

List of Deliverables for City Council

Middle Housing Q&A – June 17, 2024 Study Session

Last Updated September 3, 2024

1.

Utilize direct mailings to all households to provide information on what is happening and other important points they should be aware of and to direct them to the website for additional information.

Staff Response: Note that staff did not receive direction regarding mailers prior to the public Open House and FUN Days so they were not sent out. Staff has been directed to send out mailers with postage paid to all households in Fircrest with a middle housing survey that can be filled out using pen and paper and mailed or dropped off at City Hall. Staff will then compile the results manually and provide them to Council. The questions will be reviewed by our consultant, City staff, the public, and Council prior to finalization for inclusion in a survey so that all parties deem the questions fair and impartial. The survey mailer is tentatively scheduled for early September. City staff will be sure to advertise the survey through a variety of methods: social media, email, at Council meetings, on the Reader Board, and add it to the City's webpage in a prominent location. The cost of the mailers will come from the City's 2024 operating budget for Planning/Building communications.

2.

What are the budgetary impacts of direct mailings to households? Ensure we appropriately account for any additional expenses in the project budget to accomplish this.

Staff Response: Below are the costs associated with the direct mailings for other recent projects:

Comprehensive Plan

- First mailing: \$2,473.85
- Second mailing: \$2,295.21
- Third mailing: \$3,711.85

The City paid \$8,480.91 for three Comp Plan mailings. This amount is for mailers and materials only and does not include staff hours or the consultant's time.

Whittier Park Master Plan

- \$1,799.76

Staff realizes there is increased desire for non-electronic public notice. Going forward, a budget for mailers will be considered for significant changes to the land use and development code and other special projects requiring community feedback.

3.

Incorporate Pedestrian Safety Concerns

Staff Response: Middle housing will allow duplexes and ADUs ad hoc across the City by lot rather than a targeted development in a certain area. Thus, it is difficult to identify which areas deserve priority for pedestrian safety based on middle housing alone. We recommend prioritizing areas already identified in the 2025-2030 TIP and any recommendations emerging from the Pedestrian Safety Committee.

4.

Are there any requirements to replace trees?

Staff Response: [FMC 22.62.009 Retention and protection of significant trees.](#) contains our tree code. These standards only apply to vacant, undeveloped parcels, not existing single-family lots with homes on them. The City does not issue tree removal permits. Once the Urban Tree Canopy Assessment has been completed, a tree model code can be studied. This project has been on hold due to other priorities and short staffing.

5.

Infrastructure issues and concerns – roads, sewer capacity, school impact, impact on park facilities and programs (already hard for Fircrest residents to get signed up).

Staff Response: The City will need to look at each of these potential issues individually as we move forward, as no one solution can address each of these variables.

The City does have the power to impose impact fees, subject to a study by a qualified consultant. Impact fees can be imposed for parks, schools, sewer, water, transportation, and housing. Impact fees must have a nexus to an existing deficiency in one of those areas that new development will worsen. This is one option to help potentially control growth and generate revenue to address issues as a result of growth. Other cities besides Fircrest do have impact fees. They do not share those fees with the City of Fircrest unless an Interlocal Agreement (ILA) has been approved by both City Councils and authorizes them to do so.

Additionally, staff will need to review future Capital Improvement Program projects as identified by Public Works Director Bemis to ascertain priorities for infrastructure updates. Capital facilities and infrastructure can only be deferred when a) the City adopts the 75% vs 25% alternative and b) a study has been completed identifying gaps in infrastructure and how the City will update infrastructure to bring it up to concurrency.

6.

Provide a map of neighborhoods with existing CCRs/covenants.

Staff Response: City staff has compiled this data with the help of our consultant. The map is viewable here: https://www.cityoffircrest.net/wp-content/uploads/2024/08/CityofFircrest_ZoningMap.pdf.

7.

What other areas would be excluded due to design standards, lot size, etc.? Include on the map with CCRs/covenants.

Staff Response: Critical areas that have already been identified and zoning districts outside of R-4 and R-6 for duplexes/ADUs would be excluded. Table 2 of the Land Use Appendix (pg. 161 of 257) and the buildable lands analysis will include additional data, which will be added to the map.

8.

Have there been any lawsuits filed? (A comment was made regarding 26 cities preparing lawsuits.)

Staff Response: City staff will track any potential litigation through AWC, MRSC, and other avenues and provide the Council with emerging information on this. Further discussion regarding potential City actions would occur in Executive Session.

9.

Where are multi-housing units already located?

Staff Response: Our consultant, Kimley-Horn, has compiled this data. The map is viewable here: https://www.cityoffircrest.net/wp-content/uploads/2024/08/CityofFircrest_ZoningMap.pdf.

10.

Would the law apply across the board, given that lots in the north end of the city are typically larger than in the south?

Staff Response: An updated map provided by our consultant gives more clarity on where the law would be implemented and not be implemented. The map is viewable here: https://www.cityoffircrest.net/wp-content/uploads/2024/08/CityofFircrest_ZoningMap.pdf.

11.

What happens if we are halfway through the process and lawsuits add an injunction to stop the middle housing laws from going into effect by the statutory deadline? Do we continue the work or pause it?

Staff Response: A similar instance occurred with the adoption of the 2021 WA State Building Code. The Code adoption was postponed several times. In those instances, the State Building Code Council provided updates and guidance to jurisdictions. We would expect the Department of Commerce to do the same with this legislation.

12.

What does the public hearing process look like, and what type of approval is required?

Staff Response: Changing development standards (amending FMC Title 22) and updating the Comprehensive Plan are considered a Type V permit, per [FMC 22.05.003. Table A](#). A Type V permit requires an open public hearing before the Planning Commission and City Council, with the Planning Commission making a recommendation and the City Council either adopting, revising, or rejecting that recommendation. The final decision is subject to judicial appeal.

13.

Can Kimley-Horn's Fircrest Fun Days participation be extended into the afternoon?

Staff Response: Kimley-Horn agreed to extended hours during Saturday's FUN DAYS. Extended hours came from the existing \$50,000 budget, meaning a reduction in another task or component.

14.

Why are code changes happening before the public hearings?

Staff Response: Kimley-Horn clarified that these are draft code amendments (text in track changes) that will be presented at a later study session for review. Public hearings occur at the end of the process with final drafts.

15.

Why is the City not pursuing [alternative compliance options](#) provided by the Department of Commerce? (Pages 2 – 18)

Alternative Compliance from Commerce requires that we first agree to 75% of all land zoned in the city for single-family detached housing to be opened up to duplexes with 25% restricted to single-family. With regular compliance, we only open up 61% of land to duplexes in the R-4 and R-6 zoning districts which are the districts that currently only allow single-family homes. The other option, Alternative Local Action, is for when cities have already implemented substantially similar middle housing laws which Fircrest has not i.e. we do not allow duplexes in all zoning areas and have not streamlined our ADU regulations.

16.

Why isn't the City enforcing existing CC&R's when some existing subdivisions do not allow middle housing?

HOA's can enforce CC&Rs where middle housing is not allowed when the CC&Rs are in effect prior to July 2023 and have been recorded with Pierce County. The map of neighborhoods with CC&R's that do not allow middle housing is viewable here: https://www.cityoffircrest.net/wp-content/uploads/2024/08/CityofFircrest_ZoningMap.pdf. If you believe that your community is not on this list, but should be on this list, please contact mnewman@cityoffircrest.net. You can also send us copies of any CC&R's that you have available. We will research the matter further to make a determination and follow-up with you.