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Dear Mayor and Councilmembers,

We are writing to express serious concern regarding the proposed exemptions in PMC 20.22.010(6)(b) and (c) of the interim middle housing ordinance. These provisions would prohibit middle housing within areas designated as (b) volcanic hazard zones, and (c) impaired watersheds under Section 303(d) of the Clean Water Act.

Both carve-outs are unjustified, inconsistent with City policy, and likely in violation of HB 1110. We urge you to remove them before final adoption. Below we have prepared some additional analysis for your consideration.

These restrictions unfairly single out middle housing. Under the current proposal single-family homes, apartment buildings, and other residential and commercial uses are allowed in the same areas. Only middle housing types — duplexes, triplexes, fourplexes, and townhomes — are prohibited. This is a clear violation of RCW 36.70A.635, which prohibits applying more restrictive standards to middle housing than to detached single-family dwellings. The law requires middle housing to be treated at least equally — not more harshly.

The City's existing critical areas code does not prohibit residential development in these areas. PMC 21.06.1260, governing volcanic hazard zones, restricts only critical facilities and high-occupancy (1,000+ people) structures — not homes. Housing is currently permitted and commonly built in these areas. The 303(d) watershed listing is a federal reporting tool to identify impaired water bodies — it is not a zoning designation or land use restriction, nor does it distinguish between housing types. If the City believes either of these conditions warrant growth limits, the appropriate path is a comprehensive update to Title 21 (Critical Areas Code) — applied equally to all housing, not just middle housing.

These exemptions undermine the intent of HB 1110 and block the most feasible infill locations. In both cases, the exclusions cover large swaths of the valley floor, including Puyallup's most logical areas for infill and housing diversity. If adopted, they would effectively shut down the opportunity for middle housing where it is needed most — without preventing single-family sprawl or larger developments in the same areas.

With this in mind we request that you please remove both subsections:

- PMC 20.22.010(6)(b) – Volcanic hazard zone exemption
- PMC 20.22.010(6)(c) – 303(d) watershed exemption

If legitimate environmental or safety concerns exist, the City should pursue them through a transparent, science-based, and legally consistent update to the Critical Areas Ordinance, with uniform standards for all residential uses.

In closing, even in an “interim” form, these two provisions represent an improper and inequitable end-run around the state’s middle housing law. Their inclusion undermines legal compliance, public trust, and the City’s stated goal of increasing middle housing options. I respectfully urge you to strike them from the ordinance before final passage.

Sincerely,

Master Builders Association of Pierce County