

**FIRCREST CITY COUNCIL  
REGULAR MEETING  
AGENDA**

**TUESDAY, NOVEMBER 8, 2022  
7:00 P.M.**

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

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- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
  - A. [Proclamation: Native American History Month](#)
  - B. Forterra Contract Termination Discussion
- 5. CITY MANAGER COMMENTS**
- 6. DEPARTMENT HEAD COMMENTS**
- 7. COUNCILMEMBER COMMENTS**
- 8. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA** (If you would like to make a public comment, you may speak at the appropriate time using the raise your hand feature or by pressing \*9 on your phone.)
- 9. COMMITTEE, COMMISSION & LIAISON REPORTS**
  - A. Administration
  - B. Environmental, Planning, and Building
  - C. Finance, IT, Facilities
  - D. Other reports
- 10. CONSENT CALENDAR**
  - A. Approval of [vouchers](#)/payroll checks
  - B. Approval of Minutes: [October 11, 2022, Regular Meeting](#)  
[October 24, 2022, Special Meeting](#)  
[October 25, 2022, Regular Meeting](#)
- 11. PUBLIC HEARING 7:15 P.M. OR SOON THEREAFTER**
  - A. [To receive comments on the 2023 preliminary budget](#)
  - B. [To receive comments on a water rate adjustment](#)
  - C. [To receive comments on a sewer rate adjustment](#)
  - D. [To receive comments on a stormwater rate adjustment](#)
- 12. UNFINISHED BUSINESS**
- 13. NEW BUSINESS**
  - A. [Ordinance: Amending Fircrest Municipal Code Title 22, including the Form-Based Code](#)
  - B. [Ordinance: Approval of the Zoning Map Amendment](#)
  - C. [Resolution: Comprehensive Plan Periodic Update Grant Agreement](#)
  - D. [Resolution: Approval of Steilacoom Holiday Sleigh Contract](#)
  - E. [Resolution: Amending the Principal Planner Agreement with Jeff Boers](#)
  - F. [Ordinance: Salaries of Non-Union Employees, Including Casual and Seasonal Employees](#)
  - G. [Ordinance: Municipal Court Judge, Judge Pro Tempore, and Chief Examiner Rate of Pay](#)
  - H. [Memorandum of Understanding: Police Guild Retention Bonus](#)
  - I. [Ordinance: Authorizing the transfer of Cumulative Reserve Funds](#)
  - J. [Resolution: 2023 Regular Tax](#)
  - K. [Resolution: 2023 EMS Levy](#)
  - L. [Motion: 2023 Regular Property Tax and Regular EMS Levy Certification Forms](#)
  - M. [Ordinance: 2023 Ad Valorem Tax Levy](#)

**14. CALL FOR FINAL COMMENTS**

**15. EXECUTIVE SESSION**

**16. ADJOURNMENT**

Join the Zoom *Dial-in Information:* 1-253-215-8782 *Webinar ID:* 838 2218 0448 *Password:* 312044

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## *PROCLAMATION OF THE CITY COUNCIL*

*WHEREAS*, Native Americans were the first inhabitants of what is now Washington State; and

*WHEREAS*, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

*WHEREAS*, Native American contributions and values have shaped the social, political, environmental, and economic fabric of our state; and *WHEREAS*, we recognize the historical importance of local and national tribes and the way Native Americans continue to enrich our heritage and add to all aspects of our society by sharing their customs and traditions; and

*WHEREAS*, we honor Native Americans, their ancestral homes, and their traditions and cultures and are grateful for their contributions historically, today, and in the future of our community; and

*WHEREAS*, the City of Fircrest joins Washington State and other states across the nation in celebrating Native American Heritage Month, honoring the unique heritage and reaffirming the commitment to respect each tribe's sovereignty and cultural identity.

***NOW, THEREFORE, WE, MAYOR, AND COUNCILMEMBERS, of the City of Fircrest, do hereby proclaim*** that November 2022 be recognized as " Native American Heritage Month," encouraging all our Fircrest community members to share in this special tribute by learning about and celebrating the generations of Native Americans who have and continue to enrich our nation and our local community.

Passed this 25th day of October 2022

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Brett L. Wittner, Mayor

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
28108	10/27/2022	11/08/2022	10245 Amundsen, Wendy	67.00	Library Reimbursement - 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28118	10/27/2022	11/08/2022	4829 BSN Sports	312.12	Basketball Supplies
	571 20 49 07	Youth Basketball/Youth Refe	001 000 571 General Fund	312.12	Basketball Supplies
28105	10/27/2022	11/08/2022	2921 Bader, Stephen	67.00	Library Reimbursement - 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28172	11/02/2022	11/08/2022	3572 CED	558.78	Acorn LED Replacement Bulbs (10)
	542 63 31 00	Oper Supplies - Street Light	101 000 542 City Street Fund	558.78	Acorn LED Replacement Bulbs (10)
28154	10/31/2022	11/08/2022	6018 Canon Financial Services Inc	564.31	Copier Rental - Oct 2022 - CH, Parks & Rec, Court, PW
	512 50 45 00	Oper Rentals - Copier - Cou	001 000 512 General Fund	141.08	Court 10/2022
	518 10 45 00	Oper Rentals - Copier - Non	001 000 518 General Fund	141.08	CH 10/2022
	531 50 45 00	Oper Rentals - Copier - Stor	415 000 531 Storm Drain	35.27	PW 10/2022
	534 10 45 02	Oper Rentals - Copier - Wat	425 000 534 Water Fund (de	35.27	PW 10/2022
	535 10 45 00	Oper Rentals - Copier - Sew	430 000 535 Sewer Fund (de	35.27	PW 10/2022
	542 30 45 00	Oper Rentals - Copier - Stre	101 000 542 City Street Fund	35.28	PW 10/2022
	571 10 45 01	Oper Rentals - Copier - Rec	001 000 571 General Fund	126.96	P/R 10/2022
	576 80 45 00	Oper Rentals - Copier - Park	001 000 576 General Fund	14.10	P/R 1/02022
28155	10/31/2022	11/08/2022	6018 Canon Financial Services Inc	159.67	Police Copier/Fax Rental Oct 2022
	521 22 45 00	Oper Rentals - Copier - Polic	001 000 521 General Fund	159.67	Police Copier/Fax Rental Oct 2022
			Total Canon Financial Services Inc	723.98	
28144	10/31/2022	11/08/2022	331 Cheesman, John G	133.30	Halloween Candy for Residents
	521 22 49 07	Community Outreach	001 000 521 General Fund	133.30	Halloween Candy for Residents
28145	10/31/2022	11/08/2022	331 Cheesman, John G	33.15	Wellness Supplies for Quarterly Lunch
	517 90 31 01	Wellness Program - Supplie:	001 000 517 General Fund	33.15	Wellness Supplies for Quarterly Lunch
28153	10/31/2022	11/08/2022	331 Cheesman, John G	107.17	Lunch For Interview Oral Board 10/20/22
	521 10 49 01	Meals-Other Than Travel/Tr	001 000 521 General Fund	107.17	Lunch For Interview Oral Board 10/20/22



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28182	11/02/2022	11/08/2022	331 Cheesman, John G	922.21	Meals/Travel Expenses For IACP Chief's Conference
	521 22 43 00	Travel - Police	001 000 521	225.00	Meals For IACP Chief's Conference 10/14-10/18
	521 22 43 00	Travel - Police	001 000 521	697.21	Travel Expenses for IACP Chief's Conference
Total Cheesman, John G				1,195.83	
28152	10/31/2022	11/08/2022	7379 Chough, Kwang S.	130.00	Korean Interpreting (2 Hrs) 2A0393424
	512 50 41 03	Prof Srvs - Interpreter	001 000 512	130.00	Korean Interpreting (2 Hrs) 2A0393424
28170	11/02/2022	11/08/2022	2346 Conitz, Cass	67.00	Library Reimbursement - 1 Year
	572 21 49 00	Library Services	001 000 572	67.00	Library Reimbursement - 1 Year
28184	11/02/2022	11/08/2022	8542 Consolidated Supply Co.	9.02	P#69 Red Gasket For Plugging Main Line on Summit/Stanford
	594 34 63 01	Other Improvements Water	426 000 594	9.02	P#69 Red Gasket For Plugging Main Line on Summit/Stanford
28104	10/26/2022	11/08/2022	7918 Contreras, Alejandra	150.00	Spanish Interpreting (2 hrs), 2A0023136, 2A0023137
	512 50 41 03	Prof Srvs - Interpreter	001 000 512	150.00	Spanish Interpreting (2 hrs), 2A0023136, 2A0023137
28178	11/02/2022	11/08/2022	3573 Copiers Northwest Inc	587.34	Printer Usage 8/28/22-9/28/22
	521 22 45 00	Oper Rentals - Copier - Polic	001 000 521	587.34	Printer Usage 8/28/22-9/28/22
28179	11/02/2022	11/08/2022	3573 Copiers Northwest Inc	34.56	Copier Usage 9/14/22-10/13/22
	521 22 45 00	Oper Rentals - Copier - Polic	001 000 521	34.56	Copier Usage 9/14/22-10/13/22
28180	11/02/2022	11/08/2022	3573 Copiers Northwest Inc	366.56	Copier Usage 9/18/22-10/17/22 - CH, Ct, PW, P/R
	512 50 45 00	Oper Rentals - Copier - Cou	001 000 512	20.28	Court 09/18/22-10/17/22
	518 10 45 00	Oper Rentals - Copier - Non	001 000 518	244.21	City Hall 09/18/22-10/17/22
	531 50 45 00	Oper Rentals - Copier - Stor	415 000 531	17.03	Storm 09/18/22-10/17/22
	534 10 45 02	Oper Rentals - Copier - Wat	425 000 534	17.03	Water 09/18/22-10/17/22
	535 10 45 00	Oper Rentals - Copier - Sew	430 000 535	17.03	Sewer 09/18/22-10/17/22
	542 30 45 00	Oper Rentals - Copier - Stre	101 000 542	17.03	Street 09/18/22-10/17/22
	571 10 45 01	Oper Rentals - Copier - Rec	001 000 571	30.55	Rec 09/18/22-10/17/22
	576 80 45 00	Oper Rentals - Copier - Park	001 000 576	3.40	Parks 09/18/22-10/17/22

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			Total Copiers Northwest Inc	988.46	
28177	11/02/2022	11/08/2022	7802 Core & Main LP	4,230.55	Hydrant Replacement
	534 50 31 01		Oper Supplies - Water Main 425 000 534 Water Fund (de	4,230.55	Hydrant Replacement
28187	11/02/2022	11/08/2022	7227 Correct Equipment Inc	4,817.18	Update Water Metering Points
	594 34 63 01		Other Improvements Water 426 000 594 Water Improven	4,817.18	Update Water Metering Points From 800 to 1,600
28102	10/26/2022	11/08/2022	1235 Costello, Tim	67.00	Library Reimbursement - 1 Year
	572 21 49 00		Library Services 001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28169	11/02/2022	11/08/2022	4310 Dept Of Revenue-EXCISE TAX	815.91	September 2022 Excise Taxes
	518 20 43 01		Excise Tax Time/Temp Renta 001 000 518 General Fund	3.30	September 2022 Excise Taxes
	531 50 44 00		Excise Tax - Storm 415 000 531 Storm Drain	16.01	September 2022 Excise Taxes
	534 10 44 00		Excise Tax - Water 425 000 534 Water Fund (de	32.76	September 2022 Excise Taxes
	534 10 44 00		Excise Tax - Water 425 000 534 Water Fund (de	75.20	September 2022 Excise Taxes
	534 50 31 01		Oper Supplies - Water Main 425 000 534 Water Fund (de	24.70	September 2022 Excise Taxes
	535 10 44 00		Excise Tax - Sewer 430 000 535 Sewer Fund (de	58.61	September 2022 Excise Taxes
	571 20 43 00		Excise Tax - Participation Fer 001 000 571 General Fund	78.53	September 2022 Excise Taxes
	576 20 43 00		Excise Tax - Pool Revenue 001 000 576 General Fund	526.80	September 2022 Excise Taxes
28175	11/02/2022	11/08/2022	3611 Drain-Pro Inc	3,768.05	Clean/TV Line on Linwood St Going North
	535 50 48 00		Rep & Maint - Sewer Maint 430 000 535 Sewer Fund (de	3,768.05	Clean/TV Line on Linwood St Going North
28109	10/27/2022	11/08/2022	366 Employment Security Dept, UI Tax Admin	98.44	Benefit Charge - Q3/2022
	517 78 20 00		Unemployment Compensati 001 000 517 General Fund	98.44	Benefit Charge - Q3/2022
28124	10/28/2022	11/08/2022	3631 Fashion Fittings	39.60	Uniform Alterations - Sgt. Villamor
	521 22 49 01		Uniforms/Clothing/Laundry 001 000 521 General Fund	39.60	Uniform Alterations - Sgt. Villamor
28132	10/31/2022	11/08/2022	3636 Ferguson Waterworks, #3011	975.77	P#72 Contra Costa Water Main Connection Parts for Rose St.
	594 34 63 01		Other Improvements Water 426 000 594 Water Improven	975.77	P#72 Contra Costa Water Main Connection Parts for Rose St.
28101	10/26/2022	11/08/2022	3638 Fircrest Golf Club	1,346.61	Land Rental for Water Tank on Golf Course Property - Nov 2022

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534 10 45 01	Land Rental/Water Tank		425 000 534 Water Fund (dep	1,346.61	Land Rental for Water Tank on Golf Course Property - Nov 2022
28130 10/31/2022	11/08/2022	7681	Gardner, Susan	67.00	Library Reimbursement - 1 Year
572 21 49 00	Library Services		001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28148 10/31/2022	11/08/2022	3666	Grainger Inc, Dept 826129041	141.50	Air Filters - Rec
518 30 31 01	Oper Sup/Rec Bldg		001 000 518 General Fund	141.50	Air Filters - Rec
28150 10/31/2022	11/08/2022	3666	Grainger Inc, Dept 826129041	60.45	Air Filters - Rec
518 30 31 01	Oper Sup/Rec Bldg		001 000 518 General Fund	60.45	Air Filters - Rec
Total Grainger Inc, Dept 826129041				201.95	
28041 10/13/2022	11/08/2022	6774	Greenleaf Landscaping 1 Inc	4,823.25	Monthly Landscape Service - Oct 2022
518 30 41 01	Contract Maintenance		001 000 518 General Fund	3,626.40	Monthly Landscape Service - Oct 2022
542 80 49 03	Beautification Services (cont		101 000 542 City Street Fund	1,196.85	Monthly Landscape Service - Oct 2022
28110 10/27/2022	11/08/2022	3692	Home Depot Credit Services	50.80	Part to Repair Water Leak
518 30 31 04	Oper Sup/CH		001 000 518 General Fund	50.80	Part to Repair Water Leak
28122 10/28/2022	11/08/2022	3692	Home Depot Credit Services	21.64	Weather Stripping for Windows
518 30 31 02	Oper Sup/PSB Bldg		001 000 518 General Fund	21.64	Weather Stripping for Windows
28123 10/28/2022	11/08/2022	3692	Home Depot Credit Services	34.65	Weather Stripping for Windows
518 30 31 02	Oper Sup/PSB Bldg		001 000 518 General Fund	34.65	Weather Stripping for Windows
Total Home Depot Credit Services				107.09	
28162 11/01/2022	11/08/2022	4131	Humane Society - Tacoma	688.50	November 2022 Boarding Contract
554 30 41 00	Animal Control		001 000 554 General Fund	688.50	November 2022 Boarding Contract
28156 10/31/2022	11/08/2022	9316	JMK Language Services	136.25	Spanish Interpreting (2 Hrs Plus Mileage) 2A0647317
512 50 41 03	Prof Srvs - Interpreter		001 000 512 General Fund	136.25	Spanish Interpreting (2 Hrs Plus Mileage) 2A0647317
28120 10/27/2022	11/08/2022	10205	Kiteley, Elizabeth Kay	24.50	Sumi Art - 9/9/22
571 20 49 06	Instructor Fees		001 000 571 General Fund	24.50	Sumi Art - 9/9/22

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28173	11/02/2022	11/08/2022	6939 Leavitt Group NW	75.00	Notary Bond - Errors & Omissions - S Lee
	518 30 46 00 Insurance		001 000 518 General Fund	75.00	Notary Bond - Errors & Omissions - S Lee
28174	11/02/2022	11/08/2022	6939 Leavitt Group NW	112.08	Notary Bond, Stamp, Journal - J Westman
	518 10 49 02 Notary		001 000 518 General Fund	37.08	Notary Bond/Stamp/Journal - J Westman
	518 30 46 00 Insurance		001 000 518 General Fund	75.00	Errors & Omissions - J Westman
Total Leavitt Group NW				187.08	
28165	11/02/2022	11/08/2022	8402 Lee, Larry	234.06	07-02310.9 - 4351 67TH AVE W, UNIT A
	343 40 00 00 Sale Of Water		425 000 340 Water Fund (de	-72.92	
	343 50 00 00 Sewer Revenues		430 000 340 Sewer Fund (de	-161.14	
28113	10/27/2022	11/08/2022	6726 Linggi, Patrick	67.00	Library Reimbursement - 1 Year
	572 21 49 00 Library Services		001 000 572 General Fund	67.00	Library Reimbursement - 1 Year (Emmett)
28128	10/28/2022	11/08/2022	10246 McDonald, Janelle	54.98	Haunted Trails Props
	573 90 49 01 Community Events		001 000 573 General Fund	54.98	Haunted Trails Props
28119	10/27/2022	11/08/2022	3841 Metropolitan Ballet of Tacoma	302.40	Creative Movement Ballet Instruction (9/8/22-9/22/22)
	571 20 49 06 Instructor Fees		001 000 571 General Fund	302.40	Creative Movement Ballet Instruction
28107	10/27/2022	11/08/2022	10214 Michael E. Kosanovich	237.55	ASL Interpreting 10/25/22 Council Meeting (2 Hrs plus Mileage)
	511 60 41 00 Prof Svcs - Legislative		001 000 511 General Fund	237.55	ASL Interpreting 10/25 Council Meeting (2 Hrs plus Mileage)
28171	11/02/2022	11/08/2022	3929 Owen Equipment Company	64.31	#60915D Sweeper Repair Parts
	548 65 48 13 O & M - Storm		501 000 548 Equipment Rent	64.31	#60915D Sweeper Repair Parts
28106	10/27/2022	11/08/2022	10244 Owen Kari, DBA ASL Professionals	273.58	ASL Services 10/11/22 Council Meeting (2.75 Hrs plus Mileage)
	511 60 41 00 Prof Svcs - Legislative		001 000 511 General Fund	273.58	ASL Services 10/11/22 Council Meeting (2.75 Hrs plus Mileage)
28111	10/27/2022	11/08/2022	8626 Pacific Office Automation Inc	144.03	Postage Meter Rental - Nov 2022
	518 10 42 01 Postage - Non-Dept		001 000 518 General Fund	144.03	Postage Meter Rental - Nov 2022

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28185	11/02/2022	11/08/2022	3937 Pape & Sons Construction Inc	580,357.09	P#69 Summit Ave Water Main Replacement Work Through 9/30/22
	594 34 63 01	Other Improvements Water	426 000 594 Water Improven	580,357.09	P#69 Summit Ave Water Main Replacement Work Through 9/30/22
28186	11/02/2022	11/08/2022	3937 Pape & Sons Construction Inc	46,128.29	P#69 Summit Ave Water Main Replacement Work Through 10/12/22
	594 34 63 01	Other Improvements Water	426 000 594 Water Improven	46,128.29	P#69 Summit Ave Water Main Replacement Work Through 10/12/22
Total Pape & Sons Construction Inc				626,485.38	
28146	10/31/2022	11/08/2022	4108 Pape Machinery Inc.	219.62	Part for Mower Deck - JD #1445
	576 80 31 02	Oper Supplies - Parks	001 000 576 General Fund	219.62	Part for Mower Deck - JD #1445
28129	10/31/2022	11/08/2022	4680 Parametrix Engineering	6,342.50	P#64 Prof Services through 10/1/22
	594 76 62 03	Buildings & Structures	301 000 594 Park Bond Capit	6,342.50	P#64 Prof Services through 10/1/22
28114	10/27/2022	11/08/2022	2009 Peterson, Elisa M.	217.00	Saturday Family Craft Camp Instructor
	571 20 49 06	Instructor Fees	001 000 571 General Fund	217.00	Saturday Family Craft Camp Instructor
28202	11/03/2022	11/08/2022	3955 Petrocard Systems Inc	1,110.17	Gas / Fuel - October 2022
	548 65 31 11	Parks/Rec Gas	501 000 548 Equipment Rent	70.03	Parks 10/2022
	548 65 31 12	Street Gas	501 000 548 Equipment Rent	255.11	Street 10/2022
	548 65 31 13	Storm Gas	501 000 548 Equipment Rent	404.47	Storm 10/2022
	548 65 31 14	Wtr/Swr Gas	501 000 548 Equipment Rent	380.56	W / S 10/2022
28159	10/31/2022	11/08/2022	3956 Petty Cash-Chambers	65.20	Petty Cash Reimbursement 11/8/22
	521 10 49 00	Miscellaneous - Civil Svc	001 000 521 General Fund	24.20	Misc - Civil Service
	571 10 31 02	Senior Supplies	001 000 571 General Fund	41.00	Senior Supplies
28158	10/31/2022	11/08/2022	10221 Petty Cash-ParksRec	124.25	Petty Cash Reimbursement 11/8/22
	571 10 31 02	Senior Supplies	001 000 571 General Fund	124.25	Senior Mornings Supplies
28103	10/26/2022	11/08/2022	10209 Polly L. MacLean, CSC	376.80	ASL Interpreting 9/13 & 9/27 Council Meetings (4 hrs plus mileage)
	511 60 41 00	Prof Svcs - Legislative	001 000 511 General Fund	376.80	ASL Interpreting 9/13 & 9/27 Council Meetings (4 hrs plus mileage)

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28157	10/31/2022	11/08/2022	10209 Polly L. MacLean, CSC	377.60	ASL Interpreting 10/11 & 10/25 Council Meetings (4 hrs plus mileage)
	511 60 41 00	Prof Svcs - Legislative	001 000 511 General Fund	377.60	ASL Interpreting 10/11 & 10/25 Council Meetings (4 hrs plus mileage)
Total Polly L. MacLean, CSC				754.40	
28176	11/02/2022	11/08/2022	7272 Positive Concepts Inc	260.00	Thermal Paper For Police Citations (36 Rolls)
	521 22 31 00	Office & Oper Sup - Police	001 000 521 General Fund	260.00	Thermal Paper For Police Citations (36 Rolls)
28166	11/02/2022	11/08/2022	3986 Puget Sound Energy, BOT-01H	91.31	Natural Gas - Pool/Bathhouse - October 2022
	576 20 47 00	Public Utility Services - Pool	001 000 576 General Fund	91.31	Natural Gas - Pool/Bathhouse - October 2022
28167	11/02/2022	11/08/2022	3986 Puget Sound Energy, BOT-01H	47.55	Natural Gas - Rec Center - October 2022
	571 10 47 00	Public Utility Services-Rec	001 000 571 General Fund	47.55	Natural Gas - Rec Center - October 2022
Total Puget Sound Energy, BOT-01H				138.86	
28188	11/02/2022	11/08/2022	5710 Rainier Connect, Mashell Telecom	106.95	Internet Access Fee - City Hall - Nov 2022
	518 81 42 00	Communication/Internet - I/	001 000 518 General Fund	106.95	Internet Access Fee - City Hall - Nov 2022
28131	10/31/2022	11/08/2022	9307 Roberts, Colleen	67.00	Library Reimbursement - 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28183	11/02/2022	11/08/2022	4026 S & B Inc	4,863.65	SCADA Computer Upgrade (partial bill)
	534 50 48 01	Rep & Maint - Water Maint	425 000 534 Water Fund (dep	2,431.83	SCADA Computer Upgrade (partial bill)
	535 50 48 00	Rep & Maint - Sewer Maint	430 000 535 Sewer Fund (dep	2,431.82	SCADA Computer Upgrade (partial bill)
28149	10/31/2022	11/08/2022	7749 Sound Uniform Solutions Inc	627.00	New Uniform With Alterations - C Roberts
	521 22 49 01	Uniforms/Clothing/Laundry	001 000 521 General Fund	627.00	New Uniform With Alterations- C Roberts
28160	10/31/2022	11/08/2022	4084 Staples Business Advantage	26.40	Office Supplies - Court
	512 50 31 00	Office & Oper Sup-Court	001 000 512 General Fund	26.40	Offices Supplies - Court
28161	10/31/2022	11/08/2022	4084 Staples Business Advantage	16.49	Office Supplies - Court
	512 50 31 00	Office & Oper Sup-Court	001 000 512 General Fund	16.49	Offices Supplies - Court

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			Total Staples Business Advantage	42.89	
28112	10/27/2022	11/08/2022	4135 Tacoma Screw Products Inc	15.84	Repair Parts
	534 50 31 01	Oper Supplies - Water Main	425 000 534 Water Fund (de	15.84	Repair Parts
28147	10/31/2022	11/08/2022	4135 Tacoma Screw Products Inc	6.45	Repair Parts
	576 80 31 02	Oper Supplies - Parks	001 000 576 General Fund	6.45	Repair Parts
			Total Tacoma Screw Products Inc	22.29	
28168	11/02/2022	11/08/2022	4322 Tacoma, City of - POWER	2,885.57	Power - Various Locations - October 2022
	534 80 47 01	Utility Services/Pumping	425 000 534 Water Fund (de	2,462.28	Well #6, 7, 8 & Weathervane Booster Power 10/2022
	535 80 47 01	Utility Services/Pumping	430 000 535 Sewer Fund (de	423.29	Pumps, L/S Power 10/2022
28201	11/03/2022	11/08/2022	4139 Tapco Visa Card	1,781.40	P-Card Charges thru 10/19/22
	513 10 31 00	Office & Oper Sup - Admin	001 000 513 General Fund	1,731.40	Shelves for Grant/PW Attic
	518 10 49 00	Miscellaneous - Non-Dept	001 000 518 General Fund	50.00	Annual Fee - Tapco
28197	11/03/2022	11/08/2022	10250 Thacker, Aimee	67.00	Library Reimbursement - 1 Year
	572 21 49 00	Library Services	001 000 572 General Fund	67.00	Library Reimbursement - 1 Year
28163	11/02/2022	11/08/2022	1941 Thumann, Patty	240.00	04-00050.8 - 437 SPRING ST
	343 10 00 00	Storm Drain Fees & Charges	415 000 340 Storm Drain	-53.20	
	343 40 00 00	Sale Of Water	425 000 340 Water Fund (de	-58.20	
	343 50 00 00	Sewer Revenues	430 000 340 Sewer Fund (de	-128.60	
28115	10/27/2022	11/08/2022	10212 Triple Impact Coaching LLC	3,840.00	Basketball Clinic - Wednesday Workouts - Sept/Oct 2022
	571 20 49 06	Instructor Fees	001 000 571 General Fund	3,840.00	Basketball Clinic - Wednesday Workouts - Sept/Oct 2022
28198	11/03/2022	11/08/2022	5934 US Bank, City Hall Account	777.03	P Card Charges Through 10/25/22
	514 23 49 01	Reg & Tuition - Finance	001 000 514 General Fund	105.00	Cashier Training - S Lee
	517 90 31 01	Wellness Program - Supplie	001 000 517 General Fund	230.89	Wellness Supplies
	518 10 42 01	Postage - Non-Dept	001 000 518 General Fund	413.65	Postage - Passport & Admin
	518 11 31 00	Office & Oper Sup-Personne	001 000 518 General Fund	27.49	Employee Poster for Rec Center
28199	11/03/2022	11/08/2022	8483 US Bank, Public Works Dept Account	530.13	P-Card Charges thru 10/25/22

# ACCOUNTS PAYABLE

City Of Fircrest

Time: 08:49:31 Date: 11/04/2022

As Of: 11/08/2022

Page: 9

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
518 30 31 03	Oper Sup/PWF		001 000 518 General Fund	230.46	First Aid Kits
531 50 31 01	Office Supplies - Storm		415 000 531 Storm Drain	18.16	Office Supplies
531 50 35 00	Small Tools & Equip - Storm		415 000 531 Storm Drain	12.09	Safety Glasses for PW Staff
534 10 31 00	Office Supplies - Water		425 000 534 Water Fund (de	18.16	Office Supplies
534 10 35 00	Small Tools & Equip - Water		425 000 534 Water Fund (de	12.09	Safety Glasses for PW Staff
534 10 42 01	Postage - Water		425 000 534 Water Fund (de	17.05	Water System Plan Sent to USPS
535 10 31 00	Office Supplies - Swr Admin		430 000 535 Sewer Fund (de	18.17	Office Supplies
535 10 35 00	Small Tools - Swr Admin		430 000 535 Sewer Fund (de	12.09	Safety Glasses for PW Staff
542 30 31 01	Office Supplies - Street Reg		101 000 542 City Street Fund	18.17	Office Supplies
542 30 35 00	Small Tools & Equip - St Reg		101 000 542 City Street Fund	12.09	Safety Glasses for PW Staff
573 90 49 01	Community Events		001 000 573 General Fund	149.51	Straw for Scarecrow Event
576 80 35 00	Small Tools & Equip - Parks		001 000 576 General Fund	12.09	Safety Glasses for PW Staff
28200	11/03/2022	11/08/2022	8484 US Bank, Recreation Dept Account	1,077.64	P-Card Charges thru 10/25/22
571 10 31 00	Office Supplies - Rec		001 000 571 General Fund	21.99	Office Supplies for Rec
571 10 31 02	Senior Supplies		001 000 571 General Fund	216.46	Senior Morning Supplies
571 10 31 03	Youth Supplies		001 000 571 General Fund	24.13	Youth Supplies
571 10 41 00	Senior Trips		001 000 571 General Fund	112.00	Senior Trip Admission
573 90 49 01	Community Events		001 000 573 General Fund	609.55	Supplies for Community Events
594 76 62 03	Buildings & Structures		301 000 594 Park Bond Capit	93.51	P#64 Dry Box Rental 10/2022
28116	10/27/2022	11/08/2022	4178 University Place Refuse Inc	903.50	Dump Fees - October 2022
531 50 47 01	Dumping Fees - Storm		415 000 531 Storm Drain	491.73	Street Sweeping 10/2022
542 30 47 01	Dumping Fees - Street		101 000 542 City Street Fund	411.77	Drop Box Rental (Vegetation Streets) 10/2022
28151	10/31/2022	11/08/2022	4179 Unum Life Insurance Company of America	46.80	Retired Benefits - Nov 2022
521 22 20 02	LEOFF I Long Term Care Pre		001 000 521 General Fund	46.80	Retired Benefits - Nov 2022
28181	11/02/2022	11/08/2022	4180 Utilities Underground	27.13	Locates 10/2022
534 10 49 00	Miscellaneous - Water		425 000 534 Water Fund (de	13.56	Locates 10/2022
535 10 49 00	Miscellaneous - Sewer		430 000 535 Sewer Fund (de	13.57	Locates 10/2022
28189	11/03/2022	11/08/2022	3645 WEX BANK, Wright Express FSC	930.00	Gas/Fuel October 2022
548 65 31 08	Police Gas		501 000 548 Equipment Rent	641.39	Police 10/2022
548 65 31 12	Street Gas		501 000 548 Equipment Rent	288.61	Street 10/2022
28125	10/28/2022	11/08/2022	4246 Whistle Workwear	362.28	Work Boots and Pants - S Marez & J Marzano
531 50 20 01	Contract Benefits - Storm		415 000 531 Storm Drain	90.57	Work Boots and Pants - S Marez & J Marzano
534 10 20 01	Contract Benefits - Wtr Adm		425 000 534 Water Fund (de	90.57	Work Boots and Pants - S Marez & J Marzano



# ACCOUNTS PAYABLE

City Of Fircrest

Time: 08:49:31 Date: 11/04/2022

As Of: 11/08/2022

Page: 10

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
535 10 20 01	Contract Benefits - Swr Adm		430 000 535 Sewer Fund (de	90.57	Work Boots and Pants - S Marez & J Marzano
542 30 20 01	Contract Benefits - Street Re		101 000 542 City Street Fund	90.57	Work Boots and Pants - S Marez & J Marzano
28164	11/02/2022	11/08/2022	2118 Willis, Helen	355.97	04-01670.0 - 513 FORREST PARK DR
343 10 00 00	Storm Drain Fees & Charges		415 000 340 Storm Drain	-78.91	
343 40 00 00	Sale Of Water		425 000 340 Water Fund (de	-86.31	
343 50 00 00	Sewer Revenues		430 000 340 Sewer Fund (de	-190.75	
28117	10/27/2022	11/08/2022	7467 Woodbrook Native Plant Nursery	228.47	Plants For Thelma Gilmur & Whittier Park
576 80 31 02	Oper Supplies - Parks		001 000 576 General Fund	228.47	Plants For Thelma Gilmur & Whittier Park

Report Total: 683,541.91

Fund	
001 General Fund	21,170.67
101 City Street Fund	2,340.54
301 Park Bond Capital Fund	6,436.01
415 Storm Drain	812.97
425 Water Fund (department)	11,040.93
426 Water Improvement Fund	632,287.35
430 Sewer Fund (department)	7,348.96
501 Equipment Rental Fund	2,104.48

This report has been reviewed by:

REMARKS:

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Date

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

Mayor Brett L. Wittner called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Joe Barrentine, Hunter T. George, Nikki Bufford, and Jim Andrews were present.

**PRESIDING OFFICER’S REPORT**

Wittner reported that there will be an agenda modification to add an executive session per Fircrest City Council Rule No. 9A, and pursuant to RCW 42.30.140(4)(b) to discuss labor negotiations. Police Chief Cheesman will be invited to the executive session.

Wittner also reported that there will be an additional agenda modification to allow for a presentation from Special Olympics representative, Kristin Langdon.

Kristin Langdon recognized Police Chief Cheesman for his involvement in the Special Olympics. Cheesman thanked the Special Olympics Staff and participants.

**CITY MANAGER COMMENTS**

Interim City Manager Corcoran reported that the City of Tacoma is requesting a letter of support to apply for two grants from the Washington State Department of Ecology. There is no fiscal impact to the City and the letter facilitates continued Fircrest involvement with Leach Creek Watershed planning.

Corcoran reported that the Civil Service Commission meeting was canceled due to a lack of quorum. The City will wait for the next Civil Service Commission meeting to receive feedback on the Police Chief recruitment. Corcoran also reported that the City is waiting on the Commissioners confirmation to set a special Civil Service Commission meeting date. Lastly, the deadline for the Civil Service Commissioner vacancy is Friday, October 28, 2022.

There was a brief discussion on the City Manager recruitment. There was a Council consensus to proceed with a Request for Qualifications (RFQ) to select a firm to assist with the City Manager recruitment.

**DEPARTMENT HEAD COMMENTS**

- Police Chief Cheesman reported that the police department is conducting simulator training. The simulator training consists of de-escalation and incorporates new legislative laws.
- Public Works Director Bemis reported that the Summit Ave utility project is complete. The Summit Ave road overlay is scheduled to be completed by the end of 2022. Bemis also reported that the Emerson Street pervious sidewalks are scheduled to be cleaned on Tuesday, October 18, 2022.
- Interim Finance Director Chambers reported that the finance department is running smoothly and improving processes. Chambers thanked Councilmember Bufford and stated that she will be starting the first Northwest Women’s Leadership Academy cohort session on Friday, October 21, 2022.

**COUNCILMEMBER COMMENTS**

- Viafore commented on the Emerson Street sidewalk cleaning. Bemis stated that the cleaning is a storm expense, and the bid cost is approximately \$11,000.
- Reynolds; no comment.
- Barrentine; no comment.
- George commented on the simulator training and encouraged participants.
- Bufford stated that the Haunted Trails is scheduled for Thursday, October 20, 2022, at Thelma Gilmur Park.
- Andrews commented on Emerson Street speed racing. Chief Cheesman provided a brief overview of speed racing interventions.
- Wittner; no comment.

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

Wittner invited public comment. There were no public comments.

**COMMITTEE, COMMISSION, AND LIAISON REPORTS**

**A. Administration**

There was no report provided.

**B. Environmental, Planning, and Building**

Andrews reported that the Planning Commission meeting was canceled due to the lack of agenda items. There was a public hearing scheduled today, October 11, 2022, at 3 P.M. to receive comments on the Mildred Street Project Zoning Map amendments and no comments were received. Lastly, Andrews reported that the City Attorney is reviewing the RFQ for the comprehensive plan periodic update and the draft Four Corners agreement.

**C. Finance, IT, Facilities**

Reynolds reported that the Finance department is currently working on the 2023 budget.

**D. Other Liaison Reports**

Reynolds reported that she will submit the City's traffic concerns and pursuit policies on behalf of the City to Pierce County Regional Council. Lastly, Reynolds reported that Fife Deputy City Manager Russ Blount passed away on Friday, October 7, 2022, and gave her condolences.

George provided an update on the South Sound Housing Affordability Partners, SSHAP.

**CONSENT CALENDAR**

Wittner requested the City Clerk read the Consent Calendar: approval of Voucher No. 218611 through Voucher Check No. 218675 in the amount of \$71,290.91; approval of Payroll Check No. 14199 through Payroll Check No. 14203 in the amount of \$59,471.41; approval of Payroll Check No. 14204 through Payroll Check No. 14204 in the amount of \$127,398.72; approval of Payroll Check No. 14196 through Payroll Check No. 14198 in the amount of \$9,099.80; Setting a public hearing on October 25, 2022, at 7:15 pm or thereafter to receive comments on the proposed development regulation text amendments relating to the Mildred Property Development Project; Setting a public hearing on October 25, 2022, at 7:15 pm or thereafter to receive comments on the 2023 preliminary budget; Setting a public hearing on October 25, 2022, at 7:15 pm or thereafter to receive comments on the 2023 revenue sources; Setting a public hearing on November 8, 2022, at

7:15 pm or thereafter to receive comments on the 2023 preliminary budget; approval of September 27, 2022, Special Meeting Minutes; and approval of September 27, 2022, Regular Meeting Minutes; **George MOVED to approve the Consent Calendar as read; seconded by Barrentine.** Councilmember George requested to remove the September 27, 2022, regular meeting minutes. **The Motion to Approve the Consent Calendar Carried (7-0) as amended.**

George stated that the preliminary budget language may be confusing and would like it to be expanded on for readers.

### **PUBLIC HEARING**

There was none scheduled.

### **UNFINISHED BUSINESS**

There was none.

### **NEW BUSINESS**

#### **A. Resolution No. 1789: Approval of Washington Traffic Safety Commission Interagency Agreement**

Police Chief Cheesman briefed the Council on the proposed resolution and highlighted that this agreement will provide grant funds to participate in various emphasis patrols. **George MOVED to adopt Resolution No. 1789, 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; seconded by Bufford.** Wittner invited councilmember comments. There was a brief discussion on speeding and community outreach. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

#### **B. Ordinance No. 1689: 2022 Budget Amendment#2, Second reading for adoption**

Interim Finance Director Chambers briefed the Council on the second reading of the budget adjustment to the Adopted 2022 Budget and reported on the request for additional appropriations for anticipated revenues and expenditures not provided for in the Adopted 2022 Budget. **Bufford MOVED to adopt Ordinance No. 1689, authorizing revenues and expenditures of funds for matters not provided for in the Adopted 2022 Budget; seconded by Barrentine.** Wittner invited councilmember comments; none were provided. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

#### **C. Resolution No. 1790: Approval of Agreement between the City of Fircrest and the Teamsters 117**

Interim City Manager Corcoran briefed the Council on the proposed resolution and highlighted that this agreement will provide representation for the Fircrest Public Works employees. **George MOVED to adopt Resolution No. 1790, authorizing the City Manager to execute a collective bargaining agreement with Teamsters Local Union No. 117 for the period of October 11, 2022 through December 31, 2024; seconded by Bufford.** Wittner invited councilmember comments. George commented on the 6.3 percent salary increase and stated that the intent was to match the current City employee's 2022 cost of living adjustments. Viafore stated that Roger Schlosstein was not considered for the ratification bonus payments and should be entitled to

receive the ratification bonus. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**D. Resolution No. 1791: MOU Ratification Bonus Payment for Teamsters 117**

Interim City Manager Corcoran briefed the Council on the proposed resolution and highlighted that this ratification bonus payment will be paid within 30 days of the ratification signing. **Bufford MOVED to adopt Resolution No. 1791, authorizing the City Manager to execute a Memorandum of Understanding with Teamsters Local Union No. 117 regarding Ratification Bonus Payments; seconded by Barrentine.** Wittner invited councilmember comments. There was a brief discussion on the ratification bonus payment and that it would serve as back pay for the 2022 cost of living adjustments. Wittner invited public comment; none were provided. **The Motion Carried (6-1) with Viafore dissenting.**

**E. Resolution No. 1792: MOU Desk Study Audit with Teamsters 117**

Interim City Manager Corcoran briefed the Council on the proposed resolution and highlighted that this agreement will conduct a desk study audit for the utility billing clerk position. **George MOVED to adopt Resolution No. 1792, authorizing the City Manager to execute a Memorandum of Understanding with Teamsters Local Union No. 117 regarding a Desk Study Audit for the Utility Billing Clerk position; seconded by Bufford.** Wittner invited councilmember comments; none were provided. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**F. No Action Taken: 2023 Preliminary Budget Discussion**

Interim City Manager Corcoran briefed the Council on the 2023 Preliminary Budget changes to include an increase in pool maintenance and excise taxes. There was a brief discussion on the readerboard.

**CALL FOR FINAL COMMENTS**

Police Chief Cheesman stated that the Civil Service Commission meeting was canceled due to a lack of quorum and reported that Lateral Police boards are scheduled for Thursday, October 20, 2022. It was requested to provide an update on the police pursuit policy language.

**EXECUTIVE SESSION**

At 8:15 P.M. Wittner reported that the Council would take a five-minute recess and convene into Executive Session, not to exceed thirty (30) minutes, to discuss labor negotiations per RCW 42.30.140 (4)(b). Interim City Manager Corcoran and Police Chief Cheesman were invited.

**ADJOURNMENT**

**Bufford MOVED to adjourn the meeting at 8:38 P.M., seconded by Barrentine. The Motion Carried (5-0).**

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Brett L. Wittner, Mayor

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Jayne Westman, City Clerk

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

Mayor Brett L. Wittner called the special meeting to order at 6:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett L. Wittner, Joe Barrentine, Hunter T. George, Nikki Bufford, and Jim Andrews were present.

**AGENDA MODIFICATIONS**

There were none.

**PRELIMINARY 2023 BUDGET**

Interim City Manager Corcoran briefed the Council on the Preliminary 2023 Budget and provided an update on the additional allocations of funds to include an additional officer, moving the part-time Deputy City Clerk position to a full-time position, an additional \$2,000 to the Planning Department professional services line, the Council Chambers audio-visual upgrade and a two percent increase in utility rates.

It was requested by Council that the Interim City Manager present the Council Chambers' audio-visual upgrade discussion at a regular council meeting.

Discussions included the sewer treatment cost, the sewer treatment fee schedule ordinance, the sewer fund balance, the use of ARPA funds, funding options for an additional police officer, and utilizing the deferred property taxes for the 2023 budget.

There was a Council consensus to use ARPA funds and deferred property taxes to fund an additional police officer. There was a Council consensus to provide a cost-of-living adjustment for city staff of 9.5 percent based on the Consumer Price Index. There was a Council consensus to utilize the deferred property taxes plus the one percent and to decrease the ARPA funds by the respective property tax revenue.

**ADJOURNMENT**

**Reynolds MOVED to adjourn the meeting at 7:02 P.M., seconded by Barrentine. The Motion Carried (7-0).**

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Brett L. Wittner, Mayor

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Arlette Burkhardt, Deputy City Clerk

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

Mayor Brett L. Wittner called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Joe Barrentine, Hunter T. George, Nikki Bufford, and Jim Andrews were present.

**PRESIDING OFFICER’S REPORT**

Wittner reported that the 2023 budget study was completed on Monday, October 24, 2022, and there is one remaining scheduled budget study session. Wittner requested to cancel the October 31, 2022 budget study session. **Reynolds MOVED to cancel the October 31, 2022 budget study session; seconded by Bufford.** Wittner invited Councilmember comments; none were provided. Wittner invited public comment; none were provided. **The motion carried (7-0).**

**B. Proclamation: Arbor Day**

Interim City Manager Corcoran introduced the Arbor Day proclamation, where the City of Fircrest proclaims to celebrate Arbor Day at FirFest and reported that the proclamation is a requirement for the City to submit a Tree City USA application. Reynolds read the proclamation into the record. **Reynolds MOVED to authorize the Mayor’s signature on a proclamation proclaiming to celebrate Arbor Day at FirFest on November 5<sup>th</sup>, 2022 in the City of Fircrest; seconded by Bufford.** Wittner invited Councilmember comments; none were provided. Wittner invited public comment; none were provided. **The motion carried (7-0).**

**CITY MANAGER COMMENTS**

Interim City Manager Corcoran reported that Wainwright Intermediate School has scheduled a Veteran’s Day assembly on Wednesday, November 16<sup>th</sup>, 2022, and asked if the City would post an announcement for the public. There were no objections from Council to posting an announcement.

Corcoran reported that Council Committee will review the Request for Qualifications (RFQ) for the City Manager recruitment. The RFQ deadline closes on Friday, November 18, 2022. Corcoran also reported that the Civil Service Commission recruitment deadline is Friday, October 28, 2022. Lastly, Corcoran stated that the Civil Service Commission provided feedback on the Police Chief recruitment and the City will post an RFQ.

**DEPARTMENT HEAD COMMENTS**

- Parks & Recreation Director Grover provided a brief overview of the FirFest event scheduled for November 5<sup>th</sup>, 2022. Grover stated that the City received 54 entries for the Scarecrows of Fircrest event. Grover reported that there is a link on the City’s website to register for FirFest. Viafore commented on the Cherry Blossom trees on Regents Blvd.
- Police Chief Cheesman reported that Fircrest Police Sergeant Victor Celis submitted his letter of resignation, and his last day will be November 10<sup>th</sup>, 2022. Chief Cheesman reported that Lateral Police Officer Oral Boards occurred last week and background checks will start immediately. The lateral police officer position has been reposted with the 2023 salary rates. Chief Cheesman also reported that the police department is giving prizes for the Scarecrows of Fircrest event.
- Public Works Director Bemis thanked summer hires, Zachary Zakoian and Riley West. Bemis reported that Public Works will monitor the weather and its road impacts.

Wittner stated that the Council will modify the agenda to proceed with the scheduled Public Hearings.

**PUBLIC HEARING**

**A. To receive comments on the proposed development regulation text amendments relating to the Mildred Property Development Project**

At 7:18 P.M., Wittner opened the public hearing. Principal Planner Jeff Boers briefed the Council on the proposed development regulation text amendments relating to the Mildred Property Development Project and stated the public hearing was to receive comments on the text amendments. Wittner invited councilmember comments. There were discussions on residential flexibility, parking, public participation, and the departure process. Wittner invited public testimony; none were provided.

At 7:31 P.M., Wittner closed the public hearing.

**B. To receive comments on the 2023 Preliminary Budget Revenue Sources**

At 7:32 P.M., Wittner opened the public hearing. Interim City Manager Corcoran briefed the Council on the 2023 Budget Revenue Sources and stated the public hearing was to receive comments on the Preliminary 2023 Budget Revenue Sources. Wittner invited councilmember comments. Andrews commented on the deferred property taxes.

Wittner invited public testimony.

- Brian Rybolt, 1036 Daniels Drive, commented on the deferred property taxes.

Viafore commented on the preliminary budget without the amendments. Andrews commented on the use of APRA funds.

At 7:40 P.M., Wittner closed the public hearing.

**C. To receive comments on the 2023 Preliminary Budget**

At 7:40 P.M., Wittner opened the public hearing. Interim City Manager Corcoran briefed the Council on the 2023 Preliminary Budget stating the public hearing was to receive comments on the Preliminary 2023 Budget. Wittner invited councilmember comments. George commented on the preliminary budget and utilizing property taxes to add an additional police officer.

Wittner invited public testimony;

- Brian Rybolt, 1036 Daniels Drive, expressed support for adding a police officer.

Andrews commented on the use of ARPA funds. There was a discussion on the public participation process and budget implementation.

At 7:49 P.M., Wittner closed the public hearing.

**COUNCILMEMBER COMMENTS**

- Viafore commented on the upcoming legislative session for police pursuit policies. Viafore stated that longtime resident, Eric Rohrs passed away and gave his condolences. Rohrs was very involved in the Fircrest Recreation Department.
- Reynolds; no comment provided.
- Barrentine; no comment provided.



- George commented on the police pursuit policies and drafting a capital project letter for the upcoming legislative agenda.
- Viafore requested the cost of the Emerson Street and West Mount Drive crosswalk cost.
- Bufford thanked volunteers and staff for their efforts at the Haunted Trails event. The event was canceled due to unhealthy weather conditions.
- Andrews commented on the Forterra contract.
- Wittner; no comment provided.

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

Wittner invited public comment; the following individuals provided email or oral comments:

- Vince Navarre, 1205 Del Monte Ave, expressed concern about the Fircrest Council spotlight.
- Sarah Sherman, 1205 Del Monte Ave, expressed concern about the Fircrest Town Topics articles.
- Brian Rybolt, 1036 Daniels Dr, expressed concern about the Fircrest Town Topics articles.

**COMMITTEE, COMMISSION, AND LIAISON REPORTS**

**A. Parks & Recreation**

No report provided.

**B. Pierce County Regional Council**

Reynolds reported that PCRC is currently filling vacancies and reported that Russ Blount passed away. Reynolds also reported that she advocated for the re-writing of the probable stop clause policies and stated that multiple jurisdictions are having issues with eluding vehicles.

**C. Public Safety, Courts**

Viafore stated that the RFQ for the City prosecutor is due October 28, 2022.

**D. Street, Water, Sewer, and Storm Drain**

Barrentine reported that the Summit Ave grind and overlay project is postponed until Spring 2023 due to weather. Barrentine reported that the street sweeping continues and that the City holiday décor inventory is complete.

**E. Other Liaison Reports**

There were none.

**CONSENT CALENDAR**

Wittner requested the City Clerk read the Consent Calendar: approval of Voucher No. 218676 through Voucher Check No. 218736 in the amount of \$177,012.38; approval of Payroll Check Nos. 14205 through Payroll Check No. 14205 in the amount of \$373.48; approval of Payroll electronic funds transfer in the amount of \$122,138.53; approval of the September 27, 2022, Regular Meeting minutes as corrected; approval of the October 03, 2022, Special Meeting minutes; approval of the October 10, 2022, Special Meeting minutes; approval of the October 17, 2022, approval of the Study Session Meeting minutes; Setting a Public Hearing on November 22, 2022, at 7:15 pm or thereafter to receive comments on potential water rate increases; Setting a

Public Hearing on November 22, 2022, at 7:15 pm or thereafter to receive comments on potential sewer rate increases; Setting a Public Hearing on November 22, 2022, at 7:15 pm or thereafter to receive comments on potential stormwater rate increases; Registering no objections Nari Sushi & Steak Liquor License Issuance, and; Registering no objections Pint Defiance Liquor License Application. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Viafore. The Motion Carried (7-0).**

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**A. Ordinance No. 1690: Amending Sewer Connection Schedule of Fees**

Public Works Director Bemis briefed the Council on the proposed ordinance to increase the sewer system General Facilities Charges (GFCs) Service Connection Fee, and Inspection Fee and highlighted that the last increase was implemented in 2018. **George MOVED move to adopt Ordinance No. 1690, amending Ordinance No. 1621 Section 1(a) and FMC 20.04.025 General Facilities Charge; amending Ordinance No. 1621 Section 2(a)(c) and FMC 20.04.030 Service Connection Fees and Inspection Fees; seconded by Bufford.** Wittner invited Councilmember comments. Viafore asked if a public hearing was required for General Facilities Charges. City Attorney Zienemann reported that it was not required. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**B. Ordinance No. 1691: Amending Water Connection Schedule of Fees**

Public Works Director Bemis briefed the Council on the proposed ordinance to increase the water system General Facilities Charges (GFCs), Service Connection Fees, and Water Meter Drop-In Fees. **George MOVED to adopt Ordinance No. 1691, amending Ordinance No. 1619 Section 1(a) and FMC 21.01.030 General Facilities Charge; amending Ordinance No. 1619 Section 2(a)(b) and FMC 21.04.130 Service Connection Fees and Water Meter Drop-In Fees; seconded by Barrentine.** Wittner invited Councilmember comments. There was a discussion on the required annual increase, council notification of increases, and use of ordinances versus resolutions. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**C. Resolution No. 1793: Bid Award Stormwater Pretreatment Project for Emerson & Estate Place**

Public Works Director Bemis briefed the Council on the proposed resolution and highlighted that this project has been identified as a high priority by the Washington State Department of Ecology. **George MOVED move to adopt Resolution No. 1793, awarding the construction contract bid for the Stormwater Pretreatment Project on Emerson Street and Estate Place to Pape & Sons Construction Inc. in the amount of \$411,396.70 including tax, and authorizing the City Manager to prepare and execute the required documents and to give the “notice to proceed” to commence construction of the project; seconded by Bufford.** Wittner invited Councilmember comments. George asked what a stormwater pretreatment device is. Bemis stated a stormwater pretreatment device is a filtration system that prevents and catches debris before the stormwater discharges into streams. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**D. Resolution No. 1794: Washington State Department of Ecology Grant Agreement Funding**

Public Works Director Bemis briefed the Council on the proposed resolution and highlighted that the Stormwater Pretreatment Project for Emerson and Estate Place will be fully funded. **Bufford MOVED to adopt Resolution No. 1794, authorizing the Interim City Manager to approve additional grant funding of \$110,451.00 and the extension of the grant funding deadline with the Washington State Department of Ecology for the Stormwater Pretreatment Outfall Project on Emerson Street and Estate Place; seconded by George.** Wittner invited Councilmember comments; none were provided. Wittner invited public comment; none were provided. **The Motion Carried (7-0).**

**CALL FOR FINAL COMMENTS**

There were none provided.

**EXECUTIVE SESSION**

At 8:42 P.M. Wittner reported that the Council would take a five-minute recess and convene into Executive Session, not to exceed thirty (30) minutes, to discuss labor negotiations per RCW 42.30.140(4)(b). Wittner noted that Interim City Manager Corcoran and Police Chief Cheesman would be joining Council in the Executive Session.

**ADJOURNMENT**

**George MOVED to adjourn the meeting at 9:03 P.M., seconded by Viafore. The Motion Carried (7-0).**

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Brett L. Wittner, Mayor

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Arlette Burkhart, Deputy City Clerk

**FIRCREST CITY COUNCIL AGENDA SUMMARY**

**NEW BUSINESS:** 2023 Public Hearing-Preliminary Expenditures  
**ITEM:** 11A  
**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** None. Public Hearing Only.

**PROPOSAL:** To receive public input on 2023 Preliminary Expenditures

**FISCAL IMPACT:**

General.....	11,896,183
Street .....	964,797
Park Bond Debt Service .....	725,016
Park Bond Capital .....	2,434,634
Storm Drain .....	876,585
Storm Drain Capital .....	903,048
Water.....	1,551,461
Water Capital.....	695,483
Sewer .....	4,191,064
Sewer Capital.....	1,164,460
Equipment Replacement .....	2,021,231
Police Investigation .....	12,750
Real Estate Excise Tax.....	2,855,958
Cumulative Reserve.....	2,506,577
<b>TOTAL .....</b>	<b>32,799,247</b>

**ADVANTAGE:** Allows citizens to comment on 2023 Preliminary Expenditures.

**DISADVANTAGE:** None.

**ALTERNATIVES:** None.

## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**DATE:** 11/8/2022

**NEW BUSINESS:** Amendments to the Fircrest Municipal Code Title 21, regarding water charges

**ITEM:** 11B

**FROM:** Tyler Bemis, Public Works Director

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**RECOMMENDED MOTION:** None at this time. This is a public hearing only.

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**PROPOSAL:** Based on the information provided in the latest financial analysis of the updated Water System Plan, it is recommended that the City of Fircrest amend the Fircrest Municipal Code Title 21 regarding water charges to reflect a 2% water rate increase.

**FISCAL IMPACT:** Increased revenue. Approximate .38 cent “base fee” increase per month from \$37.74 to \$38.49 “bi-monthly base fee” (see attached “draft” Ordinance)

**ADVANTAGE:** Following the rate structure recommendations of the Water System Plan will help sustain the water utility and provide for capital revenue to repair and replace existing worn and outdated infrastructure. It also provides for financial planning to meet operating expenses for this utility. The adjustment of rates will greatly increase the probability that the City’s revenues will offset the actual expenses of the operation and maintenance of the water utility, providing for covering the costs of operations and maintenance and provide for funding needed to continue capital improvement projects.

**DISADVANTAGES:** Potential for future water projects to not have sufficient funding.

**ALTERNATIVES:** Defer a rate increase.

**HISTORY:** The City contracted with Murray Smith and Katy Isaksen & Associates (KI&A) in 2020 to provide consulting service in establishing a new 10-year Water System Plan, including a financial analysis for the water system. The final Water System Plan was approved by the City Council at the September 27, 2022 Regular City Council meeting.

Water System Plan financials identify a consistent 2% increase in the water rate to provide the necessary funds to operate the water system and accomplish necessary capital projects over the 10-year planning period.

In 2021 the City Council approved a 2% water rate increase for calendar year 2022. Prior to this the City Council elected to not increase the water rate for calendars year 2020 and 2021. Additionally, the City Council approved a 3-year water rate increase schedule in the fall of 2016.

The water system financial plan also calls for increasing the fund transfer from the Water Fund to the Water Capital Fund each year in order to have the funds on hand to pay for each succeeding capital project without the need for debt financing. Adjusting the water rate in order to accomplish the capital projects in the 10-year Water System Plan is recommended by staff.

**ATTACHMENTS:** [FMC 21.04](#)



**21.04.030 Residential rate.**

Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use and consumption within Fircrest city limits shall be furnished through metered connections and shall be charged for on the following basis:

(a) Single-family residential units with an accessory dwelling unit (ADU), as defined by FMC 22.58.012, shall be billed as one dwelling unit.

(b) A bimonthly ready to serve charge for each meter, regardless of size, per connection, shall be billed in accordance with the following schedule:

**Residential and Multiple Dwelling Water Ready to Serve Charge**

Ready to Serve Charge	<del>\$37.74</del> <u>\$38.49</u>
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(c) A charge for water consumed through each meter shall be billed in accordance with the following schedule:

**Consumption Tier for Residential and Multiple Dwelling Units**

Tier	Rates
Tier 1 (0 – 1,000 cf)	<del>\$0.0111</del> <u>0.0113</u>
Tier 2 (1,001 – 4,000 cf)	<del>\$0.0166</del> <u>0.0169</u>
Tier 3 (4,001 – + cf)	<del>\$0.0282</del> <u>0.0288</u>

(d) Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use and consumption outside the Fircrest city limits shall be charged as outlined in subsections (a) and (b) of this section with an additional bimonthly surcharge of \$25.00.

(e) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1681 § 1, 2021; Ord. 1627 § 2, 2018; Ord. 1589 § 1, 2016; Ord. 1446 § 1, 2007; Ord. 1365 § 1, 2005; Ord. 1287 § 1, 2001; Ord. 1119 § 1, 1996; Ord. 1086 § 1, 1994; Ord. 1016 § 1, 1992; Ord. 979 § 1, 1990; Ord. 891 § 1, 1988; Ord. 745 § 1, 1980).

**21.04.040 Commercial rate.**

Water furnished by the city of Fircrest for commercial or industrial use and consumption within the Fircrest city limits shall be furnished through metered connections and shall be charged for on the following basis:

(a) A bimonthly ready to serve charge for each meter regardless of size, per connection, shall be in accordance with the following schedule:

**Commercial Water Ready to Serve Charge**

Ready to Serve Charge	<del>\$37.74</del> <u>\$38.49</u>
-----------------------	--------------------------------------

(b) A charge for water consumed through each meter shall be in accordance with the following schedule:

**Consumption Tier for Commercial Units**

Tier	Rate
Tier 1 (0 – 2,000 cf)	<del>\$0.0132</del> <u>0.0135</u>
Tier 2 (2,001 – 4,200 cf)	<del>\$0.0187</del> <u>.0191</u>
Tier 3 (4201 – + cf)	<del>\$0.0302</del> <u>0.0308</u>

(c) Where more than one commercial business or establishment receives water through a single metered connection, each separate commercial business or establishment shall be charged a separate ready to serve charge that will include the same rate schedule as listed above.

(d) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1681 § 2, 2021; Ord. 1589 § 2, 2016; Ord. 1287 § 2, 2001; Ord. 1119 § 2, 1996; Ord. 1098 § 3, 1995; Ord. 1086 § 2, 1994; Ord. 1016 § 2, 1992; Ord. 979 § 2, 1990; Ord. 891 § 2, 1988; Ord. 745 § 2, 1980).



## Chapter 21.08

### SERVICE OUTSIDE CITY\*

Sections:

- 21.08.010 Out-of-city service – Applicability.
- 21.08.020 Application for service – Agreements.
- 21.08.030 Application with consent of other municipal corporation.
- 21.08.040 Service connection fees – Process fees.
- 21.08.050 Limited responsibility of city.
- 21.08.060 Applicant’s responsibility to point of connection.
- 21.08.070 Repair of streets charged to applicant.
- 21.08.080 Agreement.
- 21.08.090 Connection violation.

\* For statutory provisions regarding city water systems extending outside of corporate limits, see RCW 35.21.210.

#### **21.08.010 Out-of-city service – Applicability.**

The city will furnish water for use or consumption outside the corporate limits of the city when and as available. Each application for such service must be approved by the city council. Except as modified by this chapter, the provisions of this title shall be fully applicable to out-of-city service. The following special provisions and conditions shall be applicable to such service. (Ord. 279 § 24, 1955).

#### **21.08.020 Application for service – Agreements.**

Application for out-of-city service shall be in writing upon a form to be provided by the city. Application shall contain or be accompanied by, the appropriate service connection and processing fees, a description of the type of service desired, the location of the building or premises to be served, an agreement by the applicant to pay all charges and to abide by all existing and future ordinances, rules and regulations pertaining to the water utility, an agreement to assume full responsibility for the maintenance and repair of all pipes and appurtenances beyond the corporate limits of the city, and an agreement to hold the city harmless for any damage or injury caused to any person or property because of the existence, maintenance or operation of any pipe or pipeline outside the city. The applicant must also furnish to the satisfaction of the city proof that he has an easement or right-of-way for any pipelines to be laid outside the city. (Ord. 279 § 24(a), 1955).

#### **21.08.030 Application with consent of other municipal corporation.**

If the service requested is for property located within a municipal corporation operating a water utility, such application must be accompanied by the written consent of such other municipal corporation that the city may furnish water to such applicant. (Ord. 279 § 24(b), 1955).

#### **21.08.040 Service connection fees – Process fees.**

A service connection fee of \$1,200 on an unpaved street and \$1,200 plus \$12.00 per square foot for patching the street on a paved street shall be charged for out-of-city service and a processing fee of \$50.00 shall be charged for the processing of each application. In the event service is refused to any applicant, the city shall refund the service connection fee, but shall retain the process fee as its compensation for processing the application. In the event service is to be metered, or in the event the connection is larger than the standard three-quarter-inch size, the applicant shall pay the cost of a suitable meter or the extra cost of the larger connection fee as the case may be, in addition to the basic connection fee. (Ord. 961 § 6, 1990; Ord. 385, 1960; Ord. 279 § 24(c), 1955).

#### **21.08.050 Limited responsibility of city.**

In the event any application for out-of-city service is approved by the council, the obligation of the city will be to furnish water from the nearest available point of its water distribution system. The city shall not own or be in any way responsible for the maintenance or repair of any pipe, pipeline or appurtenances thereof outside the city. (Ord. 279 § 24(d), 1955).

**21.08.060 Applicant's responsibility to point of connection.**

It shall be the responsibility of the applicant to bring the pipeline through which his premises are to be served to the point of connection with the city's distribution system at his own expense; and he shall furnish, in addition to the pipeline, a suitable shut-off valve on said line at a convenient point to be designated by the city. In the event the applicant elects to construct such pipeline himself, the work shall be done to the satisfaction of the city. If the applicant so elects, the city will install such pipeline with its own labor and will charge the applicant the actual cost thereof, plus 15 percent, which shall be estimated and paid in advance as near as may be. In any event, all connections to or disconnections from the distribution system of the city shall be made only by the city in the manner provided in FMC 21.04.180. (Ord. 279 § 24(e), 1955).

**21.08.070 Repair of streets charged to applicant.**

In the event any streets, sidewalks, or curbing are broken during the installation of out-of-city service, the city shall repair the same and shall charge the applicant the actual cost thereof, plus 15 percent, which shall be estimated and paid in advance as near as may be. (Ord. 279 § 24(f), 1955).

**21.08.080 Agreement.**

A written agreement shall be executed by the city and the applicant to cover all out-of-city service which may be approved or allowed subsequent to November 22, 1955. Except as specified above, out-of-city service shall be furnished on the same basis as service within the city and shall be governed by the provisions of this and other applicable ordinances. (Ord. 279 § 24(h), 1955).

**21.08.090 Connection violation.**

It shall be a violation of this title giving the city the right to shut off service without notice, for any consumer to make or cause to be made or permit to be made any connection to any pipe or pipeline under his control outside the corporate limits of the city where the effect thereof would be that some other person other than the applicant might receive water service through such connection. (Ord. 365, 1959; Ord. 279 § 24(g), 1955).

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**DATE:** 11/8/2022

**NEW BUSINESS:** Amendments to the Fircrest Municipal Code Title 20, regarding sanitary sewer charges

**ITEM:** 11C

**FROM:** Tyler Bemis, Public Works Director

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**RECOMMENDED MOTION:** None at this time. This is a public hearing only.

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**PROPOSAL:** Based on the current and forecasted future health of the sewer budget, increased maintenance and operations and sewage treatment costs, it is recommended that the City of Fircrest amend the Fircrest Municipal Code Title 20 regarding sewer charges to reflect a 2% sewer rate increase. The last update to the sewage treatment cost ordinance continue to call out a yearly increase, Ratio of Applicability, to commercial accounts only. To accurately bill residential and multi-family dwellings “pass through cost”, the ordinance has been updated to reflect the same historic language as commercial billing.

**FISCAL IMPACT:** Additional revenue from increases to the Base Rate and Treatment Rate. Approximate .84 cents “base fee” increase per month from \$83.40 to \$85.07 “bi-monthly base” fee and an approximate .68 “treatment” increase per month from \$67.80 to \$69.16 “bi-monthly treatment” fee (see attached “draft” ordinance).

**ADVANTAGE:** Approval of this increase will help sustain the sewer utility and provide for capital revenue to repair and replace existing worn and outdated infrastructure. It also provides for financial planning to meet operating expenses for this utility. The adjustment of rates will greatly increase the probability that the City’s revenues will offset the actual expenses of the operation and maintenance of the sewer utility, providing for covering the costs of the sewage treatment costs from the City of Tacoma and provide for funding needed to continue capital improvement projects.

**DISADVANTAGES:** Potential for future sewer projects to not have sufficient funding and undercharging of annual sewage treatment costs.

**ALTERNATIVES:** Defer a rate increase.

**HISTORY:** The financial outlook and impacts on our existing revenues and rates were presented to the City Council in study sessions on October 3, 10, 17 and 24, 2022. From those study sessions, we took the feedback received and continued to evaluate and develop a financial plan that provides for sustainability of the sewer utility.

As the Council is aware, ongoing repair and replacement of our utilities is needed. As the age of our systems get older, some of them 60 plus years old, they need to be replaced. This is evident by the sewer repair and replacement work that has been done over that last few years and needs to continue to sustain our sewer system. In addition to repairs and maintenance, the sewer fund needs to stay up with and in front of current and future increases in Tacoma’s sewer treatment costs.

In order to be able to provide the additional revenue that is required, adjusting the rates to provide this revenue is recommended.

**ATTACHMENTS:** [FMC Chapter 20.12](#)

**Chapter 20.12**  
**SEWER SERVICE CHARGE**

Sections:

- 20.12.010 Residential and commercial rate.
- 20.12.030 Part of water/sewer fund.

**20.12.010 Residential and commercial rate.**

Sewer service for single-family residential and multiple dwelling units use within and outside of city limits shall be charged as follows:

(a) Single-family residential units with an accessory dwelling unit (ADU), as defined by FMC 22.58.012, shall be billed as one dwelling unit.

(b) In-City Residential. Residential and multiple dwelling units located within the city limits and connected to the sewer system of the city shall pay a bimonthly sewer service base charge, plus a sewage treatment user charge, per dwelling unit. The residential and multiple dwelling bimonthly sewer service charges shall be: ~~in accordance with the following schedule:~~

**Residential and Multiple Dwelling Sewer Charge**

	<del>2017</del>	<del>2018</del>	<del>2019</del> <u>2022</u>
Sewage Treatment Charge	<del>\$60.40</del>	<del>\$64.00</del>	<del>\$67.80</del> <u>\$69.16</u>
Sewer Service Base Rate	<del>\$79.20</del>	<del>\$81.20</del>	<del>\$83.40</del> <u>\$85.07</u>

(c) Out-of-City Sewer Service. For sewer service provided by the city for residential and multiple dwelling units use outside the Fircrest city limits shall be charged as outlined in subsection (a) of this section with an additional bimonthly sewer service base surcharge of \$10.00.

(d) Residential and multiple dwelling units Sewage treatment charge shall be updated annually at a rate adjusted in accordance with the Tacoma sewage treatment user charge which is based upon metered and estimated flows each year, to be effective February 1st of the following year

~~(e)~~ Commercial Rate. Commercial establishments shall pay a bimonthly sewer service base charge plus the monthly city of Tacoma sewage treatment user charge, which is based upon metered and estimated flows, but not less than a minimum total monthly sewer charge equal to that of the residential and multiple dwelling units. The commercial bimonthly sewer service base charge shall be in accordance with the following schedule:

**Commercial Sewer Charge**

	<del>2017</del>	<del>2018</del>	<del>2019</del> <u>2022</u>
Commercial Sewage Treatment Charge	<del>Calculated using city of Tacoma's sewage treatment user charge based on metered and estimated flows.</del>	<del>Calculated using city of Tacoma's sewage treatment user charge based on metered and estimated flows.</del>	Calculated using city of Tacoma's sewage treatment user charge based on metered and estimated flows.
Commercial	<del>\$106.08</del>	<del>\$111.68</del>	<del>\$117.68</del> <u>120.03</u>

	<b>2017</b>	<b>2018</b>	<b>2019 <u>2022</u></b>
Sewer Service Base Charge			

(ef) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1627 § 1, 2018; Ord. 1588 § 2, 2016; Ord. 1478 § 1, 2009; Ord. 1454 § 1, 2008; Ord. 1447 § 1, 2007; Ord. 1427 § 1, 2006; Ord. 1268 § 1, 2000; Ord. 1229 § 1, 1999; Ord. 1158 § 1, 1997; Ord. 1138 § 1, 1997; Ord. 1051 § 1, 1993; Ord. 980 § 1, 1990; Ord. 864 § 1, 1987; Ord. 814 § 2, 1985; Ord. 745 § 5, 1980).

**20.16.030 Bimonthly rate schedule.**

(a) The total bimonthly storm drain service fee for all single-family customers shall be in accordance with the following schedule:

<b>2017</b>	<b>2018</b>	<b>2019 <u>2022</u></b>
<del>\$29.20</del>	\$33.50	<del>\$34.50</del> <u>\$35.19</u>

(b) The total bimonthly storm drain service fee for all customers other than single-family customers shall be the sum of the following two fees but not be less than a minimum equal to that of single-family customers:

(1) Fixed Fee. There is established a fixed bimonthly fee which will be assessed upon each customer other than single-family customers in accordance with the following schedule; and

<b>2017</b>	<b>2018</b>	<b>2019 <u>2022</u></b>
<del>\$21.70</del>	\$26.00	<del>\$27.00</del> <u>\$27.54</u>

(2) Impervious Surface Fee. There is established a fee in the amount of ~~\$0.001437~~ 0.001466 per square foot of impervious surface which will be assessed upon each customer other than single-family customers.

(c) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1587 § 1, 2016; Ord. 1462 § 1, 2008; Ord. 1319 § 1, 2002; Ord. 1296 § 1, 2001; Ord. 1218 § 2, 1999; Ord. 1193 § 2, 1998; Ord. 1017 § 1, 1992; Ord. 886 § 3, 1988).

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**DATE:** 11/8/2022

**NEW BUSINESS:** Amendments to the Fircrest Municipal Code Title 20, regarding stormwater charges

**ITEM:** 11D

**FROM:** Tyler Bemis, Public Works Director

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**RECOMMENDED MOTION:** None at this time. This is a public hearing only.

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**PROPOSAL:** Based on the current and forecasted future health of the stormwater budget and increased maintenance and operation costs, it is recommended that the City of Fircrest amend the Fircrest Municipal Code Title 20 regarding stormwater charges to reflect a 2% sewer rate increase.

**FISCAL IMPACT:** Increased revenue. Approximate .69 cents “single family residential” increase per month from \$34.50 to \$35.19 “bi-monthly fee” and .54 cents “multi-family and commercial” increase from \$27.00 to \$27.54 “bi-monthly fee”. Additionally, the Impervious Surface Fee increase of .00002874 “price per square foot of impervious surface” for multi-family and commercial (see attached “draft” ordinance).

**ADVANTAGE:** Approval of this increase will help sustain the stormwater utility and provide for capital revenue to repair and replace existing worn and outdated infrastructure. It also provides for financial planning to meet operating expenses for this utility. The adjustment of rates will greatly increase the probability that the City’s revenues will offset the actual expenses of the operation and maintenance of the stormwater utility.

**DISADVANTAGES:** Potential for future stormwater projects to not have sufficient funding.

**ALTERNATIVES:** Defer a rate increase.

**HISTORY:** The financial outlook and impacts on our existing revenues and rates were presented to the City Council in study sessions on October 3, 10, 17 and 24, 2022. From those study sessions, we took the feedback received and continued to evaluate and develop a financial plan that provides for sustainability of the stormwater utility.

As the Council is aware, ongoing repair and replacement of our utilities is needed. As the age of our systems get older, some of them 60 plus years old, they need to be replaced. This is evident by the stormwater repair and replacement work that has been done over that last few years and needs to continue to sustain our stormwater system.

In order to be able to provide the additional revenue that is required, adjusting the rates to provide this revenue is recommended.

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Amendments to the Fircrest Municipal Code, Title 22 Land Development Code, including the Fircrest Form-Based Code  
**ITEM: 13A**

**FROM:** Jayne Westman, Administrative Services Director  
Jeff Boers, Principal Planner

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_, amending the Fircrest Municipal Code, Title 22 Land Development Code, including the Fircrest Form-Based Code.

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**PROPOSAL:** Alliance Residential Company (Alliance) proposes to amend the City's development regulations contained in Title 22 Land Development. The amendment would revise:

- Text, tables, and graphics contained in the Fircrest Form-Based Code (FBC), adopted by reference in Chapter 22.57 FMC.
- Design guidelines pertaining to usable open spaces contained in Chapter 22.64 FMC.

**CRITERIA FOR AMENDMENT APPROVAL:**

Per FMC 22.78.004, the City Council may approve amendments to development regulations by adopting written findings showing that the following criteria are met by the proposal:

- (a) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.
- (b) The proposed amendment will promote, rather than detract from, the public health, safety, morals and general welfare.

**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 any specific projects.

**ADVANTAGE:** The proposed text amendments, in conjunction with the associated zoning map amendment, would provide critical flexibility and increased opportunities for the Prose project and other future development in the 19<sup>th</sup> & Mildred Area. The amendments include revising the street alignments and open space locations within the FBC Regulating Plan Map, adding hybrid court buildings to the list of building types permitted in the MUN District, allowing minor departures from the FBC street standards to be approved administratively, modifying common open space arearequirements, and adding flexibility for how private open space may be provided.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** The City Council may choose to not approve the amendments, or it may approve revised amendments.

**HISTORY:** On June 22, 2022, Alliance submitted four applications relating to the proposed "Prose" mixed-use project. These include development regulation (text) amendment, zoning map amendment, preliminary site plan review, and administrative design review applications.



The City submitted a 60-day Notice of Intent to Adopt a Development Regulation Amendment to the Washington State Department of Commerce on July 31, 2022. The state agency comment period ended September 26, 2022. No comments were received.

The City reviewed the Applicant's Environmental Checklist and issued a Determination of Nonsignificance for the proposed development regulation amendments on July 28, 2022. The environmental determination was issued with a 14-day comment/appeal period ending on August 10, 2022. No comments or appeal were received.

The Planning Commission held a public hearing on September 6, 2022, and voted unanimously on September 20, 2022, to recommend approval, by resolution, of the proposed amendments.

On September 27, 2022, the City Council held a study session to review the proposed amendments. On October 25, 2022, Council held a public hearing on the proposed changes.

**ATTACHMENTS:** [Ordinance with exhibits](#)  
[Amendments \(Redline\)](#)



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**Section 4.** Publication and Effective Date. A summary of this ordinance's title shall be published in the City's official newspaper. 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 November 2022.


**APPROVED:**

\_\_\_\_\_  
Brett L. Wittner, Mayor

**ATTEST:**

\_\_\_\_\_  
Jayne Westman, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney

**DATE OF PUBLICATION:**

**EFFECTIVE DATE:**

## **EXHIBIT A**

Fircrest Municipal Code

### **22.64.027 Usable open spaces.**

Intent – Create open spaces in multifamily and planned developments that enhance the physical space and provide residents passive and active recreational opportunities.

(a) Multifamily residential buildings and developments should provide usable outdoor activity areas for each individual unit using patios, balconies, and decks. Requirements for individual residential units may be met in part or in full by open space specifically provided for the common use of the resident. In addition to patios, balconies, and decks, such open space may take on any number of green space types.

(b) Multifamily residential buildings and planned developments should also provide usable outdoor activity areas for the project's inhabitants in total using landscaped courtyards, rooftop decks, group gardens and picnic areas, children's play areas, swimming pools, recreational courts, and other common improvements.

(c) Common activity areas should be appropriately furnished with benches and other seating, play equipment, landscaping, outdoor lighting, and other improvements.

# EXHIBIT B

## CITY OF FIRCREST

### Form-Based Code

Adopted by Reference in FMC Chapter 22.57

Amended Code Effective November xx, 2022



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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 19<sup>th</sup> 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**

	Mixed-Use Urban	Mixed-Use Neighborhood
<b>Zoning District Intent</b>		
<b>Desired Form</b>	<p>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</p>	<p>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.</p>
<b>Streetscape and Public Realm Improvements</b>	<p>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.</p>	<p>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.</p>
<b>Parking</b>	<p>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.</p>	<p>Parking consists of on-site spaces located either behind buildings or in above- or underground parking structures. On-street public parking spaces are provided.</p>
<b>General Use</b>	<p>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.</p>	<p>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.</p>

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.

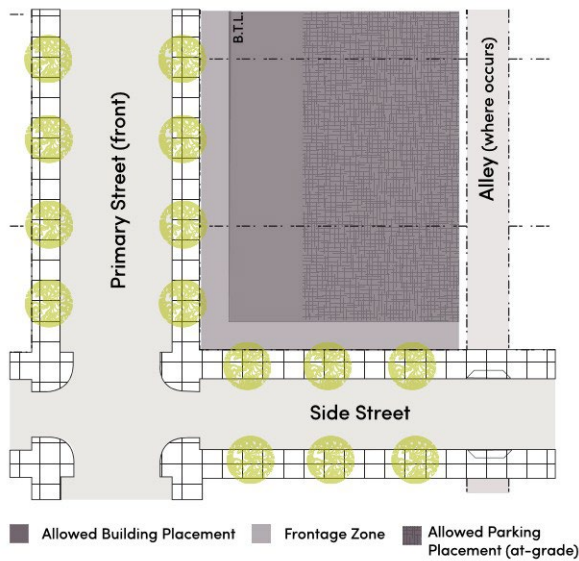
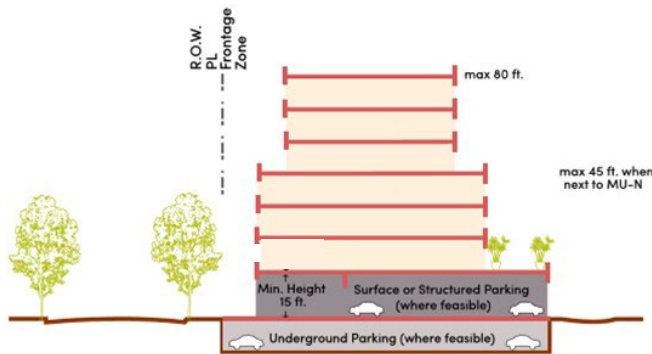
The standards shape and situate buildings based on their physical characteristics and compatibility with the context. The successful fit of a new project into an existing context depends on how it relates to neighboring buildings to its side and rear in terms of setbacks, height, massing, scale, and 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, and 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

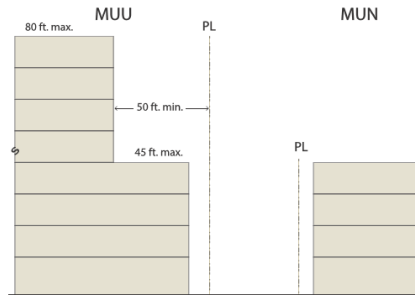
Setback	Building setback from PL		
	Frontage Zone		Side/Rear
	Min. (ft.)	Max. (ft.)	Min. (ft.)
Primary street	0	10	–
Side street	0	10	–
Rear yard with alley	–	–	5
Rear yard without alley	–	–	15

### 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

Shopfront Overlay Ground Floor	15-foot minimum
Other floors	NA

### Parking

See parking standards in FMC 22.60.003.

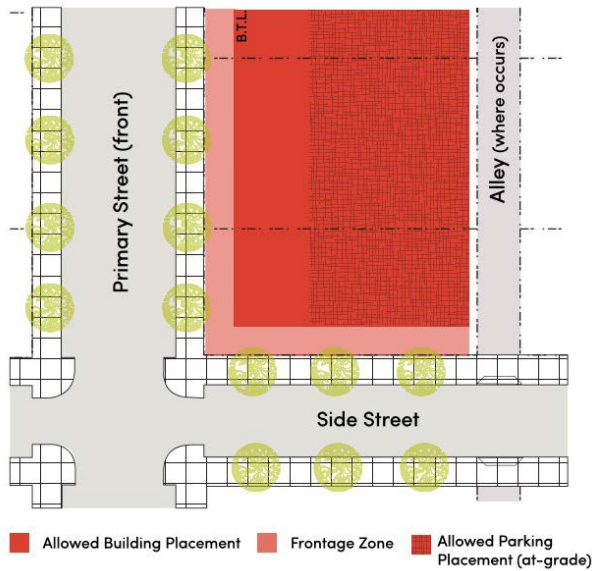
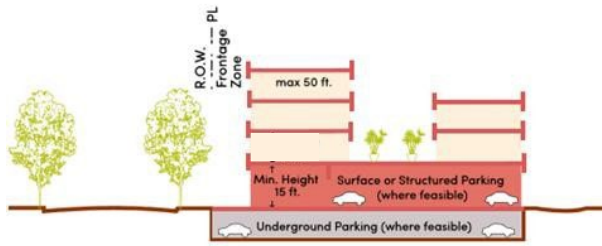
Parking garages should be designed to have leveled floors that can facilitate redevelopment for another use such as commercial when parking demand lessens.

### 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	Min. 3' from PL	Min. 3' from PL	
Eave	4' max.			

## MIXED-USE NEIGHBORHOOD (MUN)



### Building Placement

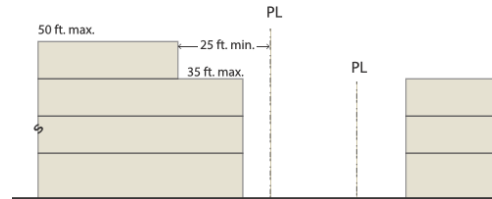
Setback	Building setback from PL		
	Frontage Zone Min. (ft.)	Max. (ft.)	Side/Rear Min. (ft.)
Primary street	0	10	—
Side street	0	10	—
Rear yard with alley	—	—	5
Rear yard without alley	—	—	15

### Allowed Frontages

- Arcade
- Lightcourt
- Dooryard
- Gallery
- Forecourt
- Porch & Fence
- Shopfront
- Stoop
- Front Yard

## Allowed Building Types and Height

Building Types	Maximum Height
Flex Building	50
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

Shopfront Overlay Ground Floor	15-foot minimum
Other floors	NA

### Parking

See parking standards in FMC 22.60.003.

Parking garages should be designed to have leveled 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			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	Min. 3' from PL	Min. 3' from PL	
Eave	4' max.			

# 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

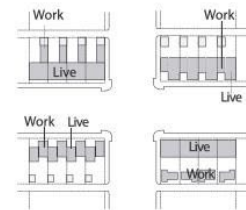
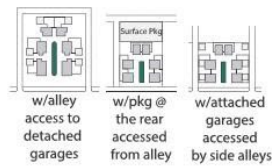
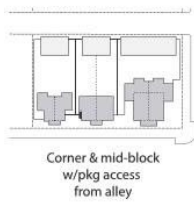
Each proposed building or existing building modification shall be designed as one of the building types allowed for the zoning district applicable to the site as identified in the table below.

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	X
Liner Building		X
Flex Building	X	X



**Table BS.1 Building Types**

House Scale Buildings



**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**

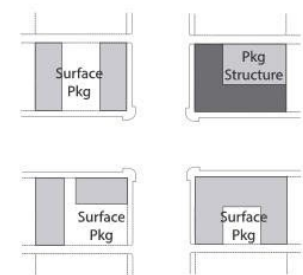
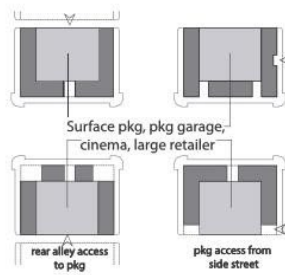
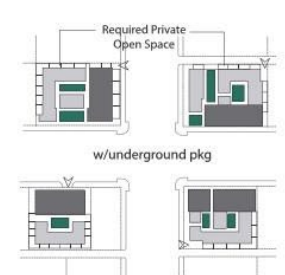
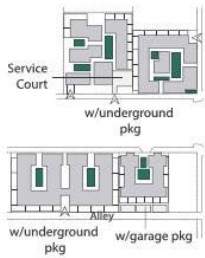
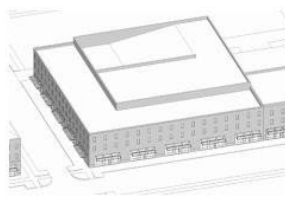
The floor to ceiling height of the work floor is typically about 15 feet. The main entrance to the street level work space should be accessed directly from and face the street. The dwelling unit above the work space should be accessed by a separate entrance, and by a stair or elevator.

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.

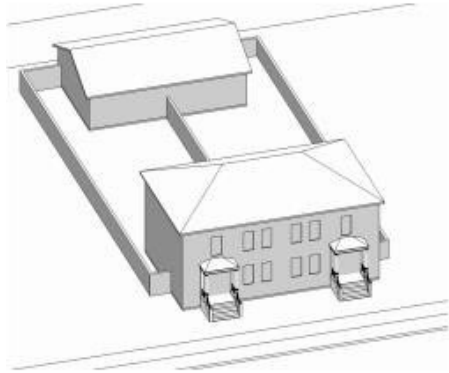
**Coding Criteria**

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.

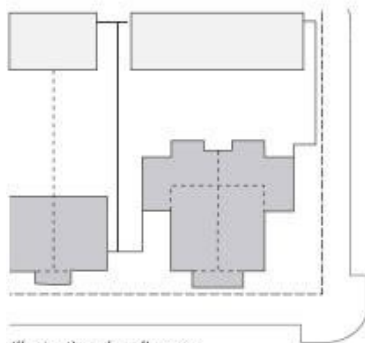
## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### 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 MUJ

### 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

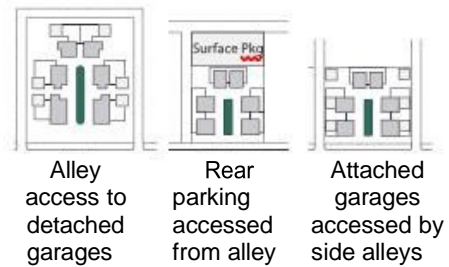
- | 4 Private Open Space | Width          | Depth          | Area                    |
|----------------------|----------------|----------------|-------------------------|
|                      | 8-foot minimum | 8-foot minimum | 100-square foot minimum |

- | 5 Common Courtyard | Width | Depth  |
|--------------------|-------|--|
|                    |       | 20-foot minimum clear<br>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)

**MUN** **MUU**

### 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 8-foot minimum	Depth 8-foot minimum	Area 100-square foot minimum
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6 Building Size & Massing	Width per rowhouse:	18-foot minimum 36-foot maximum
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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 MUJ

### 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

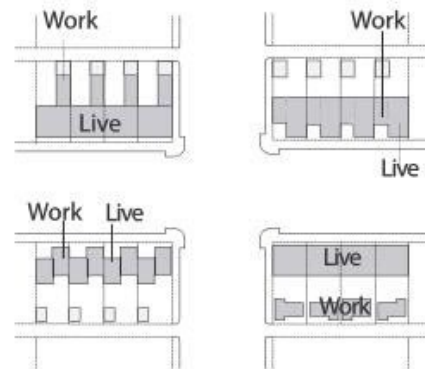
4 Private Open Space	Width	Depth	Area
	8-foot minimum	8-foot minimum	100-square foot minimum

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

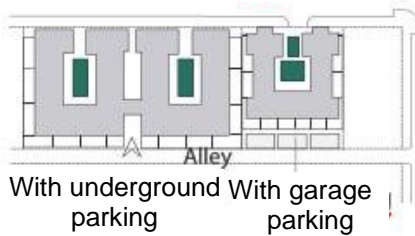
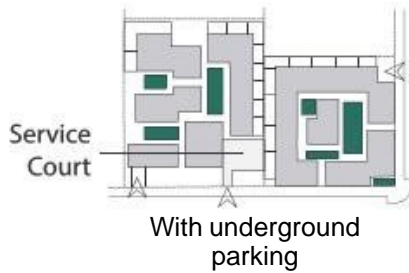
## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### 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

## BS.2 BUILDING TYPES (CONTINUED)

MUN

MUJ

### BS.2.F Hybrid Court

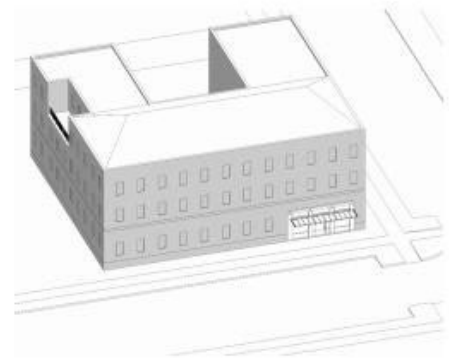
- 1 **Description** A Hybrid Court Building Type combines a point-access portion of the building with a walk-up portion. The building may be designed for occupancy by residential, retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses.
- 2 **Pedestrian 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

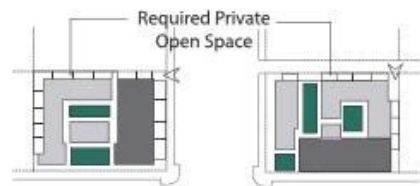
This open space is exclusive of the courtyard and may be located in a side or rear yard.
- 6 **Common Courtyard**

Recommended width/depth/height ratio:	1:1 approximate
Width and depth:	20-foot minimum
- 7 **Building Size & Massing**

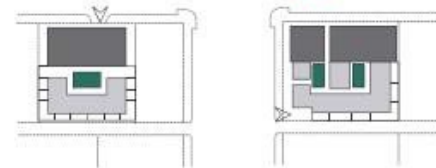
Width per unit:	18-foot minimum 36-foot maximum
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Illustrative axonometric diagram



With underground parking



Illustrative plan diagram

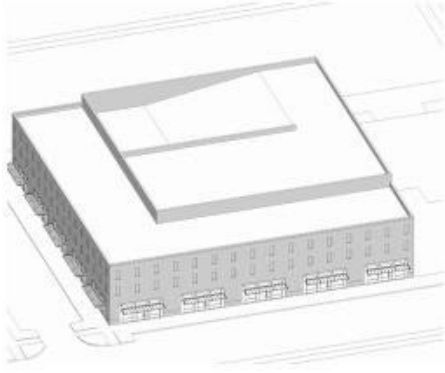


Illustrative photo of hybrid court

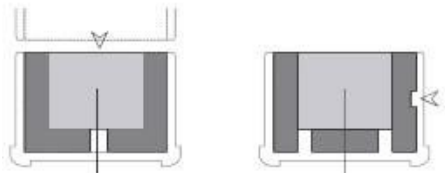
## BS.2 BUILDING TYPES (CONTINUED)

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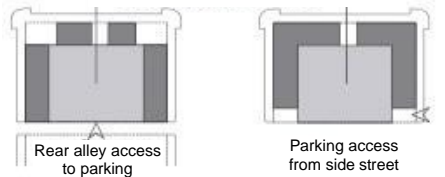
### BS.2.G Liner



Illustrative axonometric diagram



Surface parking, parking garage, cinema, large retailer



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. Alternatively, private open space requirements may be met with open space designed for specific use by the residents. See OS.1.
- 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, 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.  
  
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



## BS.2 BUILDING TYPES (CONTINUED)

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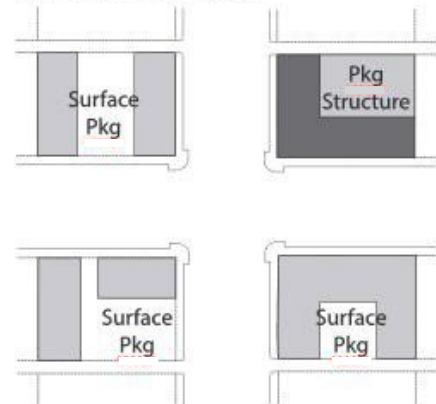
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### BS.2.H Flex Building

- 1 **Description** A Flex Building Type is designed for occupancy by retail, service, office and/or residential uses on the ground floor, with upper floors configured for a similar mix of 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  
Stoop
  
- 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. Alternatively, private open space requirements may be met with open space designed for specific uses by residents. See OS.1.
  
- 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

Private Frontage	Lot	R.O.W	Public Frontage	Private Frontage	Lot	R.O.W	Public Frontage

**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-courtyard. 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.

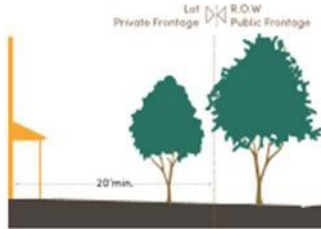


## Front Yard

**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.

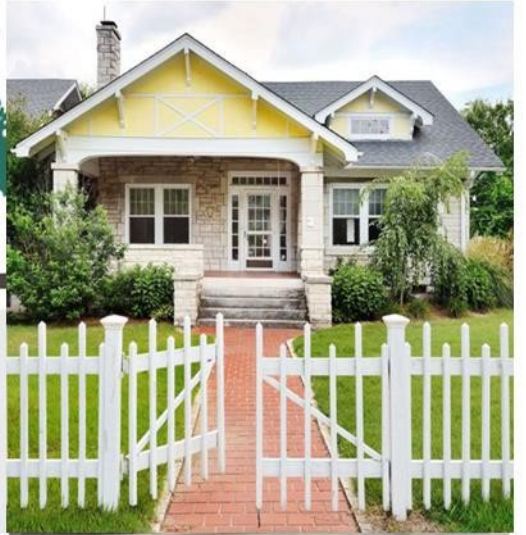
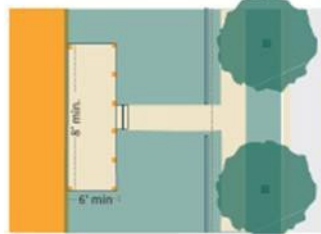


## Porch & Fence

**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.

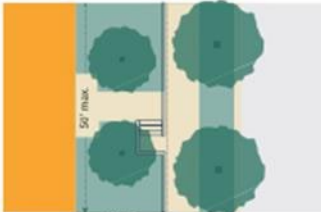
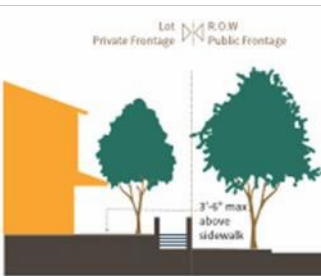


## Dooryard (Terrace)

**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.



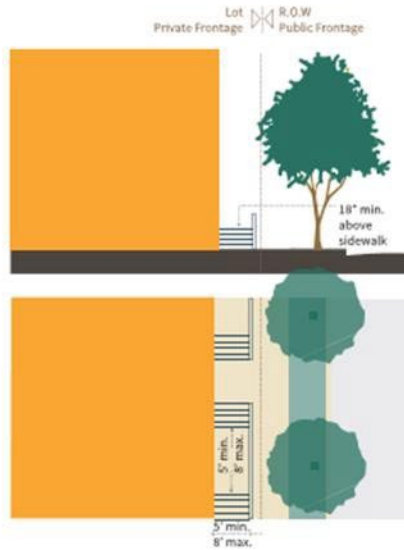
## Stoop

**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.

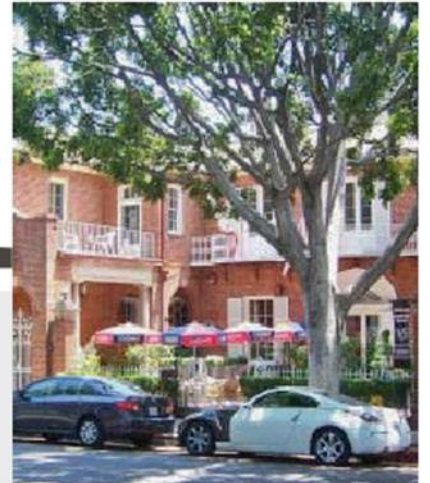
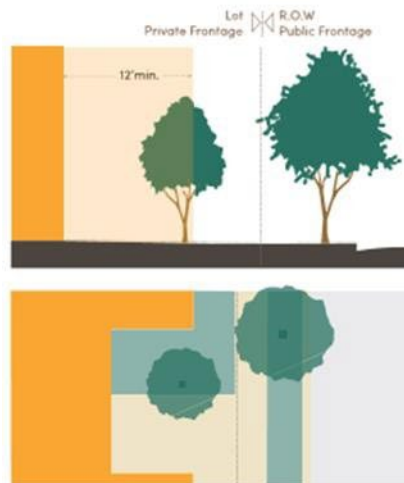


## Forecourt

**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 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.

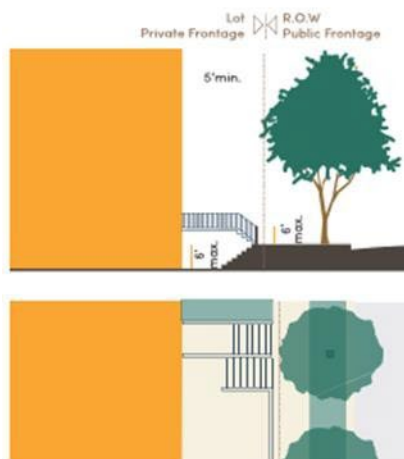


## Lightcourt

**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.





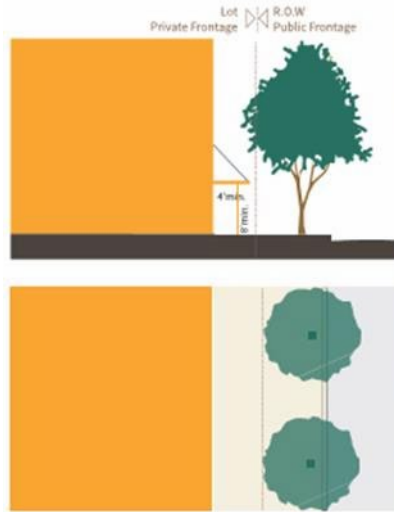
## Shopfront

**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.

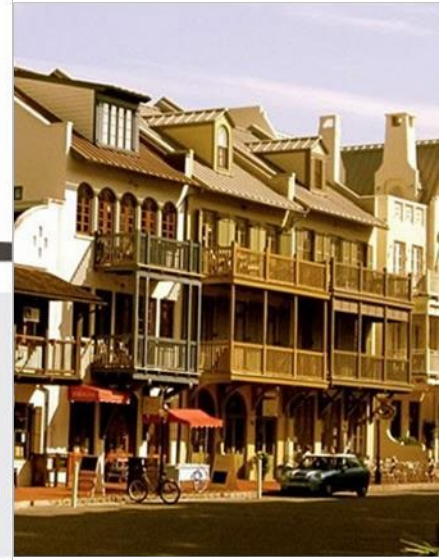
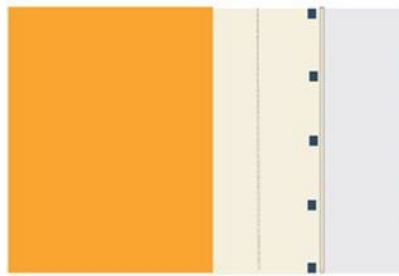
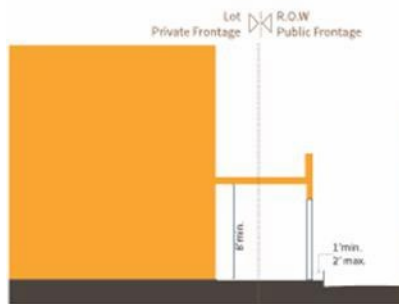


## Gallery

**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.

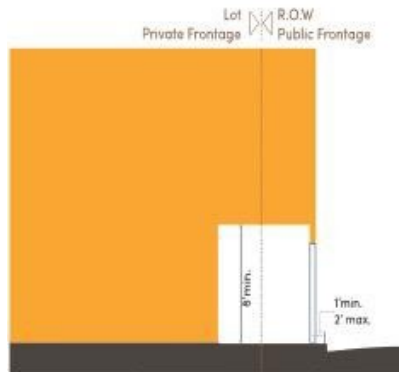


## Arcade

**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 STREET 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.

The City shall determine the appropriate street type for new and modified streets based on the anticipated function of the street while taking into consideration the areawide context.

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.

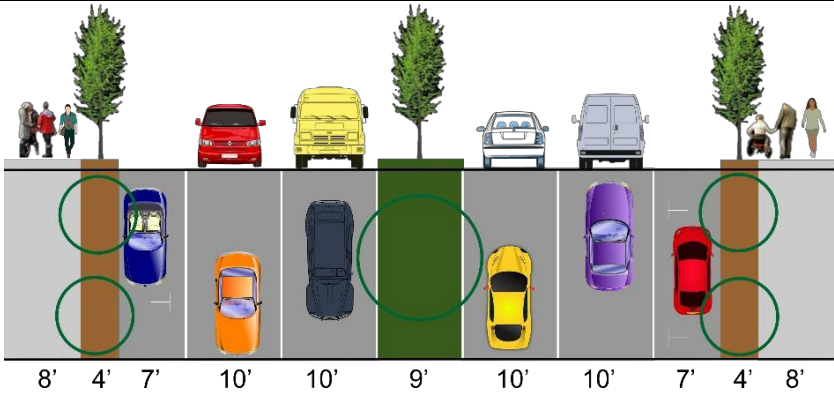


### **SS.1D. Design Departures**

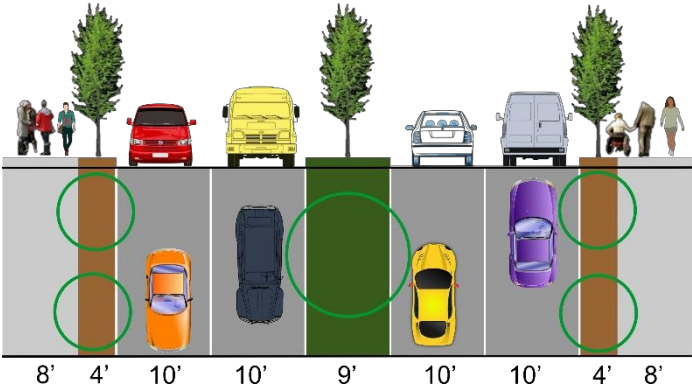
Minor departures from street section design elements are subject to administrative approval. The City may authorize departures when existing street frontage improvements that do not fully meet current standards will effectively achieve the FBC's design objectives for the applicable street type. In such instances, the City must determine that the costs of modifications required to ensure full compliance with the street section standards will exceed the benefits. The City may also authorize departures that will achieve comparable landscape amenities, parking stall counts, pedestrian walkway surfaces, and other features when the overall design is consistent with the intent of the specified street type. Departures may be authorized where topography dictates design solutions that are not fully compliant or where parking structures with daylighted fronts face public ways.

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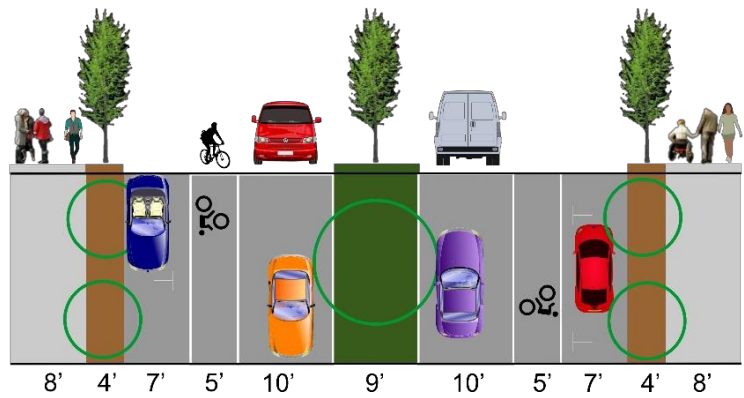
19th Street Shopfront			
Assembly		Transportation Way	
Type	Principal arterial with parking	Vehicle Lanes	4 lanes; 2 lanes each way
Right-of-way	87 feet	Lane Width	10 feet
Pavement	54 feet	Parking Lanes	Parallel; both sides
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb	Median Width	9 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



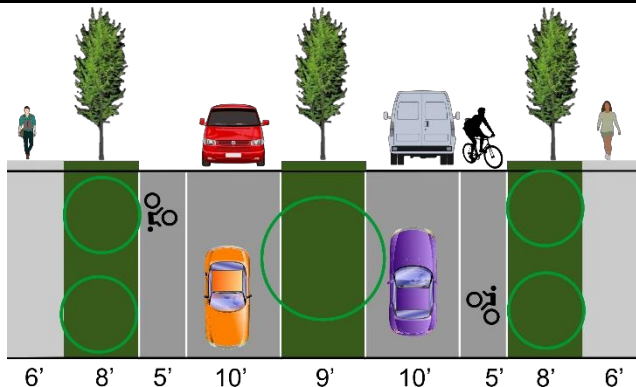
19th Street Non-Shopfront			
Assembly		Transportation Way	
Type	Principal arterial w/o parking	Vehicle Lanes	4 lanes; 2 lanes each way
Right-of-way	73 feet	Lane Width	10 feet
Pavement	40 feet	Parking Lanes	No on-street parking
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb	Median Width	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



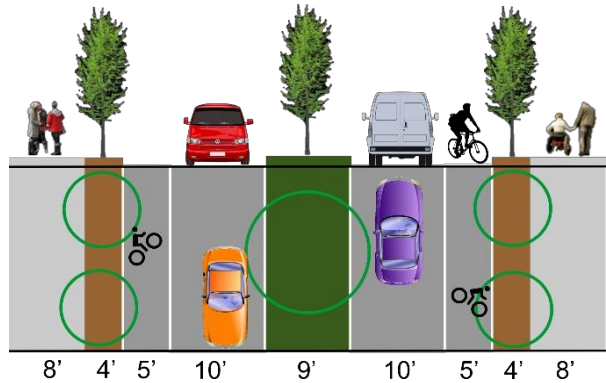
Mildred Street Shopfront			
Assembly		Transportation Way	
Type	Minor arterial with parking	Vehicle Lanes	2 lanes; 1 lane each way
Right-of-way	77 feet	Lane Width	10 feet
Pavement	44 feet	Parking Lanes	Parallel; both sides
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb; 10 feet radius	Median 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



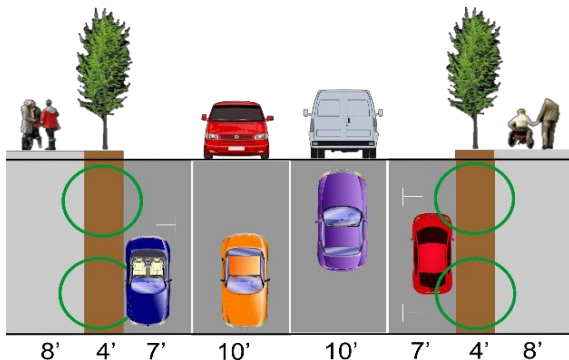
Mildred Street Non-Shopfront			
Assembly		Transportation Way	
Type	Minor arterial w/o parking	Vehicle Lanes	2 lanes; 1 lane each way
Right-of-way	67 feet	Lane Width	10 feet
Pavement	30 feet	Parking Lanes	No on-street parking
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb; 10 feet radius	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



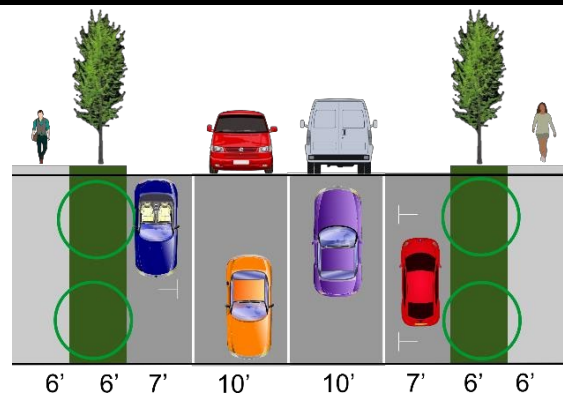
Regents Boulevard			
Assembly		Transportation Way	
Type	Minor arterial without parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	63 feet	Lane Width	10 feet
Pavement	30 feet	Parking Lanes	<i>Option 7 feet</i>
Public Frontage		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median 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



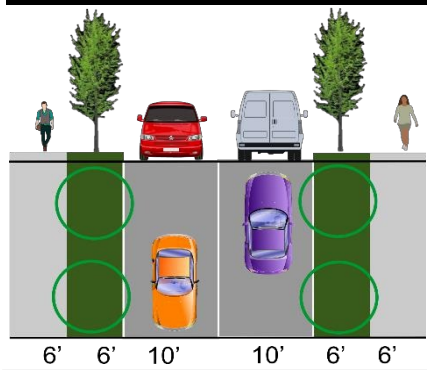
Local - Higher Intensity			
Assembly		Transportation Way	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel, angled*; one or both sides
Public Frontage		Movement Type	Slow
Curb Type	Vertical 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
			<i>*Only in unique circumstances</i>



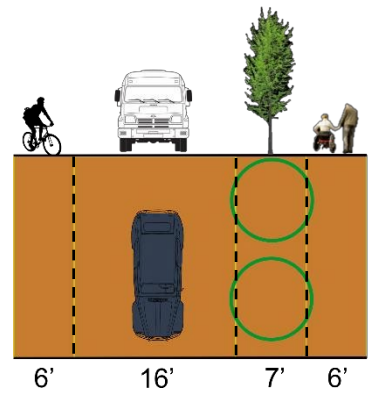
Local - Lower Intensity			
<b>Assembly</b>		<b>Transportation Way</b>	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel, angled*; one or both sides
<b>Public Frontage</b>		Movement Type	Slow
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 <i>*Only in unique circumstances</i>



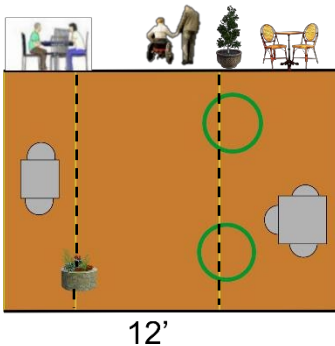
Local - Delivery			
<b>Assembly</b>		<b>Transportation Way</b>	
Type	Local without parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	44 feet	Lane Width	10 feet
Pavement	20 feet	Parking Lanes	None
<b>Public Frontage</b>		Movement Type	Slow
Curb Type	Vertical curb; 10 feet radius	Median 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



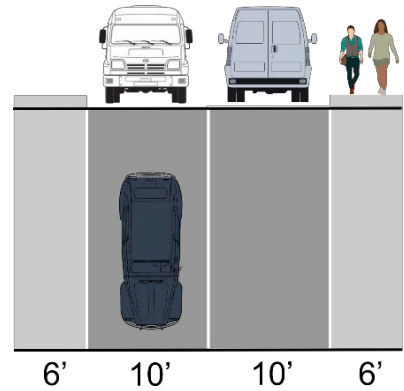
Local - Pedestrian			
Assembly		Transportation Way	
Type	Woonerf	Vehicle Lanes	2 lanes; 2-way, shared space
Right-of-way	35 feet	Lane Width	Shared 35-foot spaces
Pavement	35 feet	Parking Lanes	Shared 35-foot spaces
Public Frontage		Movement Type	Slow
Curb Type	Flat curb	Median Width	NA
Walkway Width	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 four acres shall be required to provide a minimum of 10 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. For projects that provide more than 10 percent public open space, the City may approve an open space plan that provides this additional public open space in lieu of a portion of the private open space required in BS.2.G.6 or BS.2.H.6. Sidewalks and planter strips located within a street right of way shall not count as open space when calculating minimum requirements unless they are part of plaza, rambla or promenade.

Each project four acres or larger shall include an open space design plan that incorporates the urban design concept described in OS.2, where applicable. 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 OS.2, the applicant shall prepare or 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 Frontage (minimum)	Variable Fronting lots encouraged to provide access and pleasant frontage.	1 acre to 15 acres 2 streets	½ acre to 5 acres 2 streets
Typical Facilities	Passive and active recreation, accessory structure, drinking fountains, signs, 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, each project application that includes a Public Open Space Overlay within its boundaries, as further determined by OS.1D, or 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. The plan shall incorporate, 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 on 22<sup>nd</sup> Street (planned) east of Mildred Street West.

*The green street design concept would include a median containing plant materials with hardscape/paving where appropriate to support passive and active space including pedestrian corridors. The street cross section should include a promenade/rambla filled with kiosks that sell newspapers, flowers, beverages, or other goods. These features could be located within an active median, or if the median is to be primarily passive, along one or both sides of the street within an adjoining plaza, square, or another type of FBC-identified open space area. 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 rambla/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 20<sup>th</sup> Street (planned) and east of 66<sup>th</sup> 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 22<sup>nd</sup> Street (planned) and west of 66<sup>th</sup> Avenue West (planned).

*The green, square or plaza design shall be a minimum of ½ acre in size. The 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.*

# Proposed Text Amendments

## Fircrest Municipal Code

### 22.64.027 Usable open spaces.

Intent – Create open spaces in multifamily and planned developments that enhance the physical space and provide residents passive and active recreational opportunities.

(a) Multifamily residential buildings and developments should provide usable outdoor activity areas for each individual unit using patios, balconies, and decks. **Requirements for individual residential units may be met in part or in full by open space specifically provided for the common use of the resident. In addition to patios, balconies, and decks, such open space may take on any number of green space types.**

(b) Multifamily residential buildings and planned developments should also provide usable outdoor activity areas for the project's inhabitants in total using landscaped courtyards, rooftop decks, group gardens and picnic areas, children's play areas, swimming pools, recreational courts, and other common improvements.

(c) Common activity areas should be appropriately furnished with benches and other seating, play equipment, landscaping, outdoor lighting, and other improvements. (Ord. 1272 § 8, 2001).

# CITY OF FIRCREST

## Form-Based Code

Adopted by Reference in FMC Chapter 22.57

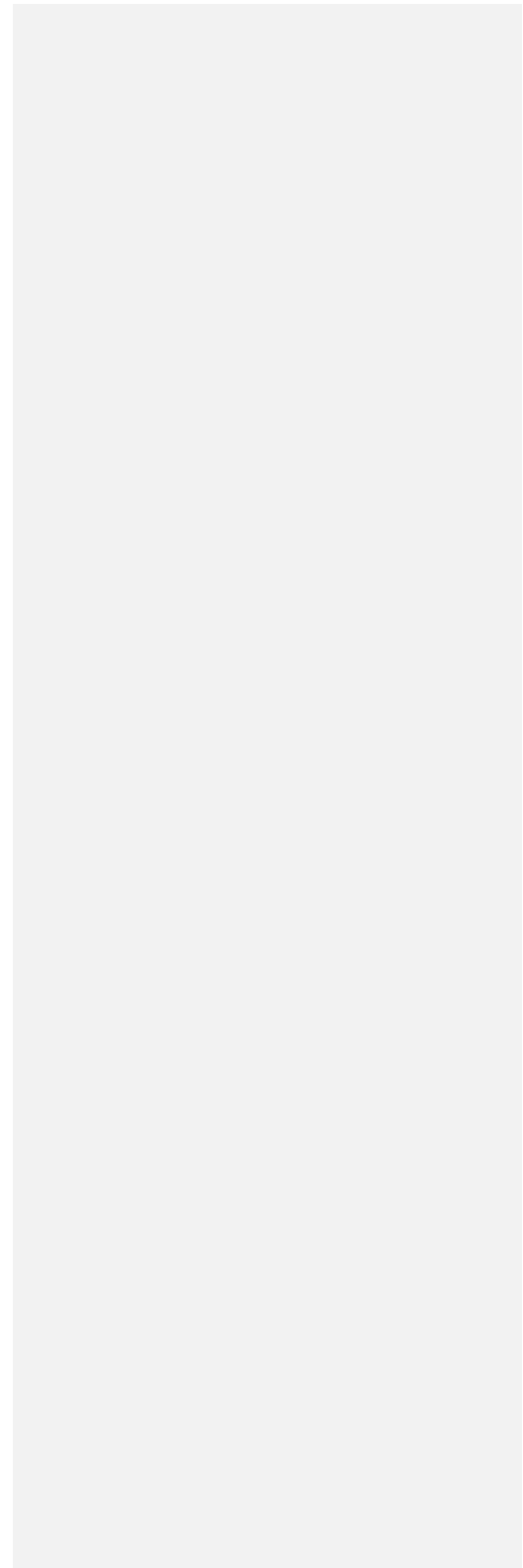
Amended Code Effective November xx,  
2022~~December 14, 2020~~



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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 19<sup>th</sup> 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**

	Mixed-Use Urban	Mixed-Use Neighborhood
<b>Zoning District Intent</b>		
<b>Desired Form</b>	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	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.
<b>Streetscape and Public Realm Improvements</b>	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.
<b>Parking</b>	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.
<b>General Use</b>	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.

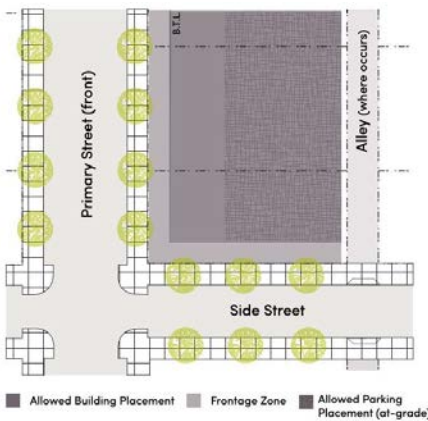
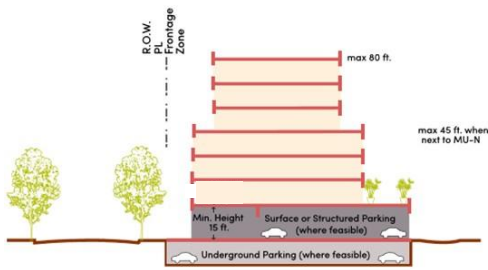
The standards shape and situate buildings based on their physical characteristics and compatibility with the context. The successful fit of a new project into an existing context depends on how it relates to neighboring buildings to its side and rear in terms of setbacks, height, massing, scale, and 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, and 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

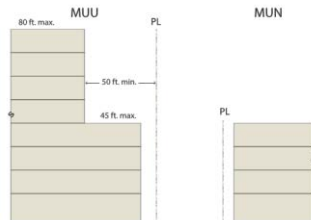
Setback	Building setback from PL		
	Frontage Zone		Side/Rear
	Min. (ft.)	Max. (ft.)	Min. (ft.)
Primary street	0	10	–
Side street	0	10	–
Rear yard with alley	–	–	5
Rear yard without alley	–	–	15

### 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

Shopfront Overlay	Ground Floor	Other floors
Ground	15-foot minimum	NA
Shopfront overlay non-ground floor and non-shopfront overlay	NA	NA

### Parking

See parking standards in FMC 22.60.003.

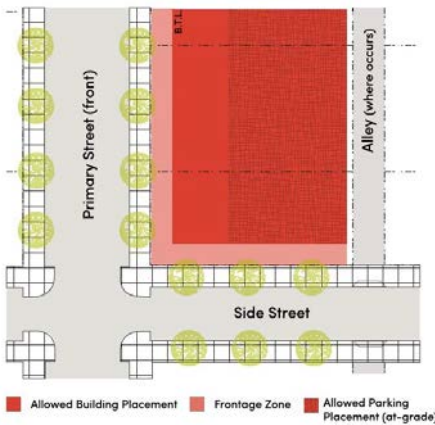
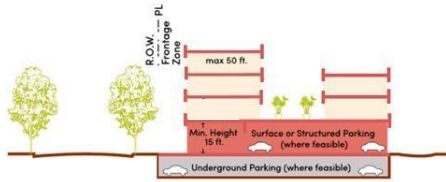
Parking garages should be designed to have levelled floors that can facilitate redevelopment for another use such as commercial when parking demand lessens.

### 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

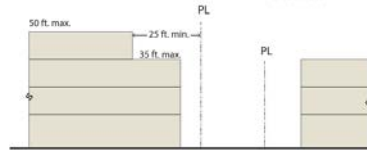
Setback	Building setback from PL		
	Frontage Zone Min. (ft.)	Max. (ft.)	Side/Rear Min. (ft.)
Primary street	0	10	–
Side street	0	10	–
Rear yard with alley	–	–	5
Rear yard without alley	–	–	15

### Allowed Frontages

- Arcade
- Lightcourt
- Dooryard
- Gallery
- Forecourt
- Porch & Fence
- Shopfront
- Stoop
- Front Yard

## Allowed Building Types and Height

Building Types	Maximum Height
Flex Building	50
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

Shopfront Overlay Ground Floor 15-foot minimum

Shopfront overlay non-ground floor and non-shopfront overlay Other floors NA

### 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			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	X
Liner Building		X
Flex Building	X	X

**Table BS.1 Building Types**

House Scale Buildings



**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**

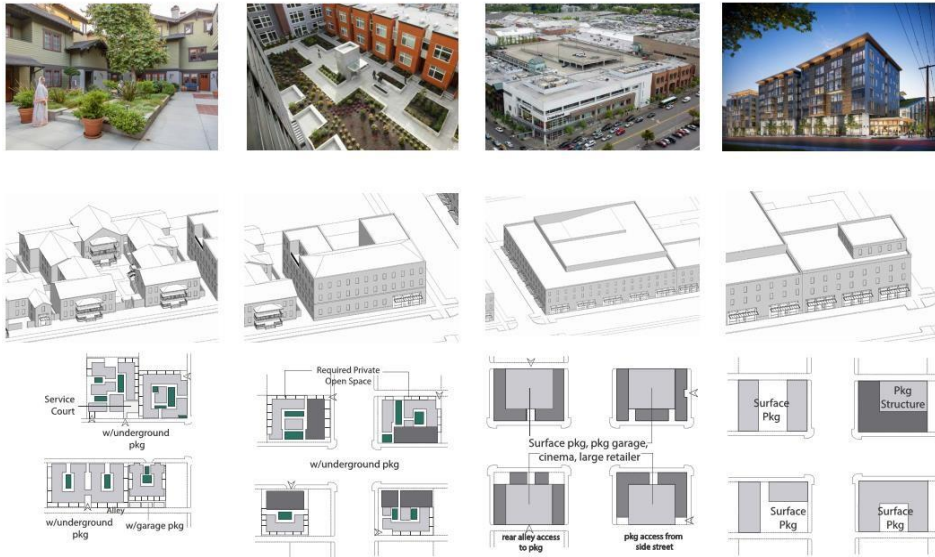
The floor to ceiling height of the work floor is typically about 15 feet. The main entrance to the street level work space should be accessed directly from and face the street. The dwelling unit above the work space should be accessed by a separate entrance, and by a stair or elevator.

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**

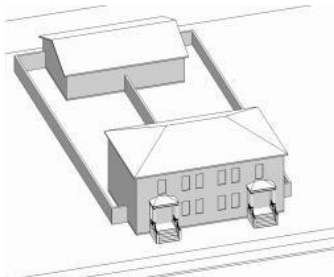
The floor to ceiling height of the first floor is greater than the rest of the floors, typically about 15 feet to accommodate the unique needs of commercial space and increase the comfort of residential occupants and guests.

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.

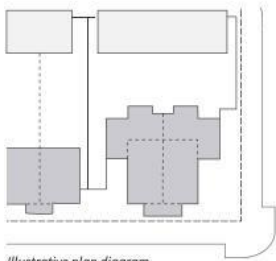
## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### 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 MUU

### BS.2.B Rosewalk and Bungalow court

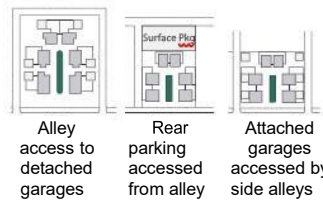
1 Description A Rosewalk Building Type is a group of 6 or more single dwellings arranged in a linear manner along either side of a common green. Having the same right-of-way width as a narrow neighborhood street, the Rosewalk (in contrast to the Bungalow Court) must connect two parallel streets. Pedestrian access to the building entrances are accessed from the common green and/or primary street. Rosewalks are prohibited on corner lots.



Illustrative axonometric diagram

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.



Illustrative plan diagram

2 Pedestrian Access Main entrance location: Common courtyard

3 Frontages Porch  
Stoop  
Dooryard

Private Open Space	Width	Depth	Area
	8-foot minimum	8-foot minimum	100-square foot minimum



Illustrative photo of bungalow court

Common Courtyard	Width	Depth
		20-foot minimum clear 50-foot minimum clear



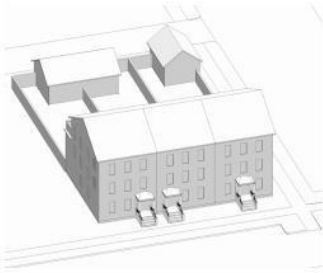
Illustrative photo of rosewalk

Also see cottage housing standards in FMC 22.58.027.

## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### 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.

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** **MUJ**

### 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

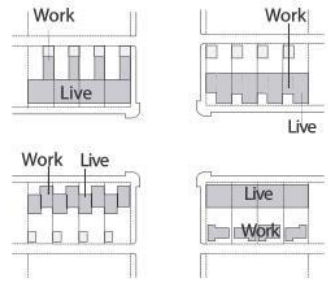
4 Private Open Space	Width	Depth	Area
	8-foot minimum	8-foot minimum	100-square foot minimum

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

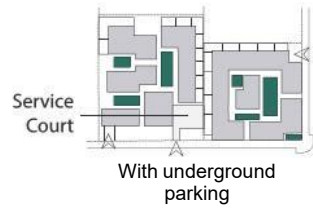
## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### 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



## BS.2 BUILDING TYPES (CONTINUED)

MUN MUU

### BS.2.F Hybrid Court

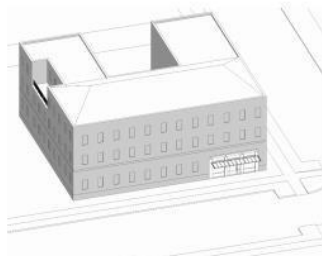
- 1 Description A Hybrid Court Building Type combines a point-access portion of the building with a walk-up portion. The building may be designed for occupancy by residential, retail, service, and/or office uses on the ground floor, with upper floors also configured for those uses ~~or for residences~~.
- 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

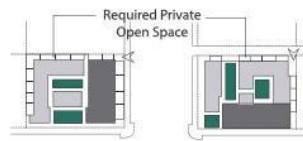
This open space is exclusive of the courtyard and may be located in a side or rear yard.
- 6 Common Courtyard
 

Recommended width/depth/height ratio:	1:1 approximate
Width and depth:	20-foot minimum
- 7 Building Size & Massing
 

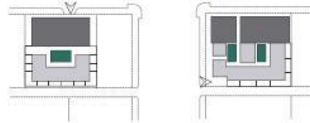
Width per unit:	18-foot minimum 36-foot maximum
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Illustrative axonometric diagram



With underground parking



Illustrative plan diagram

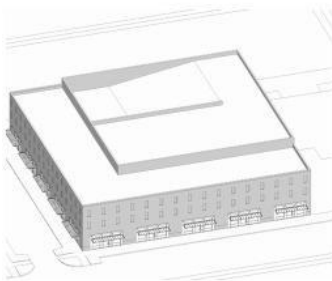


Illustrative photo of hybrid court

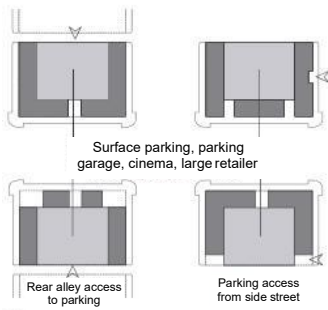
## BS.2 BUILDING TYPES (CONTINUED)

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. Alternatively, Private open space requirements may be alternatively met with open space designed for specific use by the residents. See OS.1.
- 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, 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.  
  
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

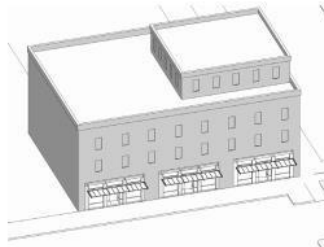


## BS.2 BUILDING TYPES (CONTINUED)

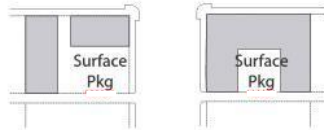
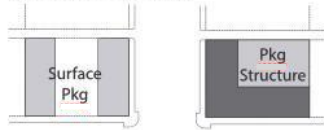
MUN MUU

### BS.2.H Flex Building

- |   |                          |  |
|---|--------------------------|--|
| 1 | Description              | A Flex Building Type is designed for occupancy by retail, service, <u>office</u> and/or <u>office-residential</u> uses on the ground floor, with upper floors configured for <u>a similar mix of uses—retail, service, office, and/or residential uses</u> . 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<br>Depth: 150-foot maximum   |
| 3 | Pedestrian Access        | Direct access from sidewalk. Upper floors accessed from street level lobby.  |
| 4 | Frontages                | Forecourt<br>Shopfront<br>Gallery<br>Arcade<br><u>Stoop</u>  |
| 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. <u>Alternatively, private open space requirements may be alternatively met with open space designed for specific uses by residents. See OS.1.</u>  |
| 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.<br><br>Recommended width/depth/height ratio: 1:1 approximate<br><br>Width and depth: 20-foot minimum |
| 8 | Building Size & Massing  | Length along frontage: 400-foot maximum<br>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**

Private Frontage	Lot	R.O.W	Public Frontage	Private Frontage	Lot	R.O.W	Public Frontage

**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-courtyard. 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 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.

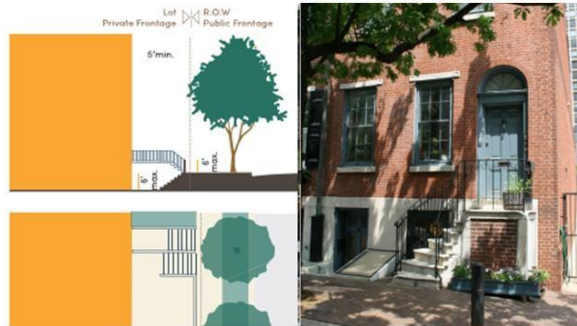


## Lightcourt

**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.

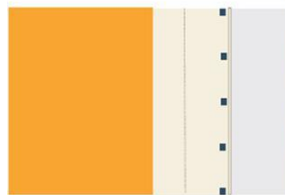
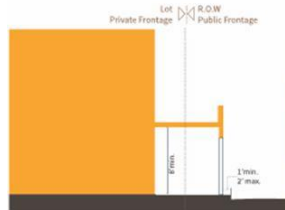


## Gallery

**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.

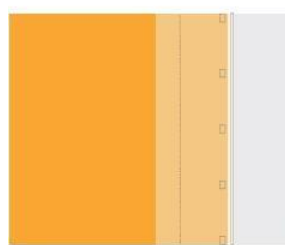
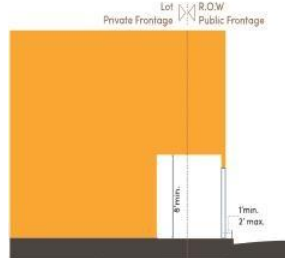


## Arcade

**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 STREET 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.

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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. Minor modifications or exemptions to the application of street standards may be considered administratively for conditions compromised by grades, and/or the provision of parking structures with daylighted fronts facing public ways.

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### 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.

The City shall determine the appropriate street type for new and modified streets based on the anticipated function of the street while taking into consideration the areawide context.

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.

### SS.1D. Design Departures

Minor departures from street section design elements are subject to administrative approval. The City may authorize departures when existing street frontage improvements that do not fully meet current standards will effectively achieve the FBC's design objectives for the applicable street type. In such instances, the City must determine that the costs of modifications required to ensure full compliance with the street section

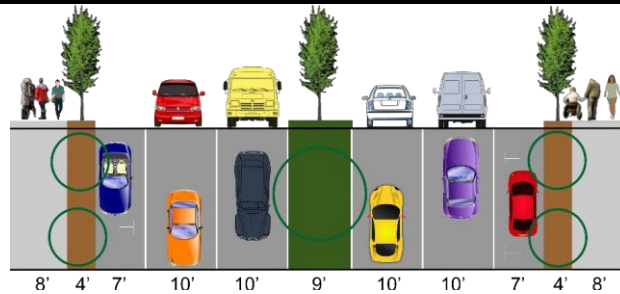


standards will exceed the benefits. The City may also authorize departures that will achieve comparable landscape amenities, parking stall counts, pedestrian walkway surfaces, and other features when the overall design is consistent with the intent of the specified street type. Departures may be authorized where topography dictates design solutions that are not fully compliant or where parking structures with daylighted fronts face public ways.

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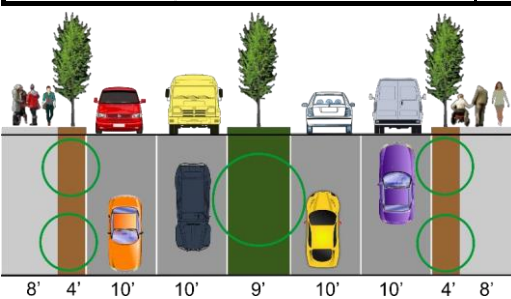
### 19th Street Shopfront

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

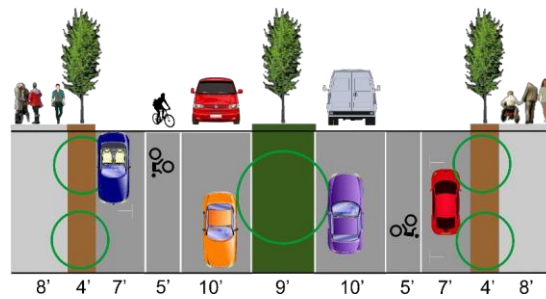


### 19th Street Non-Shopfront

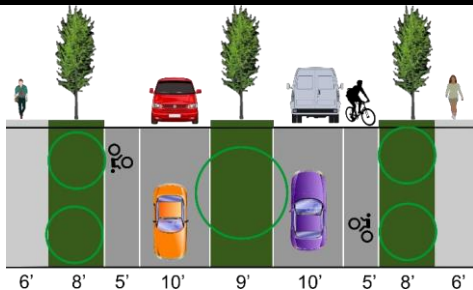
Assembly		Transportation Way	
Type	Principal arterial w/o parking	Vehicle Lanes	4 lanes; 2 lanes each way
Right-of-way	73 feet	Lane Width	10 feet
Pavement	40 feet	Parking Lanes	No on-street parking
Public Frontage		Movement Type	Medium
Curb Type	Vertical curb	Median Width	9 feet
Walkway Width	12 feet 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



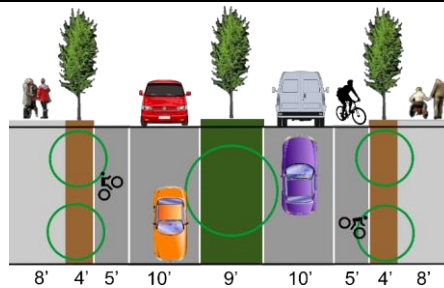
Mildred Street Shopfront			
<b>Assembly</b>		<b>Transportation Way</b>	
Type	Minor arterial with parking	Vehicle Lanes	2 lanes; 1 lane each way
Right-of-way	77 feet	Lane Width	10 feet
Pavement	44 feet	Parking Lanes	Parallel; both sides
<b>Public Frontage</b>		Movement Type	Medium
Curb Type	Vertical curb; 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			
<b>Assembly</b>		<b>Transportation Way</b>	
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
<b>Public Frontage</b>		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

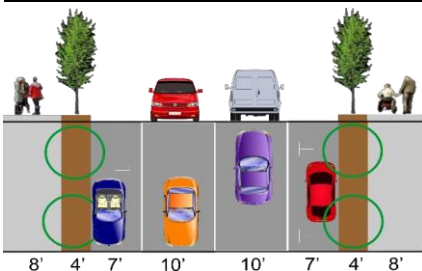


Local - Higher Intensity			
Assembly		Transportation Way	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel, <i>angled*</i> ; one or both sides
Public Frontage		Movement Type	Slow
Curb Type	Vertical 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
			<i>*Only in unique circumstances</i>

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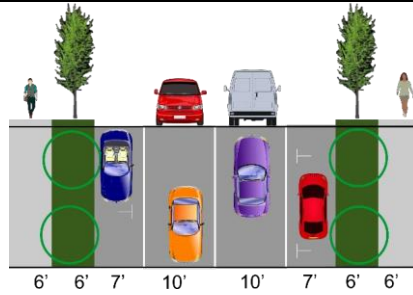
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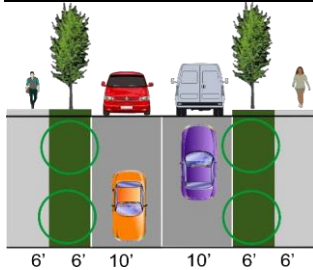
Local - Lower Intensity		Transportation Way	
<b>Assembly</b>		<b>Transportation Way</b>	
Type	Feeder with parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	51 – 58 feet	Lane Width	10 feet
Pavement	27 – 34 feet	Parking Lanes	Parallel, <u>angled*</u> ; one or both sides
<b>Public Frontage</b>		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 <i>*Only in unique circumstances</i>

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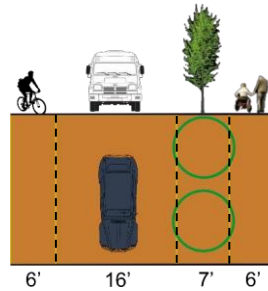
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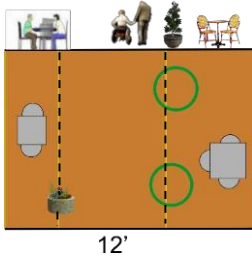
Local - Delivery		Transportation Way	
<b>Assembly</b>		<b>Transportation Way</b>	
Type	Local without parking	Vehicle Lanes	2 lanes; 1 lane each direction
Right-of-way	44 feet	Lane Width	10 feet
Pavement	20 feet	Parking Lanes	None
<b>Public Frontage</b>		Movement Type	Slow
Curb Type	Vertical curb; 10 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



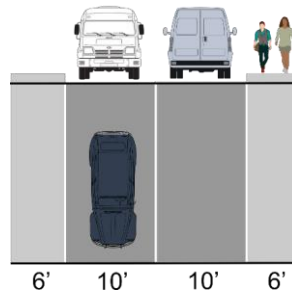
Local - Pedestrian			
Assembly		Transportation Way	
Type	Woonerf	Vehicle Lanes	2 lanes; 2-way, shared space
Right-of-way	35 feet	Lane Width	Shared 35-foot spaces
Pavement	35 feet	Parking Lanes	Shared 35-foot spaces
Public Frontage		Movement Type	Slow
Curb Type	Flat curb	Median Width	NA
Walkway Width	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



16'

# 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 ~~four~~4 acres shall be required to provide a minimum of ~~five to ten~~10 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. ~~For projects that provide more than 10 percent% public open space, the City may approve an open space plan that provides this additional public open space in lieu of a portion of the private open space required in BS.2.G.6 or BS.2.H.6. Unless part of the plaza, rambla, or promenade, sidewalks and planter strips located within a street right of way shall not count as open space when calculating minimum requirements unless they are part of plaza, rambla or promenade.~~

Each project ~~four~~4 acres or larger shall ~~include~~require an open space design plan application that incorporates the urban design concept described in OS.2, where applicable ~~to demonstrate adherence to open space types and configurations consistent with OS.1 and OS.2. The 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 ~~OS.2~~the Regulating Plan Diagram, the applicant shall ~~prepare or~~ 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.

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**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, signs, 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.

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**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 Frontage (minimum)	½ to 2 ½ acres 2 streets		4,000 sf to ½ acre 1 street		No minimum or maximum 1 street		No minimum or maximum 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.	

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## 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 further determined by OS.1D, or 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 The plan shall~~ incorporate, 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 on 22<sup>nd</sup> Street (planned) east of ~~at~~ Mildred Street West ~~and 21<sup>st</sup> Street (planned)~~.

~~The green street design concept would include a median containing plant materials with hardscape/paving where appropriate to support passive and active space including pedestrian corridors a mix of paving and plant materials that support active spaces. The design street cross section should include a promenade/ramblas filled with kiosks that sell newspapers, flowers, beverages, or other goods. These features could be located within an active median, or if the median is to be primarily passive, along one or both sides of the street within an adjoining plaza, square, or another type of FBC-identified open space areas. 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 20<sup>th</sup> Street (planned) and east of 66<sup>th</sup> 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 22<sup>nd</sup> Street (planned) and west of 66<sup>th</sup> Avenue West (planned).

~~The green, square or plaza design shall be a minimum of 1/2 acre in size. The 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~~

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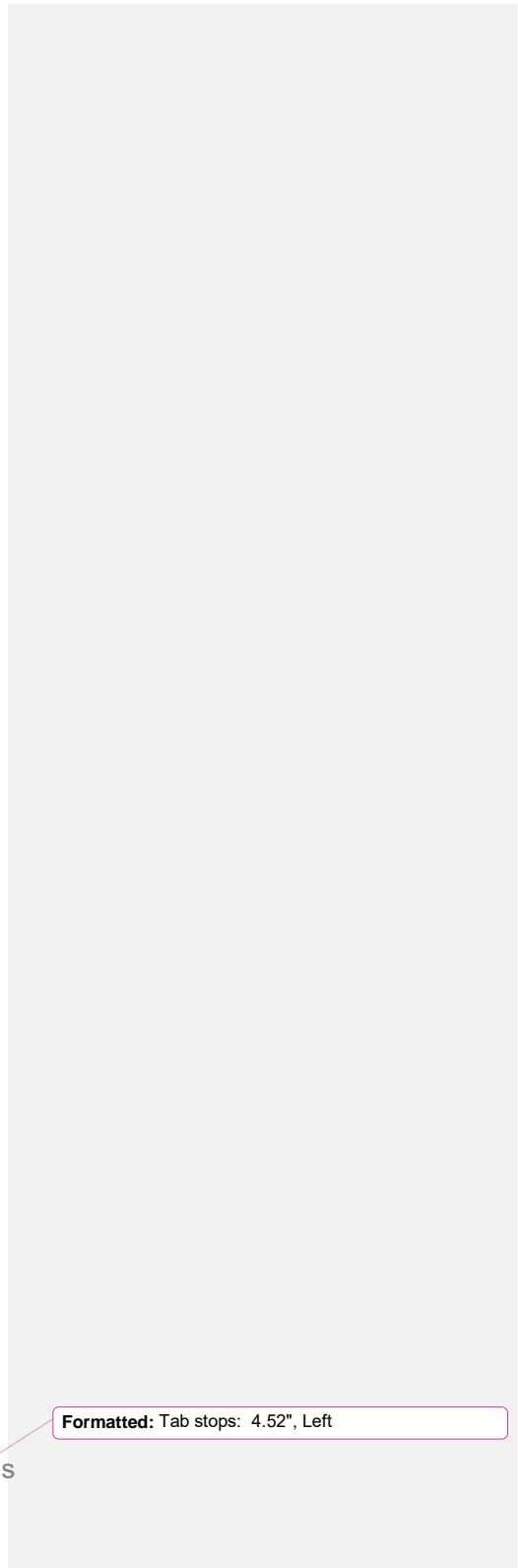
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*renderings are required to be provided. Photos of similar successful projects may support or supplement the plans.*



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## FIRCREST CITY COUNCIL AGENDA SUMMARY

**COUNCIL MEETING DATE:** November 8, 2022

**ITEM: 13B** Alliance Zoning Map Amendment

**FROM:** Jayne Westman, Administrative Services Director  
Jeff Boers, Principal Planner

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_, amending the Fircrest Municipal Code, Title 22 Land Development Code, and accept the Hearing Examiner’s findings, conclusions, and recommendations, thereby approving the zoning map amendment application.

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### **PROPOSAL:**

Alliance Residential Company (Alliance) proposes to amend the City’s Zoning Map. The amendment would rezone portions of a single parcel located at 2119 Mildred Street West (APN 0220112005) from Park, Recreation, and Open Space (PROS) to Mixed-Use Urban (MUU) and Mixed-Use Neighborhood (MUN).

### **HISTORY AND AMENDMENT PROCESS:**

FMC 22.05.003 classifies a zoning map amendment as a Type 3-B project permit application. Such applications are reviewed by the Hearing Examiner, which conducts an open record public hearing and issues a recommendation to the City Council. Upon receipt of this recommendation, Council conducts a closed record review before making a final decision on the matter.

Under the rules for a closed record review, Council may consider the record of the Examiner’s hearing including testimony received. However, no additional testimony may be received or considered by Council during its review of the map amendment. The appearance of fairness doctrine applies to the Council’s consideration of the proposed Zoning Map amendment.

The Hearing Examiner held a hearing on October 11, 2022, and issued a written recommendation on October 18, 2022, to approve the amendment contingent upon approval of a concurrently proposed text amendment requiring retention of 10% open space. The Examiner’s recommendation, including supporting findings and conclusions, is provided in Exhibit #1.

### **BACKGROUND:**

Council adopted the Fircrest Form-Based Code (FBC), effective December 14, 2020, to incentivize and facilitate high-quality mixed-use redevelopment of properties located within the 19<sup>th</sup> and Mildred Street area of the community. The FBC provides increased flexibility in terms of allowed uses, encourages high-intensity and density development, and provides explicit design direction to ensure that long-term urban neighborhood design goals are achieved as properties redevelop over time. It establishes a street grid plan with blocks, alleys, and open space areas delineated on a regulating plan map (Figure RP.1 FBC). Zoning classifications, including MUU, MUN, and PROS that are the subject of this application, are applied to individual blocks.

The Applicant is pursuing a master plan for a mixed-use development (Prose) to be constructed on a 9.5-acre site currently owned by the Eaton family. Alliance is the contract purchaser of the property. Alliance and City staff agree that conceptual plans are generally consistent with and supportive of the FBC. However, the proposed map amendment, in conjunction with a limited number of text amendments, would provide design flexibility needed for the project to succeed.

**PROCEDURAL COMPLIANCE:**

On June 22, 2022, Alliance submitted four applications relating to the proposed “Prose” mixed-use project. These include zoning map amendment, development regulation amendment, preliminary site plan review, and administrative design review applications.

The City deemed the zoning map amendment “complete” on July 15, 2022. Staff issued a Notice of Application on July 19, 2022, with a comment period ending August 9, 2022. No comments were received.

The City reviewed the Applicant’s Environmental Checklist and issued a *Determination of Nonsignificance (DNS)* for the proposed amendment on July 22, 2022. The DNS was issued with a 14-day comment/appeal period ending on August 8, 2022. No comments/appeals were received.

Staff posted notices on the project site and published several notices in the Tacoma Daily Index and on the City’s project page. Notice for the Examiner’s public hearing was posted to the Official Newspaper, posted on City bulletin boards, mailed to property owners within 500’, and posted on the City website.

**ANALYSIS:**

The zoning map amendment would eliminate three discrete PROS-zoned areas from the subject property and replace these with additional MUU and MUN zoning. The current zoning map classifies the median within two blocks of 21<sup>st</sup> Street (proposed) as PROS. The map also classifies a future square located south and west of the 22<sup>nd</sup> Street and 66<sup>th</sup> Avenue intersection (planned) as PROS. Current and proposed versions of this map may be viewed on page 10 of the applicant’s submittal in Exhibit 3.

The precise locations of these planned open space areas may be viewed on the Regulating Plan map contained in the FBC. This map is intended to be synchronized with the more generalized Zoning Map and shows in greater detail streets, blocks, and associated zoning. The amendment would result in the elimination of the three green PROS areas and their replacement with MUU and MUN zoning. This map (current and proposed versions) may be viewed on pages 9 and 11 of the applicant’s submittal in Exhibit 3.

Staff is supportive of these changes for two main reasons. First, there is recognition that continued design work on the Prose site plan could result in a need to shift or reconfigure open space areas beyond what is currently contemplated. If the zoning map is amended to reflect current design thinking by simply relocating these green areas on the map, then a further reworking of the site plan in the future could trigger the need to amend the zoning map again. Neither the applicant nor staff would wish for this to happen.

To avoid this scenario, staff suggested to the applicant that the three PROS areas be removed from the zoning map in their entirety. To ensure the Prose development or any successor project provides a comparable scale and function of open space, staff requested the applicant add text to the FBC to explicitly require open space that would achieve the same quality and character of open space envisioned by the Regulating Plan map. Staff believes that if the FBC is amended by Council to include the text recommended by the Planning Commission, the code text will be sufficient to ensure the construction of desired open space development on the Prose site *without* the need for PROS areas being shown on the zoning map (or the Regulating Plan map).

**FISCAL IMPACT:**

None, as a direct result of the adoption of the map amendment as it is for planning purposes and does not commit the City to fund any specific projects.

**ADVANTAGES:**

The proposed zoning map amendment, in conjunction with proposed text amendments, would provide critical flexibility and increased opportunities for the Prose project to succeed. If approved, the map and text amendments would enable Alliance to proceed with a viable project that will fit the specific site and neighborhood context.

**DISADVANTAGES:**

None noted.

**ALTERNATIVES:**

Adopt a map amendment that differs from the Applicant’s proposal or deny the proposal. Alternatives are not recommended at this time.

**HEARING EXAMINER RECOMMENDATION:**

The Examiner’s findings of fact, conclusions of law, and recommendation contained in Exhibit 1 strongly support Council approval of the Alliance amendment proposal.

*Note: Council is required to act on the associated text amendment application before acting on this zoning map amendment. Therefore, the recommended motion should be considered after a motion is adopted for the text amendment.*

**ALTERNATIVE MOTIONS:**

1. I move to *remand* the matter to the Hearing Examiner with written instructions to make further recommendations on specific issues identified by the City Council.
2. I move to *reject* the Hearing Examiner’s conclusions and recommendation and adopt alternative conclusions to deny the proposal.

**ATTACHMENTS:**

1. [Ordinance](#)
2. [Hearing Examiner’s Recommendation](#)
3. [Zoning Map Amendment Application \(Revision date October 5, 2022\)](#)





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**ATTEST:**

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Jayne Westman, City Clerk

**APPROVED AS TO FORM:**



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Hillary J. Evans, City Attorney

**DATE OF PUBLICATION:  
EFFECTIVE DATE:**

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BEFORE THE HEARING EXAMINER FOR THE CITY OF FIRCREST

RE: Prose Fircrest	)	
	)	
Rezone	)	FINDINGS OF FACT, CONCLUSIONS OF
	)	LAW AND RECOMMENDATION
File No. 22-04	)	
	)	
	)	
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**Summary**

Allied Residential Company (Alliance) requests a rezone of portions of a 9.5-acre parcel located at 219 Mildred Street West. Specifically, Alliance seeks to rezone the portions of that parcel zoned Park, Recreation, and Open Space (PROS) to Mixed-Use Urban (MUU) and Mixed-Use Neighborhood (MUN). The proposed rezone is easiest understood as depicted in Figure 1 below (next page). The purpose of the rezone is to free up the location of open space for a mixed-use proposal that will encompass the entire parcel. A concurrently proposed zoning code text amendment subjects development of the parcel to a 10% open space requirement, which approximates the amount of open space that would be required if the PROS designations were kept in place. If the text amendment is approved, it is recommended that the City Council approve the proposed rezone.



1 the hearing. In addition, an October 10, 2022 email exchange between the Examiner and Ms.  
2 Westman regarding the comprehensive plan map designations of the project site was admitted as  
3 Exhibit 2. A memorandum from Garrett Hodgins to the Examiner dated October 11, 2022 was  
4 admitted as Exhibit 3.

## 5 **FINDINGS OF FACT**

### 6 **Procedural:**

7 1. Applicant. Garrett Hodgins, Alliance Residential Company | Pacific Northwest, 1900 N  
8 Northlake Way, Suite 237, Seattle, WA 98103, ghodgins@allresco.com.

9 2. Hearing. A hearing was held on the application at 3:00 pm on October 10, 2022 in the City  
10 of Fircrest Council Chambers.

11 3. Project Description. Alliance requests a rezone of portions of a 9.5-acre parcel located at 219  
12 Mildred Street West. Specifically, Alliance seeks to rezone the portions of that parcel zoned Park,  
13 Recreation, and Open Space (PROS) to Mixed-Use Urban (MUU) and Mixed-Use Neighborhood  
14 (MUN). The proposed rezone is depicted in Figure 1 above. The purpose of the rezone is to free up  
15 the location of open space for a mixed-use proposal that will encompass the entire parcel. A  
16 proposed zoning code text amendment subjects development of the parcel to a 10% open space  
17 requirement, which approximates the amount of open space that would be required if the PROS  
18 designations were kept in place.

19 4. Surrounding Uses. The project is surrounded by multifamily use to the north and office and  
20 retail on the remaining sides.

21 5. Adverse Impacts. There are no significant adverse impacts associated with the proposal.  
22 Proposed text amendments will assure that the amount of open space that would otherwise be  
23 required under the current PROS zoning designation will still be required in large integrated areas  
24 while giving the developer the flexibility to provide for maximum integration into its proposed mixed  
25 use development project. In point of fact, the amount of open space could theoretically be less if the  
26 rezone is not approved, since the PROS zone authorizes limited development. According to staff  
testimony, the rezone in conjunction with the 10% text amendment will not result in any increase in  
demand upon infrastructure or public services since the uses authorized at the project site will not  
change. According to the Applicant, the rezone will also facilitate more effective and less  
topographically disruptive street connections.

## 27 **Conclusions of Law**

28 1. Authority. Zoning map amendments qualify as Type III-B review pursuant to FMC  
29 22.05.003 Table A. As outlined in RMC 22.05.003 Table B, the Hearing Examiner is authorized to

1 hold hearings and make a recommendation to the City Council for final approval after City Council  
2 closed record review.

3 2. Zoning/Comprehensive Plan. As shown in Figure 1 above, the project site is divided into  
4 three separate zoning classifications – MUU, MUN and PROS. The comprehensive plan map  
5 designation for the site is mixed use.

6 3. Review Criteria/Street and Parking Modification. FMC 22.78.002 provides that zoning map  
7 amendments are subject to the procedures of Chapter 22.78 FMC. FMC 22.78.004 sets out the  
8 review criteria for zoning map amendments. The criteria designated by FMC 22.78.004 below are  
9 quoted in italics and applied through corresponding conclusions of law.

10 **FMC 22.78.004(a):** *The proposed amendment is consistent with the goals, objectives and policies of*  
11 *the comprehensive plan.*

12 4. The criterion is met. The currently existing PROS designation is inconsistent with the City's  
13 comprehensive plan map mixed use designation as mapped in Figure LU-1, page LU-30 of the City's  
14 comprehensive plan. The rezone is necessary to remove this inconsistency. The proposed MUU and  
15 MUN zoning classifications are implementing zones for the mixed-use comprehensive plan map  
16 designation and are thus consistent with the comprehensive plan. See Table LU-1 of comp plan. The  
17 PROS zone is not listed in Table LU-1 as an implementing zone of the mixed-use designation and is  
18 thus inconsistent with the mixed-use designation. Consequently, the proposed rezone is arguably  
19 mandated by RCW 36.70A.120, which requires that cities shall perform their activities in conformity  
20 with its comprehensive plan. The proposal is also consistent with the comprehensive plan for the  
21 reasons identified at Page 18-19 of the Zoning Map Application, Att. 1 to the staff report.

22 **FMC 22.78.004(b):** *The proposed amendment will promote, rather than detract from, the public*  
23 *health, safety, morals and general welfare.*

24 5. The criterion is met. As noted in Finding of Fact No. 5, there are no significant adverse  
25 impacts associated with the project. Overall, the amendment will provide for more flexibility in the  
26 location of open space while not reducing the amount required. In point of fact, some minimal  
development is authorized in the PROS zone so the amount of protected open space is increased due to  
the approved text amendments. The added flexibility of the rezone will enable the Applicant to  
provide for enhanced integration and a more centralized location of open space, which likely will  
provide significant aesthetic and functional public benefit. Overall, the proposed amendment, in  
conjunction with the approved text amendment, will significantly promote public health, safety, and  
welfare.

**FMC 22.78.004 (c):** *The proposed zoning is compatible with the uses and zoning of surrounding*  
*property (required only for zoning map amendments).*

6. The criterion is met. The mixed-use development reflects the mix of uses surrounding the  
project site as identified in Finding of Fact No. 4.

1 **FMC 22.78.004 (d):** *The property is suited for the uses allowed in the proposed zoning classification*  
2 *(required only for zoning map amendments).*

3 7. The large size of the project site and its location in an area served by major thoroughfares in a  
4 mixed-use area such as Regents Blvd and Mildred Street make the proposal ideally suited for a large-  
scale mixed-use development.

5 **FMC 22.78.004 (e):** *A change of conditions has occurred within the neighborhood or community*  
6 *since adoption of the comprehensive plan, this title, and amendments thereto, to warrant a*  
7 *determination that the proposed amendment is in the public interest (required only for zoning map*  
8 *amendments and amendments to this title which require a comprehensive plan amendment to ensure*  
9 *consistency under subsection (a) of this section).*

10 8. The criterion above is not applicable because no amendments to the comprehensive plan are  
11 necessary to approve the rezone. In point of fact, the rezone is arguably necessary to remove the  
12 inconsistencies between the PROS zoning classification and the underlying mixed use comprehensive  
13 plan map designation. Consistent with the language of the criterion above, case law provides that if a  
14 rezone implements a comprehensive plan (in this case by removing the PROS inconsistency), no  
15 change in circumstances needs to be established. *See Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App.  
16 103, 112 (2001).


17 **FMC 22.78.004 (f):** *Except for the extension of existing district boundaries, no change in any use*  
18 *district, classification or official zoning map shall be considered if it contains fewer than one acre,*  
19 *excluding public streets or alley rights-of-way.*

20 9. The criterion is met. The elimination of the PROS districts can be considered an extension of  
21 the boundaries of the surrounding zone boundaries.

## 22 **DECISION**

23 It is recommended that the City Council approve Rezone Application File No. 22-04 for the reasons  
24 identified in the conclusions of law above, contingent upon approval of a concurrently proposed text  
25 amendment requiring retention of 10% open space.

26 DATED this 18<sup>th</sup> day of October 2022.

  
Phil A. Olbrechts

City of Fircrest Hearing Examiner



GRAVES + ASSOCIATES

ARCHITECTURE | INTERIORS | PROJECT MANAGEMENT

**October 5, 2022 (revised from original application 6.10.22)**

**Application for Zoning Amendment**

**Project:** Prose Fircrest

**Applicant:** Alliance Representative: Garrett Hodgins  
Alliance Residential Company | Pacific Northwest  
1900 N Northlake Way, Suite 237  
Seattle, WA 98103  
ghodgins@allresco.com

**Architect:** G + A Representative: Jon Graves  
Jon Graves Architects & Planners PLLC/ DBA Graves + Associates  
3110 Ruston Way, Suite E  
Tacoma, WA 98402  
jcgraves@gravesassoc.com



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# Land Use Application

## Type of Project

Please check all that apply and attach submittal sheet(s):

- Administrative Design Review
- Administrative Use Permit
- Boundary Line Adjustment
- Amendment – Comprehensive Plan
- Amendment – Zoning Regulations
- Amendment – Zoning Map \*
- Conditional Use Permit \*
- Conditional Use – Amendment \*
- Detached Accessory Structure \*
- Development Plan – Preliminary \*
- Development Plan – Final
- Development Plan – Amendment\*
- Plat Subdivision – Preliminary \*
- Plat Subdivision – Final \*
- Plat – Alteration/Vacation \*
- Reasonable Use Exception
- SEPA Checklist
- Short Plat
- Site Plan Review – Minor
- Site Plan Review – Major \*
- Site Plan Review – Final
- Site Plan Review – Amendment\*
- Variance – Major \*
- Variance – Minor\*
- Variance – Sign
- Other:

\*Pre-application conference recommended



**THE CITY OF FIRCREST**  
 Planning and Building  
 115 Ramsdell St Fircrest WA 98466  
 253-564-8902  
 www.cityoffircrest.net

Applicant Name: Jon Graves   Graves + Associates	
Address: 3110 Ruston Way Suite E, Tacoma WA 98402	
Representative (if different): <input type="text"/>	
Phone: (253)272-4214	Email: jcgraves@gravesassoc.com
Property Owners (if different): Garrett Hodgins	
Phone: (206)350-4851	Email: ghodgins@allresco.com

Project Address: 2119 Mildred Street W, Fircrest WA 98466	
Brief Description of Project: Mixed Use with 389 residential units of various size/layouts with ground floor retail. Parks, recreation, open space, through street connections proposed. Parking is both surface & structured.	
Parcel Number(s): 0220112005	Site Area (square footage): 9.49 Acres
Land Use Designation: Commercial Mixed Use	Zoning Designation: MUU/MUN
Environmental sensitive areas on or within 150': <input checked="" type="radio"/> Yes <input type="radio"/> No	
Physical Characteristics of Site: 9.49 acre site, partially developed, with notable grade on east half	

I certify that all of the information submitted in this application including any supplemental information is true and complete to the best of my knowledge and I acknowledge that willful misrepresentation of information will result in the cancellation of this permit application. I have read this application in its entirety and understand that my submittal will be reviewed for completeness and, if found to be complete, will be processed in accordance with FMC 22.05.

Signature:  Date: 5/27/2022  
 Signature:  Date:

# Zoning Amendment Submittal

## Submittal Items

*Please included the following:*

- Land Use Application
- For zoning map amendments, submit 2 sets of accurate map and legal description of the subject property
- For development regulation amendments (text), identify each chapter, section, paragraph, sentence and word subject to the amendment request and provide the exact text changes which are being proposed.
- Verified statement that property affected is in the exclusive ownership of the applicant or has consent of all owners
- Intake fee: \$500
- Deposit: \$2000

*The applicant shall be responsible for the actual cost incurred by the City in processing the application. The total fee shall be reduced by the amount of the deposit. The applicant shall remit to the City the amount exceed by the deposit. If the deposit fee exceeds the City's actual costs, the balance shall be refunded.*



Planning and Building  
115 Ramsdell St Fircrest WA 98466  
253-564-8902  
www.cityoffircrest.net

### For map amendments

Existing Zoning Classification:

Proposed Zoning Classification:

Site Area (sq. ft. or acres):

Parcel Number(s):

Zoning of Adjacent parcels:

**Please demonstrate how the proposal is compliant with the following criteria:** (An answer of YES is not sufficient; Use additional sheet, if necessary)

How is the proposed amendment consistent with the goals, objectives and policies of the comprehensive plan:

How will the proposed amendment promote, rather than detract from, the public health, safety, morals and general welfare:

*For complete the complete code, please see FMC Chapter [22.78](#).*

What 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:

See attached narrative addressing criteria for amendment approval.  
Reference section FMC 22.78.004 Criteria for amendment approval.

How is the proposed zoning compatible with the uses and zoning of surrounding property (required only for zoning map amendments):

See attached narrative addressing criteria for amendment approval.  
Reference section FMC 22.78.004 Criteria for amendment approval.

How is the property suited for the uses allowed in the proposed zoning classification (required only for zoning map amendments).

See attached narrative addressing criteria for amendment approval.  
Reference section FMC 22.78.004 Criteria for amendment approval.

9.2.2022

Jayne Westman | Administrative  
Jeff Boers | Planning Consultant

A: City of Fircrest | 115 Ramsdell Street  
P: 253-564-8901 | D: 253-238-4123  
E: [jwestman@cityoffircrest.net](mailto:jwestman@cityoffircrest.net)

**Regarding: *Prose Fircrest/ Application for Zoning Amendments*  
*2119 Mildred, Fircrest***

Ms. Westman and Mr. Boers,

On behalf of Alliance Residential, Graves + Associates is applying for zoning amendments related to a project proposed for 2119 Mildred, Fircrest WA. The attached amendment proposal includes requested changes to the ~~Fircrest Municipal Code (FMC) with an independent request for approval on Fircrest Form Based Code (FBC).~~ **City of Fircrest Zoning and Regulating Plan maps.**

The attached application reflects changes to the original application as a result of interim review and comments received by city staff and the planning commission.

Please note that our schematic site plan has evolved notably from the original design as a result of city staff review and comment, the planning commission study sessions, and those revisions the applicant believe work more effectively to meet project objectives and the intent of the FBC and zoning codes. The interactive process with city staff and planning commission has reduced our request for zoning amendment as further articulated on the attached concept overview.

Thank you for your continued assistance.

Sincerely,



**Jon Graves**  
**OWNER, MEMBER, ARCHITECT/ GRAVES + ASSOCIATES**

## PROJECT OVERVIEW

The Applicant is currently pursuing a master plan for a mixed-use campus to be developed on approximately 9.49 acres at 2119 Mildred Street, Fircrest WA. With approvals to amend the subject FMC and FBC text/maps and process associated entitlements, the Applicant intends to pursue construction through delivery of this mixed-use development plan. Schematic drawings have been advanced to the point that the Applicant understands the overall status of the proposal relative to compliance with applicable land use, building, and fire codes. The Applicant believes the campus plan solution adheres closely to the FMC, FBC, the regulating plan, and the zoning map regulations. Exceptions are taken for those site-specific conditions that drive consideration for placement of access roadways; configuration of through block connections; and in particular the location of the Boulevard serving as the primary vehicular access of Mildred Street .

### Project concept overview:

- ***4-building, multi-zoned campus plan/*** The project campus proposed includes a 4-building development that embraces design conformance for two building fronting Mildred Street within the MUU zone, and two buildings in the eastern half of the property adhering to the intent of the MUN zone regulations. The pair of buildings fronting Mildred Street are mixed use including ground level commercial to meet or exceed the FBC shopfront overlay requirements. The building plan includes consideration for transitioning from the more urban MUU zone to the MUN zone.
- ***Site geometry drives development generics/*** The site geometry is generally a square in shape and lends itself to a park centric plan with direct primary access from the center of the Mildred frontage. “Park Centric” refers to an urban master plan that places a park, plaza, and/or open space in the center of a development. Placing a boulevard entrance in the center of the project’s Mildred frontage aligns with a primary access to the development directly to the west across the street. The park centric plan is consistent with the zoning map proposed location for a public park within the center of the block. The Applicant is proposing an expanded series of central open spaces that includes a plaza where the zoning and regulating maps show the park along with a variety of connecting outdoor community subspaces. The “Park Centric” concept intends to share outdoor amenities with all of the onsite residents and the community during daylight hours. The central open space is the key design feature intended to unify the development within the existing and future context.
- ***Meeting housing needs/*** The project includes close to 400 living units with a range of size, type, quality, and rent categories. A primary objective of the proposed development is to meet notable housing needs within the City of Fircrest and the region with a best quality development.
- ***Adherence to the FBC/*** The proposed development embraces the FBC pattern language relative to compliance with urban design vocabulary including meeting typology considerations for building, street, and landscape design elements. The Applicant intends to demonstrate an exemplary solution that reflects the value added by the recently adopted City of Fircrest Form based code.
- ***Connectivity/*** Considerations for connectivity within the site and to adjacent parcels, and the City of Fircrest envisioned future transformation of the neighboring developments has been addressed with careful consideration for cross block connections, pedestrian pathway networks, and finish grade considerations.



- **Traffic Concurrency/** The proposed project will contribute to traffic along Mildred. The Applicant is pursuing traffic concurrency approval from the City of University Place to confirm traffic impacts and appropriate solutions for anticipated trip counts throughout the day associated with the three proposed Mildred Street vehicle access curb cuts. Mitigation measures will be vetted through the City of University Place and the City of Fircrest to ensure solutions are appropriate and properly integral.
- **Divergence from the FMC and FBC/** The proposed project has diverged from the zoning code and form-based code where site conditions include geometry, terrain, and existing neighboring conditions, merit. ~~The primary proposed text amendments are related to:~~

Proposed Zoning Amendment Background:

- (1) Existing driveways across Mildred Street that suggest the need to align proposed projects driveways for safety considerations
- (2) Site utilization efficiencies that support a primary vehicular entrance/ access from the center of the Mildred frontage to the center of the proposed compass in lieu of alternative NW corner lot access that would require a diagonal route through the property to the center of the lot.
- (3) Comprehensive adherence to FBC requirements is anticipated based on the current design solution. Departures and proposed text amendments to support such departures are primarily focused on refinement of appropriate site solutions with some additional building design consideration associated with frontage typologies.
- (4) In summary, the project program fits well within the vision supported by FMC and FBC. It is the Applicant's opinion that the complexity of the project requires some minor clarification and modification of these applicable codes to maintain project continuity.
- (5) The pursuit of alleyways identified on the regulating plan are proven to be not valuable to a comprehensive four building mixed use campus. The applicant is proposing to maintain the street grid but not incorporate the alley way

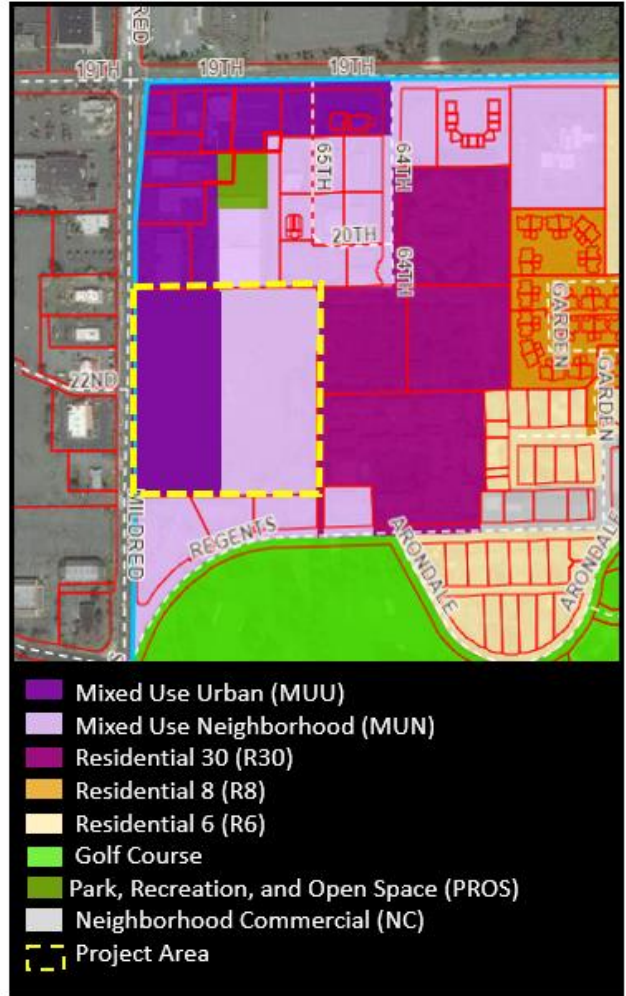
Itemized Zoning Amendments:

- (1) Zoning map and FBC regulating map amendment/elimination of reference to open space requirements including reference to the current open space designation for the subject site. Such deletion from the zoning map and regulating map allows for the requirement to be covered in more detail within the FBC Open Space Standards OS.1D.
- (2) Regulating map amendment to change the location of the primary vehicular access into the subject property from the northwest corner of the site to the center of the site.
- (3) Regulating map amendment to change the location of the shopfront overlay with the relocation of the primary vehicular access to the subject property

EX 1: Regulating Plan (Current and Proposed)

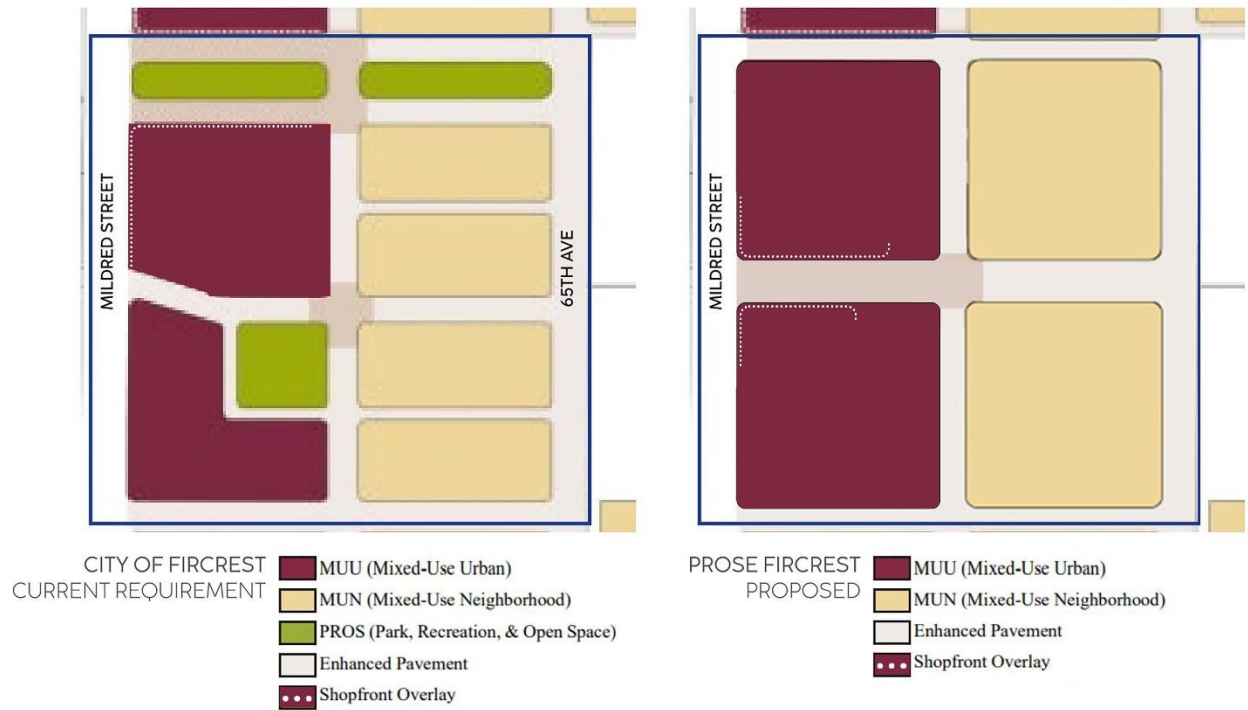


EX 2: Zoning Map



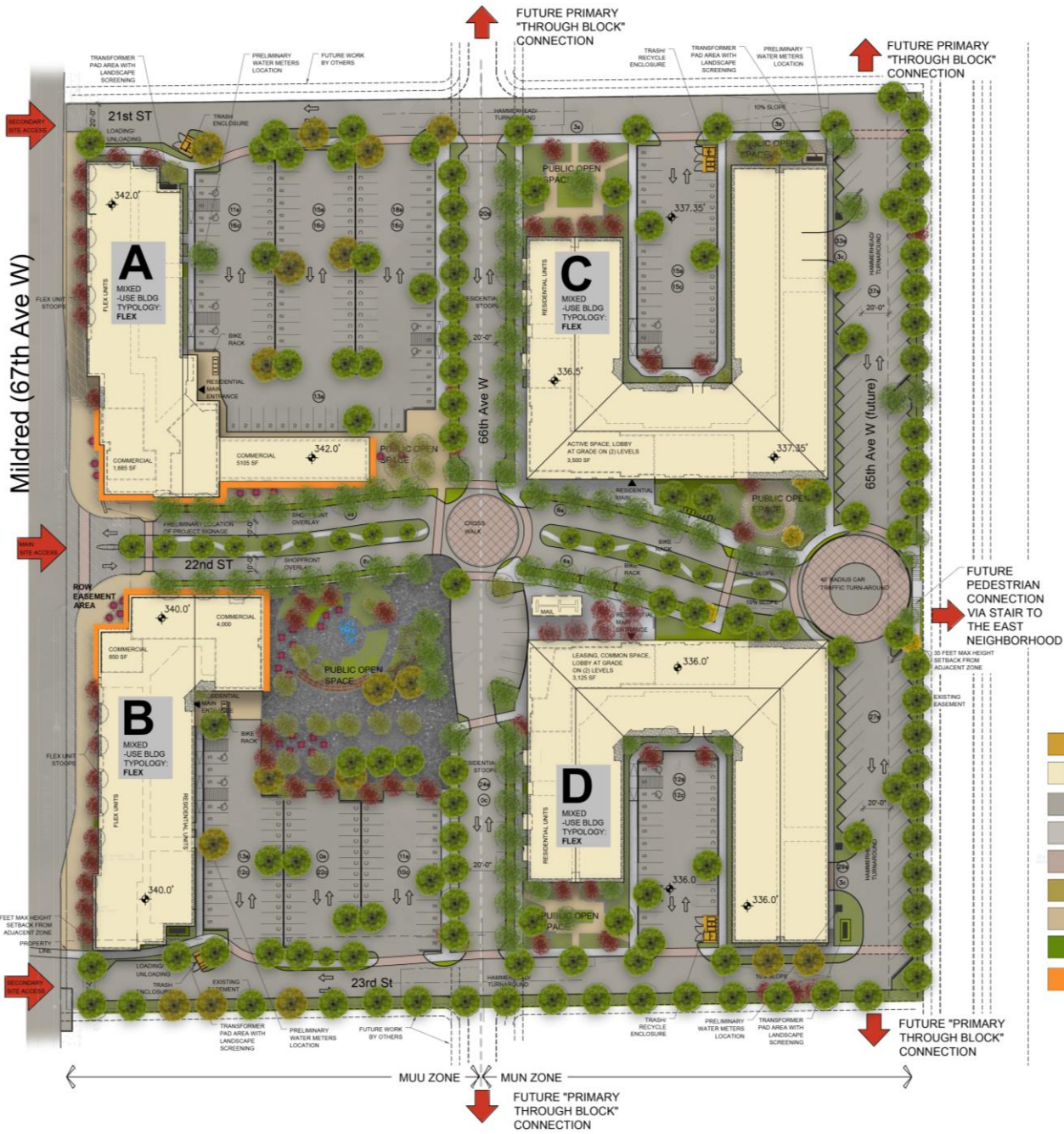


EX 3: Graphic Comparison Regulating Plan (Current and Proposed)



<b>Shopfront Overlay</b>	
<b>Summary</b>	
<b>Required* (façade in linear feet)</b>	<b>460</b>
<b>Proposed (façade in linear feet)</b>	
Building A	295
Building B	248
<b>Total Provided</b>	<b>543</b>
Surplus (façade in linear feet)	<b>83</b>

EX 4: Current Site Plan (preliminary design solution for reference only)



- CIRCULATION/BOH
- BUILDING-PROPOSED
- PARKING/DRIVE ASPHALT
- SIDEWALK CONCRET
- CROSSWALK
- RECREATIONAL AREAS
- PLAZA SPACES
- LANDSCAPE
- SHOPFRONT OVERLAY





EX 5: Circulation and Connectivity (preliminary design solution for reference only)



EX 6: Massing (preliminary design solution for reference only)

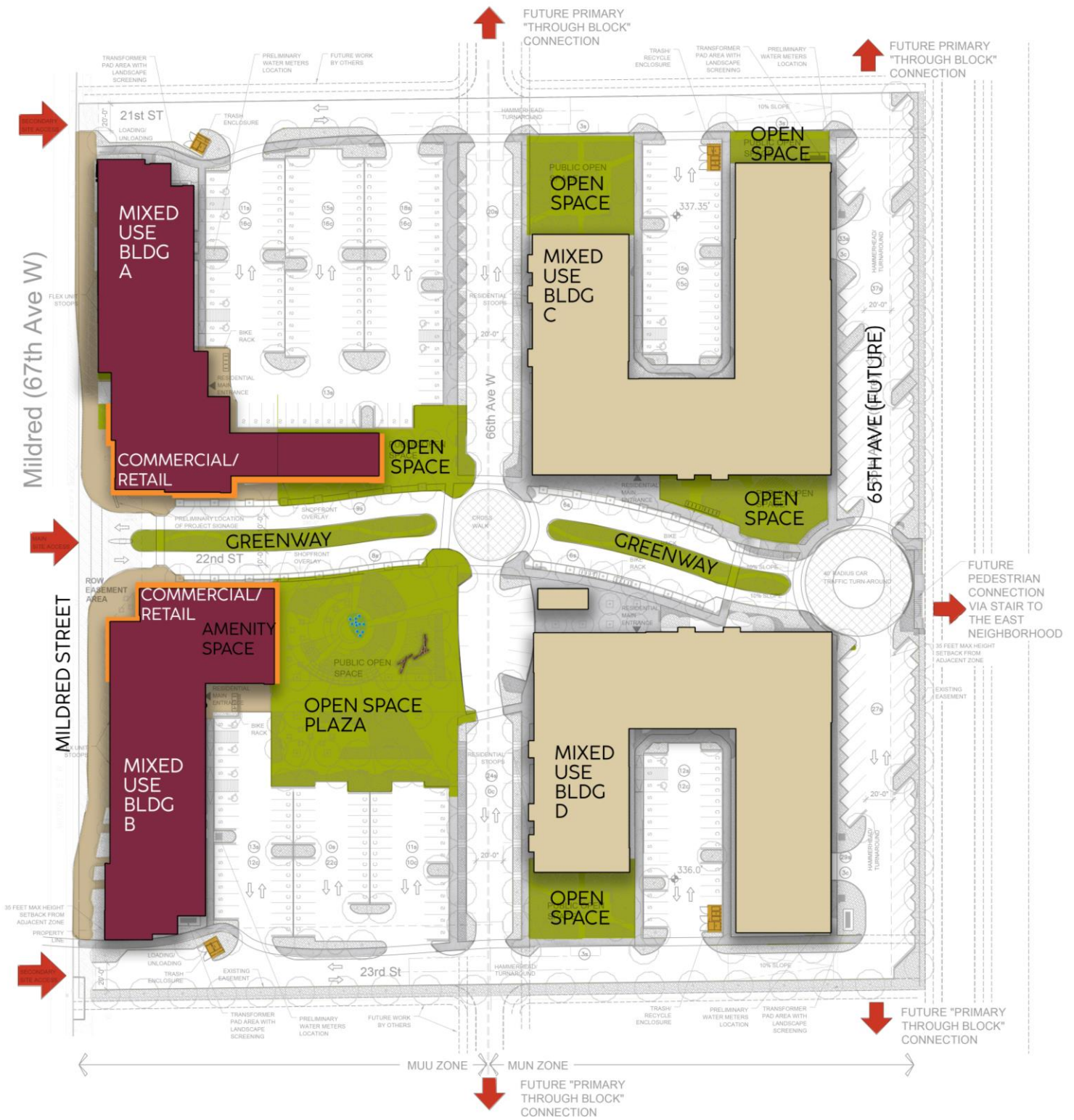




EX 7: Modified Regulating Plan Aerial Overlay (preliminary design solution for reference only)



EX 8: Open Space Plan (preliminary design solution for reference only)





EX 9: Landscape Plans and Imagery (preliminary design solution for reference only)



EX 10: Plaza Detail and Imagery (preliminary design solution for reference only)



**Approach taken to the proposed zoning amendments:**

The attached proposed zoning amendments take into consideration the Applicant's schematic design solution (see exhibits 3-11). Proposed amendments are not intended to support a grant of unique privilege to support the Applicant's envisioned plan. The proposed zoning amendments include suggestions that will both support those modifications the Applicant's design team feel are detrimental to the integrity of the solution while suggesting changes to the FMC/FBC while remaining compatible to ~~refine~~ the intent of applicable zones to all properties governed by this zoning and potential zoning amendments.

The amendments proposed shown as edits to the existing intend to cover elements that seem logical and practical revisions that should elevate the quality of the development to the intent of the code.

This application includes a graphic presentation of the Applicant's project that intends to convey property specific considerations within the code constraints. The Applicant is prepared to provide additional graphical exhibits of the proposed project solution along with other Architectural solution examples from other projects. The Applicant's intent during the subsequent review and answer sessions is to demonstrate the needs of the amendments relative to our project but also to demonstrate that any such amendments are a benefit to the value of the FMC/FBC as they pertain to the district ~~as a continuous whole context~~.



## FMC 22.78.004 CRITERIA FOR AMENDMENT APPROVAL:

The following narrative addresses the criteria for text amendment approval. The Applicant is prepared to support the foundation for such amendment through additional discussion, graphic exhibits, and supporting historical data presumably during study sessions. Please refer to the proposal graphics in the project overview section of this application for design exhibits.

**(a) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan** *As part of the City of Fircrest (COF) comprehensive plan mission statement, preserving the residential scale and character of Fircrest; enhancing community recreational opportunities; increasing housing opportunity including range of housing types; pursuit of community/ pedestrian friendly safe streets; and working forward towards connectivity and continuity of cityscape seem to be clear objectives.* The Applicant is proposing a solution that addresses housing need within a campus model that emphasizes a safe network of street, pedestrian, bicycle lanes. The concept includes a park centric urban development that emphasizes parks and recreation for onsite residents and the community.

*As part of the Growth Management Act, increasing diverse housing opportunity and open space for recreational opportunity are stated as primary objectives within the comprehensive plan.* The Applicant's proposal is focused on the integration of proven residential / multi-family templates that are consistent with the GMA and specifically the typology of the COF Form Based Code.

**Goal CC1** *further underscores the importance within the comp plan for the provision of well-designed open space.* The Applicant is prioritizing the provision of open space following traditional considerations for diverse gathering and recreational opportunity. This includes emphasis on primary and secondary landscape and hardscape treatments. In this particular case integrating a multi-dimensional plaza and surrounding network of garden, BBQ, play, and resting amenities. Light and air as a central design feature along with a wide range of opportunity for play, exercise, interaction, gatherings, small and large group functions, community events, and creative landscape treatments make for a solution that exceeds the FMC and FBC code minimums.

**Goal CC4** *emphasizes the need for developments to fit the context and are sensitive to the surrounding; sensitive to the human scaled development; substantiates a positive and creative identity; pursues high quality materials and systems; and pursues considerations for sustainability.* The Applicant's proposal includes notable consideration for existing streets, anticipated future streets, analysis of grades and traffic patterns, and ultimately compatibility considerations for future connections to adjacent developments. This includes building mass, form, and scale that step up to the urban street and down to the surrounding more suburban neighbors.

**Goal CC5** *references the importance of smart street design which will include support of a safe, organized, convenient, and appropriate network of vehicular roadways with safe provision of bicycle and pedestrian ways.* The proposed solution includes the integration of a boulevard, a central north-south through block street and supporting east-west connectors. All street types include consideration for pedestrian site accessibility; bicycle thoroughfares, appropriate roadway cross sections; and appropriate landscaping and sidewalk designs. The refinement of the Boulevard cross section, shape, and location best supports a park centric master plan while offering a meandering path that is intended to slow vehicles, pedestrians, and bicyclists. The curvilinear form and the central location of the boulevard intends to support experiential considerations of the residents and the public visitors. Careful attention to ground level street front design has been a large part of the Applicant's consideration. Street activation is an emphasized part of the ground level particularly fronting Mildred Street. A more casual, safe, and suburban street front and pedestrian way is proposed for buildings within the MUN zone.

**Goal CC8** *covers the need to pursue solutions that are compatible with the design of the abutting neighborhoods and build on the positives of such adjacencies.* The Applicant has studied the proposed campus design within the context of the surrounding parcels including addressing the FBC and zoning code identified transformation of the abutting properties. The Applicant believes connectivity to adjacent parcels and the

surrounding present and future street network is essential to a successful project. Emphasis on the north-south central through block street is of primary importance relative to a successful and convenient street system. The park is essential to activate the pedestrian core of the proposed development along with offering identity to this important north-south through block street. The campus proposal includes 2 buildings fronting Mildred that are within the MUU urban zone, and 2 buildings within the MUN zone that the design team consider the transitional zone. The 2 buildings within the MUN zone have been intentionally proposed to set back from the shared east boundary with the R-20 existing apartments for compatibility purposes. Pattern language hierarchies between the buildings and associated site design reflect careful on-site design relationships while adhering to the FMC and FBC requirements for sensitive transitions to neighboring properties. The existing site has a notable hillside along the east property boundary. The neighbors to the east look at the side of a hill when viewing the subject parcel from below. The grades dictate that the Applicant responsibly terrace the transition to the east line. The grades are however too significant to make a gradual and natural transition from the subject property to the existing lower grades.

**(b) *The proposed amendment will promote, rather than detract from, the public health, safety, morals, and general welfare/*** The Amendments proposed to the FMC and the FBC address inconsistencies found in the code that are unrelated to the project proposal but are assumed to require correction for purposes of clarity and intended general use of the codes. The Amendments proposed to address characteristics of the streets intends to support site driven and function driven considerations that not only will be applicable to the subject property development but also part of considerations for adjacent future development within the bounds of the FMC and the FBC. Such clarification intends to meet the intent of the code relative to superior roadway design while offering additional language promoting flexibility within street types and street cross sections pursued. As part of the text amendment considerations applicable to streets, placement within a working grid and consideration for grades has been addressed. With the general range of text amendment recommendations, the Applicant's intent is to clarify and further support the intent of the FMC and FBC consistent with the intent of these codes to meet the directives of the Comp Plan mission statement and in turn protect the health, safety, and general welfare of the community.

**(c) *The proposed zoning is compatible with the uses and zoning of surrounding property (applicable to the FMC text amendments only)*** The Applicant is proposing a solution that follows the intent of the FMC and the FBC with few exceptions. This includes the incorporation of through block connections; integration of pattern language consistent with the MUU and MUN zones; integration of pattern language that elevates the urban character of building frontage on Mildred; and integration of pattern language consistent with building solutions in the MUN zone that intend to bridge the form, density and scale of the surrounding R-20 and the MUU taller and denser development. Consistent with the Comprehensive plan, the FMC, and the FBC, the proposal integrates a vehicular and pedestrian grid that achieves on site connectivity while availing opportunity for connections to the current and future context. Sustainable solutions are a part of our development solution. Resolving traffic measures for the proposed site solution also addresses the current and future considerations for traffic flow onto Mildred as it affects the properties south, west, and north. Integrating a storm drainage system to support the campus to current standards will in turn reduce the dependency on the public storm system that currently serves 19<sup>th</sup>. The project proposal integrates considerations for the use of bicycles, mass transit, and electrical vehicles reducing carbon emissions and footprint. While current developments to the north, south, and east within the City are underdeveloped relative to adherence to urban design considerations. The natural movement towards the highest and best use will see denser and taller development at the 19<sup>th</sup> and Mildred intersection, a high concentration of commercial on Mildred and 19<sup>th</sup> close to the intersection, walkable residential campuses presumably in the layer of development behind the buildings fronting the primary roadways, and inevitably merge with the project proposal development.

**(d) *The property is suited for the uses allowed in the proposed zoning classification (applicable to the FMC text amendments only)*** The property is extremely suited to integrate and compliment the intent of the FMC code. Proposed amendments intend to further the ability of a project to conform to the intent of the code, not diverge from it. While criteria for supporting amendments to the code often ask the Applicant to explain

what has changed since the adoption of the code, in most cases, the code cannot possibly reflect all real conditions. Grades, site geometries, utility system considerations, traffic considerations including offsite neighboring patterns, and market demands drive the 3-dimensional nature of projects. Municipal Codes and Form Based Codes are typically derived with focus on a two-dimensional map that generalizes the existing condition and the future pattern of development. This application intends to amend portions of the code to more specifically address real site conditions.

- (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 (applicable to the zoning map amendments and amendments to this title which require comprehensive plan amendment to ensure consistency under subsection (a) of this section).* Conditions in the context of the subject property have not notably changed to drive the requested amendments. It is the Applicant's understanding that the code has not been vetted by development and therefore the issues at hand are not about changes that might support consideration for changing the direction of the code but rather about refining the code to better serve the subject property and all properties subject to the newly adopted code.

**Summary of proposed text amendment intent:**

- ~~1. **The boulevard is proposed to move to a position fronting Mildred at the center point of the parcel east boundary.** The Applicant represents placing the Boulevard in the center of the Mildred frontage to be safer from the standpoint of traffic including distance from the intersection of 19<sup>th</sup> and alignments with existing opposing curb cuts on Mildred Street. The Applicant also represents that the geometry of the parcel yields a denser development using conventional building typologies with the Boulevard located in the center of the Mildred frontage.~~
- ~~2. **The shopfront overlay is proposed to be moved with the relocation of the boulevard.** The Applicant recognizes that shopfront overlay requirements intend to ensure a pedestrian activated pedestrian way where concentrated mixed use is anticipated. The Applicant is therefore proposing the same quantity of Shopfront overlay be relocated with the Boulevard.~~
- ~~3. **Street typing shall remain flexible based on the use and contribution to the proposal and connectivity envisioned to the adjacent parcels. Such type may include sharing requirements for the provision of the street, the abutting landscaping, and the abutting sidewalk depending on grades and anticipated shared use. Through block connectors are diagrammed in the FBC regulating plan.** The Applicant represents that existing site conditions, existing and future anticipated site relationships with neighboring developments, and existing grades drives a hierarchy of street applications and associated types. The Applicant is seeking flexibility in the application of streets and associated parking configurations based on existing conditions and practical anticipated and envisioned use and connectivity. The Applicant further proposes to share the completion of landscape and sidewalk connections with abutting neighbors to the north and south given the intended contribution of these streets to deliveries and access for all properties.~~
- ~~4. **Allowable frontage types shall include "Stoops" for Flex buildings.** The Applicant believe that Stoop front fits well with the Flex building attributes along an active commercial pedestrian way and recommend that this type be included in the allowed options for applicability.~~
- ~~5. **Private area requirements may be met by provision of 10% open space in park centric developments.** The Applicant believes that the site geometry supports a park centric campus. One that includes a central open space as the major design element. This is consistent with the current regulating plan. The Applicant has proposed to clarify as part of OS.1 text amendment that a 10% OS requirement is~~

~~mandatory for projects of 4 acres or larger. This would replace the 5% currently identified in the code. As a consequence of providing 10% OS, the Applicant has also proposed additional text to allow the private and public open space requirements to be met. While there is recognized benefit in the provision of decks, patios and balconies, all 4 buildings in this case share frontage with the central open space feature and multiple green space amenities and will benefit from the diverse recreational characteristics and opportunities.~~

~~With provision of the narrative identifying the general text amendments of consideration, the Applicant respectfully asks for support for the proposed amendments. The Applicant is otherwise prepared to provide additional information to substantiate the proposed changes.~~

September 02, 2022

Attn.

**Jeff Boers &  
Jayne Westman  
City of Fircrest  
Planning & Building Department**  
115 Ramsdell Street,  
Fircrest, WA 98466

**REGARDING: Alliance Prose Zoning Amendments Case #22-04 Comments**

Dear Mr. Boers & Ms. Westman:

Please see the following G+A responses per your comments issued for Zoning amendments on 07/28/2022 via e-mail.

**1) Zoning- Map Amendments Comments/Recommendations (07/28/2022)**

- 1.1) (07/28/2022) The proposed revisions to the zoning map are problematic in that the proposed boundaries are tied directly to a preliminary site plan that will likely change before it is approved. The proposed boundaries are unmanageable due to their complex configuration. The zoning map boundaries should be simplified before this application goes to the hearing examiner.

*G+A Response: Based on recommendations from the City, the Applicant is proposing to remove reference to Open space from the zoning map and alternatively define such requirements within the OS.1 and OS.2 portions of the FBC. This eliminates any confusion regarding the physical size, location, and configuration of the open space within the subject property.*

- 1.2) (07/28/2022) The City proposes eliminating the PROS zoned areas from the Alliance Prose site in their entirety. This would remove potential future constraints on open space locations within the project site if the final design were to require them to be reconfigured or relocated. City support for this approach would be predicated on additional amendments being made to the FBC text, per the comments in the following section.

*G+A Response: G+A supports removal of PROS from map. See OS.2 for added language within the regulatory text amendment process application.*

- 1.3) (07/28/2022) Consistent with comment 2 above, the zoning map (and regulating plan map) would show the boundary between the MUN and MUU districts at the centerline of 66th Avenue. A description of the proposed boundaries should be provided.

*G+A Response: G+A proposes to maintain the location of the line between the MUN and MUU districts on the zoning map. This line is presumably located at the centerline of 66<sup>th</sup> as further*

*defined by the final specific location to be confirmed as part of project entitlements. The provision of a legal description articulating the location of the district boundaries shall be provided with the confirmation of the associated street centerline.*

## **2) Recommended Text Amendments to Support a Revised Map Amendment**

- 2.1) (07/28/2022) The Urban Design Concepts described in Section OS.2 should be revised to become more explicit as to City expectations for the 22nd Street promenade/ramblas and the 22nd and 66th plaza. The final text needs to provide sufficient flexibility to accommodate a revised site plan while being definitive enough to ensure that large-scale open spaces are developed – without the precise locations of the two areas being shown on the regulating plan.

*G+A Response: Consistent with the staff recommendation, the design criteria including size, shape and location of the plazas have been addressed in OS.1 and OS.2 text amendments. The text language intends to be less definitive relative to specific location and shape of OS features but specific about size and design characteristic feature requirements.*

- 2.2) (07/28/2022) The City proposes a ½ acre minimum area requirement be added to the descriptions provided in OS.2 for the plaza and for the promenade/ramblas. This would ensure these facilities fulfil many of the same functions envisioned for the current regulating plan PROS areas. Relying solely on a minimum total open space area for the entire site without the suggested minimums for these two specific areas could result in an open space plan that relies on numerous open space fragments to meet the threshold. The result would not have the benefit or impact of the larger spaces.

*G+A Response: The Applicant has included the acreage requirement for the plaza for both the subject property.*

- 2.3) (07/28/2022) The adopted FBC text in Section OS.1D requires a minimum of 5% of site area to be open space. The two PROS green spaces on the adopted regulating plan and the zoning map represent more than 10% of the project site. It is the City's expectation that if these two areas are relocated and reconfigured per the text amendment application, the area of each of these revised open spaces should be comparable to, or at least approach, the PROS areas shown on the adopted regulating plan.

*G+A Response: The Applicant is proposing to eliminate OS designations on the zoning map and the FBC regulating plan. Alternatively the applicant is defining the requirement for OS within the OS.1 and OS.2 FBC excerpts. In addition to clarifying the minimum size of the plaza requirements the Applicant has included the requirement to meet or exceed a 10% Open Space (OS) in lieu of the 5% currently identified. The Applicant has also proposed language to define the limits of open space that may be counted towards the Open Space requirement.*

- 2.4) (07/28/2022) The City requests you provide accurate calculations for square footage and percentage of site for the two PROS areas on the adopted plan. If numbers vary considerably from the 10% + ballpark estimate, the City's recommended minimum could be revised.

*G+A Response: The Applicant has calculated by the scale provided with the FBC regulating plan the green space identified. The Applicant has also provided the equivalent calculation of the proposed schematic plan for the subject property. See the project data sheet in the supporting design documents for the specific calculations. The OS proposed exceeds the 10% calculation.*

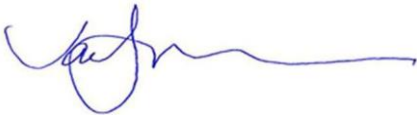
- 2.5) (07/28/2022) The City recommends inserting text at OS.1D and OS.2 to make explicit a requirement that an urban design concept be prepared for three open space areas, whether these are shown on the regulating plan (and zoning map).

*G+A Response: The Applicant has proposed edits to the OS.1 and OS.2 sections of the FBC to specifically define the OS requirements including the requirement to develop and seek approval on the urban plan confirming conformance of the OS to the identified requirements.*

- 2.6) (07/28/2022) Proposed revised text at OS.1D and OS.2 are provided in separate documents – one a redline version and the other a clean “final” version.

*G+A Response: Comments related to OS.1D and OS.2 have been provided in the text amendments.*

If you have any questions regarding our response, please don't hesitate to reach out.  
Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Graves', with a long horizontal flourish extending to the right.

**Jon Graves**  
*OWNER, MEMBER, ARCHITECT/ GRAVES + ASSOCIATES*



## APPENDIX

**Property Owner Free Consent Form – 2119 Mildred Street West; Fircrest WA**

PROPERTY OWNER'S AUTHORIZATION:

I, Troy Eaton, being duly sworn, attest that I am a property owner owning property shown on the accompanying map, and that I authorize the submittal of all entitlement/permitting documents for the subject property to the City of Fircrest for preliminary approval.

  
SIGNATURE

JUNE 14, 2022 10P1  
DATE

*Notary (If Available)*

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

(Notary Seal)

**Property Owner Free Consent Form – 2119 Mildred Street West; Fircrest WA**

PROPERTY OWNER'S AUTHORIZATION:

I, Donald Eaton, being duly sworn, attest that I am a property owner owning property shown on the accompanying map, and that I authorize the submittal of all entitlement/permitting documents for the subject property to the City of Fircrest for preliminary approval.

  
SIGNATURE

6-9-2022  
DATE

*Notary (If Available)*

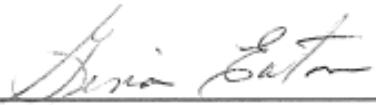
SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

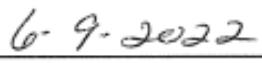
(Notary Seal)

**Property Owner Free Consent Form – 2119 Mildred Street West; Fircrest WA**

PROPERTY OWNER'S AUTHORIZATION:

I, **Gina Eaton**, being duly sworn, attest that I am a property owner owning property shown on the accompanying map, and that I authorize the submittal of all entitlement/permitting documents for the subject property to the City of Fircrest for preliminary approval.

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

*Notary (If Available)*

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

(Notary Seal)

**Property Owner Free Consent Form – 2119 Mildred Street West; Fircrest WA**

PROPERTY OWNER'S AUTHORIZATION:

I, **Ronald Eaton**, being duly sworn, attest that I am a property owner owning property shown on the accompanying map, and that I authorize the submittal of all entitlement/permitting documents for the subject property to the City of Fircrest for preliminary approval.

  
SIGNATURE

6/9/22  
DATE

*Notary (If Available)*

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

(Notary Seal)

# SEPA ENVIRONMENTAL CHECKLIST

## *Purpose of checklist:*

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## *Instructions for Lead Agencies:*

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## *Use of checklist for nonproject proposals:*

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

### *A. Background* [\[HELP\]](#)

1. Name of proposed project, if applicable:  
[Alliance – Fircrest / Code Amendment](#)
2. Name of applicant:  
[Jon Graves](#)
3. Address and phone number of applicant and contact person:  
[Jon Graves | 253-272-4214](#)

3110 Ruston Way Ste E, Tacoma, WA 98402

4. Date checklist prepared:

6/13/2022

5. Agency requesting checklist:

City of Fircrest

6. Proposed timing or schedule (including phasing, if applicable):

The proposed code amendment would be passed in summer 2022.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes, a multifamily project would be constructed on the site

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- Geotechnical Recommendations – Pan Geo (Jon Rehkopf)
- Phase I Environmental Site Assessment PES Environmental, Inc. (Dan Balbiani)
- Cleanup Action Plan PES Environmental, Inc. (Dan Balbiani)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

A code amendment and a zoning map amendment, as well as an application for a multifamily building, will be reviewed by the city at the same time.

10. List any government approvals or permits that will be needed for your proposal, if known.

Commercial Building Permit or equivalent (including associated site development and utility permits), we will also need a zoning map amendment and a land use permit for the multifamily building.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is to amend the land use code to correct minor text issues discovered during the multifamily development process, to facilitate a multifamily building on the approximately 9.49 acre site.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans



required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal will impact the entire zone, as it is proposing to change the language of the zoning code.

Legal Description: Section 11 Township 20 Range 02 Quarter 22 : SW OF NW OF NW SUBJ TO CY OF TAC EASE LESS R/W FOR RD

## B. *Environmental Elements* [\[help\]](#)

### 1. *Earth* [\[help\]](#)

a. General description of the site: [N/A, applies to the entire zone.](#)

(circle one): Flat, rolling, hilly, steep slopes mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)?

[NA](#)

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

[N/A](#)

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

[NA](#)

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

[NA; no fill is proposed as part of the code amendment.](#)

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

[No.](#)

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

[N/A](#)

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

[None. The ultimate project will comply with all erosion control ordinances and best practices.](#)

## 2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.  
[None; the code amendment will not result in emissions.](#)
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
[The zone is generally in an urban area where auto emissions occur.](#)
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:  
[None necessary, an ultimate project will comply with all applicable regulations.](#)

## 3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.  
[N/A](#)
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.  
[No](#)
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.  
[N/A](#)
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.  
[N/A](#)
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.  
[No](#)
  - 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.  
[No](#)
- b. Ground Water: [\[help\]](#)
- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities

withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

NA, the code amendment does not impact groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NA, the code amendment does not impact sewage/discharge.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A, the ultimate project will comply with applicable water regulations.

## 4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

\_\_\_deciduous tree: alder, maple, aspen, other

\_\_\_evergreen tree: fir, cedar, pine, other

\_\_\_shrubs

\_\_\_grass

\_\_\_pasture

\_\_\_crop or grain

\_\_\_ Orchards, vineyards or other permanent crops.

\_\_\_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

\_\_\_water plants: water lily, eelgrass, milfoil, other

\_\_\_other types of vegetation

Various vegetation exists within the zoning designation.

b. What kind and amount of vegetation will be removed or altered?

None, the code amendment does not involve the removal of vegetation.

- c. List threatened and endangered species known to be on or near the site.  
None
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  
None
- e. List all noxious weeds and invasive species known to be on or near the site.  
None

## 5. *Animals* [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. \_\_\_\_\_

Examples include:

birds: hawk, heron, eagle, songbirds, other: \_\_\_\_  
 mammals: deer, bear, elk, beaver, other: \_\_\_\_  
 fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_  
 None.

- b. List any threatened and endangered species known to be on or near the site.  
None
- c. Is the site part of a migration route? If so, explain.  
The entire Puget Sound region is a part of the Pacific Flyway.
- d. Proposed measures to preserve or enhance wildlife, if any:  
None
- e. List any invasive animal species known to be on or near the site.  
None

## 6. *Energy and Natural Resources* [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
None, the code amendment does not require energy usage.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  
None

## 7. *Environmental Health* [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

*No. The code amendment has no impact to environmental health.*

- 1) Describe any known or possible contamination at the site from present or past uses.

*N/A*

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

*None.*

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

*None.*

- 4) Describe special emergency services that might be required.

*None*

- 5) Proposed measures to reduce or control environmental health hazards, if any:

*N/A*

## *b. Noise*

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

*The zoned area is generally an urban area with street noise.*

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?

Indicate what hours noise would come from the site.

*None, the code amendment will not create noise.*

- 3) Proposed measures to reduce or control noise impacts, if any:

*None.*

## 8. *Land and Shoreline Use* [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

*NA, this amendment is not site specific.*

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will

be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No, NA

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: \_

No

c. Describe any structures on the site.

NA, not site specific

d. Will any structures be demolished? If so, what?

No, NA

e. What is the current zoning classification of the site?

Current zoning is split Mix Use Urban/Mix Use Neighborhood (MUU/MUN).

f. What is the current comprehensive plan designation of the site?

Commercial Mix Use

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable; no shoreline

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No

i. Approximately how many people would reside or work in the completed project?

No project is proposed as a part of the code amendment.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Review of comprehensive plan policies, code amendment criteria, and discussion with City of Fircrest staff.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

NA

## 9. *Housing* [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.  
*None, the code amendment would not provide any housing units.*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.  
*None*
- c. Proposed measures to reduce or control housing impacts, if any:  
*No housing impacts anticipated*

## 10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
*The code amendment would allow for building to be as tall as 65'.*
- b. What views in the immediate vicinity would be altered or obstructed?  
*Mt Rainier might be visible from MUN/MUU zone around 65', and an outcome of the code amendment could be to potentially obstruct views from structures of a similar height or smaller directly behind the development.*
- b. Proposed measures to reduce or control aesthetic impacts, if any:  
*The Fircrest design guideline remain and will be a part of any project reviewed.*

## 11. *Light and Glare* [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
*NA, no project is proposed*
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
*No*
- c. What existing off-site sources of light or glare may affect your proposal?  
*None*
- d. Proposed measures to reduce or control light and glare impacts, if any:  
*None proposed*

## 12. *Recreation* [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
*The MUN/MUU zone is located near shopping, restaurants, and other retail/commercial spaces.*
- b. Would the proposed project displace any existing recreational uses? If so, describe.



No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A, no project proposed.

## 13. *Historic and cultural preservation* [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

No, NA

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No, NA

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

NA

## 14. *Transportation* [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

NA, not site specific

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The City of Fircrest is served by the Pierce Transit Connection Center and is otherwise well-served by Pierce Transit.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

NA

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

NA

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

NA, no trips generated by the code amendment.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any:

None; compliance with applicable concurrency and other transportation requirements will be required as part of project-level review.

## 15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

None.

b. Proposed measures to reduce or control direct impacts on public services, if any.

NA

## 16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

NA

## C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

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

Name of signee \_\_\_\_\_ Jon Graves \_\_\_\_\_

Position and Agency/Organization Principal Architect/G+A

Date Submitted: 6-21-2022

**D. Supplemental sheet for nonproject actions** [\[HELP\]](#)

**(IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?  
*It is very unlikely that a code amendment will increase such discharges. To the extent that a code amendment would facilitate a future project, any such impacts would be reviewed under SEPA for that project at the appropriate time and appropriately mitigated.*

Proposed measures to avoid or reduce such increases are:

*Future compliance of a project with SEPA review and all applicable City, State, and Federal regulations.*

2. How would the proposal be likely to affect plants, animals, fish, or marine life?  
*Highly unlikely; the proposal seeks to modify slightly the existing zoning code.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

*None; a future project may provide additional landscaping that does not currently exist in this area.*

3. How would the proposal be likely to deplete energy or natural resources?  
*Highly unlikely; a code amendment would not deplete energy or resources.*

Proposed measures to protect or conserve energy and natural resources are:

*None, a future project would be subject to the WA State Energy code.*

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?  
*Not likely.*

Proposed measures to protect such resources or to avoid or reduce impacts are:

None; the project would be required to comply with any applicable regulations preserving and protecting such areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The code amendment is a modest amendment to the zoning code to correct some inconsistencies within the code and to affect the outcome the City intended through its form-based code. The code amendment has been reviewed against the applicable Comprehensive Plan policies and zoning code amendment requirements to ensure that it is consistent with the Comp Plan and the intent of the form-based code.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See above, the code amendment is consistent with land use plans.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Not likely. Any future project would be reviewed for transportation impacts.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflict exists.



P.O. Box 1543 - 19738 - 144th Ave. N.E.  
Woodinville, Washington 98072  
A WASHINGTON CORPORATION

### **HYDRANT FLOW TEST REPORT**

Project: Prose Fircrest Date/Time: 4/26/2022, 9:00 AM  
Address: 2119 Mildred St W Performed by: Tom Rice, AFP  
Fircrest WA 98466 Witnessed by: Jeff Davis, City of Fircrest

#### **Test #1 (12" main)**

##### Non-Flowing Hydrant

Location: 1501 Regents Blvd W  
Elevation:<sup>1</sup> 328 feet  
Static: 55 psi  
Residual: 52 psi

##### Flowing Hydrant

Location: Southwest corner of Regents Blvd W and Arondale Dr  
Elevation: 307 feet  
Orifice Size: (2) 2-1/2" Hose Monsters (no insert used)  
Pitot: 18 psi (each hose)  
Flow<sup>2</sup> (Q<sub>f</sub>): 716 gpm x 2 = 1432 gpm  
Flow @ 20 psi (Q<sub>r</sub>) = Q<sub>f</sub> (h<sub>r</sub> / h<sub>f</sub>)<sup>0.54</sup> (h<sub>r</sub> = pressure drop to 20 psi; h<sub>f</sub> = measured pressure drop)  
$$Q_r = 1432(35/3)^{0.54} = 5396.3$$

The estimated flow<sup>3</sup> at a residual of 20 psi is **5396.3 gpm**

<sup>1</sup> All elevations are approximate based on Google Earth and are not a substitute for a proper survey.

<sup>2</sup> Per FM-Approved Hose Monster flow chart.

<sup>3</sup> This value is an estimate derived using the calculation procedures in NFPA 291 "Recommended Practice for Water Flow Testing and Marking of Hydrants." Due to daily fluctuations in the water system the actual flow may vary.

## Test #2 (6" main)

### Non-Flowing Hydrant

Location: 1345 Regents Blvd W (NE corner of Fircrest Apartment Homes parking lot)

Elevation: 306 feet

Static: 63 psi

Residual: 42 psi

### Flowing Hydrant

Location: 1375 Regents Blvd W (parking lot of Cost Less pharmacy)

Elevation: 314 feet

Orifice Size: (2) 2-1/2" Hose Monsters (no insert used)

Pitot: 7 psi (hose #1), 6 psi (hose #2)

Flow<sup>4</sup> (Q<sub>f</sub>): 447 gpm (hose #1) + 414 gpm (hose #2) = 861 gpm

Flow @ 20 psi (Q<sub>r</sub>) = Q<sub>r</sub> = 861(43/21)<sup>0.54</sup> = 1267.8

The estimated flow<sup>3</sup> at a residual of 20 psi is **1267.8 gpm**

---

<sup>4</sup> Calculated using  $Q=29.84c_d d^2 \sqrt{p}$  where  $c_d$  = coefficient of discharge (0.906) and  $d$  = orifice diameter in inches (2.5)









Public Works Department  
 Location: 120 Ramsdell St • Fircrest, WA 98466 • Ph: (253) 564-8900 •  
 Fax: (253) 564-3640 • Email: v.walston@cityoffircrest.net

**CERTIFICATE OF WATER AVAILABILITY**

***PART A to be Completed by Applicant***

Project Address: 2119 Mildred Street Parcel #: 0220112005

Related Permit #(s): TBD (If available)

Applicant Name: Garrett Hodgins - Alliance Residential Company

Applicant Contact #: 206.462.0142 Email: ghodgins@allresco.com

Proposed water usage: 1-2 (number of connections)

Customer type (check one)  Residential  Multi-Family  Commercial  
 Other: Mixed Use

I, the undersigned or my appointed representative, have requested the City of Fircrest to certify willingness and ability to provide the indicated service(s). I have read and understand the information provided by the City of Fircrest on this Certificate and acknowledge that the proposed project may require improvements to the water and/or sewer system which would incur my financial obligation. Prior to final approval for construction of the water and/or sewer facilities, it is understood that a legal contract between myself and the City of Fircrest which specifies the terms of water service, operational responsibility, and financial obligation may be required.

Signature: [Handwritten Signature] Date: 5/19/2022

Address: 1100 N Northlake Way Suite 236 City, State: Seattle, WA

***PART B to be Completed by Water Purveyor***

**TO BE COMPLETED BY WATER SYSTEM OFFICIAL**

System/Purveyor: City of Fircrest

✓ Check One:

The above system will provide water service to the project address requested above.

The above system will NOT provide water service to the projected address requested above.

Reason: \_\_\_\_\_

Water System Official: Tyler Bemis

Phone: (253) 564-8900

Title: Public Works Director

Signature: [Handwritten Signature]

Date: 5/19/2022

*Should the Development Permit related to this Certificate expire, this Certificate also expires.*

**Placeholder: Certificate of Sewer Availability**

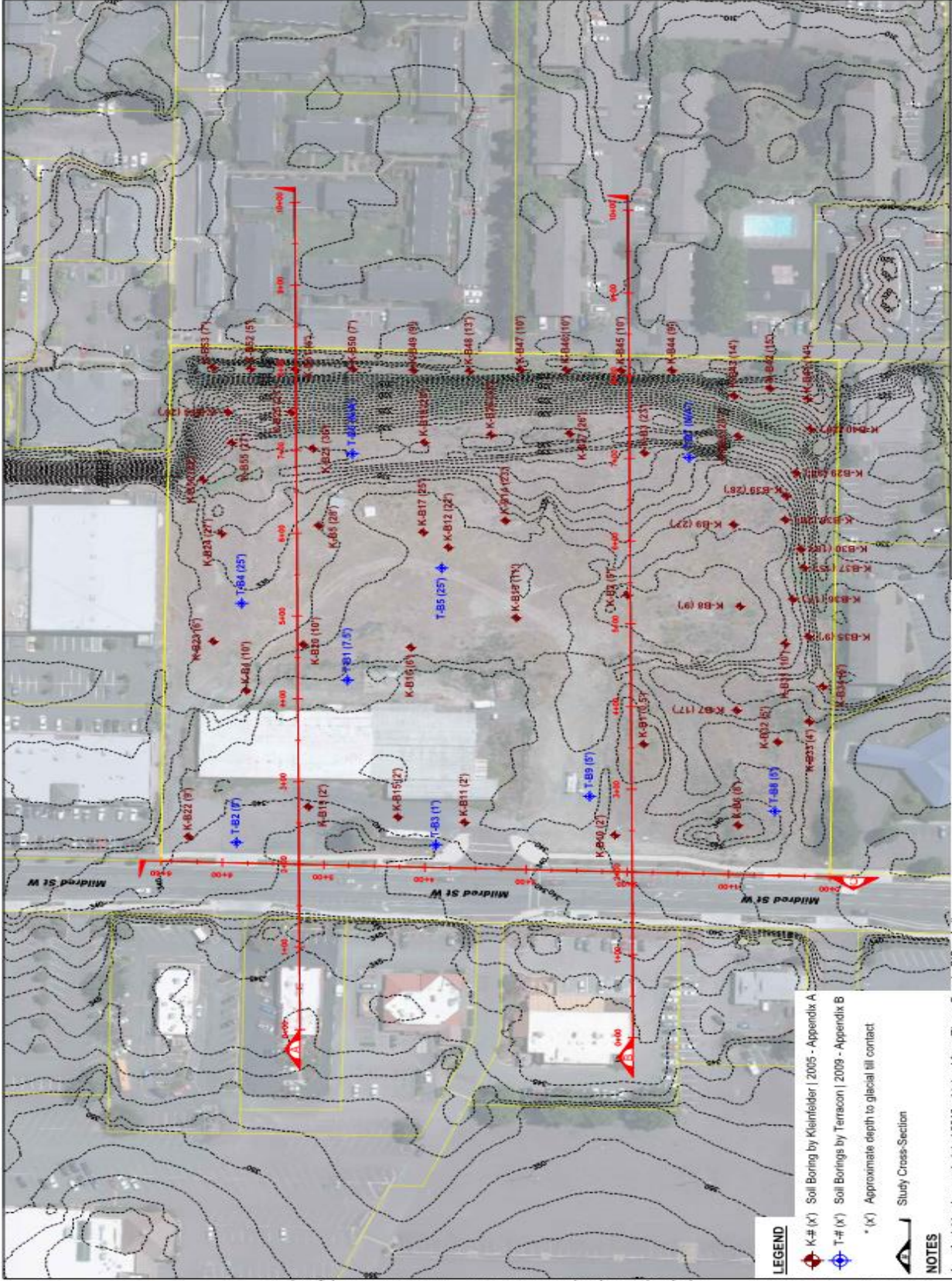
**Placeholder: Traffic Concurrency, preliminary draft, or similar**

## Legal Description of Project Site

**Legal Address:** 2119 Mildred Street W, Fircrest, WA 98466.

**Legal Description:** Legal Description: Section 11 Township 20 Range 02 Quarter 22  
: SW OF NW OF NW SUBJ TO CY OF TAC EASE LESS R/W FOR RD





**LEGEND**

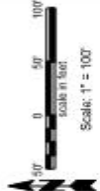
- K-# (X) Soil Boring by Kleinisler | 2005 - Appendix A
- T-# (X) Soil Borings by Terracon | 2009 - Appendix B

\* (X) Approximate depth to glacial fill contact

Study Cross-Section

**NOTES**

1. Aerial background, dated 2018, obtained from Pierce County GIS website.
2. Topology derived 2017 Green River Service Area LIDAR data obtained from Washington DNR website.
3. Additional features are based on GIS data obtained from Pierce County and WA DNR websites.
4. Topology and GIS features are provided for relative information only and are not a substitution for field survey.
5. Locations of subsurface explorations are approximate and based on the relative locations of known site features.
6. Vertical Datum: NGVD 1929 = (NAVD 1988 - 3.50 ft) per City of Tacoma Public Works Department.



Prose Firrest  
2119 Milbred Street West  
Firrest, Washington

**SITE AND EXISTING EXPLORATION PLAN**

PROJECT NO. 21-529

SHEET NO. 2





**LEGEND**

- ◆ K-# (X) Soil Boring by Kleinfelder | 2005 - Appendix A
- ◆ T-# (X) Soil Boring by Terracon | 2009 - Appendix B

\* (X) Approximate depth to glacial till contact



**NOTES**

1. Aerial background, dated 2018, obtained from Pierce County GIS website.
2. Approximate elevations of glacial till contact inferred from subsurface explorations by others.
3. Additional features are based on GIS data obtained from Pierce County and WA DNR websites.
4. Topology and GIS features are provided for relative information only and are not a substitution for field survey.
5. Locations of subsurface explorations are approximate and based on the relative locations of known site features.
6. Vertical Datum: NGVD 1829 = (NAVD 1988 - 3.50 ft) per City of Tacoma Public Works Department.

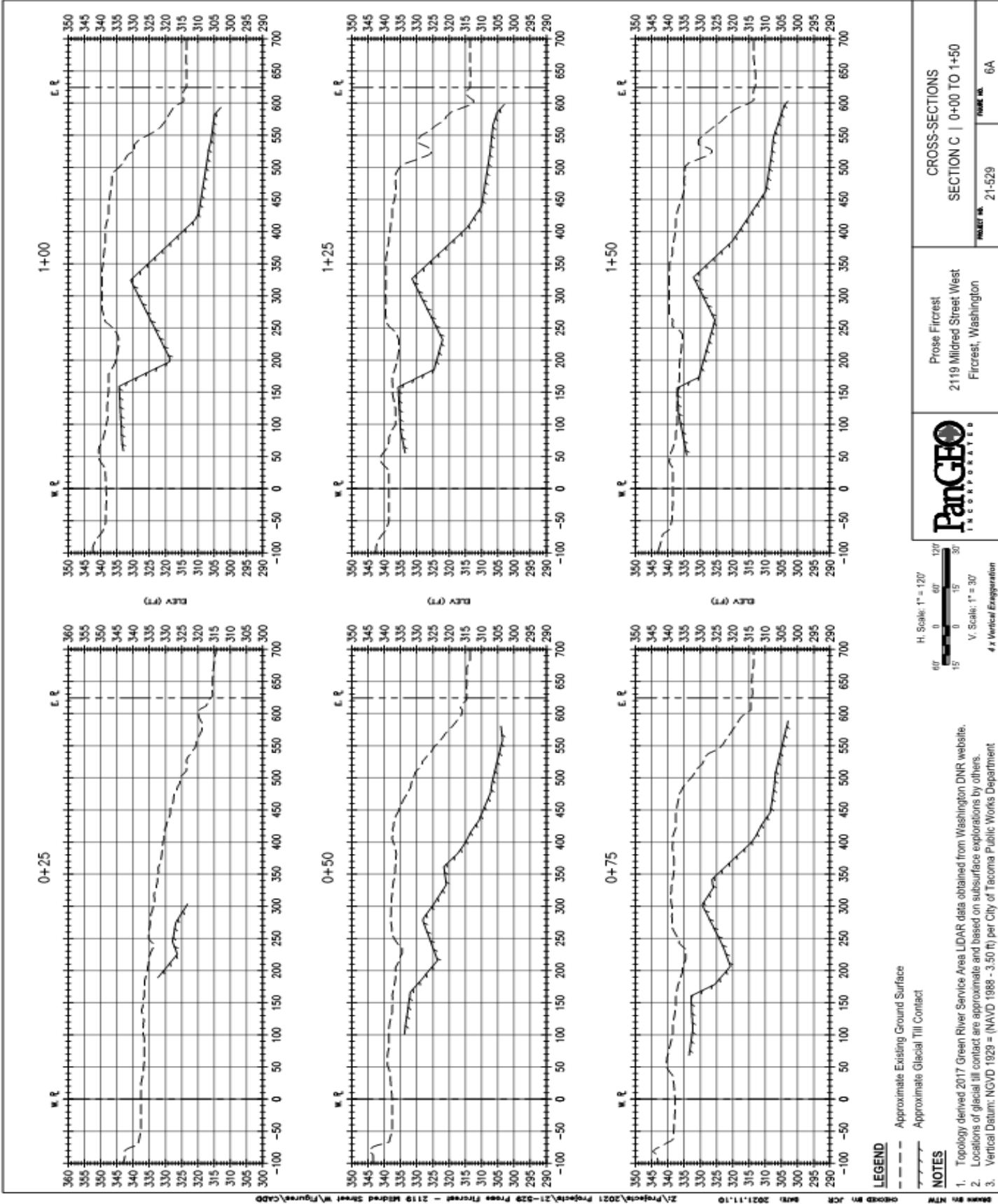


Prose Fircrest  
2119 Mildred Street West  
Fircrest, Washington

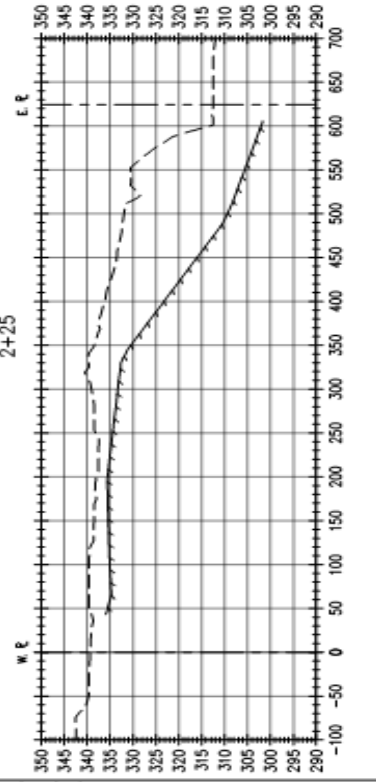
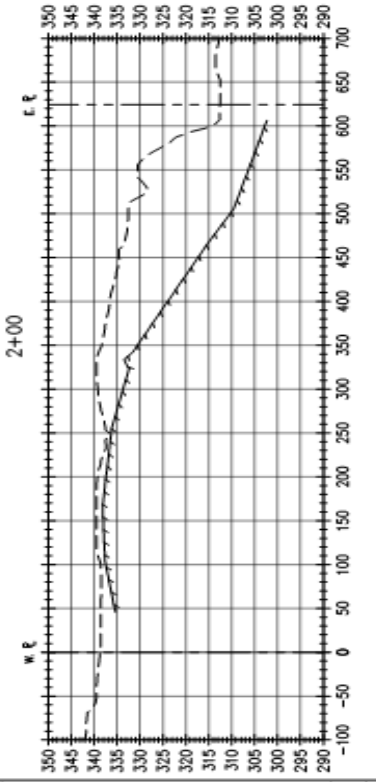
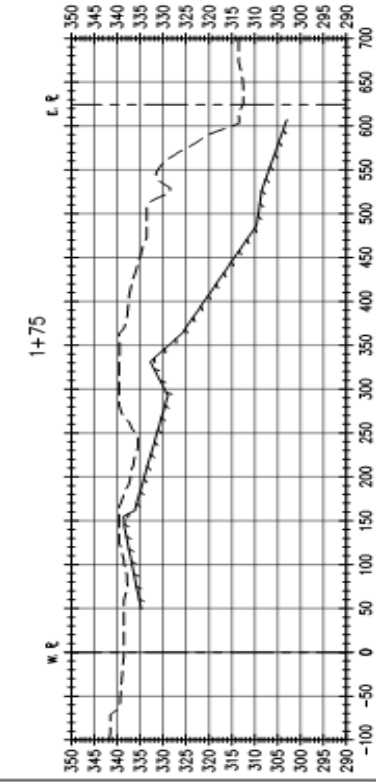
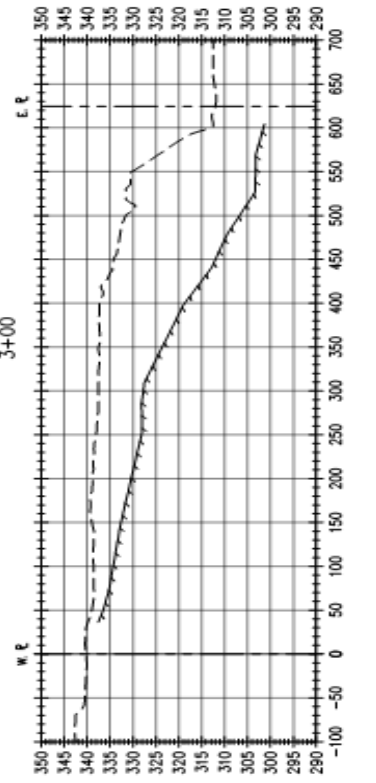
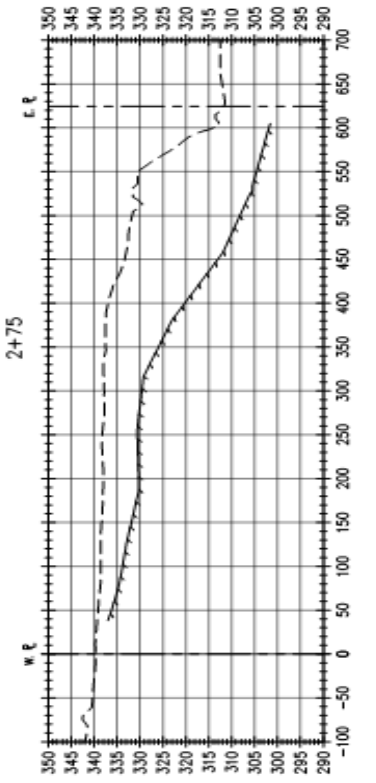
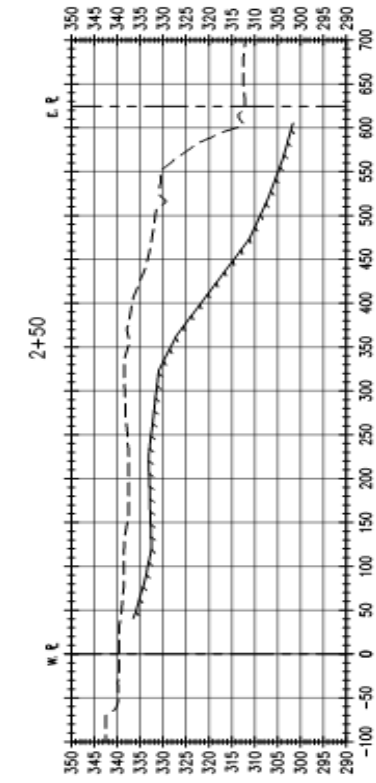
APPROXIMATE ELEVATION OF  
GLACIAL TILL CONTACT

PROJECT NO. 21-529

FIGURE NO. 3





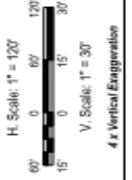


**LEGEND**

- Approximate Existing Ground Surface
- - - Approximate Glacial Till Contact

**NOTES**

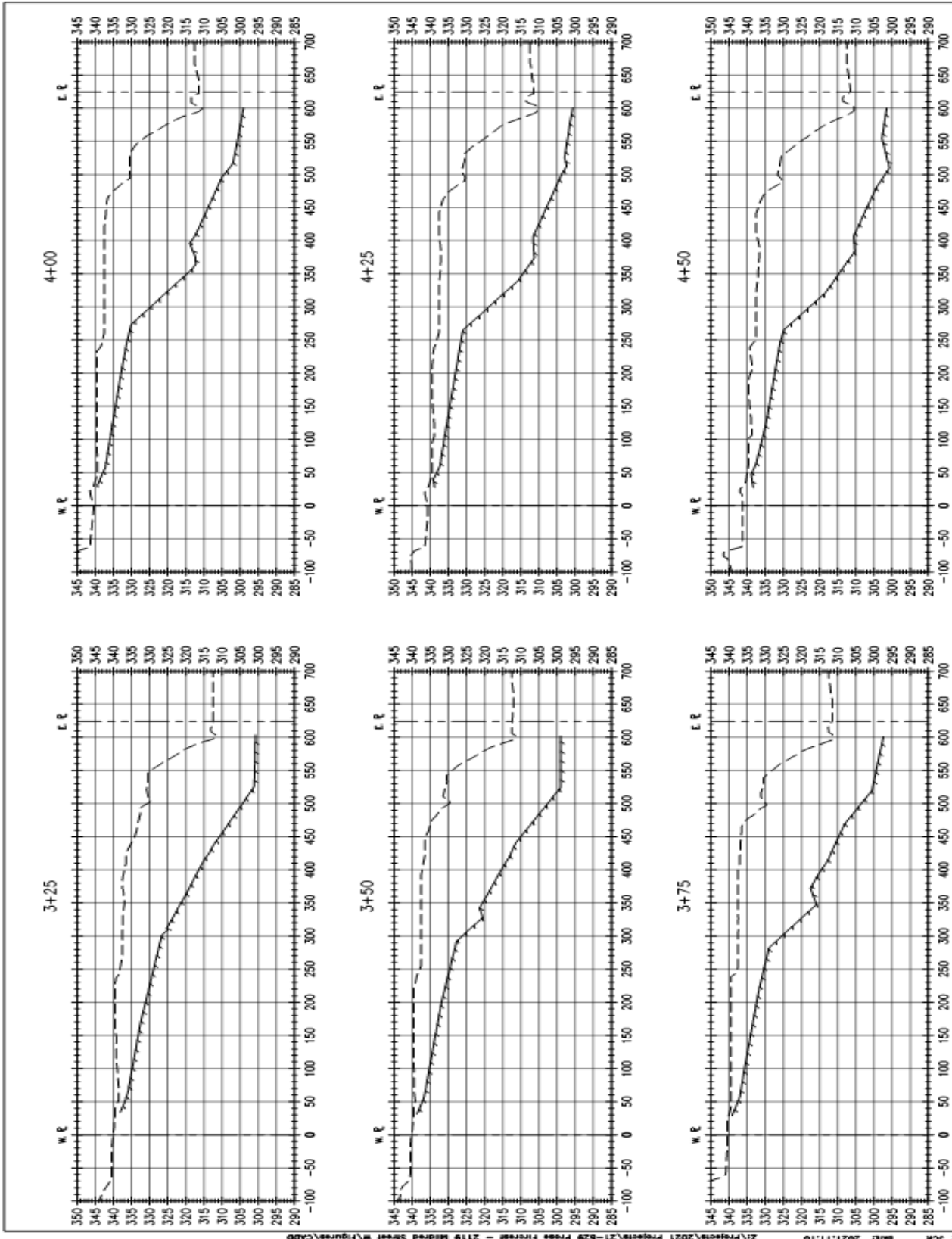
1. Topology derived 2017 Green River Service Area LIDAR data obtained from Washington DNR website.
2. Locations of glacial till contact are approximate and based on subsurface explorations by others.
3. Vertical Datum: NGVD 1929 = (NAVD 1988 - 3.50 ft) per City of Tacoma Public Works Department



Prose Fircrest  
 2119 Mildred Street West  
 Fircrest, Washington

CROSS-SECTIONS  
 SECTION C | 1+75 TO 3+00

PROJECT NO. 21-529  
 DRAWING NO. 6B

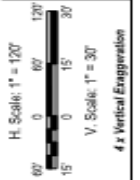


**LEGEND**

- Approximate Existing Ground Surface
- - - Approximate Glacial Till Contact

**NOTES**

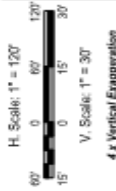
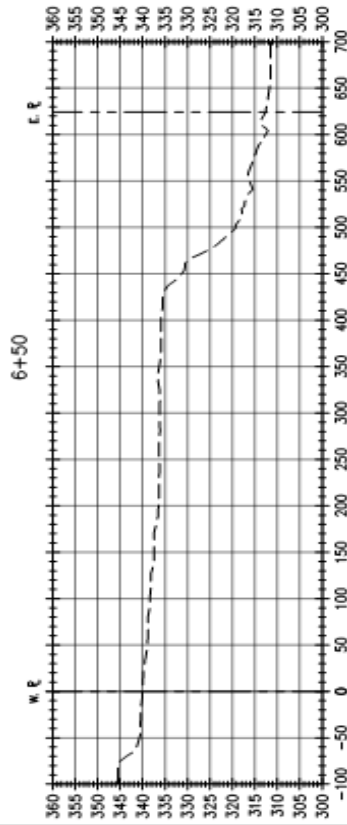
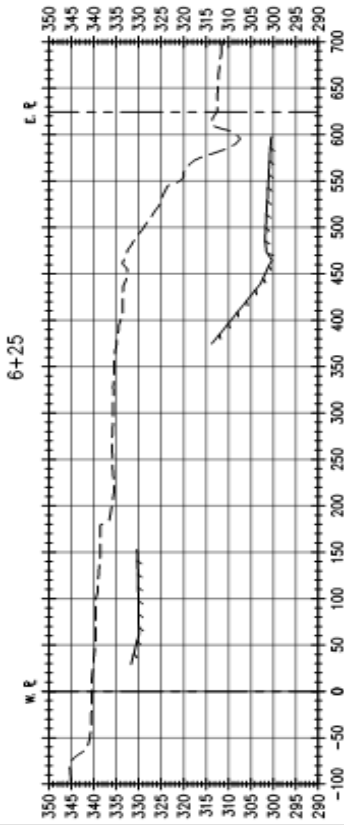
1. Topology derived 2017 Green River Service Area LIDAR data obtained from Washington DNR website.
2. Locations of glacial till contact are approximate and based on subsurface explorations by others.
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Prose Fircrest  
2119 Mildred Street West  
Fircrest, Washington

CROSS-SECTIONS  
SECTION C | 3+25 TO 4+50

PROJECT NO. 21-529  
DRAWING NO. 6C



**LEGEND**

- - - Approximate Existing Ground Surface
- Approximate Glacial Till Contact

**NOTES**

1. Topology derived 2017 Green River Services Area LIDAR data obtained from Washington DNR website.
2. Locations of glacial till contact are approximate and based on subsurface explorations by others.
3. Vertical Datum: NGVD 1929 = (NAVD 1988 - 3.50 ft) per City of Tacoma Public Works Department



Prose Fircrest  
2119 Mildred Street West  
Fircrest, Washington

CROSS-SECTIONS  
SECTION C | 6+25 TO 6+50

PROJECT NO. 21-529 DRAWING NO. 6E

**FIRCREST CITY COUNCIL AGENDA SUMMARY**

**COUNCIL MEETING DATE:** November 8, 2022

**SUBJECT: 13C** Department of Commerce Grant Contract

**FROM:** Jayne Westman, Administrative Services Director

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, authorizing the City Manager to execute a grant contract with the Washington Department of Commerce for \$62,500 to assist with the periodic Comprehensive Plan and Development Regulations update required by the Growth Management Act.

---

**PROPOSAL:** The Council is being asked to authorize the City Manager to execute the grant contract with the Department of Commerce for the \$62,500. The Governor and the Legislature made a historic investment in Growth Management Act planning during the 2022 Legislative Session. As a result, The City was allocated \$125,000 in grant funding. This is the first of two contracts. We anticipate executing another contract in mid-2023. The contract Grants may be used for planning work needed to review or revise our comprehensive plan and development regulations as required to meet our periodic updates. If all the funding is not needed to meet the update requirement, we can use our remaining funds for other planning work beyond the minimum requirements.

**FISCAL IMPACT:** \$62,500 grant towards the cost of the periodic update.

**ADVANTAGE:** This contract allows us to access grant funds.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** Not access grant funds.

**HISTORY:** Every eight years, as required by the GMA, cities are required to update their Comprehensive Plan. Fircrest's last major update was conducted in 2016. The process of this update is expected to take about two years to complete. We posted an RFQ to solicit bids to contract with a planning firm to assist with the periodic update. Principal Planner Boers will assist with the update, but he does not intend to take the lead role.

**ATTACHMENTS:** [Resolution](#)  
[Department of Commerce Grant Contract](#)

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY  
MANAGER TO EXECUTE A GRANT CONTRACT WITH THE  
WASHINGTON DEPARTMENT OF COMMERCE FOR \$62,500  
FOR THE PERIODIC UPDATE OF THE CITY OF FIRCREST'S  
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS**

**WHEREAS**, Every eight years, as required by the Growth Management Act, cities are required to update their comprehensive plans; and

**WHEREAS**, the City of Fircrest's last major Comprehensive Plan Update was conducted in 2016; and

**WHEREAS**, the process of updating the City of Fircrest's Comprehensive Plan is expected to take about two years to complete; and

**WHEREAS**, this initial grant agreement with the Washington Department of Commerce represents one-half of the allocated \$125,000 the City applied for; and

**WHEREAS**, The State legislature has allocated funds for cities to update their comprehensive plans and development regulations to align with Vision 2050 and development newly required elements; and

**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 a grant contract with the Washington Department of Commerce for \$62,500 for the City of Fircrest to update and revise its Comprehensive Plan and development regulations.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 8th day of November 2022.

**APPROVED:**

\_\_\_\_\_  
Brett L. Wittner, Mayor

**ATTEST:**

\_\_\_\_\_  
Jayne Westman, City Clerk

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**APPROVED AS TO FORM:**



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Hillary J. Evans, City Attorney



**Interagency Agreement with**

**City of Fircrest**

**through**

**Growth Management Services**

**Contract Number:  
23-63210-052**

**For**

**GMA Periodic Update Grant – FY2023**

**Dated:** Date of Execution



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## Face Sheet

Contract Number: 23-63210-003

### Local Government Division Growth Management Services

<b>1. Contractor</b> City of Fircrest 25 W Main St Auburn, WA 98001		<b>2. Contractor Doing Business As (as applicable)</b> N/A	
<b>3. Contractor Representative</b> Jayne Westman Administrative Services Director (253) 564-8901 <a href="mailto:jwestman@cityoffircrest.net">jwestman@cityoffircrest.net</a>		<b>4. COMMERCE Representative</b> Keri Sallee Senior Planner (564) 200-2338 <a href="mailto:keri.sallee@commerce.wa.gov">keri.sallee@commerce.wa.gov</a> PO Box 42525 1011 Plum St. SE Olympia, WA 98504	
<b>5. Contract Amount</b> \$62,500	<b>6. Funding Source</b> Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		<b>7. Start Date</b> Date of Execution
<b>8. End Date</b> June 30, 2023			
<b>9. Federal Funds (as applicable)</b> N/A		<b>Federal Agency:</b> N/A <b>ALN</b> N/A	
<b>10. Tax ID #</b> N/A	<b>11. SWV #</b> SWV0007707	<b>12. UBI #</b> 278-009-045	<b>13. UEI #</b> N/A
<b>14. Contract Purpose</b> Grant funding to assist the City of Fircrest with planning work for the completion the Growth Management Act (GMA) requirement to review and revise the comprehensive plan and development regulations under RCW 36.70A.130(5).			
COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work and Attachment B - Budget			
<b>FOR CONTRACTOR</b>  _____ Colleen Corcoran, Interim City Manager City of Fircrest  _____ Date		<b>FOR COMMERCE</b>  _____ Mark K. Barkley, Assistant Director Local Government Division  _____ Date  <b>APPROVED AS TO FORM ONLY          BY ASSISTANT ATTORNEY GENERAL          APPROVAL ON FILE</b>	

## **Special Terms and Conditions**

### **1. AUTHORITY**

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

### **2. CONTRACT MANAGEMENT**

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

### **3. COMPENSATION**

COMMERCE shall pay an amount not to exceed sixty-two thousand five hundred dollars (\$62,500), for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work.

### **4. BILLING PROCEDURES AND PAYMENT**

COMMERCE will pay Contractor upon acceptance of services and deliverables provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly nor less than quarterly.

The parties agree this is a performance-based contract intended to produce the deliverables identified in Scope of Work (Attachment A). Payment of any invoice shall be dependent upon COMMERCE'S acceptance of Contractor's performance and/or deliverable. The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number 23-63210-052. If expenses are invoiced, provide a detailed breakdown of each type. A receipt must accompany any single expenses in the amount of \$50.00 or more in order to receive reimbursement.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

#### Grant Start Date

COMMERCE will pay the Contractor for costs incurred beginning July 1, 2022, for services and deliverables described under this Agreement.

#### Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

#### Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

COMMERCE may, in its sole discretion, withhold ten percent (10%) from each payment until acceptance by COMMERCE of the final report (or completion of the project, etc.).

#### Line Item Transfers

The total amount of transfers of funds between line item budget categories shall not exceed ten percent (10%) of the total budget. If the cumulative amount of these transfers exceeds or is expected to exceed ten percent, the total budget shall be subject to justification and negotiation of a contracts amendment by the Contractor and COMMERCE.

#### Ineligible Costs

Only eligible project-related costs will be reimbursed. Ineligible costs include, but are not necessarily limited to: capital expenses, such as land acquisition or construction costs; purchase of machinery; hosting expenses, such as meals, lodging, or transportation incurred by persons other than staff and volunteers working directly on the project; lobbying or political influencing; and other costs which are not directly related to the project.

### **5. SUBCONTRACTOR DATA COLLECTION**

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Contract performed by subcontractors and the portion of Contract funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

### **6. INSURANCE**

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

### **7. FRAUD AND OTHER LOSS REPORTING**

Contractor shall report in writing all known or suspected fraud or other loss of any funds or other property furnished under this Contract immediately or as soon as practicable to the Commerce Representative identified on the Face Sheet.

### **8. ORDER OF PRECEDENCE**

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget

## **General Terms and Conditions**

### **1. DEFINITIONS**

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Washington Department of Commerce.
- C. "Contract" or "Agreement" or "Grant" means the entire written agreement between COMMERCE and the Contractor, including any Attachments, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" or "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

### **2. ALL WRITINGS CONTAINED HEREIN**

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

### **3. AMENDMENTS**

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

### **4. ASSIGNMENT**

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

### **5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION**

- A. "Confidential Information" as used in this section includes:
  - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
  - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and

iii. All Personal Information in the possession of the Contractor that may not be disclosed under state or federal law.

- B.** The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.
- C.** Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

## **6. COPYRIGHT**

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

## **7. DISPUTES**

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority

prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

**8. GOVERNING LAW AND VENUE**

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

**9. INDEMNIFICATION**

Each party shall be solely responsible for the acts of its employees, officers, and agents

**10. LICENSING, ACCREDITATION AND REGISTRATION**

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

**11. RECAPTURE**

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

**12. RECORDS MAINTENANCE**

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

**13. 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 Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

**14. SEVERABILITY**

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.



## **15. SUBCONTRACTING**

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

## **16. SURVIVAL**

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

## **17. TERMINATION FOR CAUSE**

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

## **18. TERMINATION FOR CONVENIENCE**

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

## **19. TERMINATION PROCEDURES**

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which COMMERCE has or may acquire an interest.

## **20. TREATMENT OF ASSETS**

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

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management

practices.

- C.** If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D.** The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract.
- E.** All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

**21. WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

## Attachment A: Scope of Work

<b>Tasks / Actions / Deliverables</b>	<b>Description</b>	<b>End Date</b>
Task 1.0	Review relevant elements and regulations as needed for revision	January 2023
Action 1.1	Use the Commerce periodic update checklist to review the City's comprehension plan	February 2023
Action 1.2	Use the Commerce periodic update checklist to review the City's development regulations	February 2023
Deliverable 1.0	Completed the Commerce Periodic Update Checklist	March 31, 2023
Task 2.0	Planning Commission review and recommendations	April 2023
Action 2.1	Planning Commission meeting/Public Hearing	May 2023
Deliverable 2.0	Planning commission review and recommendations complete	June 30, 2023

## **Attachment B: Budget**

<b>SFY 2023 Task/Deliverable</b>	<b>SFY 2023 Amount</b>
Deliverable 1: Completed the Commerce Periodic Update Checklist	\$60,000
Deliverable 2: Planning commission review and recommendations complete	\$2,500
<b>Total Grant (SFY 2023 only)</b>	<b>\$ 62,500</b>

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**COUNCIL MEETING DATE:** November 8, 2022

**SUBJECT: 13D** Resolution to Execute an Equipment Use and Hold Harmless Agreement with the Town of Steilacoom

**FROM:** Police Chief Cheesman

Reviewed by:        \_\_\_ City Manager        \_\_\_ Finance Director        \_\_\_ City Attorney

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**RECOMMENDED MOTION:**    I move to adopt Resolution No. \_\_\_ authorizing the City Manager to execute an Equipment Use and Hold Harmless Agreement between the Town of Steilacoom and the City of Fircrest for the use of the Holiday Sleigh.

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**PROPOSAL:** That City Council is being asked to authorize the City Manager to execute an Equipment Use and Hold Harmless Agreement with the Town of Steilacoom for use of the Holiday Sleigh.

**FISCAL IMPACT:** Minimal

**ADVANTAGES:** This is a great event for our community and our employees.

**DISADVANTAGES:** None.

**HISTORY:** The Town of Steilacoom owns a motorized vehicle that can be best described as a Holiday Sleigh. We have utilized the sleigh for twenty-one years and on those occasions, City employees and volunteers have dressed up in costumes of elves, reindeers, a snowman and even Mr. and Mrs. Claus, and we ride the "sleigh" throughout the City. We hand out holiday wishes, and Christmas candy to our residents.

In addition to the Tree Lighting Ceremony, we will also be traveling throughout our community on December 7<sup>th</sup> and 8<sup>th</sup>. We will be travelling throughout our City and we will develop maps and promote our travels through the neighborhoods. I have coordinated our dates with the Fire Department, and they will be joining us on our journey.

We have done this event the past twenty-one years and it has been a huge success. This event has been very well received in the community.

The Santa sleigh tour brings City employees and citizens together and it promotes team building. This event is done with all volunteers, including the decorating and cleaning of the sleigh.

**Attachments:** [Proposed Resolution](#)  
[Equipment Use and Hold Harmless Agreement](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY  
MANAGER TO SIGN AN EQUIPMENT USE AND HOLD  
HARMLESS AGREEMENT BETWEEN THE TOWN OF  
STEILACOOM AND THE CITY OF FIRCREST FOR THE  
USE OF A MOTORIZED HOLIDAY SLEIGH

WHEREAS, RCW 39.34.030 authorizes municipal corporations to enter into agreements with one another for joining cooperative action; and

WHEREAS, the parties to this agreement each have the need of the use of the Holiday Sleigh; and

WHEREAS, the parties to this agreement believe it is in the best interest of both to enter into a joint agreement to share the use of the Holiday Sleigh; Now, Therefore,

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

**Section 1.** The City Manager is hereby authorized and directed to enter into an Interlocal Agreement between the Town of Steilacoom and the City of Fircrest for the use of the Holiday Sleigh.

**APPROVED AND ADOPTED** this 8<sup>th</sup> day of November 2022 at a regular meeting of the City Council of the City of Fircrest.

APPROVED:

\_\_\_\_\_  
Brett L. Wittner, Mayor

ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney



**EQUIPMENT USE AND HOLD HARMLESS AGREEMENT**

This agreement is made and entered into by Fircrest, hereafter referred to as user, and the Town of Steilacoom, hereafter referred to as owner.

**RECITALS**

1. The Town of Steilacoom owns a motorized vehicle best described as a holiday season sleigh which it uses in various Town holiday activities; and
2. Fircrest wishes to use the Town of Steilacoom holiday season sleigh for holiday activities in Fircrest; and
3. The Town of Steilacoom is willing to allow Fircrest to make use of its holiday season sleigh on certain terms and conditions; and
4. The parties set forth below the terms and conditions on which such use shall be permitted.

**AGREEMENT**

- A. Owner agrees to allow user to use its holiday season sleigh, and user agrees to use owner's holiday season sleigh according to and in compliance with the terms and conditions set forth below.
- B. Owner shall reserve the right to first choice for all dates and times of use of the holiday season sleigh. User shall be entitled to use the holiday season sleigh at all other times not previously scheduled for use by owner. User shall make all requests for use of the holiday season sleigh in writing directed to the Town Administrator.
- C. User agrees to allow only validly licensed and insured drivers to operate the holiday season sleigh.
- D. Before user makes any use of the holiday season sleigh, user shall provide to owner a certificate of vehicle liability insurance of a minimum of \$1,000,000.00 demonstrating that user has hired and non-owned auto coverage. Further, user agrees that its vehicle insurance coverage shall be the primary insurance in respect to owner. Any insurance, self-insurance, or insurance pool coverage maintained by owner shall be in excess of the user's insurance and shall not contribute with it. User also agrees to pay owner's physical damage deductible for any damage to the vehicle while in user's care and control pursuant to this agreement.
- E. User indemnifies, defends and holds harmless, owner, its officers, officials, employees, volunteers, successors and assigns from any and all claims, injuries, damages, losses, suits, actions or liabilities for injury or death of any person, or for the loss or damage to property which arises out of user's use of the owner's holiday season sleigh, or from any activity, work or thing done, permitted or allowed by user in or about the holiday season sleigh, except for injuries and damages caused by the sole negligence of the owner.
- F. User shall be fully financially responsible for all costs of use, operation and maintenance of the holiday season sleigh while it is in the user's care and control pursuant to this agreement.
- G. This agreement constitutes the full and entire agreement of the parties. Any changes, additions or other modifications of this agreement shall be in writing and signed by both parties.
- H. If any provision of this agreement shall be found by a court of competent jurisdiction to be invalid and/or unenforceable, the remainder of this agreement shall be given full force and effect by the parties.
- I. This agreement covers the period December 1, 2022 through December 31, 2022.

Fircrest:

Town of Steilacoom

By: \_\_\_\_\_  
City Manager

By:   
Mayor

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

Date: 10/04/2022

## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**NEW BUSINESS:**       **Jeff Boers and Associates Contract Amendment**  
**ITEM: 13E**

**FROM:**               **Jayne Westman, Administrative Services Director**

---

**RECOMMENDED MOTION:**   **I move to adopt Resolution No. \_\_\_\_\_, authorizing the Interim City Manager to execute an amendment to the contract for planning services with Jeff Boers and Associates in 2023.**

---

**PROPOSAL:** The Council is being asked to adopt a resolution amending the professional service agreement with Jeff Boers and Associates extending the term of said Agreement through December 31, 2023.

**FISCAL IMPACT:** There is a \$10/ hour increase in the hourly amount. (\$105 - \$115 p/h) Based on the 2021 & 2022 submitted invoices, the budget impact may be in the \$2,300 range for 2023. Important to note that on major projects, the cost of planning services is passed on to the applicant.

**ADVANTAGE:** Jeff Boers has existing knowledge of Fircrest's land-use code and has extensive experience working with local jurisdictions on land-use issues and GMA-required Comprehensive Plan updates.

**DISADVANTAGES:** None identified.

**ALTERNATIVES:** The City could consider another firm with equivalent experience.

**HISTORY:** The City has contracted with Jeff Boers since 2013 for principal planner services. Mr. Boers had previously worked for the City as the Planning and Building Director, and as such, was instrumental in the development of much of the existing land development code.

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



**AMENDMENT #10  
TO THE CITY OF FIRCREST  
PROFESSIONAL SERVICES AGREEMENT WITH JEFF BOERS AND  
ASSOCIATES TO PROVIDE CURRENT AND LONG-RANGE  
PLANNING CONSULTING SERVICES**

This amendment is hereby made and entered into this 9<sup>th</sup> day of November 2022 by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the “City” and Jeff Boers.

**WITNESSETH:**

1. **Purpose**

The purpose of this ninth amendment is to amend the April 23, 2013 agreement. This amendment is limited to the amendments as set forth herein. All of the remaining terms and conditions of the April 23, 2013 agreement and previous amendments shall remain in full force and effect. The amendment is as follows:

2. Section 3 is hereby amended to read as follows:

**Term:** The term of this Agreement shall be from January 1, 2023, until December 31, 2023, and may be extended or modified by the mutual consent of the parties.

3. Section 7 is hereby amended to read as follows:

Billing for services of Consultant shall clearly list costs as related to the statement of work and Consultant agrees to maintain appropriate records accounting for all services rendered to and on behalf of the City. Consultant shall receive remuneration as and for fees for services rendered in the sum of \$115.00 (ONE HUNDRED-FIFTEEN DOLLARS) per hour. The City also agrees to reimburse the Consultant for the registration cost to attend the AWC Planning Directors Conference. Consultant may elect to bill the City for direct expenses incurred in the performance of his/her duties hereunder for long-distance phone charges, photocopies, and other similar expenses required to complete the Scope of Services. However, the Consultant will make every effort to use City equipment, including photocopier, as often as practical to minimize expenses charges. Consultant shall be paid monthly on account of the services performed during that month with payment due 30 days of the invoice date.

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

**CITY OF FIRCREST**

**JEFF BOERS AND ASSOCIATES**

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_

Approved as to Form:

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

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Ordinance Relating to Salaries of Non-Union Employees,  
Including Casual and Seasonal Employees

**ITEM:** 13F

**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, amending Fircrest Municipal Code (“FMC”) 2.44.050 relating to salaries of non-union City employees and amending FMC 2.44.090 relating to hourly rate of pay for casual and seasonal employees; providing for severability; and establishing an effective date.

**PROPOSAL:** Council is being asked to approve and adopt the attached proposed salary ordinance for implementation January 1, 2023.

**FISCAL IMPACT:** The attached ordinance includes a proposed Cost of Living Adjustment (COLA) for non-represented employees of 9.5% based on the Consumer Price Index All Urban Consumers (CPI-W) for the year ending June 2022.

**ADVANTAGE:** This proposal provides for a 9.5% COLA.

**DISADVANTAGE:** None (other than the cost which has been included in the 2023 Preliminary Budget).

**ALTERNATIVES:** Not provide a cost of living adjustment.

**HISTORY:**

2023 – 9.5% (proposed)  
2022 – 6.3%  
2021 – 1.0%  
2020 – 1.7%  
2019 – 3.6%  
2018 – 3.0%  
2017 – 2.0%  
2016 – 2.0%  
2015 – 2.5%  
2014 – 2.0%  
2013 – 0.0%  
2012 – 0.0%  
2011 – 0.0% (4 furlough days)

**Attachment(s):** [Ordinance](#)

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

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,  
AMENDING FIRCREST MUNICIPAL CODE (“FMC”) 2.44.050  
RELATING TO SALARIES OF NON-UNION CITY EMPLOYEES  
AND AMENDING FMC 2.44.090 RELATING TO HOURLY RATE  
OF PAY FOR CASUAL AND SEASONAL EMPLOYEES;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City seeks to adopt a cost of living increase of 9.5% based on the Consumer Price Index All Urban Consumers (CPI-W) for the year ending June 2022; and

**WHEREAS**, the City Council has determined it is in the best interests of the City of Fircrest to adopt a cost of living increase for non-union employees.

**NOW. THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST DO  
ORDAIN AS FOLLOWS:**

**Section 1. FMC 2.44.050, Amended.** Section 1 of Ordinance No. 1686 and FMC Section 2.44.050 are hereby amended to read as follows:

Non-Union Salaries. From and after January 1, 2023 the full-time equivalent monthly salary range of the following regular full-time, regular part-time, and temporary City positions is fixed at the following sums. No employee shall be paid an average monthly base salary, which exceeds the maximum provided hereunder.

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
Custodian	\$3,334	\$4,258
Office Assistant I	\$3,477	\$4,437
Office Assistant II	\$4,180	\$5,334
Court Clerk I	\$4,180	\$5,334
Police Records Technician/CSO I	\$4,291	\$5,477
Administrative Assistant	\$4,515	\$5,761
Court Clerk II	\$4,681	\$5,975
Permit Coordinator/Code Enforcement Officer	\$4,703	\$6,002
Recreation Program Coordinator	\$4,711	\$6,012
Accountant I	\$4,763	\$6,080
Police Records Technician/CSO II	\$4,805	\$6,132
Accountant II	\$5,590	\$7,134
IT Systems Coordinator	\$5,694	\$7,268
Parks Maintenance Supervisor	\$5,649	\$7,210
Court Administrator-without contracted court	\$6,313	\$8,056
Court Administrator-with contracted court	\$6,944	\$8,864
Parks/Recreation Director	\$7,259	\$9,264
City Clerk/Admin. Services Director	\$8,375	\$10,689
Finance Director	\$8,775	\$11,200
Public Works Director	\$9,427	\$12,032
Police Chief	\$9,847	\$12,569

1 For payroll purposes and for the computation of hourly rates for regular employees, the  
2 monthly salary of said positions shall be multiplied by twelve (12) and then divided by two  
3 thousand and eighty (2,080) hours and rounded to the nearest one hundredth to determine  
the corresponding hourly rate of pay for entry into the bi-weekly payroll system.

4 **Section 2. FMC 2.44.090, Amended.** Section 2 of Ordinance No. 1676 and F.M.C.  
5 2.44.090 are hereby amended to read as follows:

6 Casual and seasonal employees. From and after January 1, 2023, the hourly rate of pay  
7 for casual or seasonal employees, unless otherwise provided, shall range between the State  
8 of Washington’s minimum wage of fifteen dollars and seventy-four cents and twenty-four  
9 dollars and ten cents per hour, depending on the requirements of the position and the  
10 qualifications of the individual, as determined by the City Manager.”

11 No employee shall be paid on an hourly rate that exceeds the maximum provided  
12 hereunder.

<u>Position</u>	<u>1<sup>st</sup> Year of Employment</u>	<u>2<sup>nd</sup> Year of Employment</u>	<u>3<sup>rd</sup> Year of Employment</u>
Maintenance Worker	\$16.15	\$16.40	\$16.65
Pool Cashier	\$16.15	\$16.40	\$16.65
Lifeguard	\$16.75	\$17.00	\$17.25
Swim Instructor	\$16.75	\$17.00	\$17.25
Recreation Leader	\$16.75	\$17.00	\$17.25
Swim Coach	\$17.55	\$17.80	\$18.05
Head Lifeguard	\$18.10	\$18.35	\$18.60
Senior Bus Driver	\$20.30	\$20.30	\$20.30
Pool Manager	\$23.60	\$23.85	\$24.10

13 **Section 3. Corrections.** The City Clerk and codifiers of the ordinance are authorized to  
14 make necessary corrections to this ordinance including, but not limited to, the correction  
15 of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers  
16 and any references thereto.

17 **Section 4. Severability.** If any section, subsection, paragraph, sentence, clause or phrase  
18 of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall  
19 not affect the validity or effectiveness of the remaining portions of this ordinance.

20 **Section 5. Summary, Publication, and Effective Date.** This Ordinance or a summary  
21 thereof consisting of the title, shall be published in the official newspaper of the City, and  
22 shall take effect and be in full force five (5) days after its adoption and publication as  
23 required by law.

24 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**  
25 **WASHINGTON,** at a regular meeting thereof this 8<sup>th</sup> day of November 2022.

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APPROVED:

\_\_\_\_\_  
Brett Wittner, Mayor

ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:**                    **Ordinance Reestablishing the Municipal Court Judge and Chief Examiner monthly Rate of Pay and Municipal Court Judge Pro Tem hourly Rat of Pay**

**ITEM: 13G**

**DATE:**                                **November 8, 2022**

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**RECOMMENDED MOTION: I move to adopt Ordinance No. \_\_\_\_\_ amending Fircrest Municipal Code (“FMC”) 2.44.070 reestablishing the Municipal Court Judge monthly rate of pay and the Civil Service Chief Examiner/Secretary rate of pay and the Municipal Court Judge Pro Tem rate of pay; providing for severability; and establishing an effective date.**

**PROPOSAL:** Council is being asked to adopt an ordinance that increases the Municipal Court Judge rate of pay from \$3,407 to \$3,731 per month plus an additional \$1,600 per month if contracting for additional court services for a total of \$5,331 per month and increases the Civil Service Chief Examiner/Secretary rate of pay from \$233 to \$255 per month effective January 1, 2023.

**FISCAL IMPACT:** This proposal is a \$324 per month increase for the Municipal Court Judge. The monthly increase for the Chief Examiner is \$22. There is no change in the rate for the Municipal Court Judge Pro Tem.

**ADVANTAGE:** This proposal provides for a 9.5% COLA which is in line with the cost-of-living raises received by other non-represented employees.

**DISADVANTAGE:** None (other than the cost which has been included in the 2023 Preliminary Budget).

**ALTERNATIVES:** Not provide a cost-of-living adjustment.

**HISTORY:** The positions were increased as follows:

- 2015-2.5%
- 2016-2%
- 2017-2%
- 2018-3%
- 2019-3.6% (added Ruston Court \$1,500 per month for the Municipal Court Judge)
- 2020-1.7% (plus \$100 per month for the Municipal Court Judge for Ruston Court services)
- 2021-1%
- 2022-6.3%

A 9.5% increase is requested for the Municipal Court Judge and Civil Service Chief Examiner.

**Attachment(s):** [Proposed ordinance](#)

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

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, AMENDING FIRCREST MUNICIPAL CODE (“FMC”) 2.44.070 REESTABLISHING THE MUNICIPAL COURT JUDGE MONTHLY RATE OF PAY AND THE CIVIL SERVICE CHIEF EXAMINER/ SECRETARY RATE OF PAY AND THE MUNICIPAL COURT JUDGE PRO TEM RATE OF PAY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City seeks to adopt a cost of living increase of 9.5% based on the Consumer Price Index All Urban Consumers (CPI-W) for the Municipal Court Judge positions for the year ending June 2022; and

**WHEREAS**, the City Council has determined it is in the best interests of the City of Fircrest to do so.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1. FMC 2.44.070, Amended.** Section 1 of Ordinance No. 1687 and FMC 2.44.070 are hereby amended to read as follows:

2.44.070 Monthly Pay From and after January 1, 2023, the monthly rate of pay of the following positions is fixed at not to exceed the following sums:

Municipal Court Judge	\$3,731 per month
Municipal Court Judge with contract	\$5,331 per month
Civil Service Chief Examiner	\$ 255 per month
Municipal Court Judge Pro Tem	\$ 75 per hour (2 hour minimum)

**Section 2. Corrections.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

**Section 4. Summary, Publication, and Effective Date.** This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,  
WASHINGTON**, at a regular meeting thereof this 8<sup>th</sup> day of November 2022


APPROVED:

\_\_\_\_\_  
Brett Wittner, Mayor

ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney

**NEW BUSINESS: Motion to Authoriz the Interim City Manager to execute a Memorandun of Understanding with the Fircrest Police Guild for Retention Incentive Pay**

**ITEM 13H**

**FROM: Colleen Corcoran, Interim City Manager**

---

**RECOMMENDED MOTION: I move to authorize the Interim City Manager to execute the Memorandum of Understanding by and between the City of Fircrest and the Fircrest Police Guild for Retention Incentive Pay.**

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**PROPOSAL:** To authorize the Interim City Manager to execute a memorandum of understanding (MOU) with the Fircrest Police Guild for retention incentive pay.

**HISTORY:** The Fircrest Police Guild sent a request for a MOU for retention incentive pay on 10/3/22. Council held two executive sessions, the City Attorney has reviewed, and the Police Guild have accepted the terms of the MOU.

**ADVANTAGE:** The demand for Police Officers is increasing while the supply of qualified officers is decreasing. Several surrounding police entities are offering signing bonuses for new officers making it financially beneficial for our officers to leave Fircrest. In order to maintain our police force, we need to be competitive.

**FISCAL IMPACT:** Incentive pay bonuses are \$10,000 for each commissioned officer in exchange for a three year retention committment. ARPA funding will be used for this expense. This item will be included in Budget Amendment #3.

**RECOMMENDATION:** Staff recommends authorizing the Interim City Manager to execute the MOU with the Fircrest Police Guild.

**ATTACHMENTS:** [MOU-Retention Incentive Pay](#)  
[Fircrest Police Retention Agreement](#)

**MEMORANDUM OF UNDERSTANDING**  
**By and Between**  
**CITY OF FIRCREST**  
**And**  
**FIRCREST POLICE GUILD**

---

RE: Retention Incentive Pay

This Memorandum of Understanding (MOU) sets forth the agreement between the parties related to Retention Incentive Pay.

WHEREAS, the City of Fircrest Police Department, along with police departments throughout the nation, is experiencing a high rate of attrition; and

WHEREAS, hiring officers to replace those that are leaving the City of Fircrest Police Department takes six (6) months to a year before newly employed officers are actively working for the City; and

WHEREAS, a delay in the departure of current officers will help alleviate the reduction in available officers while hiring and training of new officers takes place; and

WHEREAS, the City of Fircrest may use money made available through the American Rescue Plan Act (ARPA) to fund a retention incentive; and

WHEREAS, financial incentives are being successfully used in other police departments;

NOW THEREFORE, the Fircrest Police Guild and the City of Fircrest (City) agree as follows:

1. Retention Incentive Pay is available to all commissioned officers in the bargaining unit
2. An employee who wishes to receive Retention Incentive Pay shall sign the City's Retention Agreement and submit it to the City. The Retention Agreement provides that:
  - a. Employee shall remain with the City of Fircrest Police Department for three (3) calendar years from the date the Retention Agreement is signed by the employee, Police Chief and City Manager; and
  - b. The City, in exchange for employee's three (3) years of retention with the City of Fircrest Police Department, shall pay to the employee the lump sum payment of \$10,000 less applicable taxes; and
  - c. If an employee voluntarily separates from employment with the City before the agreed three-year commitment expires, the employee shall repay \$10,000 to the City which shall be deducted from the final paycheck for the employee unless the employee has requested and been approved by the Police Chief and the City Manager for an alternate repayment plan not to exceed six (6) months from the date of termination of employment. Should the employee's final paycheck amount be insufficient to repay \$10,000, then the City shall work with the employee on a repayment plan in full not to exceed six (6) months from the date of termination of employment.

- d. An Involuntary separation for an employee in good standing shall not require such repayment of \$10,000 for reasons such as disability, as approved by a physician's certificate or other cause beyond the control of the employee and shall be approved by the Police Chief and the City Manager; and
  - e. Resignation in lieu of termination shall require the employee to repay \$10,000 which shall be deducted from the final paycheck for the employee. Should the employee's final paycheck amount be insufficient to repay \$10,000, then the City shall work with the employee on a repayment plan in full not to exceed six (6) months from the date of termination of employment.
3. The City shall allow employees (participants) to enter into a Retention Agreement to receive Retention Incentive Pay at the time of acceptance of this MOU by the Fircrest Police Guild plus 30 days.

Signed on the date(s) set forth below each party's signature:

**CITY OF FIRCREST**

**FIRCREST POLICE GUILD**

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**COLLEEN CORCORAN**  
Interim City Manager

---

**JOHN ROBERTS**  
Guild President

---

Date

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Date



## FIRCREST POLICE RETENTION AGREEMENT

1. I \_\_\_\_\_ attest that I am a commissioned officers in the Fircrest Police Guild.
  
2. I agree to the following Retention Agreement terms:
  - a. I shall remain with the City of Fircrest Police Department for three (3) calendar years from the date of my signing of this Retention Agreement; and
  - b. The City, in exchange for my three (3) years of retention, shall pay me the lump sum payment of \$10,000 less any applicable taxes; and
  - c. If I voluntarily separate employment from the City of Fircrest Police Department before the agreed-upon commitment for three (3) years, then I shall repay \$10,000 to the City of Fircrest which shall be deducted from my final paycheck. Should my final paycheck amount be insufficient to repay \$10,000, then I will work with the City of Fircrest on a repayment plan in full not to exceed six (6) months from the date of termination.
  - d. An Involuntary separation, if I am in good standing, shall not require such repayment of \$10,000 for reasons such as disability, as approved by a physician's certificate or other cause beyond my control and shall be approved by the Police Chief and the City Manager; and
  - e. Resignation in lieu of termination shall require repayment of \$10,000 which shall be deducted from my final paycheck. Should my final paycheck amount be insufficient to repay \$10,000, then I will work with the City on a repayment plan in full not to exceed six (6) months from the date of termination.

_____	_____
Police Officer	Date

_____	_____
Police Chief	Date

_____	_____
City Manager	Date

**FIRCREST CITY COUNCIL AGENDA SUMMARY**

**COUNCIL MEETING DATE:** November 8, 2022  
**SUBJECT: 131** Cumulative Reserve Transfer Out  
**FROM:** Lindsay Chambers, Interim Finance Director

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**RECOMMENDED MOTION:** I move to adopt Ordinance # \_\_\_\_\_ an ordinance of the City of Fircrest, Washington, transferring \$150,000 from Cumulative Reserve-Street to the Street Fund, \$11,513 from the Cumulative Reserve-Water to the Water Fund, and \$369,250 from Cumulative Reserve-Sewer to the Sewer Fund; Providing for severability; and establishing an effective date.

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**PROPOSAL:** That Council adopt the ordinance authorizing the transfer of \$150,000 Cumulative Reserve-Street to the Street Fund, \$11,513 from the Cumulative Reserve-Water to the Water Fund, and \$369,250 from Cumulative Reserve-Sewer to the Sewer Fund.

**FISCAL IMPACT:** This will move all the Cumulative Reserve portion for Street, Water, and Sewer to the Street, Water, and Sewer funds. This transfer will be included in Budget Amendment #3.  
Transfer 150,000 out of CR to Street EFB  
Transfer 11,513 out of CR to Water EFB  
Transfer 369,250 out of CR to Water EFB

**ADVANTAGES:** Increase available funds for expenditures in the Street, Water, and Sewer funds.

**DISADVANTAGES:** There will be no reserve funds for Street, Water, and Sewer in the Cumulative Reserve Fund.

**ALTERNATIVES:** Do not transfer the money and leave it in the Cumulative Reserve Fund.

**HISTORY:** The Cumulative Reserve Fund was funded on 6/26/1990 by Ordinance #956.

	Street	Water	Sewer	Reason		
6/26/1990	100,000.00	53,750.00	53,750.00	Establish funding		
12/11/1990			547,500.00	Sewer Capacity Rights		
4/13/1993			(232,000.00)	Contract PWF		
7/12/1994		(42,237.00)		Rate Study/Water Meters		
5/23/1995	(100,000.00)			Street grant match		
12/31/2002	150,000.00			From CR-Light		
Total Xfer	150,000.00	11,513.00	369,250.00			

**Attachment(s):** [Proposed Ordinance](#)

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON; TRANSFERRING \$150,000 FROM  
CUMULATIVE RESERVE-STREET TO THE STREET FUND,  
\$11,513 FROM, CUMULATIVE RESERVE-WATER TO THE  
WATER FUND, AND \$369,250 FROM CUMULATIVE  
RESERVE-SEWER TO THE SEWER FUND; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the Cumulative Reserve Fund was established by the City Council in 1990 by Ordinance #956, and there is a need to transfer funds to the Street, Water, and Sewer Funds; and

**WHEREAS**, the Fircrest City Council has determined it is in the City's best interest to transfer money from the Cumulative Reserve Fund to the Street, Water, and Sewer Funds.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Fund Transfer.** A transfer of funds from the Cumulative Reserve Fund of \$150,000 Cumulative Reserve-Street to the Street Fund, \$11,513 from the Cumulative Reserve-Water to the Water Fund, and \$369,250 from Cumulative Reserve-Sewer to the Sewer Fund.

**Section 2. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

**Section 3. Summary, Publication, and Effective Date.** This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 8th day of November 2022.

APPROVED:

\_\_\_\_\_  
Brett L. Wittner, 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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Hillary J. Evans, City Attorney

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Publication Date:

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Effective Date:

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## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**NEW BUSINESS:** Establishment of amount and percentage increase of the 2023 Regular Property Tax Levy over 2022 Regular Property Tax Levy.

**ITEM:** 13J

**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, establishing the amount and percentage increase of the 2023 regular property tax levy over the 2022 regular property tax levy.

**PROPOSAL:** The resolution will allow the City to levy property taxes to be collected in 2023.

**ADVANTAGE:** Allows the City to levy property taxes necessary for 2023 expenditures.

**DISADVANTAGE:** None known.

**ALTERNATIVES:** None known.

**HISTORY:** A public hearing was held on October 25, 2022, to consider revenue sources for the 2023 budget.

**Attachment(s):** [Resolution](#)

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, ESTABLISHING NO INCREASE IN THE AMOUNT AND PERCENTAGE INCREASE OF THE 2023 REGULAR PROPERTY TAX LEVY OVER THE 2022 REGULAR PROPERTY TAX LEVY.**

**WHEREAS**, the City of Fircrest attests that the taxing district population is 7,215; and

**WHEREAS**, the City of Fircrest has properly given notice of the public hearing held October 25, 2022 to consider revenue sources for its budget for the calendar year 2023; and

**WHEREAS**, the Council of the City of Fircrest's actual levy amount from the previous year was \$1,628,992.56; and

**WHEREAS**, the Council of the City of Fircrest after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Fircrest requires a regular property levy increase of 3.9481111% from the previous year exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the City of Fircrest and in its best interest; Now, Therefore,

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

**Section 1:** That no increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2023 tax year.

**Section 2:** The dollar amount of the increase over the actual levy amount from the previous year shall be \$64,314.44 which is a percentage increase of 3.9481111% from the previous year.

**Section 3:** This increase is exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON**, at a regular meeting thereof this 8<sup>th</sup> day of November, 2022.

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APPROVED:

\_\_\_\_\_  
Brett L. Wittner, Mayor

ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney



## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** Establishment of amount of the 2023 EMS Property Tax Levy over 2022 EMS Property Tax Levy.

**ITEM:** 13K

**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_, establishing the amount of the 2023 EMS property tax levy over the 2022 EMS property tax levy.

**PROPOSAL:** Council is being asked to adopt a resolution to establish the amount of the 2023 EMS property tax levy over the 2022 EMS property tax levy.

**FISCAL IMPACT:** The resolution will allow the City to levy EMS property taxes to be collected in 2023.

**ADVANTAGE:** None known

**DISADVANTAGE:** None known

**ALTERNATIVES:** None known

**HISTORY:** A vote of the people held on August 4, 2020 authorized an EMS property tax levy for six consecutive years beginning in 2021. This is the third year of the levy. A public hearing was held on October 25, 2022 to consider revenue sources for the 2023 budget.

**Attachment(s):** [Resolution](#)

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, ESTABLISHING THE AMOUNT AND  
PERCENTAGE OF THE 2023 REGULAR EMS TAX LEVY AS  
AUTHORIZED BY VOTER APPROVAL ON AUGUST 4, 2020.**

**WHEREAS**, the City of Fircrest attests that the taxing district population is 7,215; and

**WHEREAS**, the City of Fircrest has properly given notice of the public hearing held October 25, 2022 to consider revenue sources for its budget for the calendar year 2023; and

**WHEREAS**, the Council of the City of Fircrest's actual levy amount from the previous year was \$554,840.32; and

**WHEREAS**, the Council of the City of Fircrest after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Fircrest requires a regular property levy of 0.9357% over the previous year in order to discharge the expected expenses and obligations of the City of Fircrest and in its best interest; Now, Therefore,

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

**Section 1:** That an increase in the regular EMS tax levy is hereby authorized for the levy to be collected in the 2023 tax year.

**Section 2:** The dollar amount of the increase over the actual levy amount from the previous year shall be \$5,191.49 which is a percentage increase of 0.9357% from the previous year.

**Section 3:** This increase is exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 8<sup>th</sup> day of November 2022.

APPROVED:


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Brett L. Wittner, Mayor

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ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** 2023 Levy Certifications  
**ITEM:** 13L  
**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** I move to authorize the Interim City Manager to sign the 2023 regular property and EMS levy certification forms.

**PROPOSAL:** The Council is being asked to authorize the Interim City Manager to sign the 2023 levy certification forms.

**FISCAL IMPACT:** The levy forms certify the following levy amounts.

Total Assessed Valuation for Regular Levy	\$1,469,548,786
Regular Levy @ approximately \$1.154988 per thousand shall yield	\$ 1,699,413
EMS Levy @ approximately \$0.382018 per thousand shall yield	\$ 562,041
Totals approximately \$1.537006 per thousand shall yield	\$ 2,261,454
Total Assessed Valuation for Excess Levy (Park Bond)	\$1,453,758,201
Bond Levy @ approximately \$0.30338 per thousand shall yield	\$ 441,046

**ADVANTAGE:** None known.

**DISADVANTAGE:** None known.

**ALTERNATIVES:** None known.

**HISTORY:** Each taxing district is required to file certification with the County Assessor's Office by November 30. Without the certification the taxing district is limited to the prior year levy amount as it lacks authority to impose additional property tax.

**Attachment(s):** [2023 Levy Certification Forms](#)

# Levy Certification

Submit this document, or something similar, to the **county legislative authority on or before November 30** of the year preceding the year in which the levy amounts are to be collected.

Courtesy copy may be provided to the county assessor.

This form is not designed for the certification of levies under RCW 84.52.070.

In accordance with RCW 84.52.020, I \_\_\_\_\_ (Name),  
 \_\_\_\_\_ (Title), for \_\_\_\_\_ (District name),  
 do hereby certify to the \_\_\_\_\_ (Name of county) County legislative authority  
 that the \_\_\_\_\_ (Commissioners, Council, Board, etc.) of said district requests  
 that the following levy amounts be collected in \_\_\_\_\_ (Year of collection) as provided in the district's  
 budget, which was adopted following a public hearing held on \_\_\_\_\_ (Date of public hearing).

## Regular levies

Levy	General levy	Other levy*
<b>Total certified levy request amount</b> , which includes the amounts below.		
Administrative refund amount		
Non-voted bond debt amount		
Other*		

## Excess levies

Levy	General (n/a for school districts)	Bond	Enrichment (school districts only)	Cap. project	Other levy*
<b>Total certified levy request amount</b> , which includes the amounts below.					
Administrative refund amount					
Other*					

\*Examples of other levy types may include EMS, school district transportation, or construction levies. Examples of other amounts may include levy error correction or adjudicated refund amount. Please include a description when using the "other" options.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**NEW BUSINESS:** 2023 Ad Valorem Tax Ordinance

**ITEM:** 13M

**DATE:** November 8, 2022

---

**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, fixing the amount of the annual ad valorem tax levy necessary for the fiscal year 2023 and repealing Section 1 and 2 of Ordinance No. 1675; providing for severability; and establishing an effective date.

**PROPOSAL:** Council is being asked to fix the annual ad valorem tax levy necessary for the fiscal year 2023.

**FISCAL IMPACT:** The proposed ordinance will allow the City to levy the necessary amount to fund 2023 City operations.

Below are ad valorem taxes being proposed for 2023:

Total Assessed Valuation for Regular Levy	\$1,469,548,786
Regular Levy @ approximately \$1.154988 per thousand shall yield	\$ 1,699,413
EMS Levy @ approximately \$0.382018 per thousand shall yield	\$ 562,041
Totals approximately \$1.537006 per thousand shall yield	\$ 2,261,454

**ADVANTAGE:** This proposal will provide necessary funds for 2023 City operations.

**DISADVANTAGE:** None known.

**ALTERNATIVES:** None known.

**HISTORY:** Annually ad valorem taxes are fixed by Council through ordinance prior to the submission of the levy amounts to Pierce County to be certified.

**Attachment(s):** [Proposed Ordinance](#)

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, FIXING THE AMOUNT OF THE  
ANNUAL AD VALOREM TAX LEVY NECESSARY FOR THE  
FISCAL YEAR 2023, AND REPEALING SECTION 1 AND SECTION  
2 OF ORDINANCE NO. 1675; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Fircrest has considered its total anticipated financial requirements for calendar year 2023; and

**WHEREAS**, pursuant to RCW 35A.33.135, the City Council is required to determine and fix by ordinance the amount to be raised by ad valorem taxes; and

**WHEREAS**, the City of Fircrest, after reviewing and duly considering all relevant evidence, has determined it is in the City’s best interest and necessary to meet its expenses and obligations for the property tax revenue to be fixed as described below for 2023, and the final assessed valuation calculation has been determined;

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

**Section 1.** That the amount necessary to be raised by taxation will be yielded by a levy of approximately \$1.154988 dollars per thousand on the assessed valuation of \$1,469,548,786 which will yield approximately the sum of \$1,699,413. An additional levy of \$562,041 is to be raised for emergency medical care and services as approved by the voters in the 2020 August general election for a period of six years. This amount is approximately \$0.382018 per thousand on the assessed valuation of \$1,469,548,786. These amounts are hereby levied upon real and personal property subject to taxation in the City of Fircrest for the purpose of raising the necessary revenue for the City for the year 2023 to wit:

Total Assessed Valuation for Regular Levy	\$1,469,548,786
Regular Levy @ approximately \$1.154988 per thousand shall yield	\$1,699,413
EMS Levy @ approximately \$0.382018 per thousand shall yield	\$562,041
Totals approximately \$1.537006 per thousand shall yield	\$ 2,261,454

**Section 2.** That said taxes herein provided for are levied for the purpose of raising revenue sufficient to pay the current expense and street expenditures and for carrying on the work of the different departments of municipal government of the City of Fircrest for the fiscal year beginning January 1, 2023 and ending December 31, 2023 and the same are hereby levied upon all real and personal property within the City of Fircrest subject



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to taxation and as shown by the assessment in the County of Pierce as finally fixed by law.

**Section 3. Repealed.** Section 1 and Section 2 of Ordinance No. 1675 are hereby repealed as of December 31, 2022.

**Section 4. Corrections.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

**Section 6. Summary, Publication, and Effective Date.** This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after its adoption and publication as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 8<sup>th</sup> day of November 2022.


APPROVED:

\_\_\_\_\_  
Brett L. Wittner, Mayor

ATTEST:

\_\_\_\_\_  
Jayne Westman, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary J. Evans, City Attorney

Publication Date:  
Effective Date:

(Ordinance No. \_\_\_\_\_)