) Where a planned street is shown on the regulating plan, the center line may be
7 moved up to 50 feet in either direction if:

8 (A) The street will be entirely contained within one development project.

9 (B) The change will not result in less connectivity of the network of blocks and streets,
10 and no new dead-end streets or off-set connections will be created.

11 (C) No street intersection will occur within 100 feet of another street intersection or
12 planned street intersection.

13 (D) The new alignment will not shift a zoning district boundary in accordance with
14 FMC 20.30.004(a)(1).

15 (2) An alley may be reoriented to run north-south instead of east west, or vice versa.

16 (3) Additional streets may be added to the regulating plan during review process to
17 create a smaller block pattern; however, no streets may be deleted without being
18 replaced.

19 (4) The boundaries of open space areas shown on the regulating plan may be
20 reconfigured to reflect new or modified street rights-of-way and block configurations,
21 if the size, location and configuration of the open space will serve the same purpose
22 and function as originally intended by the regulating plan.

23 (b) Any amendment or change to the regulating plan, beyond those specified above,
24 shall be processed in accordance with the procedures set forth in Chapter 22.78 FMC.

25 **Section 19.** Ordinance 1640, §5, and FMC 22.58.008 are hereby amended to read as
26 follows:

27 **22.58.008 Performance standards.**

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

30 (a) Objectionable Elements. No land or building shall be used or occupied in any
31 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.

1 (c) Outside Storage. Unless authorized by the applicable zoning district, outside
2 storage of material for commercial and industrial uses is prohibited. An outside storage
3 area shall not exceed 20 percent of lot area and shall be screened from view from any
4 property line. Outside storage shall be restricted to the area at the rear of a principal
5 building. The outside storage area shall be enclosed by a fence greater than or equal to
6 eight feet in height. Outside storage exceeding a height of eight feet shall be set back
7 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.

8 (d) Refuse Collection Containers. For multifamily, mixed-use, or nonresidential
9 structures and uses, all outdoor refuse collection containers (including recycling
10 containers) shall be completely screened from public or private streets and from
11 adjacent property by an opaque screen. Masonry block wall, decorative metal, or other
12 high-quality durable materials shall be used for the screen. Chain link with slats shall
13 not be used. Where space allows, evergreen shrubs and other landscaping shall be
14 installed to soften the visual impact of the screening enclosure. Refuse storage areas
15 that are visible from the upper stories of adjacent structures shall have an opaque or
16 semi-opaque horizontal cover or screen to mitigate unsightly views. The covering
17 structure shall be compatible with the site's architecture. If required by the sanitary
18 sewer service provider, the trash enclosure floor shall be designed to slope to an
19 interior trapped area floor drain and connected to a grease interceptor before plumbing
20 to the sanitary sewer system. The floor shall be designed to contain all interior run off
21 and not allow outside storm rain or run off from entering the trash enclosure. The
22 storage of animal or vegetable waste that may attract insects or rodents or otherwise
23 create a potential health hazard is prohibited. Properties undergoing substantial
24 improvement as defined in FMC 22.98.697, a change in building code classification,
25 or a change in use shall install new screening or upgrade any existing collection
26 container facilities that do not meet the standards of this section to ensure code
27 consistency upon completion of the redevelopment. A change from one tenant to
28 another that neither triggers a change in building code classification nor represents a
29 change in use will not require new screening or an upgrade to an existing enclosure.
30 For multi-tenant structures, the city's determination as to whether improvement to an
31 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.

1 (f) Utilities. For new development, or existing development which is being expanded
2 by greater than or equal to 50 percent of its existing gross floor area, all utilities shall
3 be located underground; provided, that electrical lines of 50,000 volts or greater may
4 be placed aboveground. The construction of a new single-family residence on an infill
5 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.

6 (g) Screening of Mechanical Equipment. All roof-mounted air conditioning or heating
7 equipment, vents or ducts shall not be visible from the ground level of any abutting
8 parcel or any public rights-of-way. This shall be accomplished through the extension
9 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.

10 (h) Barbed or Razor Wire. Barbed, razor or similar security wire may be authorized by
11 the city for municipal facilities, if the fence on which the wire is placed will be
12 effectively screened by landscaping. Barbed or razor wire is prohibited in all other
locations and zoning districts.

13 (i) Erosion and Sedimentation. A temporary erosion and sedimentation control plan
14 detailing measures for controlling erosion and sediment-laden runoff shall be
15 submitted for approval by the director prior to issuance of a clearing and grading
16 permit or other construction permit for a project. Measures shall include provisions to
17 remove depositions of soil and material from streets and to prevent discharge of soil
18 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.

19 (j) Particulates. During site development activities, construction dust and other
20 particulates shall be controlled through frequent watering and/or other dust control
21 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.

22 (k) Stormwater Management. Stormwater facilities shall be designed in accordance
23 with the standards set forth in Chapter 20.24 FMC. Stormwater site plans
24 demonstrating compliance with stormwater management standards shall be submitted
for approval by the director and city engineer prior to issuance of site development
permits.

25 (l) Contaminants. During site development activities, all releases of oils, hydraulic
26 fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials
27 shall be contained and removed in a manner that will prevent their discharge to waters
28 and soils of the state. The cleanup of spills shall take precedence over other work on
the site.

1 **Section 20.** Ordinance 1562, §40, and FMC 22.58.014 are hereby amended to read
2 as follows:

3 **22.58.014 Adult entertainment establishments.**

4 (a) Purpose. The purpose of this section is to regulate adult entertainment
5 establishments and to provide certain limitation to the siting of these uses.
6 Development standards are used to reduce conflicts between these uses and other uses
7 that may not be compatible.

8 (b) Uses Permitted. Adult entertainment establishments may be permitted by
9 conditional use permit in the ~~MUU~~~~commercial-mixed-use~~ zone.

10 (c) Locational Requirements.

11 (1) Adult entertainment establishments shall not be located on lots adjacent to (directly
12 touching or across a street from) any residential zone (R-4, R-4-C, R-6, R-8, R-10-
13 TCD, R-20 and R-30) and additional zones (NC, NO~~2~~~~-and GC~~ and MUN) that allow
14 residential uses (except for dwelling units provided for site security or maintenance
15 personnel).

16 (2) Adult entertainment establishments shall not be allowed within 500 feet of any
17 other adult entertainment establishment, as measured from property lines.

18 (3) Adult entertainment establishments shall not be allowed within 100 feet of any
19 “sensitive receptor.” Distances provided in this section shall be measured by following
20 a straight line, without regard to intervening buildings, from the nearest point of the
21 property parcel upon which the proposed use is to be located, to the nearest point of
22 the parcel of property or the zone district boundary line from which the proposed land
23 use is to be separated.

24 (d) Variance to Locational Requirements. A variance to the dispersal provisions may
25 be granted by the ~~hearing examiner~~~~planning commission~~ if all of the following criteria
26 can be met:

27 (1) That free speech rights which are entitled to protection by the First Amendment to
28 the United States Constitution of an applicant for an adult entertainment establishment
29 cannot be adequately protected on parcels allowed for siting because other adult
30 entertainment establishments are in place, or sensitive receptors limit additional uses
31 in the ~~MUU~~~~CMU~~ zone.

(2) That the natural or built environment in the immediate vicinity would result in an
effective separation between the proposed adult entertainment establishment and any
sensitive zones or uses in terms of visibility and access.

(3) The proposed use complies with the goals and policies of the comprehensive plan.

(4) The proposed use is otherwise compatible with adjacent and surrounding land uses.

(5) The applicant has proposed conditions that would minimize the secondary adverse
effects of the proposed use.

(e) Development Standards. The development standards in this section shall apply to all buildings, uses, and property used for adult entertainment purposes. The development standards for adult entertainment establishment uses are the same as the applicable zoning regulations for the zoning districts in which they are located, except as follows:

(1) Visual Impacts.

(A) No owner or operator of an adult entertainment establishment shall allow any merchandise or activity of the establishment to be visible from any point outside the establishment.

(B) No owner or operator of an adult entertainment establishment shall allow the exterior to have flashing lights or any lettering, photographs, silhouettes, drawings, or pictorial representations of any kind other than to the extent permitted by this section or Chapter 22.26 FMC.

(C) The exterior of an adult entertainment establishment, if painted, must be painted (stained or otherwise covered) in a single achromatic color, except if:

(i) The adult entertainment establishment is part of a commercial multi-unit center; and

(ii) The exteriors of each individual unit in the commercial multi-unit center, including the adult entertainment establishment, are painted the same color as one another or are painted in such a way as to be a component of the overall architectural style or pattern of the commercial center.

(2) Signage. In addition to the restrictions imposed by Chapter 22.26 FMC, the following restrictions apply to any adult entertainment establishment:

(A) Each display surface of a sign must:

(i) Be a flat plane, rectangular in shape;

(ii) Not be flashing or pulsating;

(iii) Have characters of a solid color;

(iv) Have all characters of the same print type, size, and color;

(v) Have the background in one solid color.

(B) Readerboard signs are not allowed.

(f) Nonconforming Adult Entertainment Establishments. An adult entertainment establishment shall be deemed a legal nonconforming use and shall be subject to the requirements of FMC 22.58.023 (Nonconforming lots, uses and structures) if a zone that allows residential uses is located adjacent to the adult entertainment establishment or if a sensitive receptor identified in subsection (c)(3) of this section locates within 50 feet of the adult entertainment establishment facility after the date the adult

entertainment establishment facility has located within the city in accordance with requirements of this section.

Section 21. Ordinance 1246, §15 (part), and FMC 22.58.016 are hereby repealed.

~~22.58.016—Pedestrian plazas.~~

~~Pedestrian plazas are required as a component of the master plans required for designated “special planning areas” on the Comprehensive Plan’s land use designation map. Pedestrian plazas may also be required in conjunction with new commercial development or redevelopment through the conditional use or site plan review processes. The following standards shall apply to the design of pedestrian plazas:~~

~~(a) The plaza shall be adjacent to and open to a public street and sidewalk on at least one side.~~

~~(b) The plaza design shall allow people walking or driving by to see into the plaza from a height of two and one half feet to eight feet above finished grade. Lighting shall be included to enable people walking or driving by to see into the plaza at night.~~

~~(c) The plaza shall be open to the public during daylight hours.~~

~~(d) The portions of the plaza not landscaped shall be surfaced in textured concrete, bricks, interlocking pavers, or similar or better enhanced paving materials.~~

~~(e) Up to 25 percent of the plaza may be landscaped with lawn or groundcovers. All landscaped areas that do not include lawns shall include trees. Tree wells do not count toward the 25 percent limit on landscaping coverage.~~

~~(f) The plaza shall be located and designed so that wind within the plaza does not interfere with its use for sitting and similar activities.~~

~~(g) Eighty percent of the plaza, outside of any covered area, should not be shaded during the hours of 10:00 a.m. to 2:00 p.m. in the winter, except by the trees within the plaza. If possible, the plaza shall have a southern exposure.~~

~~(h) The plaza shall not be used by motor vehicles for any purpose other than maintenance.~~

~~(i) The plaza shall not be bordered by a drive-through lane on any side.~~

~~(j) The plaza shall meet at least one of the following requirements:~~

~~(1) The seating area of a restaurant shall overlook the plaza on at least one side. At least 25 percent of the restaurant wall abutting the plaza shall consist of clear windows.~~

~~(2) A food, refreshment, coffee or espresso cart shall be located in the plaza during at least one-half of each working day.~~

~~(3) The plaza shall include a fountain of at least 100 square feet and children’s play equipment.~~

(4) ~~The plaza shall include any other feature that will provide equivalent or better surveillance of the plaza. (Ord. 1246 § 15, 2000).~~

Section 22. Ordinance 1562, §41, and FMC 22.58.018 are hereby amended to read as follows:

22.58.018 Outdoor lighting.

(a) Approval Required. The installation or replacement of outdoor lighting fixtures shall require approval of the ~~hearing examiner~~~~planning commission~~ or director, as appropriate. Approval shall not be granted unless the proposed installation is found by the ~~hearing examiner~~~~planning commission~~ or director to conform to all applicable provisions of this section. Properties developed with single-family or duplex dwellings are exempt from this section, provided they are not located within a planned development approved subsequent to the effective date of the ordinance codified in this section.

(b) General Requirements.

(1) When the outdoor lighting installation or replacement is part of a development proposal for which ~~hearing examiner~~~~planning commission~~ review is required, the ~~hearing examiner~~~~planning commission~~ shall evaluate the proposed lighting installation as part of its discretionary review. The ~~hearing examiner~~~~planning commission~~ may grant approval of the installation, or it may approve the installation on a conceptual level and delegate to the director the responsibility to ensure that the final lighting installation design complies with this section.

(2) When the outdoor lighting installation is not part of a development proposal for which ~~hearing examiner~~~~planning commission~~ review is required, the director shall evaluate and approve the proposed lighting installation design if it complies with this section.

(3) The applicant shall submit to the department sufficient information, in the form of an overall exterior lighting plan, to enable the ~~hearing examiner~~~~planning commission~~ or director to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following:

(A) A site plan, drawn to a scale of one inch equaling no more than 20 feet, showing buildings, landscaping, parking areas, and all proposed exterior lighting fixtures.

(B) Specifications for all proposed lighting fixtures including photometric data, designation as IESNA “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.

(C) Proposed mounting height of all exterior lighting fixtures.

(D) Analyses and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section.

(E) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

(4) Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

(5) When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.

(6) Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

(7) Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.

(8) Proposed lighting installations that are not covered by the special provisions in this section may be approved only if the ~~hearing examiner~~~~planning commission~~ or director finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.

(9) For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e., luminaire).

(10) Holiday lighting during the months of November, December and January shall be exempt from the provisions of this section; provided, that such lighting does not create dangerous glare on adjacent streets or properties.

(11) The ~~hearing examiner~~~~planning commission~~ or director may modify the requirements of this section if it determines that in so doing it will not jeopardize achievement of the intent of these regulations.

(c) Parking Lot Lighting. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

(1) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineer Society of North America (IESNA).

(2) Alternatives. The design for an area may suggest the use of parking lot lighting fixtures of a particular “period” or architectural style, as either alternatives or supplements to the lighting described above.

(A) If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).

(B) Mounting heights of such alternative fixtures shall not exceed 15 feet.

(3) Parking area lighting standards in the various lighting districts are shown in Table 1.

(4) Parking areas in District 4 shall not be illuminated unless there exist specific hazardous conditions that make illumination necessary. In such cases, the lighting shall meet the standards for District 3.

Table 1: Parking Lot Lighting Standards

	District 1	District 2	District 3	District 4
	CM <u>MUN & MUU</u> Districts	NO & NC Districts	R-20, R-30, PROS & GC Districts	R-4, R-4-C, R-6, R-8, and R-10-TCD Districts
Mounting Height (Maximum)*	25 ft.	20 ft.	20 ft.	Lighting Discouraged
Minimum Illumination Level (at darkest spot on the parking area)	No less than 0.3 fc No more than 0.5 fc	No less than 0.2 fc No more than 0.3 fc	No less than 0.2 fc No more than 0.3 fc	Lighting Discouraged
Uniformity Ratio **	4:1	4:1	4:1	Lighting Discouraged
Minimum CRI***	20	65	70	Lighting Discouraged

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** Uniformity ratio is the ratio of average illumination to minimum illumination.

*** CRI is the Color Rendering Index.

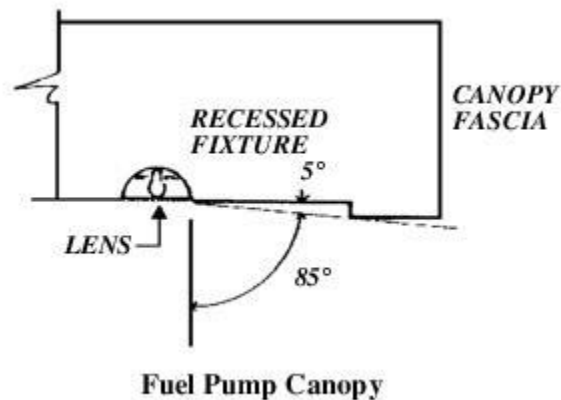
(d) Lighting of Service Station/Convenience Store Aprons and Canopies. Lighting levels on service station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Chapter 22.26 FMC shall be used for that purpose.

(1) Areas on the apron away from the fuel pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas in subsection (c) of this section. If no fuel pumps are provided, the entire apron shall be treated as a parking area.

(2) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least one foot-candle and no more

1 than five and one-half foot-candles. The uniformity ratio (ratio of average to minimum
2 illuminance) shall be no greater than four to one, which yields an average illumination
level of no more than 22 foot-candles.

3 (3) Light fixtures mounted on canopies shall be recessed so that the lens cover is
4 recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by
5 the fixture or the edge of the canopy so that light is restrained to no more than 85
degrees from vertical, as shown in the figure below.



15 (4) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may
16 be used where light is beamed upward and then reflected down from the underside of
the canopy. In this case light fixtures must be shielded so that direct illumination is
17 focused exclusively on the underside of the canopy.

18 (5) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the
sides (fascias) of the canopy shall not be illuminated.

19 (e) Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales
20 areas shall be adequate to facilitate the activities taking place in such locations.
Lighting of such areas shall not be used to attract attention to the businesses. Signs
21 allowed under Chapter 22.26 FMC shall be used for that purpose. The applicant shall
designate areas to be considered display/sales areas and areas to be used as parking or
22 passive vehicle storage areas. This designation must be approved by the hearing
examinerplanning commission or director.

24 (1) Areas designated as parking or passive vehicle storage areas shall be illuminated in
accordance with the requirements for parking areas in subsection (c) of this section.

25 (2) Areas designated as exterior display/sales areas shall be illuminated so that the
26 average horizontal illuminance at grade level is no more than five foot-candles. The
uniformity ratio (ratio of average to minimum illuminance) shall be no greater than
27 four to one. The average and minimum shall be computed for only that area designated
as exterior display/sales area.

(3) Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(4) Fixtures shall be mounted no more than 25 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.

(f) Lighting of Outdoor Performance or Sports. Outdoor nighttime performance events (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such events while minimizing sky glow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption.

(1) Design Plan. A lighting design plan shall be submitted that shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

(2) Dual System. The main lighting of the event (spotlighting or floodlighting, etc.) shall be turned off no more than 45 minutes after the end of the event. A low-level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low-level lighting system shall provide an average horizontal illumination level, at grade level, of no more than three foot-candles with a uniformity ratio (average to minimum) not exceeding four to one.

(3) Primary Playing Areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

(4) Parking Areas. Lighting for parking areas shall meet the requirements in subsection (c) of this section.

(5) Pedestrian Areas. Areas intended solely for pedestrian circulation shall be provided with a minimum level of illumination of no less than 0.1 foot-candles and no more than 0.2 foot-candles. A uniformity ratio of average illumination to minimum illumination shall not exceed four to one.

(6) Security Lighting. Security lighting shall meet the requirements in subsection (g) of this section.

(g) Security Lighting. The purpose of and need for security lighting (i.e., lighting for safety of persons and property) must be demonstrated as part of an overall security plan that includes at least illumination, surveillance, and response, and that delineates the area to be illuminated for security purposes. To the extent that the designated area is illuminated for other purposes, independent security lighting installations will be discouraged.

(1) In addition to the application materials required in subsection (b) of this section, applications for security lighting installations shall include a written description of the

need for and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

(2) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

(3) Security lighting may illuminate vertical surfaces (e.g., building facade and walls) up to a level eight feet above grade or eight feet above the bottoms of doorways or entries, whichever is greater.

(4) Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.

(5) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five feet of the perimeter.

(6) Security lighting standards in the various lighting districts are as shown in Table 2.

(7) Security lighting shall be allowed in District 4 areas only if unusual hazardous conditions make it necessary. In such cases, indirect and reflected lighting techniques shall be used to provide soft lighting under canopies, entry porches, or soffits. Lighting levels shall not exceed the standards established for District 3.

Table 2: Security Lighting Standards

	District 1	District 2	District 3	District 4
	CMUMUN & MUU Districts	NO & NC Districts	R-20, R-30, PROS & GC Districts	R-4, R-4-C, R-6, R-8, and R-10-TCD Districts
Mounting Height (Maximum)*	25 ft.	20 ft.	20 ft.	Discouraged
Average Horizontal Illumination Level on Ground	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged
Average Illumination Level on	No more than 1.5 foot-candles	No more than 1.0 foot-candle	No more than 0.5 foot-candle	Discouraged

	District 1	District 2	District 3	District 4
Vertical Surface				
Minimum CRI**	20	65	70	Discouraged

* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

** CRI is the Color Rendering Index.

(h) Lighting of Building Facades and Landscaping. With the exception of structures having exceptional symbolic (i.e., churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the ~~hearing examiner~~planning commission or director and the following provisions shall be met:

(1) The maximum illumination on any vertical surface or angular roof surface shall not exceed five foot-candles.

(2) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

(3) Lighting fixtures mounted on the building and designed to “wash” the facade with light are preferred.

(4) To the extent practicable, lighting fixtures shall be directed downward (i.e., below the horizontal) rather than upward.

(5) When landscaping is to be illuminated, the ~~hearing examiner~~planning commission or director shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

(i) Illuminated Signs. See lighting standards in FMC 22.26.012.

(j) Lighting of Walkways/Bikeways and Parks. Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

(1) The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot-candles and no more than 0.5 foot-candles.

(2) The vertical illumination levels at a height of five feet above grade shall be at least 0.3 and no more than 0.5 foot-candles.

(3) Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,000 lumens.

(4) In general, lighting shall be consistent with the guidelines presented in the IESNA Lighting Handbook, 8th Edition.

(k) General Street Lighting Standards. (Reserved).

(l) Technological Change. The technology used in outdoor lighting applications is ever evolving in terms of efficiency, effectiveness, and other performance aspects. While the intent, goals, and objectives of this section remain constant, standards may become dated over time as lighting technology advances. Therefore, the hearing examiner or director, as appropriate, may exercise discretion in making determinations that will achieve equivalent lighting performance through the application of updated technology when codified standards become outdated.

Section 23. Ordinance 1562, §42, and FMC 22.58.025 are hereby amended to read as follows:

22.58.025 Electric vehicle charging stations.

To ensure an effective installation of electric vehicle charging stations, the regulations in this section provide a framework when a private property owner chooses to provide electric vehicle charging stations.

(a) Allowed Uses per Zoning District. The following table establishes the permitted uses:

	Residential (R-4, R-4-C, R-6, R-8, R- 10-TCD, R- 20, and R-30)	Recreation (PROS and GC)	Commercial and Mixed- Use (NC, MUN and MUU and CMU)	Commercial (NO)
EV Charging Station ¹	P	P	P	P
Rapid Charging Station ²	—	—	P	P
Battery Exchange Station	—	—	P	—

P: Allowed only as an accessory to an outright permitted or conditional use.

Absence of P: Use is not permitted in that district.

1: Level 1 and Level 2 charging only.

2: Level 3 and fast charging are used interchangeably.

(b) For all parking lots or garages located in nonresidential districts:

(1) Number. No minimum number of charging station spaces is required.

(2) Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.

(3) Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

(A) Where provided, parking for electric vehicle charging purposes is required to include the following:

(i) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow-away provisions are to be enforced.

(ii) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(iii) Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

(iv) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(B) Parking for electric vehicles should also consider the following:

(i) Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(ii) Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).

(c) Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

(1) Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table:

Number of EV Charging Stations	Minimum Accessible EV Charging Stations
1 – 50	1
51 – 100	2

Number of EV Charging Stations	Minimum Accessible EV Charging Stations
101 – 150	3

(2) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations:

Figure: Off-Street Accessible Electric Vehicle Charging Station – Option 1

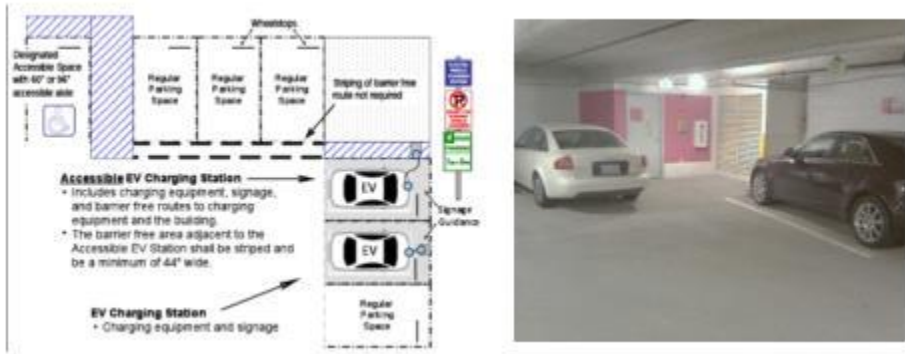


Figure: Off-Street Accessible Electric Vehicle Charging Station – Option 2



(d) Signage, Directional. Off-street parking lot or parking garage:



12" x 12"



12" x 6"

(e) Off-Street EV Parking – Parking Space with Charging Station Equipment.



12" x 18"



12" x 18"

Section 24. Ordinance 1562, §44, and FMC 22.58.027 are hereby amended to read as follows:

22.58.027 Cottage housing.

(a) Purpose and Intent. The provisions of this section are available as alternatives to the development of typical detached single-family homes. In the event of a conflict between the standards in this section and other standards in this title, the standards in this section shall control. These standards are intended to address the changing composition of households and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development. These

provisions support the growth management goal of more efficient use of urban residential land.

(b) Housing Types Defined. The following definitions apply to the housing types allowed through the provisions in this section:

(1) “Cottage” means a detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.

(2) “Carriage unit” means a single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.

(3) “Two-/three-unit home” means a structure containing two dwelling units or three dwelling units, not exceeding 1,000 square feet per unit on average, designed to look like a detached single-family home.

(c) Applicable Use Zones. Cottages, carriage units and two-/three-unit homes as described in this section may be located in the R-4-C, ~~and~~ GC and MUN zones.

(d) Parameters for Cottages, Carriage Units and Two-/Three-Unit Homes.

(1) Cottage.

Unit Size	Maximum: 1,500 square feet, excluding garage. Cottages may not exceed 1,000 square feet on the main floor. Any additions or increases in unit sizes after initial construction shall be subject to compliance with all cottage housing development standards.
Maximum Density	8 units per acre.
Minimum Lot Size	None. Lot sizes shall be determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a site’s buildable area, including private street area and excluding critical areas and their required associated buffers. FAR for individual lots may vary. See FMC 22.58.026 for FAR standards.
Development Size ¹	Minimum: 6 units. Maximum: 24 units. Minimum cluster size: 6 units. Maximum cluster size: 12 units. Cottage clusters may be integrated into small lot developments where the combined number of cottage and small lot units may exceed 24.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Impervious Surface Coverage	50%. Coverage is calculated using a cottage housing site’s entire buildable area, including private street area

	and excluding critical areas and their required associated buffers.
Maximum Height for Dwellings	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Maximum Height for Accessory Structures	One story, not to exceed 18 feet.
Maximum Developable Slope	15%
Open Space	400 square feet common open space required per unit. 300 square feet private open space required per unit. See subsections (e)(2) and (3) of this section.
Community Buildings	At least one community building shall be provided. See subsection (e)(4) of this section.
Attached Covered Porches	Each unit must have a covered porch with a minimum area of 64 square feet and a minimum dimension of 8 feet.
Parking Requirements	Units \leq 800 square feet: 1 space per unit minimum. Units $>$ 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
Garage Requirements	Private garages: 250-square-foot maximum floor area. Shared garages: 1,200-square-foot maximum floor area. Front loaded garages shall be recessed \geq 10 feet from the front facade of the cottage and their visual impact shall be minimized through the use of architectural design elements.
Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage housing development.
Development Options	Subdivision, condominium, rental or ownership.
Review Process	Administrative design review. See Chapter 22.66 FMC.

¹ Cluster size is intended to encourage a sense of community among residents. Homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster provided there is a clear separation between clusters. Clusters shall be connected via pedestrian pathway(s).

(2) Carriage Unit.

Unit Size	Maximum 800 square feet.
Maximum Density	8 units per acre for all cottages, carriage units, and two-/three-unit homes located within a cottage housing development. The number of carriage units and two-/three-unit homes combined shall not exceed 20% of the total number of units in a cottage housing project. Carriage units are allowed only when included in a cottage housing project.
Minimum Lot Size	None. Determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a cottage housing site's buildable area, including private street area and excluding critical areas and their required associated buffers. See FMC 22.58.026 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Height	18 feet.
Maximum Developable Slope	15%
Parking Requirements	1 space per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per carriage unit.
Garage Requirements	Carriage units allowed only above detached shared garages, which shall not exceed a 1,200-square-foot maximum footprint area.
Review Process	Administrative design review. See Chapter 22.66 FMC.

(3) Two-/Three-Unit Home.

Unit Size	Average unit size: 1,000 square feet, excluding garage. Maximum structure total floor area: two-unit: 2,000 square feet, excluding garages. Three-unit: 3,000 square feet, excluding garages.
Maximum Density	8 units per acre for all cottages, carriage units, and two-/three-unit homes located within a cottage housing development. The number of carriage units and two-/three-unit homes combined shall not exceed 20% of the total number of units in a cottage housing project. Carriage units are allowed only when included in a cottage housing project.

Minimum Lot Size	None. Determined through administrative design review process.
Maximum Floor Area Ratio (FAR)	.35. FAR is calculated using a cottage housing site's buildable area, including private street area and excluding critical areas and their required associated buffers. See FMC 22.58.026 for FAR standards.
Minimum Setback for Yards Abutting the Exterior Boundary of the Development	See underlying zoning district. Required setbacks for yards not abutting an exterior boundary shall be determined through the administrative design review process.
Maximum Height	27 feet (where minimum roof slope of 6:12 for all parts of the roof above 18 feet is provided). Otherwise, 18 feet.
Parking Requirements	Units \leq 800 square feet: 1 space per unit minimum. Units $>$ 800 square feet: 1.5 spaces per unit minimum. Must be provided on the subject property. Additional shared guest parking may not exceed 0.5 spaces per unit.
Garage Requirements	A two-unit home may include attached or detached garages, not to exceed an additional 500 square feet combined. A three-unit home may include attached or detached garages, not to exceed an additional 750 square feet combined. Front loaded attached garages shall be recessed \geq 10 feet from the front facade of the principal structure and their visual impact shall be minimized through the use of architectural design elements. No more than three single garage doors may be visible on any facade.
Driveway Requirements	Driveways providing access to front loaded garages shall consist of paved runner strips or pervious surfacing approved by the city.
Development Options	Subdivision, condominium, rental or ownership.
Review Process	Administrative design review. See Chapter 22.66 FMC.

(e) Design Standards and Guidelines.

(1) Orientation of Dwelling Units. Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development and, with respect to the larger community, outside of the cottage project. A cottage housing development should not be designed to "turn its back" on the surrounding neighborhood.

(A) Each dwelling unit shall have a primary entry and/or covered porch oriented to the common open space or pathway connecting to the common open space.

1 (B) Each dwelling unit abutting a public right-of-way (not including alleys) shall have
2 an inviting facade, such as a primary or secondary entrance or porch, oriented to the
3 public right-of-way. If a dwelling unit abuts more than one public right-of-way, the
city shall determine to which right-of-way the inviting facade shall be oriented.

4 (C) Each dwelling unit abutting a public right-of-way (not including alleys) shall
5 incorporate facade modulation, windows, and roofline variations to avoid blank walls
that orient to the public right-of-way.

6 (2) Required Common Open Space. Common open space shall provide a sense of
7 openness, visual relief, and community for cottage developments. The space must be
8 located outside of critical areas and their buffers and developed and maintained to
provide for passive and/or active recreational activities for the residents of the
development.

9 (A) Each area of common open space shall be in one contiguous and usable piece with
10 a minimum dimension of 20 feet on all sides.

11 (B) Land located between dwelling units and an abutting right-of-way or access
12 easement may not serve as required common open space, unless the area is reserved as
13 a separate tract, and does not contain pathways leading to individual units or other
elements that detract from its appearance and function as a shared space for all
residents.

14 (C) Required common open space may be divided into no more than two separate
15 areas per cottage cluster.

16 (D) Common open space shall be located in a centrally located area and be easily
accessible, physically and visually, to all dwellings within the cottage cluster.

17 (E) Sight-obscuring privacy fences that discourage interaction between neighbors may
18 not be located within required open space areas. If fences are used to enclose common
19 open space, they shall have at least 50 percent visually permeable elements, such as
20 pickets, cedar split rails, iron work, or trellis treatment, and shall not exceed two feet
in height.

21 (F) Landscaping located in common open space areas shall be designed to allow for
22 easy access and use of the space by all residents, and to facilitate maintenance needs.
Existing mature trees should be retained in accordance with FMC 22.62.009.

23 (G) Unless the shape or topography of the site precludes the ability to locate units
24 adjacent to the common open space, the following standards must be met:

25 (i) The open space shall be located so that it will be surrounded by cottages or
common buildings on at least three sides when located in a bungalow court
26 configuration, or two sides when located in a rosewalk configuration, per form-based
standards adopted pursuant to Chapter 22.57 FMC;

27 (ii) At least 50 percent of the units in the development shall abut a common open
28 space. A cottage is considered to “abut” an area of open space if there is no structure,
road or critical area between the unit and the open space.

(H) Surface water management facilities shall be limited within common open space areas. Low impact development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults, are permitted if located underground.

(3) Private Open Space.

(A) Each cottage unit shall have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of eight feet on all sides. Porches shall be associated with primary point of entry.

(B) Each carriage unit shall have a deck or balcony, oriented toward the common open space.

(C) In addition to porches, at least 300 square feet of private, contiguous, usable open space adjacent to each individual dwelling unit shall be provided to contribute positively to the visual appearance of the development, promote diversity in planting materials, and utilize generally accepted good landscape design. The private open space shall be oriented toward the common open space to the extent possible and have no dimension less than 10 feet. The private open space shall define private residences from common areas, trails, and parking areas. If fences are used to enclose private open space, they shall have at least 50 percent visually permeable elements through the use of pickets, cedar split rails, iron work, or trellis treatment, and shall not exceed two feet in height.

(4) Community Buildings. At least one community building is required for each cottage development.

(A) Community buildings shall be at least 500 square feet on the main floor and shall have an architectural character similar to that of the dwelling units.

(B) Building height for community buildings shall not exceed the height standard for cottages.

(C) Outdoor patio space is encouraged to be provided in conjunction with community buildings.

(D) Community buildings must be located on the same site as the cottage housing development and be commonly owned by the residents.

(5) Shared Detached Garages and Surface Parking Design. Parking areas should be located so their visual presence is minimized, and associated noise or other impacts are minimized, both within and outside the development. These areas should also maintain the single-family character along public streets.

(A) Shared detached garage structures may not exceed four single garage doors per building, and a total of 1,200 square feet. Carriage units are preferred above these garage structures.

(B) For shared detached garages, the design of the structure must be similar to and compatible with that of the dwelling units within the development. Garage doors shall be painted to match, or minimize contrast with, the building's body color in order to minimize their visual impact.

(C) Shared detached garage structures and surface parking areas must be screened from streets and adjacent residential uses by landscaping or architectural screening.

(D) Shared detached garage structures shall be reserved through a covenant for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

(E) Surface parking areas may not be located in clusters of more than four spaces. Clusters must be separated by a distance of at least 20 feet.

(F) Carports are not permitted.

(6) Low Impact Development. The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

(A) Preservation of natural hydrology.

(B) Reduced impervious surfaces.

(C) Treatment of stormwater in numerous small, decentralized structures.

(D) Use of natural topography for drainageways and storage areas.

(E) Preservation of portions of the site in undisturbed, natural conditions.

(F) Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

(7) Two-/Three-Unit Homes and Carriage Units within Cottage Projects. Two-/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

(8) Variation in Unit Sizes, Building and Site Design. Cottage projects shall establish building and site design that promote variety and visual interest.

(A) Projects shall include a variety of unit sizes within a single development.

(B) Proposals shall provide a variety of building styles, features, colors, and site design elements within a cottage housing development.

(C) Dwellings with a similar combination of features and treatments may be clustered around a shared common open space. Developments containing two or more clusters

of cottages shall use distinctively unique exterior finish materials and architectural design elements for each cottage cluster to avoid repetition.

(9) Pedestrian Flow through Development. Pedestrian connections should link all buildings to the public right-of-way, common open space, parking areas and other cottage clusters in the development.

(10) Storage Space. Storage space may be provided as follows:

(A) Detached sheds designed to be similar in character to the cottage units, using similar building materials and design elements.

(B) Storage space within detached parking structures that does not conflict with parking of vehicles in the garages.

(C) Storage space within a dwelling unit, accessible only through an external door.

(D) Designated storage space attached to a community building that is not counted toward the 500-square-foot minimum area for such buildings.

(E) Other storage space options approved through the administrative site plan review process.

(11) Landscaping. Cottage housing developments shall incorporate a landscape master plan, designed and stamped by a professional landscape architect. The design shall comply with applicable landscape standards and guidelines that address landscape components included in a cottage housing development.

(f) Review Process.

(1) Approval Process. Developments shall be processed under Chapter 22.66 FMC, Administrative Design Review. Public notice for developments proposed through this section shall comply with the provisions of Chapter 22.06 FMC applicable to Type II project permit applications.

(2) Requests for Modifications to Standards. Applicants may request minor modifications to the general parameters and design standards set forth in this section. The director may modify the requirements if all of the following criteria are met:

(A) The site is constrained due to unusual shape, topography, easements, or sensitive areas.

(B) The modification is consistent with the objectives of this section.

(C) The modification will not result in a development that is less compatible with neighboring land uses.

(3) Review Criteria. In addition to the criteria established for review of development proposals in FMC 22.66.006, the applicant must demonstrate that:

(A) The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks

1 between adjacent buildings and between buildings and perimeter property lines,
2 number of parking spaces, parking location and screening, access and lot coverage.

3 (B) Any proposed modifications to provisions of this section are important to the
4 success of the proposal as an alternative housing project and are necessary to meet the
5 intent of these regulations.

6 (g) Additional Standards. The city's approval of a cottage housing or two-/three-unit
7 home development does not constitute approval of a subdivision, a short plat, or a
8 binding site plan. A lot that has cottage, carriage or two-/three-unit homes may not be
9 subdivided unless all of the requirements of the Fircrest Municipal Code are met. A lot
10 containing a two-/three-unit home may not be subdivided in a manner that results in
11 the dwelling units being located on separate lots.

12 **Section 25.** Ordinance 1611, §18, and FMC 22.58.029 are hereby amended to read
13 as follows:

14 **22.58.029 Establishments serving liquor for on-premises consumption.**

15 (a) Establishments licensed by the State of Washington Liquor and Cannabis Board to
16 serve beer, beer and wine, or spirits, beer and wine for on-premises consumption are
17 permitted in specified zoning districts. Such establishments providing outdoor
18 customer seating are subject to administrative use permit approval in accordance with
19 Chapter 22.70 FMC.

20 (b) At a minimum, the following performance standards shall apply to establishments
21 serving beer, beer and wine, or spirits, beer and wine for on-premises consumption
22 within the NC district. Additional requirements may be imposed in accordance with
23 Chapter 22.70 FMC for those establishments providing outdoor customer seating in
24 the NC district. Establishments operating out of compliance with the following
25 provisions are subject to enforcement action under Chapter 22.95 FMC:

26 (1) Hours of Operation. The sale, service, and consumption of alcohol are prohibited
27 after 10:00 p.m.

28 (2) Outdoor Customer Seating. Outdoor seating may be provided for customer use no
29 later than 8:00 p.m. on Sundays through Thursdays, and no later than 9:00 p.m. on
30 Fridays and Saturdays. Outdoor seating areas shall be closed to customers during other
31 times. A 30-minute grace period is allowed for staff to clean the outdoor premises after
customer seating hours have ended. The city may limit the amount of outdoor
customer seating to minimize potential impacts on residentially zoned properties.

(3) Speakers. Music or other programming emanating from any outdoor speakers on
the premises shall only be allowed during approved outdoor customer seating hours.
Sounds coming from speakers on the premises, whether located inside or outside the
building, shall not be audible from residentially zoned properties.

(4) Bottle Handling. Bottles and other trash and recyclable materials shall not be
deposited in any exterior refuse or recycling totes, dumpsters, or other receptacles
during the hours of 9:00 p.m. to 7:00 a.m.

(5) Exterior Appearance. The business establishment shall maintain the exterior of its premises in a neat and clean condition at all times. All refuse collection containers, including recycling containers, shall be screened in accordance with FMC 22.58.008(d). This provision shall apply to new establishments as well as establishments existing on the effective date of the ordinance codified in this section that expand business operations to include the sale of liquor by the drink for on-premises consumption.

(6) Exterior Lighting. Exterior lighting shall comply with the outdoor lighting regulations in FMC 22.58.018 to ensure that it does not impact nearby properties.

(7) Sidewalk Cafes. A business establishment intending to establish outdoor business seating on a public sidewalk or other public right-of-way area shall comply with the sidewalk cafe regulations in FMC 22.58.017.

(c) The performance standards listed in subsection (b) of this section shall apply to establishments in the ~~MUN and MUUCMU~~ districts serving beer, beer and wine, or spirits, beer and wine for on-premises consumption, except that for subsections (b)(1), (2), and (4) of this section, alternative hours of operation, outdoor customer seating hours, and bottle handling hours may be authorized through the administrative use permit approval process in accordance with Chapter 22.70 FMC. Additional requirements may be imposed in accordance with Chapter 22.70 FMC for those establishments providing outdoor customer seating.

Section 26. Ordinance 1246, §16 (part), and FMC 22.60.001 are hereby amended to read as follows:

22.60.001 Purpose and Intent.

(a) Purpose. The purpose of this chapter is to provide for adequate, convenient and safe off-street parking, loading and circulation areas for the permitted land uses described in this title; to protect neighborhoods from the effects of vehicular noise, traffic, and light and glare associated with parking and loading facilities; to reduce the amount of impervious surfaces associated with parking facilities; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility within the community.

(b) Intent. The demand for parking responds to changing market forces, technology, and societal preferences. Minimum parking standards have resulted in development patterns dominated by expanses of parking perceived as visual blight, damaging to the environment, and low value in terms of tax base. The amount of parking provided on a site frequently exceeds parking demand – at considerable cost to property and business owners – and the community. In response, municipalities have adopted parking standards that restrict the amount of off-street parking provided for certain uses or locations. These constraints, however, may limit the viability of retail and other uses in some markets. Other municipalities have eliminated minimum parking space requirements and relied on the market to provide an appropriate number.

This chapter supports a transition toward relying on the market to determine parking supply but also reflects community concern that neighborhoods may be impacted by

individual market-based decisions that collectively result in an undersupply of off-street parking. The intent of this chapter, therefore, is to balance market considerations with minimum and maximum numerical standards to ensure a sufficient, but not excessive, supply of parking – and authorize the city to approve an increase, or decrease, in the amount of parking being provided relative to a specified standard when a proposal can meet criteria.

Section 27. Ordinance 1638, §27, 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 <u>(detached)</u>	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.
<u>Single-family (detached) in Small Lot Development</u>	<u>2 per du + 1 guest stall</u>
<u>Single-family (attached) in Small Lot Development</u>	<u>1.5 per du + 1 guest stall</u>
Multifamily	<u>1.004.25</u> per du.
Multifamily – <u>Efficiency units (250-450 sf in size), student housing, and Affordable senior housing*</u>	.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.

Use	Required Spaces
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 <u>Short-term rentals</u>	.51 per guest room, + 1 per facility, unless a lower number is determined to be adequate during processing of CUP application. See FMC 22.58.011.
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
<u>Commercial use, including retail, service, office, and financial institution.</u>	<u>1 per 400 sf.</u>
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 <u>Mixed-use</u> , 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 <u>500</u> 400 sf.
Food-serving establishment	1 per <u>200 sf</u> 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.

Use	Required Spaces
Shopping center which includes a mix of high and low intensity retail or service shops	Minimum 1 per 500 sf. Maximum 1 per 350 sf.
Bulk retail sales/wholesale sales	1 per 350 sf.
Uncovered commercial area, including vehicle lots and plant nursery	1 per 5,000 sf of retail sales + any parking requirements for buildings.
Motor vehicle repair and services	1 per 400 sf (indoor maintenance bays shall not be considered parking spaces).
Child day-care	2 per facility + 1 per 20 children.
Veterinary clinic	1 per 400 sf.
Mortuary or funeral home	1 per 100 sf of floor area used for services.

(c) Educational Activities.

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

(d) Industrial Activities.

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

(e) Recreational, Amusement and Assembly Activities.

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

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

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

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

(hi) 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.

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

Section 28. Ordinance 1638, §28, and FMC 22.60.004 are hereby amended to read as follows:

22.60.004 Parking demand reduction credit.

A property owner may request a reduction from the minimum required off-street parking by substantiating that parking demand will be reduced for the life of the project. This request shall be reviewed in conjunction with a site plan, conditional use permit, or preliminary development plan application. In such cases, the hearing examiner may approve a reduction of up to 50 percent of the minimum required number of spaces if a parking demand study prepared by a professional traffic engineer (see Urban Land Institute - Shared Parking: Second Edition for a recommended parking demand analysis methodology) 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, proximity to regional transit facilities, the provision of car share, rideshare or micromobility facilities, 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

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

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

9 (e) Additional public on-street parking will be provided as part of the project.

10 **Section 29.** Ordinance 1638, §30, and FMC 22.60.006 are hereby amended to read
11 as follows:

12 **22.60.006 Maximum parking space provisions.**

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

20 (a) A parking demand study prepared by a professional traffic engineer (see Urban
21 Land Institute - Shared Parking: Second Edition for a recommended parking demand
22 analysis methodology) supports the need for increased parking and demonstrates that:

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

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

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

29 (b) The project has been designed to include the following design elements, facilities,
30 and programs to the satisfaction of the hearing examiner. In those instances where site
31 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 enhanced paving materials such as permeable interlocking pavers,
pervious concrete, or porous asphalt ~~a permeable surface such as interlocking paving
blocks (cement or plastic) or other porous that support stormwater infiltration and/or
achieve a superior appearance. pavement which minimizes impervious surface and~~

1 ~~achieves a superior appearance when compared with a large expanse of asphalt or~~
2 ~~concrete paving.~~

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

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

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

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

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

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

21 **Section 30.** Ordinance 1638, §31, and FMC 22.60.008 are hereby amended to read
22 as follows:

23 **22.60.008 Parking and driveway design standards.**

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

30 **~~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 - <u>9</u>	8.5 - <u>9</u>	8.5 - <u>9</u>	8.5 - <u>9</u>	8.5 - <u>9</u>

	<i>Space Angle (degrees)</i>				
Compact space	8 - <u>8.5</u>	<u>8</u> <u>8.5</u>	<u>8</u> <u>8.5</u>	<u>8</u> <u>8.5</u>	<u>8</u> <u>8.5</u>
<i>Space Depth (ft)</i>					
Regular space	22	18	18	18	18
Compact space	19	15 <u>16</u>	15 <u>16</u>	15 <u>16</u>	15 <u>16</u>
<i>Driveway/ Aisle (ft)</i>					
One-way	12	13	13	17	22 <u>24</u>
Two-way	19	20	20	20	22 <u>24</u>
* 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, mixed-use, 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 that uses enhanced paving materials such as permeable interlocking pavers, pervious concrete, or porous asphalt that support stormwater infiltration and/or achieve a superior appearance. ~~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 enhanced paving materials such as permeable interlocking pavers, pervious concrete, or porous asphalt that support stormwater infiltration and/or achieve a superior appearance are 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 31. Ordinance 1246, §16 (part), and FMC 22.60.009 are hereby amended to read as follows:

22.60.009 Barrier-free parking requirements.

Off-street parking for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Handicapped. Any change in the state's handicapped parking requirements shall preempt the affected requirements of this section.

(a) Accessible Parking Required. Accessible parking spaces shall be provided per the following table:

Number of Accessible Parking Spaces

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1-25	1

Number of Accessible Parking Spaces

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space every 100 spaces, or fraction thereof, over 1,000

One of every eight accessible spaces or fraction thereof shall be designed to be accessible to wheelchair side loading vans.

Exceptions:

(1) Inpatient Medical Facilities. Twenty percent of parking spaces provided shall be accessible.

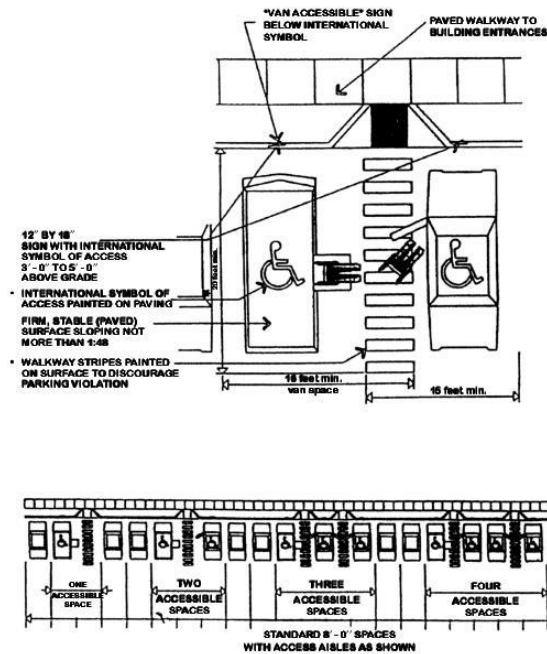
(2) Outpatient Medical Care Facilities. Ten percent of parking spaces provided shall be accessible.

(3) Multifamily Buildings. One accessible parking space for each fully accessible unit shall be provided. When total parking provided on-site exceeds one parking space per unit, two percent of the additional parking shall be accessible.

(b) Design and Construction.

(1) Location. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

(2) Size. Accessible parking spaces shall be no less than eight feet wide and shall have an adjacent access aisle no less than five feet wide. Where two adjacent accessible spaces are provided, the access aisle may be shared between the two spaces. Access aisles shall be marked so that the aisles will not be used as parking space. Van



accessible spaces shall have an adjacent access aisle no less than eight feet wide or a total width of 16 feet including the parking space. See Figure 1.

(3) Vertical Clearance. Where accessible parking spaces are required for vans, the vertical clearance shall be no less than nine and one-half feet.

(4) Slope. Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed one vertical in 48 horizontal.

(5) Surface. Parking spaces and access aisles shall be firm, stable, smooth and slip resistant.

(6) Signs. Accessible spaces must be identified by signs with the International Symbol of Accessibility (ISA). Signs identifying van spaces must include the term “van accessible.” Signs must be at least 60” high measured to the bottom edge so that they are visible while vehicles are parked in a space. Every parking space required by this section shall be identified by a sign, centered between three and five feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase “State Disabled Parking Permit Required.”

Section 32. Ordinance 1638, §35, 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-administrative use permit procedures in Chapter 22.7068 FMC, or the major site plan review procedures in Chapter 22.72 FMC, consistent with the applicable processing

1 ~~requirements for the principal use on the site.~~ The ~~director~~~~hearing examiner~~ shall
2 consider the potential impacts of the sales event on adjoining uses and may limit the
3 number of sales events or their duration, or impose other restrictions, in order to
mitigate these impacts.

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

6 (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.

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

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

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

20 ~~(de)~~ Temporary outdoor sales events authorized prior to the effective date of this
21 section shall comply with the 50 percent parking threshold and directional signage
22 requirement to the extent possible.

23 **Section 33.** A new section FMC 22.60.016 is hereby amended to read as follows:

24 **22.60.016 Micromobility Vehicles and Facilities.**

25 (a) Micromobility refers to small, manually or electrically powered, vehicles used to
26 travel short distances. Also known as little vehicles, micromobility examples include
27 electric pedal assisted (pedelec) bicycles, scooters, velomobiles, motorized
28 skateboards, and other small, human- or battery-powered low-speed alternatives to the
29 automobile.

30 (b) Battery-powered electric motors make micromobility a viable mode of
31 transformation for more people, whether this is for fun or utility. These vehicles may
be used for the “first mile” and “last mile” of longer trips that include transit, for
example, the connection between a person’s home or place of employment and a
transit facility.

(c) The provision of micromobility facilities can support increased usage of smaller
vehicles that require less space for parking and storage compared to larger motor
vehicles. The provision of little vehicle parking and storage corrals and dedicated

1 travel lanes within new development can be used to reduce automobile parking
2 demand, if residents, employees, or visitors to an area are successfully encouraged to
3 rely less on private auto ownership and use.

4 (d) New development within higher density and intensity neighborhoods, especially
5 within the city's mixed-use districts, is encouraged to provide facilities that support
6 micromobility. Their provision may justify a reduction in the amount of off-street
7 parking provided for autos and other motor vehicles.

8 **Section 34.** Ordinance 1562, §51, and FMC 22.63.002 are hereby amended to read
9 as follows:

10 **22.63.002 Authority.**

11 The provisions of this chapter shall augment and/or supersede existing regulations in
12 this title. When provisions included in these design standards and guidelines conflict
13 with other requirements of this title, these standards and guidelines shall apply unless
14 otherwise provided. When a conflict exists between these design standards and
15 guidelines and the form-based standards adopted pursuant to Chapter 22.57 FMC, the
16 form-based standards shall apply.

17 **Section 35.** Ordinance 1638, §36, and FMC 22.64.005 are hereby repealed.

18 ~~**22.64.005 — Street layouts.**~~

19 ~~**Intent**—Create an efficient, expandable, safe, and predictable system of minor and~~
20 ~~major streets.~~

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

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

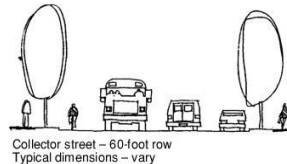
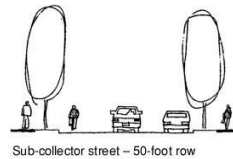
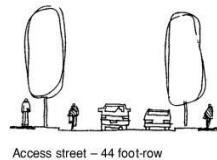
30 ~~(c) The street pattern for commercial and industrial site plans and subdivisions should~~
31 ~~be designed to expedite traffic movement, reduce conflicts between various types of~~
land uses and pedestrians, and coordinate the location of proposed buildings with
vehicular loading and parking facilities. 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.

(c) 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



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 36. Ordinance 1272, §8 (part), and FMC 22.64.008 are hereby repealed.

22.64.008—Building heights.

Intent—Create building heights that reflect pedestrian scale and provide visual interest.

(a) Building facades should not exceed more than two stories from the grade of a commercial street or public pedestrian walkway or trail corridor in order to maintain an appropriate building and pedestrian street scale in neighborhood commercial districts. Where building heights or topography create heights greater than two stories, the upper floors should be set back from the ground floor frontage to retain a building mass appropriate to a pedestrian scale.

(b) Due to a site's change in grade, buildings may achieve three stories or more in the middle sections of a property or structure. However, the building's bulk should transition over the property or structure so that the fronting elevation is no more than two-story at the building facing onto commercial streets and the public walkway or trail in order to maintain a compatible/transitional scale. Where building heights or topography create heights greater than two stories, the upper floors should be set back from the ground floor frontage to retain a building mass appropriate to a pedestrian scale. (Ord. 1272 § 8, 2001).

Section 37. Ordinance 1536, §2, and FMC 22.64.009 are hereby amended to read as follows:

22.64.009 Modulation and articulation – Walls and roofs.

Intent – Reduce building mass to human scale and increase visual detail and interest.

(a) Building elevations shall be vertically and horizontally modulated to create architectural relief and interest where required by code. For single-family and duplex residential buildings, modulation is encouraged, but not required, for interior side and rear elevations. Specific requirements are listed in the development standards tables for certain zoning districts summarized below.

Zoning District	Maximum Length of Facade Without Modulation	Minimum Depth of Projection or Recess
R-4	40	4 feet for SFD (front and side street side yards only) 6 feet for other buildings
R-4-C	40	4 feet for SFD and duplex (front and side street side yards only) 6 feet for other buildings
R-6	40	4 feet for SFD (front and side street side yards only) 6 feet for other buildings
R-8	40	4 feet for duplex (front and side street side yards only) 6 feet for other buildings
R-10 TCD	40	4 feet for SFD and duplex (front and side street side yards only) 6 feet other buildings
R-20	40	4 feet for duplex (front and side street side yards only) 6 feet for other buildings
NO	60	6 feet
NC	60	6 feet
CO	60	4% of facade length but no less than 6 feet
CC	80	4% of facade length but no less than 6 feet, with substitution by landscaping emphasis and/or building exterior texture variation allowed.
<u>Projections/recesses shall comprise at least 20% of facade length.</u>		

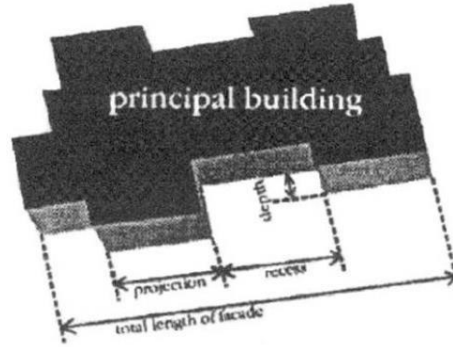
(b) Vestibules, entries, and other architectural adaptations should articulate further visual definition and reduce the mass of larger buildings, especially commercial and mixed-use industrial structures.

(c) Modulation and articulation should be used in a clear rhythm to reduce the perceived size of all large buildings.

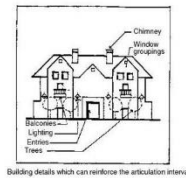
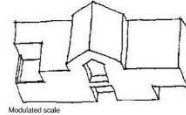
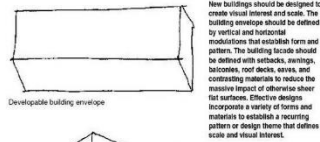
(d) All buildings should be defined by roof forms or features that create a visually distinct base and top. Pitched roofs should have one or more visible ridge lines; roof

1 areas should be broken up with dormers, opposing gables, different pitches, or other
2 feature to avoid creating massive undifferentiated area.

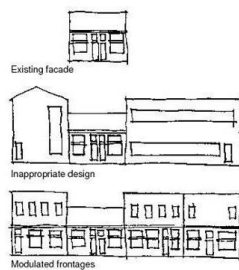
3 (e) Residential buildings should provide architectural details that create pedestrian
4 scale and interest, such as porches and stoops, bay windows and dormers, recessed
5 windows and alcoves, and window and siding trim.



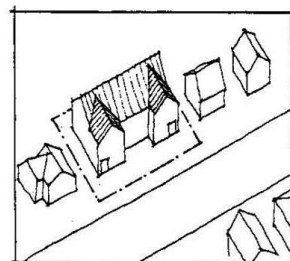
11 Modulation



19 Articulation



The composition of the street should be maintained. New infill buildings in neighborhood commercial (NC) areas should be sited at the property line to maintain a pedestrian streetscape. The rhythm or modulation created by the older lots and buildings should be retained in new infill constructions. The pattern and proportion of windows and doors (fenestration) reflect the original building's scale and character – and should be complimented by new building designs.

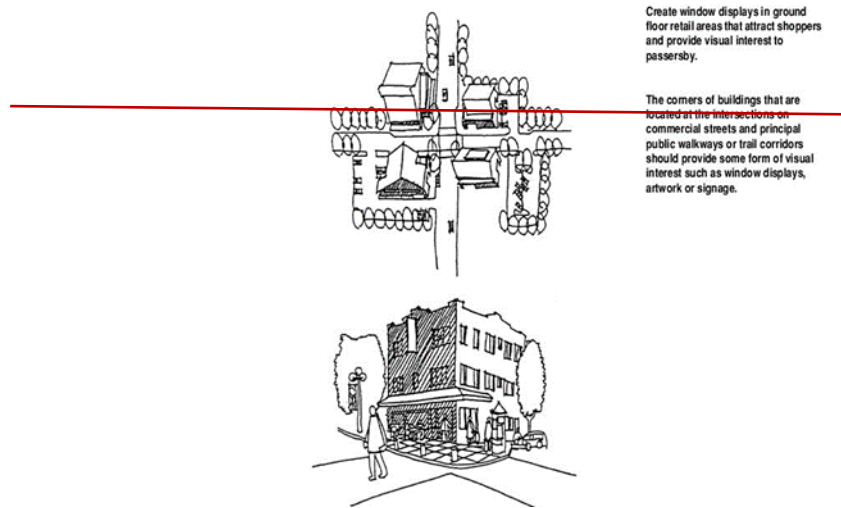


Section 38. Ordinance 1562, §53, and FMC 22.64.020 are hereby amended to read as follows:

~~22.64.020 — Display windows.~~

~~Intent — Create window displays in ground floor retail areas that attract shoppers and provide visual interest to passersby.~~

~~Display Windows — Streetscape~~



~~(a) Ground floor retail and commercial spaces along a sidewalk, walkway or trail corridor should provide extensive amounts of display window space (at least 70 percent of the wall area up to nine feet above finished grade) to showcase commercial, retail or other public uses and wares in a storefront style typical of main street or marketplace architecture. Window glazing should be transparent to provide pedestrians views into ground floor spaces and activities. No more than 10 percent of this glass area should be covered with signage, artwork or other materials that obscure interior space. Storefront windows should be placed above a masonry, tile, wood or other durable material base that extends at least 24 inches above the adjacent sidewalk or exterior finished grade. The bottom of windows should be no more than four feet above the adjacent sidewalk or exterior finished grade.~~

~~(b) The corners of buildings that are located at the intersections on commercial streets and principal public walkway or trail corridors should provide some form of visual interest such as window displays, artwork or signage.~~



22.64.020 Shopfronts.

Intent - Shopfronts are like small buildings with their own base, “roofline”, and pattern of window and door openings. Shopfronts are facades placed at or close to the right-of way line, with the entrance at sidewalk grade. They are conventional for retail frontage and are commonly equipped with cantilevered shed roof(s) or awning(s). Recessed shopfronts are also acceptable. The absence of a raised ground floor precludes residential use on the ground floor facing the street. Residential use would be appropriate above the ground floor and behind another use that fronts the street. It has substantial glazing on the sidewalk level and defines the primary treatment for ground-level commercial uses oriented to display and access directly from public sidewalks or other walkways.

(a) Shopfronts shall be between 10’ and 16’ tall, as measured from the adjacent walk.

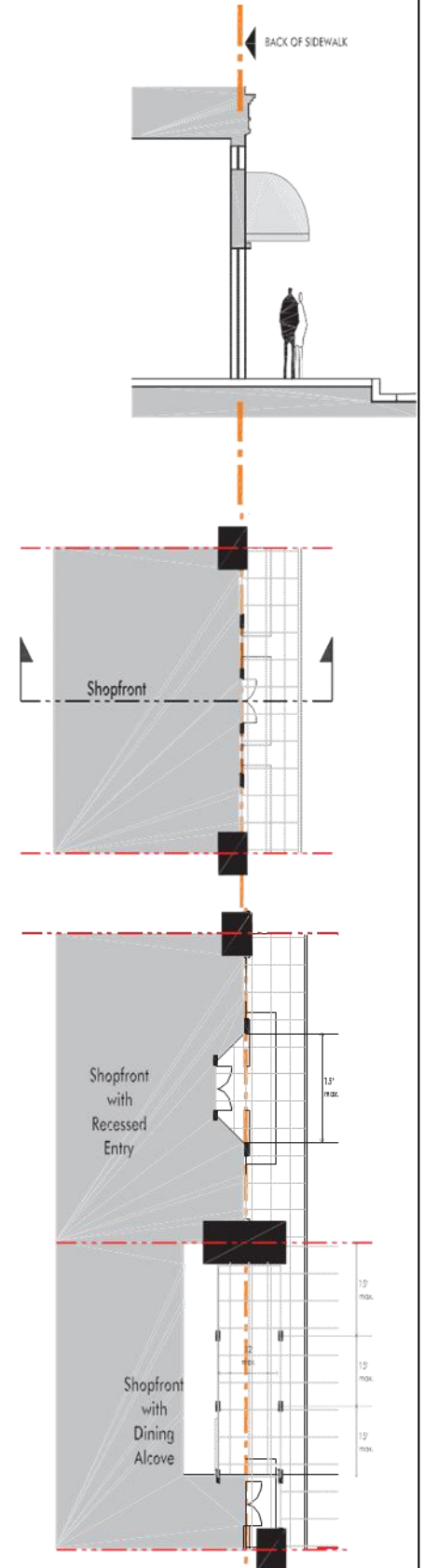
(b) Shopfront width shall be a minimum of 10’ and generally not exceed 50’. Larger retail space may be enabled by being set behind a row of smaller shopfront spaces. This technique is often referred to as “liner retail.”

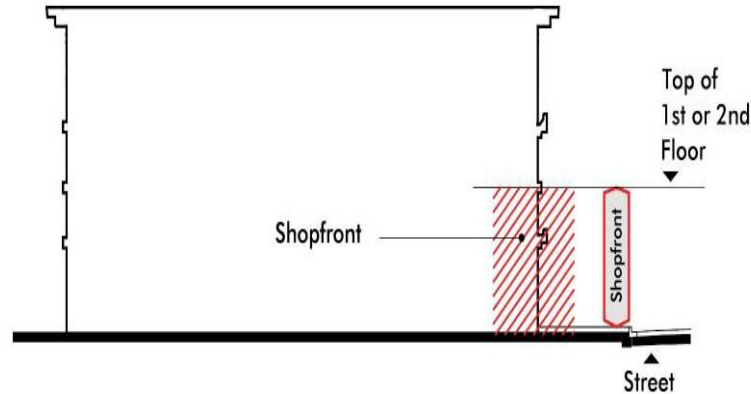
(c) Restaurant shopfronts may set back a portion of the shopfront façade to create a colonnaded outdoor dining alcove that is a maximum of 12 feet deep provided that:

(1) The portion of the façade that is set back and oriented towards the street shall have display windows.

(2) The alcove must also have columns along the sidewalk at a maximum spacing of 15 feet on center.

(3) The alcove may not rely on adjacent buildings for enclosure.





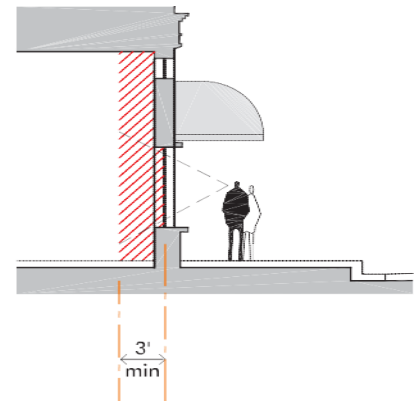
Section Diagram

(d) Each shopfront shall contain:

(1) At least one welcoming building entrance at sidewalk grade. Recessed entrances are permitted with a maximum width of 15 feet.

(2) Clear-glass display windows framed within storefront pilasters and a base made of masonry, tile, wood, or other durable material that extends at least 24 inches above the adjacent sidewalk. The bottom of windows should be no more than four feet above the sidewalk. Display windows and other glazing should comprise at least 75 percent of the ground floor façade.

(3) A minimum 3-foot zone behind the window glazing that provides an unobstructed view of the establishment's goods and services.



Unobstructed View Required

e) Shopfront composition should include projecting signs, as well as window signs and awning signs. Awnings, signs, and related fixtures shall be located 8 feet minimum above the adjacent sidewalk. Awnings shall only cover storefronts and openings to avoid covering the entire façade.

(f) Shopfront and awning design should vary from shopfront to shopfront.

(g) Sideyard setbacks and space between buildings may be utilized as extensions of shopfront activities including for location of outdoor displays of goods and for outdoor dining.

Section 39. Ordinance 1272, §8 (part), and FMC 22.64.021 are hereby repealed.

~~**22.64.021—Site planning.**~~

~~Intent—Create functional, efficient, attractive higher density urban housing developments that complement surrounding lower density neighborhoods.~~

~~(a) New higher density housing developments should group attached single family buildings in courtyard and cluster developments—or neo-traditional neighborhood block patterns to maintain buffer areas and control visual impact and scale.~~

~~(b) High density housing developments should be grouped to create town, manor or coach house visual appearances that are in scale with surrounding single family housing patterns.~~

~~(c) Housing units may be located adjacent to parking courtyards to reduce overall roadway requirements and create compact development forms. (Ord. 1272 § 8, 2001).~~

Section 40. Ordinance 1272, §8 (part), and FMC 22.64.022 are hereby amended to read as follows:

22.64.022 Infill development patterns for traditional shopfront neighborhoods.

Intent – Develop vacant lots with buildings that match the scale, character, and architectural definition of adjacent buildings and uses.

(a) The building proportions (modulation and articulation) created by older lots and buildings should be retained by new infill constructions.

(b) New buildings should be set back from the street frontage in lines that will be consistent with ~~match or complement~~ existing structures along the street.

(c) The existing pattern and proportion of windows, doors, and other vertical elements should be ~~emulated~~complemented by new infill building designs.

(d) New buildings should be defined by vertical and horizontal variations, architectural styles, and exterior finish materials that reflect the form, pattern, and visual interest of existing structures within the neighborhood and along the street.

(e) New buildings should ~~match or~~ complement the prevailing heights of existing structures within the neighborhood and along the street.

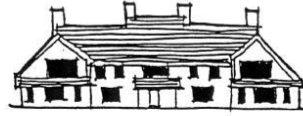
(f) The size and proportion of a new building's mass and contributing elements including roofs, porches, and ~~balconies~~garages should reflect those of neighboring structures.

~~**Residential Site Planning—Manor Houses**~~



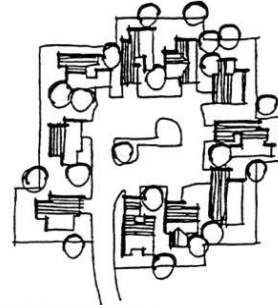
Example elevation as townhouses

High density housing developments should be grouped to create town, manor or coach house visual appearances that are in scale with surrounding single-family housing patterns.



Example elevation as coach houses

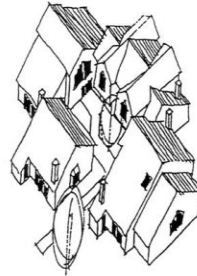
Residential Site Planning—Courtyard Parking



Typical parking court layout

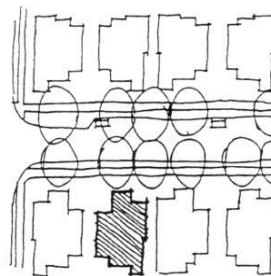
Housing units may be located adjacent to parking courtyards to reduce overall roadway requirements and create compact development forms.

Residential Site Planning—Clustering



New higher density housing developments should group attached single-family buildings in courtyard and cluster developments – or neo-traditional block patterns to maintain buffer areas and control visual impact and scale.

Infill Development Patterns—Street Frontage



New buildings should be set back from the street frontage in lines that will match or compliment existing structures along the street.

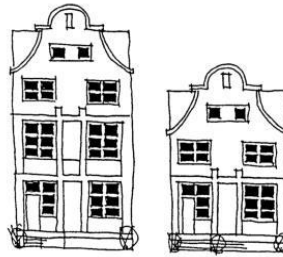
Infill Development Patterns—Height and Mass



New buildings should match or complement the prevailing heights of existing structures within the neighborhood and along the street.

The size and proportion of a new building's mass and contributing elements including roofs, porches, and garages should reflect those of neighboring structures.

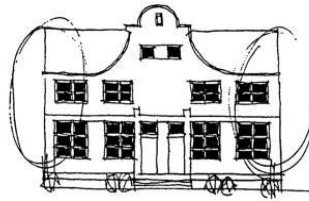
Infill Development Patterns—Proportions



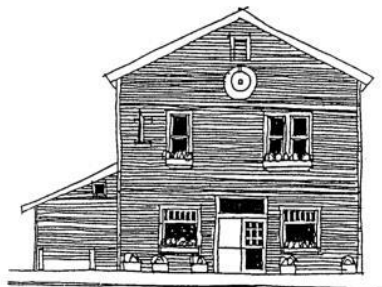
Develop vacant lots with buildings that match the scale, character, and architectural definition of adjacent buildings and uses.

The building proportions (modulation and articulation) created by older lots and buildings should be retained by new infill constructions.

The existing pattern and proportion of windows, doors, and other vertical elements should be complemented by new infill building designs.



Infill Development Patterns—Materials



New buildings should be defined by vertical and horizontal variations, architectural styles, and exterior finish materials that reflect the form, pattern, and visual interest of existing structures within the neighborhood and along the street.

The size and proportion of a new building's mass and contributing elements including roofs, porches, and garages should reflect those of neighboring structures.

Section 41. Ordinance 1575, §19, and FMC 22.65.002 are hereby amended to read as follows:

22.65.002 Authority.

The provisions of this chapter shall augment other requirements in this title. When provisions included in these design standards and guidelines conflict with other requirements of this title, these standards and guidelines shall apply unless otherwise provided. When a conflict exists between these design standards and guidelines and

1 the form-based standards adopted pursuant to Chapter 22.57 FMC, the form-based
2 standards shall apply.

3 **Section 42.** Ordinance 1246, §19 (part), and FMC 22.66.006 are hereby amended to
4 read as follows:

5 **22.66.006 Criteria for administrative design review approval.**

6 (a) The director shall approve an administrative design review application when all
7 applicable criteria listed below are met by a proposal:

8 (1) The proposal meets or exceeds all applicable design guidelines in Chapter 22.64
9 FMC.

10 (2) The proposal meets or exceeds all applicable provisions in the “Design Standards
11 and Guidelines for Small Lot and Multifamily Development” adopted by reference in
12 Chapter 22.63 FMC.

13 (3) The proposal meets or exceeds all applicable provisions in the “City of Fircrest
14 Design Standards and Guidelines for Streetscape Elements” adopted by reference in
15 Chapter 22.64 FMC.

16 (4) The proposal meets or exceeds all applicable form-based standards adopted by
17 reference in Chapter 22.57 FMC.

18 (5) The proposal meets or exceeds all applicable development regulations contained in
19 FMC Title 22.

20 (b) The director may approve an administrative design review application when a
21 proposal does not meet one or more applicable design standard or guideline when the
22 director determines:

23 (1) The departure from the design standard(s) or guideline(s) is consistent with both
24 the comprehensive plan and the intent statement(s) of the design standard(s) or
25 guideline(s).

26 (2) The departure from the strict application of the design standard(s) or guideline(s)
27 will not have a significant negative impact on the public, surrounding properties, or
28 character of the zone or neighborhood.

29 (3) The proposal creates an equal or better environment, results in an equal or better
30 use of land, and achieves an equal or better design than could be produced through the
31 strict application of the design standard(s) or guideline(s).

(4) The departure from the design standard(s) or guideline(s) is compensated by the
provision of additional design features and amenities in the development plan than
would normally be required. The additional design features and amenities are of equal
or greater design benefit and function.

(c) The director may approve all or part of an applicant’s request for a departure from
the strict application of the design standard(s) or guideline(s), approve with additional

1 requirements above those specified in this code, or require modification of the
2 proposal to comply with specified requirements or local conditions.

3 (d) The director shall deny a request for a departure from the design standard(s) or
4 guideline(s) if the proposal does not meet or cannot be conditioned to meet the
5 required findings in this section.

6 ~~Before any administrative design review approval may be granted, the director shall~~
7 ~~determine that the following criteria are met by a proposal:~~

8 ~~(a) The general design considerations, including the character, scale, quality of design~~
9 ~~and quality of materials, are consistent with the purpose of this chapter and adopted~~
10 ~~design guidelines.~~

11 ~~(b) The proposal complies with all applicable development standards.~~

12 ~~(c) The proposal is consistent with the goals, policies and objectives of the~~
13 ~~comprehensive plan.~~

14 **Section 43.** Ordinance 1246, §19 (part), and FMC 22.66.009 are hereby amended to
15 read as follows:

16 **22.66.009 Submittal requirements.**

17 Application for administrative design review shall be submitted on forms provided by
18 the department. A minimum of two sets of the following plans and other information
19 shall be submitted with the application in clear and intelligible form when determined
20 by the director to be applicable and necessary to complete the design review:

21 (a) Elevation Plans. Elevation plans shall be provided for each building or structure
22 elevation that is subject to design review. Additions and alterations to existing
23 structures shall be clearly identified on the plans. Design details such as exterior finish
24 materials and textures, lighting and other fixtures, and design elements such as
25 beltcourses, brackets, chimneys, cornices, roof overhangs, window trim, sills, and
26 sashes, shall be identified.

27 (b) Spatial Site Plan Elements. The following shall be provided:

28 (1) A massing model showing proposed building in its context (a simple sketchup
29 model may suffice).

30 (2) A figure-ground drawing showing: the relationship between public and private
31 realm; how the solid components of buildings relate to the open spaces contained by
the built form; and how a proposed building or space might interact with the existing
fabric of the neighborhood, particularly in terms of the mass, proportions and edge
conditions.

(3) Existing and proposed street sections.

(4) Descriptions, conceptual plans and/or illustrations of public and private open
spaces.

1 (5) Drawings that establish existing context by identifying neighboring building types,
2 frontage types, and building heights.

3 (bc) Exterior Mechanical Device Screening Plans. All proposed exterior mechanical
4 devices, including roof-mounted equipment and proposed screening, shall be identified
5 on the architectural and mechanical plans. In addition, plans of any proposed screening
6 design shall be submitted. When mechanical plans are submitted without a
7 corresponding building permit application, the location of all exterior and roof-
8 mounted mechanical devices shall be shown on a building elevation plan.

9 (ed) Coordinated Site Design Plan. A site plan shall identify the proposed locations of
10 parking, pedestrian and vehicular circulation areas, trash enclosure areas, mechanical
11 and utility facility areas, building footprints, landscaping, and significant trees to
12 remain and be removed.

13 To ensure effective implementation of comprehensive plan policies and objectives and
14 development regulations relating to design, applications for administrative design
15 review and other discretionary land use permits for the same proposal shall be
16 submitted concurrently for review.

17 **Section 44.** Ordinance 1246, §22 (part), and FMC 22.72.003 are hereby amended to
18 read as follows:

19 **22.72.003 Development subject to minor site plan review.**

20 The director shall review the following public and private development proposals
21 which are subject to site plan review:

22 (a) New commercial, industrial, mixed-use, residential, public, and quasi-public
23 buildings less than or equal to 2,000 square feet of gross floor area;

24 (b) Commercial, industrial, mixed-use, residential, public, and quasi-public building
25 additions which are less than or equal to 2,000 square feet of gross floor area;

26 (c) Parking lot improvements associated with development proposals listed in
27 subsections (a) and (b) of this section or, parking lot modifications to existing
28 development, including reconfiguration, provided no more than 5 spaces are added or
29 reduced; and

30 (d) A change of land use at an existing site or structure when the new activity requires
31 either a change in occupancy according to the InternationalUniform Building Code
or, in the opinion of the director, results in an intensification of land use and will
require new conditions to comply with existing regulations of this title.

Section 45. Ordinance 1638, §45, 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:

1 (a) New commercial, industrial, mixed-use, residential, public, and quasi-public
2 buildings greater than 2,000 square feet of gross floor area; and

3 (b) Commercial, industrial, mixed-use, residential, public, and quasi-public building
4 additions which are greater than 2,000 square feet of gross floor area; and

5 (c) Parking lot improvements associated with development proposals listed in
6 subsections (a) and (b) of this section or, parking lot modifications to existing
development, including reconfiguration, when more than 5 spaces are added or
reduced.

7 **Section 46.** Ordinance 1246, §22 (part), and FMC 22.72.009 are hereby amended to
8 read as follows:

9 **22.72.009 Submittal requirements.**

10 Application for site plan review shall be submitted on forms provided by the
11 department. A minimum of two sets of the following plans, materials, and other
applicable information shall be submitted with the application in clear and intelligible
form:

12 (a) A site plan drawing at a scale of not less than one inch per 50 feet which shows:

13 (1) The location of all existing and proposed structures and improvements, including,
14 but not limited to, fences, culverts, bridges, roads, and streets on the subject property;

15 (2) The boundaries of the property proposed to be developed and, if the property is to
be subdivided, the boundaries of each proposed lot within the property;

16 (3) All proposed and existing buildings and setback lines, including those located on
17 adjoining properties;

18 (4) All areas to be preserved as buffers or to be dedicated to a public, private, or
19 community use or for open space and information regarding the percentage of area
covered and size and type of existing vegetation to be removed or to be retained;

20 (5) All existing and proposed easements;

21 (6) The locations of all existing utility structures and lines;

22 (7) The stormwater drainage systems and management plan for existing and proposed
23 structures and parking facilities;

24 (8) All means of vehicular and pedestrian ingress and egress at the site and the size
and location of driveways, streets, and roads;

25 (9) The design of off-street parking areas showing the size and location of internal
26 circulation and parking spaces (see Chapter 22.60 FMC for standards);

27 (10) The location of all loading spaces, including, but not limited to, truck loading
28 platforms and loading docks;

(11) The location and design of trash enclosure areas, exterior lighting, exterior signage, mechanical and utility facility areas;

(b) Elevation plans drawn to scale for each building or structure elevation. Additions and alterations to existing structures shall be clearly identified on the plans. Design details such as exterior finish materials and textures, lighting and other fixtures, and design elements such as beltcourses, brackets, chimneys, cornices, roof overhangs, window trim, sills and sashes, shall be identified to assist with the administrative design review process;

(c) Sign plan showing the location, dimensions, area, design, material, color, and methods of illumination of all exterior signs;

(d) Exterior mechanical device screening plans which identify the building elevation and site plans of all proposed exterior mechanical devices, including roof-mounted equipment, and proposed screening;

(e) Landscape plan drawn to scale showing the locations of existing trees to be removed and to be retained on the site, the location of proposed landscaping, and location and design of irrigation systems. In addition, a plant schedule indicating species, varieties, sizes, and numbers of plant to be installed, and planting specifications shall be submitted (see FMC 22.62.010 for standards);

(f) Topographic map which delineates contours, both existing and proposed, at intervals of two feet, and which locates existing streams, wetlands, forested areas, and other natural features;

(g) A grading plan showing existing and proposed grades;

(h) The existing zoning district of the proposed development site and any other zoning district within 300 feet of the site;

(i) Impervious surface calculations, including the proposed number of square feet of surfaces covered by buildings, driveways, parking lots, or any other structure covering land; the total number of square feet in the entire proposed development site; and the percentage of the site covered with impervious surface;

(j) The proposed number of dwelling units and number of bedrooms in the development;

(k) The proposed number of square feet in gross floor area for each commercial, industrial, residential, and other nonresidential use;

(l) A description of each proposed ~~commercial and industrial~~ use;

(m) For properties containing critical areas or their regulated buffers, all informational requirements specified in the critical area regulations shall be included in the site plan submittal; and

(n) The forms, materials and other information specified in FMC 22.06.002.

Section 47. A new section is hereby added to read as follows:

1 **22.98.229.1 Eligible facilities request.**

2 “Eligible facilities request” means any request for facility modification of an existing
3 wireless tower or base station that involves:

4 (a) collocation of new transmission equipment;

5 (b) removal of transmission equipment; or

6 (c) replacement of transmission equipment.

7 **Section 48.** A new section is hereby added to read as follows:

8 **22.98.266 Facility Modification.**

9 “Facility modification” means any modification of an existing wireless tower or base
10 station that does not substantially change the physical dimensions of such tower or
11 base station.

12 **Section 49.** Ordinance 1598, §86, and FMC 22.98.652 are hereby amended to read
13 as follows:

14 **22.98.652 Site.**

15 “Site” means a unit of land, together with all improvements thereon, determined as
16 follows:

17 A unit of land that may be conveyed separately from ~~any and~~ all adjacent land without
18 the requirement of approval of a boundary line adjustment, short plat, or a preliminary
19 plat.

20 Two or more buildings or business activities that are or will be related to each other
21 physically or architecturally, such as by sharing off-street parking facilities, so as to
22 form an integrated development, such as a shopping center, ~~mixed-use center~~ ~~industrial~~
23 ~~park~~, or office complex. (Ord. 1598 § 86, 2017).

24 **Section 50.** A new section is hereby added to read as follows:

25 **22.98.697.1 Substantially change.**

26 “Substantially change” means to increase the height of an existing wireless tower by
27 more than 10 percent, or by a height exceeding 20 feet, whichever is greater.

28 **Section 51.** Severability: If any section, sentence, clause, or phrase of this ordinance
29 should be held invalid or unconstitutional by a court of competent jurisdiction, such
30 invalidity or unconstitutionality shall not affect the validity or constitutionality of any
31 other section, sentence, clause, or phrase of this sentence.

Section 52. 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 8th day of December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

CITY OF FIRCREST

Form-Based Code

Adopted by Reference in FMC Chapter 22.57

Effective December X, 2020

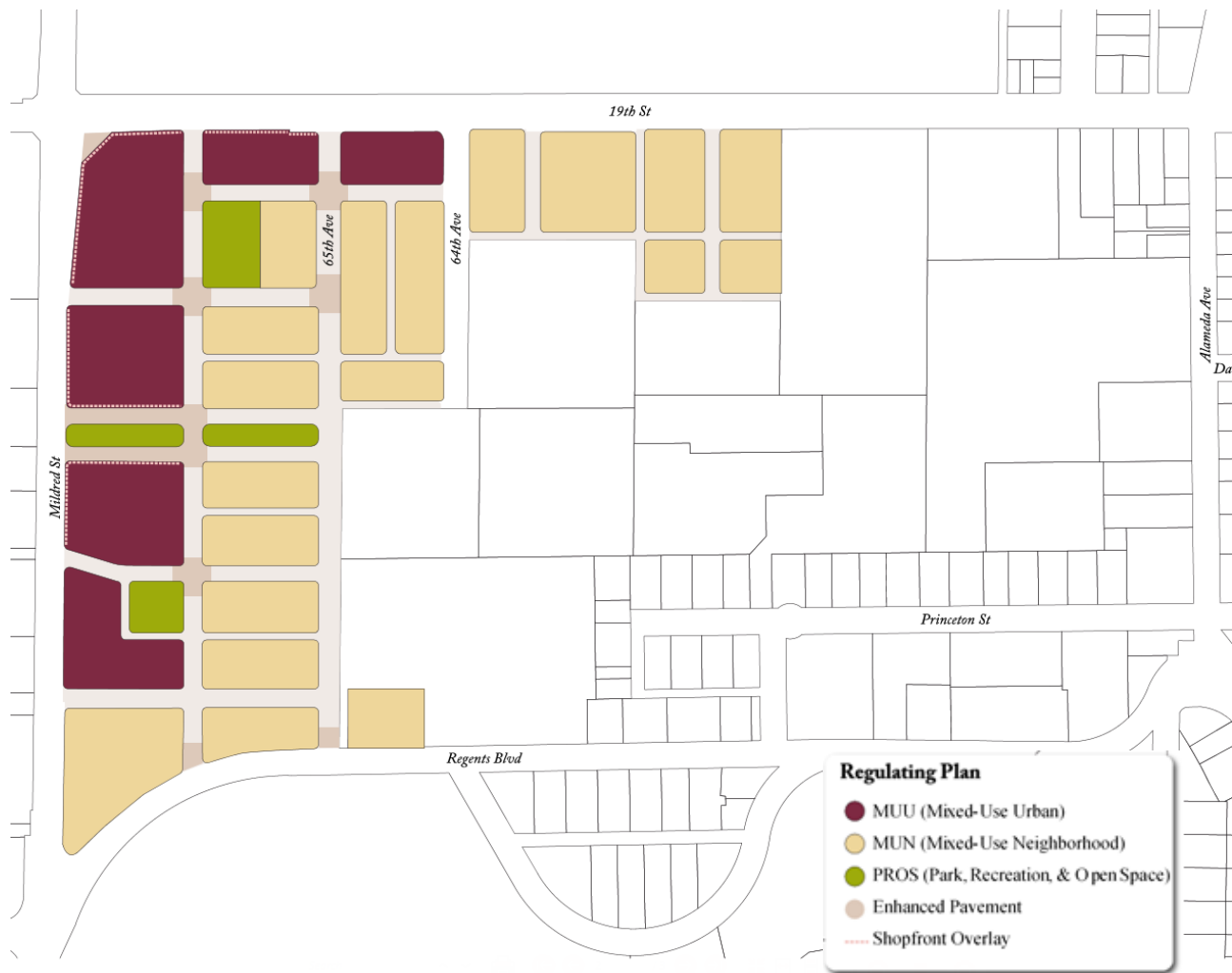


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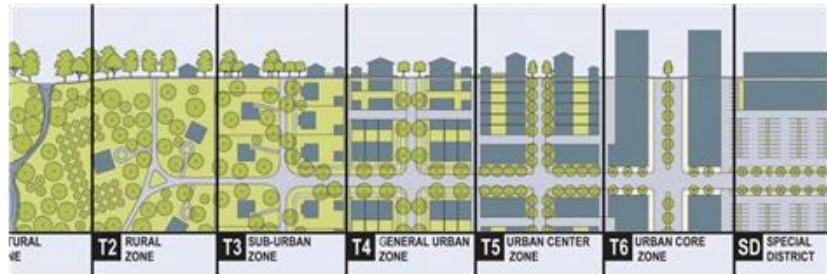
Introduction

Fircrest's Form-Based Code (FBC) is an alternative to conventional land use (zoning) regulations with an increased focus on the design of the public realm – the public space defined by the exterior of buildings and the surrounding streets and open space.

A key difference between a conventional use-based code and FBC is that an FBC does not result in zoning approvals based on units per acre or floor area ratio (FAR). Conventional density controls have not produced diversity or variety in living and working arrangements in a contextual manner and instead have resulted in uniformity of designs within zones. In contrast, an FBC deals with building types that differ in design and intensities of development.

BUILDING TYPES

Building types is a classification system resulting from the process of creating, selecting, and transforming a few basic character-defining features of a building that when repeated, produce predictable results. Building types provide a much more diverse stock of buildings that accommodate a higher intensity of development in a contextual manner that produces great places.



Human scaled building types, when consistently aligned with similar or compatible building types, create a harmonious and a pedestrian-friendly streetscape. Diverse building types can also provide a variety of local affordable housing options for all incomes and ages.

TRANSECT

A Transect is the operating system for Fircrest's Form-Based Code. A Transect is an organizing framework for coding all elements of the built environment on a scale from rural to urban.

Differences in design and ecology vary – based on character and intensity of the place – and progress through a sequence of habitats from rural to urban core.

The central objective of FBC is to expand – and not limit – choices. Instead of one-size-fits-all regulation, the use of transect zones enables a range of development characters and intensity in a highly contextual manner.

T-1	Natural that includes wilderness
T-2	Rural that includes farmland or open space
T-3	Suburban that is primarily single-family residential neighborhoods
T-4	Suburban neighborhood but with a mixture of housing types and slightly greater mix of uses
T-5	Urban with higher density housing types and mixed-use developments
T-6	Urban center or core with the highest density housing types and mixed-use developments serving a surrounding community or region

Fircrest's FBC includes:

T-4	Mixed-Use Neighborhood	MUN
T-5	Mixed-Use Urban	MUU

I.1 PURPOSE AND APPLICATION

I.1A Intent of the FBC

The FBC implements the Comprehensive Plan's goals and policies relating to the 19th and Mildred area and other specified mixed-use neighborhoods. The prescriptive standards in the FBC ensure that new development exhibits the highest standards of urban design, architecture, and landscaping at the scale of neighborhood, block, lot, and building according to the Transect.

The Comprehensive Plan's vision for these areas is compact, walkable, and mixed-use. The urban form is intended to be inviting, comfortable, safe, and ecologically resilient. The FBC allows a mix of uses within a walkable environment so that driving is an option, not a necessity, to meet daily needs.

I.1B Relationship to Comprehensive Plan

The FBC is consistent with the Comprehensive Plan currently in effect, adopted pursuant to Chapter 23.04 FMC. The FBC implements the community-supported vision for the 19th and Mildred area and other mixed-use neighborhoods.

I.1C Relationship to Municipal Code

The FBC is adopted pursuant to Chapter 22.57 FMC and referred to as the "Fircrest Form-Based Code." The FBC provides the primary requirements for development and land use activity within the boundaries identified in the Regulating Plan in Figure RP.1 and other specified mixed-use neighborhoods. FBC standards augment and/or supersede existing regulations in Title 22 Land Development consistent with FMC 22.57.002.

Property, including structures, land uses, and physical improvements such as signs, landscaping, and lighting within the regulating plan boundaries of the FBC shall comply with all applicable requirements of the FBC and regulations contained in Title 22 Land Development.

I.2A Administration

The FBC shall be administered by the Director and the Fircrest Planning and Building Department.

Zoning and Regulating Plan

RP.1 ZONING DISTRICTS AND OVERLAYS

RP.1A Purpose and Establishment of Zoning Districts and Overlays

This section establishes the zoning districts and overlays to implement the Form-Based Code. Property and rights-of-way subject to the Form-Based Code shall be divided into the following zones and overlays, which shall be applied to all property as shown on Figure RP.1 or on the Fircrest Zoning Map.

RP.1B Zoning Districts and Overlays

The following zoning districts and overlay are established and applied to property and rights-of-way within the boundaries of the Form-Based Code. Refer to Table RP.1 for the intent and descriptions of the zoning districts and section RP.2A.2 for descriptions of the overlays:

- Mixed-Use Urban Zone (MUU)
- Mixed-Use Neighborhood Zone (MUN)
- Shopfront Overlay

RP.2 REGULATING PLAN

RP.2A Purpose and Establishment of Regulating Plan



This section establishes the regulating plan, Figure RP.1, as the map that identifies and implements the various intentions and principles of the vision for the area. Table RP.1 defines the zoning districts, overlays and standards for site development, design and land use through the following:

- 1) Zoning Districts. Each zoning district is allocated standards in the following areas:
 - Building Placement
 - Allowed Building Types
 - Allowed Frontage Types
 - Building Height and Size
 - Allowed Encroachments into Required Yards
 - Parking Placement and Site Access
 - Required Parking
 - Allowed Land Uses
- 2) Shopfront Frontage Overlay. This overlay requires buildings to have shopfront frontage and a minimum floor-to-ceiling height. This requirement is to accommodate ground floor live-work, commercial, retail or other such non-residential activity on streets where the vision expects active, pedestrian-oriented streetscapes.
- 3) Regulating Plan Diagram. Each zoning district and overlay established by the Form-Based Code is identified on Figure RP.1 to show the boundaries of each zoning district, overlay, and the parcels within each boundary. Figure RP.1 is established as the zoning atlas for all property within the Form-Based Code boundaries.

Figure RP.1 Regulating Plan



Table RP.1 Summary of Zoning District

Zoning District Intent	Mixed-Use Urban	Mixed-Use Neighborhood
		
Desired Form	New buildings are block scale, up to seven stories above grade and 80 feet in height, located close to the front property line, with active ground floor activities. The building mass steps down to 45 feet when located adjacent to an MUN neighborhood. Building mass along the street edge should be articulated with balconies and terraces and the building base should include human scaled detailing.	New buildings are primarily house and small apartment scale, up to four stories above grade and 50 feet in height, located close to front property line, with active frontages along ground level. Building mass steps down to 35 feet when adjacent to residential districts.
Streetscape and Public Realm Improvements	Active streetscape providing continuity with adjacent areas. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees support interesting, safe, and comfortable walking environment.	Range of tree-lined walkable streets will continue adjacent street pattern while also providing opportunities for future development to extend the street grid. Commercial frontages such as shopfronts, arcades, or galleries; wide sidewalks; and street trees encourage interesting, safe, and comfortable walking environment, while yards, porches, stoop, and forecourt may extend privacy to residential frontages.
Parking	Parking consists of on-site spaces located either behind buildings or in above- or underground parking structure. On-street public parking spaces are provided. Parking ratios are lower due to available transit and shared parking options.	Parking consists of on-site spaces located either behind buildings or in above- or underground parking structures. On-street public parking spaces are provided.
General Use	Buildings are occupied with ground floor retail, office, service, and other active uses along commercially viable corridors. Residential uses on the ground floor should provide appropriate frontage that ensures privacy to the units. Units should be accessed directly from the street. Upper floors and the floor area behind shopfronts are flexible for a wide variety of office, lodging, and housing uses.	Buildings may be occupied with ground floor retail, office, service and other active uses. Residential uses on the ground floor should provide appropriate frontage that ensures privacy to the units. Units should be accessed directly from the street. Upper floors and the floor area behind shopfronts are flexible for a wide variety of office, lodging, and housing uses.

See Chapter 22.48 FMC and Chapter 22.50 FMC for more detailed information on uses and development standards.

Development Standards by Zone

DS.1 DEVELOPMENT STANDARDS

Development standards are aimed at generating the individual buildings on a block that collectively with other buildings will shape the form of the public realm.

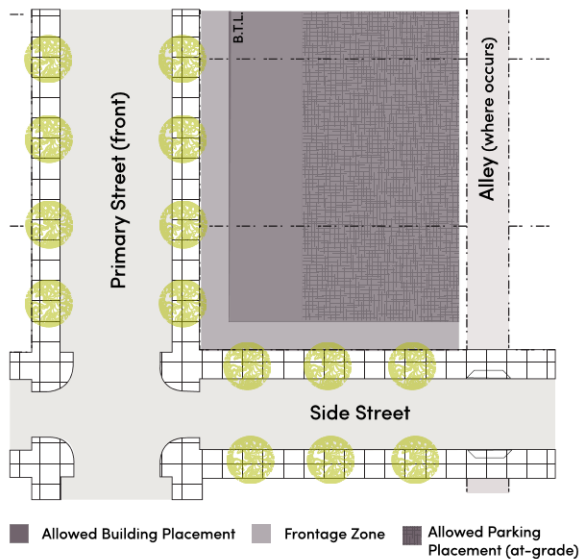
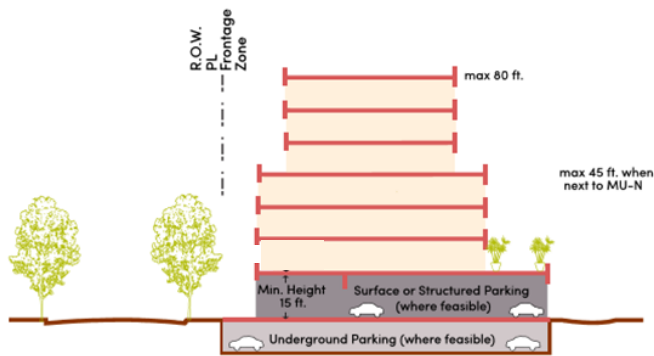
The standards shape and situate buildings based on their physical characteristics and compatibility with the context. The successful fit of a new project into an existing context depends on how it relates to neighboring buildings to its side and rear in terms of setbacks, height, massing, scale, and arrangement of shared and private open spaces.

For each zone identified on the regulating plan, setback, height, lot size, and parking requirement associated with permitted building and frontage types are called out. These standards come together to define the distinctive character and intensity of a particular zone.

Architectural features such as porches, stoops, bay windows, balconies and cornices are allowed to project into the setback area. Balconies, cornices, awnings, stands selling magazines, fruits, vegetables, or flowers may project into the public right-of-way, subject to encroachment permit. Such encroachments animate street life. Encroachments should not affect pedestrian movement and maintenance of utilities.

The basis of the standards is the synoptic survey and community vision to create a specific place.

MIXED-USE URBAN (MUU)



Building Placement

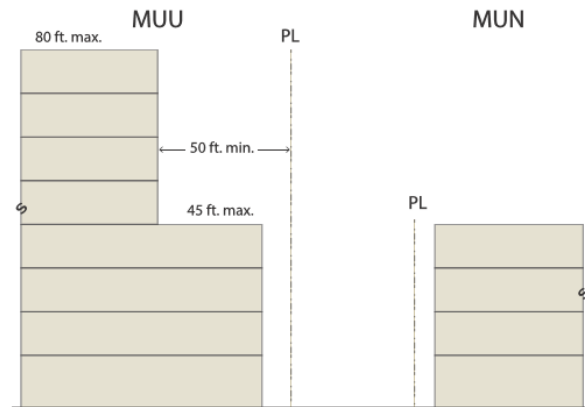
Setback	Building setback from PL		
	Frontage Zone		Side/Rear
	Min. (ft.)	Max. (ft.)	Min. (ft.)
Primary street	0	10	—
Side street	0	10	—
Rear yard with alley	—	—	5
Rear yard without alley	—	—	15

Allowed Frontages

- Arcade
- Gallery
- Shopfront
- Lightcourt
- Forecourt
- Stoop

Allowed Building Types and Height

Building Types	Maximum Height
Flex Building	80
Liner	50
Hybrid Court	80
Court	80
Live-Work	35
Row House	35



Buildings in MUU cannot exceed 45-foot height for a depth of 50 feet from the property line when the lot is located adjacent to MUN zone.

Interior Ceiling Height

Ground Floor 15-foot minimum

Parking

See parking standards in FMC 22.60.003.

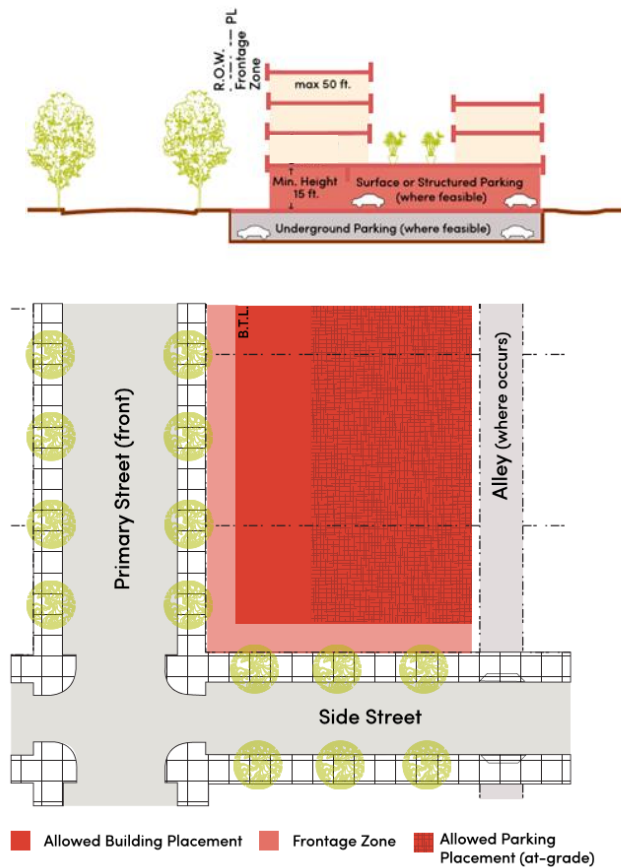
Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use such as commercial when parking demand lessens.

Encroachments

Architectural features and signs may encroach into the required setbacks subject to the following requirements:

	Encroachment			
	Horizontal			Vertical
	Front/Side Street	Rear	Side	
Arcade, gallery, awning	6' max.	Min. 5' from PL	Not allowed	Min. 8' clear
Balcony	4' max.		Min. 5' from PL	
Bay Window	4' max. on upper floors			
Eave	4' max.	Min. 3' from PL	Min. 3' from PL	

MIXED-USE NEIGHBORHOOD (MUN)



Building Placement

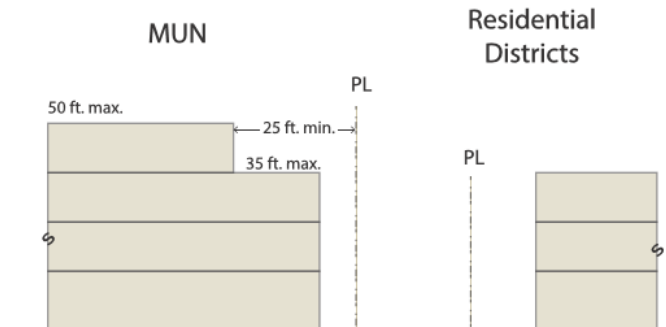
Setback	Building setback from PL		
	Frontage Zone		Side/Rear
	Min. (ft.)	Max. (ft.)	Min. (ft.)
Primary street	0	10	—
Side street	0	10	—
Rear yard with alley	—	—	5
Rear yard without alley	—	—	15

Allowed Frontages

- Arcade
- Lightcourt
- Dooryard
- Gallery
- Forecourt
- Porch & Fence
- Shopfront
- Stoop
- Front Yard

Allowed Building Types and Height

Building Types	Maximum Height
Flex Building	80
Court	50
Live-Work	35
Row House	35
Rosewalk or Bungalow	See FMC 22.58.027, cottage housing
Multiplex	35



Buildings in the MUN zone cannot exceed 35-foot height for a depth of 25 feet from the property line when the lot is located adjacent to residential districts that allow duplex or single-family building types.

Interior Ceiling Height

Ground Floor 15-foot minimum

Parking

See parking standards in FMC 22.60.003.

Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use such as commercial when parking demand lessens.

Encroachments

Architectural features and signs may encroach into the required setbacks subject to the following requirements:

	Encroachment			
	Horizontal			Vertical
	Front/Side Street	Rear	Side	
Arcade, gallery, awning	6' max.	Min. 5' from PL	Not allowed	Min. 8' clear
Balcony	4' max.		Min. 5' from PL	
Bay Window	4' max. on upper floors			
Eave	4' max.	Min. 3' from PL	Min. 3' from PL	

Building Standards

BS.1 BUILDING STANDARDS

BS.1A Purpose

This Section provides design standards for individual buildings to ensure that proposed development is consistent with the community's vision for mixed-use areas as it pertains to building form, physical character, land use, and quality.

BS.1B Applicability

Each building shall be designed in compliance with the applicable general requirements in Section BS.2 and all applicable requirements of the International Building and Fire Codes.

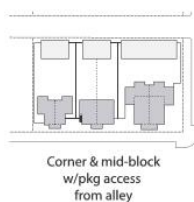
BS.1C Allowed Building Types by Zoning District

Each proposed building or existing building modification shall be designed as one of the building types allowed for the zoning district applicable to the site as identified in the table below.

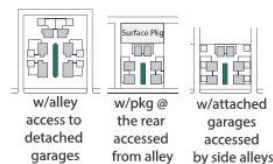
Building Type	Mixed-Use Neighborhood (MUN)	Mixed-Use Urban (MUU)
Multiplex	X	
Rosewalk/Bungalow court	X	
Row House	X	X
Live-Work	X	X
Court	X	X
Hybrid Court		X
Liner Building		X
Flex Building	X	X

Table BS.1 Building Types

House Scale Buildings



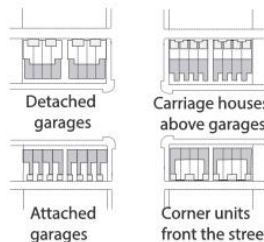
Corner & mid-block
w/pkg access
from alley



w/alley
access to
detached
garages

w/pkg @
the rear
accessed
from alley

w/attached
garages
accessed
by side alleys

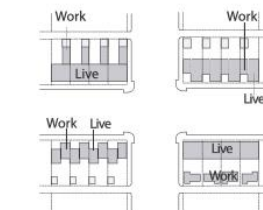


Detached
garages

Carriage houses
above garages

Attached
garages

Corner units
front the street



Multiplex

A *multiplex* is a residential building of 3 to 6 dwelling units respectively.

Depending on the lot size and context the units can be placed side-by-side, front-to-back or stacked, or some combination of these options.

Multiplexes are not allowed on arterials.

Coding Criteria

Multiplexes when packaged within house-like form and detailing, with breaks in building elevations in the horizontal and vertical planes provide human scale and make the building contextual.

Typical height of the building is 2-3 stories.

Rosewalk & Bungalow Court

A *rosewalk* is comprised of 6 or more single dwellings arranged in a linear manner along either side of a common green. Pedestrian access to the building entrance is accessed from the common green and/or primary street.

A *bungalow court* is comprised of 6 or more single dwellings arranged around a shared courtyard, with pedestrian access to the building entrances from the courtyard and/or fronting street.

Coding Criteria

The defining feature of these are the communal central open space. The lot width should be large enough to allow functional public and private open spaces and area for driveways or common parking.

The building size and massing of individual buildings is similar to a small-scale single dwelling unit.

Entrance to units shall be directly from the front yard or from the courtyard.

Row House

A *row house* is a building comprised of 5 or more attached 2- or 3-story dwelling units arranged side by side, with the ground floor raised above grade to provide privacy for ground floor rooms. The primary building sits at the front of the property, with the garage at the rear, separated from the primary building by a rear yard.

Coding Criteria

The single family dwelling units can be separated by property lines with lot sizes 16 to 30 feet wide.

Design principles such as repetition, rhythm and order must be considered carefully to add interest and individuality.

Rowhouses have shallow front yards, 5 to 10 feet, to maximize the size of a private open space in the rear yard. The rear yard should be large enough to be functional and receive sunlight and be screened by fence or wall to provide privacy.

Live-Work

A *live-work* is an integrated residence and work space located at street level, occupied and utilized by a single household in a grouping of at least 3 such structures, or a structure with at least 3 units arranged side by side along the primary frontage, which has been designed or structurally modified to accommodate joint residential occupancy and work activity.

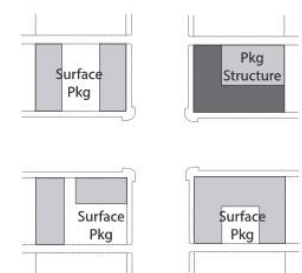
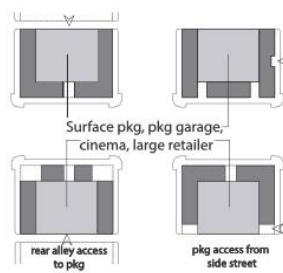
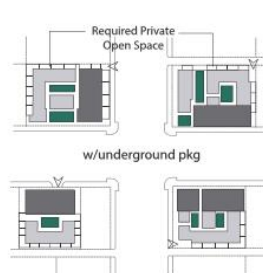
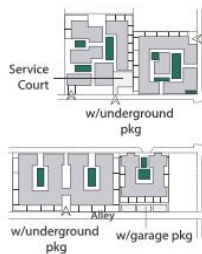
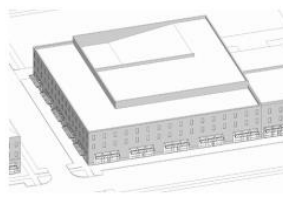
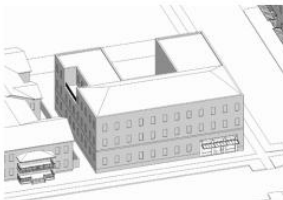
Coding Criteria

The floor to ceiling height of the work floor is typically about 15 feet. The main entrance to the street level work space should be accessed directly from and face the street. The dwelling unit above the work space should be accessed by a separate entrance, and by a stair or elevator.

Each unit should have access to private open space. The private open space should be in the rear yard of each unit.

Table BS.1 Building Types (continued)

Block Scale Buildings



Court

A *court* is a group of dwelling units arranged to share one or more common courtyards. The courtyard is intended to be a semi-public outdoor room that is an extension of the public realm. The units may be arranged in 4 possible configurations: rowhouses, rowhouses over flats, flats, and flats over flats. Court buildings may accommodate ground floor commercial/flex uses in either a live-work configuration or as solely commercial/retail space in qualifying zones facing the primary street.

Coding Criteria

The main entry to ground floor units should be directly of the courtyard or from the street. Access to second story units should be directly from the courtyard through stairs. Elevator access, if any, should be provided between the underground garage and courtyard-podium only.

The open space is designed as a central court or partial, multiple, separated or interconnected courtyards.

Hybrid

A *hybrid court* is composed of two building types: the stacked dwelling and courtyard housing, arranged around a courtyard. This building type combines a point-access portion of the stacked dwelling with a walk-up portion of the courtyard housing building type. The building may be designed for occupancy by retail, service, or office uses on the ground floor, with upper floors also configured for those uses or for residences.

Coding Criteria

Stacked dwelling defines the street edge and the building mass tapers down to a courtyard building type. The main entrance to all ground floor units should be directly from the street. Entrance to the stacked dwelling element can be through a dedicated street level lobby, or through a dedicated podium lobby accessible from the street or through a side yard. Access to units above the second level in the stacked dwelling element not accessed from the podium is through an interior, double-loaded corridor.

Liner Building

A *liner building* has a thin footprint that conceals parking garage or other large scale faceless building, such as a movie theater, or "big box" store to create a pedestrian friendly environment. The building can be designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses.

Coding Criteria

The main entrance to each ground floor storefront and the theater or big box retail is directly from the street. Entrance to the upper levels of the building is through a street level lobby accessible from the street or through a side yard. Interior upper level uses are accessed by a corridor.

Parking is accommodated in an underground garage, surface parking at the rear of the lot, parking tucked under from the back, or a combination of any of the above.

Flex Building

A *flex building* is a vertical mixed-use building typically of a single massing element, designed for occupancy by retail, service, or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. Second floor units may be directly accessed from the street through a stair. Upper floors are accessed through a street level lobby.

Coding Criteria

The floor to ceiling height of the first floor is greater than the rest of the floors, typically about 15 feet to accommodate the unique needs of commercial space and increase the comfort of residential occupants and guests.

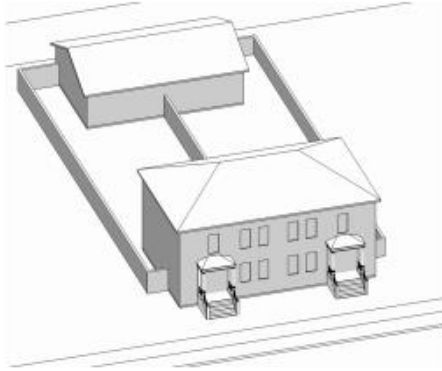
The main entrance to each ground floor tenant bay should be directly from the street. Parking is accommodated in an underground garage, surface lot, structure, tuck under facility, or some combination of these options.

BS.2 BUILDING TYPES (CONTINUED)

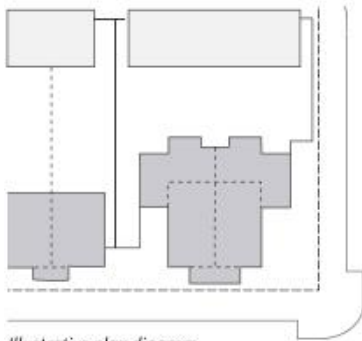
MUN

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BS.2.A Multiplex



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of duplex

- 1 Description A Multiplex Building Type is a medium-sized structure that consists of 3–6 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. The Multiplex Building Type has the appearance of a large-sized family home and is appropriately scaled to fit well within medium-density neighborhoods. This building type is important for providing missing middle housing and promoting walkability.
- 2 Pedestrian Access Main entrance location: Primary street
- 3 Frontages Porch
Stoop
Dooryard
- 4 Vehicle Access & Parking Parking spaces may be enclosed, covered, or open.
- 5 Private Open Space

Width	Depth	Area
8-foot minimum	8-foot minimum	100-square foot minimum
- 6 Building Size & Massing

Length along frontage:	Duplex: 36-foot maximum Multiplex 50-foot maximum
Length along side yard:	80-foot maximum

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2 BUILDING TYPES (CONTINUED)

MUN

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BS.2.B Rosewalk and Bungalow court

- 1 Description A Rosewalk Building Type is a group of 6 or more single dwellings arranged in a linear manner along either side of a common green. Having the same right-of-way width as a narrow neighborhood street, the Rosewalk (in contrast to the Bungalow Court) must connect two parallel streets. Pedestrian access to the building entrances are accessed from the common green and/or primary street. Rosewalks are prohibited on corner lots.

Bungalow Court Building Type is a group of 6 or more single dwellings arranged around a shared courtyard, with pedestrian access to the building entrances from the courtyard and/or fronting street.

The courtyard is wholly open to the street and parking is placed in the rear of the lot or behind each unit. Bungalow courts are prohibited on corner lots that do not have alley access.

- 2 Pedestrian Access Main entrance location: Common courtyard

- 3 Frontages Porch
Stoop
Dooryard

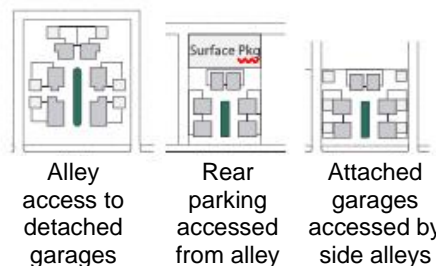
- | 4 Private Open Space | Width | Depth | Area |
|----------------------|----------------|----------------|-------------------------|
| | 8-foot minimum | 8-foot minimum | 100-square foot minimum |

- | 5 Common Courtyard | Width | Depth | 20-foot minimum clear | 50-foot minimum clear |
|--------------------|-------|-------|-----------------------|-----------------------|
| | | | | |

Also see cottage housing standards in FMC 22.58.027.



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of bungalow court



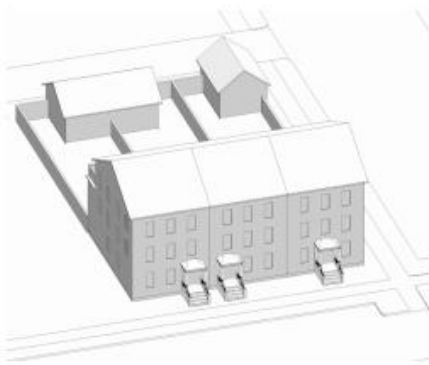
Illustrative photo of rosewalk

BS.2 BUILDING TYPES (CONTINUED)

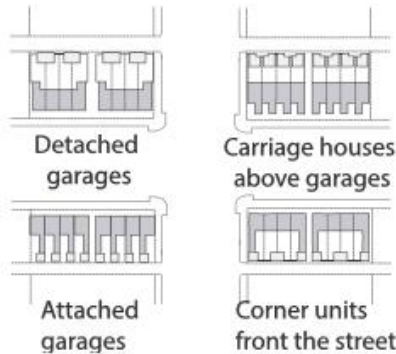
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BS.2.C Row House



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of Row House



Illustrative photo of Row House

- 1 Description A Row House Building Type is a small- to medium-sized building comprised of 5 or more attached dwelling units arrayed side by side, with the ground floor raised above grade in order to provide privacy for ground floor rooms. The primary building sits at the front of the property, with the garage at the rear, separated from the primary building by a rear yard. Each dwelling unit is directly accessed from the front yard/street. Garages must be located and accessed from the rear of the lot. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of missing middle housing types and promoting walkability.
- 2 Pedestrian Access Main entrance location: Primary street
- 3 Frontages Porch
Stoop
Dooryard
- 4 Vehicle Access & Parking Parking spaces may be enclosed, covered, or open.
- 5 Private Open Space

Width	Depth	Area
8-foot minimum	8-foot minimum	100-square foot minimum
- 6 Building Size & Massing

Width per rowhouse:	18-foot minimum 36-foot maximum
---------------------	------------------------------------

The front elevation and massing of each Row House building may be either symmetrical or asymmetrical, repetitive or unique in disposition, as long as the delineation of each individual unit is evident. The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2 BUILDING TYPES (CONTINUED)

MUN

MUU

BS.2.D Live-Work

- 1 Description A Live-Work Building Type is a small to medium-sized attached or detached structure that consists of single dwelling unit above and/or behind a flexible ground floor space that can be used for home-office uses such as residential, personal and general service, small-scale craft production or retail uses. Both the ground-floor flex space and the unit above are owned by one entity. This Type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into a urban neighborhood street. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing neighborhood main streets to expand as the market demands. Garages must be located and accessed from the rear of the lot. The work space is accessed directly from the primary street, and the living space at the rear or above is accessed directly or indirectly from the working space.

- 2 Pedestrian Access Main entrance location: Primary street
Ground floor space and upper unit shall have separate exterior entries.

- 3 Frontages Forecourt
Dooryard
Shopfront
Lightcourt
Gallery

- 4 Private Open Space

Width	Depth	Area
8-foot minimum	8-foot minimum	100-square foot minimum

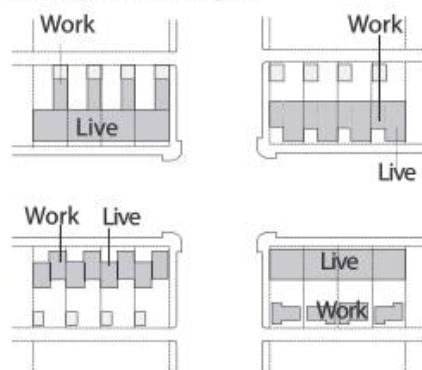
- 5 Building Size & Massing

Width per unit	
18-foot minimum	
36-foot maximum	

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of live-work



Illustrative photo of live-work

BS.2 BUILDING TYPES (CONTINUED)

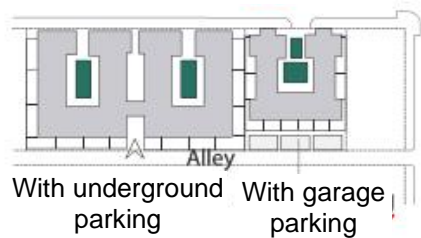
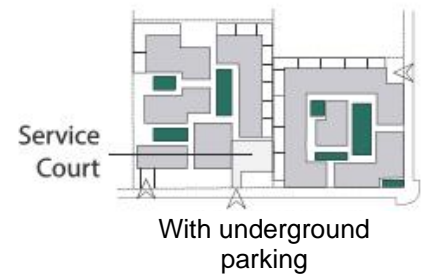
MUN

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BS.2.E Court



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of court



Illustrative photo of court

- 1

Description

A Court Building Type is a group of dwelling units arranged to share one or more common courtyards. The courtyard is intended to be a semi-public outdoor room that is an extension of the public realm. Court buildings may accommodate ground floor commercial/flex uses in either a live-work configuration or as solely commercial/retail space in qualifying zones facing the primary street. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.
- 2

Pedestrian Access

The main entry to ground level units should be from the courtyard or from the street. Access to second story units should be directly from the courtyard through stairs. Elevator access, if any, should be provided between the underground garage and courtyard-podium only.
- 3

Frontages

Porch
Stoop
Dooryard
- 4

Vehicle Access & Parking

From alley.
For lots without alley, via driveway, 12-foot wide maximum, located as close to side yard property line as possible.
- 5

Private Open Space

Width	Depth	Area
8-foot minimum	8-foot minimum	100-square foot minimum

This open space is exclusive of the courtyard and may be located in a side or rear yard.
- 6

Common Courtyard

Recommended width/depth/height ratio:	1:1 approximate
Width and depth:	20-foot minimum
Length along frontage:	200-foot minimum
Length along side yard:	140-foot maximum

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.
- 7

Building Size & Massing

The footprint area of an accessory structure may not exceed the footprint area of the principal structure.

BS.2 BUILDING TYPES (CONTINUED)

MUN

MUU

BS.2.F Hybrid Court

- 1 **Description** A Hybrid Court Building Type combines a point-access portion of the building with a walk-up portion. The building may be designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses or for residences.
- 2 **Pedestrian Access** The main entrance to all ground floor units should be directly from the street.

Entrance to the stacked dwelling element can be through a dedicated street level lobby, or through a dedicated podium lobby accessible from the street or through a side yard.

Access to units above the second level in the stacked dwelling element not accessed from the podium is through an interior, double-loaded corridor of at least 6 feet in width with recessed doors or seating alcoves/offsets at every 100 feet at a minimum.

For other units, access is directly off a common courtyard or through stairs serving up to 3 dwellings.
- 3 **Frontages** Porch
Stoop
Dooryard
- 4 **Vehicle Access & Parking** Underground garage, surface parking, tuck under parking, or a combination of any of the above.
- 5 **Private Open Space**

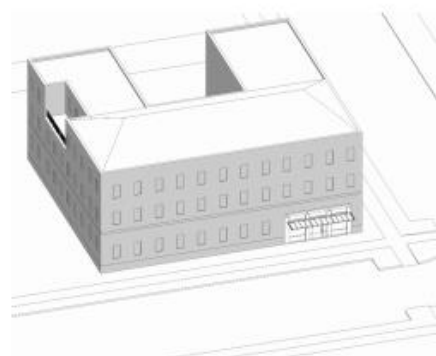
Width	Depth	Area
8-foot minimum	8-foot minimum	100-square foot minimum

This open space is exclusive of the courtyard and may be located in a side or rear yard.
- 6 **Common Courtyard**

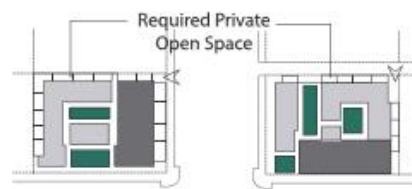
Recommended width/depth/height ratio: 1:1 approximate

Width and depth: 20-foot minimum
- 7 **Building Size & Massing**

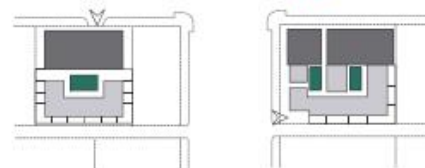
Width per unit:	18-foot minimum 36-foot maximum
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Illustrative axonometric diagram



With underground parking



Illustrative plan diagram



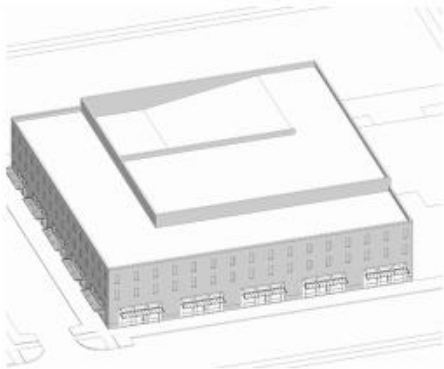
Illustrative photo of hybrid court

BS.2 BUILDING TYPES (CONTINUED)

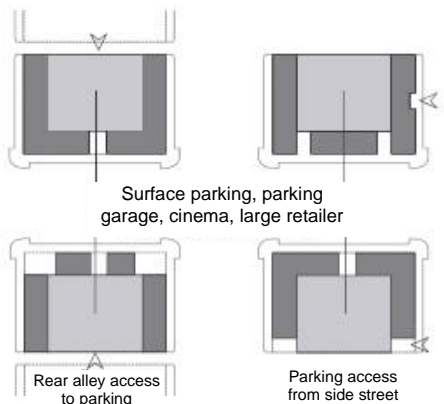
MUN

MUU

BS.2.G Liner



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of liner



Illustrative photo of liner

- | | | |
|---|--------------------------|--|
| 1 | Description | A Liner Building Type conceals a garage, or other large-scale faceless building such as a movie theater, or “big box” store designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. The access corridor, if applicable, is included in the minimum depth. |
| 2 | Lot Size | Width: 400-foot maximum
Depth: 150-foot maximum |
| 3 | Pedestrian Access | Direct access from sidewalk. Upper floors accessed from street level lobby. |
| 4 | Frontages | Forecourt
Shopfront
Gallery
Arcade |
| 5 | Vehicle Access & Parking | Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above. |
| 6 | Private Open Space | Private open space is required for each residential unit and shall be no less than 50-square feet with a minimum dimension of 5 feet in each direction. |
| 7 | Shared Open Space | <p>The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, or on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.</p> <p>Recommended width/depth/height ratio: 1:1 approximate</p> <p>Width and depth: 20-foot minimum</p> |
| 8 | Building Size & Massing | <p>Length along frontage: 400-foot maximum</p> <p>Length over 200 feet must provide massing break</p> |

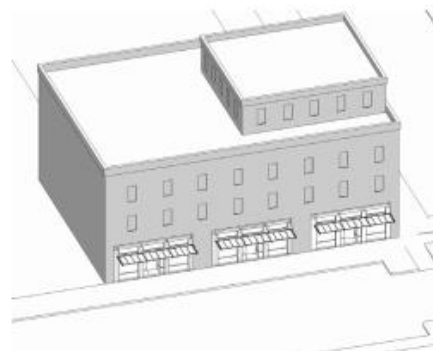
BS.2 BUILDING TYPES (CONTINUED)

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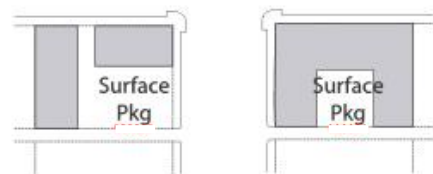
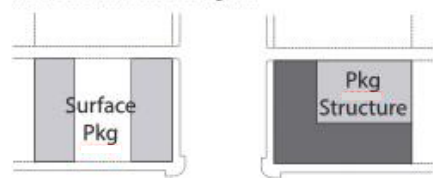
MUU

BS.2.H Flex Building

- 1 **Description** A Flex Building Type is designed for occupancy by retail, service, and/or office uses on the ground floor, with upper floors configured for retail, service, office, and/or residential uses. Second floor units may be directly accessed from the street through a stair; upper floors are accessed through a street level lobby.
- 2 **Lot Size** Width: 400-foot maximum
Depth: 150-foot maximum
- 3 **Pedestrian Access** Direct access from sidewalk. Upper floors accessed from street level lobby.
- 4 **Frontages** Forecourt
Shopfront
Gallery
Arcade
- 5 **Vehicle Access & Parking** Required parking is accommodated in an underground or above-ground garage, tuck under parking, or a combination of any of the above.
- 6 **Private Open Space** Private open space is required for each residential unit and shall be no less than 50-square feet with a minimum dimension of 5 feet in each direction.
- 7 **Shared Open Space** The primary shared common space is the rear or side yard designed as a courtyard. Courtyards can be located on the ground, on a podium, or on a parking deck, and must be open to the sky. Side yards can also be formed to provide outdoor patios connected to ground floor commercial uses.
Recommended width/depth/height ratio: 1:1 approximate
Width and depth: 20-foot minimum
- 8 **Building Size & Massing** Length along frontage: 400-foot maximum
Length over 200 feet must provide massing break



Illustrative axonometric diagram



Illustrative plan diagram



Illustrative photo of flex building



Illustrative photo of flex building

Frontage Standards

FS.1 FRONTAGE STANDARDS

FS.1A Purpose

This Section sets forth the standards applicable to the development of private frontages. Private frontages are the components of a building that provide an important transition and interface between the public realm (street and sidewalk) and the private realm (yard or building). These standards supplement the standards for each zone that the frontage types are allowed within. For each frontage type, a description, a statement of the type's intent, and design standards are provided. These standards are intended to ensure that proposed development is consistent with the City's goals for building form, physical character, land use activity and quality.

FS.1B Applicability

These standards work in combination with the standards found in Section DS.0 (Development Standards by Zones) and Section BS.0 (Building Standards) and are applicable to all private frontages within transect zones.

FS.1C Allowed Building Types by Zoning District

Table FS.1 (Frontage Types) provides an overview of the allowed frontage types.

TABLE FS.1 FRONTAGE TYPES

Front Yard: The facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from the higher speed thoroughfares.

Porch & Fence: The facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains the demarcation of the yard while not blocking view into the front yard. The porches shall be no less than 8 feet deep.

Dooryard (Terrace): The facade is set back from the frontage line with an elevated garden or terrace permitted to encroach. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is also suitable for cafes.

Stoop: The facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.

Forecourt: A portion of the facade is close to the frontage line and the central portion is set back. The forecourt with a large tree offers visual and environmental variety to the urban street streetscape. The forecourt may accommodate a vehicular drop-off.

Lightcourt: The facade is set back from the frontage line by a sunken light- court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

Shopfront: The facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and an awning that may overlap the sidewalk.

Gallery: The facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

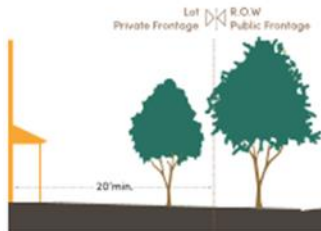
Arcade: The facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.

Front Yard

Description The main facade of the building has a large planted setback from the frontage line providing a buffer from the street. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape and working in conjunction with the other private frontages.

Size Depth: 20 feet

Design Standards The front yard should be visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from the higher speed thoroughfares. The yard is the first impression of a home and therefore should be carefully landscaped, preferably with drought-resistant plants.

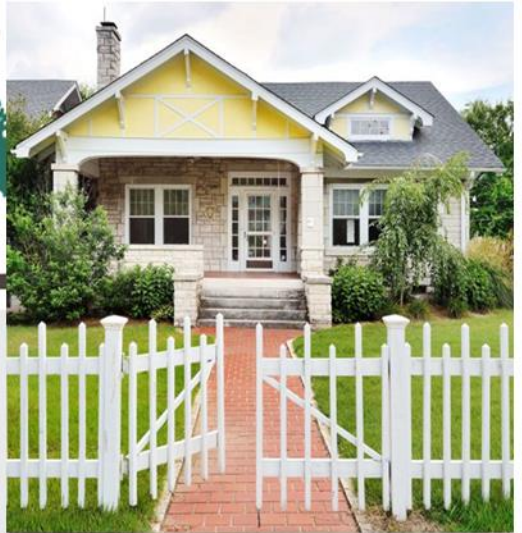
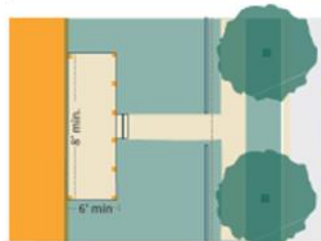


Porch & Fence

Description Provides a physical transition from the sidewalk to the private lot and building while maintaining visual connection between buildings and the public space of the street. The porch frontage consists of a building with a front set back from the property line and a porch encroaching into that front setback.

Size Width: 8-foot minimum
Depth: 8-foot minimum
Height: 8-foot minimum
Pathway: 3-foot wide minimum
Finished level above sidewalk: 18-inch minimum

Design Standards Projecting porches must be open on three sides and have a roof.

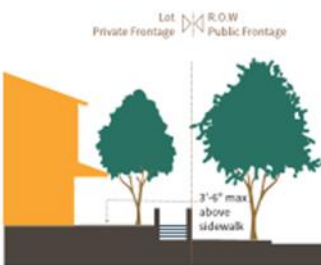


Dooryard (Terrace)

Description The main facade of the building is set back a small distance and the frontage line is defined by a low wall or hedge, creating a small dooryard. The dooryard shall not provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground-floor residential.

Size Width: 8-foot minimum
Length: 50-foot maximum
Pathway: 3-foot minimum
Finished level above sidewalk: 3'-6" maximum

Design Standards For live/work, retail and service uses, these standards are to be used in conjunction with those for the Shopfront Frontage Type. In case of conflict between them, the Dooryard Frontage Type standards shall prevail.



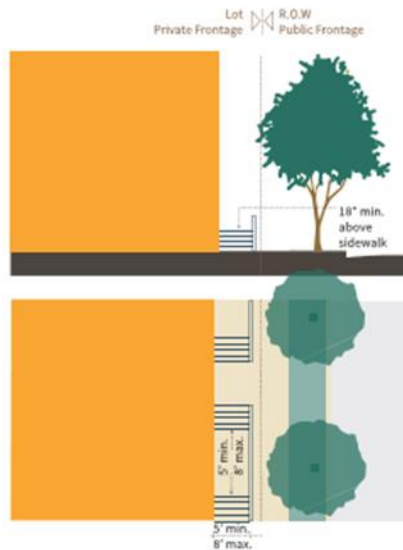
Stoop

Description The main facade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs or ramps from the stoop may lead directly to the sidewalk or may be side-loaded. This Type is appropriate for residential uses with small setbacks.

Size Width & Depth: 5-foot min.; 8-foot max.
Finished level above sidewalk: 18-in min.

Design Standards

1. Stairs may be perpendicular or parallel to the building facade.
2. Ramps shall be parallel to façade or along the side of the building.
3. The entry doors are encouraged to be covered or recessed to provide shelter from the elements.

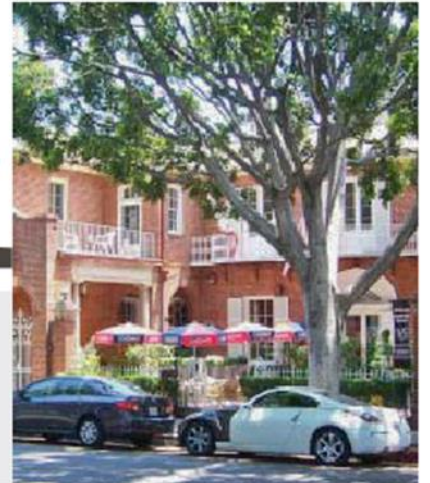
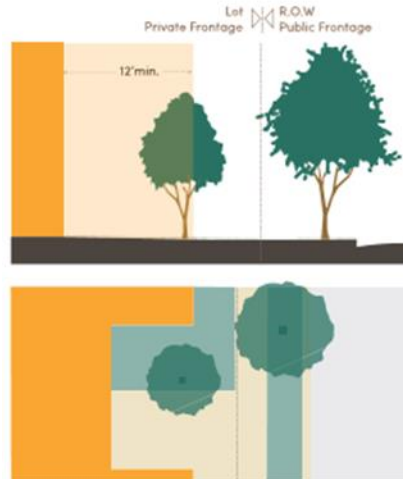


Forecourt

Description The main facade of the building is at or near the frontage line and a small percentage is set back, creating a small court space. The space may could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area.

Size Width & Depth: 12-foot minimum
Ratio, height to width: 2:1 maximum

Design Standards The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

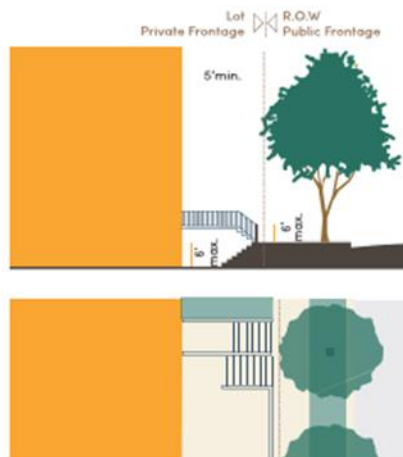


Lightcourt

Description The main facade of the building is set back from the frontage line by an elevated terrace or a sunken lightcourt. This Type buffers residential, retail or service uses from urban sidewalks and removes the private yard from public encroachment.

Size Width: 5-foot minimum
Height:
landing above sidewalk: 6-foot maximum
landing below sidewalk: 6-foot maximum

Design Standards A short fence may be placed along the built-to-line or setback where it is not defined by a building.



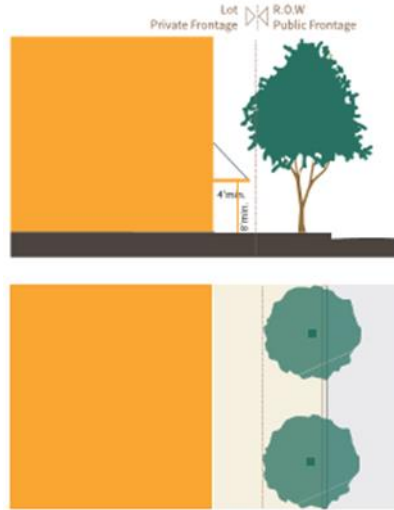
Shopfront

Description The main facade of the building is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use. It has substantial glazing at the sidewalk level and typically includes an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types. An awning that extends over the sidewalk requires an encroachment permit.

Size Ground Floor Transparency:
75% of frontage minimum

Awning Depth: 4-foot minimum
Setback from curb: 2-foot minimum
Height, clear: 8-foot maximum

- Design Standards**
1. Shopfront glass shall be clear without reflective glass frosting or dark tinting.
 2. Shopfront windows may have clerestory windows (horizontal panels) between the shopfront and second floor/top of single-story parapet. Glass in clerestory may be of a character to allow light, while moderating it such as stained glass, glass block, painted glass, or frosted glass.
 3. Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the street are encouraged.
 4. Operable awnings are encouraged.

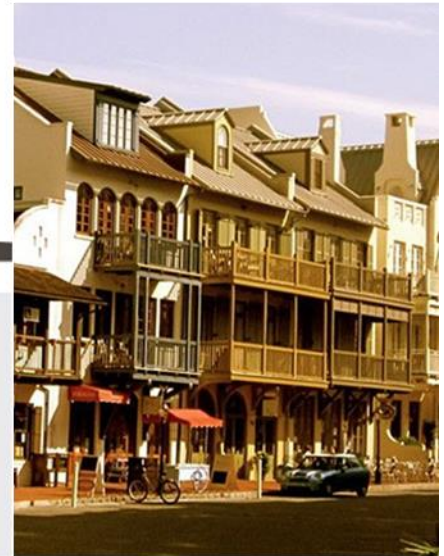
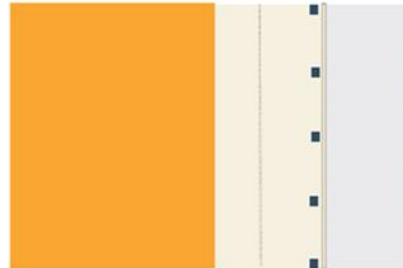
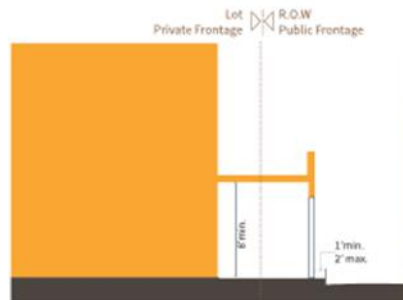


Gallery

Description A roof or deck projecting from the facade of a building, supported by columns located just behind the street curb. Galleries shelter the sidewalk with a roof or unenclosed, accessible, out-door space making them ideal for retail use. Galleries may be one- or two-stories in height, functioning as covered or uncovered porches at the second floor. Railing on top of the gallery is only required if the gallery roof is accessible as a deck.

Size Depth: 8-foot minimum
Ground floor height: 16-foot minimum
Setback from curb: 1-foot min.; 2-foot max.

- Design Standards**
1. Galleries shall be combined with the Shopfront frontage type.
 2. Galleries must have consistent depth along a frontage.
 3. Ceiling light is encouraged.
 4. Galleries may be entirely on private property or may encroach over the sidewalk in the public ROW, subject to approval of an encroachment permit.
 5. Column spacing and colonnade detailing, including lighting, shall be consistent with the style of the building to which it is attached.
 6. Columns shall be placed in relation to curbs so as to allow passage around and to allow for passengers of cars to disembark.

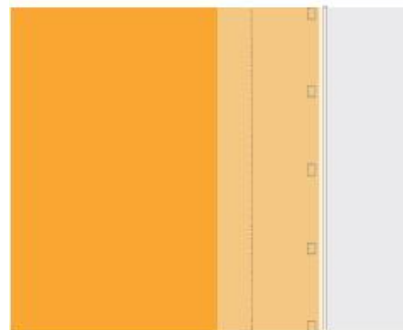
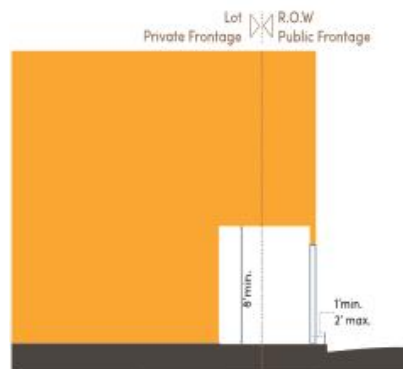


Arcade

Description Composed of a building with ground floor facades that align with the property line, and upper floors that project over the property line to cover the sidewalk. A colonnade structurally and visually supports the building mass that encroaches into the public right-of-way. Arcades contain ground-floor storefronts, making them ideal for retail use as the arcade shelters the pedestrian and shades the storefront glass, preventing glare that might obscure views of merchandise.

Size Depth: 8-foot minimum
Ground floor height: 16-foot minimum
Setback from curb: 1-foot min.; 2-foot max.

- Design Standards**
1. Arcades shall be combined with the Shopfront frontage type.
 2. Arcades may be entirely on private property or may encroach over the sidewalk in the public right-of-way, subject to approval of an encroachment permit.
 3. Column spacing and colonnade detailing, including lighting, shall be consistent with the style of the building.
 4. Columns shall be placed in relation to curbs so as to allow passage around and to allow for passengers of cars to disembark.



Street Standards

SS.1 BUILDING STANDARDS

SS.1A Purpose

This Section provides design standards to ensure that proposed development is consistent with the Comprehensive Plan's goals for an interconnected and walkable network of blocks and streets that support the intended physical character, land use activity, and quality.

Streets must not only provide for the efficient and safe movement of people, goods, and services, but must also facilitate great places that contribute to the look, feel, and experience of the 19th and Mildred mixed-use area and other neighborhoods.

SS.1B Applicability

This Section describes the standards for streets in FBC zones. These street standards are applicable for the transformation of existing streets and the creation of new streets in FBC zones. Additional street assemblies can be integrated into this Section when approved by the City.

SS.1C. Design objectives

Streets are one of the most important elements in defining FBC character. Due to this important role in place-making, in addition to their contribution of a major percentage of public space, street standards must be considered alongside building form, building types, frontage types, civic spaces, and landscaping in creating urban environments.

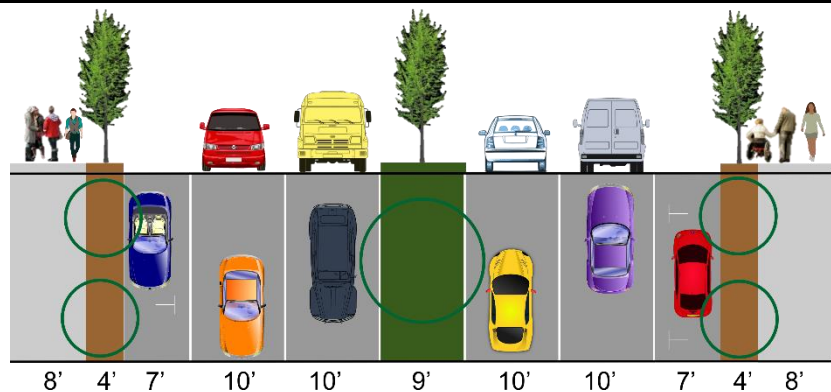
In accordance with the intent of this Section, new or modified street shall be designed to incorporate the following criteria for street design:

- a) **Function:** Ensuring essential access to premises for deliveries and servicing; effective use of curb space to support land use activities; and upgrading utilities under the roads to serve growing neighborhood needs.
- b) **Mobility:** Safe, efficient, and reliable movement supporting access of people and goods.
- c) **Livability:** Providing good and inclusive places for all that support vital economic, cultural, and community activity.

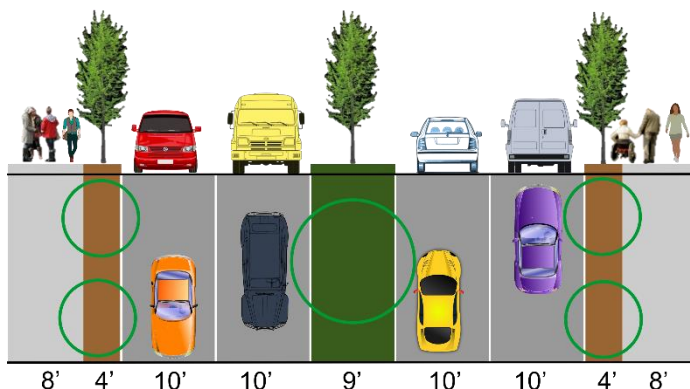
All of the elements of the streets are context based. Overall width and pavement width, the number of lanes, and the lanes' specific sizes are listed. Street edges include planter type, lighting type, walkway type, and curb radii at intersections. Bulb-outs are encouraged to facilitate a pedestrian friendly environment.

The street sections in this Section suggest quality and intent. The dimensions in the street sections consider information gleaned from aerials and field observations of existing conditions plus desired outcomes resulting from redevelopment.

19th Street Shopfront			
Assembly		Transportation Way	
Type	Principal arterial with parking	Vehicle Lanes	4 lanes; 2 lanes each way
Right-of-way	87 feet	Lane Width	10 feet
Pavement	54 feet	Parking Lanes	Parallel; both sides
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb	Median Width	9 feet
Walkway Width	12 feet with 4-foot tree wells & contrasting pavement strips	Median Planting	Street trees with shrubbery
Walkway Surface	Concrete and pavers	Median Surface	Ground cover
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	35 mph
		Bicycle Provisions	None
		Transit	Bus; Light rail

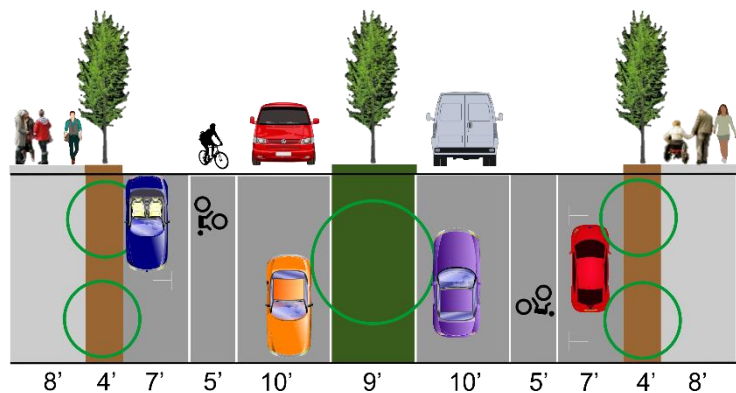


19th Street Non-Shopfront			
Assembly		Transportation Way	
Type	Principal arterial w/o parking	Vehicle Lanes	4 lanes; 2 lanes each way
Right-of-way	73 feet	Lane Width	10 feet
Pavement	40 feet	Parking Lanes	No on-street parking
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb	Median Width	9 feet
Walkway Width	12 feet with 4-foot tree wells & contrasting pavement strips	Median Planting	Street trees with shrubbery
Walkway Surface	Concrete and pavers	Median Surface	Ground cover
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	35 mph
		Bicycle Provisions	None
		Transit	Bus; Light rail



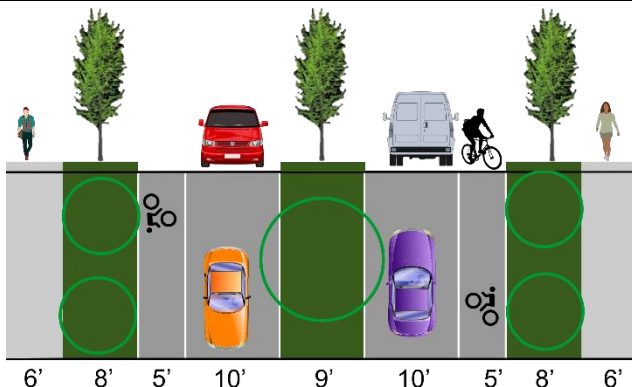
Mildred Street Shopfront

Assembly		Transportation Way	
Type	Minor arterial with parking	Vehicle Lanes	2 lanes; 1 lane each way
Right-of-way	77 feet	Lane Width	10 feet
Pavement	44 feet	Parking Lanes	Parallel; both sides
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb; 10 feet radius	Median Width	9 feet
Walkway Width	12 feet with 4-foot tree wells & contrasting pavement strips	Median Planting	Street trees with shrubbery
Walkway Surface	Concrete and pavers	Median Surface	Ground cover
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	5-foot lane
		Transit	Bus

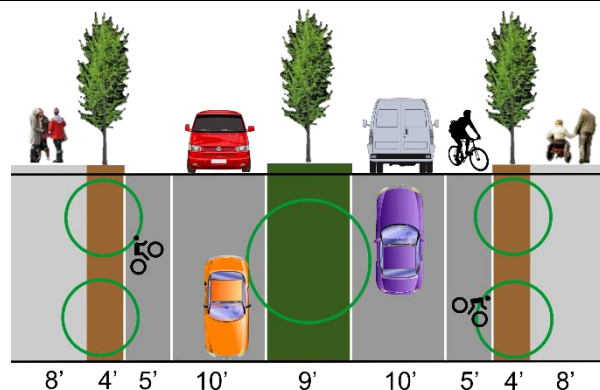


Mildred Street Non-Shopfront

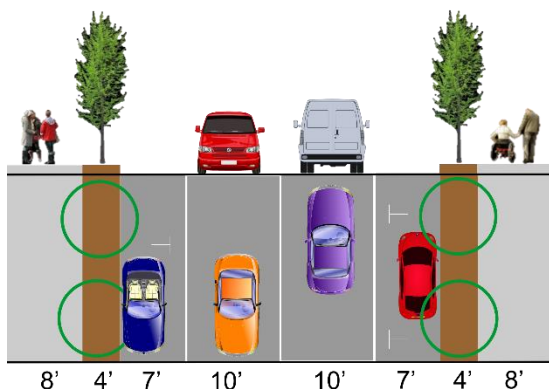
Assembly		Transportation Way	
Type	Minor arterial w/o parking	Vehicle Lanes	2 lanes; 1 lane each way
Right-of-way	67 feet	Lane Width	10 feet
Pavement	30 feet	Parking Lanes	No on-street parking
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb; 10 feet radius	Median Width	9 feet
Walkway Width	6 feet	Median Planting	Street trees with shrubbery
Walkway Surface	Concrete	Median Surface	Ground cover
Planter	8-foot amenity with shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	5-foot lane
		Transit	Bus



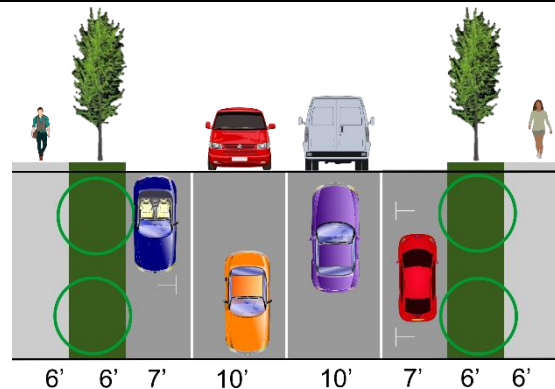
Regents Boulevard			
Assembly		Transportation Way	
Type	Minor arterial without parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	63 feet	Lane Width	10 feet
Pavement	30 feet	Parking Lanes	<i>Option 7 feet</i>
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median Width	9 feet
Walkway Width	12 feet with 4-foot tree wells & contrasting pavement strips	Median Planting	Street trees with shrubbery
Walkway Surface	Concrete and pavers	Median Surface	Ground cover
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	5-foot lane
		Transit	Bus



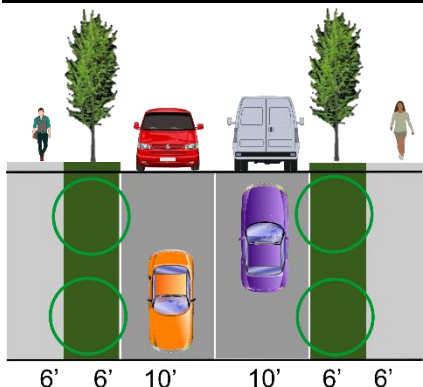
Local - Higher Intensity			
Assembly		Transportation Way	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel; one or both sides
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median Width	NA
Walkway Width	12 feet with 4-foot tree wells & contrasting pavement strips	Median Planting	NA
Walkway Surface	Concrete and pavers	Median Surface	NA
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	None
		Transit	No transit



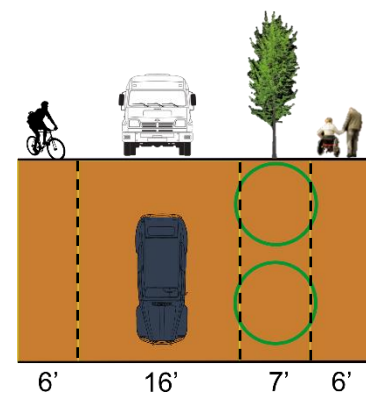
Local - Lower Intensity			
Assembly		Transportation Way	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel; one or both sides
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median Width	NA
Walkway Width	6 feet	Median Planting	NA
Walkway Surface	Concrete	Median Surface	NA
Planter	6-foot amenity with shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	None
		Transit	No transit



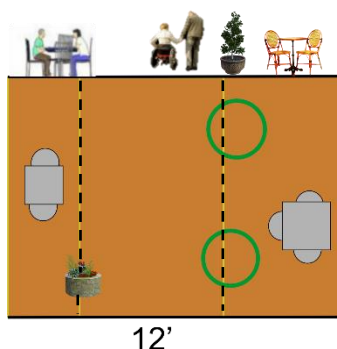
Local - Delivery			
Assembly		Transportation Way	
Type	Local without parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	44 feet	Lane Width	10 feet
Pavement	20 feet	Parking Lanes	None
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median Width	NA
Walkway Width	6 feet	Median Planting	NA
Walkway Surface	Concrete	Median Surface	NA
Planter	6-foot amenity with shade trees limbed for visibility and pedestrian access	Target Speed	25 mph
		Bicycle Provisions	None
		Transit	No transit



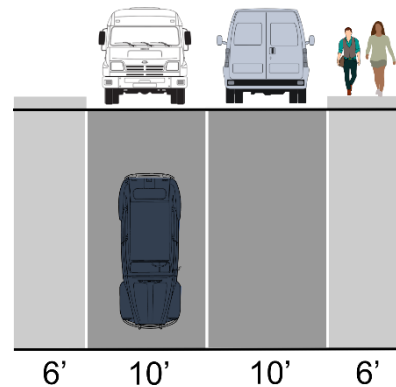
Local - Pedestrian			
Assembly		Transportation Way	
Type	Woonerf	Vehicle Lanes	2 lanes; 2-way, shared space
Right-of-way	35 feet	Lane Width	Shared 35-foot spaces
Pavement	35 feet	Parking Lanes	Shared 35-foot spaces
Public Frontage		Movement Type	Slow
Curb Type	Flat curb	Median Width	NA
Walkway Width	Shared 35-foot spaces	Median Planting	NA
Walkway Surface	Concrete or pavers	Median Surface	NA
Planter	Shade trees limbed for visibility and pedestrian access	Target Speed	20 mph
		Bicycle Provisions	Shared 35-foot spaces
		Transit	NA



Local - Pedestrian			
Assembly		Transportation Way	
Type	Paseo	Vehicle Lanes	NA
Right-of-way	NA	Lane Width	NA
Pavement	TBD	Parking Lanes	NA
Walkway Width	Minimum 12 feet	Movement Type	NA
Walkway Surface	Concrete or pavers	Median Width	NA
Design	Additional space should be included for intended uses and furnishings (such as tables, benches, planter pots, etc.)	Median Planting	NA
		Median Surface	NA
		Target Speed	NA
		Bicycle Provisions	NA
		Transit	NA



Alley – 2 way			
Assembly		Transportation Way	
Type	Alleyway	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	20 – 32 feet	Lane Width	10 feet
Pavement	20 feet	Parking Lanes	NA
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median Width	NA
Walkway	Both sides, one-side or neither	Median Planting	NA
Walkway Width	6 feet	Median Surface	NA
Walkway Surface	concrete	Target Speed	20 mph
Planter	NA	Bicycle Provisions	NA
		Transit	NA



Alley – 1 way			
Assembly		Transportation Way	
Type	Alleyway without sidewalks	Vehicle Lanes	1 lane; 1 direction
Right-of-way	16 feet	Lane Width	16 feet
Pavement	16 feet	Parking Lanes	NA
Public Frontage		Movement Type	Slow
Curb Type	NA	Median Width	NA
Walkway Width	NA	Median Planting	NA
Walkway Surface	NA	Median Surface	NA
Planter	NA	Target Speed	20 mph
		Bicycle Provisions	NA
		Transit	NA



Open Space Standards

OS.1 OPEN SPACE STANDARDS

OS.1A Purpose

This Section provides a catalog of pre-approved Public Open Space types that are appropriate to use within walkable urban environments.

OS.1B Applicability

This section describes the guidelines for development of Public Open Spaces in the Form-Based Code Area.

The Standards shall apply to all proposed development within Form-Based Code zones and shall be considered in combination with the standards for the applicable zone.

Additional Public Open Spaces can be integrated into this section as they are approved by the City.

OS.1C Design Objective

Open Spaces play an important role in place-making. Their standards must be considered alongside building form, building types, frontage types, and thoroughfares in creating urban environments.

OS.1D Open Space Required

Each project application that involves at least 4 acres shall be required to provide a minimum of five percent of the project area as open space. The required open space shall be designed in compliance with the applicable requirements from Table OS.1.

Each project application that includes a Public Open Space Overlay within its boundaries, as designated in the Regulating Plan Diagram, shall be required to develop the green street median, square, plaza, or other open space type in accordance with the applicable urban design concept shown in Figure RP.1. If, when a project applicant intends to submit an application to the City, an urban design concept has not been prepared and adopted in the FBC for the applicable open space type and location specified in the Regulating Plan Diagram, the applicant shall fund the preparation of a conceptual plan under the direction of the City. The City may opt to retain the services of a qualified firm to complete the plan with funding to be provided by the applicant.

TABLE OS.1 OPEN SPACE TYPES

















Open Space Type	Greenway				Green		Square		
Illustration									
Example of Intended Physical Character									
Description	A linear open space that can meet a variety of purposes, from recreational to environmental restoration.				An open space available for unstructured and limited amounts of structured recreation.		An open space available for civic purposes, unstructured and limited amounts of structured recreation.		
Size	Variable				1 acre to 15 acres		½ acre to 5 acres		
Frontage (minimum)	Fronting lots encouraged to provide access and pleasant frontage.				2 streets		2 streets		
Typical Facilities	Passive and active recreation, accessory structure, drinking fountains, sings, benches, exercise equipment, benches, and paths.				Passive and active recreation (unstructured or structured), accessory structure, drinking fountains, community facilities less than 5,000 square feet, benches, and paths.		Passive and active recreation (unstructured or structured), accessory structure, drinking fountains, community facilities greater than 5,000 square feet, benches, and paths.		

TABLE OS.1 OPEN SPACE TYPES (CONT.)

Open Space Type	Plaza		Pocket Park		Playground		Community Garden			
Illustration										
Example of Intended Physical Character										
Description	An open space available for civic purposes and commercial activities. Building frontages should define these spaces. Plazas are typically hardscaped.		An open space available for informal activities in proximity to neighborhood residences.		An open space designed for the recreation of children and interspersed within residential areas. Playgrounds may be included within other open spaces.		An open space designed as a grouping of plots for nearby residents for small-scale cultivation. Community Gardens may be included within other open spaces.			
Size	½ to 2 ½ acres		4,000 sf to ½ acre		No minimum or maximum		No minimum or maximum			
Frontage (minimum)	2 streets		1 street		1 street		1 street			
Typical Facilities	Passive recreation, accessory structure, drinking fountains, and paths.		Passive recreation, accessory structure, drinking fountains, and paths.		Accessory structure, drinking fountains, and paths.		Accessory structure, drinking fountains, and paths.			

OS.2 URBAN DESIGN CONCEPTS

In accordance with OS.1D.2, each project application that includes a Public Open Space Overlay within its boundaries, as designated in the Regulating Plan Diagram, shall be required to develop the urban green street, green, square, plaza, or other open space type generally consistent with the applicable urban design concept depicted below. If an urban design concept has not been prepared and adopted, below, at time of project application, the applicant shall fund the preparation of a conceptual plan under the direction of the City that incorporates, at a minimum, the design elements described in the placeholder for each open space type below.

- 1.) Urban green street with median, sidewalks and curbside parking located at Mildred Street West and 21st Street (planned).

The green street design concept would include a median containing a mix of paving and plant materials that support active spaces. The design should include a promenade/ramblas filled with kiosks that sell newspapers, flowers, beverages, or other goods. Space could be provided for street traders, performers, and seating for outdoor cafes. Areas should be designed to support programmed activities such as farmers markets and arts fairs. Notable sights and facilities should be located within the promenade, including water features, imaginative play areas, and covered spaces for popular meeting points. Suggestions for street furniture and street lighting to be used in the Ramblas/Promenade would be included. The concept would include a street tree plan and suggestions for street furniture and street lighting. An overall illustrative site plan, sections, and renderings are required to be provided. Photos of similar successful projects may support or supplement the plans.

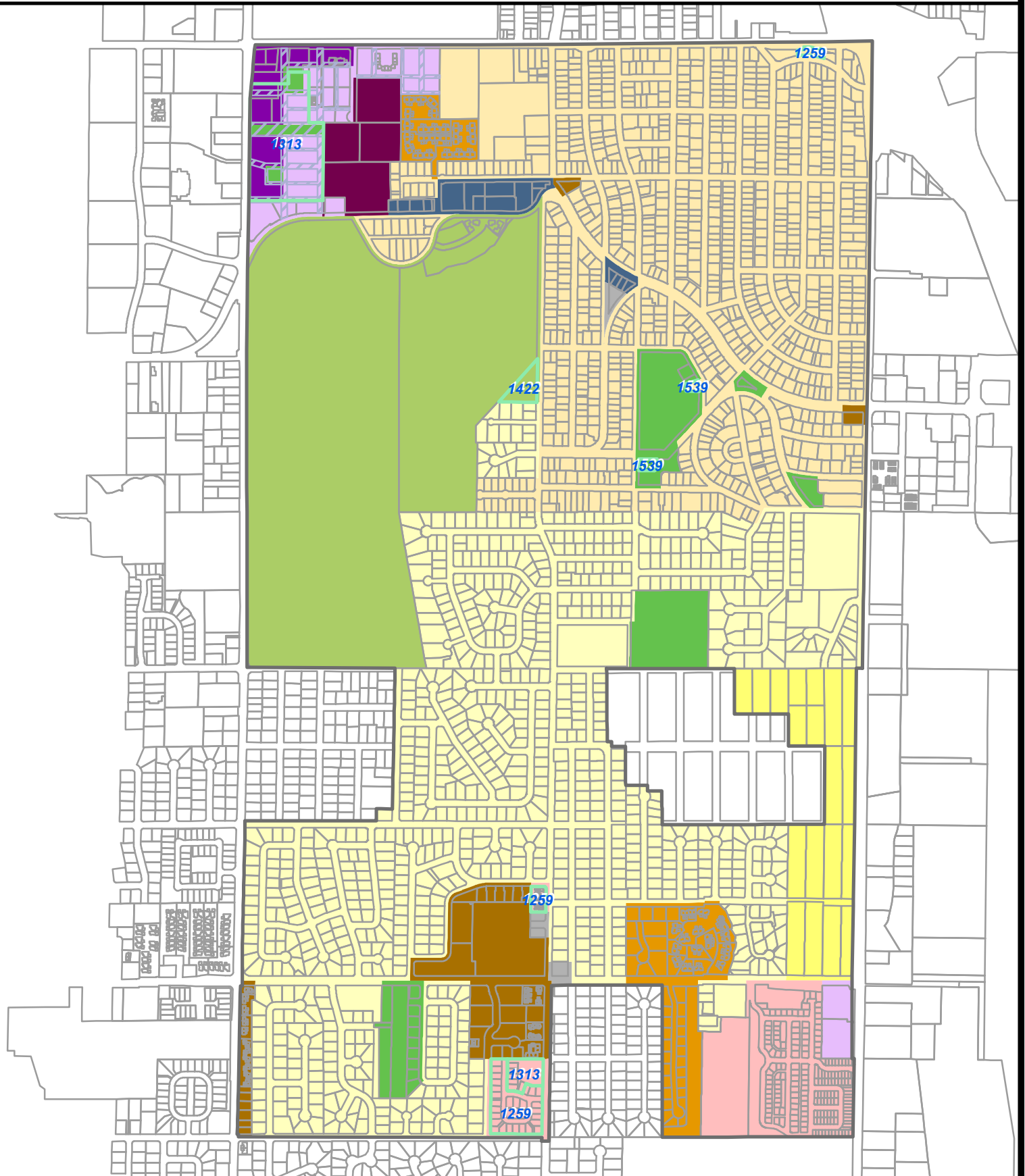
- 2.) Green, square or plaza located north of 20th Street (planned) and east of 66th Avenue West (planned).

The green, square or plaza design concept would create informal community gathering places by providing comfortable seating opportunities with multi-seasonal amenities, such as canopies or other cover from the elements and heating during periods of cooler temperatures. Designs should include character-defining materials and accessories, art elements or water features, wayfinding elements, pedestrian-scale lighting, and landscape features that provide visual access to the space and support active and passive uses. An overall illustrative site plan, sections, and renderings are required to be provided. Photos of similar successful projects may support or supplement the plans.

- 3.) Green, square or plaza located south of 22nd Street (planned) and west of 66th Avenue West (planned).

The green, square or plaza design concept would create informal community gathering places by providing comfortable seating opportunities with multi-seasonal amenities, such as canopies or other cover from the elements and heating during periods of cooler temperatures. Designs should include character-defining materials and accessories, art elements or water features, wayfinding elements, pedestrian -scale lighting, and landscape features that provide visual access to the space and support active and passive uses. An overall illustrative site plan, sections, and renderings are required to be provided. Photos of similar successful projects may support or supplement the plans.

2020 Zoning Map - Proposal



- | | | |
|-------------------------|----------------|------------------------|
| 1259 - November 1, 2000 | Proposed ROW | Residential-10 |
| 1313 - July 17, 2002 | Residential-4 | Residential-20 |
| 1422 - March 27, 2007 | Residential-4C | Residential-30 |
| 1539 - October 2, 2013 | Residential-6 | Mixed-Use Urban |
| 1562 - October 13, 2015 | Residential-8 | Mixed-Use Neighborhood |

- | |
|-------------------------|
| Golf Course |
| PROS |
| Neighborhood Office |
| Neighborhood Commercial |



1:13,200

Note: This map is for reference only.

**CITY OF FIRCREST PLANNING COMMISSION
RESOLUTION NO. 20-02
Case No. LU20-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF FIRCREST, WASHINGTON, RECOMMENDING
ADOPTION OF AMENDMENTS TO THE FIRCREST
MUNICIPAL CODE, TITLE 22 LAND DEVELOPMENT,
INCLUDING ADOPTION OF A FORM-BASED CODE**

WHEREAS, the Fircrest Planning Commission is authorized, under Section 23.08.110 FMC, to study, promulgate, develop and update coordinated plans, including a Comprehensive Plan, for the physical development of the city as deemed necessary in the interest of the public health, safety, morals and the general welfare of the community; and to such end it may make recommendations to the City Council regarding the regulation of and restrictions on the use of land, the location, construction and use of buildings, and other related matters which are or might properly be incorporated into city ordinances dealing with zoning, building, plats and subdivisions, parks and annexation; and

WHEREAS, Land Use Goal 12 of the Fircrest Comprehensive Plan and its related policies state the City should continue to refine its permit process and periodically review and revise its development regulations to ensure consistency with the Comprehensive Plan and other stated and federal mandates; and

WHEREAS, the City also desires to provide a broad mix of commercial, cultural, and residential opportunities in the commercial mixed-use area along 19th and Mildred which is designated a Countywide Center and is intended to be a focal point for mixed urban growth; and

WHEREAS, the Planning Commission is recommending amendments to the Land Use Element and the Commercial Mixed-Use land use designation of the Comprehensive Plan, which require amendments to the Land Development Code for consistency; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce July 16, 2020, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW; and

WHEREAS, the City issued a *Determination of Nonsignificance/Incorporation by Reference of Environmental Documents, Adoption of Existing Environmental Documents* for the 2020 Amendments on September 11, 2020 with a 14-day comment period ending September 28, 2020, and no adverse comments were received; and

1 **WHEREAS**, the City held public outreach workshops related to increased
2 development intensity and adoption of a form-based code for the Commercial
Mixed-Use designation on January 21, 22, and 23, 2020; and

3 **WHEREAS**, the Planning Commission held a study session on the proposed
4 amendments on June 2, 2020; and

5 **WHEREAS**, the City Council and Planning Commission held a joint public
6 meeting to consider a virtual presentation and public input related to increased
7 development intensity and adoption of a form-based code for the Commercial
Mixed-Use designation on September 1, 2020; and

8 **WHEREAS**, the Planning Commission conducted a public hearing on October
9 6, 2020 to accept public testimony and comment; and

10 **WHEREAS**, the Planning Commission has considered the criteria listed in
Section 22.78.004 FMC:

- 11 a. The proposed amendments are consistent with the goals, objectives and
12 policies of the comprehensive plan, including the following goals and
13 policies:
- 14 • Goal LU4 Ensure that decisions on land use designations and zoning
15 are consistent with the City's vision, goals, objectives and policies as
16 articulated in the Comprehensive Plan and take into account GMA
goals regarding urban growth, sprawl, property rights, permits,
economic development, and open space and recreation.
 - 17 • Goal LU9 Ensure that the 19th and Mildred Countywide Center be
18 Fircrest's priority for accommodating growth as laid out under VISION
19 2040 and the Pierce County Countywide Planning Policies. The
20 Countywide Center shall include a high-density mix of business,
residential, cultural, and recreational uses during day and night that
provide a sense of place and community.
 - 21 • Policy LU12.1 Development regulations shall be periodically reviewed
22 and revised to ensure that they are consistent with and relate directly
23 to implementation of the Comprehensive Plan and other state and
24 federal mandates. Duplicate and unnecessary regulations should be
eliminated.
- 25 b. The proposed amendments will promote, rather than detract from, the
public health, safety, morals and general welfare.
- 26 c. The proposed zoning is compatible with the uses and zoning of
27 surrounding property.
- 28 • The Mixed-Use Urban (MUU) zoning classification will complement
29 development regulations by the adjoining cities of University Place

1 and Tacoma and the goals and objectives of the joint Countywide
2 Center.

- 3 • The Mixed-Use Neighborhood (MUN) zoning classification will serve
4 as a transition between the more intense MUU zone and the less
intense Residential-30 and Residential-8 zones.

5 d. No significant changes are being proposed to the uses allowed in the
6 properties proposed to be rezoned from CMU to either MUU or MUN.

7 e. A change of conditions has occurred within the community since adoption
8 of the comprehensive plan, this title, and amendments thereto, to warrant
9 a determination that the proposed amendment is in the public interest,
including:

- 10 • Continued population growth in the County and Region;
11 • Designation of the City of Fircrest as a high capacity transit
12 community by the Pierce County Regional Council; and
13 • Designation of the 19th and Mildred area as a Countywide Center.

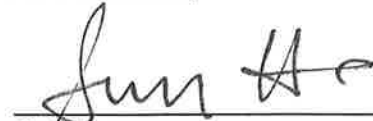
14 **THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of
15 Fircrest hereby adopts all of the "whereas" section of this resolution as findings
and recommends to the City Council the following:

16 **Section 1.** Adoption of the proposed amendments to the Fircrest Municipal
17 Code, Title 22 Land Development, as identified in Exhibit 4 and 5.

18 **MOVED AND ADOPTED** by the Planning Commission of the City of Fircrest on
the 6th day of October 2020 by the following vote:

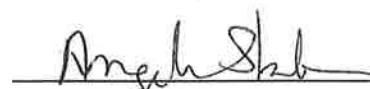
19 YES: (5) McVay, Imholt, Hamel, Ferguson, Schultz

20 APPROVED:

21 

22
23 Sarah Hamel
24 Chair, Fircrest Planning Commission

25 ATTEST:

26
27 

28 Angelie Stahlnecker
29 Planning/Building Administrator

10/7/20
Date

FIRCREST CITY COUNCIL AGENDA SUMMARY

NEW BUSINESS: **Repeal of Moratorium**
ITEM 13K.

FROM: **Angelie Stahlnecker, Planning & Building Administrator**

RECOMMENDED MOTION: I move to adopt Ordinance No. , repealing Ordinance 1658, which adopted a six-month extension of the development moratorium.

PROPOSAL: The City of Fircrest proposes to repeal Ordinance 1658 which renewed a 6-month moratorium of the development moratorium for the 19th and Mildred area.

FISCAL IMPACT: None identified.

ADVANTAGE: Repealing the ordinance will allow the City to accept applications for new development.

DISADVANTAGES: None identified.

ALTERNATIVES: The City Council could choose to not repeal the ordinance and instead let it expire in March 2021.

HISTORY: On October 6, 2019, the City Council approved Ordinance No. 1644, adopting a six-month moratorium prohibiting the submission or acceptance of any development applications for new development, additions, and alterations in the area referred to as 19th and Mildred while they studied and considered amendments to the land use and zoning regulations.

On November 12, 2019, the City Council held the required public hearing and affirmed the 6-month moratorium. The current moratorium extension is set to expire on October 8, 2020.

On March 24, 2020, the City Council approved a 6-month extension of the moratorium.

On September 22, 2020, the City Council approved a second 6-month extension of the moratorium necessitated by delays created related to Covid-19 meeting restrictions.

On December 8, 2020, the City Council is scheduled to take action on amendments to the Comprehensive Plan and Land Development Code. If action is taken, the purpose of the moratorium will have been met.

ATTACHMENTS: [Ordinance](#)

**CITY OF FIRCREST
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
REPEALING ORDINANCE 1658, WHICH ADOPTED A SIX
MONTH EXTENSION OF THE DEVELOPMENT MORATORIUM**

WHEREAS, Section 35A.63.220 and Section 36.70A.390 of the Revised Code of Washington authorize the City Council to adopt a moratorium for a period of six months, as long as the City holds a public hearing within sixty days, and adopts findings and conclusions to support such moratorium; and

WHEREAS, the City renewed the moratorium on March 24, 2020, and September 22, 2020, as allowed by Section 35A.63.220 and Section 36.70A.390 of the Revised Code of Washington; and

WHEREAS, the City completed the tasks identified in the ordinance; and

WHEREAS, the Council is allowed to terminate the moratorium by ordinance; Now,
Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. Ordinance 1658 is hereby repealed.

Section 2. 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 3. 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 8th day of December 2020.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jayne Westman, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney