



**CITY OF FIRCREST  
PLANNING COMMISSION  
A G E N D A**

May 2, 2023  
6:00 p.m.

City Hall  
115 Ramsdell Street

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- 1) **Roll Call**
- 2) [Approval of the April 4, 2023 Minutes](#)
- 3) **Citizen Comments (For Items Not on the Agenda)**
- 4) **Public Hearing**
  - a) None
- 5) **Unfinished Business**
  - a) None
- 6) **New Business**
  - a) [2023 Legislative Update](#)
- 7) **Adjournment**

**CITY OF FIRCREST PLANNING COMMISSION  
REGULAR MINUTES**

April 04, 2023  
6:00 PM

Fircrest City Hall  
115 Ramsdell Street

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**CALL TO ORDER**

The Chair Shirley Schultz called the Fircrest Planning Commission Public Hearing to order at 6:00 p.m.

**ROLL CALL**

Commissioners Kathy McVay, Ben Ferguson, Sarah Hamel, and Shirley Schultz were present. Commission Andrew Imholt was absent and unexcused. Staff present: Administrative Services Director Jayne Westman and Permit Coordinator Kristin Rosario.

**APPROVAL OF MINUTES**

The minutes for the meeting of October 11, 2022, were presented for approval.

**Moved by Ferguson and seconded by Hamel to approve the minutes.** After discussion, It was determined that the October 11, 2022, meeting was a public Hearing, not a Planning Commission Meeting therefore, no minutes were taken. **Moved by Ferguson and seconded by Hamel to remove the October 11, 2022, minutes from further consideration. Upon vote, the motion carried unanimously.**

**APPROVAL OF MINUTES**

The minutes for the meeting of December 6, 2022, were presented for approval.

**Moved by Hamel and seconded by McVay to approve the minutes. Upon vote, the motion carried 3-0 with Ferguson abstaining.**

**CITIZENS COMMENTS**

- Brian Rybolt, 1036 Daniels Drive, commented on the proposed stakeholder list for the Comprehensive Plan Update and the concern about Forterra being named as a stakeholder.

**PUBLIC HEARING**

None.

**UNFINISHED BUSINESS**

None.

## NEW BUSINESS

### A. Comprehensive Plan Update

Eli Mulhausen with BHC Consultants provided an update and overview of the Comprehensive Plan Update and the progress to date. The overview included the proposed work plan, the public participation plan, and a review of the existing conditions. Discussions included community engagement, housing targets, and existing conditions.

There was a brief discussion regarding the anticipated legislative changes. The Commission asked for an update on the legislation at the next meeting.

Commissioner Ferguson announced that he will be absent at the May meeting and was appointed to the SSHAP Advisory Board.

Chair Schultz updated the Commission that PSRC is hosting a Zoom called ‘ Passport to 2044.’ Director Westman will send the meeting details to the Commission.

Westman introduced Permit Coordinator Kristin Rosario to the Commission.

## ADJOURNMENT

**McVay moved; seconded by Hamel to adjourn the meeting at 7:07 PM. Upon vote, the motion carried unanimously.**

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Shirley Schultz  
Chair, Fircrest Planning Commission

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Jayne Westman  
Administrative Services Director

## 2023 Legislative Changes

### Housing

#### [HB 1110](#) –

Increasing **middle housing** in areas traditionally dedicated to single-family detached housing. HB 1110 moved from the House 75-21 with a striker and additional amendments. The striker was heard in the Senate Local Government Committee and another striker was adopted and heard in Ways and Means. Executive action was taken and additional amendments were adopted that were generally supported by cities. The engrossed striker was adopted by the Senate 35-14 with three amendments that received concurrence from the House 79-18. It has been delivered to the Governor. The amendments:

- Billig Amendment: Allows a city that chooses to implement the alternative density requirements in at least 75 percent of lots that are primarily dedicated to single-family detached housing to seek an extension from the Department of Commerce due to lack of transportation infrastructure, including facilities and transit services.
- Lovelett Amendment: Allows the Department of Commerce to issue guidance for local jurisdictions to ensure that the levels of middle housing zoning under this act can be integrated with the methods used by cities to calculate zoning densities and intensities in local zoning and development regulations.
- Trudeau Amendment: (1) Specifies that cities are not required to provide authorization for the required density on all lots zoned predominantly for residential use where zoning permitting higher densities or intensities applies. (2) Removes language that deems a city in compliance with making adequate provisions to identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions until June 30, 2032, if they adopt development regulations that are consistent with implementing the act.

#### [HB 1042](#) –

Concerning the use of **existing buildings for residential purposes**. The bill prohibits cities from imposing certain restrictions or requirements on new housing units constructed within an existing building that is located in a zone that permits multifamily housing. The bill passed the House Chamber 96-0. The bill was heard by the Senate housing committee and passed with a striker. The Senate passed the bill with floor amendments, 45-3. The House concurred with the Senate changes and the bill has been delivered to the Governor.

#### [SB 5058](#) –

Exempting buildings with 12 or fewer units that are no more than two stories from the definition of **multiunit residential building**. The bill passed the Senate 48-0 and was heard in House Civil Rights and Judiciary. The bill passed the House 97-0 with no changes and the bill has been delivered to the Governor.

### Housing Types, ADUs

#### [HB 1337](#) –

Requires fully planning cities and counties to allow **accessory dwelling units** (ADUs) in urban growth areas (UGAs). HB 1337 also prohibits certain ADU regulations within UGAs. These requirements are meant to be building instructions, such as the actual framework, along with the location of the ADUs in

vicinity to important landmarks. The House passed a striker 81-15. The Senate Local Government Committee passed the bill with a striker. The Senate passed an engrossed striker 39-7. The House concurred with Senate changes 85-11 and the bill was delivered to the Governor.

#### [SB 5258](#) –

Increasing the **supply and affordability of condominium units and townhouses** as an option for homeownership. The Senate passed a second substitute to SB 5258 48-0 with a floor amendment. The bill is considered NTIB. The Senate concurred to the House changes and the bill was delivered to the Governor.

### Land Use Process

#### [SB 5290](#) –

Concerning consolidating **local permit review processes**. The bill requires a local government to exempt project permits for interior alterations from site plan review under certain conditions. SB 5290 passed the Senate 49-0. It was heard in House policy and fiscal committees where some amendments were made. The House passed the bill 98-0. The Senate concurred to the House changes and the bill has been delivered to the Governor.

#### [HB 1181](#)-

Improving the state's response to climate change by updating the state's planning framework. Governor request legislation and carryover from HB 1099 from 2021-2022, this bill would add **Climate Change and Resiliency** as the 14 goal of the GMA. The House passed a striker 57-4. The Senate policy and fiscal advanced the bill with amendments and it passed the full chamber with a 29-20 vote. The House concurred with the Senate changes and the bill was delivered to the Governor.

#### [HB 1293](#) –

**Streamlining of development regulations.** Requires counties and cities that are planning under the GMA to apply clear and objective design review standards to the exterior of the development. It also applies an exemption to the State Environmental Policy Act for residential housing in urban growth areas and allows a local government to require a preapplication conference or public meeting for project permit applications only if required by state law. Passed the House 94-3. Senate Local Government passed it with amendments and the full chamber passed the bill 49-0. The House concurred with the Senate changes, and it has been delivered to the Governor.

#### [SB 5412](#) –

Reducing local governments' land use **permitting workloads**. The bill passed the Senate 49-0. It was heard in House Local Government and executive action was taken with an amendment. The amendment removes provisions modifying the design review process conducted by cities and counties planning under the Growth Management Act and removes requirements related to adding additional project review provisions. Counties and cities planning under the GMA may apply only clear and objective development regulations governing the exterior design of new development in a design review process, except for structures listed on the Washington Heritage Register or the National Register of Historic Places. The bill passed the full House 95-2 but the Senate

refused to concur with the amendments and asked the House to recede. The House adopted a floor amendment and returned it to the Senate where the changes were expected. It has been delivered to the Governor. The House changes: (1) Removes provisions modifying the design review process conducted by cities and counties planning under the Growth Management Act. (2) Removes requirements related to adding additional project review provisions. (3) Amends the criteria for a project action that develops residential housing units or middle housing within an urban growth area to be categorically exempt from the State Environmental Policy Act (SEPA) to require an environmental analysis that meets certain criteria, rather than requiring a city or county's comprehensive plan to be previously subjected to an environmental analysis under SEPA. (4) Requires cities or counties to provide notice to affected tribes, state agencies, other jurisdictions, and the public before finalizing an environmental analysis and to address identified probable adverse impacts within the environmental analysis. (5) Provides that the categorical exemption is effective 30 days after specified actions are taken by a city or county. (6) Categorically exempts all project actions that propose to develop residential housing or middle housing units within a city west of the crest of the Cascade mountains with a population of 700,000 or more from the requirements of SEPA until September 30, 2025.

#### [SB 5374](#) –

Provides a new option for most cities to address **critical area ordinances** (CAO). The bill passed the Senate 46-0. It was heard in House Local Government and passed Executive Action without the amendments. SB 5374 is now in Rules. This bill represents a recommendation of the Growth Management Collaborative Roadmap Phase III Task Force, on which AWC serves as a representative. It passed the House 97-0 and has been delivered to the Governor.

**We will have to study the impact on Fircrest.**

**Two legislative changes will most affect Fircrest. They are listed below.**

#### **HB 1337**

**HB 1337 will require an amendment to the FMC. Below is the legislation. The applicable FMC section is FMC 22.58.012.**

A new section is added to chapter 36.70A.

Section B reads:

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot.

Section C reads:

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

- (i) One attached accessory dwelling unit and one detached accessory dwelling unit;
- (ii) Two attached accessory dwelling units; or
- (iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures

Section F reads:

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet.

Section G reads:

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

Section H reads:

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units.

Section I reads:

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley unless the city or county routinely plows snow on the public alley.

### **HB 1110**

**HB 1110 would affect multiple parts of the adopted FMC. Not only would zoning have to change, but we would also want to study the design criteria that we would want to help maintain our high level of design and construction standards.**

A new section is added to chapter 36.70A.

Section C of the proposed language reads as:

(c) For cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on the office of financial management population estimates the development of at least 2 two units per lot on all lots zoned predominantly for residential 3 use, unless zoning permitting higher densities or intensities applies.