



## LAKEWOOD CITY COUNCIL AGENDA

Monday, July 15, 2019  
7:00 P.M.  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

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Page No.

### CALL TO ORDER

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### PROCLAMATIONS AND PRESENTATIONS

1. Police Commissioning Ceremony. – *Sergeant Jason Catlett, Officer Stephen Moffitt, Officer Jared Pingul and Officer Jasmine Wright Curley*
- (4) 2. Proclamation declaring July 27, 2019 as Pierce County Trails Day. – *Mr. Larry Leveen, Forever Green Trails*

### PUBLIC COMMENTS

### C O N S E N T   A G E N D A

- (5) A. Approval of the minutes of the City Council study session of June 24, 2019.
- (10) B. Approval of the minutes of the City Council meeting of July 1, 2019.
- (17) C. Motion No. 2019-41

Authorizing the execution of an interlocal agreement with the Washington State Department of Social and Health Services, in the amount of \$621,000, relative to the Western State Hospital community partnership program.

*The Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk, 253-983-7705, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.*

<http://www.cityoflakewood.us>

City Hall will be closed 15 minutes after adjournment of the meeting.

(39) D. Motion No. 2019-42

Authorizing the execution of an interlocal agreement with the Washington State Department of Social and Health Services, in the amount of \$90,000, relative to the Western State Hospital police protection program.

(61) E. Motion No. 2019-43

Appointing Carroll Ray Dodson to serve on the Public Safety Advisory Committee through August 6, 2022.

(64) F. Motion No. 2019-44

Appointing Brandon Wirth to serve on the Community Services Advisory Board through December 15, 2022.

(67) G. Resolution No. 2019-16

Confirming and approving the special assessment roll for the American Lake – Lake Management District No. 1.

(77) H. Resolution No. 2019-17

Setting September 3, 2019 as the date for a public hearing to consider the vacation of a portion of 87<sup>th</sup> Street SW right-of-way between Durango Street SW and the Sound Transit rail line.

- (81) I. Items Filed in the Office of the City Clerk:
1. Landmarks and Heritage Advisory Board meeting minutes of May 23, 2019.
  2. Parks and Recreation Advisory Board meeting minutes of May 28, 2019.

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**R E G U L A R   A G E N D A****ORDINANCE****(85) Ordinance No. 713**

Renewing interim controls initially adopted on January 22, 2019 for Wireless Service Facilities. – *Planning Manager*

**(124) Ordinance No. 714**

Adopting amendments to the Lakewood Comprehensive Plan, including future land use map and zoning map, and Lakewood Municipal Code Title 18A. – *Planning Manager*

**UNFINISHED BUSINESS****NEW BUSINESS****REPORTS BY THE CITY MANAGER****CITY COUNCIL COMMENTS****ADJOURNMENT**

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*City Hall will be closed 15 minutes after adjournment of the meeting.*

# CITY OF LAKEWOOD



## PROCLAMATION

**WHEREAS**, interest in outdoor recreation along trails, including walking, hiking, cycling, horseback riding, birding and mountain biking, is on the rise with Lakewood and Pierce County residents, visitors and tourists; and

**WHEREAS**, trails in Lakewood and Pierce County enhance the quality of life for our citizens, improve public health outcomes, increase tourism opportunities via outdoor recreation, and provide an alternative mode of transportation for jobs, work and play; and

**WHEREAS**, Creating safe access to open space through a connected system of urban and non-motorized trails is a major element in the Lakewood Legacy Plan and the Non-motorized Transportation Plan; and

**WHEREAS**, completion of the Tahoma-to-Tacoma regional trail network will result in 9.6 million additional miles of bike usage annually and 9.3 million additional miles walked annually, translating into \$1.4 million in total healthcare savings and will help 31,000 new residents engage in healthy walking and biking activities; and

**WHEREAS**, the City of Lakewood has joined together with other Pierce County jurisdictions to create events that encourage citizens to celebrate the value and enhanced quality of life that trails bring to our communities; promotes trail awareness, and establishes an ethic of and participation in public trail use and stewardship, and,

**WHEREAS**, the City of Lakewood is committed to enhancing our trail system and is celebrating Pierce County Trail day by hosting walking and stewardship events along the trails in Fort Steilacoom Park and at Wards Lake Park.

**NOW, THEREFORE**, the Lakewood City Council do hereby proclaim July 27, 2019 as

## PIERCE COUNTY TRAILS DAY

in the City of Lakewood and urge all citizens to support this event by visiting, using, beautifying and protecting our trails.

**PROCLAIMED** this 15<sup>th</sup> day of July, 2019.

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Don Anderson, Mayor

ATTEST:

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Briana Schumacher, City Clerk





## **LAKEWOOD CITY COUNCIL STUDY SESSION MINUTES**

Monday, June 24, 2019  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

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### **CALL TO ORDER**

Mayor Anderson called the meeting to order at 7:00 p.m.

### **ROLL CALL**

Councilmembers Present: 6 – Mayor Don Anderson; Whalen; Councilmembers Mary Moss, Mike Brandstetter, John Simpson, Marie Barth and Paul Bocchi.

Councilmember Excused: 1 – Deputy Mayor Whalen.

Public Safety Advisory Committee Members Present: 2 – Chair Alan Hart and Mark Peila.

### **ITEMS FOR DISCUSSION:**

#### **Joint Public Safety Advisory Committee meeting.**

Chair Hart highlighted the 2018 accomplishments and 2019 work plan items for the Committee. Discussion ensued.

#### **Emergency Management Services Update.**

Senior Policy Analyst Kelley-Fong shared that the City and West Pierce Fire and Rescue have an interlocal agreement for Emergency Management Services. She shared four options for expanding the District's emergency management services to include the City of University Place and the Town of Steilacoom. The recommended option adds the City of University Place and Town of Steilacoom through the adoption of a new ILA along with the addition of a .25 FTE Emergency Management Assistant, on an interim basis, to develop new comprehensive emergency management plans for the agencies. Discussion ensued.

#### **Review of illegal dumping prevention and enforcement.**

Senior Policy Analyst Kelley-Fong reviewed the current illegal dumping activity occurring in the City. She shared factors and features that contribute to the

dumping, data specific to community clean-up efforts and highlighted the areas in the City that have been identified as hotspots.

She then reviewed potential enforcement options available which includes civil infractions, regulation of abandoned shopping carts, financial incentives, increased police patrols in areas of high volume and options for the addition of an Environmental Enforcement Officer. She shared options for prevention, educational programs including an updated brochure and addition of community clean-up events or call and haul services. Discussion ensued.

### **Review renewal of interim controls on Wireless Service Facilities.**

Planning Manager Speir shared that the City adopted Ordinance No. 703 establishing interim regulation relative to Wireless Service Facilities on January 22, 2019. The Ordinance was effective for six months and it is recommended that the Council renew the interim regulations until permanent wireless facility regulations are adopted with the Title 18A Land Use and Development code updates in the fall of 2019.

### **Review of 2019 Comprehensive Plan and Zoning Map amendments.**

Planning Manager Speir reported that on June 5<sup>th</sup> the Planning Commission passed Resolution No. 2019-03 recommending the 2019 Comprehensive Plan and Zoning docket. She then reviewed each of the recommended map and text amendments. She reported that a public hearing is scheduled for the July 1<sup>st</sup> Council meeting and adoption of the amendments is scheduled for the July 15<sup>th</sup>. Discussion ensued.

### **ITEMS TENTATIVELY SCHEDULED FOR THE JULY 1, 2019 REGULAR CITY COUNCIL MEETING:**

1. Proclamation recognizing Washington State Legislators of the 28<sup>th</sup> & 29<sup>th</sup> Legislative Districts for their outstanding service, dedication and commitment to the citizens of Lakewood. – *Senators Steve Conway and Steve O'Ban and Representatives Christine Kilduff, Steve Kirby, Melanie Morgan and Mari Leavitt*
2. Clover Park School District Report.
3. Authorizing the execution of an interlocal agreement with the Washington State Department of Social and Health Services, in the amount of \$621,000, relative to the Western State Hospital community partnership program. – (Motion – Consent Agenda)
4. Authorizing the execution of an interlocal agreement with the Washington State Department of Social and Health Services, in the amount of \$90,000, relative to the Western State Hospital police protection program. – (Motion – Consent Agenda)

5. This is the date set for a public hearing on West Pierce Fire & Rescue's three ballot propositions: Proposition No. 1, Maintenance and Operations Levy; Proposition No. 2, returns the Regular Levy to the statutorily authorized rate; and Proposition No. 3, returns the EMS Levy to the statutorily authorized rate, coming before the voters on August 6, 2019. – (Public Hearings & Appeals)
6. This is the date set for a public hearing on the assessment roll for American Lake – Lake Management District No.1. – (Public Hearings & Appeals)
7. This is the date set for a public hearing on the renewal of interim regulations governing Wireless Service Facilities. – (Public Hearings & Appeals)
8. This is the date set for a public hearing on the 2019 Comprehensive Plan and Zoning Map amendments. – (Public Hearings & Appeals)
9. Expressing support for West Pierce Fire & Rescue's Proposition No. 1, Maintenance and Operations Levy; Proposition No. 2, returns the Regular Levy to the statutorily authorized rate; and Proposition No. 3, returns the EMS Levy to the statutorily authorized rate, coming before the voters on August 6, 2019. – (Resolution – Regular Agenda)
10. Creating an Advisory Committee for the American Lake – Lake Management District No.1 and establishing the duties thereof. – (Resolution – Regular Agenda)

## **REPORTS BY THE CITY MANAGER**

City Manager Caulfield reported that the Pierce County Library System is moving forward with their campaign outreach to the community as it relates to options for two new libraries in the City. Once the feedback is complete they will work with the community potential options for locations and conceptual ideas. The soonest they anticipate going to the vote of people is in August, 2020.

He shared that last week he met with Tacoma City Manager Pauli regarding working together on a comprehensive transportation project from 38<sup>th</sup> Street to Mounts Road on the I-5 JBLM Corridor.

He reported that the Public Works Engineering Director Bucich was contacted by the City of Seattle who is looking for regional partners to pursue a BUILD grant for improvements along the I-5 Corridor.

He shared that 2019 Governor's Smart Cities recognizing the Downtown Subarea Plan will be presented to the Council on August 5<sup>th</sup> or August 19<sup>th</sup>.

He shared that there was a fire at a residential property on Union Ave in the Tillicum community last week. The contractor began demolition and cleanup of the property last weekend.

He then shared that the ownership transfer of Fort Steilacoom Park is now complete.

He shared that a meeting has been scheduled with representatives of Camp Murray to discuss annexation opportunities and improvements to the American Lake boat launch.

He reported that the Lakewood Farmers Market has had a record number of sales and activity to date.

He shared that notices have been sent out to properties in the neighborhood surrounding Fort Steilacoom Park as Angle Lane will be closed this week for road improvements.

He then reported the Town of Steilacoom adopted a Resolution recommending that entities implement the National Transportation Safety Board safety recommendations prior to reopening the Amtrak Cascades line using the Point Defiance Bypass.

He then announced the following meetings and events:

- June 26, 5:00 P.M. Veterans Drive Open House, City Hall Council Chambers
- June 27, Legacy Plan Update, 4:30 P.M., City Hall Council Chambers
- June 27, Oak Park Neighborhood Survey, 6:00 P.M., City Hall American Lake Conference Room
- July 13, 11:00 A.M., SummerFEST, Fort Steilacoom Park

## **CITY COUNCIL COMMENTS**

Councilmember Brandstetter shared that he attended the 69th Annual Korean War Memorial Commemoration in Olympia where Retired Major General of the Republic of Korea, Mr. Nam Pyo Park, a Lakewood resident, was recognized. He noted that he will be attending the Association of Washington Cities Conference this week in Spokane.

Councilmember Moss shared that she will be absent on July 1<sup>st</sup> and July 8<sup>th</sup> meetings.

Councilmember Simpson shared that he will be absent on July 1<sup>st</sup> Council meeting.

Councilmember Barth shared that she will be absent from the July 1<sup>st</sup>, July 8<sup>th</sup> and July 15<sup>th</sup> Council meetings.

Mayor Anderson shared that last week he attended Lakewood United where the City Manager presented the State of the City.

He reported that he is a new member of the Puget Sound Regional Council Transportation Policy Board and it has been suggested the Board support action recommending the National Transportation Safety Board safety recommendations prior to reopening Point Defiance Bypass Amtrak service.

He reported that he participated in an Association of Defense Communities Federal Advocacy and Outreach Committee conference call relative federal transportation funding.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:01 p.m.

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DON ANDERSON, MAYOR

ATTEST:

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BRIANA SCHUMACHER  
CITY CLERK



## **LAKEWOOD CITY COUNCIL MINUTES**

Monday, July 1, 2019  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

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### **CALL TO ORDER**

Mayor Anderson called the meeting to order at 7:04 p.m.

### **ROLL CALL**

Councilmembers Present: 4 – Mayor Anderson, Deputy Mayor Jason Whalen; Councilmembers Mike Brandstetter and Paul Bocchi.

Councilmembers Excused: 3 – Councilmembers Mary Moss, John Simpson and Marie Barth.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Anderson.

### **PROCLAMATIONS AND PRESENTATIONS**

**Proclamation recognizing Washington State Legislators of the 28<sup>th</sup> and 29<sup>th</sup> Legislative Districts.**

MAYOR ANDERSON PRESENTED A PROCLAMATION RECOGNIZING WASHINGTON STATE LEGISLATORS OF THE 28<sup>th</sup> AND 29<sup>th</sup> LEGISLATIVE DISTRICTS TO SENATOR STEVE O'BAN, REPRESENTATIVE STEVE KIRBY AND REPRESENTATIVE MARI LEAVITT FOR THEIR OUTSTANDING SERVICE, DEDICATION AND COMMITMENT TO THE CITIZENS OF LAKEWOOD.

### **Clover Park School District Report.**

Clover Park School District (CPSD) Boardmember Alyssa Anderson Pearson reported that summer school is now in session. She reported that there were 555 graduates of which 239 received awards or scholarships and 65 were honor graduates with a 3.5 GPA or higher. Over ten million dollars was received by Clover Park High School students in the form of scholarships.

She shared that Ron Banner assumed his Superintendent position as of July 1<sup>st</sup>, the new middle school will be named in honor of Dr. Claudia Thomas and Iva Alice Mann will also be honored at the new facility.

She then reported that Evergreen Elementary and Lakeview Hope Academy earned new state education honors for improvements during the 2017-2018 school year, that there is a free school meal program at several district schools this summer which is offered through the USDA summer services program and that a Facilities Advisory Committee has convened to evaluate the needs for future facility improvements and the next levy will come forward in February, 2020.

## **PUBLIC COMMENTS**

Speaking before the Council were:

*Dennis Haugen, Lakewood resident*, shared a video relative to obstruction of justice and illegal immigration.

*Oha Sivilai, Lakewood resident*, stated "please don't take my house."

*Brady Louwien, Lakewood resident*, spoke about the City's offer to purchase his property located at 12616 47th Ave SW and current code enforcement action on the property.

*Kristina Ortin Grim, Lakewood resident*, spoke about urban sprawl and preservation of trees within the City.

## **C O N S E N T   A G E N D A**

- A. Approval of the minutes of the City Council study session of June 10, 2019.
- B. Approval of the minutes of the City Council meeting of June 17, 2019.
- C. Approval of claims vouchers, in the amount of \$2,396,807.33, for the period of May 16, 2019 through June 14, 2019.
- D. Approval of payroll checks, in the amount of \$2,476,111.85, for the period of May 16, 2019 through June 15, 2019.
- E. Items Filed in the Office of the City Clerk:
  - 1. Lakewood's Promise Advisory Board meeting minutes of April 4, 2019.
  - 2. Community Services Advisory Board meeting minutes of February 27, 2019.
  - 3. Community Services Advisory Board meeting minutes of May 15, 2019.

DEPUTY MAYOR WHALEN MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED. SECONDED BY COUNCILMEMBER BOCCHI. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

## R E G U L A R   A G E N D A

### **PUBLIC HEARINGS AND APPEALS**

**This is the date set for a public hearing on the 2019 West Pierce Fire & Rescue Proposition No. 1, maintenance and operations levy; Proposition No. 2, levy lid lift; and Proposition No. 3, EMS levy lid lift, coming before the voters on August 6, 2019.**

Speaking before the Council were:

*Dennis Haugen, Lakewood resident*, commented on the impacts of state sanctuary laws.

*Layne Bladow, Lakewood resident*, spoke in support of Proposition No.1, Proposition No.2, and Proposition No. 3.

*Chief Jim Sharp, West Pierce Fire & Rescue*, spoke in support of Proposition No.1, Proposition No.2, and Proposition No. 3 and thanked the Council for considering a Resolution in support.

There being no further testimony the hearing was declared closed at 7:41 p.m.

**This is the date set for a public hearing on the assessment roll for American Lake – Lake Management District No.1.**

There being no testimony the hearing was declared closed at 7:49 p.m.

**This is the date set for a public hearing on the renewal of interim regulations governing Wireless Service Facilities.**

There being no testimony the hearing was declared closed at 7:51 p.m.

**This is the date set for a public hearing on the 2019 Comprehensive Plan and Zoning Map amendments.**

Speaking before the Council were:

*Dennis Haugen, Lakewood resident*, spoke about sanctuary state laws impacting housing in the City.

*Stephen Nielsen, Lakewood business owner*, spoke in support of the proposed amendment CPA/ZOA 2019-02.



*Kathy Hargrave, Sitts & Hill Engineers, Inc.*, spoke in support of the proposed amendment CPA/ZOA 2019-02.

*Josh Kubitzn, AHBL*, spoke on behalf of Clover Park School District in support of the proposed amendment CPA/ZOA 2019-03.

*Jeff Kraft, Kidder Matthews*, spoke in support of the proposed amendment CPA/ZOA 2019-02.

*Bob Warfield, Lakewood resident*, spoke on behalf of the Candlewick Glen Homeowners Association, in opposition of the proposed amendment CPA/ZOA 2019-02 on Bridgeport Way.

There being no further testimony the hearing was declared closed at 8:17 p.m.

## **RESOLUTION**

**Resolution No. 2019-14 Expressing support for the 2019 West Pierce Fire & Rescue Proposition No. 1, maintenance and operations levy; Proposition No. 2, levy lid lift; and Proposition No. 3, EMS levy lid lift, coming before the voters on August 6, 2019.**

DEPUTY MAYOR WHALEN MOVED TO ADOPT RESOLUTION NO. 2019-14. SECONDED BY COUNCILMEMBER BOCCHI. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

**Resolution No. 2015-19 Creating an Advisory Committee for the American Lake – Lake Management District No.1 and establishing the duties thereof.**

COUNCILMEMBER BOCCHI MOVED TO ADOPT RESOLUTION NO 2019-15. SECONDED BY DEPUTY MAYOR WHALEN. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

## **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

None.

## **REPORTS BY THE CITY MANAGER**

City Manager Caulfield reported that the Custer Road overlay project road striping is expected to begin next week with completion by the end of July.

He shared that WSDOT has plans to demolish the Berkeley Bridge starting in December, 2019 as the new interchange is expected to be completed and operational by the end of 2019. He reported that the City is planning to install speed radar signs at Elwood Drive and Angle Lane as part of the traffic calming program.

He shared that lifeguards started today at American Lake Park and Harry Todd Park. Both parks will have lifeguards on duty Monday through Sunday from 12:00 p.m. to 7:30 p.m. through Labor Day. In addition, swim at your own risk signs have been posted at sites when lifeguards are not on duty and the Lakewood YMCA will provide free swimming lessons on Fridays to park visitors at American Lake Park and will have life vests to borrow if needed.

He shared that at the Association of Washington Cities Conference the State Legislature's Joint Transportation Committee Meeting was provided an update on the National Transportation Safety Board's Report on the 2017 Amtrak Cascades Derailment.

He shared that Pierce County will begin providing vector services for the City starting next week but after completing a cost benefit analysis it was determined that it is still cost effective for the City to provide traffic signal maintenance services in house. The City will continue to work on options for contracting with PALS for permitting services.

He shared that all six legislative authorities have approved the new Interlocal Agreement establishing the Public Development Authority for South Sound 911 Update. The Tacoma City Council is expected to approve the Charter on July 2<sup>nd</sup>.

He reported that the Public Works Engineering Department met with representatives from the Transportation Improvement Board to seek feedback regarding plans to submit for grant applications in 2019. Three projects are being prepared for submittal include Custer Road - Bridgeport Way to Lakewood Drive, 100<sup>th</sup> Street - Lakeview to South Tacoma Way and Lakewood Drive - Steilacoom Blvd to Fleet Creek crossing. The deadline for submittal is August 15, 2019.

He then shared that Public Works Engineer Director Bucich recently completed a review of franchises for our utility providers and determined that some are not in compliance with the agreements. Lakeview Light & Power and Pierce County Sewer have not been obtaining right-of-way permits when operating in the roadways. Both agencies are required to get the permits per the franchise agreements and the plan is to notify the providers of their obligations and request a meeting with them to discuss a pilot program relative to an annual right-of-way permits.

City Manager Caufield addressed the Public Comments made by citizen Mr. Brady Louwein relative the his property in the Springbrook neighborhood. He shared that the City, for two years, been in constant and regular communication with Mr. Louwein regarding the offer to purchase his property for \$100,000 with Conservation Futures funding. Mr. Louwein has until July 2<sup>nd</sup> to determine whether

he will be selling the property. In addition, the property has current code violations which if not addressed may proceed through the Municipal Court.

He then announced the following upcoming meetings and events:

- July 6, 11:00 A.M. to 5:00 P.M., Samoa Cultural Day, Tacoma Dome Exhibition Hall
- July 13, 9:00 A.M. to 11:00 P.M., SummerFEST and SummerFEST Triathlon, Fort Steilacoom Park and American Lake Park
- July 25, 5:00 P.M. to 7:00 P.M., Legacy Plan Open House, Lakewood Library
- August 1, 5:00 P.M. to 7:00 P.M., Legacy Plan Open House, City Hall Council Chambers

## CITY COUNCIL COMMENTS

Councilmember Brandstetter shared that he attended the Association of Washington Cities annual conference in Spokane last week. He spoke about opportunities to pursue tax increment financing and shared that WSDOT provided an Amtrak Cascades Update to the Joint Transportation Committee relative to the National Transportation Safety Board's findings and safety recommendations. He then shared he attended a Habitat for Humanity home dedication for a property located in Tillicum neighborhood. He shared that the Lakewood Sister Cities Association is working on drafting an itinerary of events for delegates who will be visiting from Gimhae, South Korea and Okinawa, Japan.

Deputy Mayor Whalen shared that he attended the 53<sup>rd</sup> International Paris Air Show as Chair of the Economic Development Board of Tacoma Pierce County where he attended 61 company meetings. He commented on fireworks calls for service in advance of 4<sup>th</sup> of July celebration.

Mayor Anderson shared that he attended a social in honor of General Maryanne Miller, Air Mobility Command commander and met with Bates Technical College President Dr. Lin Zhou to discuss a Fire Service Training Center project.

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## Executive Session

Mayor Anderson announced that Council will recess into Executive Session for approximately 15 minutes pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become a party, when public knowledge regarding the discussion is likely to result in adverse legal or financial consequence to the agency. The Council is not expected to take action following the Executive Session.

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Council recessed into Executive Session at 8:59 p.m. At 9:14 p.m. Mayor Anderson announced that Executive Session will be extended for an additional five minutes. At 9:19 p.m. Mayor Anderson announced that Executive Session will be extended for an additional five minutes. Council reconvened at 9:24 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:24 p.m.

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DON ANDERSON, MAYOR

ATTEST:

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BRIANA SCHUMACHER  
CITY CLERK

# REQUEST FOR COUNCIL ACTION

**DATE ACTION IS  
REQUESTED:**

July 1, 2019

**REVIEW:**

N/A

**TITLE:** Authorizing the  
execution of an Interlocal  
Agreement relative to Western  
State Hospital Community  
Partnerships

**TYPE OF ACTION:**

— ORDINANCE NO.

— RESOLUTION NO.

X MOTION NO. 2019-41

**ATTACHMENTS:**

Interlocal Agreement Western  
State Hospital Community  
Partnerships

— OTHER

**SUBMITTED BY:** Heidi Ann Wachter, City Attorney


**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to execute the Interlocal Agreement – Western State Hospital Community Partnerships between the City of Lakewood and the Department of Social and Health Services.

**DISCUSSION:** This agreement dates back to at least July 2009 and obligates the Lakewood Police Department to provide conduct investigations into criminal matters which may occur at Western State Hospital which are funded by DSHS via legislative allocation.


**ALTERNATIVE(S):** City Council could choose to not sign the ILA or recommend additions/changes to the document.

**FISCAL IMPACT:** This agreement provides for a maximum \$621,000 annual payment from DSHS to the City of Lakewood.

Heidi Ann Wachter, City Attorney  
Prepared by

  
City Manager Review

\_\_\_\_\_  
Department Director

 <p>Washington State Department of Social &amp; Health Services</p> <p><i>Transforming lives</i></p>	<h2>INTERLOCAL AGREEMENT</h2> <h3>Community Partnerships</h3>	DSHS Agreement Number: 1964-54193		
This Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the Contractor identified below, and is issued pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW.		Program Contract Number:  Contractor Contract Number:		
CONTRACTOR NAME  City of Lakewood		CONTRACTOR doing business as (DBA)  Lakewood Police Department		
CONTRACTOR ADDRESS  City of Lakewood 6000 Main Street SW Lakewood, WA 98499		<table border="1"> <tr> <td data-bbox="870 583 1214 730">           WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)             601-667-295         </td> <td data-bbox="1214 583 1560 730">           DSHS INDEX NUMBER             28708         </td> </tr> </table>	WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)  601-667-295	DSHS INDEX NUMBER  28708
WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)  601-667-295	DSHS INDEX NUMBER  28708			
CONTRACTOR CONTACT  Heidi Wachter	CONTRACTOR TELEPHONE  (253) 589-2489	<table border="1"> <tr> <td data-bbox="870 730 1214 852">           CONTRACTOR FAX             (253) 830-5067         </td> <td data-bbox="1214 730 1560 852">           CONTRACTOR E-MAIL ADDRESS             hwachter@cityoflakewood.us         </td> </tr> </table>	CONTRACTOR FAX  (253) 830-5067	CONTRACTOR E-MAIL ADDRESS  hwachter@cityoflakewood.us
CONTRACTOR FAX  (253) 830-5067	CONTRACTOR E-MAIL ADDRESS  hwachter@cityoflakewood.us			
DSHS ADMINISTRATION  Behavioral Health Administration	DSHS DIVISION  Division of State Hospitals	DSHS CONTRACT CODE  1000LC-64		
DSHS CONTACT NAME AND TITLE  Mara Lake Contract Manager		DSHS CONTACT ADDRESS  9601 Steilacoom Blvd SW Lakewood, WA 98498-7212		
DSHS CONTACT TELEPHONE  (253)756-2635	DSHS CONTACT FAX  <a href="#">Click here to enter text.</a>	DSHS CONTACT E-MAIL ADDRESS  mara.lake@dshs.wa.gov		
IS THE CONTRACTOR A SUBRECIPIENT FOR PURPOSES OF THIS CONTRACT?  No		CFDA NUMBER(S)		
AGREEMENT START DATE  07/01/2019	AGREEMENT END DATE  06/30/2021	MAXIMUM AGREEMENT AMOUNT  \$621,000.00		
<b>EXHIBITS. The following Exhibits are attached and are incorporated into this Agreement by reference:</b> <input checked="" type="checkbox"/> <b>Exhibits (specify):</b> Exhibit A - Data Security Requirements <input type="checkbox"/> <b>No Exhibits.</b>				
The terms and conditions of this Agreement are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise regarding the subject matter of this Agreement, between the parties. The parties signing below represent they have read and understand this Agreement, and have the authority to execute this Agreement. This Agreement shall be binding on DSHS only upon signature by DSHS.				
CONTRACTOR SIGNATURE	PRINTED NAME AND TITLE	DATE SIGNED		
DSHS SIGNATURE	PRINTED NAME AND TITLE	DATE SIGNED		

## DSHS General Terms and Conditions

1. **Definitions.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
- a. "Central Contracts and Legal Services" means the DSHS central headquarters contracting office, or successor section or office.
  - b. "Confidential Information" or "Data" means information that is exempt from disclosure to the public or other unauthorized persons under RCW 42.56 or other federal or state laws. Confidential Information includes, but is not limited to, Personal Information.
  - c. "Contract" or "Agreement" means the entire written agreement between DSHS and the Contractor, including any Exhibits, documents, or materials incorporated by reference. The parties may execute this contract in multiple counterparts, each of which is deemed an original and all of which constitute only one agreement. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
  - d. "CCLS Chief" means the manager, or successor, of Central Contracts and Legal Services or successor section or office.
  - e. "Contractor" means the individual or entity performing services pursuant to this Contract and includes the Contractor's owners, members, officers, directors, partners, employees, and/or agents, unless otherwise stated in this Contract. For purposes of any permitted Subcontract, "Contractor" includes any Subcontractor and its owners, members, officers, directors, partners, employees, and/or agents.
  - f. "Debarment" means an action taken by a Federal agency or official to exclude a person or business entity from participating in transactions involving certain federal funds.
  - g. "DSHS" or the "Department" means the state of Washington Department of Social and Health Services and its employees and authorized agents.
  - h. "Encrypt" means to encode Confidential Information into a format that can only be read by those possessing a "key;" a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 256 bits for symmetric keys, or 2048 bits for asymmetric keys. When a symmetric key is used, the Advanced Encryption Standard (AES) must be used if available.
  - i. "Personal Information" means 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.
  - j. "Physically Secure" means that access is restricted through physical means to authorized individuals only.
  - k. "Program Agreement" means an agreement between the Contractor and DSHS containing special terms and conditions, including a statement of work to be performed by the Contractor and payment to be made by DSHS.
  - l. "RCW" means the Revised Code of Washington. All references in this Contract to RCW chapters or sections shall include any successor, amended, or replacement statute. Pertinent RCW chapters can be accessed at <http://apps.leg.wa.gov/rcw/>.

## DSHS General Terms and Conditions

- m. "Regulation" means any federal, state, or local regulation, rule, or ordinance.
- n. "Secured Area" means an area to which only authorized representatives of the entity possessing the Confidential Information have access. Secured Areas may include buildings, rooms or locked storage containers (such as a filing cabinet) within a room, as long as access to the Confidential Information is not available to unauthorized personnel.
- o. "Subcontract" means any separate agreement or contract between the Contractor and an individual or entity ("Subcontractor") to perform all or a portion of the duties and obligations that the Contractor is obligated to perform pursuant to this Contract.
- p. "Tracking" means a record keeping system that identifies when the sender begins delivery of Confidential Information to the authorized and intended recipient, and when the sender receives confirmation of delivery from the authorized and intended recipient of Confidential Information.
- q. "Trusted Systems" include only the following methods of physical delivery: (1) hand-delivery by a person authorized to have access to the Confidential Information with written acknowledgement of receipt; (2) United States Postal Service ("USPS") first class mail, or USPS delivery services that include Tracking, such as Certified Mail, Express Mail or Registered Mail; (3) commercial delivery services (e.g. FedEx, UPS, DHL) which offer tracking and receipt confirmation; and (4) the Washington State Campus mail system. For electronic transmission, the Washington State Governmental Network (SGN) is a Trusted System for communications within that Network.
- r. "WAC" means the Washington Administrative Code. All references in this Contract to WAC chapters or sections shall include any successor, amended, or replacement regulation. Pertinent WAC chapters or sections can be accessed at <http://apps.leg.wa.gov/wac/>.

**2. Amendment.** This Contract may only be modified by a written amendment signed by both parties. Only personnel authorized to bind each of the parties may sign an amendment.

**3. Assignment.** The Contractor shall not assign this Contract or any Program Agreement to a third party without the prior written consent of DSHS.

**4. Billing Limitations.**

- a. DSHS shall pay the Contractor only for authorized services provided in accordance with this Contract.
- b. DSHS shall not pay any claims for payment for services submitted more than twelve (12) months after the calendar month in which the services were performed.
- c. The Contractor shall not bill and DSHS shall not pay for services performed under this Contract, if the Contractor has charged or will charge another agency of the state of Washington or any other party for the same services.

**5. Compliance with Applicable Law.** At all times during the term of this Contract, the Contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to, nondiscrimination laws and regulations.

**6. Confidentiality.**

- a. The Contractor shall not use, publish, transfer, sell or otherwise disclose any Confidential



## DSHS General Terms and Conditions

Information gained by reason of this Contract for any purpose that is not directly connected with Contractor's performance of the services contemplated hereunder, except:

- (1) as provided by law; or,
  - (2) in the case of Personal Information, with the prior written consent of the person or personal representative of the person who is the subject of the Personal Information.
- b. The Contractor shall protect and maintain all Confidential Information gained by reason of this Contract against unauthorized use, access, disclosure, modification or loss. This duty requires the Contractor to employ reasonable security measures, which include restricting access to the Confidential Information by:
- (1) Allowing access only to staff that have an authorized business requirement to view the Confidential Information.
  - (2) Physically Securing any computers, documents, or other media containing the Confidential Information.
  - (3) Ensure the security of Confidential Information transmitted via fax (facsimile) by:
    - (a) Verifying the recipient phone number to prevent accidental transmittal of Confidential Information to unauthorized persons.
    - (b) Communicating with the intended recipient before transmission to ensure that the fax will be received only by an authorized person.
    - (c) Verifying after transmittal that the fax was received by the intended recipient.
  - (4) When transporting six (6) or more records containing Confidential Information, outside a Secured Area, do one or more of the following as appropriate:
    - (a) Use a Trusted System.
    - (b) Encrypt the Confidential Information, including:
      - i. Encrypting email and/or email attachments which contain the Confidential Information.
      - ii. Encrypting Confidential Information when it is stored on portable devices or media, including but not limited to laptop computers and flash memory devices.
- Note: If the DSHS Data Security Requirements Exhibit is attached to this contract, this item, 6.b.(4), is superseded by the language contained in the Exhibit.**
- (5) Send paper documents containing Confidential Information via a Trusted System.
  - (6) Following the requirements of the DSHS Data Security Requirements Exhibit, if attached to this contract.
- c. Upon request by DSHS, at the end of the Contract term, or when no longer needed, Confidential Information shall be returned to DSHS or Contractor shall certify in writing that they employed a DSHS approved method to destroy the information. Contractor may obtain information regarding approved destruction methods from the DSHS contact identified on the cover page of this Contract.

## DSHS General Terms and Conditions

- d. Paper documents with Confidential Information may be recycled through a contracted firm, provided the contract with the recycler specifies that the confidentiality of information will be protected, and the information destroyed through the recycling process. Paper documents containing Confidential Information requiring special handling (e.g. protected health information) must be destroyed on-site through shredding, pulping, or incineration.
  - e. Notification of Compromise or Potential Compromise. The compromise or potential compromise of Confidential Information must be reported to the DSHS Contact designated on the contract within one (1) business day of discovery. Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.
7. **Debarment Certification.** The Contractor, by signature to this Contract, certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from participating in transactions (Debarred). The Contractor also agrees to include the above requirement in any and all Subcontracts into which it enters. The Contractor shall immediately notify DSHS if, during the term of this Contract, Contractor becomes Debarred. DSHS may immediately terminate this Contract by providing Contractor written notice if Contractor becomes Debarred during the term hereof.
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 Superior Court for Thurston County.
9. **Independent Contractor.** The parties intend that an independent contractor relationship will be created by this Contract. The Contractor and his or her employees or agents performing under this Contract are not employees or agents of the Department. The Contractor, his or her employees, or agents performing under this Contract will not hold himself/herself out as, nor claim to be, an officer or employee of the Department by reason hereof, nor will the Contractor, his or her employees, or agent make any claim of right, privilege or benefit that would accrue to such officer or employee.
10. **Inspection.** The Contractor shall, at no cost, provide DSHS and the Office of the State Auditor with reasonable access to Contractor's place of business, Contractor's records, and DSHS client records, wherever located. These inspection rights are intended to allow DSHS and the Office of the State Auditor to monitor, audit, and evaluate the Contractor's performance and compliance with applicable laws, regulations, and these Contract terms. These inspection rights shall survive for six (6) years following this Contract's termination or expiration.
11. **Maintenance of Records.** The Contractor shall maintain records relating to this Contract and the performance of the services described herein. The records include, but are not limited to, accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. All records and other material relevant to this Contract shall be retained for six (6) years after expiration or termination of this Contract.
- Without agreeing that litigation or claims are legally authorized, 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.
12. **Order of Precedence.** In the event of any inconsistency or conflict between the General Terms and Conditions and the Special Terms and Conditions of this Contract or any Program Agreement, the inconsistency or conflict shall be resolved by giving precedence to these General Terms and Conditions. Terms or conditions that are more restrictive, specific, or particular than those contained in the General Terms and Conditions shall not be construed as being inconsistent or in conflict.

## DSHS General Terms and Conditions

**13. Severability.** If any term or condition of this Contract is held invalid by any court, the remainder of the Contract remains valid and in full force and effect.

**14. Survivability.** The terms and conditions contained in this Contract or any Program Agreement which, by their sense and context, are intended to survive the expiration or termination of the particular agreement shall survive. Surviving terms include, but are not limited to: Billing Limitations; Confidentiality, Disputes; Indemnification and Hold Harmless, Inspection, Maintenance of Records, Notice of Overpayment, Ownership of Material, Termination for Default, Termination Procedure, and Treatment of Property.

**15. Contract Renegotiation, Suspension, or Termination Due to Change in Funding.**

If the funds DSHS relied upon to establish this Contract or Program Agreement are withdrawn, reduced or limited, or if additional or modified conditions are placed on such funding, after the effective date of this contract but prior to the normal completion of this Contract or Program Agreement:

- a. At DSHS's discretion, the Contract or Program Agreement may be renegotiated under the revised funding conditions.
- b. At DSHS's discretion, DSHS may give notice to Contractor to suspend performance when DSHS determines that there is reasonable likelihood that the funding insufficiency may be resolved in a timeframe that would allow Contractor's performance to be resumed prior to the normal completion date of this contract.
  - (1) During the period of suspension of performance, each party will inform the other of any conditions that may reasonably affect the potential for resumption of performance.
  - (2) When DSHS determines that the funding insufficiency is resolved, it will give Contractor written notice to resume performance. Upon the receipt of this notice, Contractor will provide written notice to DSHS informing DSHS whether it can resume performance and, if so, the date of resumption. For purposes of this subsection, "written notice" may include email.
  - (3) If the Contractor's proposed resumption date is not acceptable to DSHS and an acceptable date cannot be negotiated, DSHS may terminate the contract by giving written notice to Contractor. The parties agree that the Contract will be terminated retroactive to the date of the notice of suspension. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the retroactive date of termination.
- c. DSHS may immediately terminate this Contract by providing written notice to the Contractor. The termination shall be effective on the date specified in the termination notice. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the effective date of termination. No penalty shall accrue to DSHS in the event the termination option in this section is exercised.

**16. Waiver.** Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Contract. Only the CCLS Chief or designee has the authority to waive any term or condition of this Contract on behalf of DSHS.

### Additional General Terms and Conditions – Interlocal Agreements:

**17. Disputes.** Both DSHS and the Contractor ("Parties") agree to work in good faith to resolve all conflicts

## DSHS General Terms and Conditions

at the lowest level possible. However, if the Parties are not able to promptly and efficiently resolve, through direct informal contact, any dispute concerning the interpretation, application, or implementation of any section of this Agreement, either Party may reduce its description of the dispute in writing, and deliver it to the other Party for consideration. Once received, the assigned managers or designees of each Party will work to informally and amicably resolve the issue within five (5) business days. If managers or designees are unable to come to a mutually acceptable decision within five (5) business days, they may agree to issue an extension to allow for more time.

If the dispute cannot be resolved by the managers or designees, the issue will be referred through each Agency's respective operational protocols, to the Secretary of DSHS ("Secretary") and the Contractor's Agency Head ("Agency Head") or their deputies or designated delegates. Both Parties will be responsible for submitting all relevant documentation, along with a short statement as to how they believe the dispute should be settled, to the Secretary and Agency Head.

Upon receipt of the referral and relevant documentation, the Secretary and Agency Head will confer to consider the potential options of resolution, and to arrive at a decision within fifteen (15) business days. The Secretary and Agency Head may appoint a review team, a facilitator, or both, to assist in the resolution of the dispute. If the Secretary and Agency Head are unable to come to a mutually acceptable decision within fifteen (15) business days, they may agree to issue an extension to allow for more time.

The final decision will be put in writing, and will be signed by both the Secretary and Agency Head. If the Agreement is active at the time of resolution, the Parties will execute an amendment or change order to incorporate the final decision into the Agreement. The decision will be final and binding as to the matter reviewed and the dispute shall be settled in accordance with the terms of the decision.

If the Secretary and Agency Head are unable to come to a mutually acceptable decision, the Parties will request intervention by the Governor, per RCW 43.17.330, in which case the governor shall employ whatever dispute resolution methods that the governor deems appropriate in resolving the dispute.

Both Parties agree that, the existence of a dispute notwithstanding, the Parties will continue without delay to carry out all respective responsibilities under this Agreement that are not affected by the dispute.

### **18. Hold Harmless.**

- a. The Contractor shall be responsible for and shall hold DSHS harmless from all claims, loss, liability, damages, or fines arising out of or relating to the Contractor's, or any Subcontractor's, performance or failure to perform this Agreement, or the acts or omissions of the Contractor or any Subcontractor. DSHS shall be responsible for and shall hold the Contractor harmless from all claims, loss, liability, damages, or fines arising out of or relating to DSHS' performance or failure to perform this Agreement.
- b. The Contractor waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the State and its agencies, officials, agents, or employees.

### **19. Ownership of Material.** Material created by the Contractor and paid for by DSHS as a part of this Contract shall be owned by DSHS and shall be "work made for hire" as defined by Title 17 USCA, Section 101. This material includes, but is not limited to: books; computer programs; documents; films; pamphlets; reports; sound reproductions; studies; surveys; tapes; and/or training materials. Material which the Contractor uses to perform the Contract but is not created for or paid for by DSHS is owned by the Contractor and is not "work made for hire"; however, DSHS shall have a perpetual license to use

## DSHS General Terms and Conditions

this material for DSHS internal purposes at no charge to DSHS, provided that such license shall be limited to the extent which the Contractor has a right to grant such a license.

### 20. Subrecipients.

- a. General. If the Contractor is a subrecipient of federal awards as defined by 2 CFR Part 200 and this Agreement, the Contractor shall:
  - (1) Maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity;
  - (2) Maintain internal controls that provide reasonable assurance that the Contractor is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs;
  - (3) Prepare appropriate financial statements, including a schedule of expenditures of federal awards;
  - (4) Incorporate 2 CFR Part 200, Subpart F audit requirements into all agreements between the Contractor and its Subcontractors who are subrecipients;
  - (5) Comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation; and
  - (6) Comply with the Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39. (Go to <https://ojp.gov/about/offices/ocr.htm> for additional information and access to the aforementioned Federal laws and regulations.)
- b. Single Audit Act Compliance. If the Contractor is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:
  - (1) Submit to the DSHS contact person the data collection form and reporting package specified in 2 CFR Part 200, Subpart F, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor;
  - (2) Follow-up and develop corrective action for all audit findings; in accordance with 2 CFR Part 200, Subpart F; prepare a "Summary Schedule of Prior Audit Findings" reporting the status of all audit findings included in the prior audit's schedule of findings and questioned costs.
- c. Overpayments. If it is determined by DSHS, or during the course of a required audit, that the Contractor has been paid unallowable costs under this or any Program Agreement, DSHS may require the Contractor to reimburse DSHS in accordance with 2 CFR Part 200.

## **DSHS General Terms and Conditions**

### **21. Termination.**

- a. **Default.** If for any cause, either party fails to fulfill its obligations under this Agreement in a timely and proper manner, or if either party violates any of the terms and conditions contained in this Agreement, then the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given 15 working days to correct the violation or failure. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice from the aggrieved party to the other party.
- b. **Convenience.** Either party may terminate this Interlocal Agreement for any other reason by providing 30 calendar days' written notice to the other party.
- c. **Payment for Performance.** If this Interlocal Agreement is terminated for any reason, DSHS shall only pay for performance rendered or costs incurred in accordance with the terms of this Agreement and prior to the effective date of termination.

## Special Terms and Conditions

1. **Definitions Specific to Special Terms.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
  - a. "Behavioral Health Administration" or "BHA" means the administration within DSHS that is responsible for operating the WSH, CSTC and FSCRCP.
  - b. "Child Study and Treatment Center" or "CSTC" means the state-operated and funded psychiatric hospital for children and youth who have psychological and safety needs that cannot be met in their community
  - c. "Fort Steilacoom Competency Restoration Program" or "FSCRCP" means the competency restoration program conducted within a residential treatment facility in Building 27 on the WSH Campus.
  - d. "Investigator" means the Contractor's on-site assigned detective.
  - e. "Patient" means clients, residing on the campus of WSH, including a Patient of WSH, the CSTC or FSCRCP.
  - f. "Staff" means an individual who works on the WSH campus.
  - g. "Western State Hospital" or "WSH" means a psychiatric hospital owned and operated by the State of Washington, DSHS, which is situated at 9601 Steilacoom Blvd. SW, Lakewood, WA 98498.
2. **Purpose.** The purpose of this Contract is to establish a community partnership between DSHS, through its Western State Hospital, and the City of Lakewood to support community policing efforts in the Lakewood community surrounding the campus of WSH.
3. **Statement of Work.** The Contractor shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:
  - a. The Investigator shall meet with the Western State Hospital Contract Manager, Chief Safety and Security Officer, or authorized designee at regular intervals, no less than bi-weekly, to discuss the status of cases involving Patients or Staff that are referred, accepted, declined, and forwarded to local Prosecutors' offices.
  - b. Upon request by the WSH Contract Manager, Chief Safety and Security Officer, or authorized designee, the Investigator shall attend regular meetings with the WSH Contract Manager, Chief Safety and Security Officer, or authorized designee and the Washington State Patrol to discuss the status of cross-agency cases.
  - c. The Contractor's Investigator shall work with the WSH Contract Manager, Chief Safety and Security Officer, or authorized designee to schedule interviews and meetings regarding investigations involving Staff and/or Patients.
  - d. The Contractor's Investigator shall participate in emergency management planning, training and exercises for the WSH campus.
  - e. All services provided by the City of Lakewood under this Agreement shall be performed by law enforcement officers commissioned by the City of Lakewood Police Department.
  - f. The City of Lakewood shall provide quarterly performance reports to the WSH Contract Manager, and Chief Safety and Security Officer the number of investigations, hours of assistance in

## Special Terms and Conditions

emergency management, hours spent generating service statistics, engaging in community outreach specific to WSH campus issues, and delivering training.

- g. WSH may disclose Confidential Information, including protected health information (PHI), to City of Lakewood law enforcement without a Patient's signed HIPAA authorization in certain circumstances, as permitted under applicable law, including:
- (1) In response to a request for information from a law enforcement official or designated crisis responder when necessary to carry out the responsibilities of that person's office, including the investigation of alleged criminal conduct, to the extent permitted under chapter 70.02 RCW and other applicable law.
  - (2) To a law enforcement official when that official is reasonably able to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public.
  - (3) To a law enforcement agency, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public.
  - (4) When necessary for the protection of the patient or others due to the patient's unauthorized disappearance from WSH and the patient's whereabouts are unknown, but the information must be limited to basic demographic and health information about the person.
  - (5) To comply with a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer, or an administrative request from a law enforcement official (the administrative request must include a written statement that the information requested is relevant and material, specific and limited in scope, and that de-identified information cannot be used). Any court order or court-ordered warrant, a subpoena or summons issued by a judicial officer for Patient protected health information must comply with RCW 70.02.230.
- h. When the City of Lakewood accesses, receives, or retains DSHS Confidential Data or media, including protected health information as defined under the Health Insurance Portability and Accountability Act (HIPAA), it must adhere to the following procedures:
- (1) The City of Lakewood shall keep confidential all DSHS Confidential Data or media copied, received, or retained in the course of investigations to the extent required by law and City of Lakewood policies required by the Washington Uniform Health Care Information Act (Chapter 70.02 RCW), and specifically 70.02.260 when applicable, and other applicable laws.
  - (2) Pursuant to RCW 42.56.240(2), when a victim or witness in an incident occurring on the WSH campus indicates a desire for disclosure or non-disclosure, the City will comply with that desire when producing public records, including police incident reports.
  - (3) Upon receipt by City of Lakewood of a public records request that includes DSHS Confidential Data, the City of Lakewood will notify the Contract Manager on the face page of this Contract, with a copy to the DSHS Public Records Officer at [dshspublicdisclosure@dshs.wa.gov](mailto:dshspublicdisclosure@dshs.wa.gov) within five (5) business days and before disclosing any records. Notice provided by the City of Lakewood will include a copy of the records with proposed redactions. Disclosure of records and redactions shall meet the standards in the Health Care Information Act, ch. 70.02 RCW,, incorporated into the Public Records Act under RCW 42.56.070(1) and in the HIPAA Privacy Rule in 45 CFR §164.502 to the extent these provisions are applicable. If records are to be disclosed without authorization of the patients identified in the records, when required by law the records will be redacted to remove health care information recorded in any form or medium that identifies or can readily be associated with the identity of a patient.



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- (4) Within fifteen (15) business days of receiving notice from the City of Lakewood, the Department will either (1) notify the City that the Department disagrees with the intended disclosure and obtain a court order prohibiting disclosure or (2) notify the City that it does not intend to take any additional action to prevent disclosure

4. **Training.** The parties agree to facilitate a training to educate the workforce members of both entities (WSH and City of Lakewood) regarding the types of information that can be exchanged under the contract, what is appropriate or necessary to put in a police report, and when it may be necessary for WSH to require a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer in order for WSH to release DSHS Confidential Information to Lakewood.

When requested by WSH, the Contractor shall provide to appropriate WSH Staff training that includes but is not limited to the following:

- a. Crime prevention,
- b. How to identify incidents that involve potential criminality,
- c. When to notify the police department,
- d. Crime scene preservation,
- e. Safety,
- f. Security,
- g. Active Shooter,
- h. Security Measures,
- i. Searches, and
- j. Community outreach and Reporting.

Training Requests shall be directed to the City of Lakewood contact listed on page 1 of this Contract or such other person as the City of Lakewood shall designate in writing to WSH.

5. **Consideration.** In accordance with the State Biennial Budget effective July 1, 2019 and continuing through June 30, 2021, the total consideration payable to Contractor for satisfactory performance of the work under this Contract is up to a maximum of \$621,000 over the two year period of this Contract. This amount shall include, but not be limited to, funding to reimburse salaries, benefits, supplies, and equipment of one full-time equivalent (FTE) investigator, one .75 FTE police officer, and one .5 FTE community service officer at the City of Lakewood.

- a. Payment is contingent on submission of quarterly report(s) as identified in Section 3.h. above.
- b. Payment shall be made on a quarterly basis in a fixed quarterly amount of \$77,625.
- c. Funding for this Agreement is 100% state funds.

6. **Billing and Payment.**

- a. **Invoice System.** The Contractor shall submit detailed invoices using State Form A-19 Invoice

## Special Terms and Conditions

Voucher no later than fifteen (15) calendar days following the quarter in which the services were provided. The Invoices shall describe and document to DSHS' satisfaction a description of the work performed, activities accomplished, fees, and any allowable expenses incurred. Consideration for services rendered shall be payable upon receipt and acceptance by the Contract Manager of quarterly report(s) and properly completed invoices submitted not more often than quarterly to the following email address: [CBS3Institution-Fiscal@dshs.wa.gov](mailto:CBS3Institution-Fiscal@dshs.wa.gov). The DSHS contract number should be identified in the Subject line.

Although emailing invoices is the preferred and faster method, should the Contractor not be able to use email, the invoice may be mailed to the following address:

Department of Social and Health Services  
Consolidated Business Services (CBS)  
Attention: Accounting  
1949 South State Street  
Tacoma, WA 984095

- b. The rates shall be in accordance with those set forth in Section 5, Consideration, of this Contract. **Payment.** Payment shall be considered timely if made by DSHS within thirty (30) days after receipt and acceptance of the properly completed invoices. Payment shall be sent to the address designated by the Contractor on page one (1) of this Contract. DSHS may, at its sole discretion, withhold payment claimed by the Contractor for services rendered if Contractor fails to satisfactorily comply with any term or condition of this Contract.

### 7. Insurance.

- a. DSHS certifies that it is self-insured under the State's self-insurance liability program, as provided by RCW 4.92.130, and shall pay for losses for which it is found liable.
- b. The Contractor certifies, by checking the appropriate box below, initialing to the left of the box selected, and signing this Agreement, that:

\_\_\_\_\_ ☐ The Contractor is self-insured or insured through a risk pool and shall pay for losses for which it is found liable; or

\_\_\_\_\_ ☐ The Contractor maintains the types and amounts of insurance identified below and shall, prior to the execution of this Agreement by DSHS, provide certificates of insurance to that effect to the DSHS contact on page one of this Agreement.

Commercial General Liability Insurance (CGL) – to include coverage for bodily injury, property damage, and contractual liability, with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The policy shall include liability arising out of premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The State of Washington, DSHS, its elected and appointed officials, agents, and employees shall be named as additional insureds.

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### Exhibit A – Data Security Requirements

1. **Definitions.** The words and phrases listed below, as used in this Exhibit, shall each have the following definitions:
  - a. “AES” means the Advanced Encryption Standard, a specification of Federal Information Processing Standards Publications for the encryption of electronic data issued by the National Institute of Standards and Technology (<http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.197.pdf>).
  - b. “Authorized Users(s)” means an individual or individuals with a business need to access DSHS Confidential Information, and who has or have been authorized to do so.
  - c. “Business Associate Agreement” means an agreement between DSHS and a contractor who is receiving Data covered under the Privacy and Security Rules of the Health Insurance Portability and Accountability Act of 1996. The agreement establishes permitted and required uses and disclosures of protected health information (PHI) in accordance with HIPAA requirements and provides obligations for business associates to safeguard the information.
  - d. “Category 4 Data” is data that is confidential and requires special handling due to statutes or regulations that require especially strict protection of the data and from which especially serious consequences may arise in the event of any compromise of such data. Data classified as Category 4 includes but is not limited to data protected by: the Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104-191 as amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), 45 CFR Parts 160 and 164; the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 CFR Part 99; Internal Revenue Service Publication 1075 (<https://www.irs.gov/pub/irs-pdf/p1075.pdf>); Substance Abuse and Mental Health Services Administration regulations on Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; and/or Criminal Justice Information Services, 28 CFR Part 20.
  - e. “Cloud” means data storage on servers hosted by an entity other than the Contractor and on a network outside the control of the Contractor. Physical storage of data in the cloud typically spans multiple servers and often multiple locations. Cloud storage can be divided between consumer grade storage for personal files and enterprise grade for companies and governmental entities. Examples of consumer grade storage would include iTunes, Dropbox, Box.com, and many other entities. Enterprise cloud vendors include Microsoft Azure, Amazon Web Services, and Rackspace.
  - f. “Encrypt” means to encode Confidential Information into a format that can only be read by those possessing a “key”; a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 256 bits for symmetric keys, or 2048 bits for asymmetric keys. When a symmetric key is used, the Advanced Encryption Standard (AES) must be used if available.
  - g. “FedRAMP” means the Federal Risk and Authorization Management Program (see [www.fedramp.gov](http://www.fedramp.gov)), which is an assessment and authorization process that federal government agencies have been directed to use to ensure security is in place when accessing Cloud computing products and services.
  - h. “Hardened Password” means a string of at least eight characters containing at least three of the following four character classes: Uppercase alphabetic, lowercase alphabetic, numeral, and special characters such as an asterisk, ampersand, or exclamation point.

## Special Terms and Conditions

- i. "Mobile Device" means a computing device, typically smaller than a notebook, which runs a mobile operating system, such as iOS, Android, or Windows Phone. Mobile Devices include smart phones, most tablets, and other form factors.
- j. "Multi-factor Authentication" means controlling access to computers and other IT resources by requiring two or more pieces of evidence that the user is who they claim to be. These pieces of evidence consist of something the user knows, such as a password or PIN; something the user has such as a key card, smart card, or physical token; and something the user is, a biometric identifier such as a fingerprint, facial scan, or retinal scan. "PIN" means a personal identification number, a series of numbers which act as a password for a device. Since PINs are typically only four to six characters, PINs are usually used in conjunction with another factor of authentication, such as a fingerprint.
- k. "Portable Device" means any computing device with a small form factor, designed to be transported from place to place. Portable devices are primarily battery powered devices with base computing resources in the form of a processor, memory, storage, and network access. Examples include, but are not limited to, mobile phones, tablets, and laptops. Mobile Device is a subset of Portable Device.
- l. "Portable Media" means any machine readable media that may routinely be stored or moved independently of computing devices. Examples include magnetic tapes, optical discs (CDs or DVDs), flash memory (thumb drive) devices, external hard drives, and internal hard drives that have been removed from a computing device.
- m. "Secure Area" means an area to which only authorized representatives of the entity possessing the Confidential Information have access, and access is controlled through use of a key, card key, combination lock, or comparable mechanism. Secure Areas may include buildings, rooms or locked storage containers (such as a filing cabinet or desk drawer) within a room, as long as access to the Confidential Information is not available to unauthorized personnel. In otherwise Secure Areas, such as an office with restricted access, the Data must be secured in such a way as to prevent access by non-authorized staff such as janitorial or facility security staff, when authorized Contractor staff are not present to ensure that non-authorized staff cannot access it.
- n. "Trusted Network" means a network operated and maintained by the Contractor, which includes security controls sufficient to protect DSHS Data on that network. Controls would include a firewall between any other networks, access control lists on networking devices such as routers and switches, and other such mechanisms which protect the confidentiality, integrity, and availability of the Data.
- o. "Unique User ID" means a string of characters that identifies a specific user and which, in conjunction with a password, passphrase or other mechanism, authenticates a user to an information system.

2. **Authority.** The security requirements described in this document reflect the applicable requirements of Standard 141.10 (<https://ocio.wa.gov/policies>) of the Office of the Chief Information Officer for the state of Washington, and of the DSHS Information Security Policy and Standards Manual. Reference material related to these requirements can be found here: <https://www.dshs.wa.gov/sesa/central-contract-services/keeping-dshs-client-information-private-and-secure>, which is a site developed by the DSHS Information Security Office and hosted by DSHS Central Contracts and Legal Services.

3. **Administrative Controls.** The Contractor must have the following controls in place:

- a. A documented security policy governing the secure use of its computer network and systems, and

## Special Terms and Conditions

which defines sanctions that may be applied to Contractor staff for violating that policy.

- b. If the Data shared under this agreement is classified as Category 4, the Contractor must be aware of and compliant with the applicable legal or regulatory requirements for that Category 4 Data.
- c. If Confidential Information shared under this agreement is classified as Category 4, the Contractor must have a documented risk assessment for the system(s) housing the Category 4 Data.

**4. Authorization, Authentication, and Access.** In order to ensure that access to the Data is limited to authorized staff, the Contractor must:

- a. Have documented policies and procedures governing access to systems with the shared Data.
- b. Restrict access through administrative, physical, and technical controls to authorized staff.
- c. Ensure that user accounts are unique and that any given user account logon ID and password combination is known only to the one employee to whom that account is assigned. For purposes of non-repudiation, it must always be possible to determine which employee performed a given action on a system housing the Data based solely on the logon ID used to perform the action.
- d. Ensure that only authorized users are capable of accessing the Data.
- e. Ensure that an employee's access to the Data is removed immediately:
  - (1) Upon suspected compromise of the user credentials.
  - (2) When their employment, or the contract under which the Data is made available to them, is terminated.
  - (3) When they no longer need access to the Data to fulfill the requirements of the contract.
- f. Have a process to periodically review and verify that only authorized users have access to systems containing DSHS Confidential Information.
- g. When accessing the Data from within the Contractor's network (the Data stays within the Contractor's network at all times), enforce password and logon requirements for users within the Contractor's network, including:
  - (1) A minimum length of 8 characters, and containing at least three of the following character classes: uppercase letters, lowercase letters, numerals, and special characters such as an asterisk, ampersand, or exclamation point.
  - (2) That a password does not contain a user's name, logon ID, or any form of their full name.
  - (3) That a password does not consist of a single dictionary word. A password may be formed as a passphrase which consists of multiple dictionary words.
  - (4) That passwords are significantly different from the previous four passwords. Passwords that increment by simply adding a number are not considered significantly different.
- h. When accessing Confidential Information from an external location (the Data will traverse the Internet or otherwise travel outside the Contractor's network), mitigate risk and enforce password and logon requirements for users by employing measures including:

## Special Terms and Conditions

- (1) Ensuring mitigations applied to the system don't allow end-user modification.
  - (2) Not allowing the use of dial-up connections.
  - (3) Using industry standard protocols and solutions for remote access. Examples would include RADIUS and Citrix.
  - (4) Encrypting all remote access traffic from the external workstation to Trusted Network or to a component within the Trusted Network. The traffic must be encrypted at all times while traversing any network, including the Internet, which is not a Trusted Network.
  - (5) Ensuring that the remote access system prompts for re-authentication or performs automated session termination after no more than 30 minutes of inactivity.
  - (6) Ensuring use of Multi-factor Authentication to connect from the external end point to the internal end point.
- i. Passwords or PIN codes may meet a lesser standard if used in conjunction with another authentication mechanism, such as a biometric (fingerprint, face recognition, iris scan) or token (software, hardware, smart card, etc.) in that case:
    - (1) The PIN or password must be at least 5 letters or numbers when used in conjunction with at least one other authentication factor
    - (2) Must not be comprised of all the same letter or number (11111, 22222, aaaaa, would not be acceptable)
    - (3) Must not contain a "run" of three or more consecutive numbers (12398, 98743 would not be acceptable)
  - j. If the contract specifically allows for the storage of Confidential Information on a Mobile Device, passcodes used on the device must:
    - (1) Be a minimum of six alphanumeric characters.
    - (2) Contain at least three unique character classes (upper case, lower case, letter, number).
    - (3) Not contain more than a three consecutive character run. Passcodes consisting of 12345, or abcd12 would not be acceptable.
  - k. Render the device unusable after a maximum of 10 failed logon attempts.

**5. Protection of Data.** The Contractor agrees to store Data on one or more of the following media and protect the Data as described:

- a. **Hard disk drives.** For Data stored on local workstation hard disks, access to the Data will be restricted to Authorized User(s) by requiring logon to the local workstation using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards.
- b. **Network server disks.** For Data stored on hard disks mounted on network servers and made available through shared folders, access to the Data will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has

## Special Terms and Conditions

authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on disks mounted to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

For DSHS Confidential Information stored on these disks, deleting unneeded Data is sufficient as long as the disks remain in a Secure Area and otherwise meet the requirements listed in the above paragraph. Destruction of the Data, as outlined below in Section 8 Data Disposition, may be deferred until the disks are retired, replaced, or otherwise taken out of the Secure Area.

- c. **Optical discs (CDs or DVDs) in local workstation optical disc drives.** Data provided by DSHS on optical discs which will be used in local workstation optical disc drives and which will not be transported out of a Secure Area. When not in use for the contracted purpose, such discs must be Stored in a Secure Area. Workstations which access DSHS Data on optical discs must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
- d. **Optical discs (CDs or DVDs) in drives or jukeboxes attached to servers.** Data provided by DSHS on optical discs which will be attached to network servers and which will not be transported out of a Secure Area. Access to Data on these discs will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on discs attached to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
- e. **Paper documents.** Any paper records must be protected by storing the records in a Secure Area which is only accessible to authorized personnel. When not in use, such records must be stored in a Secure Area.
- f. **Remote Access.** Access to and use of the Data over the State Governmental Network (SGN) or Secure Access Washington (SAW) will be controlled by DSHS staff who will issue authentication credentials (e.g. a Unique User ID and Hardened Password) to Authorized Users on Contractor's staff. Contractor will notify DSHS staff immediately whenever an Authorized User in possession of such credentials is terminated or otherwise leaves the employ of the Contractor, and whenever an Authorized User's duties change such that the Authorized User no longer requires access to perform work for this Contract.
- g. **Data storage on portable devices or media.**
  - (1) Except where otherwise specified herein, DSHS Data shall not be stored by the Contractor on portable devices or media unless specifically authorized within the terms and conditions of the Contract. If so authorized, the Data shall be given the following protections:
    - (a) Encrypt the Data.
    - (b) Control access to devices with a Unique User ID and Hardened Password or stronger authentication method such as a physical token or biometrics.

## Special Terms and Conditions

- (c) Manually lock devices whenever they are left unattended and set devices to lock automatically after a period of inactivity, if this feature is available. Maximum period of inactivity is 20 minutes.
  - (d) Apply administrative and physical security controls to Portable Devices and Portable Media by:
    - i. Keeping them in a Secure Area when not in use,
    - ii. Using check-in/check-out procedures when they are shared, and
    - iii. Taking frequent inventories.
  - (2) When being transported outside of a Secure Area, Portable Devices and Portable Media with DSHS Confidential Information must be under the physical control of Contractor staff with authorization to access the Data, even if the Data is encrypted.
- h. Data stored for backup purposes.**
- (1) DSHS Confidential Information may be stored on Portable Media as part of a Contractor's existing, documented backup process for business continuity or disaster recovery purposes. Such storage is authorized until such time as that media would be reused during the course of normal backup operations. If backup media is retired while DSHS Confidential Information still exists upon it, such media will be destroyed at that time in accordance with the disposition requirements below in Section 8 *Data Disposition*.
  - (2) Data may be stored on non-portable media (e.g. Storage Area Network drives, virtual media, etc.) as part of a Contractor's existing, documented backup process for business continuity or disaster recovery purposes. If so, such media will be protected as otherwise described in this exhibit. If this media is retired while DSHS Confidential Information still exists upon it, the data will be destroyed at that time in accordance with the disposition requirements below in Section 8 *Data Disposition*.
- i. Cloud storage.** DSHS Confidential Information requires protections equal to or greater than those specified elsewhere within this exhibit. Cloud storage of Data is problematic as neither DSHS nor the Contractor has control of the environment in which the Data is stored. For this reason:
- (1) DSHS Data will not be stored in any consumer grade Cloud solution, unless all of the following conditions are met:
    - (a) Contractor has written procedures in place governing use of the Cloud storage and Contractor attests in writing that all such procedures will be uniformly followed.
    - (b) The Data will be Encrypted while within the Contractor network.
    - (c) The Data will remain Encrypted during transmission to the Cloud.
    - (d) The Data will remain Encrypted at all times while residing within the Cloud storage solution.
    - (e) The Contractor will possess a decryption key for the Data, and the decryption key will be possessed only by the Contractor and/or DSHS.



## Special Terms and Conditions

- (f) The Data will not be downloaded to non-authorized systems, meaning systems that are not on either the DSHS or Contractor networks.
- (g) The Data will not be decrypted until downloaded onto a computer within the control of an Authorized User and within either the DSHS or Contractor's network.

(2) Data will not be stored on an Enterprise Cloud storage solution unless either:

- (a) The Cloud storage provider is treated as any other Sub-Contractor, and agrees in writing to all of the requirements within this exhibit; or,
- (b) The Cloud storage solution used is FedRAMP certified.

(3) If the Data includes protected health information covered by the Health Insurance Portability and Accountability Act (HIPAA), the Cloud provider must sign a Business Associate Agreement prior to Data being stored in their Cloud solution.

**6. System Protection.** To prevent compromise of systems which contain DSHS Data or through which that Data passes:

- a. Systems containing DSHS Data must have all security patches or hotfixes applied within 3 months of being made available.
- b. The Contractor will have a method of ensuring that the requisite patches and hotfixes have been applied within the required timeframes.
- c. Systems containing DSHS Data shall have an Anti-Malware application, if available, installed.
- d. Anti-Malware software shall be kept up to date. The product, its anti-virus engine, and any malware database the system uses, will be no more than one update behind current.

**7. Data Segregation.**

- a. DSHS Data must be segregated or otherwise distinguishable from non-DSHS data. This is to ensure that when no longer needed by the Contractor, all DSHS Data can be identified for return or destruction. It also aids in determining whether DSHS Data has or may have been compromised in the event of a security breach. As such, one or more of the following methods will be used for data segregation.
  - (1) DSHS Data will be kept on media (e.g. hard disk, optical disc, tape, etc.) which will contain no non-DSHS Data. And/or,
  - (2) DSHS Data will be stored in a logical container on electronic media, such as a partition or folder dedicated to DSHS Data. And/or,
  - (3) DSHS Data will be stored in a database which will contain no non-DSHS data. And/or,
  - (4) DSHS Data will be stored within a database and will be distinguishable from non-DSHS data by the value of a specific field or fields within database records.
  - (5) When stored as physical paper documents, DSHS Data will be physically segregated from non-DSHS data in a drawer, folder, or other container.

## Special Terms and Conditions

- b. When it is not feasible or practical to segregate DSHS Data from non-DSHS data, then both the DSHS Data and the non-DSHS data with which it is commingled must be protected as described in this exhibit.

8. **Data Disposition.** When the contracted work has been completed or when the Data is no longer needed, except as noted above in Section 5.b, Data shall be returned to DSHS or destroyed. Media on which Data may be stored and associated acceptable methods of destruction are as follows:

<b>Data stored on:</b>	<b>Will be destroyed by:</b>
Server or workstation hard disks, or  Removable media (e.g. floppies, USB flash drives, portable hard disks) excluding optical discs	Using a "wipe" utility which will overwrite the Data at least three (3) times using either random or single character data, or  Degaussing sufficiently to ensure that the Data cannot be reconstructed, or  Physically destroying the disk
Paper documents with sensitive or Confidential Information	Recycling through a contracted firm, provided the contract with the recycler assures that the confidentiality of Data will be protected.
Paper documents containing Confidential Information requiring special handling (e.g. protected health information)	On-site shredding, pulping, or incineration
Optical discs (e.g. CDs or DVDs)	Incineration, shredding, or completely defacing the readable surface with a coarse abrasive
Magnetic tape	Degaussing, incinerating or crosscut shredding

9. **Notification of Compromise or Potential Compromise.** The compromise or potential compromise of DSHS shared Data must be reported to the DSHS Contact designated in the Contract within one (1) business day of discovery. If no DSHS Contact is designated in the Contract, then the notification must be reported to the DSHS Privacy Officer at [dshsprivacyofficer@dshs.wa.gov](mailto:dshsprivacyofficer@dshs.wa.gov). Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.
10. **Data shared with Subcontractors.** If DSHS Data provided under this Contract is to be shared with a subcontractor, the Contract with the subcontractor must include all of the data security provisions within this Contract and within any amendments, attachments, or exhibits within this Contract. If the Contractor cannot protect the Data as articulated within this Contract, then the contract with the subcontractor must be submitted to the DSHS Contact specified for this contract for review and approval.

# REQUEST FOR COUNCIL ACTION

**DATE ACTION IS  
REQUESTED:**

July 1, 2019

**REVIEW:**

N/A

**TITLE:** Authorizing the  
execution of an Interlocal  
agreement with Western State  
Hospital for Police Protection.

**ATTACHMENTS:**

Interlocal Agreement – Western  
State Hospital Police Protection

**TYPE OF ACTION:**

— ORDINANCE NO.

— RESOLUTION NO.

X MOTION NO. 2019-42

— OTHER

**SUBMITTED BY:** Heidi Ann Wachter, City Attorney

**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to execute the Interlocal Agreement – WSH Police Protection between the City of Lakewood and the Department of Social and Health Services.

**DISCUSSION:** This agreement dates back to at least July 2009 and obligates the Lakewood Police Department to provide patrol services and emergency police protection (911), evidence preservation and investigation services which are funded by DSHS via legislative allocation.

**ALTERNATIVE(S):** City Council could choose to not sign the ILA or recommend additions/changes to the document.

**FISCAL IMPACT:** This agreement provides for a maximum \$90,000 annual payment from DSHS to the City of Lakewood.

Heidi Ann Wachter, City Attorney

Prepared by

Department Director

  
City Manager Review

 <p>Washington State Department of Social &amp; Health Services</p> <p><i>Transforming lives</i></p>	<h2>INTERLOCAL AGREEMENT</h2> <h3>Police Protection</h3>	DSHS Agreement Number: 1964-54773		
This Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the Contractor identified below, and is issued pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW.		Program Contract Number:  Contractor Contract Number:		
CONTRACTOR NAME  City of Lakewood		CONTRACTOR doing business as (DBA)  Lakewood Police Department		
CONTRACTOR ADDRESS  City of Lakewood 6000 Main Street SW Lakewood, WA 98499		<table border="1"> <tr> <td data-bbox="870 583 1214 730">           WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)             601-667-295         </td> <td data-bbox="1214 583 1565 730">           DSHS INDEX NUMBER             28708         </td> </tr> </table>	WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)  601-667-295	DSHS INDEX NUMBER  28708
WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)  601-667-295	DSHS INDEX NUMBER  28708			
CONTRACTOR CONTACT  Heidi Wachter	CONTRACTOR TELEPHONE  (253) 589-2489	<table border="1"> <tr> <td data-bbox="870 730 1214 852">           CONTRACTOR FAX             (253) 830-5067         </td> <td data-bbox="1214 730 1565 852">           CONTRACTOR E-MAIL ADDRESS             hwachter@cityoflakewood.us         </td> </tr> </table>	CONTRACTOR FAX  (253) 830-5067	CONTRACTOR E-MAIL ADDRESS  hwachter@cityoflakewood.us
CONTRACTOR FAX  (253) 830-5067	CONTRACTOR E-MAIL ADDRESS  hwachter@cityoflakewood.us			
DSHS ADMINISTRATION  Behavioral Health Administration	DSHS DIVISION  Division of State Hospitals	DSHS CONTRACT CODE  1000LC-64		
DSHS CONTACT NAME AND TITLE  Mara Lake Contract Manager		DSHS CONTACT ADDRESS  9601 Steilacoom Blvd SW Lakewood, WA 98498-7212		
DSHS CONTACT TELEPHONE  (253)756-2635	DSHS CONTACT FAX  <a href="#">Click here to enter text.</a>	DSHS CONTACT E-MAIL ADDRESS  mara.lake@dshs.wa.gov		
IS THE CONTRACTOR A SUBRECIPIENT FOR PURPOSES OF THIS CONTRACT?  No		CFDA NUMBER(S)		
AGREEMENT START DATE  07/01/2019	AGREEMENT END DATE  06/30/2021	MAXIMUM AGREEMENT AMOUNT  \$90,000.00		
<b>EXHIBITS. The following Exhibits are attached and are incorporated into this Agreement by reference:</b> <input checked="" type="checkbox"/> <b>Exhibits (specify):</b> Exhibit A - Data Security Requirements <input type="checkbox"/> <b>No Exhibits.</b>				
The terms and conditions of this Agreement are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise regarding the subject matter of this Agreement, between the parties. The parties signing below represent they have read and understand this Agreement, and have the authority to execute this Agreement. This Agreement shall be binding on DSHS only upon signature by DSHS.				
CONTRACTOR SIGNATURE	PRINTED NAME AND TITLE	DATE SIGNED		
DSHS SIGNATURE	PRINTED NAME AND TITLE	DATE SIGNED		

## DSHS General Terms and Conditions

1. **Definitions.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
- a. "Central Contracts and Legal Services" means the DSHS central headquarters contracting office, or successor section or office.
  - b. "Confidential Information" or "Data" means information that is exempt from disclosure to the public or other unauthorized persons under RCW 42.56 or other federal or state laws. Confidential Information includes, but is not limited to, Personal Information.
  - c. "Contract" or "Agreement" means the entire written agreement between DSHS and the Contractor, including any Exhibits, documents, or materials incorporated by reference. The parties may execute this contract in multiple counterparts, each of which is deemed an original and all of which constitute only one agreement. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
  - d. "CCLS Chief" means the manager, or successor, of Central Contracts and Legal Services or successor section or office.
  - e. "Contractor" means the individual or entity performing services pursuant to this Contract and includes the Contractor's owners, members, officers, directors, partners, employees, and/or agents, unless otherwise stated in this Contract. For purposes of any permitted Subcontract, "Contractor" includes any Subcontractor and its owners, members, officers, directors, partners, employees, and/or agents.
  - f. "Debarment" means an action taken by a Federal agency or official to exclude a person or business entity from participating in transactions involving certain federal funds.
  - g. "DSHS" or the "Department" means the state of Washington Department of Social and Health Services and its employees and authorized agents.
  - h. "Encrypt" means to encode Confidential Information into a format that can only be read by those possessing a "key;" a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 256 bits for symmetric keys, or 2048 bits for asymmetric keys. When a symmetric key is used, the Advanced Encryption Standard (AES) must be used if available.
  - i. "Personal Information" means 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.
  - j. "Physically Secure" means that access is restricted through physical means to authorized individuals only.
  - k. "Program Agreement" means an agreement between the Contractor and DSHS containing special terms and conditions, including a statement of work to be performed by the Contractor and payment to be made by DSHS.
  - l. "RCW" means the Revised Code of Washington. All references in this Contract to RCW chapters or sections shall include any successor, amended, or replacement statute. Pertinent RCW chapters can be accessed at <http://apps.leg.wa.gov/rcw/>.

## DSHS General Terms and Conditions

- m. "Regulation" means any federal, state, or local regulation, rule, or ordinance.
- n. "Secured Area" means an area to which only authorized representatives of the entity possessing the Confidential Information have access. Secured Areas may include buildings, rooms or locked storage containers (such as a filing cabinet) within a room, as long as access to the Confidential Information is not available to unauthorized personnel.
- o. "Subcontract" means any separate agreement or contract between the Contractor and an individual or entity ("Subcontractor") to perform all or a portion of the duties and obligations that the Contractor is obligated to perform pursuant to this Contract.
- p. "Tracking" means a record keeping system that identifies when the sender begins delivery of Confidential Information to the authorized and intended recipient, and when the sender receives confirmation of delivery from the authorized and intended recipient of Confidential Information.
- q. "Trusted Systems" include only the following methods of physical delivery: (1) hand-delivery by a person authorized to have access to the Confidential Information with written acknowledgement of receipt; (2) United States Postal Service ("USPS") first class mail, or USPS delivery services that include Tracking, such as Certified Mail, Express Mail or Registered Mail; (3) commercial delivery services (e.g. FedEx, UPS, DHL) which offer tracking and receipt confirmation; and (4) the Washington State Campus mail system. For electronic transmission, the Washington State Governmental Network (SGN) is a Trusted System for communications within that Network.
- r. "WAC" means the Washington Administrative Code. All references in this Contract to WAC chapters or sections shall include any successor, amended, or replacement regulation. Pertinent WAC chapters or sections can be accessed at <http://apps.leg.wa.gov/wac/>.

**2. Amendment.** This Contract may only be modified by a written amendment signed by both parties. Only personnel authorized to bind each of the parties may sign an amendment.

**3. Assignment.** The Contractor shall not assign this Contract or any Program Agreement to a third party without the prior written consent of DSHS.

**4. Billing Limitations.**

- a. DSHS shall pay the Contractor only for authorized services provided in accordance with this Contract.
- b. DSHS shall not pay any claims for payment for services submitted more than twelve (12) months after the calendar month in which the services were performed.
- c. The Contractor shall not bill and DSHS shall not pay for services performed under this Contract, if the Contractor has charged or will charge another agency of the state of Washington or any other party for the same services.

**5. Compliance with Applicable Law.** At all times during the term of this Contract, the Contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to, nondiscrimination laws and regulations.

**6. Confidentiality.**

- a. The Contractor shall not use, publish, transfer, sell or otherwise disclose any Confidential

## DSHS General Terms and Conditions

Information gained by reason of this Contract for any purpose that is not directly connected with Contractor's performance of the services contemplated hereunder, except:

- (1) as provided by law; or,
  - (2) in the case of Personal Information, with the prior written consent of the person or personal representative of the person who is the subject of the Personal Information.
- b. The Contractor shall protect and maintain all Confidential Information gained by reason of this Contract against unauthorized use, access, disclosure, modification or loss. This duty requires the Contractor to employ reasonable security measures, which include restricting access to the Confidential Information by:
- (1) Allowing access only to staff that have an authorized business requirement to view the Confidential Information.
  - (2) Physically Securing any computers, documents, or other media containing the Confidential Information.
  - (3) Ensure the security of Confidential Information transmitted via fax (facsimile) by:
    - (a) Verifying the recipient phone number to prevent accidental transmittal of Confidential Information to unauthorized persons.
    - (b) Communicating with the intended recipient before transmission to ensure that the fax will be received only by an authorized person.
    - (c) Verifying after transmittal that the fax was received by the intended recipient.
  - (4) When transporting six (6) or more records containing Confidential Information, outside a Secured Area, do one or more of the following as appropriate:
    - (a) Use a Trusted System.
    - (b) Encrypt the Confidential Information, including:
      - i. Encrypting email and/or email attachments which contain the Confidential Information.
      - ii. Encrypting Confidential Information when it is stored on portable devices or media, including but not limited to laptop computers and flash memory devices.
- Note: If the DSHS Data Security Requirements Exhibit is attached to this contract, this item, 6.b.(4), is superseded by the language contained in the Exhibit.**
- (5) Send paper documents containing Confidential Information via a Trusted System.
  - (6) Following the requirements of the DSHS Data Security Requirements Exhibit, if attached to this contract.
- c. Upon request by DSHS, at the end of the Contract term, or when no longer needed, Confidential Information shall be returned to DSHS or Contractor shall certify in writing that they employed a DSHS approved method to destroy the information. Contractor may obtain information regarding approved destruction methods from the DSHS contact identified on the cover page of this Contract.

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- d. Paper documents with Confidential Information may be recycled through a contracted firm, provided the contract with the recycler specifies that the confidentiality of information will be protected, and the information destroyed through the recycling process. Paper documents containing Confidential Information requiring special handling (e.g. protected health information) must be destroyed on-site through shredding, pulping, or incineration.
  - e. Notification of Compromise or Potential Compromise. The compromise or potential compromise of Confidential Information must be reported to the DSHS Contact designated on the contract within one (1) business day of discovery. Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.
7. **Debarment Certification.** The Contractor, by signature to this Contract, certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from participating in transactions (Debarred). The Contractor also agrees to include the above requirement in any and all Subcontracts into which it enters. The Contractor shall immediately notify DSHS if, during the term of this Contract, Contractor becomes Debarred. DSHS may immediately terminate this Contract by providing Contractor written notice if Contractor becomes Debarred during the term hereof.
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 Superior Court for Thurston County.
9. **Independent Contractor.** The parties intend that an independent contractor relationship will be created by this Contract. The Contractor and his or her employees or agents performing under this Contract are not employees or agents of the Department. The Contractor, his or her employees, or agents performing under this Contract will not hold himself/herself out as, nor claim to be, an officer or employee of the Department by reason hereof, nor will the Contractor, his or her employees, or agent make any claim of right, privilege or benefit that would accrue to such officer or employee.
10. **Inspection.** The Contractor shall, at no cost, provide DSHS and the Office of the State Auditor with reasonable access to Contractor's place of business, Contractor's records, and DSHS client records, wherever located. These inspection rights are intended to allow DSHS and the Office of the State Auditor to monitor, audit, and evaluate the Contractor's performance and compliance with applicable laws, regulations, and these Contract terms. These inspection rights shall survive for six (6) years following this Contract's termination or expiration.
11. **Maintenance of Records.** The Contractor shall maintain records relating to this Contract and the performance of the services described herein. The records include, but are not limited to, accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract. All records and other material relevant to this Contract shall be retained for six (6) years after expiration or termination of this Contract.
- Without agreeing that litigation or claims are legally authorized, 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.
12. **Order of Precedence.** In the event of any inconsistency or conflict between the General Terms and Conditions and the Special Terms and Conditions of this Contract or any Program Agreement, the inconsistency or conflict shall be resolved by giving precedence to these General Terms and Conditions. Terms or conditions that are more restrictive, specific, or particular than those contained in the General Terms and Conditions shall not be construed as being inconsistent or in conflict.



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**13. Severability.** If any term or condition of this Contract is held invalid by any court, the remainder of the Contract remains valid and in full force and effect.

**14. Survivability.** The terms and conditions contained in this Contract or any Program Agreement which, by their sense and context, are intended to survive the expiration or termination of the particular agreement shall survive. Surviving terms include, but are not limited to: Billing Limitations; Confidentiality, Disputes; Indemnification and Hold Harmless, Inspection, Maintenance of Records, Notice of Overpayment, Ownership of Material, Termination for Default, Termination Procedure, and Treatment of Property.

**15. Contract Renegotiation, Suspension, or Termination Due to Change in Funding.**

If the funds DSHS relied upon to establish this Contract or Program Agreement are withdrawn, reduced or limited, or if additional or modified conditions are placed on such funding, after the effective date of this contract but prior to the normal completion of this Contract or Program Agreement:

- a. At DSHS's discretion, the Contract or Program Agreement may be renegotiated under the revised funding conditions.
  - b. At DSHS's discretion, DSHS may give notice to Contractor to suspend performance when DSHS determines that there is reasonable likelihood that the funding insufficiency may be resolved in a timeframe that would allow Contractor's performance to be resumed prior to the normal completion date of this contract.
    - (1) During the period of suspension of performance, each party will inform the other of any conditions that may reasonably affect the potential for resumption of performance.
    - (2) When DSHS determines that the funding insufficiency is resolved, it will give Contractor written notice to resume performance. Upon the receipt of this notice, Contractor will provide written notice to DSHS informing DSHS whether it can resume performance and, if so, the date of resumption. For purposes of this subsection, "written notice" may include email.
    - (3) If the Contractor's proposed resumption date is not acceptable to DSHS and an acceptable date cannot be negotiated, DSHS may terminate the contract by giving written notice to Contractor. The parties agree that the Contract will be terminated retroactive to the date of the notice of suspension. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the retroactive date of termination.
  - c. DSHS may immediately terminate this Contract by providing written notice to the Contractor. The termination shall be effective on the date specified in the termination notice. DSHS shall be liable only for payment in accordance with the terms of this Contract for services rendered prior to the effective date of termination. No penalty shall accrue to DSHS in the event the termination option in this section is exercised.
- 16. Waiver.** Waiver of any breach or default on any occasion shall not be deemed to be a waiver of any subsequent breach or default. Any waiver shall not be construed to be a modification of the terms and conditions of this Contract. Only the CCLS Chief or designee has the authority to waive any term or condition of this Contract on behalf of DSHS.

### Additional General Terms and Conditions – Interlocal Agreements:

**17. Disputes.** Both DSHS and the Contractor ("Parties") agree to work in good faith to resolve all conflicts

## DSHS General Terms and Conditions

at the lowest level possible. However, if the Parties are not able to promptly and efficiently resolve, through direct informal contact, any dispute concerning the interpretation, application, or implementation of any section of this Agreement, either Party may reduce its description of the dispute in writing, and deliver it to the other Party for consideration. Once received, the assigned managers or designees of each Party will work to informally and amicably resolve the issue within five (5) business days. If managers or designees are unable to come to a mutually acceptable decision within five (5) business days, they may agree to issue an extension to allow for more time.

If the dispute cannot be resolved by the managers or designees, the issue will be referred through each Agency's respective operational protocols, to the Secretary of DSHS ("Secretary") and the Contractor's Agency Head ("Agency Head") or their deputies or designated delegates. Both Parties will be responsible for submitting all relevant documentation, along with a short statement as to how they believe the dispute should be settled, to the Secretary and Agency Head.

Upon receipt of the referral and relevant documentation, the Secretary and Agency Head will confer to consider the potential options of resolution, and to arrive at a decision within fifteen (15) business days. The Secretary and Agency Head may appoint a review team, a facilitator, or both, to assist in the resolution of the dispute. If the Secretary and Agency Head are unable to come to a mutually acceptable decision within fifteen (15) business days, they may agree to issue an extension to allow for more time.

The final decision will be put in writing, and will be signed by both the Secretary and Agency Head. If the Agreement is active at the time of resolution, the Parties will execute an amendment or change order to incorporate the final decision into the Agreement. The decision will be final and binding as to the matter reviewed and the dispute shall be settled in accordance with the terms of the decision.

If the Secretary and Agency Head are unable to come to a mutually acceptable decision, the Parties will request intervention by the Governor, per RCW 43.17.330, in which case the governor shall employ whatever dispute resolution methods that the governor deems appropriate in resolving the dispute.

Both Parties agree that, the existence of a dispute notwithstanding, the Parties will continue without delay to carry out all respective responsibilities under this Agreement that are not affected by the dispute.

### **18. Hold Harmless.**

- a. The Contractor shall be responsible for and shall hold DSHS harmless from all claims, loss, liability, damages, or fines arising out of or relating to the Contractor's, or any Subcontractor's, performance or failure to perform this Agreement, or the acts or omissions of the Contractor or any Subcontractor. DSHS shall be responsible for and shall hold the Contractor harmless from all claims, loss, liability, damages, or fines arising out of or relating to DSHS' performance or failure to perform this Agreement.
- b. The Contractor waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the State and its agencies, officials, agents, or employees.

### **19. Ownership of Material.** Material created by the Contractor and paid for by DSHS as a part of this Contract shall be owned by DSHS and shall be "work made for hire" as defined by Title 17 USCA, Section 101. This material includes, but is not limited to: books; computer programs; documents; films; pamphlets; reports; sound reproductions; studies; surveys; tapes; and/or training materials. Material which the Contractor uses to perform the Contract but is not created for or paid for by DSHS is owned by the Contractor and is not "work made for hire"; however, DSHS shall have a perpetual license to use

## DSHS General Terms and Conditions

this material for DSHS internal purposes at no charge to DSHS, provided that such license shall be limited to the extent which the Contractor has a right to grant such a license.

### 20. Subrecipients.

- a. General. If the Contractor is a subrecipient of federal awards as defined by 2 CFR Part 200 and this Agreement, the Contractor shall:
  - (1) Maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity;
  - (2) Maintain internal controls that provide reasonable assurance that the Contractor is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs;
  - (3) Prepare appropriate financial statements, including a schedule of expenditures of federal awards;
  - (4) Incorporate 2 CFR Part 200, Subpart F audit requirements into all agreements between the Contractor and its Subcontractors who are subrecipients;
  - (5) Comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation; and
  - (6) Comply with the Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39. (Go to <https://ojp.gov/about/offices/ocr.htm> for additional information and access to the aforementioned Federal laws and regulations.)
- b. Single Audit Act Compliance. If the Contractor is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:
  - (1) Submit to the DSHS contact person the data collection form and reporting package specified in 2 CFR Part 200, Subpart F, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor;
  - (2) Follow-up and develop corrective action for all audit findings; in accordance with 2 CFR Part 200, Subpart F; prepare a "Summary Schedule of Prior Audit Findings" reporting the status of all audit findings included in the prior audit's schedule of findings and questioned costs.
- c. Overpayments. If it is determined by DSHS, or during the course of a required audit, that the Contractor has been paid unallowable costs under this or any Program Agreement, DSHS may require the Contractor to reimburse DSHS in accordance with 2 CFR Part 200.

## **DSHS General Terms and Conditions**

### **21. Termination.**

- a. **Default.** If for any cause, either party fails to fulfill its obligations under this Agreement in a timely and proper manner, or if either party violates any of the terms and conditions contained in this Agreement, then the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given 15 working days to correct the violation or failure. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice from the aggrieved party to the other party.
- b. **Convenience.** Either party may terminate this Interlocal Agreement for any other reason by providing 30 calendar days' written notice to the other party.
- c. **Payment for Performance.** If this Interlocal Agreement is terminated for any reason, DSHS shall only pay for performance rendered or costs incurred in accordance with the terms of this Agreement and prior to the effective date of termination.

## Special Terms and Conditions

1. **Definitions Specific to Special Terms.** The words and phrases listed below, as used in this Contract, shall each have the following definitions:
  - a. "Behavioral Health Administration" or "BHA" means the administration within DSHS that is responsible for operating the WSH, CSTC and FSCRCP.
  - b. "Child Study and Treatment Center" or "CSTC" means the state-operated and funded psychiatric hospital for children and youth who have psychological and safety needs that cannot be met in their community
  - c. "Fort Steilacoom Competency Restoration Program" or "FSCRCP" means the competency restoration program conducted within a residential treatment facility in Building 27 on the WSH Campus.
  - d. "Patient" means clients, residing on the campus of WSH, including clients of WSH, CSTC or the FSCRCP.
  - e. "Western State Hospital" or "WSH" means a psychiatric hospital owned and operated by the State of Washington, DSHS, which is situated at 9601 Steilacoom Blvd. SW, Lakewood, WA 98498.
2. **Purpose.** The purpose of this Contract is to provide state funding to the City of Lakewood to address the unique needs of WSH in providing patrol and emergency police services and emergency police protection (9-1-1), evidence preservation and incident investigation services provided at Western State Hospital and surrounding campus.
3. **Statement of Work.** The Contractor shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work, as set forth below:
  - a. All services provided by Contractor under this Agreement shall be performed by law enforcement officers commissioned by the City of Lakewood Police Department.
  - b. The City of Lakewood Police Department shall provide patrol services and emergency police protection (9-1-1), evidence preservation and incident investigation services at Western State Hospital and adjacent areas. Since the cost of these services is larger than the Maximum Agreement Amount, the intent of this Agreement is to offset some of the costs incurred by the City of Lakewood for the provision of such services.
  - c. Whenever possible, the City of Lakewood shall coordinate with its on-site Investigator, assigned to WSH under a separate contract providing funding to the City of Lakewood to support a community partnership, prior to making a Patient arrest.
  - d. The City of Lakewood shall provide quarterly performance reports to the WSH Contract Manager and the Chief Safety & Security Officer providing requested information, including the number of 9-1-1 calls responded to, the type of incidents, and the services provided by the City of Lakewood Police Department.
  - e. The City of Lakewood shall submit a copy of its evidence-handling procedures to the WSH Contract Manager and the Chief Safety and Security Officer upon execution of this contract and shall submit any revisions that are adopted during the course of this contract.
  - f. Western State Hospital may disclose Confidential Information, including Protected Health Information (PHI) to City of Lakewood law enforcement without a patient's signed HIPAA authorization in certain circumstances, including:

## Special Terms and Conditions

- (1) In response to a request for information from a law enforcement official or designated crisis responder when necessary to carry out the responsibilities of that person's office, including the investigation of alleged criminal conduct, to the extent permitted under chapter 70.02 RCW and other applicable law.
  - (2) To a law enforcement official when that official is reasonably able to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public.
  - (3) To a law enforcement agency, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public.
  - (4) When necessary for the protection of the patient or others due to the patient's unauthorized disappearance from WSH and the patient's whereabouts are unknown, but the information must be limited to basic demographic and health information about the person.
  - (5) To comply with a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer, or an administrative request from a law enforcement official (the administrative request must include a written statement that the information requested is relevant and material, specific and limited in scope, and that de-identified information cannot be used). Any court order or court-ordered warrant, a subpoena or summons issued by a judicial officer for Patient protected health information must comply with RCW 70.02.230.
  - (6) To comply with a court order or court-ordered warrant, a subpoena or summons issued by a judicial officer, or an administrative request from a law enforcement official (the administrative request must include a written statement that the information requested is relevant and material, specific and limited in scope, and de-identified information cannot be used). Any court order or court-ordered warrant, a subpoena or summons issued by a judicial officer for WSH patient protected health information must comply with RCW 70.02.230.
- g. When the City of Lakewood accesses, receives, or retains DSHS Confidential Data or media, including protected health information as defined under the Health Insurance Portability and Accountability Act (HIPAA), it must adhere to the following procedures:
- (1) The City of Lakewood shall keep confidential all DSHS Confidential Data or media copied, received, or retained in the course of investigations to the extent required by law and City of Lakewood policies required by the Washington Uniform Health Care Information Act (Chapter 70.02 RCW), and specifically 70.02.260 when applicable, and other applicable laws.
  - (2) Pursuant to RCW 42.56.240(2), when a victim or witness in an incident occurring on the WSH campus indicates a desire for disclosure or non-disclosure, the City will comply with that desire when producing public records, including police incident reports.
  - (3) Upon receipt by City of Lakewood of a public records request that includes DSHS Confidential Data, the City of Lakewood will notify the Contract Manager on the face page of this Contract, with a copy to the DSHS Public Records Officer at [dshspublicdisclosure@dshs.wa.gov](mailto:dshspublicdisclosure@dshs.wa.gov) within five (5) business days and before disclosing any records. Notice provided by the City of Lakewood will include a copy of the records with proposed redactions. Disclosure of records and redactions shall meet the standards in the Health Care Information Act, RCW 70.02, incorporated into the Public Records Act under RCW 42.56.070(1) and in the HIPAA Privacy Rule in 45 CFR §164.502 to the extent these provisions are applicable. If records are to be disclosed without authorization of the patients identified in the records, when required by law the records will be redacted to remove health care information recorded in any form or medium that identifies or can readily be associated with the identity of a patient.

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(4) Within fifteen (15) business days of receiving notice from the City of Lakewood, the Department will either (1) notify the City that the Department disagrees with the intended disclosure and obtain a court order prohibiting disclosure or (2) notify the City that it does not intend to take any additional action to prevent disclosure.

4. **Consideration.** Total consideration payable to Contractor for satisfactory performance of the work under this Contract is up to a maximum of \$90,000, including any and all expenses.

- a. Payment is contingent on submission of quarterly report(s) as identified in Section 3.c., above.
- b. Payments shall be based on a fixed quarterly amount of \$11,250.
- c. Funding for this Agreement is 100% state funds.

5. **Billing and Payment.**

- a. **Invoice System.** The Contractor shall submit detailed invoices using State Form A-19 Invoice Voucher no later than fifteen (15) calendar days following the quarter in which the services were provided. The Invoices shall describe and document to DSHS' satisfaction a description of the work performed, activities accomplished, fees, and any allowable expenses incurred. Consideration for services rendered shall be payable upon receipt and acceptance by the Contract Manager of quarterly report(s) and properly completed invoices submitted not more often than quarterly to the following email address: [CBS3Institution-Fiscal@dshs.wa.gov](mailto:CBS3Institution-Fiscal@dshs.wa.gov). The DSHS contract number should be identified in the Subject line.

Although emailing invoices is the preferred and faster method, should the Contractor not be able to use email, the invoice may be mailed to the following address:

Department of Social and Health Services  
Consolidated Business Services (CBS)  
Attention: Accounting  
1949 South State Street  
Tacoma, WA 984095

The rates shall be in accordance with those set forth in Section 5, Consideration, of this Contract.

- b. **Payment.** Payment shall be considered timely if made by DSHS within thirty (30) days after receipt and acceptance by the CBS accounts payable of the properly completed invoices. Payment shall be sent to the address designated by the Contractor on page one (1) of this Contract. DSHS may, at its sole discretion, withhold payment claimed by the Contractor for services rendered if Contractor fails to satisfactorily comply with any term or condition of this Contract.

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### 6. Insurance.

- a. DSHS certifies that it is self-insured under the State's self-insurance liability program, as provided by RCW 4.92.130, and shall pay for losses for which it is found liable.
- b. The Contractor certifies, by checking the appropriate box below, initialing to the left of the box selected, and signing this Agreement, that:

\_\_\_\_\_ ☐ The Contractor is self-insured or insured through a risk pool and shall pay for losses for which it is found liable; or

\_\_\_\_\_ ☐ The Contractor maintains the types and amounts of insurance identified below and shall, prior to the execution of this Agreement by DSHS, provide certificates of insurance to that effect to the DSHS contact on page one of this Agreement.

Commercial General Liability Insurance (CGL) – to include coverage for bodily injury, property damage, and contractual liability, with the following minimum limits: Each Occurrence - \$1,000,000; General Aggregate - \$2,000,000. The policy shall include liability arising out of premises, operations, independent contractors, products-completed operations, personal injury, advertising injury, and liability assumed under an insured contract. The State of Washington, DSHS, its elected and appointed officials, agents, and employees shall be named as additional insureds.



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### Exhibit A – Data Security Requirements

1. **Definitions.** The words and phrases listed below, as used in this Exhibit, shall each have the following definitions:
  - a. “AES” means the Advanced Encryption Standard, a specification of Federal Information Processing Standards Publications for the encryption of electronic data issued by the National Institute of Standards and Technology (<http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.197.pdf>).
  - b. “Authorized Users(s)” means an individual or individuals with a business need to access DSHS Confidential Information, and who has or have been authorized to do so.
  - c. “Business Associate Agreement” means an agreement between DSHS and a contractor who is receiving Data covered under the Privacy and Security Rules of the Health Insurance Portability and Accountability Act of 1996. The agreement establishes permitted and required uses and disclosures of protected health information (PHI) in accordance with HIPAA requirements and provides obligations for business associates to safeguard the information.
  - d. “Category 4 Data” is data that is confidential and requires special handling due to statutes or regulations that require especially strict protection of the data and from which especially serious consequences may arise in the event of any compromise of such data. Data classified as Category 4 includes but is not limited to data protected by: the Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104-191 as amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), 45 CFR Parts 160 and 164; the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 CFR Part 99; Internal Revenue Service Publication 1075 (<https://www.irs.gov/pub/irs-pdf/p1075.pdf>); Substance Abuse and Mental Health Services Administration regulations on Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2; and/or Criminal Justice Information Services, 28 CFR Part 20.
  - e. “Cloud” means data storage on servers hosted by an entity other than the Contractor and on a network outside the control of the Contractor. Physical storage of data in the cloud typically spans multiple servers and often multiple locations. Cloud storage can be divided between consumer grade storage for personal files and enterprise grade for companies and governmental entities. Examples of consumer grade storage would include iTunes, Dropbox, Box.com, and many other entities. Enterprise cloud vendors include Microsoft Azure, Amazon Web Services, and Rackspace.
  - f. “Encrypt” means to encode Confidential Information into a format that can only be read by those possessing a “key”; a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 256 bits for symmetric keys, or 2048 bits for asymmetric keys. When a symmetric key is used, the Advanced Encryption Standard (AES) must be used if available.
  - g. “FedRAMP” means the Federal Risk and Authorization Management Program (see [www.fedramp.gov](http://www.fedramp.gov)), which is an assessment and authorization process that federal government agencies have been directed to use to ensure security is in place when accessing Cloud computing products and services.
  - h. “Hardened Password” means a string of at least eight characters containing at least three of the following four character classes: Uppercase alphabetic, lowercase alphabetic, numeral, and special characters such as an asterisk, ampersand, or exclamation point.

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- i. "Mobile Device" means a computing device, typically smaller than a notebook, which runs a mobile operating system, such as iOS, Android, or Windows Phone. Mobile Devices include smart phones, most tablets, and other form factors.
- j. "Multi-factor Authentication" means controlling access to computers and other IT resources by requiring two or more pieces of evidence that the user is who they claim to be. These pieces of evidence consist of something the user knows, such as a password or PIN; something the user has such as a key card, smart card, or physical token; and something the user is, a biometric identifier such as a fingerprint, facial scan, or retinal scan. "PIN" means a personal identification number, a series of numbers which act as a password for a device. Since PINs are typically only four to six characters, PINs are usually used in conjunction with another factor of authentication, such as a fingerprint.
- k. "Portable Device" means any computing device with a small form factor, designed to be transported from place to place. Portable devices are primarily battery powered devices with base computing resources in the form of a processor, memory, storage, and network access. Examples include, but are not limited to, mobile phones, tablets, and laptops. Mobile Device is a subset of Portable Device.
- l. "Portable Media" means any machine readable media that may routinely be stored or moved independently of computing devices. Examples include magnetic tapes, optical discs (CDs or DVDs), flash memory (thumb drive) devices, external hard drives, and internal hard drives that have been removed from a computing device.
- m. "Secure Area" means an area to which only authorized representatives of the entity possessing the Confidential Information have access, and access is controlled through use of a key, card key, combination lock, or comparable mechanism. Secure Areas may include buildings, rooms or locked storage containers (such as a filing cabinet or desk drawer) within a room, as long as access to the Confidential Information is not available to unauthorized personnel. In otherwise Secure Areas, such as an office with restricted access, the Data must be secured in such a way as to prevent access by non-authorized staff such as janitorial or facility security staff, when authorized Contractor staff are not present to ensure that non-authorized staff cannot access it.
- n. "Trusted Network" means a network operated and maintained by the Contractor, which includes security controls sufficient to protect DSHS Data on that network. Controls would include a firewall between any other networks, access control lists on networking devices such as routers and switches, and other such mechanisms which protect the confidentiality, integrity, and availability of the Data.
- o. "Unique User ID" means a string of characters that identifies a specific user and which, in conjunction with a password, passphrase or other mechanism, authenticates a user to an information system.

2. **Authority.** The security requirements described in this document reflect the applicable requirements of Standard 141.10 (<https://ocio.wa.gov/policies>) of the Office of the Chief Information Officer for the state of Washington, and of the DSHS Information Security Policy and Standards Manual. Reference material related to these requirements can be found here: <https://www.dshs.wa.gov/sesa/central-contract-services/keeping-dshs-client-information-private-and-secure>, which is a site developed by the DSHS Information Security Office and hosted by DSHS Central Contracts and Legal Services.

3. **Administrative Controls.** The Contractor must have the following controls in place:

- a. A documented security policy governing the secure use of its computer network and systems, and

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which defines sanctions that may be applied to Contractor staff for violating that policy.

- b. If the Data shared under this agreement is classified as Category 4, the Contractor must be aware of and compliant with the applicable legal or regulatory requirements for that Category 4 Data.
- c. If Confidential Information shared under this agreement is classified as Category 4, the Contractor must have a documented risk assessment for the system(s) housing the Category 4 Data.

**4. Authorization, Authentication, and Access.** In order to ensure that access to the Data is limited to authorized staff, the Contractor must:

- a. Have documented policies and procedures governing access to systems with the shared Data.
- b. Restrict access through administrative, physical, and technical controls to authorized staff.
- c. Ensure that user accounts are unique and that any given user account logon ID and password combination is known only to the one employee to whom that account is assigned. For purposes of non-repudiation, it must always be possible to determine which employee performed a given action on a system housing the Data based solely on the logon ID used to perform the action.
- d. Ensure that only authorized users are capable of accessing the Data.
- e. Ensure that an employee's access to the Data is removed immediately:
  - (1) Upon suspected compromise of the user credentials.
  - (2) When their employment, or the contract under which the Data is made available to them, is terminated.
  - (3) When they no longer need access to the Data to fulfill the requirements of the contract.
- f. Have a process to periodically review and verify that only authorized users have access to systems containing DSHS Confidential Information.
- g. When accessing the Data from within the Contractor's network (the Data stays within the Contractor's network at all times), enforce password and logon requirements for users within the Contractor's network, including:
  - (1) A minimum length of 8 characters, and containing at least three of the following character classes: uppercase letters, lowercase letters, numerals, and special characters such as an asterisk, ampersand, or exclamation point.
  - (2) That a password does not contain a user's name, logon ID, or any form of their full name.
  - (3) That a password does not consist of a single dictionary word. A password may be formed as a passphrase which consists of multiple dictionary words.
  - (4) That passwords are significantly different from the previous four passwords. Passwords that increment by simply adding a number are not considered significantly different.
- h. When accessing Confidential Information from an external location (the Data will traverse the Internet or otherwise travel outside the Contractor's network), mitigate risk and enforce password and logon requirements for users by employing measures including:

## Special Terms and Conditions

- (1) Ensuring mitigations applied to the system don't allow end-user modification.
  - (2) Not allowing the use of dial-up connections.
  - (3) Using industry standard protocols and solutions for remote access. Examples would include RADIUS and Citrix.
  - (4) Encrypting all remote access traffic from the external workstation to Trusted Network or to a component within the Trusted Network. The traffic must be encrypted at all times while traversing any network, including the Internet, which is not a Trusted Network.
  - (5) Ensuring that the remote access system prompts for re-authentication or performs automated session termination after no more than 30 minutes of inactivity.
  - (6) Ensuring use of Multi-factor Authentication to connect from the external end point to the internal end point.
- i. Passwords or PIN codes may meet a lesser standard if used in conjunction with another authentication mechanism, such as a biometric (fingerprint, face recognition, iris scan) or token (software, hardware, smart card, etc.) in that case:
- (1) The PIN or password must be at least 5 letters or numbers when used in conjunction with at least one other authentication factor
  - (2) Must not be comprised of all the same letter or number (11111, 22222, aaaaa, would not be acceptable)
  - (3) Must not contain a "run" of three or more consecutive numbers (12398, 98743 would not be acceptable)
- j. If the contract specifically allows for the storage of Confidential Information on a Mobile Device, passcodes used on the device must:
- (1) Be a minimum of six alphanumeric characters.
  - (2) Contain at least three unique character classes (upper case, lower case, letter, number).
  - (3) Not contain more than a three consecutive character run. Passcodes consisting of 12345, or abcd12 would not be acceptable.
- k. Render the device unusable after a maximum of 10 failed logon attempts.

**5. Protection of Data.** The Contractor agrees to store Data on one or more of the following media and protect the Data as described:

- a. **Hard disk drives.** For Data stored on local workstation hard disks, access to the Data will be restricted to Authorized User(s) by requiring logon to the local workstation using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards.
- b. **Network server disks.** For Data stored on hard disks mounted on network servers and made available through shared folders, access to the Data will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has

## Special Terms and Conditions

authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on disks mounted to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.

For DSHS Confidential Information stored on these disks, deleting unneeded Data is sufficient as long as the disks remain in a Secure Area and otherwise meet the requirements listed in the above paragraph. Destruction of the Data, as outlined below in Section 8 Data Disposition, may be deferred until the disks are retired, replaced, or otherwise taken out of the Secure Area.

- c. **Optical discs (CDs or DVDs) in local workstation optical disc drives.** Data provided by DSHS on optical discs which will be used in local workstation optical disc drives and which will not be transported out of a Secure Area. When not in use for the contracted purpose, such discs must be Stored in a Secure Area. Workstations which access DSHS Data on optical discs must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
- d. **Optical discs (CDs or DVDs) in drives or jukeboxes attached to servers.** Data provided by DSHS on optical discs which will be attached to network servers and which will not be transported out of a Secure Area. Access to Data on these discs will be restricted to Authorized Users through the use of access control lists which will grant access only after the Authorized User has authenticated to the network using a Unique User ID and Hardened Password or other authentication mechanisms which provide equal or greater security, such as biometrics or smart cards. Data on discs attached to such servers must be located in an area which is accessible only to authorized personnel, with access controlled through use of a key, card key, combination lock, or comparable mechanism.
- e. **Paper documents.** Any paper records must be protected by storing the records in a Secure Area which is only accessible to authorized personnel. When not in use, such records must be stored in a Secure Area.
- f. **Remote Access.** Access to and use of the Data over the State Governmental Network (SGN) or Secure Access Washington (SAW) will be controlled by DSHS staff who will issue authentication credentials (e.g. a Unique User ID and Hardened Password) to Authorized Users on Contractor's staff. Contractor will notify DSHS staff immediately whenever an Authorized User in possession of such credentials is terminated or otherwise leaves the employ of the Contractor, and whenever an Authorized User's duties change such that the Authorized User no longer requires access to perform work for this Contract.
- g. **Data storage on portable devices or media.**
  - (1) Except where otherwise specified herein, DSHS Data shall not be stored by the Contractor on portable devices or media unless specifically authorized within the terms and conditions of the Contract. If so authorized, the Data shall be given the following protections:
    - (a) Encrypt the Data.
    - (b) Control access to devices with a Unique User ID and Hardened Password or stronger authentication method such as a physical token or biometrics.

## Special Terms and Conditions

- (c) Manually lock devices whenever they are left unattended and set devices to lock automatically after a period of inactivity, if this feature is available. Maximum period of inactivity is 20 minutes.
- (d) Apply administrative and physical security controls to Portable Devices and Portable Media by:
  - i. Keeping them in a Secure Area when not in use,
  - ii. Using check-in/check-out procedures when they are shared, and
  - iii. Taking frequent inventories.
- (2) When being transported outside of a Secure Area, Portable Devices and Portable Media with DSHS Confidential Information must be under the physical control of Contractor staff with authorization to access the Data, even if the Data is encrypted.
- h. Data stored for backup purposes.**
  - (1) DSHS Confidential Information may be stored on Portable Media as part of a Contractor's existing, documented backup process for business continuity or disaster recovery purposes. Such storage is authorized until such time as that media would be reused during the course of normal backup operations. If backup media is retired while DSHS Confidential Information still exists upon it, such media will be destroyed at that time in accordance with the disposition requirements below in Section 8 *Data Disposition*.
  - (2) Data may be stored on non-portable media (e.g. Storage Area Network drives, virtual media, etc.) as part of a Contractor's existing, documented backup process for business continuity or disaster recovery purposes. If so, such media will be protected as otherwise described in this exhibit. If this media is retired while DSHS Confidential Information still exists upon it, the data will be destroyed at that time in accordance with the disposition requirements below in Section 8 *Data Disposition*.
- i. Cloud storage.** DSHS Confidential Information requires protections equal to or greater than those specified elsewhere within this exhibit. Cloud storage of Data is problematic as neither DSHS nor the Contractor has control of the environment in which the Data is stored. For this reason:
  - (1) DSHS Data will not be stored in any consumer grade Cloud solution, unless all of the following conditions are met:
    - (a) Contractor has written procedures in place governing use of the Cloud storage and Contractor attests in writing that all such procedures will be uniformly followed.
    - (b) The Data will be Encrypted while within the Contractor network.
    - (c) The Data will remain Encrypted during transmission to the Cloud.
    - (d) The Data will remain Encrypted at all times while residing within the Cloud storage solution.
    - (e) The Contractor will possess a decryption key for the Data, and the decryption key will be possessed only by the Contractor and/or DSHS.

## Special Terms and Conditions

- (f) The Data will not be downloaded to non-authorized systems, meaning systems that are not on either the DSHS or Contractor networks.
- (g) The Data will not be decrypted until downloaded onto a computer within the control of an Authorized User and within either the DSHS or Contractor's network.

(2) Data will not be stored on an Enterprise Cloud storage solution unless either:

- (a) The Cloud storage provider is treated as any other Sub-Contractor, and agrees in writing to all of the requirements within this exhibit; or,
- (b) The Cloud storage solution used is FedRAMP certified.

(3) If the Data includes protected health information covered by the Health Insurance Portability and Accountability Act (HIPAA), the Cloud provider must sign a Business Associate Agreement prior to Data being stored in their Cloud solution.

**6. System Protection.** To prevent compromise of systems which contain DSHS Data or through which that Data passes:

- a. Systems containing DSHS Data must have all security patches or hotfixes applied within 3 months of being made available.
- b. The Contractor will have a method of ensuring that the requisite patches and hotfixes have been applied within the required timeframes.
- c. Systems containing DSHS Data shall have an Anti-Malware application, if available, installed.
- d. Anti-Malware software shall be kept up to date. The product, its anti-virus engine, and any malware database the system uses, will be no more than one update behind current.

**7. Data Segregation.**

- a. DSHS Data must be segregated or otherwise distinguishable from non-DSHS data. This is to ensure that when no longer needed by the Contractor, all DSHS Data can be identified for return or destruction. It also aids in determining whether DSHS Data has or may have been compromised in the event of a security breach. As such, one or more of the following methods will be used for data segregation.
  - (1) DSHS Data will be kept on media (e.g. hard disk, optical disc, tape, etc.) which will contain no non-DSHS Data. And/or,
  - (2) DSHS Data will be stored in a logical container on electronic media, such as a partition or folder dedicated to DSHS Data. And/or,
  - (3) DSHS Data will be stored in a database which will contain no non-DSHS data. And/or,
  - (4) DSHS Data will be stored within a database and will be distinguishable from non-DSHS data by the value of a specific field or fields within database records.
  - (5) When stored as physical paper documents, DSHS Data will be physically segregated from non-DSHS data in a drawer, folder, or other container.

## Special Terms and Conditions

- b. When it is not feasible or practical to segregate DSHS Data from non-DSHS data, then both the DSHS Data and the non-DSHS data with which it is commingled must be protected as described in this exhibit.

8. **Data Disposition.** When the contracted work has been completed or when the Data is no longer needed, except as noted above in Section 5.b, Data shall be returned to DSHS or destroyed. Media on which Data may be stored and associated acceptable methods of destruction are as follows:

<b>Data stored on:</b>	<b>Will be destroyed by:</b>
Server or workstation hard disks, or  Removable media (e.g. floppies, USB flash drives, portable hard disks) excluding optical discs	Using a "wipe" utility which will overwrite the Data at least three (3) times using either random or single character data, or  Degaussing sufficiently to ensure that the Data cannot be reconstructed, or  Physically destroying the disk
Paper documents with sensitive or Confidential Information	Recycling through a contracted firm, provided the contract with the recycler assures that the confidentiality of Data will be protected.
Paper documents containing Confidential Information requiring special handling (e.g. protected health information)	On-site shredding, pulping, or incineration
Optical discs (e.g. CDs or DVDs)	Incineration, shredding, or completely defacing the readable surface with a coarse abrasive
Magnetic tape	Degaussing, incinerating or crosscut shredding

9. **Notification of Compromise or Potential Compromise.** The compromise or potential compromise of DSHS shared Data must be reported to the DSHS Contact designated in the Contract within one (1) business day of discovery. If no DSHS Contact is designated in the Contract, then the notification must be reported to the DSHS Privacy Officer at [dshsprivacyofficer@dshs.wa.gov](mailto:dshsprivacyofficer@dshs.wa.gov). Contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law or DSHS.
10. **Data shared with Subcontractors.** If DSHS Data provided under this Contract is to be shared with a subcontractor, the Contract with the subcontractor must include all of the data security provisions within this Contract and within any amendments, attachments, or exhibits within this Contract. If the Contractor cannot protect the Data as articulated within this Contract, then the contract with the subcontractor must be submitted to the DSHS Contact specified for this contract for review and approval.



# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> Appointing Carroll Ray Dotson to serve on the Public Safety Advisory Committee through August 6, 2022.	<b>TYPE OF ACTION:</b>  <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION NO. 2019-43 <input type="checkbox"/> OTHER
<b>REVIEW:</b>	<b>ATTACHMENTS:</b> Candidate application	

**SUBMITTED BY:** Briana Schumacher, City Clerk on behalf of Mayor Don Anderson

**RECOMMENDATION:** It is recommended that the City Council confirm the Mayor's appointment of Carroll Ray Dotson to serve on the Public Safety Advisory Committee through August 6, 2022.

**DISCUSSION:** Notices and outreach to seek volunteers to fill vacancies on the Public Safety Advisory Committee were sent to neighborhood associations, civic groups, community organizations, The News Tribune and The Suburban Times. In addition, articles were distributed through the City's Weekly Informational Bulletins and posted on the City's website and at City Hall.

The role of the Public Safety Advisory Committee is to provide citizen input and advice to the City Council in developing and monitoring public safety policies. The Committee will report to the Council and will also assist the Council in assessing that department resources allow for compliance with City and department policies.

The Public Safety Advisory Committee shall annually provide to the City Council a report on progress made in carrying out the Committee's responsibilities. Additional reports may be deemed appropriate by the Public Safety Advisory Committee and/or the City Council.

**ALTERNATIVE(S):** The Council could choose not to confirm the appointments or re-advertise for this position.

**FISCAL IMPACT:** There is no fiscal impact.

Briana Schumacher, City Clerk  
Prepared by

  
City Manager Review

Heidi Ann Wachter, City Attorney  
Department Director

**CITY OF LAKEWOOD**

6000 Main Street SW  
Lakewood, WA 98499

**APPLICATION FOR APPOINTMENT**

*The information in this document is subject to public disclosure and can be made available to the public.  
(Attach additional pages if necessary to complete answers.)*

I wish to be considered for appointment to the following committee, board or commission:

- |  |  |
|--|--|
| <input type="checkbox"/> Arts Commission   | <input type="checkbox"/> Parks and Recreation Advisory Board         |
| <input type="checkbox"/> Community Services Advisory Board   | <input type="checkbox"/> Planning Commission                         |
| <input type="checkbox"/> Lakewood's Promise Advisory Board   | <input checked="" type="checkbox"/> Public Safety Advisory Committee |
| <input type="checkbox"/> Landmarks and Heritage Advisory Board   | <input type="checkbox"/> Salary Commission                           |
| <input type="checkbox"/> Lodging Tax Advisory Committee (Members of<br>this committee must be representative of an agency<br>involved in tourism promotion.) |  |

**EXPECTATIONS:** Adhere to City of Lakewood's Code of Ethics and regular attendance at meetings is required.

**PLEASE RETURN THIS FORM TO:** City of Lakewood - City Clerk's Office  
6000 Main Street SW  
Lakewood, WA 98499  
(253) 983-7705 Fax: (253) 589-3774  
Email: bschumacher@cityoflakewood.us

Name: Carroll RAY Dotson

(Please Print)

Home Address: 8003 49th Ave SW

City: Lakewood State: WA Zip: 98499

Home Phone Number: 253.238.5206 E-mail: searayd@gmail.com

Present Employer: US Army Retired

Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell: 253.209.8274

**LODGING TAX ADVISORY COMMITTEE APPLICANT QUESTIONS:**

Are you representing a business that is required to collect lodging tax? Yes ☐ No ☐

Are you involved in activities authorized to be funded by revenues received from lodging tax? Yes ☐ No ☒

Have you previously served or are you currently on one of the Lakewood's Boards, Committees or Commissions? Yes No If yes, please explain (include names of Boards, Committees or Commissions and the dates that you served:

PSAC:

Date available for appointment: Immediate

Are you available to attend evening meetings? Yes ☒ No ☐

Are you available to attend daytime meetings? Yes ☒ No ☐

Recommended by: \_\_\_\_\_

Education:

High School, B.S., M.S., pre-doctoral, doctoral (incomplete)

Professional and/or community activities:

LTC, MSC, USA (Ret); Emergency Substitute Teacher (Univ Place); Firearms Safety Officer; Firearms Instructor; Sportsman's Club Membership Committee; Pistol Qualification Officer; CERT member; previous member of Lakewood PSAC; Summerfest Volunteer; Real Estate Broker (inactive); Washington State Hunter Education Instructor (DFW) and Board Member, Commissioner or Director of various professional and community organizations ( United Way/CFC Executive; Wash Realtors Association; State Director; Education Committee; President, Graduate Realtor Institute; Tacoma-Pierce County Assoc Realtors; Director; Chair, Education Committee; Member: Government Affairs, By-Laws, Finance, Member Services, Ethics & Professional Standards and Diversity.

Please share some of the experiences or qualifications that you have relating to the work of this board, committee or commission:

I have been a commissioned reserve law enforcement officer. I've served decades on committees, commissions and boards of a very wide diversity and complexity. I was a member of Lakewood PSAC for several years in the past. I've been a member of Pierce County Law Enforcement Citizen Community Academy Advisory Committee and supported the presentation and training of the training. I've assisted PC Sheriff Department in the cadet training academy.

Please explain why you would like to be part of this board, committee or commission:

First, I was asked by current members of PSAC and various Lakewood city council members and staff. Additionally, I believe I can be part of a rejuvenation of the ideals of PSAC relying upon my past and current experiences. I have an enthusiasm for participation in community actions and feel I can be very active in pursuit of the PSAC mission.

I hereby certify that this application and any other materials and/or documents provided in this application process contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge.

Signature:

Carroll Ray Dotson Date: 7/1/2019

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> Appointing Brandon Wirth to serve on the Community Services Advisory Board through December 15, 2022.	<b>TYPE OF ACTION:</b>  — ORDINANCE — RESOLUTION <u>X</u> MOTION NO. 2019-44 — OTHER
<b>REVIEW:</b>	<b>ATTACHMENTS:</b> Candidate Application	

**SUBMITTED BY:** Briana Schumacher, City Clerk on behalf of Mayor Don Anderson.

**RECOMMENDATION:** It is recommended that the City Council confirm the Mayor's appointment of Brandon Wirth to serve on the Community Services Advisory Board through December 15, 2022.

**DISCUSSION:** Notices and outreach to seek volunteers to fill a vacancy on the Community Services Advisory Board was sent to neighborhood associations, civic groups, community organizations, The News Tribune and The Suburban Times. In addition, articles were distributed through the City's Weekly Informational Bulletins and notices were posted on the City's website and at City Hall.

The Community Services Advisory Board advises the City Council on matters related to Human Services, the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs which may include:

- Facilitate cooperation and coordination with the City on human services, CDBG, and HOME funding issues.
- Recommend to the City Council programs for funding out of City's general funds, CDBG and HOME funds, and other funding appropriations.
- Hold public hearings to receive public comments to identify community and housing needs, development of proposed activities, and recommendations for funding.
- Develop recommendations for the Consolidated Plan, Action Plan, and other related documents.
- Review and approve annual performance reports of CDBG and HOME activities for submittal to HUD.
- Develop and recommend citywide policies for funding allocations.
- Encourage partnerships and collaboration in the funding and provision community and human services.
- Review needs assessments, gap analyses, and other data to determine citywide needs which will help develop strategic action plans.
- Perform other community services related duties and functions as assigned by the City Council.

**ALTERNATIVE(S):** The Council could choose not to confirm the appointment or re-advertise for this position.

**FISCAL IMPACT:** There is no fiscal impact.

Briana Schumacher, City Clerk  
Prepared by  
  
Heidi Ann Wachter, City Attorney  
Department Director

  
\_\_\_\_\_  
City Manager Review



**CITY OF LAKEWOOD**

6000 Main Street SW  
Lakewood, WA 98499

**APPLICATION FOR APPOINTMENT**

*The information in this document is subject to public disclosure and can be made available to the public.  
(Attach additional pages if necessary to complete answers.)*

I wish to be considered for appointment to the following committee, board or commission:

- |  |  |
|--|--|
| <input type="checkbox"/> Arts Commission   | <input type="checkbox"/> Parks and Recreation Advisory Board |
| <input type="checkbox"/> Community Services Advisory Board   | <input type="checkbox"/> Planning Commission                 |
| <input type="checkbox"/> Lakewood's Promise Advisory Board   | <input type="checkbox"/> Public Safety Advisory Committee    |
| <input type="checkbox"/> Landmarks and Heritage Advisory Board   | <input type="checkbox"/> Salary Commission                   |
| <input type="checkbox"/> Lodging Tax Advisory Committee (Members of this committee must be representative of an agency involved in tourism promotion.) |  |

**EXPECTATIONS:** Adhere to City of Lakewood's Code of Ethics and regular attendance at meetings is required.

**PLEASE RETURN THIS FORM TO:** City of Lakewood - City Clerk's Office  
6000 Main Street SW  
Lakewood, WA 98499  
(253) 983-7705 Fax: (253) 589-3774  
Email: [bschumacher@cityoflakewood.us](mailto:bschumacher@cityoflakewood.us)

Name: \_\_\_\_\_  
(Please Print)

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Present Employer: \_\_\_\_\_

Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

**LODGING TAX ADVISORY COMMITTEE APPLICANT QUESTIONS:**

Are you representing a business that is required to collect lodging tax? Yes No

Are you involved in activities authorized to be funded by revenues received from lodging tax? Yes **65**No

Have you previously served or are you currently on one of the Lakewood's Boards, Committees or Commissions? Yes      No      If yes, please explain (include names of Boards, Committees or Commissions and the dates that you served:

Date available for appointment:\_\_\_\_\_

Are you available to attend evening meetings? Yes      No

Are you available to attend daytime meetings? Yes      No

Recommended by:\_\_\_\_\_

Education:

Professional and/or community activities:

Please share some of the experiences or qualifications that you have relating to the work of this board, committee or commission:

Please explain why you would like to be part of this board, committee or commission:

I hereby certify that this application and any other materials and/or documents provided in this application process contains no willful misrepresentation and that the information given is true and complete to the best of my knowledge.

Signature:

Brandon M Wirth Date:\_\_\_\_\_

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> Resolution No. 2019-16, a resolution by the City Council confirming and approving the special assessment roll for American Lake – Lake Management District No. 1.	<b>TYPE OF ACTION:</b>  — ORDINANCE <u>X</u> RESOLUTION 2019-16
<b>REVIEW:</b> July 15, 2019	<b>ATTACHMENTS:</b> Resolution Special Assessment Roll District Boundary Map	— MOTION — OTHER

**SUBMITTED BY:** Paul A. Bucich, P.E., Public Works Engineer Director/City Engineer.

**RECOMMENDATION:** Approve Resolution No. 2019-16, a resolution by the City Council confirming and approving the special assessment roll for American Lake – Lake Management District No. 1.


**DISCUSSION:** A public hearing was held on July 1, 2019, for the purpose of hearing objections to the special assessment roll for American Lake – Lake Management District No. 1. One objection was made in writing from a property owner prior to the hearing. The objection was why the property owner would be assessed for 61.6 feet of lake frontage when their legal description indicates they only have 60 feet of lake frontage. It was explained to them that the difference is between their legal description and the GIS data the City used for measuring the lake frontage. Measuring the lake frontage using GIS data was chosen over using legal descriptions because of the disparity between the two records in many cases. GIS data was found to provide a more accurate measurement of lake frontage.

This resolution will confirm and approve the special assessment roll in accordance with RCW 36.61.120 and without any recommended changes to the roll.

**ALTERNATIVE(S):** At the direction of the City Council, the special assessment roll could be modified or set aside and a new roll could be prepared.

**FISCAL IMPACT:** Annual assessments collected for American Lake – Lake Management District No. 1 will be \$23,766.26 for a total of \$237,663 over the 10-year life of the District. The City will pay \$619.41 annually for the six city-owned parcels located on the lake.

Greg Vigoren  
Prepared by

  
City Manager Review

Paul Bucich  
Department Director

## RESOLUTION NO. 2019-16

A RESOLUTION by the City Council of the City of Lakewood, Washington, confirming and approving the special assessment roll for American Lake – Lake Management District No. 1.

WHEREAS, Lake Management District No. 1 for American Lake was created for the purpose of generating revenue to provide ongoing aquatic vegetation management, public education, and other related projects; and

WHEREAS, notice of time and place of a public hearing on the special assessment roll for the District, the location of public viewing of copies of the assessment roll, and the procedure to appeal individual assessments was provided to all property owners within the District; and

WHEREAS, the City Council conducted a public hearing on July 1, 2019, for the purpose of hearing objections to the special assessment roll for American Lake – Lake Management District No. 1; and

WHEREAS, after consideration of the special assessment roll, the City Council has determined to order the roll confirmed and approved as presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD HEREBY RESOLVES AS FOLLOWS:

**Section 1. Special Assessment Roll Confirmed and Approved.** The City Council of the City of Lakewood hereby confirms and approves the special assessment roll attached hereto as Exhibit “A” and by this reference fully incorporated herein.

**Section 2. Applicability.** The assessment fee is applied to each individual lot in American Lake – Lake Management District No. 1 as depicted on the district boundary map attached hereto as Exhibit “B” and by this reference fully incorporated herein.

### **Section 3. Notice.**

**A. Newspaper Publication.** In accordance with the procedures set forth in RCW 36.61.190, the City shall cause to be published in a newspaper of general circulation in the District a notice indicating that the special assessment roll has been confirmed and approved, and that the assessments are to be collected.

**B. Property Owner Notification.** Within ten (10) days of such publication, the City shall notice each owner or reputed owner of property whose name appears on the special assessment roll of the annual assessments to be imposed, the amount of property subject to the annual assessment, and the annual amount of assessments due.



ADOPTED by the City Council this 15<sup>th</sup> day of July, 2019.

CITY OF LAKEWOOD

---

Don Anderson, Mayor

Attest:

---

Briana Schumacher, City Clerk

Approved as to Form:

---

Heidi Ann Wachter, City Attorney

EXHIBIT A

American Lake - Lake Management District No. 1  
Special Assessment Roll

TAX PARCEL	SITE ADDRESS	SITE ZIPCODE	TAXPAYER	CARE OF	MAIL ADDRESS	MAIL CITY	MAIL STATE	MAIL ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
0219103026	12523 AVENUE DUBOIS SW	98498	POTTER MARK B & JENNIFER H		12523 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	45.7	\$ 30.16
0219103090	12519 AVENUE DUBOIS SW	98498	RYBIN BARRY L TTEE		12519 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5242	97.3	\$ 64.22
0219103029	12513 AVENUE DUBOIS SW	98498	WHITE LAWRENCE J & DONNA M		12513 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5242	79.6	\$ 52.54
0219103037	12509 AVENUE DUBOIS SW	98498	HALLMAN MARK A & MARY M		12509 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5242	72.5	\$ 47.85
0219107004	12529 AVENUE DUBOIS SW	98498	KURKOV PAVEL		12529 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5242	77.8	\$ 51.35
0219103034	12611 AVENUE DUBOIS SW	98498	JANKELSON MICHAEL C & CHRISTA L		12611 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5228	55.9	\$ 36.89
0219103035	12613 TO 12617 AVENUE DUBOIS SW	98498	WEISS MICHAEL D & DAWN A		PO BOX 8568	PORT ORCHARD	WA	98366-0897	49.6	\$ 32.74
5015000033	7734 WALNUT ST SW	98498	RUSSELL DONALD J TTEE		9822A AMERICAN AVE SW	LAKEWOOD	WA	98498-5223	32.9	\$ 21.71
5110000234	12617 LAKELAND AVE SW	98498	ATZ GEORGE A & KATHERINE J TOSCAS-		12611 LAKELAND AVE SW	LAKEWOOD	WA	98498-5251	51.1	\$ 33.73
0219103030	12621 AVENUE DUBOIS SW	98498	WOODS SABIN D & KIMBERLY M		12621 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5228	111.6	\$ 73.66
0219103069	12618 LAKELAND AVE SW	98498	SCOTT MARIE G		12618 LAKELAND AVE SW	TACOMA	WA	98498-5208	47.7	\$ 31.48
6385000320	9622 VETERANS DR SW	98498	RASMUSSEN DAVID L		6222 E GREEN LAKE WAY N	SEATTLE	WA	98103-5753	99.9	\$ 65.93
6385000330	9702 VETERANS DR SW	98498	ELSE LARRY W & CAROL L		9702 VETERANS DR SW	LAKEWOOD	WA	98498-1151	77.5	\$ 51.15
6385000310	9614 TO 9620 VETERANS DR SW	98498	MALFAIT ROGER L & LYNCH KAREN		9614 VETERANS DR SW	LAKEWOOD	WA	98498-1150	109.7	\$ 72.40
6385000300	9606 TO 9610 VETERANS DR SW	98498	COOPER JAMES W & MARGIT J		9610 VETERANS DR SW	TACOMA	WA	98498-1150	103.2	\$ 68.11
5110000221	12618 LAKELAND AVE SW	98498	SCOTT MARIE G		12618 LAKELAND AVE SW	TACOMA	WA	98498-5208	16.8	\$ 11.09
5110000222	12622 LAKELAND AVE SW	98498	SHEPARD KENNETH O & LORETTA J		12622 LAKELAND AVE SW	LAKEWOOD	WA	98498-5208	91.0	\$ 60.06
5110000233	12623 LAKELAND AVE SW	98498	JENSEN KENDALL L & HALE CONNIE J & ATZ GEORGE A & KATHERINE J TOSCAS-		12624 LAKELAND AVE SW	LAKEWOOD	WA	98498-5208	51.2	\$ 33.79
6385000296	9514 VETERANS DR SW	98498	RASMUSSEN KIM		9514 VETERANS DR SW	TACOMA	WA	98498-1148	100.9	\$ 66.59
6385000340	9710 VETERANS DR SW	98498	HENTERLY JOHN J		9710 VETERANS DR SW	LAKEWOOD	WA	98498-1151	23.7	\$ 15.64
6385000240	9412 VETERANS DR SW	98498	SWINGGI TERRY L		437 SAILFISH DR	APTOS	CA	95003-3760	61.6	\$ 40.66
6385000350	9712 TO 9718 VETERANS DR SW	98498	ERICKSON BARRY J & ARDEN S		4220 48TH AVE NE	SEATTLE	WA	98105	68.5	\$ 45.21
6385000210	9318 VETERANS DR SW	98498	AMLAKE EAST LLC		9318-A VETERANS DR SW	LAKEWOOD	WA	98498	114.2	\$ 75.37
6385000200	9222 VETERANS DR SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	213.7	\$ 141.04
6385000181	9222 VETERANS DR SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	46.5	\$ 30.69
0219103040	12701 AVENUE DUBOIS SW	98498	ARROYO JULIAN S & SELETA M		12701 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	98.7	\$ 65.14
0219103078	XXXX WALNUT ST SW	98498	MELBY WARD		8300 PHILLIPS RD SW	LAKEWOOD	WA	98498-6372	134.5	\$ 88.77
6385000370	9804 AMERICAN AVE SW	98498	LITTLEFIELD DENNIS E & LORI A		9804 AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	171.9	\$ 113.45
5015000051	7712 WALNUT ST SW	98498	ANDERSON GLEN A & JANICE A		7712 WALNUT ST SW	LAKEWOOD	WA	98498-5223	74.2	\$ 48.97
5015000070	7708 WALNUT ST SW	98498	BOSELEY MARK & CHELSEA		7708 WALNUT ST SW	LAKEWOOD	WA	98498-5223	47.2	\$ 31.15
6385000380	9812 AMERICAN AVE SW	98498	JONCZYK IRENE J		9812 AMERICAN AVE SW	TACOMA	WA	98498-1109	73.3	\$ 48.38
6385000352	9800 AMERICAN AVE SW	98498	BORGELT BRIAN		9800 AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	28.7	\$ 18.94
4395000300	12711 AVENUE DUBOIS SW	98498	HAN JAE YOUNG & SEUNG HEE		12711 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	132.5	\$ 87.45
5015000090	7706 WALNUT ST SW	98498	BAL EUGENE JR & MARGARET J		92 FALLON RD	PALOUSE	WA	99161	55.2	\$ 36.43
6385000270	9508 & 9510 VETERANS DR SW	98498	MADDALOSSO PHILIP		624 GARDINER CT	STEILACOOM	WA	98388-3037	101.0	\$ 66.66
0219103007	7720 WALNUT ST SW	98498	DEWITT STEVEN P & JENNIFER		1752 NW MARKET ST BOX 552	SEATTLE	WA	98107	91.5	\$ 60.39
0219166003	9018 DOLLY MADISON ST SW	98498	CAMPBELL CORWYN S & LISA M		9018 DOLLY MADISON ST SW	LAKEWOOD	WA	98498-2512	97.9	\$ 64.61
0219103074	7704 WALNUT ST SW	98498	LAKE VIEW ON WALNUT LLC	C/O LILY BAL SHERMAN	92 FALLON RD	PALOUSE	WA	99161-6000	60.5	\$ 39.93
6385000255	9424 VETERANS DR SW	98498	LAVINE LAWRENCE & JACQUELINE R		9424 VETERANS DR SW	TACOMA	WA	98498-1163	141.0	\$ 93.06
4395000291	12719 AVENUE DUBOIS SW	98498	DEAN PAULSON #2 LLC		12719 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	61.3	\$ 40.46
0219162008	9222 VETERANS DR SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	264.1	\$ 174.31
6385000221	9406 VETERANS DR SW	98498	AUSTIN CRAIG S		9406 VETERANS DR SW	LAKEWOOD	WA	98498-1163	97.5	\$ 64.35
0219162014	9130 128TH ST SW	98498	STETSON MAINE AND COMPANY LLC	C/O DAVID FOGG	11204 LAKE STEILACOOM DR SW	TACOMA	WA	98498-6621	103.1	\$ 68.05
0219162013	9128 128TH ST SW	98498	FOGG VIVIAN A		11204 LAKE STEILACOOM DR SW	TACOMA	WA	98498-2575	50.5	\$ 33.33
0219162011	9124 128TH ST SW	98498	LOVELL JEFFERY L & KIMBERLY C		9124 128TH ST SW	LAKEWOOD	WA	98498	52.8	\$ 34.85
0219162006	9122 128TH ST SW	98498	WOLLEN LORRAINE D LIVING TRUST		9122 128TH ST SW	LAKEWOOD	WA	98498-2575	51.8	\$ 34.19
0219162012	9118 128TH ST SW	98498	CHRISTENSEN THOMAS L		9118 128TH ST SW	LAKEWOOD	WA	98498-2575	51.0	\$ 33.66
0219162005	9116 128TH ST SW	98498	STORER STEPHEN J & LINDA S		9702 VETERANS DR SW	LAKEWOOD	WA	98498-1151	42.8	\$ 28.25
0219162004	9112 128TH ST SW	98498	FISHER ROBERT H & RENAY E TTEE		7217 CORREGIDOR RD	VANCOUVER	WA	98664-1623	19.0	\$ 12.54
0219162003	9110 128TH ST SW	98498	LIPKE DALE S & BONNIE K		9110 128TH ST SW	LAKEWOOD	WA	98498	60.9	\$ 40.19
0219161002	9016 DOLLY MADISON ST SW	98498	SMITH JAMES R & GENEVA		9016 DOLLY MADISON ST SW	TACOMA	WA	98498-2512	134.8	\$ 88.97
6435000013	7622 NORTH ST SW	98498	CARUSO ANTHONY P & MARISA A		7622 NORTH ST SW	LAKEWOOD	WA	98498-5217	71.2	\$ 46.99
6385000430	9828 AMERICAN AVE SW	98498	STROH JAMES W & MARGARET A		9828 AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	127.9	\$ 84.41
6435000014	7620 NORTH ST SW	98498	DENNIS GINA L		PO BOX 1438	TACOMA	WA	98401-1438	81.0	\$ 53.46
0219152019	12721 AVENUE DUBOIS SW	98498	DOLL GEOFFREY ALAN & SUSAN		12721 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5229	150.5	\$ 99.33
6385000411	9818 AMERICAN AVE SW	98498	KENT JAMES & ANITA		9818 AMERICAN AVE SW	TACOMA	WA	98498-1185	71.9	\$ 47.45
6385000443	9830 & 9832 AMERICAN AVE SW	98498	JOHNSON JAMES P		9832 AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	120.0	\$ 79.20
6385300270	9004 DOLLY MADISON ST SW	98498	READ NANCY K & PFEIFFER MARK S		9004 DOLLY MADISON ST SW	LAKEWOOD	WA	98498-2512	117.0	\$ 77.22
6385300290	9002 DOLLY MADISON ST SW	98498	BARRETT ARTHUR J & SHELLEE L		9002 DOLLY MADISON ST SW	LAKEWOOD	WA	98498-2512	57.5	\$ 37.95

EXHIBIT A

American Lake - Lake Management District No. 1  
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TAX PARCEL	SITE ADDRESS	SITE ZIPCODE	TAXPAYER	CARE OF	MAIL ADDRESS	MAIL CITY	MAIL STATE	MAIL ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
6385300281	8918 DOLLY MADISON ST SW	98498	SPRIGGS BARBARA A		8918 DOLLY MADISON ST SW	LAKEWOOD	WA	98498-2510	60.8	\$ 40.13
6385000472	9836 AMERICAN AVE SW	98498	HAUGEN FAMILY LLC		9836 AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	125.2	\$ 82.63
6385000473	9838 AMERICAN AVE SW	98498	CRYSTAL BAY ESTATES		9838 AMERICAN AVE SW	LAKEWOOD	WA	98498-1101	161.6	\$ 106.66
6435000040	7606 NORTH ST SW	98498	GRIOT RICHARD L TTEE		PO BOX 11011	TACOMA	WA	98411-0011	72.2	\$ 47.65
6435000021	7612 NORTH ST SW	98498	GRIOT RICHARD L		PO BOX 11011	TACOMA	WA	98411-0011	141.6	\$ 93.46
6435000151	7308 NORTH ST SW	98498	COOK JEFFREY D & ANNE W		7308 NORTH ST SW	LAKEWOOD	WA	98498-5212	43.1	\$ 28.45
0219152018	12809 AVENUE DUBOIS SW	98498	HEMION WHITTAKER M & SHIRLEY TTEE		12809 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5231	97.0	\$ 64.02
6435000146	12718 GRAVELLY LAKE DR SW	98499	CYPRESS ARGO-BIOTECH LLC		12718 GRAVELLY LAKE DR SW	LAKEWOOD	WA	98499-1460	74.6	\$ 49.24
6435000050	7602 NORTH ST SW	98498	HAYNES ARNE L & CAROLYN S		7602 NORTH ST SW	LAKEWOOD	WA	98498-5217	114.6	\$ 75.64
6435000060	7520 NORTH ST SW	98498	HOPKINS JAMES T & PRISCILLA A		7520 NORTH ST SW	TACOMA	WA	98498-5215	107.9	\$ 71.21
6385300312	8922 FRANCES FOLSOM ST SW	98498	ARTMAN LEE E & OLETA B		8922 FRANCES FOLSOM ST SW	TACOMA	WA	98498-2520	21.4	\$ 14.12
6435000070	7510 NORTH ST SW	98498	HALL DALE G & SUSAN R		7510 NORTH ST SW	LAKEWOOD	WA	98498-5215	105.9	\$ 69.89
6435000080	7506 NORTH ST SW	98498	NELSON DAVID G & HEATHER L		7506 NORTH ST SW	LAKEWOOD	WA	98498-5215	62.0	\$ 40.92
6435000100	7504 NORTH ST SW	98498	SCHATZ RICHARD L & SCHATZ MICHAEL W		7420 NORTH ST SW	LAKEWOOD	WA	98498-5240	99.8	\$ 65.87
6435000111	7420 NORTH ST SW	98498	SCHATZ RICHARD L & SCHATZ MICHAEL W		7420 NORTH ST SW	LAKEWOOD	WA	98498-5240	104.7	\$ 69.10
6435000150	100 SHORE ACRES RD SW	98498	CONNELLY JOHN R & ANGELA Y		3902 N PROCTOR ST	TACOMA	WA	98407-5730	181.6	\$ 119.86
6435000112	7410 NORTH ST SW	98498	COCHRAN DARRELL L & WENDY J		7410 NORTH ST SW	LAKEWOOD	WA	98498	110.9	\$ 73.19
6435000120	7324 NORTH ST SW	98498	EDWARDS DEREK M & BRIANNE L		PO BOX 65485	UNIVERSITY PLACE	WA	98464-1485	102.4	\$ 67.58
6435000131	7314 NORTH ST SW	98498	WURSTER WILLIAM & JONNAE CO-TTEE ET AL		7318 NORTH ST SW	LAKEWOOD	WA	98498-5212	54.1	\$ 35.71
6435000132	7314 & 7318 NORTH ST SW	98498	WURSTER WILLIAM & JONNAE REVOCABLE LT		7318 NORTH ST SW	LAKEWOOD	WA	98498-5212	102.4	\$ 67.58
0219151000	13204 COUNTRY CLUB DR SW	98498	TACOMA COUNTRY & GOLF CLUB		13204 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5300	270.5	\$ 178.53
4395000310	12819 AVENUE DUBOIS SW	98498	WALKER TREVER P & WALKER LISA M CO-TTEE		12819 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5231	57.7	\$ 38.08
6385300263	9014 DOLLY MADISON ST SW	98498	SASHKO JOHN R & KRISTINE O		PO BOX 405	DUPONT	WA	98327-0405	125.4	\$ 82.76
6435000148	12718 GRAVELLY LAKE DR SW	98499	CYPRESS ARGO-BIOTECH LLC		12718 GRAVELLY LAKE DR SW	LAKEWOOD	WA	98499-1460	51.0	\$ 33.66
4395000330	12825 AVENUE DUBOIS SW	98498	MCALLISTER DEBRA		12825 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5231	92.8	\$ 61.25
6385300301	8904 FRANCES FOLSOM ST SW	98498	DUVALL CRAIG R		PO BOX 99695	TACOMA	WA	98496-0695	82.9	\$ 54.71
6385300322	8902 FRANCES FOLSOM ST SW	98498	LEE KANG WOO & JIN KANG		8902 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2520	111.6	\$ 73.66
0219152017	12921 AVENUE DUBOIS SW	98498	WALTERS CHRISTOPHER G		12921 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5233	259.7	\$ 171.40
6385300332	8820 FRANCES FOLSOM ST SW	98498	YE JOSEPH Z & LOU JANICE		8820 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2518	113.4	\$ 74.84
6385300340	8816 FRANCES FOLSOM ST SW	98498	WILBERT W & LUCILLE D DAMRAU,TRUST		8816 FRANCES FOLSOM ST SW	TACOMA	WA	98498-2518	113.3	\$ 74.78
0219161034	8420 WOODHOLME RD SW	98498	OLSON BJORN G & KERRY K		8420 WOODHOLME RD SW	LAKEWOOD	WA	98498-4241	86.0	\$ 56.76
0219161025	8414 WOODHOLME RD SW	98498	O CONNOR DR RALPH V		8414 WOODHOLME RD SW	LAKEWOOD	WA	98498-4241	113.5	\$ 74.91
0219152010	7606 NORTH ST SW	98498	GRIOT RICHARD L TTEE		PO BOX 11011	TACOMA	WA	98411-0011	115.7	\$ 76.36
4395000340	12901 AVENUE DUBOIS SW	98498	PALMER JEFFREY C		12901 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	74.5	\$ 49.17
0219152015	13001 AVENUE DUBOIS SW	98498	OLSON MICHAEL V & DIANA J		13001 AVENUE DUBOIS SW	LAKEWOOD	WA	98498	227.2	\$ 149.95
6385300360	8812 FRANCES FOLSOM ST SW	98498	KIM CALVIN H & AMY HWANG		8812 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2518	57.7	\$ 38.08
6385300350	8808 FRANCES FOLSOM ST SW	98498	BROOKS TONY R & LEONOR A		8808 FRANCES FOLSOM ST SW	TACOMA	WA	98498-2518	51.7	\$ 34.12
0219165006	13007 LAKEHOLME RD SW	98498	HIGHSMITH CHRIS & ANNE		13007 LAKEHOLME RD SW	LAKEWOOD	WA	98498-4230	77.8	\$ 51.35
0219152004	7606 NORTH ST SW	98498	GRIOT RICHARD L TTEE		PO BOX 11011	TACOMA	WA	98411-0011	112.5	\$ 74.25
6385300380	8804 & 8804 B FRANCES FOLSOM ST SW	98498	DURR JEREMIAH S & JODI M		8804 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2518	53.4	\$ 35.24
6385300370	8728 & 8728 B FRANCES FOLSOM ST SW	98498	MACDIARMID ANGUS		8728 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2516	51.1	\$ 33.73
6435000147	12746 GRAVELLY LAKE DR SW	98499	LAWSON MARK A & JODIE J TTEE		PO BOX 39200	LAKEWOOD	WA	98496-3200	46.6	\$ 30.76
6385300390	8724 FRANCES FOLSOM ST SW	98498	EATON RONALD R & GINA P		8724 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2516	116.6	\$ 76.96
6385300400	8716 FRANCES FOLSOM ST SW	98498	KORSMO JOHN S & LISA K		8716 FRANCES FOLSOM ST SW	LAKEWOOD	WA	98498-2516	123.3	\$ 81.38
0219165005	13001 LAKEHOLME RD SW	98498	DEPRENGER WARREN L & BETTY J TTEE		12425 W DESERT VISTA TRL	PEORIA	AZ	85383-2542	94.7	\$ 62.50
6385300410	13024 NAOMILAWN DR SW	98498	ELLINGTON THOMAS		13024 NAOMILAWN DR	LAKEWOOD	WA	98498	116.2	\$ 76.69
0219161029	13000 LAKEHOLME RD SW	98498	HOLT RANDALL & BARBARA		13000 LAKEHOLME RD SW	LAKEWOOD	WA	98498-4231	212.8	\$ 140.45
0219161000	8508 130TH ST SW	98498	HUCK JURGEN H		8508 130TH ST SW	TACOMA	WA	98498-4201	99.5	\$ 65.67
0219161035	13021 LAKE CITY BLVD SW	98498	BOFENKAMP MARGARET L		13021 LAKE CITY BLVD SW	TACOMA	WA	98498-4217	104.4	\$ 68.90
0219161053	13006 AVENUE DUBOIS SW	98498	YOUNG DAVID M. & BARBARA J.		13006 AVENUE DUBOIS SW	LAKEWOOD	WA	98498-5239	113.6	\$ 74.98
0219161038	8516 130TH ST SW	98498	8516 LAKE HOUSE LLC	C/O JOSEPH CHAN	PO BOX 39159	LAKEWOOD	WA	98496-3159	84.4	\$ 55.70
0219161026	13002 AVENUE DUBOIS SW	98498	GRECO WILLIAM E & VIRGINIA M		5902 77TH ST W	LAKEWOOD	WA	98499-8589	105.2	\$ 69.43
0219165021	13015 NAOMILAWN DR SW	98498	LACY PENELOPE A		13015 NAOMILAWN DR SW	LAKEWOOD	WA	98498-2595	74.8	\$ 49.37
0219165022	13019 NAOMILAWN DR SW	98498	EDWARDS SCOTT J		13019 NAOMILAWN DR SW	LAKEWOOD	WA	98498-2595	73.8	\$ 48.71
6435000162	101 COUNTRY CLUB LN SW UNIT B	98498	KIRK BRIAN & MOLLY CO-TTEE		101-B COUNTRY CLUB DR SW	LAKEWOOD	WA	98498	100.7	\$ 66.46
0219161057	13020 LAKE CITY BLVD SW UNITS A & B	98498	WEST DAVID W & GAYLE L		9612 40TH AVE SW STE D	LAKEWOOD	WA	98499-4318	47.0	\$ 31.02
6435000170	102 SHORE ACRES RD SW	98498	SPRIESTERSBACH DANIEL R & MARY L		102 SHORE ACRES RD SW	TACOMA	WA	98498-5308	71.2	\$ 46.99
0219161019	13028 TO 13032 LAKE CITY BLVD SW	98498	EWTON DENNIS G & SANDRA K		13028 LAKE CITY BLVD SW	LAKEWOOD	WA	98498-4218	47.9	\$ 31.61
6435000180	103 COUNTRY CLUB LN SW	98498	SAVAGE JERROLD R & CYNTHIA G		103 COUNTRY CLUB LN SW	LAKEWOOD	WA	98498	62.8	\$ 41.45
6435000191	105 COUNTRY CLUB LN SW	98498	SAUGEN DOUGLAS W & VICKIE L		105 COUNTRY CLUB LN SW	LAKEWOOD	WA	98498-5313	51.3	\$ 33.86



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TAX_PARCEL	SITE_ADDRESS	SITE_ZIPCD	TAXPAYER	CARE_OF	MAIL_ADDRESS	MAIL_CITY	MAIL_S	MAIL_ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
6435000201	110 COUNTRY CLUB LN SW	98498	ANDERSON STEPHEN C & ROGERS KRISTINE S & ANDERSON FAMILY INVESTMENTS LLC	CRAWFORD/KATICA INC	PO BOX 7536	TACOMA	WA	98417-0536	151.9	\$ 100.25
3250000331	1 COUNTRY CLUB DR SW	98498	WEEKS BRYAN J & PAMELA A		44 N SUMMIT RD	TACOMA	WA	98406-7604	76.9	\$ 50.75
3250000321	1 COUNTRY CLUB DR SW	98498	WEEKS BRYAN J & PAMELA A		44 N SUMMIT RD	TACOMA	WA	98406-7604	99.2	\$ 65.47
3250000291	1 COUNTRY CLUB DR SW	98498	WEEKS BRYAN J & PAMELA A		44 N SUMMIT RD	TACOMA	WA	98406-7604	73.8	\$ 48.71
3250000280	6 COUNTRY CLUB DR SW	98498	GAZECKI JOHN E TTEE		6 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	56.0	\$ 36.96
3250000274	7 COUNTRY CLUB DR SW	98498	LARSON LINDSEY L & VIOLET L		7 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	103.6	\$ 68.38
3250000260	10 COUNTRY CLUB DR SW	98498	IVERSON DAVID		10 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	58.3	\$ 38.48
3250000250	11 COUNTRY CLUB DR SW	98498	KELLEY DAVID R & LAURIE O		11 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	48.3	\$ 31.88
3250000231	12 COUNTRY CLUB DR SW	98498	MEADOWCROFT DAVID W & ANNA A		PO BOX 1278	TACOMA	WA	98401-1278	75.2	\$ 49.63
3250000220	14 COUNTRY CLUB DR SW	98498	FOLSOM JOHN P & MARY G		14 COUNTRY CLUB DR SW	TACOMA	WA	98498-5303	88.4	\$ 58.34
3250000210	16 COUNTRY CLUB DR SW	98498	MANKE MICHAEL & CLAIRE		57 COUNTRY CLUB RD SW	LAKEWOOD	WA	98498-5314	89.1	\$ 58.81
3250000200	17 COUNTRY CLUB DR SW	98498	KRAKOW PAUL & SARAH		17 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	24.6	\$ 16.24
3250000190	19 COUNTRY CLUB DR SW	98498	COUNTRY DRIVE LLC		19 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	76.5	\$ 50.49
3250000180	21 COUNTRY CLUB DR SW	98498	LUFKIN ELIZABETH H		19 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	25.6	\$ 16.90
3250000150	23 COUNTRY CLUB DR SW	98498	LARSON VERNON O & ORPHA R		PO BOX 98628	LAKEWOOD	WA	98496-8628	50.6	\$ 33.40
3250000140	23 COUNTRY CLUB DR SW	98498	LARSON VERNON O & ORPHA R		PO BOX 98628	LAKEWOOD	WA	98496-8628	25.4	\$ 16.76
3250000130	26 COUNTRY CLUB DR SW	98498	PLA PHILIP P & LOUBNA C		26 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	139.0	\$ 91.74
3250000111	29 COUNTRY CLUB DR SW	98498	WILLINGHAM RAINER & LINDA		29 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	135.0	\$ 89.10
3250000100	30 COUNTRY CLUB DR SW	98498	MEHDIZADEHKASHI ALI & STEPHANIE		3509 CARPENTER RD SE	LACEY	WA	98503-4037	78.6	\$ 51.88
3250000090	31 COUNTRY CLUB DR SW	98498	VANDER GRIEND JON D		31 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	58.9	\$ 38.87
3250000080	32 COUNTRY CLUB DR SW	98498	MARTINEZ RICHARD & SALLY		32 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498	125.9	\$ 83.09
3250000060	33 COUNTRY CLUB DR SW	98498	OLSON PAIGE & ROBERT A		33 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	90.5	\$ 59.73
3250000050	34 COUNTRY CLUB DR SW	98498	SORENSEN DOUGLAS & ELIZABETH		34 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498	80.8	\$ 53.33
3255000033	44 COUNTRY CLUB DR SW	98498	IVERSON JEFFERY B & JANETT S & IVERSON JEFFERY B JR & KRISTEN		10013 59TH AVE SW	LAKEWOOD	WA	98499-2757	109.6	\$ 72.34
3255000010	38 COUNTRY CLUB DR SW	98498	STRAIT GAIL B MD & JOAN R TTEE		38 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	83.8	\$ 55.31
3250000040	35 COUNTRY CLUB DR SW	98498	ANDERSON PILIP GRETCHEN		4017 SW DOWNSVIEW CT	PORTLAND	OR	97221	89.6	\$ 59.14
3250000030	36 COUNTRY CLUB DR SW	98498	NIGAM HIMANSHU & SANGEETA		36 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	103.7	\$ 68.44
0219157005	82 COUNTRY CLUB CIR SW	98498	MANKE J D QPR TRUST & MANKE B QPR TRUST		82 COUNTRY CLUB CIR SW	LAKEWOOD	WA	98498-5302	183.3	\$ 120.98
0219157006	84 COUNTRY CLUB CIR SW	98498	CHANDLER CALVIN C & KATHY W TTEE		84 COUNTRY CLUB CIR SW	LAKEWOOD	WA	98498-5302	126.1	\$ 83.23
4001690051	45 COUNTRY CLUB DR SW	98498	BODOIA RODGER D TTEE		45 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	97.0	\$ 64.02
4001690041	XX COUNTRY CLUB DR SW	98498	BODOIA RODGER D TTEE		45 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	67.1	\$ 44.29
4001690060	XX COUNTRY CLUB RD SW	98498	BODOIA RODGER D TTEE		45 COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	109.7	\$ 72.40
0219153034	45 COUNTRY CLUB DR SW UNIT A	98498	VACCARO JOHN A & MARCIA L		45A COUNTRY CLUB DR SW	LAKEWOOD	WA	98498-5303	105.2	\$ 69.43
4000370010	88 COUNTRY CLUB CIR SW	98498	CHANDLER JEFFREY & ERIN		88 COUNTRY CLUB CIR SW	LAKEWOOD	WA	98498-5302	202.5	\$ 133.65
0219157007	92 COUNTRY CLUB CIR SW	98498	MARSH PETER K & SUSAN		92 COUNTRY CLUB CIR SW	TACOMA	WA	98498-5302	111.4	\$ 73.52
0219157009	96 COUNTRY CLUB CIR SW	98498	ZHANG PAUL & ZHANG SHARON		96 COUNTRY CLUB CIR SW	LAKEWOOD	WA	98498-5302	81.3	\$ 53.66
0219157008	108 COUNTRY CLUB CIR SW	98498	IVERSON J B TTEE & IVERSON JANETT TTEE		108 COUNTRY CLUB CIR SW	LAKEWOOD	WA	98498-5305	94.5	\$ 62.37
0219153029	8019 NORTH THORNE LN SW	98498	KIRBY DANIEL A		8019 N THORNE LN SW	LAKEWOOD	WA	98498-2104	241.6	\$ 159.46
0219153019	8017 NORTH THORNE LN SW	98498	SCHADER ROBERT & MARISE		8017 N THORNE LN SW	LAKEWOOD	WA	98498-2104	141.2	\$ 93.19
0219153050	8101 NORTH THORNE LN SW	98498	DEWITT STEVEN P & JENNIFER A		1752 NW MARKET ST BOX 552	SEATTLE	WA	98107	358.9	\$ 236.87
0219153051	8115 NORTH THORNE LN SW	98498	STOCK KEVIN R & JULIE E		8115 NORTH THORNE LN SW	LAKEWOOD	WA	98498	304.6	\$ 201.04
0219164032	8209 NORTH THORNE LN SW	98498	WAGNER GEORGE C JR & JUDITH D		8209 N THORNE LN SW	LAKEWOOD	WA	98498-2108	398.3	\$ 262.88
9065000123	13 THORNEWOOD LN SW	98498	FOLEY RANDY W		13 THORNEWOOD LN SW	LAKEWOOD	WA	98498-2139	38.3	\$ 25.28
9065000122	12 THORNEWOOD LN SW	98498	FOLEY RANDY W & PACHECO JENNIFER M		12 THORNEWOOD LN SW	LAKEWOOD	WA	98498-2127	153.5	\$ 101.31
0219168003	8201 NORTH THORNE LN SW	98498	STOHR JOY A TTEE		8201 N THORNE LN SW	LAKEWOOD	WA	98498-2108	127.4	\$ 84.08
9065000111	11 THORNEWOOD LN SW	98498	HABERSETZER JEFFREY A & ELIZABETH J		11 THORNEWOOD LN SW	LAKEWOOD	WA	98498-2139	126.3	\$ 83.36
0219168004	8201 NORTH THORNE LN SW	98498	STOHR JOY A TTEE		8201 N THORNE LN SW	LAKEWOOD	WA	98498-2108	65.4	\$ 43.16
9065000100	10 THORNEWOOD LN SW	98498	DIRKSE DAREN W TTEE		10 THORNEWOOD LN SW	LAKEWOOD	WA	98498-2127	141.9	\$ 93.65
9065000090	9 THORNEWOOD LN SW	98498	THORNEWOOD HOLDINGS LLC		8601 N THORNE LN SW UNIT 1	LAKEWOOD	WA	98498-2100	112.1	\$ 73.99
9065000080	8 THORNEWOOD LN SW	98498	THORNEWOOD BEACH CLUB		PO BOX 811	DUPONT	WA	98327-0811	138.8	\$ 91.61
9065000070	7 THORNEWOOD LN SW	98498	OUGHTON DENNIS A JR & PETERMANN PATRICIA M		PO BOX 7983	TACOMA	WA	98417-0983	12.3	\$ 8.12
0219164029	8703 NORTH THORNE LN SW	98498	DAVIS TERESA C		8703 N THORNE LN SW	LAKEWOOD	WA	98498-2118	101.1	\$ 66.73
0219164028	8709 & 8711 NORTH THORNE LN SW	98498	QUY REVOCABLE TRUST		PO BOX 99506	LAKEWOOD	WA	98496	129.0	\$ 85.14
0219164051	8803 NORTH THORNE LN SW	98498	FIRCH FAMILY LIVING TRUST		8803 N THORNE LN SW	LAKEWOOD	WA	98498-2120	137.5	\$ 90.75
0219164048	8725 NORTH THORNE LN SW	98498	PETERS ANEST J & WINTERSTEIN LOREEN M		11620 BINGHAM AVE E	TACOMA	WA	98446-4430	156.8	\$ 103.49
0219164027	8719 NORTH THORNE LN SW	98498	KUBIK MICHAEL J & KRISTINA M		8719 N THORNE LN SW	LAKEWOOD	WA	98498	104.2	\$ 68.77
0219163013	12 SILCOX ISLAND	98498	READ ROBERT W		12 SILCOX ISLAND	LAKEWOOD	WA	98498	104.4	\$ 68.90
0219163055	14 SILCOX ISLAND	98498	WEMER FRED & CHRISTEL		4526 51ST AVE NE	SEATTLE	WA	98105-3831	161.1	\$ 106.33

EXHIBIT A

American Lake - Lake Management District No. 1  
Special Assessment Roll

TAX PARCEL	SITE ADDRESS	SITE ZIPCODE	TAXPAYER	CARE OF	MAIL ADDRESS	MAIL CITY	MAIL STATE	MAIL ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
0219163042	66 SILCOX ISLAND	98498	SUTHERLAND KEITH		8905 HIGHLAND AVE SW	TACOMA	WA	98498-2541	52.4	\$ 34.58
0219163041	65 SILCOX ISLAND	98498	SUTHERLAND KEITH E & BILLIE M		8905 HIGHLAND AVE SW	TACOMA	WA	98498-2541	59.0	\$ 38.94
0219164046	8807 NORTH THORNE LN SW	98498	COMBS PHILLIP & JAMIE		8807 N THORNE LN SW	LAKEWOOD	WA	98498-2120	137.2	\$ 90.55
0219163011	63 SILCOX ISLAND	98498	SCOTT ROSEMARY		7026 S D ST	TACOMA	WA	98408-6111	164.5	\$ 108.57
0219163056	18 SILCOX ISLAND	98498	FORD ERIC & LAURIE & HOWTON BRADLEY		7034 5TH AVE NW	SEATTLE	WA	98117-4915	358.3	\$ 236.48
0219163052	56 SILCOX ISLAND	98498	VARON SHEILAH R QUALIFIED PERS RES TRUST		827 LAKE ST UNIT 105	KIRKLAND	WA	98033-6443	134.7	\$ 88.90
0219163020	58 SILCOX ISLAND	98498	HENNINGSEN NORMAN A T		3615 N 27TH ST	TACOMA	WA	98407-5809	48.2	\$ 31.81
0219163032	59 SILCOX ISLAND	98498	TOTEM SKIERS	VICTOR MILLER	5721 69TH AVENUE CT W	UNIVERSITY PL	WA	98467-2118	54.2	\$ 35.77
0219163033	60 SILCOX ISLAND	98498	SCHRAG ARDITH G		60 SILCOX IS	LAKEWOOD	WA	98498-2105	52.3	\$ 34.52
0219163027	61 SILCOX ISLAND	98498	EDMONDSON KAREN N & BROCK KATHLEEN M		4819 N FRACE AVE	TACOMA	WA	98407-1351	50.7	\$ 33.46
0219164072	8811 NORTH THORNE LN SW	98498	MALLON ROBERT P TTEE	OH-01-10-0930 BRENDA COX TRUST RE TAX	100 PUBLIC SQ STE 600	CLEVELAND	OH	44113	100.7	\$ 66.46
0219164071	XXXX NORTH THORNE LN SW	98498	MALLON ROBERT P TTEE	OH-01-10-0930 BRENDA COX TRUST RE TAX	100 PUBLIC SQ STE 600	CLEVELAND	OH	44113	100.4	\$ 66.26
0219163025	54 SILCOX ISLAND	98498	HERMANSEN DAVID E		54 SILCOX IS	LAKEWOOD	WA	98498-2105	64.4	\$ 42.50
0219164070	XXXX NORTH THORNE LN SW	98498	MALLON ROBERT P TTEE	OH-01-10-0930 BRENDA COX TRUST RE TAX	100 PUBLIC SQ STE 600	CLEVELAND	OH	44113	125.5	\$ 82.83
0219163050	52 SILCOX ISLAND	98498	TILLEY FAMILY LIVING TRUST		4822 S C ST	TACOMA	WA	98408-6508	102.7	\$ 67.78
0219164044	8909 NORTH THORNE LN SW	98498	ROTHBAUER ALVIN & NANCY K TTEE		8909 N THORNE LN SW	LAKEWOOD	WA	98498-2122	96.5	\$ 63.69
0219163051	51 SILCOX ISLAND	98498	RIEGER CINDY L & WILLIAMS THOMAS		6924 47TH STREET CT W	UNIVERSITY PLACE	WA	98466-4942	102.9	\$ 67.91
0219164043	8911 NORTH THORNE LN SW	98498	WHEELER JOHN M & ELIZABETH G		8911 NORTH THORNE LN SW	LAKEWOOD	WA	98498	91.5	\$ 60.39
0219163053	22 SILCOX ISLAND	98498	GUERRERO JAMES R & SUSAN E		22 SILCOX IS	LAKEWOOD	WA	98498-2105	88.4	\$ 58.34
0219163038	46 SILCOX ISLAND	98498	COX GREGORY P	JEFFREY M COX	15721 163RD AVE NE	WOODINVILLE	WA	98072-8934	164.7	\$ 108.70
0219164056	8917 & 8917 B NORTH THORNE LN SW	98498	POSNER LANCE & CHRISTINA		2449 ARNOLD ST	DUPONT	WA	98327-8714	96.0	\$ 63.36
0219163035	49 SILCOX ISLAND	98498	HOLDEN NEIL A		7907 42ND ST W	UNIVERSITY PLACE	WA	98466-3124	55.7	\$ 36.76
0219163054	23 SILCOX ISLAND	98498	WILLIAMS TOM & MARCY		8306 56TH ST W	UNIVERSITY PLACE	WA	98467-1661	61.7	\$ 40.72
0219163037	45 SILCOX ISLAND	98498	COX JEFF & PAYTON DEBRA		15721 163RD AVE NE	WOODINVILLE	WA	98072-8934	120.3	\$ 79.40
0219163036	24 SILCOX ISLAND	98498	WILLIAMS THOMAS A & MARCY A		8306 56TH STREET CT W	UNIVERSITY PL	WA	98467-1661	209.6	\$ 138.34
0219163021	26 SILCOX ISLAND	98498	ANDERSON-SILCOX ISLAND LLC		14506 PORTLAND AVE SW	LAKEWOOD	WA	98498-2333	123.8	\$ 81.71
0219164057	8921 NORTH THORNE LN SW	98498	LUBER JOHN M JR & GRESS JOANNE G		8921 N THORNE LN SW	LAKEWOOD	WA	98498-2122	81.0	\$ 53.46
0219163008	28 SILCOX ISLAND	98498	PENN FETZ MARGARET, TTEE		16055 SW WALKER RD #263	BEAVERTON	OR	97006	58.8	\$ 38.81
0219163031	29 SILCOX ISLAND	98498	FLINN-PURCELL PAMELA A & FLINN SHERRY E & FLINN ROBERT S		1402 STARLING ST	STEILACOOM	WA	98388	59.0	\$ 38.94
0219163057	30 SILCOX ISLAND	98498	POSTEL SANDRA & COX JEFFREY		30 SILCOX IS	LAKEWOOD	WA	98498-2105	103.0	\$ 67.98
0219163019	32 SILCOX ISLAND	98498	KIRKWOOD KAREN A ET AL		5953 39TH AVE SW	SEATTLE	WA	98136-1629	53.7	\$ 35.44
0219163002	33 SILCOX ISLAND	98498	TILLEY ELIZABETH N & KIRKWOOD KAREN A		4822 S C ST	TACOMA	WA	98408-6508	52.3	\$ 34.52
0219163001	34 SILCOX ISLAND	98498	COX JEFFREY M & PAYTON DEBRA L		15721 163RD AVE NE	WOODINVILLE	WA	98072-8934	51.1	\$ 33.73
0219163034	35 SILCOX ISLAND	98498	FLORIO R RENEE		16128 NE 99TH ST	REDMOND	WA	98052-3047	50.7	\$ 33.46
0219163003	36 SILCOX ISLAND	98498	FLORIO R RENEE		16128 NE 99TH ST	REDMOND	WA	98052-3047	50.2	\$ 33.13
0219163048	37 SILCOX ISLAND	98498	GIERKE SUSAN D		23729 SE 36TH LN	ISSAQUAH	WA	98029	50.5	\$ 33.33
0219163026	42 SILCOX ISLAND	98498	COX JEFF & PAYTON DEBRA		15721 163RD AVE NE	WOODINVILLE	WA	98072-8934	78.9	\$ 52.07
0219163049	38 SILCOX ISLAND	98498	GIERKE SUSAN		23729 SE 36TH LN	ISSAQUAH	WA	98029	171.6	\$ 113.26
0219164058	8925 NORTH THORNE LN SW	98498	LOWRY DARRIN TTEE & LOWRY KRISTIE TTEE		8925 N THORNE LN SW	LAKEWOOD	WA	98498-2122	50.9	\$ 33.59
0219164006	8928 NORTH THORNE LN SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	262.6	\$ 173.32
0219164053	8928 NORTH THORNE LN SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	138.4	\$ 91.34
0219164022	14312 WEST THORNE LN SW	98498	KURMEL JOHN REVOCABLE LIVING TRUST		14312 WEST THORNE LN SW UNIT 15	LAKEWOOD	WA	98498	112.7	\$ 74.38
0219164002	14318 WEST THORNE LN SW	98498	KOSSMAN JASON K		14318 W THORNE LN SW	LAKEWOOD	WA	98498-2140	54.9	\$ 36.23
0219164015	14320 WEST THORNE LN SW	98498	LUKINBILL KEVIN D & ANNETTE M		14320 W THORNE LN SW	LAKEWOOD	WA	98498-2140	51.2	\$ 33.79
0219164018	14324 WEST THORNE LN SW	98498	CHASE J GIVIN II TTEE & CHASE NANCY A TTEE		14324 W THORNE LN SW	LAKEWOOD	WA	98498-2140	52.4	\$ 34.58
0219164017	14408 WEST THORNE LN SW	98498	BONA LESTER M		3921 N 36TH ST	TACOMA	WA	98407-5634	50.0	\$ 33.00
0219212080	14416 WEST THORNE LN SW	98498	HIATT STEVEN M & THEA M		14416 W THORNE LN SW	LAKEWOOD	WA	98498-2132	50.1	\$ 33.07
0219212093	14420 WEST THORNE LN SW	98498	POPLAWSKI JESSE & KAYLYNN		14420 W THORNE LN SW	LAKEWOOD	WA	98498-2132	50.9	\$ 33.59
0219211072	14520 WEST THORNE LN SW	98498	MORITA REGINALD & YOLANDA		PO BOX 39096	LAKEWOOD	WA	98496-3096	36.6	\$ 24.16
0219212173	14526 WEST THORNE LN SW	98498	MIRAU RICHARD & DEBORAH		14526 W THORNE LN SW	LAKEWOOD	WA	98498-2130	67.1	\$ 44.29
0219216006	15002 SILCOX DR SW	98498	RIOS REYNALDO & RIOS ANTHONY		28810 71ST AVE E	GRAHAM	WA	98338-7949	82.6	\$ 54.52
0219216005	15004 SILCOX DR SW	98498	MCALLEANAN MICHAEL E & MELLANI R HUGHES-		1501 DOCK ST	TACOMA	WA	98402	75.5	\$ 49.83
0219212133	15006 SILCOX DR SW	98498	BIGELOW JAMES R II & JANE T		15006 SILCOX DR SW	LAKEWOOD	WA	98498-2135	37.8	\$ 24.95
0219212134	15008 SILCOX DR SW	98498	DITTMANN ROBIN L		15008 SILCOX DR SW	LAKEWOOD	WA	98498-2135	37.6	\$ 24.82
0219212135	15010 SILCOX DR SW	98498	SUHRE STEVEN M		10003 99TH ST SW	LAKEWOOD	WA	98498-1822	55.1	\$ 36.37
0219212136	15012 SILCOX DR SW	98498	SILCOX REI LLC		10003 99TH ST SW	LAKEWOOD	WA	98498-1822	17.7	\$ 11.68
0219212137	15014 SILCOX DR SW	98498	CISSELL STEPHEN H & NOLON VILLETTE		4511 141ST AVE SE	BELLEVUE	WA	98006	50.0	\$ 33.00



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American Lake - Lake Management District No. 1  
Special Assessment Roll

TAX PARCEL	SITE ADDRESS	SITE ZIPCD	TAXPAYER	CARE OF	MAIL ADDRESS	MAIL CITY	MAIL S	MAIL ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
0219212191	15016 TO 15018 SILCOX DR SW	98498	ANDERSON BOATHOUSE LLC	ENGLER ACCOUNTING SERVICE	14506 PORTLAND AVE SW	LAKEWOOD	WA	98498-2333	117.3	\$ 77.42
0219212189	8907 TO 8923 1/2 WADSWORTH ST SW	98498	SILCOX ISLAND CORP		PO BOX 625	LANGLEY	WA	98260	84.6	\$ 55.84
0219212131	XXXXX SILCOX DR SW	98498	CITY OF LAKEWOOD		6000 MAIN ST SW	LAKEWOOD	WA	98499-5027	13.2	\$ 8.71
0219212130	15108 SILCOX DR SW	98498	HANSHAW DAVID W		15108 SILCOX DR SW	LAKEWOOD	WA	98498-1037	51.5	\$ 33.99
0219212129	15110 SILCOX DR SW UNITS A TO C	98498	MELOENY HARRY A & GRACE R		114 6TH ST	STEILACOOM	WA	98388-1202	51.4	\$ 33.92
0219212128	15116 SILCOX DR SW	98498	MARQUART PAUL W		6050 TACOMA MALL BLVD STE 200	TACOMA	WA	98409	50.7	\$ 33.46
0219212127	15122 SILCOX DR SW	98498	KINDT JAMES A JR & BRIIA C		15122 SILCOX DR SW	LAKEWOOD	WA	98498-1037	53.0	\$ 34.98
0219212126	15128 SILCOX DR SW	98498	WOLF WILLIAM M & KANDACE J		15128 SILCOX DR SW	LAKEWOOD	WA	98498-1037	52.1	\$ 34.39
0219212047	15306 TO 15310 FOREST RD SW	98498	OLSON JAMES W & JEAN M		15306 FOREST RD SW	TACOMA	WA	98498-1029	70.5	\$ 46.53
0219212002	15304 FOREST RD SW	98498	BURTON FRANKLIN L		15304 FOREST RD SW	LAKEWOOD	WA	98498-1029	64.0	\$ 42.24
0219212049	15314 FOREST RD SW	98498	KOFFORD DICK L & DONNA R TTEE		45-134 ALINA PL	KANEOHE	HI	96744-3001	54.5	\$ 35.97
0219212022	15302 FOREST RD SW UNITS A & B	98498	JAMES THOMAS M & JANIS E		15302 FOREST RD SW	LAKEWOOD	WA	98498-1029	127.7	\$ 84.28
0219216003	15132 SILCOX DR SW	98498	MCINTYRE PETER E & CAROL E TTEE		15132 SILCOX DR SW	LAKEWOOD	WA	98498-1037	54.8	\$ 36.17
0219212053	15316 FOREST RD SW	98498	DINSMORE MARTIN A	NW PROPERTIES AGENCY INC.	15316 FOREST RD SW	LAKEWOOD	WA	98498-1029	53.3	\$ 35.18
4001800540	9000 EAGLE POINT LOOP RD SW	98498	EAGLE POINT AT AMERICAN LAKE HOA		9527 BRIDGEPORT WAY SW	LAKEWOOD	WA	98499-2801	1420.4	\$ 937.46
0219212034	15202 FERN ST SW	98498	NORDLUND TROY S		15202 FERN ST SW	LAKEWOOD	WA	98498-1008	57.1	\$ 37.69
0219212018	15322 FOREST RD SW	98498	PIKSA RONALD J & KATHY A		15322 FOREST RD SW	TACOMA	WA	98498-1029	51.1	\$ 33.73
0219212032	15204 FERN ST SW	98498	LAM OANH H		769 S 38TH ST	TACOMA	WA	98418-6721	64.6	\$ 42.64
0219212040	15206 FERN ST SW	98498	QUIRION JOYCE & WILLIAM		41600 JAMAICA SANDS DR	BERMUDA DUNES	CA	92203	62.4	\$ 41.18
0219212081	15402 ROSE RD SW	98498	MYERS GARY G & RENATE E		PO BOX 88506	STEILACOOM	WA	98388-0506	43.8	\$ 28.91
0219212083	15210 FERN ST SW	98498	ACKLEY WILLIAM & LORRAINE M		15210 FERN ST SW	LAKEWOOD	WA	98498-1008	62.9	\$ 41.51
0219212067	15224 FOREST RD SW	98498	OLSON WALTER H		15224 FOREST RD SW	LAKEWOOD	WA	98498-1036	90.1	\$ 59.47
0219212021	15214 FERN ST SW	98498	LEMINGS NATHAN A		15214 FERN ST SW	LAKEWOOD	WA	98498-1008	69.0	\$ 45.54
0219212016	15404 ROSE RD SW	98498	NORVELL LAWRENCE J & FROMDAHL-TAVIS GAIL		15404 ROSE RD SW	LAKEWOOD	WA	98498-1022	44.3	\$ 29.24
0219212050	15406 ROSE RD SW	98498	CARLSON CHRISTA		15406 ROSE RD SW	LAKEWOOD	WA	98498-1022	50.5	\$ 33.33
0219212045	15412 ROSE RD SW	98498	CURRY LARRY E & LAURAL I		15412 ROSE RD SW	LAKEWOOD	WA	98498-1022	50.2	\$ 33.13
0219212046	15414 & 15416 ROSE RD SW	98498	HENNING DWANE F & ELIZABETH A		15414 ROSE RD SW	LAKEWOOD	WA	98498-1022	51.1	\$ 33.73
0219212031	15420 TO 15422 ROSE RD SW	98498	JOHNSEN LI HUA LEE		12101 CLOVER CREEK DR SW	LAKEWOOD	WA	98499-5211	55.8	\$ 36.83
4001800090	9106 EAGLE POINT LOOP RD SW UNITS A & B	98498	HUDSON MARY M		9106 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	105.6	\$ 69.70
4001800080	9112 EAGLE POINT LOOP RD SW	98498	LA MARR DIANE M		9112 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	45.7	\$ 30.16
4001800070	9118 EAGLE POINT LOOP RD SW	98498	ROSSI ANDRE F		250 BRADFORD ST APT C	SONORA	CA	95370-4900	50.5	\$ 33.33
4001800060	9124 EAGLE POINT LOOP RD SW	98498	BUI DUKE N & CASSIDY T		9124 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	65.1	\$ 42.97
4001800050	9130 EAGLE POINT LOOP RD SW	98498	HAGEL BRIAN A & JEAN M		9130 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	88.8	\$ 58.61
4001800040	9136 EAGLE POINT LOOP RD SW	98498	E/H 4A LLC		9130 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	81.7	\$ 53.92
4001800030	9142 EAGLE POINT LOOP RD SW	98498	TRENT ROBERT V & DENNERY BRIAN ET AL		9142 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	74.4	\$ 49.10
4001800020	9148 EAGLE POINT LOOP RD SW	98498	VRANNA JOEL D & BEVERLEE J TTEE		9148 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	73.7	\$ 48.64
4001800010	9154 EAGLE POINT LOOP RD SW	98498	BUI QUANG N		9154 EAGLE POINT LOOP RD SW	LAKEWOOD	WA	98498-1056	56.2	\$ 37.09
5015000032	7738 WALNUT ST SW	98498	SCHAFER MARCY L		7738 WALNUT ST SW	LAKEWOOD	WA	98496	31.9	\$ 21.05
3255000032	42 COUNTRY CLUB DR SW	98498	IVERSON JEFFERY B & JANETT S & IVERSON		10013 59TH AVE SW	LAKEWOOD	WA	98499-2757	157.9	\$ 104.21
5110000232	12624 LAKELAND AVE SW	98498	JEFFERY B JR & KRISTEN		12624 LAKELAND AVE SW	LAKEWOOD	WA	98498-5208	78.5	\$ 51.81
0219212000	CAMP MURRAY		JENSEN KENDALL L & HALE CONNIE J	MILITARY DEPT	ATTN FMO CAMP MURRAY	CAMP MURRAY	WA	98430-0001	1154.4	\$ 761.90
0219201001	CAMP MURRAY		STATE OF WASHINGTON		ATTN STATE FINANCE CAMP MURR	CAMP MURRAY	WA	98430-0001	1579.4	\$ 1,042.40
0219204000	CAMP MURRAY		STATE OF WASHINGTON		ATTN STATE FINANCE CAMP MURR	CAMP MURRAY	WA	98430-0001	5857.9	\$ 3,866.21
2205500010	9824 AMERICAN AVE SW	98498	PETERSON CYNTHIA		12622 LAKELAND AVE SW	LAKEWOOD	WA	98498-5208	24.3	\$ 16.04
2205500020	9820 AMERICAN AVE SW UNIT A	98498	ROUSE MURRAY E & DEBORAH L		9820 AMERICAN AVE SW UNIT A	LAKEWOOD	WA	98498-1109	24.3	\$ 16.04
2205500030	9820 AMERICAN AVE SW UNIT B	98498	SUTTON JOHN A		9820B AMERICAN AVE SW	LAKEWOOD	WA	98498-1109	24.3	\$ 16.04
2205500040	9822 AMERICAN AVE SW UNIT A	98498	MATHEWS REVOCABLE LIVING TRUST		9822 AMERICAN AVE SW UNIT A	LAKEWOOD	WA	98498-1109	24.3	\$ 16.04
2205500050	9822 AMERICAN AVE SW UNIT B	98498	KNIGHT JOHN L		1534 S SUNSET DR	TACOMA	WA	98465-1237	24.3	\$ 16.04
3249500040	22 COUNTRY CLUB DR SW UNIT D	98498	MCDONALD ANDREW D		PO BOX 8100	TACOMA	WA	98419-0100	21.2	\$ 13.99
3249500050	22 COUNTRY CLUB DR SW UNIT E	98498	BILLINGS ELLEN G		22 COUNTRY CLUB DR SW APT E	TACOMA	WA	98498-5310	21.2	\$ 13.99
3249500010	22 COUNTRY CLUB DR SW UNIT A	98498	RAND ELIZABETH H		22 COUNTRY CLUB DR SW APT A	LAKEWOOD	WA	98498-5310	21.2	\$ 13.99
3249500030	22 COUNTRY CLUB DR SW UNIT C	98498	MCLEAN MARK C		22 COUNTRY CLUB DR SW APT C	LAKEWOOD	WA	98498-5310	21.2	\$ 13.99
3249500020	22 COUNTRY CLUB DR SW UNIT B	98498	SIDOR DAVID R & SHARON A		72671 SUNDOWN LN	PALM DESERT	CA	92260	21.2	\$ 13.99
9009110170	13120 COUNTRY CLUB DR SW UNIT 501	98498	PILIP BRENT & GRETCHEN		4017 SW DOWNS VIEW CT	PORTLAND	OR	97221-3125	14.8	\$ 9.77
9009110130	13120 COUNTRY CLUB DR SW UNIT 401	98498	THOMPSON BREWER B		13120 COUNTRY CLUB DR SW UNIT 401	LAKEWOOD	WA	98498-5328	14.8	\$ 9.77
9009110090	13120 COUNTRY CLUB DR SW UNIT 301	98498	POST JOHN & KAREN		13120 COUNTRY CLUB DR SW UNIT 301	LAKEWOOD	WA	98498-5327	14.8	\$ 9.77
9009110050	13120 COUNTRY CLUB DR SW UNIT 201	98498	LEIGHTON RONALD B & SARAH H		13120 COUNTRY CLUB DR SW UNIT 201	LAKEWOOD	WA	98498-5326	14.8	\$ 9.77
9009110010	13120 COUNTRY CLUB DR SW UNIT 101	98498	ENG PHILIP T & JUDITH C		13120 COUNTRY CLUB DR SW UNIT 101	LAKEWOOD	WA	98498-5321	14.8	\$ 9.77

EXHIBIT A

American Lake - Lake Management District No. 1  
Special Assessment Roll

TAX PARCEL	SITE ADDRESS	SITE ZIPCD	TAXPAYER	CARE OF	MAIL ADDRESS	MAIL CITY	MAIL S	MAIL ZIPCODE	Frontage (Ft.)	Ft. X \$0.66
9009110180	13120 COUNTRY CLUB DR SW UNIT 502	98498	TSANG JAMES C & ZHU TONG		13120 COUNTRY CLUB DR SW UNIT 502	LAKEWOOD	WA	98498-5329	14.8	\$ 9.77
9009110140	13120 COUNTRY CLUB DR SW UNIT 402	98498	FANCHER THOMAS E & DIANNA C		13120 COUNTRY CLUB DR SW UNIT 402	LAKEWOOD	WA	98498-5328	14.8	\$ 9.77
9009110100	13120 COUNTRY CLUB DR SW UNIT 302	98498	OZOLIN ART & AIJA		13120 COUNTRY CLUB DR SW UNIT 302	LAKEWOOD	WA	98498-5327	14.8	\$ 9.77
9009110060	13120 COUNTRY CLUB DR SW UNIT 202	98498	CLARK GARRY R & VICTORIA S		13120 COUNTRY CLUB DR SW UNIT 202	LAKEWOOD	WA	98498-5326	14.8	\$ 9.77
9009110020	13120 COUNTRY CLUB DR SW UNIT 102	98498	MCGOWAN WENDY JO & EPSTEIN-MCGOWAN 2010 TRUST & BRADY TIMOTHY TTEE & MCGOWAN KELLY TTEE		2936 EAST BAY DR NW	GIG HARBOR	WA	98335	14.8	\$ 9.77
9009110190	13140 COUNTRY CLUB DR SW UNIT 503	98498	PEASE KAREN A TTEE		530 E PIONEER	PUYALLUP	WA	98372-3370	14.8	\$ 9.77
9009110150	13140 COUNTRY CLUB DR SW UNIT 403	98498	KOVATCH THOMAS B & JANET S		13140 COUNTRY CLUB DR SW UNIT 403	LAKEWOOD	WA	98498-5332	14.8	\$ 9.77
9009110110	13140 COUNTRY CLUB DR SW UNIT 303	98498	JOHNSON PATRICIA A		13140 COUNTRY CLUB DR SW UNIT 303	LAKEWOOD	WA	98498-5331	14.8	\$ 9.77
9009110070	13140 COUNTRY CLUB DR SW UNIT 203	98498	GILPIN DONNA A		13140 COUNTRY CLUB DR SW UNIT 203	LAKEWOOD	WA	98498-5330	14.8	\$ 9.77
9009110030	13140 COUNTRY CLUB DR SW UNIT 103	98498	MCDONALD BRUCE & MCDONALD-SNYDER E TTEE		13140 COUNTRY CLUB DR SW UNIT 504	LAKEWOOD	WA	98498-5333	14.8	\$ 9.77
9009110200	13140 COUNTRY CLUB DR SW UNIT 504	98498	MCDONALD BRUCE A TTEE & MCDONALD NANCY TTEE & MCDONALD SNYDER ELIZABETH TTEE		13140 COUNTRY CLUB DR SW UNIT 504	LAKEWOOD	WA	98498-5333	14.8	\$ 9.77
9009110160	13140 COUNTRY CLUB DR SW UNIT 404	98498	ANDERSON PILIP GRETCHEN		4017 SW DOWNSVIEW CT	PORTLAND	OR	97221	14.8	\$ 9.77
9009110120	13140 COUNTRY CLUB DR SW UNIT 304	98498	BOHRER LIONEL C		13140 COUNTRY CLUB DR SW UNIT 304	LAKEWOOD	WA	98498-5331	14.8	\$ 9.77
9009110080	13140 COUNTRY CLUB DR SW UNIT 204	98498	BARGREN JOHN H & MARTHA K		12220 NYANZA RD SW	LAKEWOOD	WA	98499-1444	14.8	\$ 9.77
9009110040	13140 COUNTRY CLUB DR SW UNIT 104	98498	ANDERSON MARGARET L TTEE		13140 COUNTRY CLUB DR SW UNIT 104	LAKEWOOD	WA	98498-5322	14.8	\$ 9.77
9000160011	37 COUNTRY CLUB DR SW UNIT B	98498	GRIFFIN WENDY S		37 COUNTRY CLUB DR SW UNIT B	TACOMA	WA	98498-5317	50.4	\$ 33.26
9000160021	37 COUNTRY CLUB DR SW UNIT A	98498	SCHMIDTKE RAYMOND C REVOCABLE TRUST		37 COUNTRY CLUB DR SW UNIT A	LAKEWOOD	WA	98498-5317	50.4	\$ 33.26
0219103097	1 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O DAVID P & KITTI M WHEELER	1 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103098	2 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O GREGORY & DIANE ANDERSON	2 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5244	8.2	\$ 5.41
0219103100	4 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O RICHARD V BRANCHFLOWER	4 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5244	8.2	\$ 5.41
0219103099	3 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O STEVE WILLIAMS	3 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103101	5 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O CLARK MONTGOMERY	5 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103102	6 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB		6 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5244	8.2	\$ 5.41
0219103103	7 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O HENRIETTA B STOWELL	7 LAKESIDE COUNTRY CLUB RD SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103104	8 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O RICHARD H & CAROL J SEEBURGER	8 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5244	8.2	\$ 5.41
0219103105	9 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O BARRY MESHER	9 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103106	10 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O EARL R MCNALLY & MARGO FORSTROM	10 LAKESIDE COUNTRY CLUB SW	LAKEWOOD	WA	98498	8.2	\$ 5.41
0219103107	11 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB		10222 GRAVELLY LAKE DR SW	LAKEWOOD	WA	98499-5005	8.2	\$ 5.41
0219103108	12 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O RODERIC & NANCY SCHAUER	12 LAKESIDE COUNTRY CLB SW	TACOMA	WA	98498-5244	8.2	\$ 5.41
0219103109	13 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O ROBERT R BRIGGS FAMILY LLC	13 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103111	15 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O RON MASON	15 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103110	14 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O RONALD CRAWFORD & MARCI JOHNSON	14 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5206	8.2	\$ 5.41
0219103113	17 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O MARK GILDENHAUER	17 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103112	16 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O JACKIE D & MARIA SMITH	16 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5206	8.2	\$ 5.41
0219103115	19 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O LEIGH JOHNSON	19 LAKESIDE COUNTRY CLB SW	LAKEWOOD	WA	98498-5250	8.2	\$ 5.41
0219103114	18 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB	C/O JOHN W & PATRICIA A DAVIS	18 LAKESIDE COUNTRY CLUB RD SW	LAKEWOOD	WA	98498-5206	8.2	\$ 5.41
0219103820	21 LAKESIDE COUNTRY CLUB RD SW	98498	LAKESIDE COUNTRY CLUB		21 LAKESIDE COUNTRY CLB SW	TACOMA	WA	98498-5250	8.2	\$ 5.41
									Annual Total:	\$ 23,766.26
									10-yr Total:	\$ 237,663

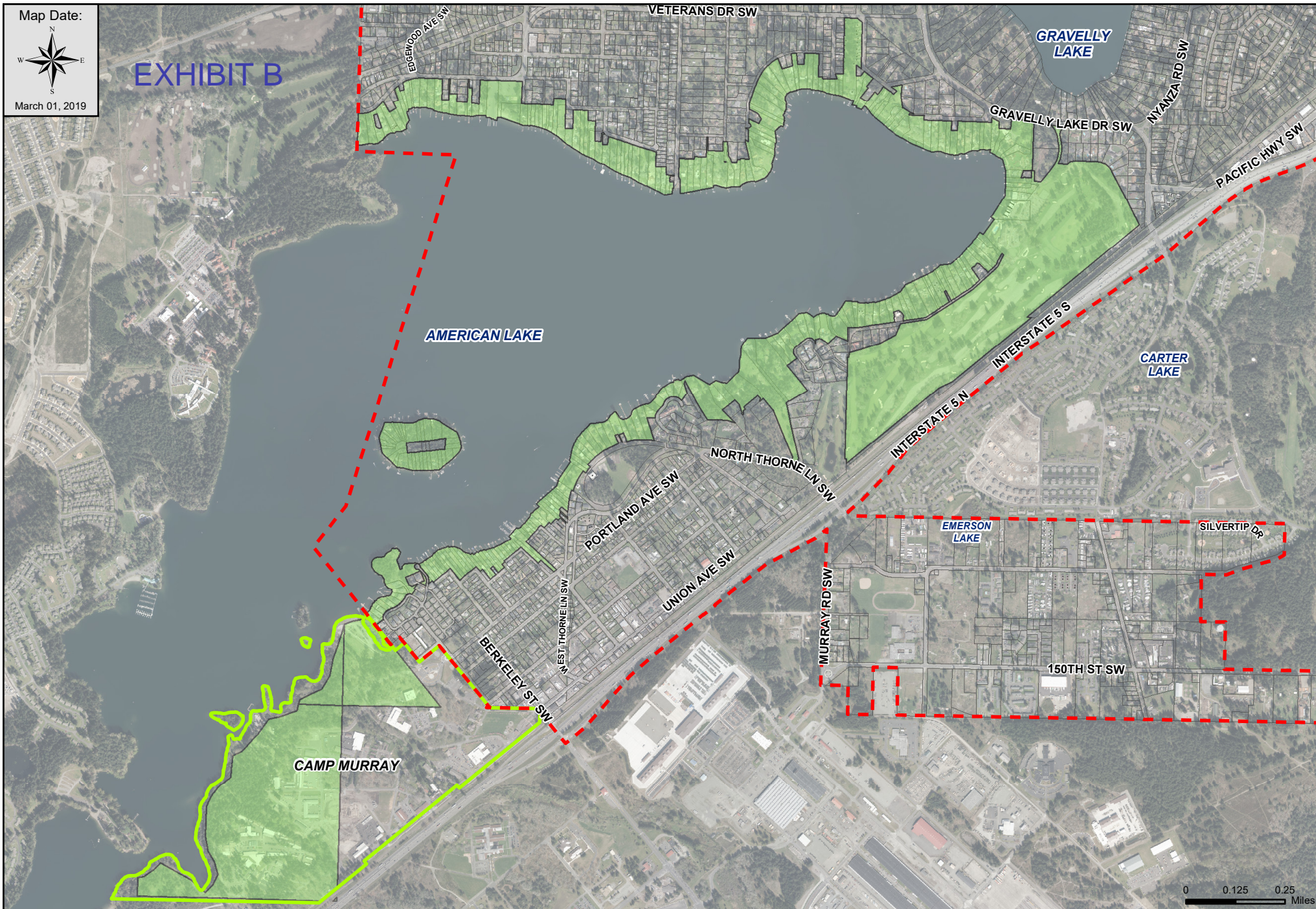


Map Date:



March 01, 2019

EXHIBIT B



Proposed Lake Management District



Tax Parcel



Lakewood City Limit

# American Lake Proposed Lake Management District

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2487 for further information.

\\Projects\Eng\Maps\PLMD-2.mxd



# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> Resolution establishing September 3, 2019, as the date for a public hearing to consider the proposed vacation of a portion of 87 <sup>th</sup> St SW right-of-way between Durango St SW and the Sound Transit rail lines.	<b>TYPE OF ACTION:</b>  — ORDINANCE <input checked="" type="checkbox"/> RESOLUTION NO. 2019-17 — MOTION — OTHER
<b>PUBLIC HEARING:</b> September 3, 2019		
<b>REVIEW:</b>	<b>ATTACHMENTS:</b> Resolution, Application, Petition, Exhibits	

**SUBMITTED BY:** Paul A. Bucich, P.E., Public Works Engineering Director/City Engineer

**RECOMMENDATION:** It is recommended that the City Council pass a resolution establishing September 3, 2019 as the date for a public hearing regarding the proposed vacation of a portion of 87<sup>th</sup> St SW right-of-way between Durango St SW and the Sound Transit rail lines.

**DISCUSSION:** A complete application for the vacation of Seattle Ave SW right-of-way was submitted on June 20, 2019, by Mark Eastwood of Eastwood Development LLC, the owner of real property at 3858 87<sup>th</sup> St SW, which is adjacent to that portion of 87<sup>th</sup> St SW under consideration. The property owners desire to take ownership of the unused public right-of-way in order to increase the area of their existing lot.

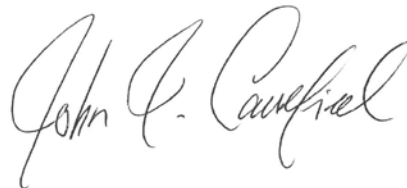
In accordance with state law, the City Council shall, by resolution, fix a time when the petition shall be heard and determined by the City Council, which time shall not be more than 60 days or less than 20 days after the date of adoption of the resolution. A staff report will be prepared in accordance with the City Code, and provided to the City Council in conjunction with the September 3, 2019 public hearing.

**ALTERNATIVE(S):** A public hearing is required by state statute. Therefore, the only alternative would be to modify the date of the public hearing, while staying within the time constraints as noted above.

**FISCAL IMPACT:** There are no fiscal impacts associated with setting a date for a public hearing. Fiscal aspects of the street vacation will be presented to the City Council in the public hearing staff report.

Franc Sawatzki  
Prepared by

Paul Bucich  
Department Director



City Manager

RESOLUTION NO. 2019 -17

A RESOLUTION of the City Council of the City of Lakewood, Washington, setting a public hearing on September 3, 2019, to consider the vacation of a portion of 87<sup>th</sup> St SW right-of-way between Durango St SW and the Sound Transit Rail line.

WHEREAS, the City of Lakewood, Washington, has received a petition signed by owners of at least two-thirds (2/3) of the property abutting a portion of the unused right-of-way, located within the City of Lakewood, Washington, requesting that the same be vacated; and,

WHEREAS, pursuant to Section 35.79.010 of the Revised Code of Washington and Lakewood Municipal Code Chapter 12A.12, a hearing on such vacation shall be set by Resolution, with the date of such hearing being not more than sixty (60) days nor less than twenty (20) days after the date of passage of such Resolution; and,

WHEREAS, under Lakewood Municipal Code section 12A.12.080, the City Manager, or the designee thereof, shall prepare a report concerning the proposed vacation for the City Council that will be used in considering whether to vacate the property, with a copy of the report to be served upon the representative of the petitioners, at least five days prior to the hearing; and,

WHEREAS, after passage of this Resolution, notice of this hearing shall be given as required under state and local laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

Section 1. That a hearing be held on the petition for vacation of a portion of 87<sup>th</sup> St SW right-of-way between Durango St SW and the Sound Transit Rail line, within the City of Lakewood, Washington, more particularly shown in the attached map and legally described as follows:

A PORTION OF 87<sup>TH</sup> St SW, FORMERLY KNOWN AS I STREET PER THE REPLAT OF PRAIRIE PARK, ACCORDING TO PLAT RECORDED IN VOLUME 3 OF PLATS AT PAGE(S) 75, IN PIERCE COUNTY, WASHINGTON. ABUTTING LOTS 1, 32, 33 AND A PORTION OF LOT 31, BLOCK 13, AND LOT 8 AND A PORTION OF LOT 9, BLOCK 14, OF SAID REPLAT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 13; THENCE ALONG THE NORTH LINE OF SAID BLOCK NORTH 88°45'42" WEST 237.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°14'18" EAST 60.00 FEET TO THE SOUTH LINE OF AFORESAID BLOCK 14; THENCE ALONG SAID SOUTH LINE NORTH 88°45'42" WEST 170.02 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 14; THENCE SOUTH 15°32'06" WEST 61.92 FEET TO THE NORTHWEST CORNER OF AFORESAID BLOCK 13; THENCE ALONG SAID NORTH LINE SOUTH 88°45'42" EAST 185.31 FEET TO THE POINT OF BEGINNING.

And the same hereby is set for 7:00 p.m. on the 3<sup>rd</sup> day of September, 2019, or as soon thereafter as the matter may be heard, at the City Council Chambers at 6000 Main Street SW, Lakewood, Washington.

Section 2. That this Resolution shall be in full force in effect upon passage and signatures hereon.

PASSED by the City Council this 15<sup>th</sup> day of July, 2019.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Briana Schumacher, City Clerk

Approved as to form:

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Heidi Ann Wachter, City Attorney

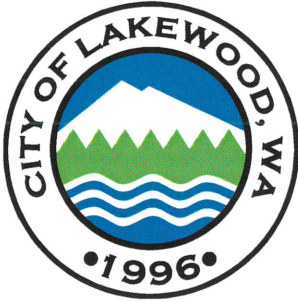


# 87th St SW Vacation

Legend







## LANDMARKS AND HERITAGE ADVISORY BOARD

May 23, 2019 Meeting Minutes  
American Lake Conference Room  
6000 Main Street SW  
Lakewood, WA 98499

**"The mission of the City of Lakewood Landmarks and Heritage Advisory Board is to preserve, protect and promote the unique heritage and historic resources of the City of Lakewood"**

### CALL TO ORDER

The Chair, Mr. Glen Spieth, called the meeting to order at 6:00 p.m.

### MEETING PROTOCOL

#### Roll Call

Landmarks & Heritage Advisory Board Members Present: Glen Spieth, Joan Cooley, Beth Campbell, Bill Elder, and Marjorie Thomas-Candau (arrived after the vote on minutes).

Landmarks & Heritage Advisory Board Members Excused: Bob Jones

Landmarks & Heritage Advisory Board Members Absent: None

Council Liaison to LHAB is Councilmember John Simpson

Youth Council present Deyana Pangelinan

Staff Present: Courtney Brunell, Planning Manager and Karen Devereaux, Administrative Assistant

#### Acceptance/Changes to Agenda

No changes were made to the agenda.

#### Approval of Minutes

The minutes of the meeting held on April 25, 2019 were approved as written by voice vote, M/S/C Campbell/Cooley. Motion to approve the minutes passed unanimously, 4-0.

#### Announcements

Mr. Glen Spieth shared that he is continuing to seek support for the purchase of the street clock being kept at the old QFC building near Bridgeport Way and Gravelly Lk Dr SW. Councilmember Mr. John Simpson offered a suggestion to speak directly with the private property owner and receive a confirmed price in writing; a crucial step for gaining local support.

Mr. Glen Spieth shared that he located a reference copy of the information on previous names of City of Lakewood roads. Reese, Gary Fuller (1974). Historic roads and trails of Pierce County. Tacoma Public Library, Washington. This reference book will aid with future research for the historic streets program.

Ms. Courtney Brunell shared that a tentative date for the Colonial Plaza Grand Opening is set for Saturday, September 14<sup>th</sup> from 5:00 to 8:00 p.m. Citizens will enjoy live music, food trucks and dance lessons during the celebration.

## PUBLIC COMMENTS

None

## PUBLIC HEARINGS

None

## REPORTS BY HISTORIC PRESERVATION OFFICER OR STAFF

### Update on the CLG Grant Process regarding the Oak Park Reconnaissance Level Survey

Ms. Courtney Brunell reminded board members the second Open House public outreach meeting is scheduled for 6:00 p.m. on June 27<sup>th</sup> in the Council Chambers for NW Vernacular consultants to share progress of the Oak Park Reconnaissance Survey findings with property owners.

A discussion ensued on possible topics to present at the July 25<sup>th</sup> third Open House public outreach meeting regarding "all things historic preservation." Ms. Brunell will provide a presentation on the City procedure for a community designation and NW Vernacular consultants will present for the Federal, State and Local designations. Board members wanted to provide a handout or tutorial on how to nominate your property for designation. Ms. Brunell will provide a draft concept for consideration. Mr. Bill Elder offered to search for a speaker available to provide an attractive presentation and 15-minute lecture on the rich history and growing community of Lakewood.

## UNFINISHED BUSINESS

### Historic Streets Program Update

Ms. Courtney Brunell provided members with a copy of the Pierce County 2020 Historic Preservation Grant Program Application for the LHAB proposed Historic Streets Program. Included were letters of support from both the Lakewood Historical Society Director and the City of Lakewood Economic Development Manager. It is intended to use the grant funds to install 73 signs across 11 streets within Lakewood to increase public awareness and highlight the historical significance of locations throughout our City. This history at-a-glance opportunity will engage citizens of all ages.

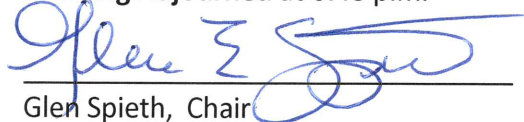
Ms. Courtney Brunell, Ms. Beth Campbell, Mr. Glen Spieth and Ms. Marjorie Thomas-Candau will be in attendance at the Pierce County Landmarks hearing to recommend funding at 6:00 PM on Tuesday, June 18, 2019. Grant recipients will be notified in November 2019 and work must be completed by November 2020.

## NEW BUSINESS

None

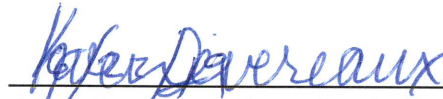
**Next Meeting** the next regularly scheduled meeting will be Thursday, 27 June 2019, at 6:00 PM in the American Lake Conference Room prior to the Open House public outreach meeting.

**Meeting Adjourned** at 6:48 p.m.



06/27/2019

Glen Spieth, Chair  
Landmarks & Heritage Advisory Board



06/27/2019

Karen Devereaux, Recording Secretary to the  
Landmarks & Heritage Advisory Board

	<p><b>LAKEWOOD PARKS &amp; RECREATION ADVISORY BOARD</b>  <b>REGULAR MEETING MINUTES</b>  <b>Tuesday May 28, 2019 – 5:30 PM</b>  <b>City Hall, Council Chambers</b>  <b>6000 MAIN ST SW</b>  <b>LAKEWOOD, WA 98499</b></p>
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**CALL TO ORDER**

Jason Gerwen called the meeting to order at 5:30 p.m.

**ATTENDANCE**

**PRAB Members Present:** Jason Gerwen, Alan Billingsley, Susan Dellinger, Michael Lacadie

**PRAB Members Excused:** Vito Iacobazzi, Sylvia Allen,

**Staff Present:** Mary Dodsworth – Director, Nikki York – Office Assistant

**Council Liaison:** Don Anderson

**Youth Council Liaison:** Elijah Rafols, present, Dorien Simon, absent, Jefferson Magaynes-absent, Tabitha Johnson, absent, Sage Tagari, absent

**Guests:** Heidi Watcher, City Attorney

**APPROVAL OF MINUTES:** Michael Lacadie moved and Alan Billingsley seconded the motion to approve the minutes of the April 22, 2019 meeting. MPU.

**PUBLIC COMMENT:** None

**NEW BUSINESS:**

**Parks Code Update:** Heidi Watcher introduced herself to the group. She can help advise the group regarding legal impacts to changes to the park code. Mary Dodsworth reviewed the proposed code changes including metal detecting, alcohol in parks, geocaching, camping, smoking, and model aircraft discussion regarding each item and provided clarification to changes. Alan Billingsley made a motion to forward the code changes as presented and discussed to Council. Susan Dellinger seconded. MPU


**Directors Report:** Mary Dodsworth reviewed the Directors Report including, two new playgrounds, Wards Lake conservation futures grant, kids fishing event, Youth Summit, Edgewater Park master plan, Springbrook abatement, Farmers Market, and cooperative use agreement with Clover Park School District.

**Board Comments:**

Mary Dodsworth gave recognition to Elijah Rafols for the leadership role he has taken as a Youth Council member. This was Elijah's last meeting with the board. Jason Gerwen gave Elijah Kudos and Best Wishes and told Elijah how much his engagement was appreciated.

**NEXT MEETING:** The next PRAB meeting is scheduled for Tuesday June 25, 2019 at 5:30 p.m. in the American Lake Room at the Lakewood City Hall

**ADJOURNMENT:** Alan Billingsley moved to adjourn the meeting. Susan Dellinger seconded. MPU. The meeting adjourned at 6:40 p.m.

  
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Jason Gerwen, Chairman  
\_\_\_\_\_  
Nikki York, Office Assistant



# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> AN ORDINANCE of the City Council of the City of Lakewood, Washington: renewing interim controls at LMC 18A.95 for wireless technology facilities, including small wireless facilities.	<b>TYPE OF ACTION:</b> <u>  X  </u> ORDINANCE NO. 713 <u>      </u> RESOLUTION NO. <u>      </u> MOTION NO.
<b>REVIEW:</b> June 24, 2019 Council Study Session July 1, 2019 Council Public Hearing	ATTACHMENTS: Excerpts from LMC Title 18A.90.200 and Chapter 18A.95	<u>      </u> OTHER

**SUBMITTED BY:** David Bugher, Assistant City Manager for Development Services  
Tiffany Speir, Planning Manager (Special Projects)

**RECOMMENDATION:** It is recommended that the City Council approve the attached Ordinance renewing the interim controls first adopted on January 22, 2019 for Wireless Service Facilities (WSFs.)

**DISCUSSION:** In response to FCC Declaratory Ruling 18-133, Lakewood adopted interim controls for WSFs on January 22, 2019 as authorized under RCW 35A.63.220 and 36.70A.390 that were effective for six months. Because the permanent regulations will be adopted later in 2019 as part of the full LMC Title 18A update, a renewal of the interim controls is needed.

**ALTERNATIVE(S):** The Council could amend the proposed Ordinance; the Council could also not adopt the Ordinance.

**FISCAL IMPACT:** The City has adopted the “safe harbor” fees as identified by the FCC for small cell wireless facilities installation permit reviews; over time, the City will consider whether a different amount should be charged to cover all City costs, including time and materials, for review of these permits while complying with FCC Declaratory Ruling 18-133.

Tiffany Speir, Planning Manager, Special Projects

Prepared by:

Dave Bugher, Assistant City Manager for  
Development Services

Department Director

  
City Manager Review

**ATTACHMENT A Draft Ordinance**

**ORDINANCE NO. 713**

**AN ORDINANCE of the City Council of the City of Lakewood, Washington: renewing interim controls initially adopted January 22, 2019 for “wireless service facilities” (WSFs.)**

WHEREAS, the City of Lakewood incorporated effective February 28, 1996; and,

WHEREAS, wireless service facilities (WSFs) are currently regulated under interim controls adopted on January 22, 2019 at LMC Section 18A.90.200 and Chapter 18A.95, pursuant to RCW 35.63.200 and RCW 36.70A.390 and consistent with Federal Communications Commission (FCC) issued *Declaratory Ruling* 18-133, “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment”; and,

WHEREAS, the City is currently conducting a comprehensive review and update of LMC Title 18A, with an anticipated completion date of September, 2019; and

WHEREAS, the City will adopt permanent WSF regulations as part of the comprehensive Title 18A update; and

WHEREAS, the WSF interim controls will expire on July 22, 2019 per RCW 35A.63.220 and 36.70A.390; and

WHEREAS, per RCW 36.70A.390, interim controls may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the City held a public hearing on the renewal of the interim WSF controls on July 1, 2019;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Interim Controls renewed. That the interim controls for wireless service facilities included in LMC Section 18A.90.200 and Chapter 18A.95 are hereby renewed.

Section 2. Term of Interim Controls. The interim controls imposed by this Ordinance shall become effective on the date hereof, and shall continue in effect for a period of six (6) months, unless repealed, extended or modified by the City Council after subsequent public hearing pursuant to RCW 35A.63.220 of 36.70A.390.

Section 3. Work Plan. During the effective period of the interim controls, the City will: consider the interim controls for inclusion in the comprehensive update of LMC Title 18A; implement a work plan, including reviewing for any needed amendments to be consistent with the rest of Title 18A sections as well as FCC 18-133; drafting resolutions and ordinances concerning Title 18A as needed for Planning Commission and City Council consideration; completing the required SEPA analysis for the proposed actions; and developing a public outreach plan as appropriate.

Section 4. Severability. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 5. Effective Date. That this Ordinance shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 15<sup>th</sup> day of July, 2019.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Briana Schumacher, City Clerk

Approved as to Form:

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Heidi Ann Wachter, City Attorney

**ATTACHMENT A**  
**Chapter 18A.90**  
**DEFINITIONS**

**18A.90.200**

Wireless Service Facilities (WSF). Facilities for commercial mobile service and private mobile service as defined in Title 47 USC 153 and facilities for personal wireless service as defined in Title 47 USC 332(c)(7)(C), including all future amendments; also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, any other services licensed by the FCC, and any other unlicensed wireless services. WSFs includes use of macro cells with relatively large antennas and towers. WSFs also include small wireless facilities (SWFs) as defined in 18A.95.010, as well as high-bandwidth and low-latency applications and through the growth of the Internet of Things that require the deployment of small cell networks and facilities to support increased usage and capacity.

**CHAPTER 18A.95**  
**WIRELESS SERVICE FACILITIES (WSFs)**

**Part I New wireless service facilities (WSFs)**

18A.95.010	Definitions
18A.95.020	Purpose
18A.95.030	Applicability
18A.95.040	Exemptions
18A.95.050	Priority of locations
18A.95.060	General siting and design requirements
18A.95.070	Siting and design requirements for structure-mounted WSFs
18A.95.080	Tower siting and design requirements
18A.95.085	Additional small wireless /distributed antennae system siting and design requirements
18A.95.090	Collocation
18A.95.100	Permits required
18A.95.105	Small wireless permits required
18A.95.110	Administratively approved WSFs
18A.95.120	Conditional Use Permit
18A.95.130	Factors for granting conditional use permits for towers
18A.95.140	Siting and permit requirements for WSF use on public property
18A.95.150	Landscaping and screening
18A.95.160	Nonconforming uses
18A.95.170	Non-use or abandonment
18A.95.180	Expert review
18A.95.190	Controlling provisions

## **Part II Eligible wireless service facilities modifications**

### **Sections**

18A.95.200	Definitions
18A.95.210	Purpose
18A.95.220	Application review

## **PART I New wireless service facilities (WSFs)**

### **18A.95.010 Definitions.**

For the purposes of Part I of this chapter, the terms used have the following meanings:

A. “Antenna height”, when referring to a tower or other Wireless Service Facilities (WSFs), means the vertical distance measured from the finished grade of the parcel at the base of the tower pad or antenna support structure to the highest point of the structure even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

B. “Antenna support structure” means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

C. “Pole Extender” means a device that extends a utility pole or similar structure, the material of such structure being wood, composite, or otherwise, to the maximum height as permitted under this Title, without requiring the entire structure to be replaced, such that a small wireless facility may be located at the top of said structure and meet any required clearances as dictated by the structure owner.

D. “Shot clock” means the period of time in which a siting authority has to “act” on a small wireless facility application. “Act” means the granting of a small wireless siting application or the issuance of a written decision denying a small wireless siting application by the siting authority.

E. “Shroud” means any decorative covering used to conceal all small wireless facility base equipment.

F. “Small Wireless Facilities” (SWFs), or small cell facilities, mean facilities that are consistent with 47 CFR 1.1312(e)(2) and meet the following conditions:

- (1) The facilities—
  - (i) are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR 1.1320(d), or
  - (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
  - (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR 1.1320(d)), is no more than 3 cubic feet in volume;

- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under 47 CFR 17.4;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

G. “Small Cell Network” means a collection of interrelated small wireless facilities designed to deliver personal wireless services.

H. “Wireless Service Facilities” is defined in 18A.90.200.

#### **18A.95.020 Purpose.**

The purpose of this chapter is to accommodate an increased need for the development of enhanced wireless service facilities (WSF) capabilities and services while protecting the public health, safety, welfare, and property and aesthetic values, to the extent permitted by the federal Telecommunications Act of 1996. This section establishes criteria for the siting of WSFs, which promote collocation on existing and new towers and utility pole extensions in order to minimize the number of towers; manage the location and height of towers and antennae; minimize adverse visual impacts of towers through careful design, siting, landscaping, and other innovative camouflaging and screening techniques; and avoid potential damage or adverse impacts to adjacent properties through sound engineering practices and the proper siting and construction of antenna support structures.

#### **18A.95.030 Applicability.**

Wireless service facilities may be located upon properties in Lakewood only as provided herein. All proposals for WSFs made in the city, whether for new construction or for modification of existing facilities, shall be subject to these regulations, except those specifically exempted under LMC Section 18A.95.040.

Wireless service facilities existing before April 28, 1998, or those with permits issued by the City after April 28, 1998, but prior to the effective date of this title, which do not meet the requirements of this section shall be allowed to continue as they presently exist, but shall be considered nonconforming uses for the purposes of this title.

#### **18A.95.040 Exemptions.**

The following are exempt from the provisions of this chapter:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- B. Antennae and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale.
- C. Amateur radio station operators or receive-only antennae.

D. Home satellite services, including satellite dish antennae less than six and one-half (6 1/2) feet in diameter and direct-to-home satellite services, when used as an accessory use of the property.

E. Public safety WSFs and equipment, including the regional 911 system, radar systems for military and civilian communication and navigation, and wireless radio utilized for temporary emergency communications in the event of a disaster.

F. A mobile transmission facility or other temporary wireless service facility temporarily placed on a site for a period of thirty (30) days or less, unless an administrative use permit is obtained for an additional period or unless the City has declared an area-wide emergency.

G. Emergency or routine maintenance and repair of an existing WSF and related equipment, excluding structural work or changes in height or dimensions of antennae, towers, or buildings, provided that compliance with the standards herein is maintained.

H. WSFs installed on properties that are subject to the Chambers Creek Properties Joint Procedural Use Agreement, which shall instead be regulated to the terms and conditions of the interlocal agreement and design standards adopted thereunder, as administered by the City of University Place pursuant to interlocal agreement. If, at some point, the interlocal agreement is abandoned, such uses on the Lakewood portion of the Chambers Creek Properties shall once again be subject to the requirements set forth herein; provided, that any existing uses which do not meet these standards shall be considered to be and shall be regulated as nonconforming.

#### **18A.95.050 Priority of locations.**

The City's priorities for the location of new WSFs are listed below in order of preference, with the most preferred site listed first and the least preferred site listed last. The applicant must show that use of preferred site locations are not feasible in order to request a less preferred location. The applicant shall demonstrate, using engineering evidence satisfactory to the City, that all possible preferred locations and other WSF technology options have been exhausted before a less preferred site may be approved.

- A. Mount antennae on utility poles within the right-of-way, public water towers, existing WSF towers or other public and/or non-residential buildings in commercial and industrial zoning districts.
- B. Mount antennae on utility poles within the right-of-way, public water towers, existing WSF towers or other public or non-residential buildings in all zoning districts.
- C. Locate antennae and new towers in the IBP, I1, and I2 zoning districts.
- D. Locate antennae and new towers in the C1 and C2 zoning districts.
- E. Locate antennae and new towers on non-residential property in the CBD, TOC, and PI zoning districts.



- F. Locate antennae and new towers on non-residential property in the NC1 and NC2 zoning districts.
- G. Locate antennae and new towers in the C3 zoning district.
- H. Locate antennae and new towers on non-residential property in the OSR1 and OSR2 zoning districts.
- I. Locate antennae and new towers on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
- J. Locate antennae and new towers on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
- K. Locate antennae and new towers on residential property in MF1, MF2, and MF3 zoning districts.
- L. Antennae and new towers shall not be located in single-family residential zoning districts, except as allowed above, unless the applicant demonstrates that all other possible locations, collocations and wireless technologies cannot be modified to function within their grid system.

**18A.95.060 General siting and design requirements.**

The location and design of WSFs, including small wireless facilities, shall consider the impacts, including visual, of the facility on the surrounding neighborhood.

- A. **Siting.** Any applicant who proposes to construct a new WSF, other than a small wireless facility, shall demonstrate, by engineering evidence satisfactory to the City, that the proposed facility is located at the least obtrusive and the most appropriate site available to prevent an effective prohibition of service. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and shall be designed to minimize any significant adverse impact on residential property.
- B. **Primary or accessory use.** A WSF may be considered either a primary or an accessory use on a lot or parcel. A different use of an existing structure on the same lot shall not preclude the installation of a WSF on that lot.
- C. **Development.** Development and construction of the site shall preserve the existing character of the site as much as possible. Existing vegetation should be preserved. When existing vegetation cannot be preserved, vegetation shall be improved by landscaping. Disturbance of the existing topography of the site shall be minimized.
- D. **Design.** Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

E. FCC licensure. The City will only process WSF permit applications upon a satisfactory showing of proof that the applicant is a FCC-licensed telecommunications provider or that the applicant has agreements with a FCC-licensed telecommunications provider for use or lease of the facility.

F. Compliance with other laws. WSF service providers shall demonstrate compliance with FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules and regulations, including FAA and U.S. Air Force airspace maximum height criteria. Failure to maintain compliance with applicable standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.

G. Lot size. For purposes of determining whether the installation of a WSF complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other development requirements, the dimensions of the entire lot shall control, even though the WSF may be located on leased parcel within that lot.

H. Height. Except as allowed by LMC Section 18A.95.090, Collocation, or LMC Section 18A.95.120, Conditional Use Permit, no WSF may exceed one hundred (100) feet in height. Further, the applicant must demonstrate, by engineering evidence satisfactory to the City, that the height requested is the minimum height necessary.

I. Security fencing. Excluding Small Wireless Facilities, WSFs shall be enclosed by security fencing not less than six (6) feet in height, constructed of masonry, solid wood or coated chain link with matching colored slats, designed to blend with the character of the existing neighborhood provided, however, that the Community Development Director or, where applicable, the Hearing Examiner may waive these requirements as appropriate. Access to the WSF shall be through a locked gate, and there shall be a universal key box at any such gates.

J. Landscaping. Excluding Small Wireless Facilities, WSFs shall be landscaped with a buffer of plant materials that effectively screens the view of the WSF compound pursuant to LMC Section 18A.95.150, Screening. Equipment shelters and cabinets for small wireless facilities shall be concealed in accordance with 18A.95.085.

K. Structure or rooftop mountings. Wireless service facilities mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

L. Aesthetics. Wireless service facilities shall meet the following requirements:

1. Unless a different color is required by the FCC or FAA, a WSF shall be painted a neutral color generally matching the surroundings or background to minimize its visual obtrusiveness.
2. At a WSF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

M. View corridors. Due consideration shall be given so that WSFs do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound, the Olympic Mountains or other scenic vistas.

N. Required parking. Off-street parking shall be determined by the director or designee. The amount of parking required to be provided shall be dependent on whether the cell site is fully automated, partially automated, or is not automated.

O. Lighting. If lighting is required for any WSF, then the lighting shall be of a type to cause the least disturbance to the surrounding area and which shall not cause glare skyward or beyond the property line.

P. Measurement. For purposes of measurement, WSF setbacks and separation distances shall be calculated and applied irrespective of jurisdictional boundaries.

Q. Franchises, licenses, and permits. Owners and/or operators of a WSF shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of the WSF system in the city and shall file a copy of all required franchises, licenses, and permits with the Community Development Department at the time of application. All applicable franchises, licenses and permits required for operation shall be maintained.

R. Signs. No signs shall be allowed on antennae or towers.

S. Backhaul providers. Backhaul providers shall be identified at the time of Right Of Way (ROW) Permit application and as a condition of ROW permit approval, and shall obtain and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, either wired or wireless, shall be identified.

T. Safety inspections. Each facility operator shall conduct all safety inspections in accordance with the EIA and FCC standards.

U. Equipment structures. Ground-level equipment, buildings, and the tower base shall be screened from public view. Equipment shelters and cabinets for small wireless facilities shall be concealed in accordance with 18A.95.085. All such structures shall be considered primary structures, not accessory structures, for the purposes of development regulations. The standards for the equipment buildings are as follows:

1. The maximum floor area shall be three hundred (300) square feet, and the maximum height shall be twelve (12) feet, unless the applicant demonstrates that the WSF and/or proposed collocation will require additional space or height to function within the provider's local network. The City may, at its sole discretion, approve multiple equipment structures or one (1) or more larger structures if it will result in a more aesthetically pleasing structure and/or site design or will further other public policy objectives.

2. The equipment building shall be located no more than fifty (50) feet from the tower or antenna, except under unique and unusual circumstances demonstrated by the applicant to the City's satisfaction or for other public policy considerations.
3. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified in this title or other City ordinances or regulations.
4. A WSF, including equipment buildings, antennae, and related equipment, shall occupy no more than twenty-five (25) percent of the total roof area of the building on which the WSF is mounted. The City may, at its sole discretion, increase the percentage of building coverage allowed, if collocation is achieved and an adequate screening structure is used.
5. Equipment buildings mounted on a roof shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
6. If located in residential zones, equipment buildings shall be designed so as to conform in appearance with nearby residential buildings and equipment structures shall comply with the setback requirements of the zoning district.

**18A.95.070 Siting and design requirements for structure-mounted WSF's.**

A WSF, including a small wireless facility, mounted on and/or extending above a structure shall be subject to the following:

A. The antenna shall be architecturally compatible, to the maximum extent feasible, with the building and/or wall on which it is mounted, and shall be designed and located so as to minimize adverse aesthetic impact.

1. The antenna may be mounted on a wall of an existing building if it is mounted as flush to the wall as is technically possible and does not project further above the top of the wall on which it is mounted beyond that height necessary to fulfill the function of that site within the local network system.
2. The antenna may be mounted on a building roof if the City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
3. The antenna shall be constructed, painted, or fully screened to match, as closely as possible, the color and texture of the building and/or wall on which it is mounted.
4. No portion of the antenna or base station shall exceed the height limitations set forth in this section.

B. If an equipment shelter is present, the structure shall be architecturally and visually compatible with surrounding existing buildings, structures, vegetation, and uses in terms of color, size, and bulk. Such facilities will be considered architecturally and visually

compatible if they blend with the surrounding buildings in architectural character and color and are camouflaged to disguise the facility. Equipment shelters and cabinets for small wireless facilities shall be concealed in accordance with 18A.95.085.

C. The maximum height of a utility pole extension shall be determined by the city engineer and director. The pole extension shall be designed such that the height of the utility pole is the minimum additional height necessary to support the antenna and the diameter of the utility pole required to support the antenna is not increased more than twenty (20) percent of the existing utility pole. Small wireless facility deployments on existing and replacement utility poles shall be regulated in accordance with LMA 18A.95.085.

D. An antenna attached to the roof or sides of a building at least thirty (30) feet in height, or on an existing tower, a water tank, or a similar structure, must be either:

1. An omnidirectional or whip antenna no more than seven (7) inches in diameter and extending no more than sixteen (16) feet above the structure to which it is attached.
2. A panel antenna no more than two (2) feet wide and six (6) feet long, extending no more than ten (10) feet above the structure to which it is attached.

**18A.95.080 Tower siting and design requirements.**

A. Setbacks. All towers, support structures and accessory buildings must satisfy the minimum setback requirements for the zoning district in which they are located, except under the following conditions:

1. Tower setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the MF1, MF2, MF3, MR1, MR2, R1, R2, R3, and R4 zoning districts, where permitted, and on property abutting or adjacent to such districts, towers shall be set back from any property line in or abutting a residential zone a distance equal to one hundred (100) percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined at the City's sole discretion.
2. In all other zones, towers shall comply with a minimum setback of fifteen (15) feet from all property lines.
3. Right-of-way setback exception. The setback requirement may be waived if the antenna and antenna support structure are located in the public right-of-way.

B. Support systems setbacks. All guy wires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks or within the landscape screening buffer area and which shall be located no closer than fifteen (15) feet to any property line.

C. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WSF, then the lighting must be of the type to cause the least disturbance to the surrounding area and shall not cause glare skyward

or beyond the property line. If lighting is required for a tower, dual mode lighting shall be requested from the FAA when residential uses are located within five hundred (500) feet of the tower.

D. Monopole construction required. All towers shall be of a tapering monopole construction unless the provider can demonstrate that another type of tower would cause less impact to the surrounding property than a monopole structure and/or would otherwise further the purposes and goals of this section.

E. Inventory of existing sites. Each applicant for a tower shall provide an inventory of its existing WSF sites that are within the jurisdiction of the City and within one (1) mile of its borders, including specific information about the location, height, and design of each facility.

F. Building and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with applicable City building codes and EIA standards, as amended. New construction and any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer licensed in Washington State, which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. If the owner fails to bring the tower into compliance within thirty (30) days, the City may remove the tower at the owner's expense. If the structure is determined by the City to pose an imminent danger to the public, the City shall be entitled to abate the danger through the appropriate processes established by the City.

G. Antenna and support structure safety. The tower or antenna and its support structure shall be designed to withstand, at a minimum, a wind force of one hundred (100) miles per hour and one-half (1/2) inch of ice without the use of supporting guy wires. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

H. Site selection and tower height. Towers shall be located to minimize their number, height, and visual impacts on the surrounding area in accordance with the following policies:

1. Tower height shall not exceed one hundred (100) feet in height except under the following conditions:

- a. Collocation of two (2) or more service providers allows for additional height by using collocation height increment provisions.

b. A single service provider can demonstrate, via the conditional use permit criteria and all other applicable criteria in this section and this title, that a tower greater than one hundred (100) feet in height is necessary to provide service within its provider system.

2. The height of a tower shall have the least visual impact feasible and the height shall be no greater than necessary to achieve service area requirements and to provide for potential collocation; and

3. The owner or operator has demonstrated that the tower site selected provides, to the greatest extent feasible, the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

4. The tower shall be sited to minimize solitary or prominent visibility when viewed from surrounding areas, especially residential areas. The facility shall be camouflaged to the maximum extent feasible.

I. Screening. Towers shall be significantly screened to the extent that it does not result in significant signal degradation. If there are no trees to provide screening, the site shall utilize significant camouflage or other design/construction methods satisfactory to the City, so as to provide compatible aesthetics on and around the site, to the fullest extent reasonably possible.

J. Separation distances between towers. Separation distances between towers shall be measured between the proposed tower and pre-existing towers. Measurement shall be from base of tower to base of tower, excluding pad, footing or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances shall be listed in linear feet. Separation distances between towers shall be one thousand five hundred (1,500) linear feet, except when both towers are lattice or guyed towers, then the separation distance shall be five thousand (5,000) linear feet, or one (1) of the towers is a monopole is less than one hundred (100) feet in height, then the separation distance shall be one thousand (1,000) linear feet; or, if the City designates areas where multiple towers can be located in closer proximity. The applicant shall provide an inventory of all WSF towers, despite ownership, within a one thousand five hundred (1,500) or five thousand (5,000) foot radius, as appropriate, around the proposed tower site, and said inventory shall include the location, height and design style of each tower. The Director or Hearing Examiner, as applicable, may reduce tower separation distance requirements if written findings are made that the provider has demonstrated that the purposes and goals of this section or this title would be better served in doing so. However, the development of multiple tower locations on one (1) or more sites in close proximity, often referred to as "antenna farms," are specifically prohibited, unless such a site has been so designated by the City Council.

K. Collocation priority. Collocation of antennae by more than one (1) provider on existing towers is preferred to the construction of new towers. New facilities shall be

designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for technical reasons.

**18A.95.085 Additional small wireless /distributed antennae system siting and design requirements**

Small cell deployment includes small wireless facilities, microcells, and small cell networks. In addition to 18A.95.060, .070. and .080, the following provisions establish design and concealment standards for small wireless facilities and in appropriate situations, criteria for the establishment of standards for small cell deployments subject to a concealment element plan; provided, however, that any small cell, microcell, or small cell network component which is not exempt from SEPA review shall comply with LMC Title 14, Environmental Protection. These standards shall also apply to distributed antenna systems when equipment is installed outside of a building. Throughout this Section, unless context clearly provides otherwise, the term “small cell facilities” refers to small wireless facilities, small cell facilities, microcells, small cell networks, and distributed antenna systems.

A. Preferred Concealment Techniques: Small wireless facilities complying with the preferred concealment techniques described in this subsection shall be considered a permitted use. Facilities complying with the preferred concealment techniques in this subsection require a small wireless permit, subject to the Process I permit procedures in LMC 18A.02.502, Process Types - Permits. In addition, small wireless facilities located on or over the public right-of-way also require a right-of-way (ROW) use permit and franchise agreement and small wireless facilities located on or over the public ROW on City owned infrastructure require a franchise agreement, a pole lease agreement, unless the Director allows use of the public right-of-way and conditions thereof to be incorporated into a franchise agreement.

1. Building Attachment: Antennas may be mounted to a building if the antennas do not interrupt the building’s architectural theme.
  - a. Small wireless facilities attached to the side or roof of buildings shall employ a symmetrical, balanced design for all facade-mounted antennas. Subsequent deployments will be required to ensure consistent design, architectural treatment and symmetry when placing antennas on the structure’s exterior with any existing small wireless facilities on the same side of the structure.
  - b. The interruption of architectural lines or horizontal or vertical reveals is prohibited unless demonstrated to be unavoidable.
  - c. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
  - d. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.



- e. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed conduit, cabling and wiring is prohibited.
  - f. Small wireless facilities shall be painted or colored to match or be compatible with the support structure and/or adjacent building surfaces.
  - g. All installations of small wireless facilities shall have permission from the pole/structure owner to install facilities on such structure.
2. Projecting or Marquee Sign:
    - a. Small wireless facilities replicating a projecting or marquee sign shall be subject to the City of Lakewood's sign regulations. A sign permit is required unless the small wireless facilities are placed entirely within an existing sign.
    - b. All antennas shall be completely screened by the facade of the sign.
    - c. All cables and conduit to and from the sign shall be routed from within the building wall. Cable coverings may be allowed on the exterior of the building wall in limited circumstances in situations where they are minimally visible and concealed to match the adjacent building surfaces.
  3. Parking Lot Lighting: Small wireless facilities are permitted as attachments to or replacements of existing parking lot light fixtures. The design of the parking lot light fixture shall be in accordance with LMC 18A.50.231 A.5 and 5.32.090; provided, that a pole extender up to four feet (4') in height may be utilized.
  4. Street Light Poles and Traffic Signal Poles in Urban Design Focus Areas: For the purposes of this Section, urban design focus areas are those districts defined in Lakewood Comprehensive Plan Chapter 4, Urban Design and Community Character. In an urban design focus area, an existing street light pole or traffic signal pole (~~but not a wooden utility pole~~) may be replaced or added on to accommodate small wireless antennas and related equipment subject to the following requirements:
    - a. Replacement street lights/traffic signal poles shall conform to the adopted streetscape design standard for the focus area. The replacement pole shall look substantially the same as the existing standard.
    - b. Wherever compatible with the pole design and technologically feasible, all equipment shall be internal to the replacement street lighting standard. If equipment is not proposed to be placed internal to the replacement pole, a concealment element plan shall be submitted in accordance with the provisions of subsection B of this Section.

- c. No Illumination: Small wireless facilities shall not be illuminated.
- d. Signage is prohibited on all small wireless facilities and wireless support structures, including stickers, logos, text, and other non-essential graphics and information other than the owner identification unless required by FCC.
- e. Wiring, Cables and Conduit Requirements. All wiring and cables shall be housed within the support structure or pole and extended vertically within a flexible conduit, where possible. If wiring and cables are not proposed to be placed internal to the replacement pole, a concealment element plan shall be submitted in accordance with the provisions of subsection B of this Section.

Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the pole except completely within the approved shrouds or equipment cabinets.

- f. Power supply and fiber optic connections.
  - i. Independent power and communication sources required. Small wireless facilities located on city-owned wireless support structures may not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the support structure. The independent power source must be contained within a separate conduit inside the support structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
  - ii. Generators and Backup Battery: Generators are not permitted for small wireless facilities. A battery backup may be permitted through the submittal of a concealment element plan and subject to administrative conditional use permit review for the purpose of serving multiple small wireless facilities.
- g. Cabinet Location and Dimensions: In situations where interior concealment is not possible, equipment cabinets associated with small wireless facilities shall be concealed in underground vaults, if either telecommunication or electrical utilities are underground. If this is not feasible, or other telecommunication or electrical utilities are not underground, equipment cabinets shall be mounted as close to the pole as possible to achieve required State Electrical Code safety clearances on the existing pole below the antennas. All equipment cabinets shall be concealed by a shroud if feasible; if not feasible, a concealment plan shall be submitted in accordance with subsection B of this Section. The equipment cabinet for small wireless facilities shall be the smallest amount of cabinet enclosure necessary to enclose the equipment. Disconnect

switches may be located outside of the primary equipment cabinet. Any equipment not used in direct support of such operation shall not be stored on the site.

- h. Meters. A line drop (no electrical meter enclosure) shall be utilized whenever possible. If this is not possible, use the narrowest electrical meter and disconnect available.
- 5. Utility Poles/Street Light Poles in Areas Other Than Urban Design Focus Areas and Exempt from Undergrounding: For installations outside of urban design focus areas as identified in the Lakewood Comprehensive Plan Chapter 4, Urban Design and Community Character, and exempt from City of Lakewood utility undergrounding requirements, small wireless antennas and related equipment may be attached to existing or replacement utility poles or street light poles if the antennas and related equipment meet the following requirements:
  - a. Height Restrictions: All small wireless facilities shall be in compliance with height restrictions applicable to poles and other structures proposed to be utilized. The City may approve minor deviations up to the minimum additional height needed to allow sufficient space for the required clearance from electrical utility wires when required to accommodate antennas at the top of a pole or a pole extender, which shall be no greater than the minimum necessary to achieve required safety clearances and pole owner requirements.
  - b. Replacement Poles: Replacement poles shall match height, width, color (to the extent possible, and material of the original or adjacent poles). The City may approve minor deviations up to the minimum additional height needed to allow sufficient space for the required clearance from electrical wires when required to accommodate antennas, and may also approve minor deviations up to fifty percent (50%) of the pole width or thirty inches (30"), whichever is greater, when housing equipment within the pole base. Replacement poles shall be located as close as possible to the existing pole, and the replaced pole shall be removed.
  - c. Interior Concealment: Whenever technologically feasible, antennas and equipment shall be fully concealed within a light pole, or otherwise camouflaged to appear to be an integrated part of a light pole.
  - d. Flush-Mounting and Pole-Top Antennas: In situations when interior concealment is demonstrated to not be possible, the small wireless facility shall, to the full extent permitted under the State electrical code and the utilities' requirements, be flush-mounted on the subject pole, which means mounting directly to the pole with a gap no more than four inches from the pole, or located at the top of the pole. Small wireless facility antennae shall be concealed or integrated into the design of the pole where feasible.

- e. **Antenna Design:** Where an enclosure is proposed to house an antenna, the antenna shall be located in an enclosure of no more than three (3) cubic feet in volume, or in case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet.
- f. **Material and Color:** If interior concealment described in subsection c, Interior Concealment, of this section is not possible, the small wireless facility shall to the maximum extent feasible match the color of the pole and shall be nonreflective.
- g. **No Illumination:** Small wireless facilities shall not be illuminated.
- h. **Collocation on Wooden Utility Poles:** Each wooden utility pole may not contain more than two small wireless facilities.
- i. **Signage** is prohibited on all small wireless facilities and wireless support structures, including stickers, logos, text, and other non-essential graphics and information other than the owner identification unless required by FCC.
- j. **Wiring, Cables and Conduit Requirements.** All wiring and cables shall be housed within the support structure or pole and extended vertically within a flexible conduit, where possible. If wiring and cables are not proposed to be placed internal to the replacement pole, a concealment element plan shall be submitted in accordance with the provisions of subsection B of this Section.
- k. **Spools and/or coils of excess fiber optic or coaxial cables or any other wires** shall not be stored on the pole except completely within the approved shrouds or equipment cabinets.
- 1. **Power supply and fiber optic connections.**
  - i. **Independent power and communication sources required.**  
Small wireless facilities located on city-owned wireless support structures may not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the support structure. The independent power source must be contained within a separate conduit inside the support structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
  - ii. **Generators and Backup Battery:** Generators are not permitted for small wireless facilities. A battery backup may be permitted

through the submittal of a concealment element plan and subject to administrative conditional use permit review for the purpose of serving multiple small wireless facilities.

- m. Cabinet Location and Dimensions: In situations where interior concealment is not possible, equipment cabinets associated with small wireless facilities shall be concealed in underground vaults, if either telecommunication or electrical utilities are underground. If this is not feasible, or other telecommunication or electrical utilities are not underground, equipment cabinets shall be mounted as close to the pole as possible to achieve required State Electrical Code safety clearances on the existing pole below the antennas. All equipment cabinets shall be concealed by a shroud if feasible; if not feasible, a concealment plan shall be submitted in accordance with subsection B of this Section. The equipment cabinet for small wireless facilities shall be the smallest amount of cabinet enclosure necessary to enclose the equipment. Disconnect switches may be located outside of the primary equipment cabinet. Any equipment not used in direct support of such operation shall not be stored on the site.
- n. Meters. A line drop (no electrical meter enclosure) shall be utilized whenever possible. If this is not possible, use the narrowest electrical meter and disconnect available.

**B. Concealment Element Plan:**

- 1. Concealment Element Plan Required: Applications for proposed small wireless facilities installations which do not conform to a preferred concealment technique in subsection 1 of this Section shall submit a concealment element plan. The plan shall include the design of the screening, fencing, or other concealment technology for a base station, tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless facility.
- 2. Purpose of Concealment Element Plan, Generally: Concealment element plans should seek to minimize the visual obtrusiveness of installations using methods including, but not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture, or the appearance thereof, as the surface against which the installation will be seen or on which it will be installed.

Other concealment element approaches may include, but not be limited to, use of street furniture concealment products such as trash cans, benches, information kiosks, or other types of enclosures reasonably compatible to conceal ground level equipment. Additionally, the use of a concealment support or device, such as a clock tower, steeple, flagpole, tree, wayfinding sign, decorative pole with banner, artwork, street sign, or other applicable concealment structure may be approved.

3. Review of Concealment Element Plan for Nonsubstantial Change Collocations: Where a collocation is proposed that does not comply with a preferred concealment technique but does not constitute a major alteration, a concealment element plan shall be subject to administrative review to ensure the proposed collocation does not defeat the concealment features approved as part of the initial installation at that location.
  4. Review of Concealment Element Plan for Initial Installations and Substantial Change Collocations: For initial installations and major alterations not complying with a preferred concealment technique, the concealment element plan shall be subject to administrative conditional use permit review.
- C. New Poles: Within urban design focus areas and where undergrounding is not required, the installation of a new pole for the purpose of locating small wireless facilities is permitted only when the applicant establishes that:
1. The small wireless facility cannot be located on a site outside of the public right-of-way such as a public park, public property, or in or on a building whether by roof or panel-mount or separate structure; and
  2. The small wireless facility cannot be located on an existing pole within the public right-of-way; and
  3. The proposed facility complies with a preferred concealment technique or an approved concealment element plan.
- D. Ground-Mounted Equipment Standards; ADA Compliance Required: To allow full use of the public right-of-way by pedestrians, bicycles and other users, and particularly in urban design focus areas and underground districts, all ground-mounted equipment shall be undergrounded in a vault meeting the City's construction standards or incorporated into street furniture or the base of a pole. The ground-mounted equipment and its enclosure shall be the smallest size necessary for operation of the small wireless facility. The location of ground-mounted equipment including street furniture, replacement poles and/or any new poles shall comply with the Americans with Disabilities Act (ADA), City construction standards, and State and Federal regulations in order to provide a clear and safe passage within the public right-of-way.
- E. Federal Regulatory Requirements:
1. These provisions shall be interpreted and applied in order to comply with the provisions of Federal law. By way of illustration and not limitation, any small wireless facility which has been certified as compliant with all FCC and other government regulations regarding the human exposure to radio frequency emissions will not be denied on the basis of radio frequency (RF) radiation concerns.
  2. Small wireless facilities shall be subject to the requirements of this Code to the extent that such requirements:

- a. Do not unreasonably discriminate among providers of functionally equivalent services; and
- b. Do not have the effect of prohibiting personal wireless services within the City.

3. Small wireless facilities installed pursuant to the preferred concealment techniques or a concealment element plan may be expanded pursuant to an eligible facilities request unless the expansion substantially changes the physical dimensions of such tower or base station.

#### **18A.95.090 Collocation.**

To minimize adverse visual impacts associated with the proliferation of towers, collocation of WSFs on existing or new towers is promoted and encouraged as follows:

A. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennae for more than one user, unless the applicant demonstrates why such design is not feasible for technical reasons.

B. Proposed facilities shall collocate onto existing towers wherever reasonably feasible. A new or additional administrative use or conditional use permit approval, as appropriate, is not required when a new service provider is added to an existing tower without modification or reconstruction of the tower. However, requirements for any and all other permits, licenses, leases, or franchise conditions must be satisfied, and the collocation must be accomplished in a manner consistent with the policies, siting and design criteria, and landscape and screening provisions contained in this section, as well as any applicable requirements of the original administrative use or conditional use permit and building permit.

C. An existing tower may be modified or rebuilt to a taller height to accommodate collocation of an additional antenna without a new or additional administrative use or conditional use permit, as appropriate, and without additional distance separation, provided that:

1. The tower shall be of the same tower type as the existing tower, or of a less obtrusive design, such as a monopole.
2. The additional antenna shall be of a similar type as those on the existing tower;
3. The tower, if reconstructed, is placed on its existing site within fifty (50) feet of its existing location.
4. The tower conforms to or can be modified to conform to the applicable design and development standards in this section.
5. The tower is not located within a single-family or multifamily residential zone. A tower may not be increased in height without a new or additional administrative use or conditional use permit, as appropriate, in these zones.

D. The City may deny an application to construct new facilities if the applicant has not demonstrated by substantial evidence that a diligent effort has been made to collocate the facilities.

E. Collocation height increments. Collocated WSFs are eligible for additional height allowances if collocation occurs according to certain height and usage criteria.

1. To qualify for collocation height increments, the minimum required number of service providers must either be co-applicants and/or have valid lease agreements with the applicant for collocation, at the time of application. However, space reserved for future collocations may qualify for a maximum of one (1) additional service provider for the purpose of height increments, when at least two (2) providers have already located facilities on the tower or have valid lease agreements for such location. Additional height resulting from a height increment shall not require an additional distance separation.

2. In cases of space reservation, a first right-of-refusal, which is either executed or maintained while the provider's facilities and services are in use, to lease the area at the base of the tower and/or mount for other providers will meet the reservation requirement. The site plan shall reserve area for other providers' equipment near the base of the applicant's tower.

3. The additional height increment allowed for two (2) or more providers is thirty (30) feet above the base height. The additional height increment allowed for three (3) or more providers is fifty (50) feet above the base height and, for four (4) or more providers, is seventy (70) feet above the base height.

F. No WSF service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate collocation with competitors. If a dispute arises about the feasibility of collocating, the Community Development Director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

G. Collocation of small cell or small wireless facilities must also comply with LMC 18A.95.085.

#### **18A.95.100 Permits required.**

Unless specifically exempt, all wireless service facilities require either an administrative use or conditional use permit. Any WSF application that is not subject to administrative approval pursuant to LMC Section 18A.95.110, or an exemption pursuant to LMC Section 18A.95.040, Exemptions, shall require a conditional use permit pursuant to LMC Section 18A.95.120, Conditional Use Permit. In addition to these discretionary land use permits, additional permits including, but not limited to, a building permit, zoning certification, site development permit and if applicable, a right-of-way permit is required prior to site development and construction.

#### **18A.95.105 Small Wireless Facility Permits Required.**



A. Submittal Requirements: In addition to other permits or agreements (e.g., administrative conditional use permit, franchise, etc.) necessary for the installation of one or more small wireless facilities, applicants shall apply for a small wireless permit using the small wireless permit application form and submit the fee stipulated in the City of Lakewood Fee Schedule. The submittal shall also meet the following requirements:

1. The applicant shall provide a map identifying the location of the small wireless deployment.
2. The applicant shall provide specific locational information as specified within the small wireless permit application, and specify whether and where small wireless facilities are to be located on existing utility poles including City-owned light standards, or will utilize replacement utility poles, new poles, towers, existing buildings and/or other structures. Conduit and/or ground-mounted equipment necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party.
3. The applicant shall provide a detailed schematics and visual renderings, including photo simulations, of the small wireless facilities shall be provided by the applicant.
4. Excluding utility poles, the applicant shall provide engineered plans stamped by a Washington State structural engineer.
5. The applicant shall specifically designate any element of a deployment which qualifies as an eligible facilities request. Such element may be addressed separately by the Director in order to comply with the requirements in LMC 18A.95, Wireless Communication Facilities.
6. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit a copy of a lease agreement from the City.
7. If the applicant proposes small wireless facilities located on or over the public right-of-way, the applicant shall submit a copy of a right-of-way use permit issued by the City, unless an existing franchise agreement authorizes the proposed small wireless facilities.
8. If the applicant proposes an element which is not exempt from SEPA review, the applicant shall simultaneously apply under Chapter 43.21C RCW and LMC Title 14, Environmental Protection.
9. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small wireless deployment will be compliant with all FCC and other governmental regulations in

connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If additional transmission facilities necessary to the small wireless facility, such as microwave backhaul, are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.

10. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
11. The applicant shall submit a traffic control plan for any small wireless facilities located on or over the public right-of-way.
12. The applicant shall submit a tentative work schedule, if approved.

**B. Administration:**

1. Shot clocks commence the day after a small wireless facility application is submitted. For siting agencies that require pre-application processes, shot clocks commence when an application is proffered to the citing authority. If the shot clock ends on a legal holiday, the City has until the next business day to complete the determination.

<b>TABLE A: Small Wireless Facility Shot Clocks</b>	
<b>60 day shot clock:</b>	<b>90 day shot clock:</b>
▪ Collocation on existing infrastructure	▪ Collocation on new infrastructure
▪ Multiple collocation on existing infrastructure	▪ Collocation on new and existing infrastructure

When a shot clock expires with no action taken by the siting authority, the applicant may file a formal complaint proceeding with the FCC or file a case in state or federal court.

**Tolling Period:** A shot clock is stopped if an applicant submits an incomplete small wireless facility application *and* the siting authority notifies the applicant of the deficiencies on or before the 10<sup>th</sup> day following the submission of the application. Importantly, the siting authority's notification must clearly and specifically identify the items deficient in the application and the specific rules or regulations creating the obligations to submit these items. The stopped shot clock resets on the day after the applicant resubmits an application addressing the outlined deficiencies to the siting authority.

For any subsequent application (re)submittal, the shot clock would pause while the applicant is responding to proper notification of a deficient application and would

continue on the day after the applicant resubmits an application addressing the outlined deficiencies to the siting authority.

2. The Administrator may approve, deny or conditionally approve all or any portion of the sites proposed in the small wireless permit application. The denial of one or more small wireless facility locations within a submittal shall not be the sole basis for a denial of other locations proposed within the same application.

3. Prior to issuance of a small wireless permit, the applicant shall pay the actual administrative expenses incurred by the City that are directly related to the City's review of the application, including plan inspection, and approval, as authorized by RCW 35.21.860(1)(b), as may be amended.

#### **18A.95.110 Administratively approved WSFs.**

The Director may administratively approve the WSF uses listed in this subsection, after an applicant has submitted a complete administrative use permit application and provided all information required by the City.

A. Administratively approved uses. The following uses may be approved after conducting an administrative review:

1. Industrial/commercial zones. Locating WSFs, including the placement of additional buildings or other supporting equipment used in connection with WSFs, that meet the required separation distances and that do not exceed one hundred (100) feet in height for a single user and one hundred thirty (130) feet in height for two (2) or more users in the C1, C2, C3, NC1, NC2, IBP, I1, I2, and PI zoning districts.

2. Antennae on existing structures. Locating a WSF, other than a tower, as an accessory use by attachment to any non-residential building or structure in any zoning district, provided that:

a. The WSF does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if other than a whip antenna.

b. The WSF complies with all applicable building codes.

c. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.

3. Facilities within allowable building height. Locating WSFs, including placement of additional buildings or other supporting equipment used in connection with the WSF, in the MF1, MF2, MF3, TOC, CBD zoning districts, so long as the WSF does not exceed the allowable building height for that district.

4. A mobile transmission facility or other temporary WSF for more than thirty (30) days. Upon a proper showing of extreme necessity (for example, if repair or

modification of an existing WSF clearly and legitimately cannot be completed within 30 days), locating a mobile transmission facility at a single location for more than thirty (30) calendar days shall be allowed; however, purely economic convenience shall not be considered a viable factor in making this determination.

B. Authority to waive certain requirements. In connection with the administrative use permit approval, the Director may, in order to encourage camouflaging and collocation of WSFs, administratively reduce separation distance requirements between WSFs by up to thirty (30) percent in Commercial and Industrial zones if the provider demonstrates that the purposes and goals of this section would be better served in so doing.

C. Additionally, in order to encourage the use of the least obtrusive type of WSF, the Community Development Director may administratively permit the reconstruction of any existing WSF to a less obstructive form.

D. Appeal. An appeal to a final decision of the Director issued hereunder shall be heard by the Hearing Examiner in accordance with the requirements of LMC 18A.120, Part IV, Appeals/reconsiderations.

#### **18A.95.120 Conditional Use Permit.**

Application for a conditional use permit shall be subject to the procedures and requirements of LMC 18A.110 Part II, Conditional Use Permits, LMC 18A.120 Part III, Public Notice Requirements, and LMC Section 18A.120.310, Public Notice Framework, except as modified by this section. Conditional use permits shall be required for the following WSFs:

A. Tower height. Locating WSFs that exceed one hundred (100) feet in height for a single user or one hundred thirty (130) feet in height for two (2) or more users.

B. Amateur radio antennae. Locating amateur radio antennae or towers that exceed seventy (70) feet in height.

C. Locating WSFs on existing structures. Placement of WSFs on existing structures that will exceed the height limitations in LMC Section 18A.95.110(A)(2)(a), Antennae on Existing Structures.

D. Wireless service facilities exceeding allowable building height. Locating WSFs, including towers, that exceed the allowable building height limitations in the MF1, MF2, MF3, TOC, and CBD zoning districts.

E. Tower construction under allowed separation distances. Locating towers that do not meet the separation distance requirements in LMC Section 18A.95.080(J), Separation distances between towers, or that do not meet administratively approved separation distance limits in LMC Section 18A.95.110(B), Authority to waive certain requirements.

F. Wireless service facilities that are located on public property, and are:

1. Separate from existing structures on property owned, leased, or otherwise controlled by the City or other governmental entity.

7. Attached to existing structures exceeding the height limitations in LMC Section 18A.95.110(A)(2)(a), Antennae on existing structures, on property owned, leased, or otherwise controlled by the City or other governmental entity.

G. Any other WSF application that is not subject to administrative approval pursuant to LMC Section 18A.95.110, Administrative approved WSFs, or an exemption pursuant to LMC 18A.95.040.

**18A.95.130 Factors for granting conditional use permits for towers.**

A. In addition to the conditions of LMC 18A.110, Part II, Discretionary Approvals, Conditional Use Permits, the following factors shall be taken into consideration when reviewing a CUP application for a WSF tower. The Hearing Examiner shall make written findings to approve, deny, modify or condition an application on the basis of these factors:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential zoning district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
8. Collocation of other service providers on the proposed tower.
9. Obstruction of or interference with views.
10. Consistency with the purpose and goals set forth in this section.

B. Authority to waive certain requirements. In connection with this conditional approval, the Hearing Examiner may, in order to encourage camouflaging and collocation of WSFs, waive separation distance requirements between WSFs by up to seventy (70) percent in Commercial and Industrial zones if the provider demonstrates that the purposes and goals of this section would be better served.

C. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Hearing Examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WSF. An applicant

shall submit information related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed WSF shall address the following:

1. No existing WSF is located within the geographic area that meets applicant's engineering requirements.
2. Existing WSFs are not of sufficient height to meet applicant's engineering requirements.
3. Existing WSFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.
4. Electromagnetic interference would occur between two (2) or more WSF systems.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing WSF or to adapt an existing WSF for collocation are unreasonable. Fees or costs that exceed new WSF development shall not be presumed to render sharing facilities unsuitable.
6. Other limiting factors render existing WSFs unsuitable.
7. An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WSF development shall not be presumed to render the technology unsuitable.

**18A.95.135 Factors for granting conditional use permits for small wireless facilities.**

The following criteria shall be considered in determining whether to issue an administrative conditional use permit for a small wireless facility; however, the Director may waive or reduce the burden on the applicant of one or more of these criteria if the Director concludes that the goals of LMC 18A.95, Wireless Communication Facilities, are better served by the applicant's proposal:

- A. Height and Design: The height of the proposed tower and/or antenna as well as incorporation of design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- B. Proximity to Surrounding Uses: The nature of uses on adjacent and nearby properties and the proximity of the tower and/or antenna to residential structures and residential district boundaries.
- C. Nature of Surrounding Uses: The nature of uses on adjacent and nearby properties. The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property.

- D. Topography and Vegetation: The surrounding topography and tree canopy coverage.
- E. Impacts: The potential noise, light, glare, and visual impacts.

**18A.95.140 Siting and permit requirements for WSF use on public property.**

A. Priority of WSF placement. Where public property is sought to be utilized for WSFs, priority will be given to the following entities in descending order:

1. City of Lakewood.
2. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Lakewood, and private entities with a public safety agreement with the City of Lakewood.
3. Other governmental agencies, for uses which are not related to public safety.
4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, data, Internet, paging, and similar services that are marketed to the general public.

B. Minimum requirements. The placement of wireless service facilities on City-owned property must comply with the following requirements:

1. The facilities shall not interfere with the purpose for which the City-owned property is intended.
2. The facilities shall have no significant adverse impact on surrounding properties.
3. The applicant shall obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other provisions and safeguards deemed necessary by the City. The City shall determine appropriate fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors.
4. The applicant shall submit a letter of credit, cash guarantee, or other security acceptable to the City to cover the costs of removing the facilities.
5. The antennae or tower shall not interfere with other users who have a higher use priority on the public land pursuant to LMC 18A.70.670(A), Property of WSF Placement.
6. The lease shall provide that, in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense.

7. The applicant shall reimburse the City for any related costs incurred by the City because of the presence of the applicant's facilities.
  8. The applicant shall obtain all necessary land-use approvals.
  9. The applicant shall cooperate with the City's objectives to promote and encourage collocation.
  10. The applicant shall comply with the requirements and conditions set forth in any administrative or conditional use permits, or decision of a reviewing body.
  11. The applicant shall comply with requirements for maintenance of the facility site, including but not limited to keeping lawns mowed, providing litter control and maintaining trees and other vegetation in a healthy state.
- C. Special requirements for parks. The use of City-owned parks for WSFs brings with it special concerns due to the unique nature of these sites. The placement of a WSF in a park shall be allowed only when the following additional requirements are met:
1. The applicant has clearly demonstrated to the satisfaction of the City that the following additional criteria are met:
    - a. Placement of the WSF shall conform to the requirements of the Critical Areas and Resource Lands Ordinance.
    - b. Visual impacts shall be mitigated to the fullest extent reasonably possible.
    - c. Accommodations shall be included in the design and placement of the WSF to ensure that there will be no disruption of normal public use of the park.
    - d. Placement of the WSF in a public park is absolutely necessary for the effective operation of the applicant's system, and that placement at other alternate sites would not be reasonably possible.
  2. The Director has made a recommendation, based on the approval criteria, to the City Council regarding the WSF proposed to be located in the park.
  3. The City Council has considered the Director's recommendation in relation to the request and the applicable criteria, and has given consent for such use of the park.

**18A.95.150 Landscaping and screening.**

A. Landscaping. Wireless service facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the WSF compound. The City may also require any combination of existing vegetation, topography, walls, decorative fences or other features, in addition to landscaping, necessary to achieve the desired level of screening of the site. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping may not be required. Landscaping is not required



for WSFs mounted on rooftops or on the top of other structures; however, other methods of screening may be required to be utilized.

B. Screening. The visual impacts of a WSF shall be mitigated through landscaping or other screening materials at the base of a WSF and/or compound. The following landscaping and buffering shall be required around the perimeter of the compound. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or as a supplement to landscaping requirements.

1. Evergreen trees, a minimum of twelve (12) feet tall at planting, shall be planted in two (2) rows around the perimeter of the fence. The trees shall be planted so that the trees are staggered in the rows to provide maximum screening and are located no further apart than fifteen (15) feet on center.

2. A row of bushes at least thirty (30) inches high at planting and which is capable of growing into a continuous hedge to at least forty eight (48) inches in height within two (2) years shall be planted no more than four (4) feet on center, in front of the tree line referenced above.

3. Groundcover shall be planted such that it will completely cover the soil within the landscape area within eighteen (18) months of planting, generally one (1) gallon size plants planted no more than eighteen (18) inches on center.

4. In the event that landscaping is not maintained at the level required herein or as required in any administrative use or conditional use permit, the City may, after giving thirty (30) days' advance written notice, establish and/or maintain the landscaping and bill both the owner and lessee of the site for such costs until such costs are paid in full.

5. The Director or, where applicable, the Hearing Examiner, may modify these requirements if the goals of this section would be better served.

#### **18A.95.160 Nonconforming uses.**

A. Pre-existing WSFs shall be allowed to continue their usage as they presently exist. Emergency repairs and routine maintenance shall be permitted on pre-existing WSFs. Any construction, alteration or modification other than repair or maintenance on a pre-existing WSF shall comply with the requirements of this section.

B. Damage or destruction not the fault of owner/occupant. Legal nonconforming WSFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain an administrative use or conditional use permit and without having to meet separation requirements. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility or of a less obtrusive design, such as a monopole. Construction to rebuild the facility shall comply with all current applicable building codes and building permits shall be obtained prior to construction, and within one hundred eight (180) days from the date the facility is damaged

or destroyed. If no building permit is obtained or if the permit expires, the WSF shall be deemed abandoned as specified in LMC Section 18A.95.170(A) Abandonment.

**18A.95.170 Non-use or abandonment.**

**A. Abandonment.**

1. The owner or operator of any abandoned WSF shall notify the City of Lakewood, in writing, at least thirty (30) days prior to the date of discontinuation of operation or abandonment of a WSF. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the City's discovery of discontinuation of operation or upon a determination by the City of the date abandoned, and subsequent notice of the City's determination of abandoned status to the WSF owner and/or operator.

2. Except as provided in LMC Section 18A.95.170(A)(3), an owner or operator shall have ninety (90) days from the date of abandonment within which to reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.

3. If abandonment occurs due to the relocation of an antenna to a lower point on the antenna support structure, a reduction in the effective radiated power of the antenna or a reduction in the number of transmissions from the antennae, then the operator of the tower shall have six (6) months from the date of effective abandonment to collocate another service on the tower. If another service provider is not added to the tower, then the operator shall dismantle and remove, within thirty (30) days, that portion of the tower which resulted from a collocation height increment and/or exceeds the minimum height required to function satisfactorily. City approval for that portion of the tower shall automatically expire two hundred ten (210) days from the date of abandonment if the collocation is not completed or upon completion of the dismantlement and removal of that portion of the tower that is no longer being utilized, whichever comes first.

4. Except as provided in this section, changes which are made to WSFs that do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers' towers in the city or surrounding area, then all of the towers within the city shall similarly be reduced in height.

**B. Dismantlement and Removal of Facility.** If the abandoned WSF, including all accessory structures, antenna, foundation, and other associated appurtenances are not removed within the required time period, the City may remove the WSF and all associated development at the provider's expense. If there are two (2) or more providers collocating on a facility, this provision shall not become effective until all providers cease using the facility, except as provided in LMC 18A.70.685(A)(3).

**C.** Except as provided in LMC 18A.95.170(A)(3), City approval for the facility shall automatically expire ninety (90) days from the date of abandonment if the WSF is not

reactivated or upon completion of the dismantlement and removal of the WSF, whichever comes first.

D. Security and Lien. Prior to the commencement of demolition, each applicant shall post sufficient security in the form of a cash guarantee or assignment of funds in a form acceptable to the City, cashier's check, or cash, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If, for any reason, the posted funds are not adequate to cover the cost of removal, then the City may charge the facility owner or operator with the City's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

**18A.95.180 Expert review.**

Wireless service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a technical expert may need to review the technical data submitted by a service provider and/or applicant. The City may require a technical review as part of a permit application process. The costs of the technical review shall be borne by the service provider and/or applicant.

The selection of the technical expert shall be at the City's sole discretion, with a provision for the provider and interested parties to comment on the proposed expert and review the expert's professional qualifications. The expert review is intended to address the technical aspects of the proposed facilities at a specific location and/or a review of the providers' methodology and equipment used. Based on the results of the expert review, the City may require additional information to be submitted as part of the application process. The expert review shall address the following:

- A. The accuracy and completeness of submissions.
- B. The applicability of analysis techniques and methodologies.
- C. The validity of conclusions reached.
- D. Any specific technical issues raised by the City.

**18A.95.190 Controlling provisions.**

To the extent that any provision of this chapter is inconsistent or conflicts with any other City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

## **PART II Eligible wireless communication facilities modifications**

### **18A.95.200 Definitions.**

For the purposes of Part II of this chapter, the terms used have the following meanings:

- A. “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. “Base station” includes, without limitation:
  - 1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small-cell networks).
  - 3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in subsections (A)(1) and (2) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1) and (2) of this section.
- B. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. Collocation of small wireless facilities must comply with 18A.95.085 as well as the remainder of LMC Chapter 18A.95.
- C. “Eligible Facilities Request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - 1. Collocation of new transmission equipment;
  - 2. Removal of transmission equipment; or
  - 3. Replacement of transmission equipment.
- D. “Eligible Support Structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City under this section.

- E. “Existing” in terms of a constructed tower or base station means it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- F. “Site”, for towers other than towers in the public rights-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- G. “Substantial Change” means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
  2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
  4. It entails any excavation or deployment outside the current site;
  5. It would defeat the concealment elements of the eligible support structure; or
  6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (g)(i) through (iv) of this section.

H. “Transmission Equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

I. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

#### **18A.95.210 Purpose.**

This chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report and Order, which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

#### **18A.95.220 Application review.**

A. Application. The City shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

B. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the City shall review such application to determine whether the application so qualifies.

C. Time Frame for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this chapter, the City shall approve the application unless it determines that the application is not covered by this chapter.

D. Tolling of the Time Frame for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City and the applicant, or in cases where it is determined that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to jurisdiction’s notice of incompleteness.

3. Following a supplemental submission, the City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (d). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Interaction with Section 332(c)(7). If the City determines that the applicant's request is not covered by Section 6409(a) as delineated under this chapter, the presumptively reasonable time frame under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7)10, pursuant to the limitations applicable to other Section 332(c)(7) reviews.

F. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this chapter within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. Remedies. Applicants and the City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> July 15, 2019	<b>TITLE:</b> AN ORDINANCE of the City Council of the City of Lakewood, Washington adopting amendments to the Lakewood Comprehensive Plan, including the future land use and zoning maps, and Lakewood Municipal Code Title 18A.	<b>TYPE OF ACTION:</b> <u>X</u> ORDINANCE NO. 714 ___ RESOLUTION NO. ___ MOTION NO. ___ OTHER
<b>REVIEW:</b> June 24, 2019 Council Study Session July 1, 2019 Council Public Hearing	ATTACHMENTS: Draft Ordinance <u>714</u>	

**SUBMITTED BY:** David Bugher, Assistant City Manager for Development Services  
Tiffany Speir, Planning Manager (Special Projects)

**RECOMMENDATION:** It is recommended that the City Council approve the attached Ordinance adopting the 2019 Comprehensive Plan, Future Land use Map and Zoning Map.

**DISCUSSION:** The City Council held a public hearing on the 2019 Comprehensive Plan/Zoning Map Amendment (2019 CPA) Docket on July 1. The Council is scheduled to take action on the Docket on July 15. Attached is a draft Ordinance (Attachment A) with the description of the 2019 CPA Docket items (Ordinance Exhibit A) for Council consideration.

**ALTERNATIVE(S):** The Council could amend the proposed Ordinance; the Council could also not adopt the Ordinance.

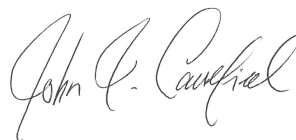
**FISCAL IMPACT:** The amendments in the 2019 CPA Docket include redesignating and rezoning parcels, amending the text of the Lakewood Comprehensive Plan, and amending LMC Title 18A. Fiscal impact will be related to the administrative implementation of these amendments.

Tiffany Speir, Planning Manager, Special Projects

Prepared by:

Dave Bugher, Assistant City Manager for Development Services

Department Director



City Manager Review



## **Discussion Continued**

Please note that the draft Ordinance includes language that would adopt all proposed amendments included in the Docket; if the Council wishes to deny or amend any of the amendments, it will need to take affirmative action to do so before adopting a final Ordinance. For example, the draft Ordinance currently would approve CPA 2019-01 (Tillicum), which the Planning Commission has recommended be denied. The draft Ordinance also would adopt CPA 2019-06 (Springbrook Neighborhood), which would not pause City rezoning action in the Springbrook Neighborhood while Public Works coordinates new LOMR testing for the presence of floodplains and floodway in the area.

**Response to Public Comment regarding CPA/ZOA 2019-02 (Bridgeport):** On July 1, written and oral public comment was submitted requesting that the Council approve CC/C2 designation and zoning for parcels 0220263153 and 0220262057 along Bridgeport Way adjacent to Walmart and Mutual Materials. As part of his written comments, Mr. Stephen Nielsen proposed to impose deed restrictions on the parcels to “preclude certain uses that are allowed in the C2 zone which would not be consistent with Staff’s recommendations.”

Per RCW 36.70A.200, Comprehensive Plans must provide a process for identifying and siting essential public facilities (EPFs). EPFs include facilities that are typically difficult to site such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes. Per RCW 36.70A.200 (5), “no local comprehensive plan or development regulation may preclude the siting of essential public facilities.” This is reinforced in WAC 365-195-340(2)(c), which states that no comprehensive plan may “directly or indirectly” preclude the siting of an essential public facility.

CEDD recommended NC/NC2 for the parcels in question not only due to the current NC2 zoning across the street on Bridgeport Way and the fact that C2 is currently used exclusively within the South Tacoma Way Center of Local Importance, but also because Lakewood’s C2 zone is where the City has authorized placement of Level 4 and 5 Group Homes:

"Type 4 Group Home" means publicly or privately operated living accommodations for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program or have been selected to participate in state-operated work/training release or other similar programs as provided in Chapters 137-56 and 137-57 WAC, as may hereafter be amended.

"Type 5 Group Home" means a secure community transition facility as defined in RCW 71.09.101(14), as hereafter may be amended, which is a residential facility that provides supervision and security for people who have completed their criminal sentences for sexually violent offenses but who remain subject to additional requirements for sexually violent predators under Chapter 71.09 RCW, as hereafter may be amended.

To the degree the City allows and/or enforces deed restrictions, that municipal action would trigger review under the GMA. It would also seem to undermine the public process and uniform application of land use regulations. Permitting a property owner to impose deed restrictions that attempt to change a zone (rezone) would likely be considered an attempt to circumvent the public zoning process. Zones permit, at varying levels and under certain conditions, certain identified uses. If individual parcels “overlay” a zone with their own brand of levels or conditions, the City would allow the watering down, and otherwise confuse regulation of, land use.

A private deed restriction on essential public facilities generally, or level 4 and 5 group homes specifically, imposed as part of the Council’s approval of the CPA application 2019-02 with a designation and zone of CC and C2 respectively for parcels 0220262057 and 0220263153 could place the City at risk of violation of RCW 36.70A.200 (5) and WAC 365-195- 340(2)(c).

A table summarizing the applications, CEDD recommendations and Planning Commission recommendations is included below.

<b><i>Amendment No.</i></b>	<b><i>Application Request</i></b>	<b><i>CEDD Recommendation</i></b>	<b><i>Planning Commission Recommendation</i></b>
<b>CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)</b>	<p>This amendment amends the Comprehensive Plan land use designation and zoning for Assessor’s Tax Parcel Nos. 2200000150, -160, -172, -173, -174, -175, -176, &amp; -192.</p> <p>Amend the Comprehensive Plan <u>land-use map</u> to designate all parcels from Single Family (SF) to Neighborhood Business District (NBD); and</p> <p>Amend the <u>zoning map</u> to zone all parcels from Residential 3 (R3) to Neighborhood Commercial 2 (NC2).</p>	Recommend denial without prejudice	Recommend denial without prejudice
<b>CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)</b>	<p>This amendment amends the land use designation and zoning for Assessor’s Tax Parcel Nos. 0220262057, 0220263153 and 0220264111.</p> <p>Amend the Comprehensive Plan <u>land use map</u> to designate parcels 0220262057 and 0220263153 as Corridor Commercial (CC); amend to designate parcel 0220264111 as</p>	<p>Recommend approval to redesignate/rezone parcels 0220262057 and 0220263153 to NBD/NC2;</p> <p>Redesignate/rezone parcel 0220264111 to I/I2</p>	<p>Recommend approval to redesignate/rezone parcels 0220262057 and 0220263153 to CC/C2;</p> <p>Redesignate/rezone parcel 0220264111 to I/I2</p>

<b>Amendment No.</b>	<b>Application Request</b>	<b>CEDD Recommendation</b>	<b>Planning Commission Recommendation</b>
	<p>Industrial (I); and</p> <p>Amend the <u>zoning map</u> to zone parcels 0220262057 and 0220263153 as Commercial 2 (C2); amend to zone parcel 0220264111 as Industrial 2 (I2).</p>		
<b>CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)</b>	<p>This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos. 0219221023, -1002, -1042, -1003, -1034, -1035, -2002, -2010, -2013, -2014, -2040, -2044, -2045, -2056, -2057, -2058, -2060, &amp; -6001.</p> <p>This proposal combines two private and one city application, all to redesignate and rezone properties from residential or public institutional uses to industrial uses.</p> <p>Amend the Comprehensive Plan <u>land-use map</u> to designate all parcels as Industrial (I); and</p> <p>Amend the <u>zoning map</u> to zone all parcels as Industrial Business Park (IBP).</p>	Recommend approval	Recommend approval
<b>CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)</b>	<p>This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0320311051, -1060, -5005, -5006, &amp; -5018.</p> <p>This City-initiated proposal corrects past split-parcel zoning and other zoning errors and places adjacent parcels into more consistent designations and zones around Wards Lake.</p> <p>Amend the Comprehensive Plan <u>land-use map</u> to designate Assessor's Tax Parcel Nos. 0320315005, -5006, and -5018 as Open Space (OS); and</p>	Recommend approval	Recommend approval

<b>Amendment No.</b>	<b>Application Request</b>	<b>CEDD Recommendation</b>	<b>Planning Commission Recommendation</b>
	<p>designate parcel nos. 0320311051, -1060 and -1056 as Corridor Commercial (CC); and</p> <p>Amend the <u>zoning map</u> to zone parcel nos. 0320315005, -5006, and -5018 as Open Space &amp; Recreational 1 (OSR1); amend to zone parcel nos. 0320311051, -1060 and -1056 as Commercial 2 (C2.)</p>		
<b>CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)</b>	<p>The amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219123016, -3031, &amp; -3032.</p> <p>This application would redesignate and rezone three parcels to Open Space and Recreation 1 in order for the City to expand the boundaries of Springbrook Park.</p> <p>Amend the Comprehensive Plan <u>land-use map</u> to designate all parcels as Open Space (OS); and</p> <p>Amend the <u>zoning map</u> to zone all parcels as Open Space &amp; Recreational 1 (OSR1).</p>	Recommend approval	Recommend approval
<b>CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood)</b>	<p>This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219127015, -3105, -3017, -7013, -7012, -3005, -3000, -3064, -3024, -2033, -2028, -3108, -3109, -3084, -3025, -3081, -3116, -3113, &amp; -3114.</p> <p>Amend the Comprehensive Plan <u>land-use map</u> to designate all identified parcels as Industrial (I);</p> <p>Amend the <u>zoning map</u> to zone all parcels as Industrial Business Park</p>	<p>No recommendation: four options proposed for consideration.</p> <p>Option 1 – Status Quo (Take no action);</p> <p>Option 2 – Lower Density;</p> <p>Option 3 – Open Space; or</p> <p>Option 4 – Industrial (Applicant request)</p>	Recommend approval of Option 1

<b>Amendment No.</b>	<b>Application Request</b>	<b>CEDD Recommendation</b>	<b>Planning Commission Recommendation</b>
	<p>(IBP); and</p> <p>Remove the Lakewood Station District boundary located in the Springbrook Neighborhood.</p>		
<b>CPA/ZOA-2019-07– MAP &amp; TEXT AMENDMENT (Military Districts)</b>	<p>To be consistent with the December 2015 Air Installations Compatible Use Zones (AICUZ) Program Air Force Instruction (AFI) 32-7063, this amendment:</p> <p>Amends the designation and zoning on 14 parcels (Assessor's Tax Parcel Nos. 5003430011, -0021, -0050; 8880900080, -0090, -0100, -0310, -0320; 0320314089; 0319061090, -1100, -1001, -4033; and 3395000016) that are currently partially within the Air Corridor 1 or 2 (AC1 or AC2) zones to eliminate the split zoning (parcels are rezoned completely AC1 or AC2 as appropriate);</p> <p>Updates the Comprehensive Plan discussion about Joint Base Lewis-McChord (JBLM), Camp Murray, and related military issues; amends LMC Chapter 18A.30.700 (Military-Related Zoning Districts), including: the primary permitted allowed uses in the Clear Zone (CZ), AC1 and AC2 zones; the administrative uses allowed in the AC2 zone; the conditional uses allowed in AC1 and AC2; and the noise attenuation standards for the CZ, AC1 and AC2 zones; and</p> <p>Amends LMC section 18A.90.200 to add definitions regarding recycling.</p>	Recommend approval	Recommend approval
<b>CPA/ZOA-2019-08 – TEXT AMENDMENT (Essential Public</b>	This amendment addresses the use of buildings in the Public/Institutional (PI)	Recommend approval	Recommend approval

<b><i>Amendment No.</i></b>	<b><i>Application Request</i></b>	<b><i>CEDD Recommendation</i></b>	<b><i>Planning Commission Recommendation</i></b>
<b>Facilities/PI Districts)</b>	<p>Zoning District:</p> <p>Updates the Essential Public Facilities (EPFs) section of the Comprehensive Plan;</p> <p>Amends LMC 18A.30.050 and 18A.30.850, including adding a discussion regarding both the adaptive reuse and discontinuing the use of EPF and PI buildings; and</p> <p>Adds definitions for “adaptive reuse” and “discontinued” to section 18A.90.200.</p>		
<b>CPA/ZOA-2019-09 – TEXT AMENDMENT (Economic Development Element)</b>	This amendment strikes and replaces the current Economic Development Element in the Lakewood Comprehensive Plan to reflect updated data (e.g., population and employment statistics in Lakewood), and actions (e.g., adoption of the Downtown Subarea Plan.)	Recommend approval	Recommend approval
<b>CPA/ZOA-2019-10 – TEXT AMENDMENT (Multifamily Open Space)</b>	The amendment amend the LMC zoning text at LMC 18A.50.231 (C)(1)(o)(2) to increase the open space requirements for multifamily development in the City outside the Downtown Subarea Plan to be consistent with that required within LMC 18B.500.530 (A)(1).	Recommend approval	Recommend approval

**ATTACHMENT A**  
**Draft Ordinance ORDINANCE NO. 714**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LAKEWOOD, WASHINGTON ADOPTING  
AMENDMENTS TO THE LAKEWOOD  
COMPREHENSIVE PLAN, INCLUDING THE FUTURE  
LAND USE MAP AND ZONING MAP, AND  
LAKEWOOD MUNICIPAL CODE TITLE 18A.**

**FINDINGS**

**WHEREAS**, the Washington State Legislature, through Chapter 36.70A RCW, the state Growth Management Act (GMA), intends that local planning be a continuous and ongoing process; and

**WHEREAS**, the GMA requires that the City of Lakewood adopt a Comprehensive Plan; and

**WHEREAS**, in accordance with RCW 36.70A.130, the adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and

**WHEREAS**, in compliance with the requirements of the GMA and following abundant public outreach and involvement, the Lakewood City Council adopted Ordinance No. 237 on July 10, 2000; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood Planning Commission that incorporated public input, has subsequently amended the City of Lakewood Comprehensive Plan periodically, including a review required by law in 2004, and 2015; and

**WHEREAS**, following public meetings and discussions, the Lakewood City Council adopted Title 18A of the Lakewood Municipal Code (“Land Use and Development Code”) via Ordinance No. 264 on August 20, 2001; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood Planning Commission following public input, has subsequently amended Title 18A of the Lakewood Municipal Code periodically, either in conjunction with Comprehensive Plan amendments or on a standalone basis; and

**WHEREAS**, it is appropriate for a local government to adopt needed amendments to its Comprehensive Plan to ensure that the Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

**WHEREAS**, the Lakewood Planning Commission, acting as the City’s designated planning agency, has reviewed the proposed amendments to the City of Lakewood Comprehensive Plan, Future Land-Use Map and Zoning Map (“2019 CPA Docket”); and

**WHEREAS**, public participation opportunities, as required by RCW 36.70A.130(2)(a), appropriate to the level of the amendments being reviewed, have been afforded to interested parties via numerous open public meetings, mailings and site postings, and a public comment/hearing period, and public input received through these channels has been duly considered by the Lakewood Planning Commission; and

**WHEREAS**, environmental review as required under the Washington State Environmental Policy Act has resulted in the issuance of a determination of environmental non-significance; and



**WHEREAS**, a 60-day notice has been provided to state agencies prior to the adoption of this Ordinance, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

**WHEREAS**, following its May 15, 2019 public hearing, on June 5, 2019 the Lakewood Planning Commission forwarded a set of recommendations relative to the 2019 CPA Docket to the Lakewood City Council via Planning Commission Resolution No. 2019-03; and

**WHEREAS**, following public notice, the Lakewood City Council held a public hearing on July 1, 2019; and

**WHEREAS**, the Lakewood City Council has reviewed materials relevant to public input and staff and Planning Commission recommendations leading up to the proposed 2019 CPA Docket; and

**WHEREAS**, the Lakewood City Council has considered the required findings in LMC 18A.02.415 as related to each independent zoning map amendment, and hereby finds that the requirements of LMC 18A.02.415 are satisfied; and

**WHEREAS**, after review of the record and recommendations of the Lakewood Planning Commission, the Lakewood City Council finds that the amendments to the City of Lakewood Comprehensive Plan as identified within this Ordinance comply with the requirements of the state Growth Management Act;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Adoption of City Council Findings.**

The Findings of the City Council are adopted as part of this Ordinance.

## **Section 2. Adoption of Amendments.**

The Comprehensive Plan, including the official Future Land-Use Map and Zoning Maps of the City for the below-referenced parcels, and LMC Title 18A as illustrated in Exhibit A hereto and described more fully below, are hereby amended as follows:

### **CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)**

This amendment amends the Comprehensive Plan land use designation and zoning for Assessor's Tax Parcel Nos. 2200000150, -160, -172, -173, -174, -175, -176, & -192.

5. Amend the Comprehensive Plan land-use map to designate all parcels from Single Family (SF) to Neighborhood Business District (NBD); and
6. Amend the zoning map to zone all parcels from Residential 3 (R3) to Neighborhood Commercial 2 (NC2).

### **CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)**

This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos. 0220262057, 0220263153 and 0220264111.

5. Amend the Comprehensive Plan land use map to designate parcels 0220262057 and 0220263153 as Corridor Commercial (CC); amend to designate parcel 0220264111 as Industrial (I); and
6. Amend the zoning map to zone parcels 0220262057 and 0220263153 as Commercial 2 (C2); amend to zone parcel 0220264111 as Industrial 2 (I2).

### **CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)**

This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos. 0219221023, -1002, -1042, -1003, -1034, -1035, -2002, -2010, -2013, -2014, -2040, -2044, -2045, -2056, -2057, -2058, -2060, & -6001.

This proposal combines two private and one city application, all to redesignate and rezone properties from residential or public institutional uses to industrial uses.

1. Amend the Comprehensive Plan land-use map to designate all parcels as Industrial (I); and
2. Amend the zoning map to zone all parcels as Industrial Business Park (IBP).

### **CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)**

This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0320311051, -1060, -5005, -5006, & -5018.

This City-initiated proposal corrects past split-parcel zoning and other zoning errors and places adjacent parcels into more consistent designations and zones around Wards Lake.

1. Amend the Comprehensive Plan land-use map to designate Assessor's Tax Parcel Nos. 0320315005, -5006, and -5018 as Open Space (OS); and designate parcel nos. 0320311051, -1060 and -1056 as Corridor Commercial (CC); and
2. Amend the zoning map to zone parcel nos. 0320315005, -5006, and -5018 as Open Space & Recreational 1 (OSR1); amend to zone parcel nos. 0320311051, -1060 and -1056 as Commercial 2 (C2.)

#### **CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)**

The amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219123016, -3031, & -3032.

This application would redesignate and rezone three parcels to Open Space and Recreation 1 in order for the City to expand the boundaries of Springbrook Park.

1. Amend the Comprehensive Plan land-use map to designate all parcels as Open Space (OS); and
2. Amend the zoning map to zone all parcels as Open Space & Recreational 1 (OSR1).

#### **CPA/ZOA-2019-06-MAP AMENDMENT (Springbrook Neighborhood)**

This amendment amends the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219127015, -3105, -3017, -7013, -7012, -3005, -3000, -3064, -3024, -2033, -2028, -3108, -3109, -3084, -3025, -3081, -3116, -3113, & -3114.

1. Amend the Comprehensive Plan land-use map to designate all identified parcels as Industrial (I);
2. Amend the zoning map to zone all parcels as Industrial Business Park (IBP); and
3. Remove the Lakewood Station District boundary located in the Springbrook Neighborhood.

#### **CPA/ZOA-2019-07 – MAP & TEXT AMENDMENT (Military Districts)**

To be consistent with the December 2015 Air Installations Compatible Use Zones (AICUZ) Program Air Force Instruction (AFI) 32-7063, this amendment:

- amends the designation and zoning on 14 parcels (Assessor's Tax Parcel Nos. 5003430011, -0021, -0050; 8880900080, -0090, -0100, -0310, -0320; 0320314089; 0319061090, -1100, -1001, -4033; and 3395000016) that are currently partially within the Air Corridor 1 or 2 (AC1 or AC2) zones to eliminate the split zoning (parcels are rezoned completely AC1 or AC2 as appropriate);
- updates the Comprehensive Plan discussion about Joint Base Lewis-McChord (JBLM), Camp Murray, and related military issues;

- amends LMC Chapter 18A.30.700 (Military-Related Zoning Districts), including: the primary permitted allowed uses in the Clear Zone (CZ), AC1 and AC2 zones; the administrative uses allowed in the AC2 zone; the conditional uses allowed in AC1 and AC2; and the noise attenuation standards for the CZ, AC1 and AC2 zones; and
- amends LMC section 18A.90.200 to add definitions regarding recycling.

**CPA/ZOA-2019-08 – TEXT AMENDMENT (Essential Public Facilities/PI Districts)**

This amendment addresses the use of buildings in the Public/Institutional (PI) Zoning District. The proposal updates the Essential Public Facilities (EPFs) section of the Comprehensive Plan; amends LMC 18A.30.050 and 18A.30.850, including adding a discussion regarding both the adaptive reuse and discontinuing the use of EPF and PI buildings; and adds definitions for “adaptive reuse” and “discontinued” to section 18A.90.200.

**CPA-2019-09 – TEXT AMENDMENT (Economic Development Element)**

This amendment strikes and replaces the current Economic Development Element in the Lakewood Comprehensive Plan to reflect updated data (e.g., population and employment statistics in Lakewood), and actions (e.g., adoption of the Downtown Subarea Plan.)

**CPA/ZOA-2019-10 – TEXT AMENDMENT (Multifamily Open Space)**

The amendment amend the LMC zoning text at LMC 18A.50.231 (C)(1)(o)(2) to increase the open space requirements for multifamily development in the City outside the Downtown Subarea Plan to be consistent with that required within LMC 18B.500.530 (A)(1).

Section 5. Remainder Unchanged. The rest and remainder of the Lakewood Comprehensive Plan, including the unaffected sections of the Future Land-Use Map and Zoning Map, and Title 18A of the Lakewood Municipal Code, shall be unchanged and shall remain in full force and effect.

Section 6. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after final passage.

ADOPTED by the City Council of the City of Lakewood this 15<sup>th</sup> day of July, 2019.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Briana Schumacher, City Clerk

Approved as to Form:

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Heidi Ann Wachter, City Attorney

## EXHIBIT A

### Analysis of Proposed Amendments

- 2019-01 (Tillicum)
- 2019-02 (Bridgeport)
- 2019-03 (Woodbrook)
- 2019-04 (Wards Lake)
- 2019-05 (Springbrook Park)
- 2019-06 (Springbrook Neighborhood)
- 2019-07 (Military Districts)
- 2019-08 (Essential Public Facilities & Public/Institutional Districts)
- 2019-09 (Economic Development Element)
- 2019-10 (Multifamily Open Space)

### Summary of CEDD Recommendations on Proposed Amendments

#### Cumulative Housing Analysis

#### Summary of Public Comments

#### Summary of Planning Commission Recommendations

#### Planning Commission Resolution 2019-03

### Housing Capacity Calculations

Several of the CPAs would reduce housing unit capacity in areas of Lakewood. This loss of units has been analyzed in comparison to the increased housing capacity within the Downtown Subarea boundaries to determine whether there would be a net loss of housing capacity in Lakewood.

#### Downtown Subarea Plan:

The adopted 2018 Downtown Subarea Plan (DSAP) assumes a high level of growth within the subarea and a high level of civic and infrastructure investments, including **2,257 housing units** and **7,369 jobs** that are planned for within the subarea boundaries. These units should be kept in mind as the proposed 2019 CPAs are considered in order to be able to assess the amendments' net effect on housing and transportation in Lakewood.

FEATURE	ADOPTED DOWNTOWN SUBAREA PLAN OUTCOME
Housing Density	100 units per acre (see discussion below)
<b>Housing: net growth</b>	<b>2,257</b>
Job Trends and Building Space	Assume 95% of expected 3.0 million new square feet of commercial space.
Job Mix	Compared to existing job mix, lesser share of retail and less manufacturing/warehousing, and greater share of finance, insurance, real estate, and services (e.g. office). Similar share of government and education. (Per City transportation model assumptions.)
<b>Jobs: net growth</b>	<b>7,369</b>

### Residential Density within the Downtown Subarea.

1. Maximum density is 100 units per acre. To qualify for 100 units per acre density, the residential uses shall be part of a mixed-use development, or added to a commercial site, or provide a first-floor height of 16 feet for at least a 30 foot depth that allows for future commercial occupancies.
2. On sites allowed a density of 100 units per acre under Subsection 1, density may be increased up to 125 units per acre for affordable housing according to the provisions of LMC 18A.50.740 Inclusionary Density Bonus- Housing Incentives Program only if the affordable housing is part of a mixed use development.
3. Density shall not exceed 80 units per acre for residential-only developments that are not added to or associated with existing commercial sites, or that do not provide a first-floor height that allows for future commercial occupancies.

### ANALYSIS OF PROPOSED AMENDMENTS

The CEDD recommends that the Comprehensive Plan Amendment docket be reorganized as follows, has conducted SEPA analysis on the following possible amendments, and provides the included recommended action for each:

#### **CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)**

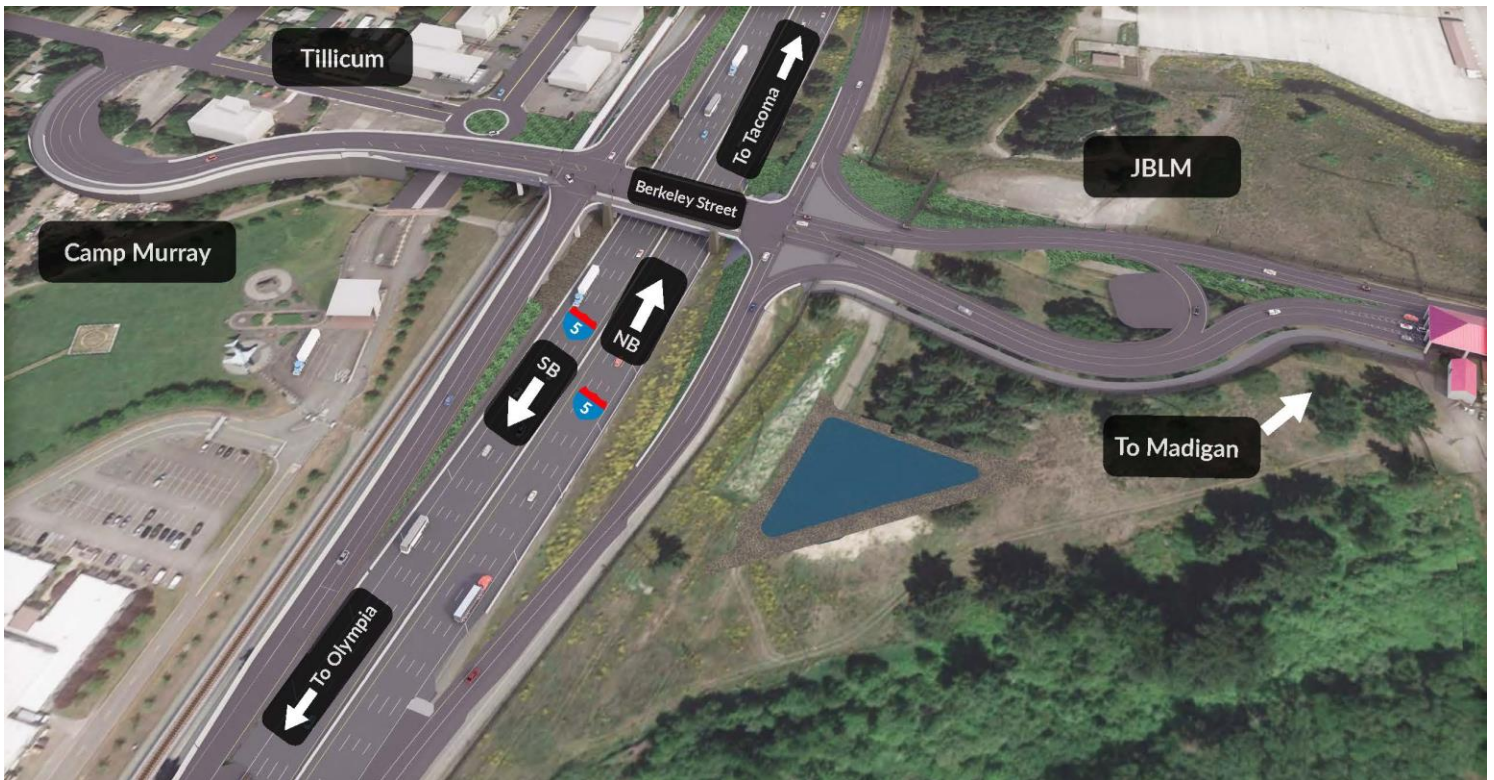
Amend the Comprehensive Plan land use designation and zoning for Assessor's Tax Parcel Nos.: 2200000150, -160, -172, -173, -174, -175, -176, & -192.

This application proposes to redesignate and rezone a block of properties in the SW portion of Tillicum adjacent to Camp Murray and the construction limits of the Berkeley Interchange Reconfiguration project. According to the application, "it would be beneficial for the City's comprehensive plan and zoning map to be updated to reflect the significant and commencing change of land use adjacent to the subject property."

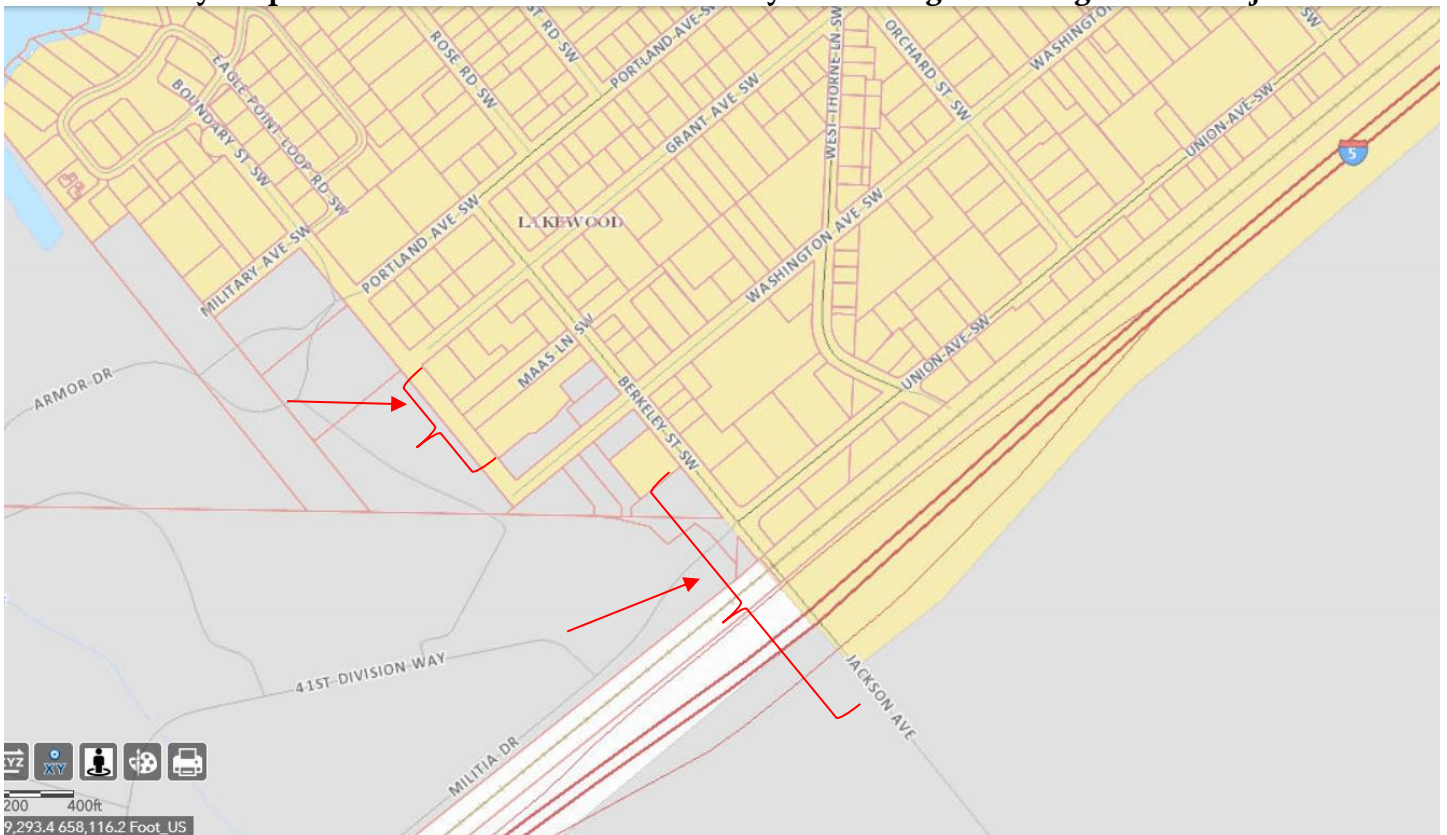
1. Amend the Comprehensive Plan land-use map to designate all parcels from Single Family (SF) to Neighborhood Business District (NBD); and
2. Amend the zoning map to zone all parcels from Residential 3 (R3) to Neighborhood Commercial 2 (NC2).

#### **September 2018 WSDOT Interstate 5 and Berkeley Street interchange map**

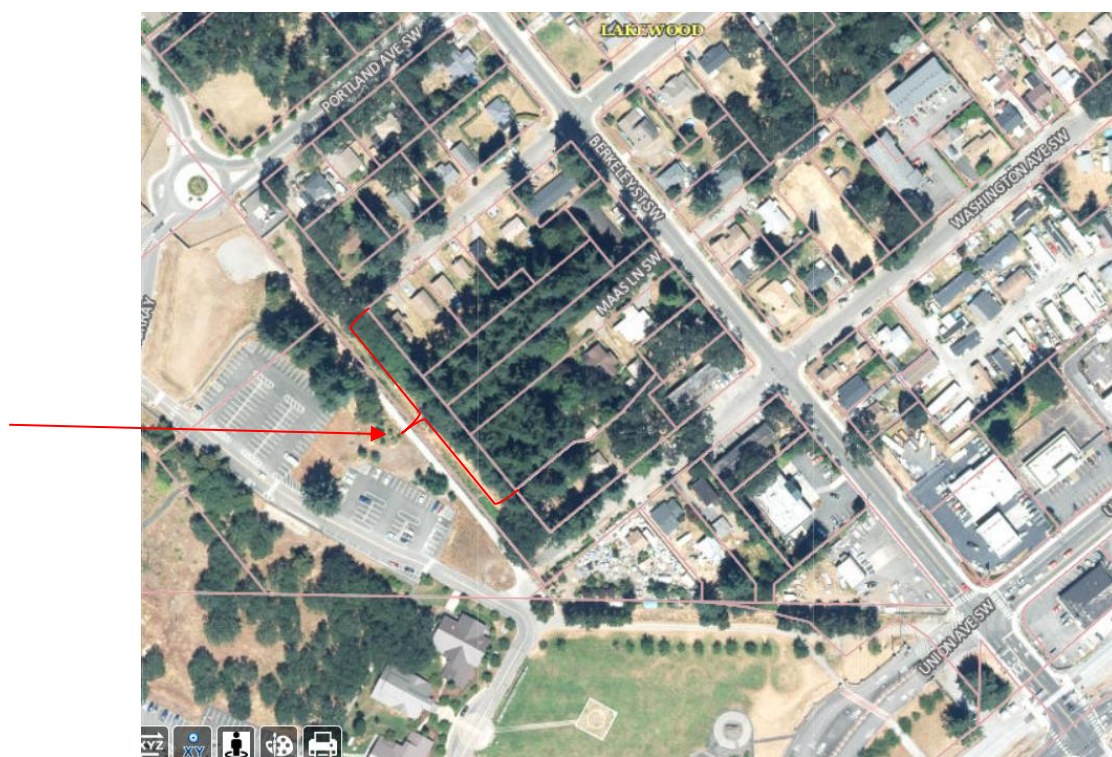




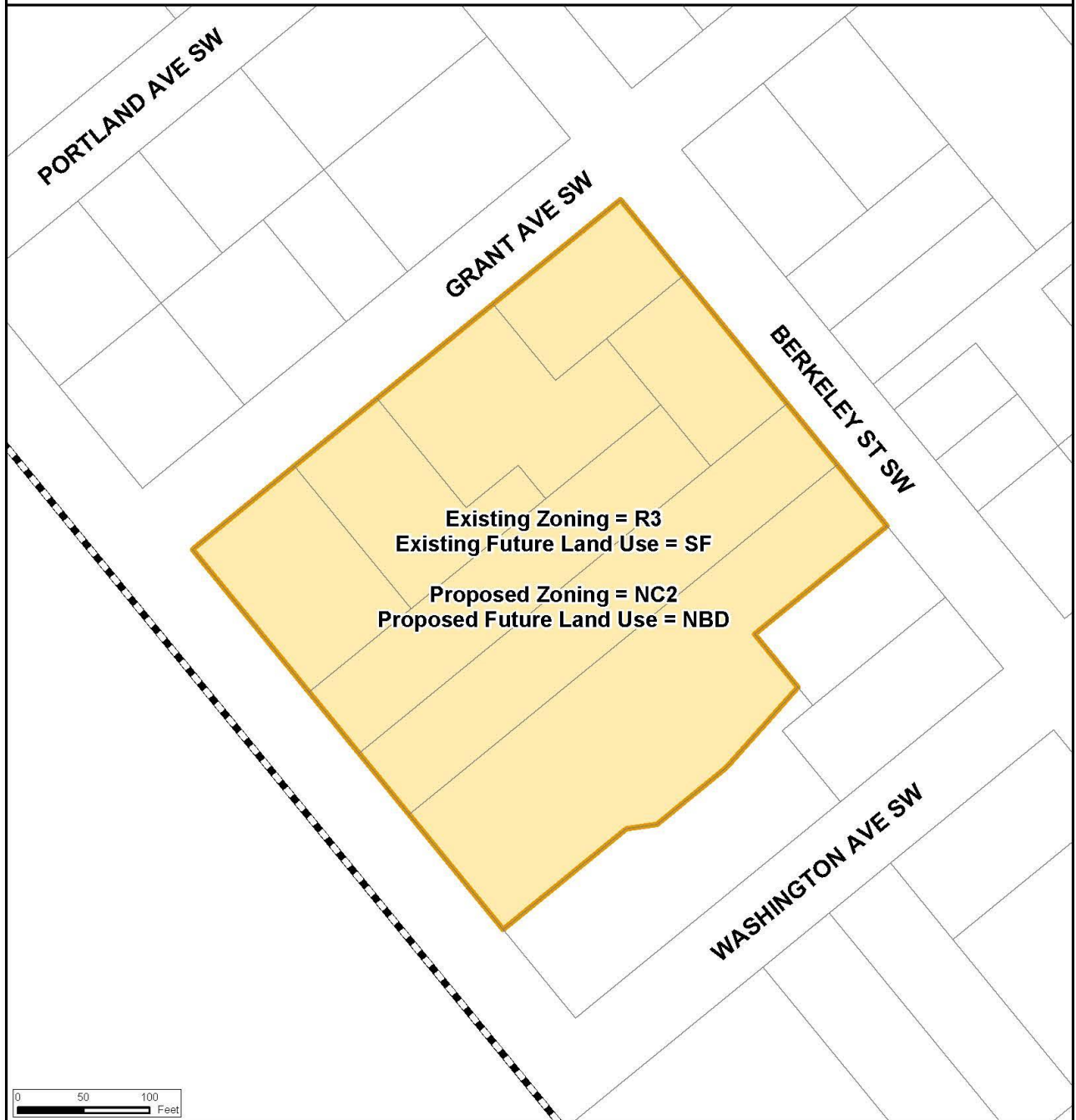
Vicinity Map – CPA/ZOA 2019-01 and Berkeley Interchange Reconfiguration Project







# 2019 Comprehensive Plan Amendment 2019-01



- Amendment Area Tax Parcels
- Tax Parcel
- Lakewood City Limit

Map Date: February 28, 2019

\\Projects\CD\CompPlan\Amendments\2018\1.mxd

This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.

**Housing Capacity Analysis:**

As part of a new I-5 interchange project existing residential units have or will be demolished. The proposal, mixed-use zoning, if approved as submitted by the project proponent, could replace or potentially increase the number of housing units, albeit marginally.

**A. Consistency with the Comprehensive Plan:** The Tillicum area is subject to specific treatment in the Comprehensive Plan (Section 3.10, Goal LU-52, LU-53 and Policies LU-53.1 through LU-53.4.) Additionally, the City adopted the Tillicum Neighborhood Plan in June 2011. Throughout these documents' consideration, planning for Tillicum has focused on redevelopment as a vibrant residential and mixed use area for its residents to enjoy.

**2018 Comprehensive Plan Excerpts:**

1.4.1: Neighborhoods with substantial growth capacity slated for redevelopment under this plan include the northern portion of Tillicum.

1.7: Centers of Local Importance are designated in order to focus development and funding to areas that are important to the local community. COLIs are intended to promote compact, pedestrian oriented development with a mix of uses, proximity to diverse services, and a variety of appropriate housing options. The 2015 Centers of Local Importance identified for the City of Lakewood include Tillicum.

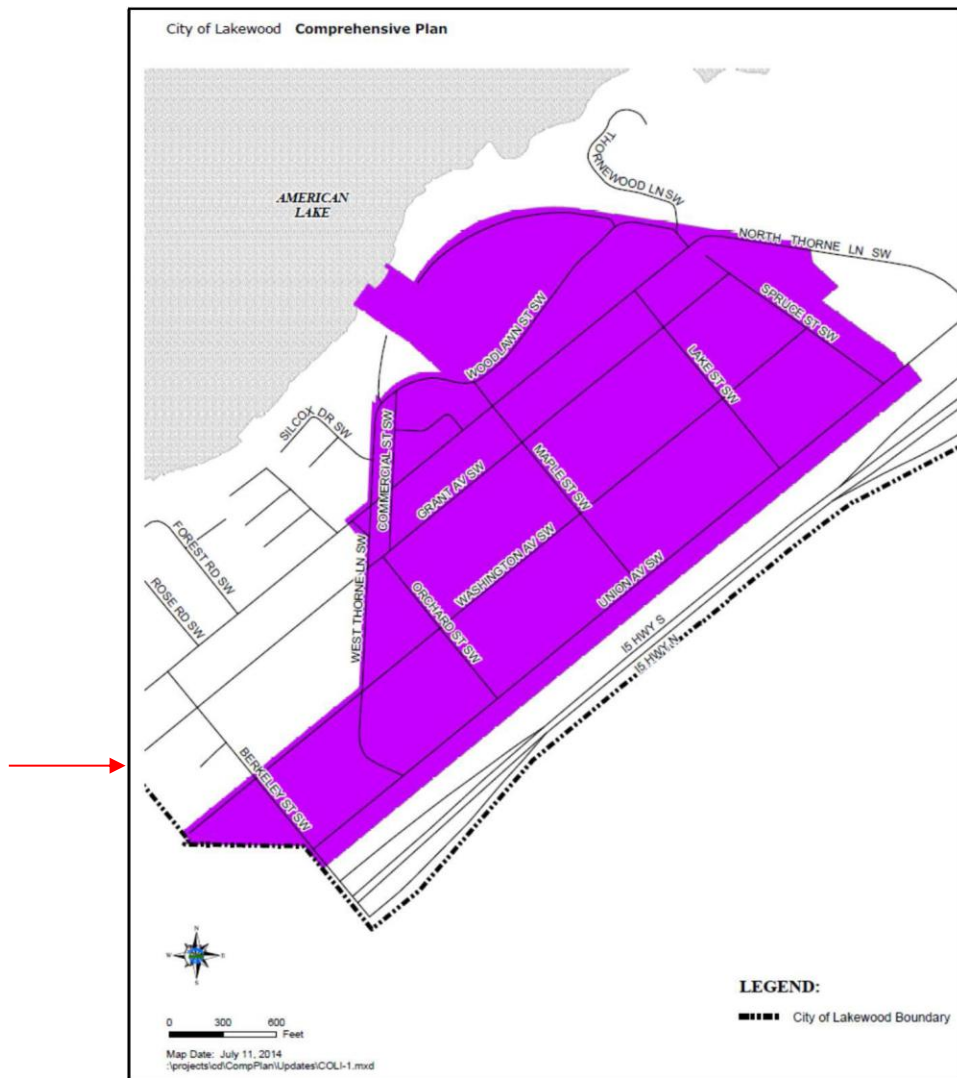


Figure 2.4  
Tillicum Center of Local Importance

The subject property for CPA/ZOA 2019-01 is outside of the Tillicum COLI.

**GOAL LU-51:** Minimize the impacts of geographic isolation of the Tillicum, Springbrook, and Woodbrook areas and focus capital improvements there to upgrade the public environment.

Policies:

LU-51.1: Provide for commercial and service uses for the daily needs of the residents within the neighborhoods.

LU-51.2: Support the expansion of recreation and open space.

LU-51.3: Provide pedestrian and bicycle paths within the neighborhoods and which connect to other neighborhoods.

**GOAL LU-52:** Improve the quality of life for residents of Tillicum.

Policies:

LU-52.1: Enhance the physical environment of Tillicum through improvements to sidewalks, pedestrian-oriented lighting, street trees, and other pedestrian amenities.

LU-52.2: Promote integration of Tillicum with the American Lake shoreline through improved physical connections, protected view corridors, trails, and additional designated parks and open space.

LU-52.3: Identify additional opportunities to provide public access to American Lake within Tillicum.

LU-52.4: Seek a method of providing alternate connection between Tillicum and the northern part of the City besides I-5.

LU-52.5: Implement and as necessary update the Tillicum Community Plan.

#### **4.5.3 Tillicum**

The Tillicum neighborhood functions as a separate small village within Lakewood. Accessible only by freeway ramps at the north and south end of the area, it has its own commercial sector; moderately dense residential development; and an elementary school, library, and park. Tillicum is a very walkable neighborhood with a tight street grid and relatively low speed traffic. Harry Todd Park is one of the largest City-owned parks, and Tillicum is one of the few neighborhoods in the city with public waterfront access.

In public meetings discussing alternative plans for the city, Tillicum emerged as a neighborhood viewed as having significant potential for residential growth over the next 20 years. With a traditional street grid, significant public open space and lake access, and strong regional transportation connections, there is a major opportunity for Tillicum to evolve into a more urban, pedestrian and bicycle-oriented community. This is further enhanced by the long-range potential for a commuter rail station and new highway connection to the east.

Because of recent extension of sewer service to the area, the development of multi-family housing in Tillicum is now possible. In addition to sewer development, there are other actions the City can take in support of the development of multi-family housing in Tillicum including:

- development of a long-range plan for Harry Todd Park and implementation of specific improvements to expand sewer capacity;
- development of a pedestrian connection between the park and commercial district along Maple Street, with sidewalks, curb ramps, crosswalks, lighting, and other improvements;
- improvements at the I-5 interchanges to create attractive, welcoming gateways; and
- a pedestrian/bikeway easement north along the railroad or through the country club to other portions of Lakewood.

The proposal by Amtrak to locate high-speed passenger rail service through the area (the Point Defiance Bypass project) will result in significant modifications to the freeway interchanges in Tillicum. These modifications should be designed in conjunction with improvements to I-5 to address congestion.

The urban design framework plan for Tillicum is shown in Figure 4.4. Some of the specific urban design actions which could be undertaken in Tillicum include:

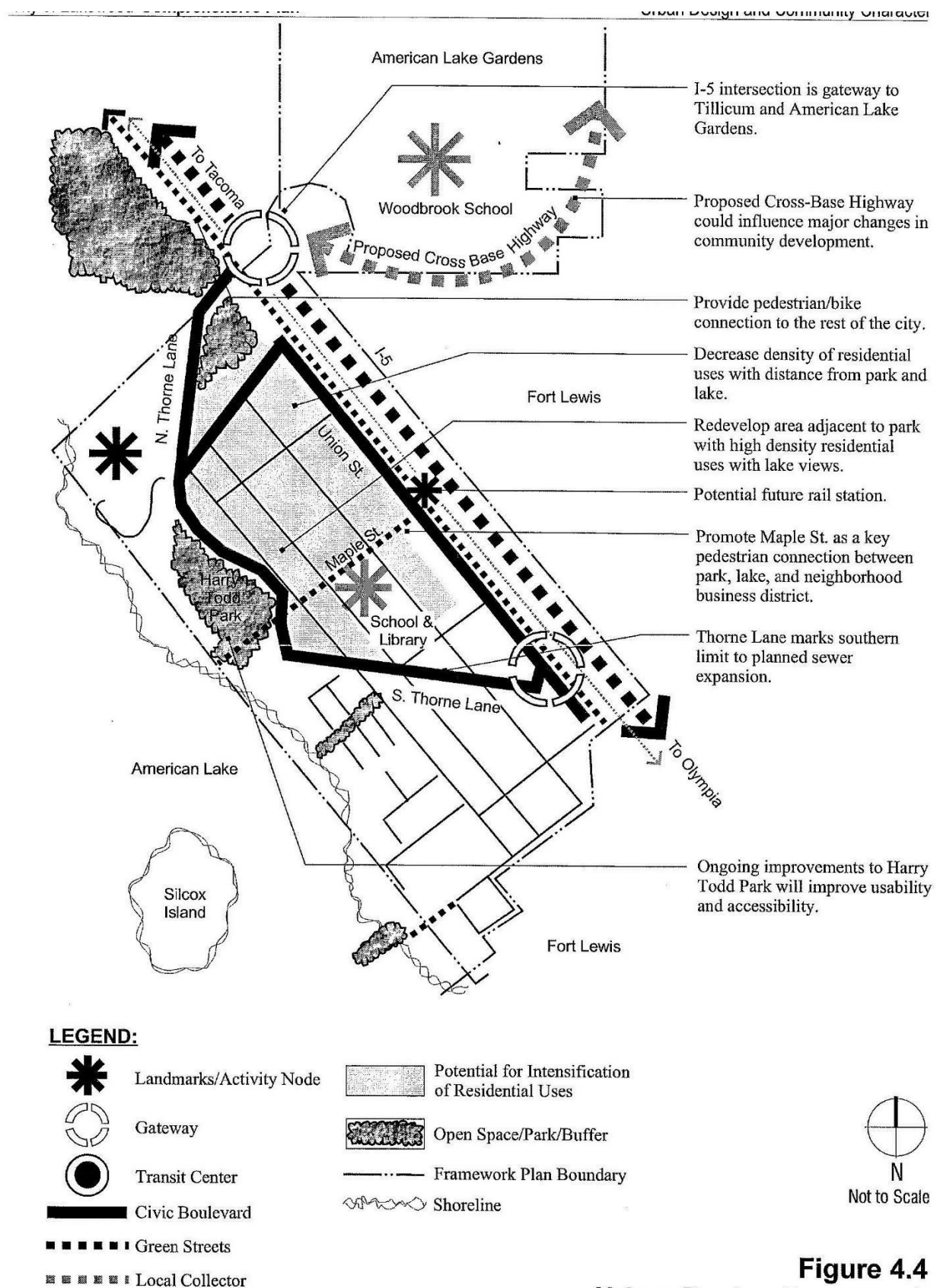
**Landmark/Activity Nodes:** The northern entrance into Tillicum, as well as the only entrance into Woodbrook, is at the Thorne Lane overpass and I-5. It would be improved as a civic gateway, with landscaping, road improvements, signage, and other elements as needed. This interchange may be significantly redesigned in conjunction with the Point Defiance Bypass and I-5 congestion management projects.

**Civic Boulevards:** As the main entrance road into Tillicum and the perimeter road embracing multi-family development, Thorne Lane would be improved as a civic boulevard. Development intensification in Tillicum would occur east of Thorne Lane, with W. Thorne Lane marking the initial southern boundary of the sewer extension to keep costs in check. Potential improvements of Union Street in support of commercial functions would include such elements as pedestrian improvements, parking, landscaping, lighting, and other functional items. Long-range planning would also identify site requirements for the planned future commuter rail stop and propose a strategy to fulfill this need.

**Green Streets:** Maple Street would be improved as a green street to provide a pedestrian-oriented connection between American Lake and Harry Todd Park at one end, and the commercial district/future rail station at the other. In between, it would also serve the school and the library. It would serve as a natural spine, gathering pedestrian traffic from the surrounding blocks of multi-family housing and providing safe access to recreation, shopping, and public transportation.

**Open Space:** Harry Todd Park would be improved by upgrading existing recreation facilities and constructing additional day use facilities such as picnic shelters and restrooms. A local connection between Tillicum and the Ponders Corner area could be built along an easement granted by various landowners, principally the Tacoma Country and Golf Club and Sound Transit/ Burlington Northern Railroad.





SOURCE: EDAW, Inc. 1999.

**Figure 4.4**  
**Urban Design Framework**  
**for Tillicum**

The Comprehensive Plan goals and policies were used as a baseline information for the 2011 Tillicum Neighborhood Plan. Results from a 2007 resident survey performed by BCRA provided impetus for the City Council to approve the development of the Neighborhood Plan:

- Almost 75 percent feel that Tillicum's environmental features such as woodlands, open spaces, streams, wetlands, and shorelines are less than acceptable.
- Nearly eight of ten are open to change in the existing character of Tillicum.
- Eighty-eight percent dislike the appearance of the Union Avenue SW corridor.
- Eighty-two percent agree that a trail and sidewalk system should be developed for biking or walking between commercial areas, schools, parks, and other neighboring facilities.
- Seven of ten business owners and eight of ten homeowners say additional commercial property should be made available for professional and retail businesses.
- Ninety-one percent agree that the Union Avenue commercial area should be expanded beyond Union Avenue SW to accommodate retail uses.
- Among homeowners, protection of the natural environment is important to 86 percent.

**B. Compatibility with development in the vicinity:** This proposal would “upzone” currently residential parcels to commercial. As described in the application, “the adjacent residential district would no longer be a block away from the edge of the neighborhood business district; [this] may present an opportunity for rezone to a mixed residential district as a transition between the neighborhood business and single-family residential districts.”

**C. Transportation impacts and mitigation:** As described in the application, “concentration of available housing closer to [I-5] would lessen the burden on the transportation system as shorter drive distances for commuting residents would decrease total use of the system.” “The current Comprehensive Plan has not yet been updated to reflect WSDOT’s conversion of commercial and residential properties to interstate transportation property. The City’s intent to buffer residential uses from [I-5] using high density highway-oriented commercial zones is reflected in the current Comprehensive Plan.”

**D. Public Service impacts and mitigation:** As described in the application, “increased concentration of population would also have a positive impact on public utilities, safety services, and other public services as sprawl is less likely.” “It is understood that there is available sewer and water system capacity for an increase in density at the subject location. Public services and transportation are currently available.”

**E. Public health, safety and general welfare impacts:** As described in the application, “increased concentration of population would also have a positive



impact on public utilities, safety services, and other public services as sprawl is less likely.”

**F. Range of permitted uses:** CPA/ZOA 2019-01 proposes to “upzone” 8 parcels from R3 to NC2. A comparison of allowed uses follows with the **uses common to both in bold text** (uses unique to each are in regular text):

<b>R3 Uses</b>	<b>NC2 Uses</b>
1. Single-Family Residential (Level 1)	1. Single Family Residential (Level 2/3)
2. Type 1 Group Home	2. Multifamily Residential (Level 1/3)
3. Type 2 Group Home (Level 1)	3. Assisted Living Facilities
<b>4. Daycare Facilities (Level 1)</b>	4. Continuing Care Retirement Community
<b>5. Outdoor Recreation (Level 1/2)</b>	5. Nursing Home
<b>6. Public Maintenance Facilities (Level 1)</b>	6. Government Administration Facilities (Level 1/2)
<b>7. Transportation Facilities (Level 1)</b>	7. Community and Cultural Services (Level 1/2)
<b>8. Communication Facilities (Level 1)</b>	<b>8. Daycare Facilities (Level 1/2)</b>
<b>9. Electrical Facilities (Level 1)</b>	9. Health Services
<b>10. Natural Gas Facilities (Level 1)</b>	<b>10. Outdoor Recreation (Level 1/2)</b>
<b>11. Sewage Collection Facilities</b>	11. Postal Services (Level 1)
<b>12. Stormwater Facilities (Level 1)</b>	<b>12. Public Maintenance Facilities (Level 1)</b>
<b>13. Water Supply Facilities (Level 1)</b>	13. Religious Assembly (Level 1/2)
<b>14. Residential Accessory Uses</b>	14. Social Services (Level 1/2)
15. Continuation of private and commercial equestrian facilities already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.	<b>15. Transportation (Level 1)</b>
	<b>16. Communication Facilities (Level 1)</b>
	<b>17. Electrical Facilities (Level 1)</b>
	<b>18. Natural Gas Facilities (Level 1)</b>
	<b>19. Sewage Collection Facilities</b>
	<b>20. Stormwater Facilities (Level 1)</b>
	<b>21. Waste Transfer Facilities (Level 1)</b>
	<b>22. Water Supply Facilities (Level 1)</b>
	23. Amusement and Recreation (Level 1)
	24. Building/Garden Supply and Nurseries (Level 1/2)
	25. Business Services
	26. Convenience Commercial (Level 1/2)
	27. Eating and Drinking Establishment (Level 1/2/3)
	28. Food Stores (Level 1)
	29. Funeral Services (Level 1)
	30. Personal Services (Level 1/2)
	31. Pet Sales and Services (Level 1)

32. Private Training School (Level 1/2)
33. Professional Offices (Level 1/2)
34. Rental and Repair Services (Level 1)
35. Sales of General Merchandise (Level 1/2)
36. Sales of Secondhand Property (Level 1)
37. Limited Manufacturing/Assembly (Level 1)
38. Printing and Publishing (Level 1)
<b>39. Residential Accessory Uses</b>
40. Civic Accessory Uses
41. Commercial Accessory Uses

**G. Change in circumstances:** As mentioned in the application, the largest change in circumstances is the reason why the application was submitted; the commencement of the I-5 Corridor expansion between Steilacoom-DuPont Road and Thorne Lane.

**H. Advantages vs. negative impacts:** As described in the application, “the proposed amendments would help revitalize an area that needs revitalization and increased property utilization. In reviewing the Tillicum Neighborhood Plan, it is apparent that one of the biggest planning factors for the neighborhood has been accommodation of a constantly evolving transportation network and the expanding need of the nearby military bases.”

**CEDD Recommendation:**

CEDD recommends denial of CPA/ZOA 2019-01 without prejudice due to the following: the proposal would bring more commercial uses immediately adjacent to residential uses, which is not a favored land use pattern; it is premature to redesignate or rezone properties near the I-5 corridor expansion project until it has been completed in order to understand the final construction configurations and traffic patterns the project will generate; there are commercial properties along Union Avenue in and near Tillicum that have not developed as desired, so it is questionable whether additional commercial property is needed in Tillicum before current capacity has been absorbed; and the City Council has expressed interest in conducting an update to the Tillicum Neighborhood Plan once the I-5 Corridor expansion project is complete, and it would be preferable to postpone “piecemeal” redesignations and rezones until a neighborhood-wide analysis can be done.

## CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)

Amend the land use designation and zoning for Assessor-Treasurer Tax Parcel Nos. 0220262057, 0220263153 and 0220264111.

1. Amend the Comprehensive Plan land use map to designate parcels 0220262057 and 0220263153 as Corridor Commercial (CC); amend to designate parcel 0220264111 as Industrial (I).
2. Amend the zoning map to zone parcels 0220262057 and 0220263153 as Commercial 2 (C2); amend to zone parcel 0220264111 as Industrial 2 (I2).



## Aerial Vicinity Map for CPA/ZOA 2019-02



**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:** The parcels along Bridgeport Way (0220262057, 0220263153 ) are adjacent to Neighborhood Commercial properties to the east and south; they are adjacent to industrial property to the east and corridor commercial to the north. As stated in the application, “rezoning these two parcels will allow Bridgeport Way West to have a continuous commercial presence, supporting the City’s Vision Statement for sustaining robust growth and job creation.”

The parcel at the upper east end of the proposal (0220264111) was not rezoned to industrial following a boundary line adjustment (#201711175002) in earlier Comprehensive Plan amendment cycles in error. It is immediately adjacent to industrial properties.

**B. Compatibility with development in the vicinity:** The proposal would rezone properties to be more compatible with existing surrounding uses (e.g., Walmart) and major transportation corridors (i.e., Bridgeport Way.) Rezoning along Bridgeport Way would provide a buffer for existing neighborhood commercial areas from existing industrial uses.

**C. Transportation impacts and mitigation:** No significant transportation impacts are anticipated on the parcels along Bridgeport Way by the applicant: “the new commercial uses will serve people who are already drawn to the area either entering or leaving Lakewood on Bridgeport Way or shopping at Walmart. Proposed uses such as drive-through restaurants and gas stations with convenience stores do not

tend to be destinations in and of themselves but complementary to activities already occurring in an area.”

**D. Public Service impacts and mitigation:** No significant impacts are anticipated on the parcels along Bridgeport Way by the applicant: “existing stormwater runoff will be directed to the existing discharge locations; electricity, water, refuse service, telephone and sanitary sewer are available.”

**E. Public health, safety and general welfare impacts:** Redesignating and rezoning on the parcels along Bridgeport Way is anticipated by the applicant to benefit the general welfare as they will act as a buffer for adjacent industrial uses and will allow for more convenient access to commercial uses along the travel corridor.

**F. Range of permitted uses:** The redesignation and rezone along Bridgeport Way would prohibit industrial uses immediately adjacent to the travel corridor. Redesignation of parcel 0220264111 to Industrial would realize the intent of the zoning in place at the time of a boundary line adjustment performed several years ago.

**G. Change in circumstances:** None. Per the application, “the proposed rezone [along Bridgeport Way] would provide for an opportunity for the highest and best use of the parcels.”

**H. Advantages vs. negative impacts:** Per the applicant, “The northerly site was set aside to be an ‘out-lot’ with development complementary to Walmart. Meaningful industrial use on this site is infeasible as it is only 1.14 acres and vertically separated from other industrial uses. The southerly site is currently used as an industrial storage yard and is not optimizing the economic potential for development in the area. When development of the area occurs, the right-of-way frontage will have a significant increase in landscaping and aesthetic appeal.”

## **Additional Considerations**

### **Lakewood Comprehensive Plan Excerpts re South Tacoma Way Gateway and Center of Local Importance (only area where C2 zoning is used)**

**LU-29.2:** Work with property owners and local businesses to develop a Corridor Plan for South Tacoma Way and Pacific Highway SW.

**Gateways:** Gateways are the major access points and entrances to a city. They contribute to the public’s mental image of a city and provide people with clues to wayfinding and orientation. This function can be strengthened by making them more memorable and identifiable through special design features such as landscaping, signage, lighting, paving patterns, and architectural treatment. A summary of proposed internal and external gateways is identified in Table 4.4. Most external gateways in the plan are along I-5, with several located at the city's northern and western boundaries. Three internal gateways are recognized in the area of the CBD:

the intersections of 100th Street and Lakewood Boulevard at Bridgeport Way; 100<sup>th</sup> Street at Gravelly Lake Boulevard; and most importantly, Gravelly Lake Boulevard at Bridgeport Way.

**Table 4.4: Gateways.**

<b>Internal Gateways</b>	<b>Locations</b>
<b>Gravelly Lake Drive</b>	At Bridgeport Way
<b>Intersections of 100<sup>th</sup> Street and Lakewood Blvd</b>	At Bridgeport Way
<b>100<sup>th</sup> Street</b>	At Gravelly Lake Drive
<b>External Gateways</b>	
<b>Union Ave</b>	Fort Lewis Gate
<b>Union Ave</b>	Thorne Lane
<b>Bridgeport Way</b>	Pacific Highway SW
<b>South Tacoma Way/ Pacific Highway SW</b>	SR 512 Interchange
<b>84<sup>th</sup> Street</b>	I-5 Interchange
<b>Bridgeport Way</b>	Leach Creek (University Place border)
<b>Steilacoom Blvd.</b>	Town of Steilacoom border
<b>South Tacoma Way</b>	80th Street (Tacoma border)
<b>Nyanza Boulevard</b>	I-5 Interchange

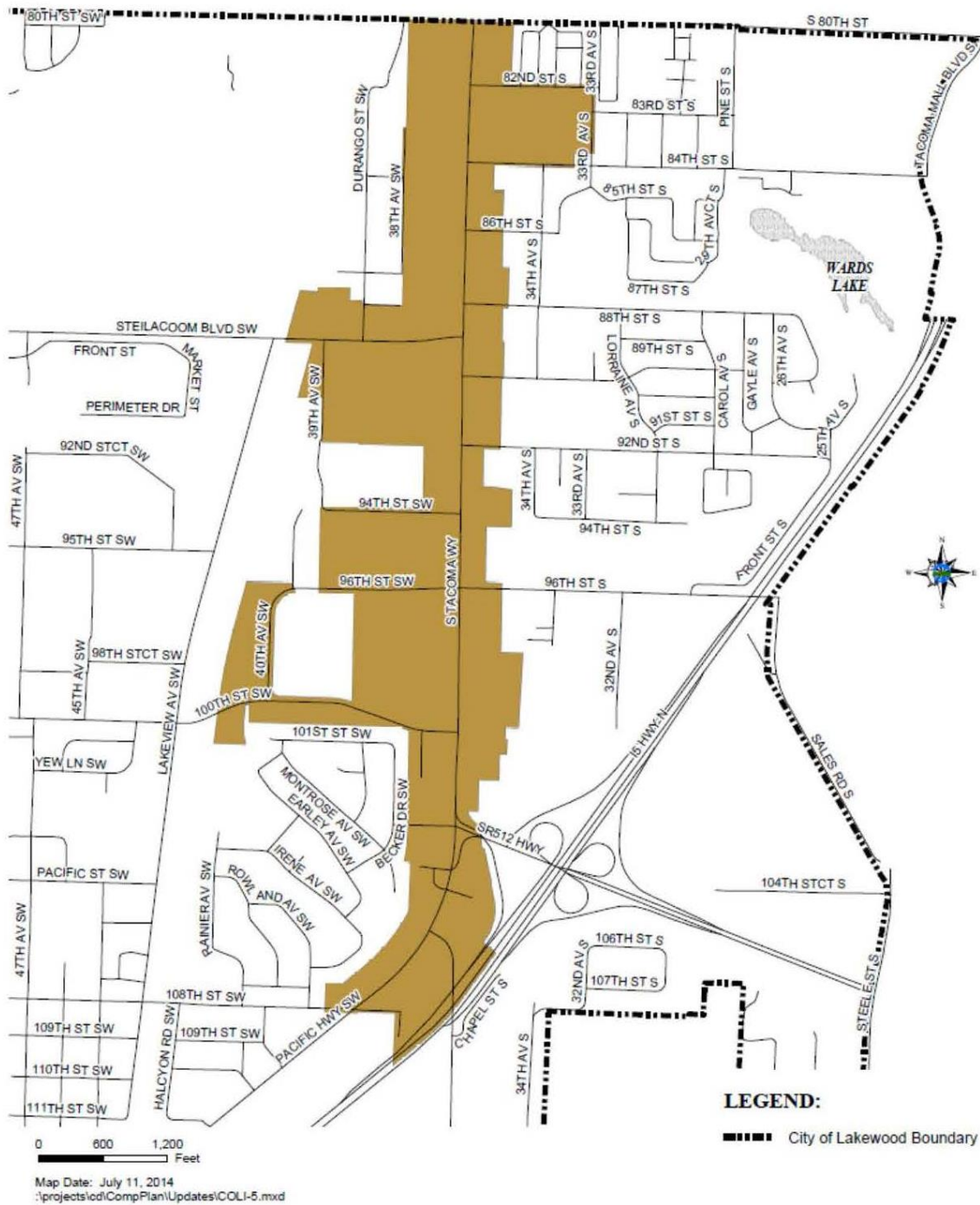
## **2.5 Centers of Local Importance**

Centers of Local Importance (CoLI) are designated for the purpose of identifying local centers and activity nodes that are consistent with VISION 2040's Multi-county Planning Policies. Such areas promote compact, pedestrian-oriented development with a mix of uses, proximity to diverse services, and a variety of appropriate housing options, or are in an established industrial area. CoLIs are designated by the local government with jurisdiction.

### **2.5.5 South Tacoma Way**

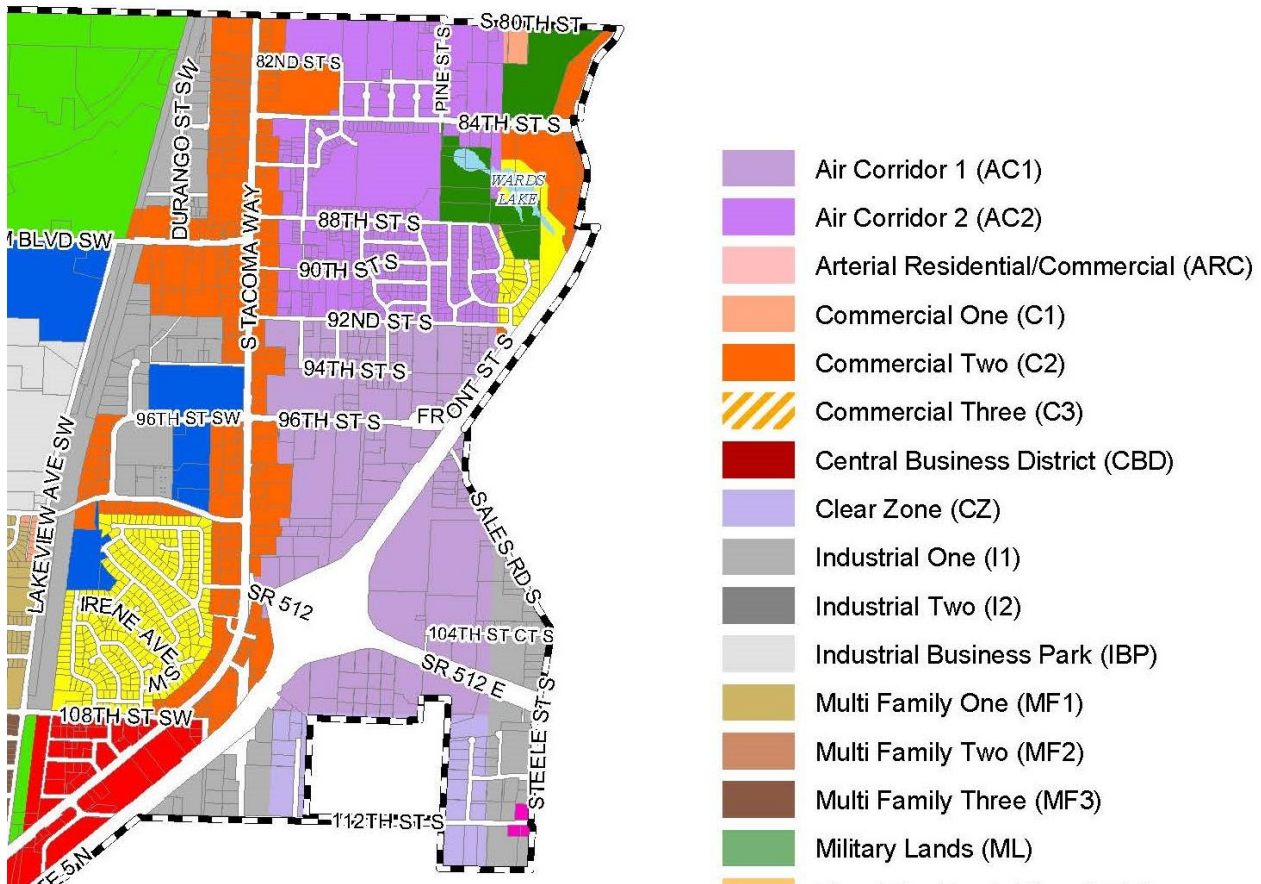
The South Tacoma Way Center, Figure 2.8, is designated as a CoLI based on its commercial significance to the City. Prior to the construction of I-5 in the late 1950's, South Tacoma Way was part of State Route 99, the primary north-south highway through the Puget Sound region. The South Tacoma Way area is now the City's most prolific commercial area and home to a nascent "International District". The area supports the Star-Lite Swap Meet, the B&I marketplace, the Paldo World commercial center, Pierce Transit headquarters, the Grand Central and Macau casinos, and many other commercial centers and businesses.





**Figure 2.8**  
**South Tacoma Way Center of Local Importance**

# City of Lakewood Zoning Map



A comparison of the allowed uses in the I2, I1, C3, C2, and NC2 zoning districts is included below; convenience commercial, drive-through facilities, eating and drinking establishment and food stores levels that are allowed outright in the various zones are indicated in **bold text**. The descriptions from LMC Title 18A of the convenience commercial, drive-through facilities, eating and drinking establishment, food stores levels are included below the comparison of zoning districts.



I2 Zoning District	I1 Zoning District	C3 Zoning District	C2 Zoning District.	NC2 Zoning District.
1. Outdoor Recreation (Level 1/2)	1. Outdoor Recreation (Level 1/2)	1. Large-Scale Commercial Facilities anchored by one or more Sales of General Merchandise (Level 4) and/or Building Garden Supply and Nurseries (Level 3) uses, which may be colocated or otherwise integrated with one or more of the following uses either within the same structure or upon the same site:	1. Community and Cultural Services (Level 1/2/3)	1. Single Family Residential (Level 2/3)
2. Postal Services (Level 3)	2. Postal Services (Level 3)	a. Multifamily Dwelling (Level 3)	2. Daycare Facilities (Level 2)	2. Multifamily Residential (Level 1/3)
3. Public Maintenance Facilities (Level 1/2/3)	3. Public Maintenance Facilities (Level 1/2/3)	b. Assisted Living Facilities	3. Government Administration Facilities (Level 1/2)	3. Assisted Living Facilities
4. Public Safety Services (Level 1/2)	4. Public Safety Services (Level 1/2)	c. Community and Cultural Services (Level 3)	4. Health Services	4. Continuing Care Retirement Community
5. Transportation (Level 1)	5. Transportation (Level 1)	d. Daycare Facilities (Level 2)	5. Outdoor Recreation (Level 1/2)	5. Nursing Home
6. Communication Facilities (Level 1/2/3)	6. Communication Facilities (Level 1/2/3)	e. Health Services	6. Postal Services (Level 1/2)	6. Government Administration Facilities (Level 1/2)
7. Electrical Facilities (Level 1/2)	7. Electrical Facilities (Level 1/2)	f. Amusement and Recreation (Level 4)	7. Public Maintenance Facilities (Level 1/2)	7. Community and Cultural Services (Level 1/2)
8. Natural Gas Facilities (Level 1/2)	8. Natural Gas Facilities (Level 1/2)	g. Business Services	8. Religious Assembly (Level 1/2/3)	8. Daycare Facilities (Level 1/2)
9. Sewage Collection Facilities	9. Sewage Collection Facilities	h. Convenience Commercial (Level 3)	9. Social Services (Level 1/2/3)	9. Health Services
10. Stormwater Facilities (Level 1/2)	10. Stormwater Facilities (Level 1/2)	i. Eating and Drinking Establishment (Level 3/4)	10. Transportation (Level 1/2)	10. Outdoor Recreation (Level 1/2)
11. Waste Transfer Facilities (Level 1/2/3)	11. Waste Transfer Facilities (Level 1/2/3)	j. Food Stores (Level 1/2/3)	11. Communication Facilities (Level 1/2/3/4)	11. Postal Services (Level 1)
12. Water Supply Facilities (Level 1/2/3)	12. Water Supply Facilities (Level 1/2/3)	k. Personal Services (Level 1/2)	12. Electrical Facilities (Level 1/2)	12. Public Maintenance Facilities (Level 1)
13. Bulk Fuel Dealers	13. Bulk Fuel Dealers	l. Pet Sales and Services (Level 1/2/3)	13. Natural Gas Facilities (Level 1)	13. Religious Assembly (Level 1/2)
14. Buy-Back Recycling Center	14. Buy-Back Recycling Center	m. Professional Offices (Level 3)	14. Sewage Collection Facilities	14. Social Services (Level 1/2)
15. Eating and Drinking Establishments (Level 1/2)	15. Convenience Commercial (Level 4)	2. Transportation (Level 2)	15. Stormwater Facilities (Level 1)	15. Transportation (Level 1)
16. Funeral Services (Level 2)	16. Drive-Through Facilities, limited to coffee kiosks	3. Communication Facilities (Level 1/2)	16. Waste Transfer Facilities (Level 1)	16. Communication Facilities (Level 1)
17. Manufactured and Modular Homes Sales	17. Eating and Drinking Establishment (Level 1/2)	4. Electrical Facilities (Level 1/2)	17. Water Supply Facilities (Level 1/2)	17. Electrical Facilities (Level 1)
18. Motor Vehicle Sales and Rental (Level 4)	18. Funeral Services (Level 2)	5. Natural Gas Facilities (Level 1)	18. Amusement and Recreation (Level 1/2/3/4)	18. Natural Gas Facilities (Level 1)
19. Motor Vehicle Service and Repair (Level 3/4/5)	19. Manufactured and Modular Homes Sales	6. Sewage Collection Facilities	19. Building/Garden Supply and Nurseries (Level 1/2/3/4)	19. Sewage Collection Facilities
20. Private Training Schools (Level 1/2)	20. Motor Vehicle Sales and Rental (Level 4)	7. Stormwater Facilities (Level 1/2)	20. Business Services	20. Stormwater Facilities (Level 1)
21. Rental and Repair Services (Level 3/4)	21. Motor Vehicle Service and Repair (Level 3/4/5)	8. Waste Transfer Facilities (Level 1)	21. Buy-Back Recycling Center	21. Waste Transfer Facilities (Level 1)
22. Sales of General Merchandise (Level 4)	22. Pet Sales and Services (Level 4)	9. Water Supply Facilities (Level 1)	22. Convenience Commercial (Level 1/2/3)	22. Water Supply Facilities (Level 1)
23. Storage (Level 2/3)	23. Private Training School (Level 1/2)	10. Civic Accessory Uses	23. Drive-Through Facilities	23. Amusement and Recreation (Level 1)
24. Primary Manufacturing (Level 1/2)	24. Rental and Repair Services (Level 3/4)	11. Commercial Accessory Uses	24. Eating and Drinking Establishment (Level 1/2/3/4)	24. Building/Garden Supply and Nurseries (Level 1/2)
25. Secondary Manufacturing and Major Assembly (Levels 1/2)	25. Storage (Level 1/2/3)		25. Food Stores (Level 1/2)	25. Business Services
26. Limited Manufacturing/Assembly (Level 1/2/3)	26. Primary Manufacturing (Level 1)		26. Funeral Services (Level 1)	26. Convenience Commercial (Level 1/2)
27. Contractor Yards (Level 1/2)	27. Secondary Manufacturing and Major Assembly (Levels 1/2)		27. Lodging (Level 3)	27. Eating and Drinking Establishment (Level 1/2/3)
28. Flex Space (Level 2/3)	28. Limited Manufacturing/Assembly (Level 1/2/3)		28. Manufactured and Modular Homes Sales	28. Food Stores (Level 1)
29. Food and Related Products (Level 1/2)	29. Contractor Yards (Level 1/2)		29. Motor Vehicle Sales and Rental (Level 1/2)	29. Funeral Services (Level 1)
30. Industrial Services	30. Flex Space (Level 1/2/3)		30. Motor Vehicle Service and Repair (Level 1/2/3/4/5)	30. Personal Services (Level 1/2)
31. Motion Picture Production Studios	31. Food and Related Products (Level 1/2)		31. Personal Services (Level 1/2)	31. Pet Sales and Services (Level 1)
32. Outdoor Distribution and Freight Movement	32. Industrial Services		32. Pet Sales and Services (Level 1/2)	32. Private Training School (Level 1/2)
33. Printing and Publishing (Level 1/2)	33. Motion Picture Production Studios		33. Private Training School	33. Professional Offices (Level 1/2)
34. Research, Development, and Laboratories (Level 1/2/3)	34. Outdoor Distribution and Freight Movement		34. Professional Offices (Level 1/2/3)	34. Rental and Repair Services (Level 1)
	35. Printing and Publishing (Level 1/2)		35. Rental and Repair Services (Level 1/2/3)	35. Sales of General Merchandise (Level 1/2)
	36. Research, Development, and Laboratories (Level 1/2)		36. Sales of General Merchandise (Level 1/2/3/4)	36. Sales of Secondhand Property (Level 1)
	37. Warehousing, Distribution and Freight Movement (Levels 1/2/3)		37. Sales of New and Secondhand Property (Level 1/2/3)	37. Limited Manufacturing/Assembly (Level 1)
	38. Commercial Accessory Uses		38. Storage (Level 1/2)	38. Printing and Publishing (Level 1)
	39. Industrial Accessory Uses		39. Limited Manufacturing/Assembly (Level 1/2)	39. Residential Accessory Uses
			40. Contractor Yards (Level 1)	40. Civic Accessory Uses
			41. Flex Space (Level 1/2)	41. Commercial Accessory Uses
			42. Motion Picture Production Studios	
			43. Printing and Publishing (Level 1/2)	
			44. Warehousing, Distribution and Freight Movement (Level 1/2)	
			45. Civic Accessory Uses	
			46. Commercial Accessory Uses	
			47. Industrial Accessory Uses	

**F. Convenience Commercial.** Stores which may be either primarily engaged in serving the auto-driving public or, at lesser levels, principally oriented to neighborhood pedestrian traffic, which may include any combination of gasoline sales, uses typical of Food Stores as listed herein, and same-structure collocation of limited prepared food and drink sales such as fast food or espresso; as distinguished from Food Stores Commercial use type, which does not allow gasoline sales.

**Level 1:** Structure of up to ten thousand (10,000) gross square feet, without gas sales.

**Level 2:** Structure of up to 10,000 gross square feet, with up to six (6) two-sided gas pumps.

**Level 3:** Structure of up to twenty thousand (20,000) gross square feet, with up to nine (9) two-sided gas pumps.

**Level 4:** Structure of over twenty thousand (20,000) gross square feet, with more than nine (9) two-sided gas pumps. Level 4 shall include levels 1, 2 and 3.

**G. Drive-Through Facilities.** Facilities which are standalone or provided in conjunction with and accessory to a collocated allowed use for the purposes of allowing a customer or patron to transact business from a motor vehicle. Examples include fast food, coffee kiosks, financial institutions or unstaffed automatic teller machines, and pharmacy prescription drop-off/pick-up. Does not include drive-through car washes or other forms of automobile service, which shall instead be treated as Motor Vehicle Service and Repair Commercial use types. Drive-Through Facilities shall not be comprised of a mobile unit such as a trailer or other vehicle with chassis which has been parked and/or converted to a permanent installation by virtue of removal of wheels or addition of blocking and skirting.

**H. Eating and Drinking Establishment.** Establishments that sell prepared food and/or beverages, which may include liquor, subject to appropriate state and local licensure, including health permits. Such uses may or may not include Amusement and Recreation Commercial use types in conjunction but shall be considered to constitute Eating and Drinking Establishments for the purpose of zoning only where amusement and recreation is clearly secondary to a primary Eating and Drinking Establishment Commercial use type. Does not include sexually oriented businesses serving food and/or beverages, which are instead treated as Sexually Oriented Business Commercial use types.

**Level 1:** Mobile vending occurring from motorized or non-motorized outdoor carts or vehicles which go from place to place selling pre-prepared or made-to-order products, where no seating is provided. Examples include lunch wagons, coffee or hot dog carts, popcorn vendors, and ice cream trucks.

**Level 2:** Mobile vending as described in Level 1, but occurring from a fixed, identifiable location to which the vendor returns each business day, serving pre-prepared or made-to-order products intended to be consumed off the premises. Examples include taco trucks.

**Level 3:** Establishments selling pre-prepared or made-to-order products intended to be consumed on the premises or which may, at the customer's option, be taken away, where a Drive-Through Facilities Commercial use type may or may not be collocated. Examples include coffee shops; juice bars; fast food, fast casual, and family style restaurants; and fine dining establishments.

**Level 4:** Establishments primarily involved in alcohol sales, or which include a specific bar/lounge area, serving made-to-order products intended to be consumed solely on the

premises, which may, from time to time, feature entertainment such as video sports events, comedy shows, or dancing to recorded or live music, or low-intensity entertainment such as video games, pool tables, darts, television, and/or jukebox music. A Level 4 Eating and Drinking Establishment shall not be collocated with a Drive-Through Facilities Commercial use type. Examples include sports bars, restaurants with bars/lounges, taverns and brewpubs. Distinguished from establishments primarily involved in alcohol sales, where pre-prepared or made-to-order food may also be available, which routinely offer entertainment such as dancing to live or recorded music, which shall instead be treated as Amusement and Recreation Commercial use types. Examples include dance or karaoke bars and “nightclubs.”

**I. Food Stores.** Stores primarily engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, which may include a variety of non-food products as well. Examples include meat and fish markets, vegetable markets, retail bakeries, dairy stores, grocery stores, and specialty food and beverage stores; provided, that gasoline sales shall not be located on the same lot and as distinguished from Convenience Commercial use types.

**Level 1:** Floor area up to thirty thousand (30,000) gross square feet.

**Level 2:** Floor area between thirty thousand (30,000) and eighty thousand (80,000) gross square feet.

**Level 3:** Floor area over eighty thousand (80,000) gross square feet.

In summary, some level of convenience commercial uses are allowed in all zones except I2; some level of eating and drinking establishments are allowed in all of the zones; drive-throughs limited to coffee kiosks are allowed in the I1 zone; drive-through facilities as requested by the applicants for CPA/ZOA 2019-02 are allowed in the C2 zone; and food stores are allowed in NC2, C3 and C2.

**CEDD Recommendation:**

CEDD recommends redesignation and rezoning of parcel 0220264111 to Industrial (I) and Industrial 2 (I2) respectively.

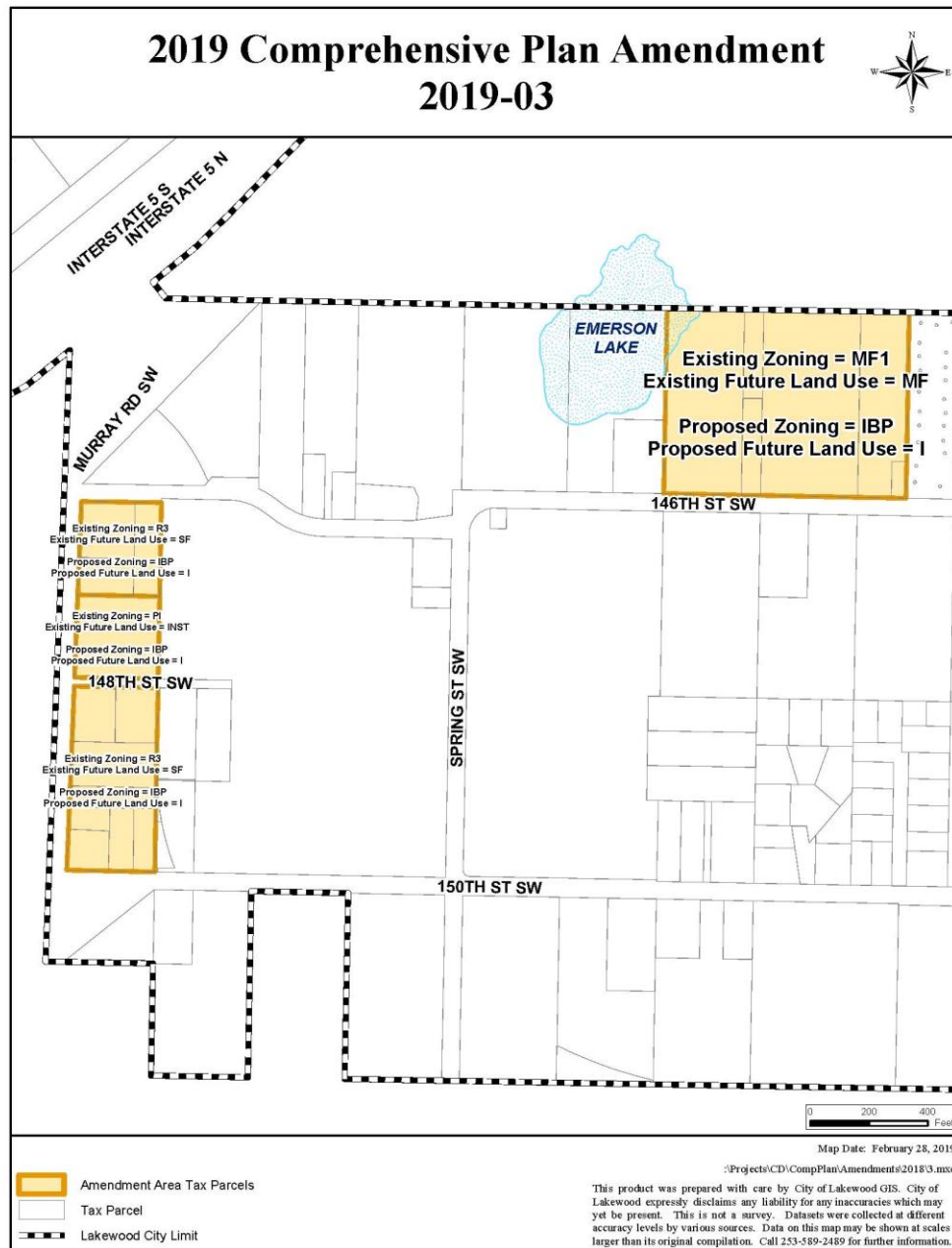
CEDD recommends approval to redesignate parcels 0220262057 and 0220263153 to Neighborhood Business District (NBD) and rezone them to Neighborhood Commercial 2 (NC2) instead of Corridor Commercial (CC) and Commercial 2 (C2), respectively. This would provide consistent NC2 uses along both sides of Bridgeport Way for travelers along the corridor.

## CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)

Amend the land use designation and zoning for Assessor-Treasurer Tax Parcel Nos. 0219221023, -1002, -1042, -1003, -1034, -1035, -2002, -2010, -2013, -2014, -2040, -2044, -2045, -2056, -2057, -2058, -2060, & -6001.

This proposal combines two private and one city application, all to redesignate and rezone properties from residential or public institutional uses to industrial uses.

1. Amend the Comprehensive Plan land-use map to designate all parcels as Industrial (I).
2. Amend the zoning map to zone all parcels as Industrial Business Park (IBP).





### Aerial Vicinity map for CPA/ZOA-2019-03



#### **Housing Capacity Analysis:**

Per Pierce County Ordinance 2017-24, Lakewood has a 2030 population allocation of 72,000, or an increase of 13,200 people above its 2008 population estimate of 58,780. This translates into an increase of 8,380 housing units from the 2008 total of 25,904 to reach the City's assigned 2030 target of 34,284 units.

There are two ways of examining the housing issue. The first is to calculate the impact on *existing development*. At build-out, the proposal could result in the net loss 58 existing residential units (48 multifamily units and 10 single family units).

The second way is to examine the impact on housing based on an examination of the *comprehensive plan land use map*. Under current land use designations, these sections of Woodbrook are scheduled for single family and multifamily development. The density for single family is 4.8 units per acre; the density for multifamily is set at 22 units per acre. Therefore, if this area were built-out under current land use designations, the maximum housing count would be 291-units. (It should be pointed out that these are 'high-side' estimates. Historically, residential maximum density is rarely achieved.) That also means that if the same area were designated industrial, there would be a net loss of about 291-units.

The 2018 Downtown Subarea Plan plans for a 2,257 net housing units within its boundaries. This is an increase of 1,807 units within the Downtown boundaries and thus the City.

Assuming theoretical development at the maximum density allowed under the current zoning, the Woodbrook neighborhood has the housing capacity for 291

units. Current development includes 42 units, or approximately 14% of the maximum density allowed. It is unlikely that future residential development would build at the highest density due to environmental constraints as well as market conditions. However, assuming residential development in Woodbrook would occur at the maximum density, by rezoning the area to industrial, the citywide net increase in housing units would still be 1,516.

**A. Consistency with the Comprehensive Plan:** This proposal is well in keeping with the Comprehensive Plan. The City's two industrial areas - Lakewood Industrial Park and Woodbrook, have been designated as Centers of Local Importance (COLI.) A sub-area plan has been prepared for the Woodbrook Industrial Park.

#### Excerpts from 2018 Comprehensive Plan

##### **1.4.2 Protecting the Social, Economic, and Natural Environments**

Conversion of a part of Woodbrook (American Lake Gardens) to industrial use. Woodbrook currently provides substandard housing served by failing septic systems. With this plan targeting residential growth in other neighborhoods, Woodbrook is a promising opportunity for job creation. This plan envisions a new state-of-the-art industrial area. The assortment of aging and substandard housing and other land uses will be transformed to a major destination for manufacturing, corporate headquarters, and other employment-generating uses making use of excellent access to I-5 and ports in Tacoma and Olympia.

##### **2.5.7 Woodbrook**

Approximately 170 acres have been zoned for industrial uses. Sewers have been extended and roadway improvements have been made to accommodate redevelopment of the area with industrial uses and to facilitate traffic using the JBLM Logistics gate at the end of Murray Road SW. Additional improvements are planned. One 45,000 sq. ft. industrial building has been constructed, and approximately 700,000 square foot of additional industrial space has been approved for development. The City adopted the Woodbrook Business Park Development Report in July, 2009, which analyzes development issues and makes recommendations regarding redevelopment of the area with industrial uses.

#### **3.4 Industrial Lands and Uses**

The Woodbrook area is also planned for conversion to a new industrial area. The City completed the "Woodbrook Business Park Development Report" in July 2009. Approximately 156 acres have been designated and zoned for industrial uses, including the Woodbrook Middle School campus, which is eventually planned to be closed. In addition, sewer service was provided to the area in 2012 and a large traffic circle installed at the intersection of Murray Road SW and 150th Street SW, which are necessary to facilitate industrial redevelopment of the area. Two new large warehouse developments were approved for the area in 2012-13.

##### **3.4.2 Woodbrook**

**GOAL LU-32:** Facilitate the development of industrial uses in Woodbrook.  
Policies:

LU-32.1: Facilitate the planned development of the industrial area, actively seeking high employment generating land uses that can capitalize on proximity to regional transportation and markets and nearby military installations.

LU-32.2: Facilitate the provision of adequate infrastructure concurrent with redevelopment.

LU-32.3: Encourage assembly of lands for redevelopment, particularly where undersized parcels contribute to siting problems.

LU-32.4: In consultation with the Clover Park School District, state education officials, and the City of Lakewood, facilitate a plan to close and demolish Woodbrook Middle School.

LU-32.5: Reduce land-use conflicts between industrial and other land uses through the provision of industrial buffers, setbacks, and screening devices, as well as enforcement of noise and air quality laws.

LU-32.6: 150th Street SW is designated as the principal truck route through Woodbrook.

### **5.3 Economic Development Summary**

Over \$20 million in new water and sewer infrastructure improvements have been made in Tillicum and Woodbrook.

**GOAL ED-5:** Promote the revitalization/redevelopment of the following areas within Lakewood: 1) the Central Business District; 2) the South Tacoma Way & Pacific Highway Corridors; 3) Springbrook; 4) Tillicum/Woodbrook; 5) Lakeview (Lakewood Station District); and 6) Lake City.

Policies:

ED-5.4: Promote industrial land development at the Woodbrook Business Park.

ED-5.5: Continue existing programs to expand sewers throughout Tillicum and Woodbrook.

### **Land Use Implementation Strategies**

**11.3.12** Continue to prepare the Woodbrook area for redevelopment with industrial uses and pursue opportunities to locate appropriate businesses consistent with utility extensions as described in the Woodbrook Business Park Development report issued in July, 2009.

**B. Compatibility with development in the vicinity:** As described above, the City intends to see a redevelopment of Woodbrook into industrial uses. The parcels included in the application are located along 146<sup>th</sup> and Murray Road, both major thoroughfares in Woodbrook.

**C. Transportation impacts and mitigation:** The proposed designation and zoning changes will allow a new list of land uses, but does not represent a significant change in development potential/scale.

**D. Public Service impacts and mitigation:** Both the current and proposed designations and zoning support urban densities. No significant increase to public service impacts is anticipated.

**E. Public health, safety and general welfare impacts:** The IBP District allows less intensive manufacturing and warehouse uses than other industrial districts. The City's municipal code requires industrial development to provide additional buffers, screening and setbacks when abutting residential uses. The redesignation and rezone are in keeping with the City's long term goal to create a significant employment node, and serve the general welfare.

**F. Range of permitted uses:** The City's Comprehensive Plan plans for the area to become an industrial node; the IBP zone allows for a range of industrial and manufacturing uses that align with this plan.

**G. Change in circumstances:** As the Woodbrook Business Park continues to succeed, this proposal is realizing the City's intent to create an industrial node in et area.

**H. Advantages vs. negative impacts:** Future industrial development may be more intensive than what exists today and the area will experience additional freight traffic. However, the City designated this area for industrial development to create jobs and economic opportunities. The City's municipal code requires additional buffers, screening, and setbacks when abutting residential uses; it also requires mitigation of traffic impacts through off-site improvements and mitigation of other compatibility issues through performance standards.

**CEDD Recommendation:**

CEDD recommends approval of CPA/ZOA 2019-03 as considered.

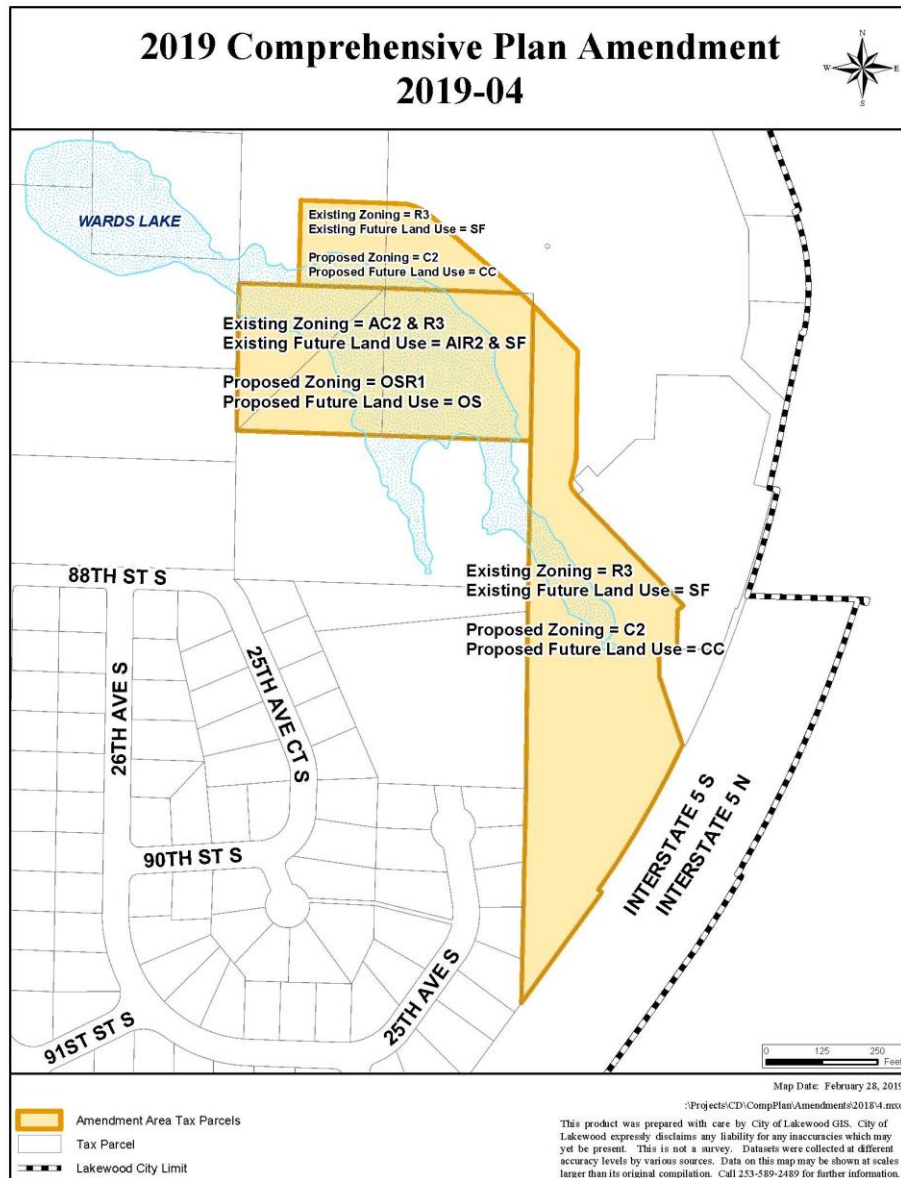


## CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)

Amend the land use designation and zoning for Assessor's Tax Parcel Nos.: 0320311051, -1060, -5005, -5006, & -5018.

This City-initiated proposal corrects past split-parcel zoning and other zoning errors and places adjacent parcels into more consistent designations and zones around Wards Lake.

1. Amend the Comprehensive Plan land-use map to designate parcels 0320315005, -5006, and -5018 as Open Space (OS); and designate parcels 0320311051, -1060 and -1056 as Corridor Commercial (CC)
2. Amend the zoning map to zone parcels 0320315005, -5006, and -5018 as Open Space & Recreational 1 (OSR1); amend to zone parcels 0320311051, -1060 and -1056 as Commercial 2 (C2.)



### Aerial Vicinity Map for CPA/ZOA 2019-04



**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:** Not applicable.

**B. Compatibility with development in the vicinity:** The application corrects past scrivener errors and the corrections increase compatibility with development in the vicinity.

**C. Transportation impacts and mitigation:** Not applicable.

**D. Public Service impacts and mitigation:** Not applicable.

**E. Public health, safety and general welfare impacts:** Not applicable.

**F. Range of permitted uses:** Not applicable.

**G. Change in circumstances:** Not applicable.

**H. Advantages vs. negative impacts:** This proposal corrects past scriveners errors and brings parcels into consistency and accuracy with their geography and surrounding uses.

### **CEDD Recommendation:**

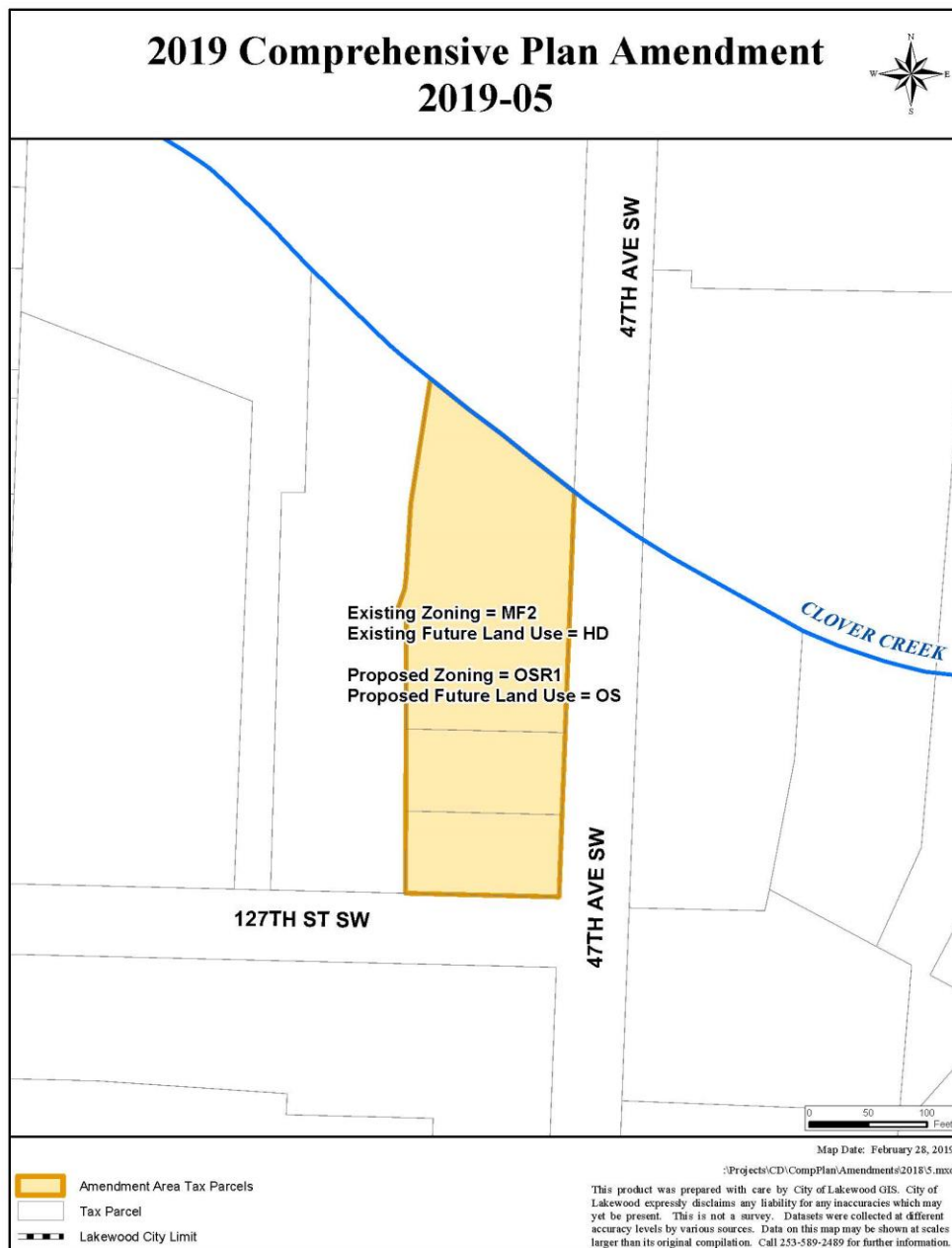
CEDD recommends approval of CPA/ZOA 2019-04 as considered.

## CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)

Amend the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219123016, -3031, & -3032.

This application would redesignate and rezone three parcels to Open Space and Recreation 1 in order for the City to expand the boundaries of Springbrook Park.

1. Amend the Comprehensive Plan land-use map to designate all parcels as Open Space (OS); and
2. Amend the zoning map to zone all parcels as Open Space & Recreational 1 (OSR1).



### Aerial Vicinity Map for CPA/ZOA 2019-05



**Housing Capacity Analysis:** Three single family residences would be demolished. The Downtown Subarea Plan includes a net increase of 1,807 housing units; the result of adopting this amendment would thus leave a net increase of 1,804 units.

**A. Consistency with the Comprehensive Plan:** This application allows the City to pursue expanding Springbrook Park, consistent with the Comprehensive Plan as well as the City's Parks Legacy Plan.

#### **Excerpts from the Legacy plan:**

This 4.69 acre neighborhood park is located at 12601 Addison Street SW in east Lakewood. The site has been improved with:

- On-street parking
- Community garden
- Playground
- Basketball hoops
- 0.18 mile paved path around park
- Baseball field
- 1 Shelter with tables, no benches
- Drinking fountain

#### **Proposed repair and replacement:**

- Upgrade irrigation
- Replace playground
- Replace perimeter fencing
- Renovate lighting in park and street
- Preserve or replace trees

#### **Possible improvements:**

- Install artificial turf on soccer field
- Reconfigure and improve parking
- Develop new service road access
- Install security cameras

- Develop creek access
- Develop access to lower Springbrook
- Acquire and expand park property
- Expand community gardens
- Spray park
- Large community event shelter
- Horse shoe pits
- Additional picnic tables throughout park
- Picnic shelter near creek
- New paths for circulation in park
- Covered basketball court

**B. Compatibility with development in the vicinity:** The parcels are immediately adjacent to Springbrook Park, also designated and zoned Open Space & Recreation.

**C. Transportation impacts and mitigation:** Transportation impacts would be minimal with the change of 3 parcels from residential to open space use.

**D. Public Service impacts and mitigation:** The application would likely result on less use of water and sewer services with the change of use.

**E. Public health, safety and general welfare impacts:** This application would enable the eventual expansion of Springbrook Park, providing additional health and general welfare benefits to Lakewood residents.

**F. Range of permitted uses:** The City has purchased two of the three parcels in question with the intent of adding them to Springbrook Park; the proposed designation and zone would allow for such use. The parcel at 12626 47<sup>th</sup> Ave. SW is still privately owned.

**G. Change in circumstances:** Two of the three parcels have been purchased by the City of Lakewood and are no longer being used for residences.

**H. Advantages vs. negative impacts:** The advantages to adding park space to the City outweigh the loss of three residential units, especially in light of the recent allocation of 2,257 additional housing units to the Downtown Subarea.

**CEDD Recommendation:**

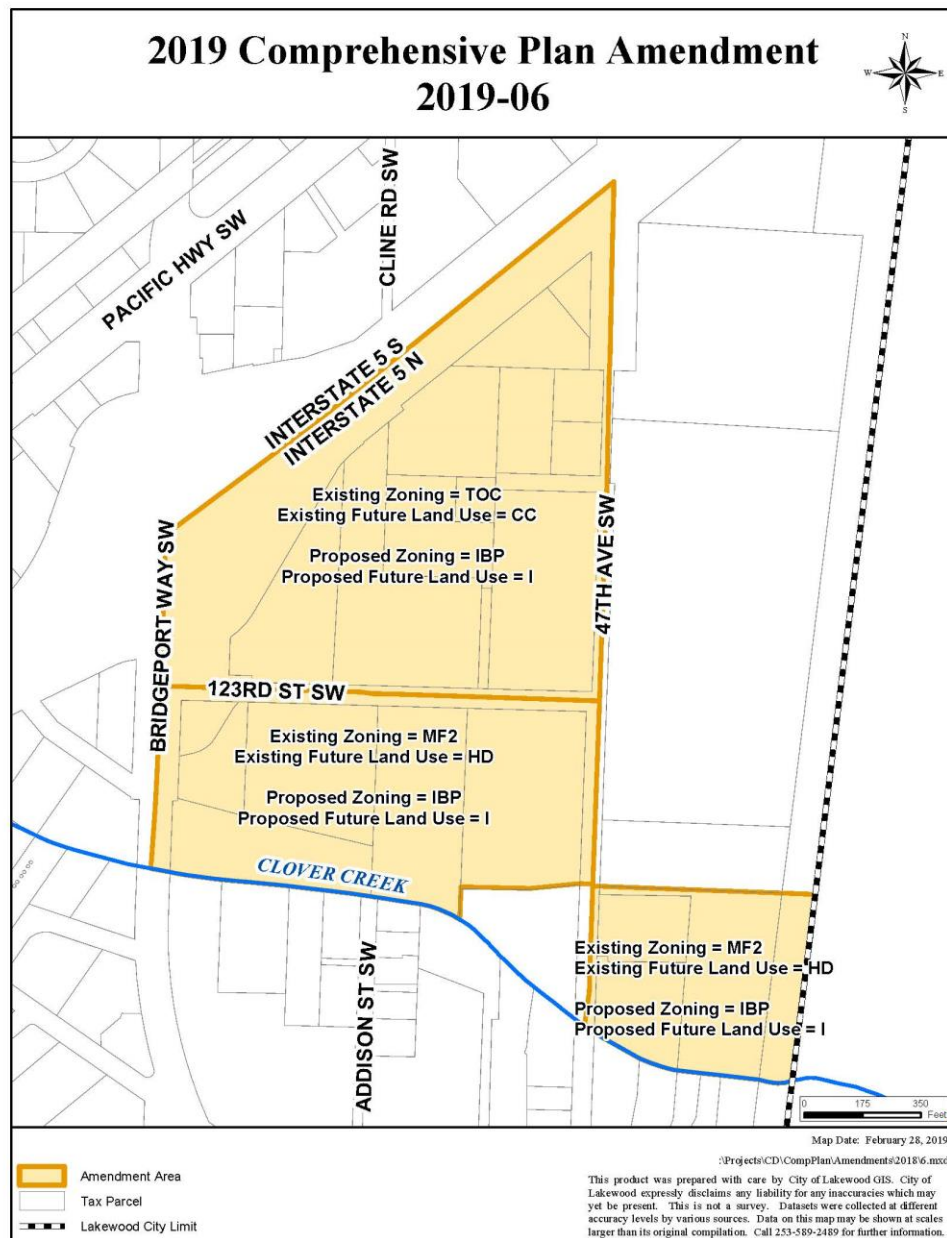
CEDD recommends approval of CPA/ZOA 2019-05 as considered.



## CPA/ZOA-2019-06-MAP AMENDMENT (Springbrook Neighborhood)

Amend the land use designation and zoning for Assessor's Tax Parcel Nos.: 0219127015, -3105, -3017, -7013, -7012, -3005, -3000, -3064, -3024, -2033, -2028, -3108, -3109, -3084, -3025, -3081, -3116, -3113, & -3114.

1. Amend the Comprehensive Plan land-use map to designate all identified parcels as Industrial (I);
2. Amend the zoning map to zone all parcels as Industrial Business Park (IBP); and
3. Remove the Lakewood Station District boundary located in the Springbrook Neighborhood.



### Aerial Vicinity Map for CPA/ZOA 2019-06



**Staff Analysis:** Because of the complicated nature of analyzing this proposed application, staff is providing the information below rather than working through the eight standard criteria or providing a recommendation.

#### **Housing Capacity Analysis:**

Per Pierce County Ordinance 2017-24, Lakewood has a 2030 population allocation of 72,000, or an increase of 13,200 people above its 2008 population estimate of 58,780. This translates into an increase of 8,380 housing units from the 2008 total of 25,904 to reach the City's assigned 2030 target of 34,284 units.

There are two ways of examining the housing capacity. The first is to calculate the impact on *existing development*. At build-out, the proposal could result in the net loss 334 existing residential units (333 multifamily units and one single family residence.)

The second way is to examine the impact on housing based on an examination of the *comprehensive plan land use map*. Under current land use designations, this section of Springbrook is scheduled for medium- and high-density mixed use development with ranges in density of between 35- and 54-units per acre. However, much of the area is located in an existing floodplain. The floodplain poses constraints on maximum density. Based on a recent multifamily development project being proposed in Springbrook ("Cloverbrook"), which is located in the floodplain, it has been calculated that the maximum density cannot exceed 30-units per acre. Therefore, if this area were built-out under current land use designations, the maximum housing

count would be 1,150 units. That also means that if the same area were designated industrial there would be a net loss of about 1,150 units, but again, this is a ‘high-side’ number.

Half of the properties in this area are in both the floodplain and the floodway. Development within the floodway is severely limited; housing would be prohibited. It is difficult to make a calculation of housing net loss in the floodway because the floodway meanders across a significant amount of land area and its boundaries cross many property lines. The most likely scenario is that housing net loss is about one-half of 1,150 units, or roughly 600 units.

The 2018 Downtown Subarea Plan plans for a 2,257 net housing unit increase within its boundaries. This is an increase of 1,807 units within the Downtown boundaries and thus the City.

Assuming theoretical development at the maximum density allowed under the current zoning, the Springbrook neighborhood has the housing capacity for 1,548 units; again, given environmental constraint, the current real-world estimated maximum capacity is 1,150 units. By rezoning the area to industrial, the city-wide net increase in housing units would still be at least 773; using the more likely 600 unit build out for this area, the net citywide housing capacity increase taking the Downtown Subarea Plan increase of 1,807 units into account would be 1,207.

The 2018 Comprehensive Plan Excerpts:

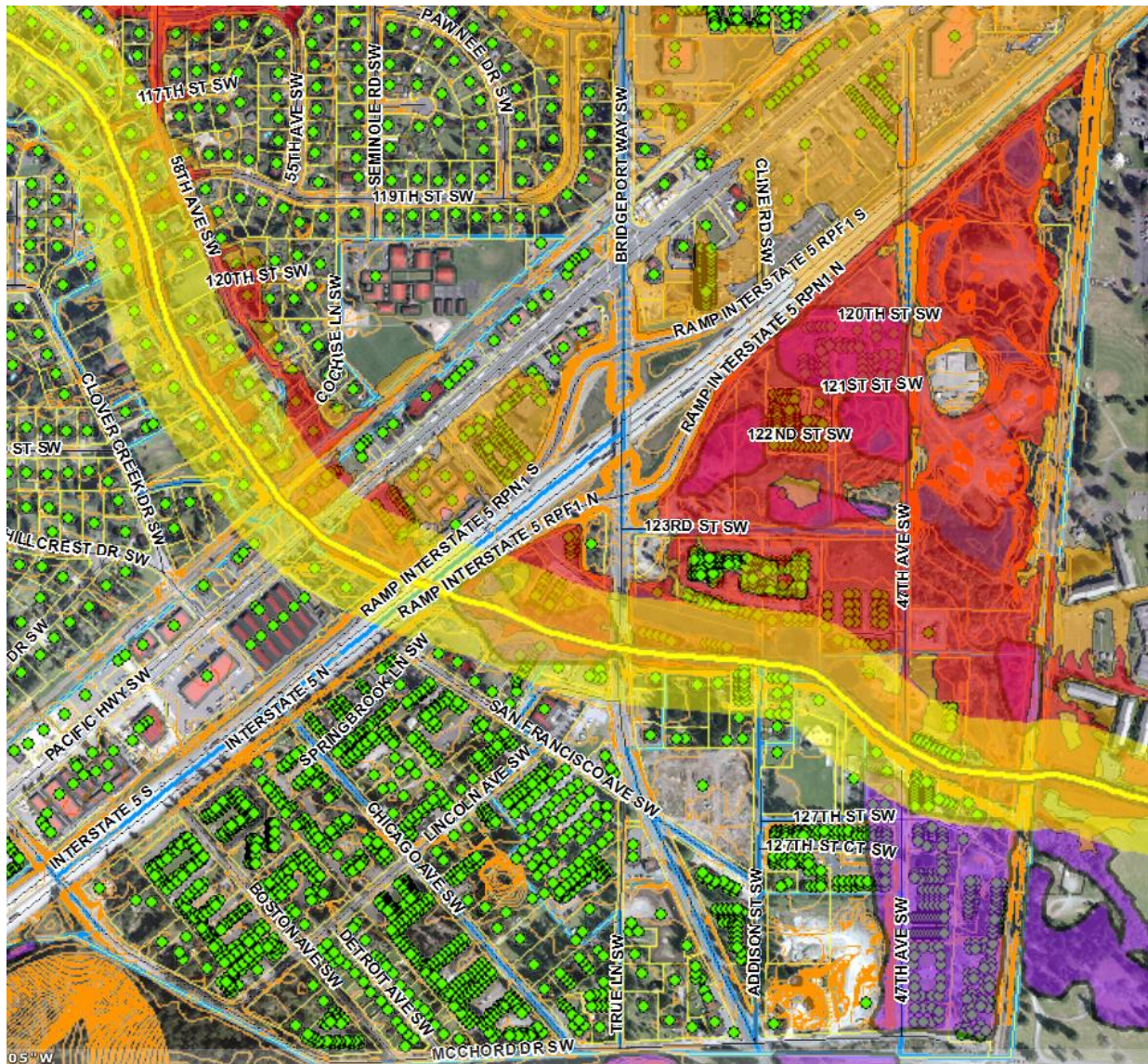
Policy ED-5.13: Develop and implement a sub-area plan for Springbrook.

To date, a Springbrook subarea plan has not been developed.

A map of the Springbrook area with a number of environmental layers applied is provided below.

Red	Special Flood Hazard Area (SFHA)
Light Orange	500 year flood zone
Thick Orange Lines	Topographic lines
Thick Yellow line	Creek(s)
Yellow	250' creek buffer per FEMA BiOp
Purple with black outline (looks pink)	Oak grasses (potential oak woodlands)
Blue	Potential Wetlands





One of the difficulties with this application is the unusual nature of the floodway found within the project site. To explain the situation, it is important to first define “floodplain” and “floodway.”

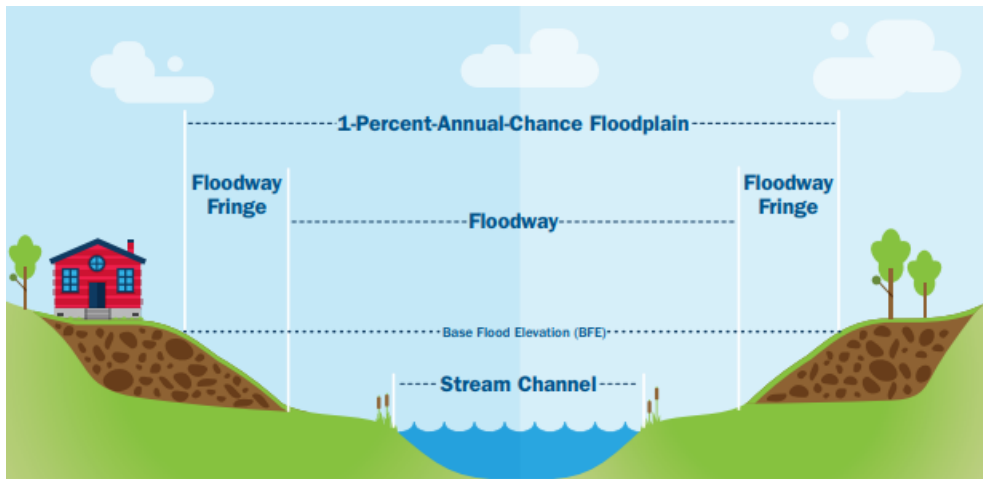
A “floodplain” is comprised of the “floodway” and the “floodway fringe.” The floodway includes the channel and adjacent overbank areas necessary to effectively convey floodwaters. The flood fringe are lands outside the floodway, at or below the Base Flood Elevation, that store but do not effectively convey floodwaters. FEMA regulates the floodplain to represent the 1 percent-annual-chance flood, known as the base flood.

A floodway is the primary conveyance area of a channel's cross-section that is the natural conduit for flood waters. The floodway must remain open in order to allow flood waters to pass. When the floodway is obstructed by buildings, structures, or debris, flood waters will back up, resulting in greater flooding potential upstream.



The distinction between the two is important when considering development and mitigating risk in a community.

Graphically, a floodplain and floodway looks like this:



However, the floodway for Clover Creek is much different. It does not follow a stream channel, or so it appears. Please see the figure below.



This is not your typical floodway. After considerable research, the floodway follows a remnant, ephemeral Clover Creek, which emptied into Ponce de Leon Creek, and then into what is now known as Lake Steilacoom. This flow pattern may have existed 150 years ago.

Modification of the Clover Creek floodplain began as early as the mid-nineteenth century. In 1853, Andrew F. Byrd built a dam impounding the waters of a low-lying marsh to power his sawmill, which formed Steilacoom Lake at the headwaters of Chambers Creek.

Since the late 1800s, Clover Creek has been extensively modified by canals, diversions, channelization, and diking. In the 1880's. Captain John C. Ainsworth moved Clover Creek off his floodplain near the Town Center, Lakewood. Teams of horses with slip scoops were used to dig a new channel and sheep were used to pack the channel bottom.

Several old diversion canals still carry appreciable water. In the early 1900s, a canal was built adjacent to the creek to supply the City of Tacoma with drinking water. The canal was never used for its intended purpose but it now carries half of the present creek's flow. The canal is approximately one half mile long and has a gravel bottom. It is located in the area of Old Military Road and 38th Avenue East

Ponce de Leon Creek was the historic, most downstream portion of the Clover Creek channel, immediately upstream from Steilacoom Lake. Much of an alternate western segment of Clover Creek was widened and deepened during the 1930s and early 1940s to help alleviate winter flooding problems.

Approximately 4.0 miles of the creek were dredged during this project. Prior to construction of the Lakewood Mall, during periods of high flow, Clover Creek would overflow into the historic connection to what is now Ponce de Leon Creek. The natural channel extending from the McChord western boundary to what is now called Ponce De Leon Creek was abandoned when the present day channel was widened and deepened. The Clover Creek reach within McChord AFB was relocated in 1938-1940 to make way for runway and facility construction.

These data strongly suggest that the floodplain and floodway as depicted by FEMA, for the Springbrook Neighborhood, is no longer accurate based due to out-of-date information used by FEMA in the last update, the historical modification of the Clover Creek channel, in combination with the urbanization that has occurred in the Clover Creek Basin.

#### Lakewood Floodplain Review and Amendment

It is recommended that regardless of action taken on this proposed amendment, the City pursue a new, two-dimensional floodplain model, and if the data shows the floodplain and floodway to be inaccurate, submit for a FEMA map amendment.

#### **CPA-ZOA 2019-06 Options**

**OPTION 1 – Status Quo:** Take no action (retain the current land use designations (Comprehensive Plan: Corridor Commercial & Multifamily) and zoning (TOC & MF2), subject to the current flood hazard overlay regulations.) This option would allow for the internal process being undertaken by Lakewood to reanalyze and verify the presence or absence of the floodplain and floodways currently mapped in Springbrook by FEMA. Included below is a description by the Public Works Director of the mapping process:

The mapped floodplain along Clover Creek that includes our 123<sup>rd</sup> St. SW project extension to 47<sup>th</sup> Ave SW, was conducted by FEMA using

a modeling technique and base topographic information that results in exceedingly inaccurate areal extents and depths of water for the floodplain. In conversation with Pierce County SWM personnel and then an outside consultant who specializes in this field of practice and is very familiar with the FEMA mapping at this location, I am of the opinion that the City and the County would be benefitted by conducting a higher degree of analysis to determine a more accurate floodplain between JBLM extents along Clover Creek to Lake Steilacoom.

The Public GIS (<https://matterhornwab.co.pierce.wa.us/publicgis/>) mapping maintained by Pierce County reflects a floodplain and floodway overlay covering the vast majority of the Springbrook neighborhood as well as many parcels northwest across the freeway. This impacts any development proposed to occur within the Springbrook area including the County's gravel Pit along 47<sup>th</sup> Ave SW. As currently mapped, the County's property only has a limited area that would be buildable without significant efforts to mitigate or elevate by any proposed development. In conversation with Pierce County staff, the current model reflects upwards of 9 feet of inundation at the lowest point on the County pit site and upwards of 5 feet across our new road. I believe this is a direct result of the model used by FEMA and the much older and inaccurate topological data.

I've asked a firm to estimate the cost of doing a more accurate model using the County's 2010 LIDAR information (ground contours) and a more sophisticated modeling technique. The estimated timing for the work, which includes preparing and defending a Letter of Map Revision (LOMR) submittal to FEMA, 10-12 months, which includes approval by FEMA of a LOMR request. The timeline for the modeling work and LOMR preparation is approximately 4 months to LOMR submittal with the remaining 6-8 months for FEMA review and approval.

**Current Conditions:**

- Existing developed are already nonconforming with the flood hazard overlay regulations.
- Some properties have wetlands.
- Existing residential densities are low. Existing DUA for developed properties is on average 13.75. Highest DUA count is 33 DUA for one property. By comparison, the maximum DUA for TOC is 54; for MF2 is 35 DUA.
- For new development, under the current constraints, the lot coverage is 24 percent, impervious surface (parking areas), 46 percent, and open space flood protection, another 31 percent.
- Strict limitations/prohibitions to any increase in existing structures' square footage.
- Maximum residential density, 30 DUA with buildings having five levels.

**Pros:**

- Leaves the current situation as is; no changes.
- Within the region, there appears to be an affordable housing shortage. These lands at this density could help offset demand provided the market remains strong.
- Subject properties are located in the vicinity of the Lakewood Station, a major transit hub.
- With mixed use development permitted in the TOC zone, it improves the potential for better services within the Springbrook Neighborhood.

**Cons:**

- This area of Lakewood has been slow to redevelop. In part, this is because of a lack of infrastructure. Other reasons include the potential for flooding for properties adjacent to Clover creek, the surrounding conditions of existing properties, its geographical isolation, and lack of services.
- City is placing higher density in a floodplain. Generally, this is not sound public policy.

**OPTION 2 – Lower Density:** Reduce current residential densities; prohibit mixed use residential development.

**Pros:**

- Reduces residential density and would prohibit commercial development; lessens the impact of development in the floodplain.

**Cons:**

- Reduces Lakewood's underlying residential capacity as it relates to GMA; however, it is argued that allowing higher densities in a floodplain is counter to the overall goals of GMA.
- City is still allowing low- to medium-density within the floodplain.

**OPTION 3 – Open Space:** Change the comprehensive land use designation to Open Space & Recreation (OSR) and the zoning classification Open Space & Recreation 2 (OSR2), respectively. Allow both public and private higher intensity open space uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, ice-skating rinks, parks, wildlife and nature preserves, bicycle, and hiking trails.

**Pros:**

- Consistent with FEMA regulations.
- Consistent with the City's Flood Hazard Overlay regulations.
- Consistent with the goals of GMA.
- Expands open space opportunities within the City.
- In the long-term, may improve the biological viability of Clover Creek.

**Cons:**

- Reduces Lakewood's residential capacity.
- Reduces the City's opportunity for economic redevelopment particularly in a

market that is desiring additional industrial lands supporting the current level of activity in the ports of Tacoma and Seattle.

- Existing uses would zoning-wise, become nonconforming (however, existing developed areas are already nonconforming with the flood hazard overlay regulations).
- Existing uses would zoning-wise, become nonconforming (however, existing developed areas are already nonconforming with the flood hazard overlay regulations).

**OPTION 4 - Industrial:** Amend the land use designations (Corridor Commercial (CC) & Multifamily (MF) and zoning (Transit Oriented Commercial (TOC) and Multifamily 2 (MF2)) to Industrial and Industrial Business Park (IBP), respectively.

**Pros:**

- Supports the City's goals for economic redevelopment and investment.
- Encourages new infrastructure.
- Properties are located in an Opportunity Zone.

**Cons:**

- Potential loss of land for housing development.
- Development within the floodplain is subject to the City's Flood Hazard Overlay Zone.
  - All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality and habitat.
  - New construction for any commercial, industrial or other non-residential structure shall be elevated at least one (1) foot above the base flood elevation, with attendant utility and sanitary facilities.
  - No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Regulatory Floodplain. (This prohibition does not apply to small quantities of these materials kept for normal household use.)
- Significant site constraints in relation to typical industrial development: lot coverage, 24 percent; impervious surface (parking areas), 46 percent; and open space for flood protection, another 31 percent.

Transportation analysis (daily trip generation rates) for Option 4 (analysis subject to change):

Current daily trip generation: 1,512 trips +/- (from current 334 units).

Current designation/zoning build-out trip generation using a constrained analysis based on floodplain problems: 9,197 +/-.

Trip generation with conversion to industrial, also using a constrained analysis because of floodplain: 5,078 +/- . This number is relatively low due to an

assumption that only 30% of the land can be covered with structures because the area is in a floodplain.

Total acreage: 42.03 acres

Existing number of residential units: 334

Existing dwelling units per acre (DUA) for the subject area: 13.75 (very low!)

Maximum number of units based on current code: 1,670

Daily trip generation based on existing uses: 1,512 (very low!)

**Miscellaneous:**

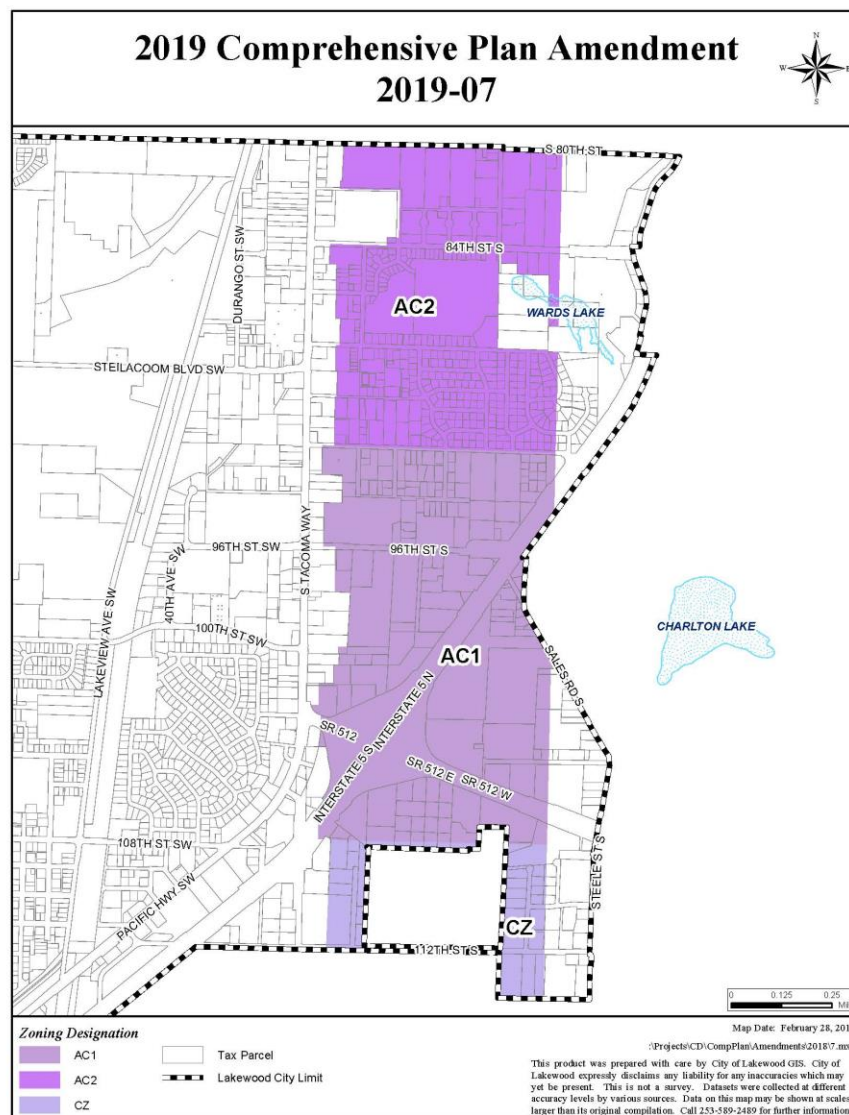
- Should this Option be pursued, it may require follow-up amendments to the City's Shoreline Master Plan.

## CPA/ZOA-2019-07 – MAP & TEXT AMENDMENT (Military Districts)

To be consistent with the December 2015 Air Installations Compatible Use Zones (AICUZ) Program Air Force Instruction (AFI) 32-7063, this application would:

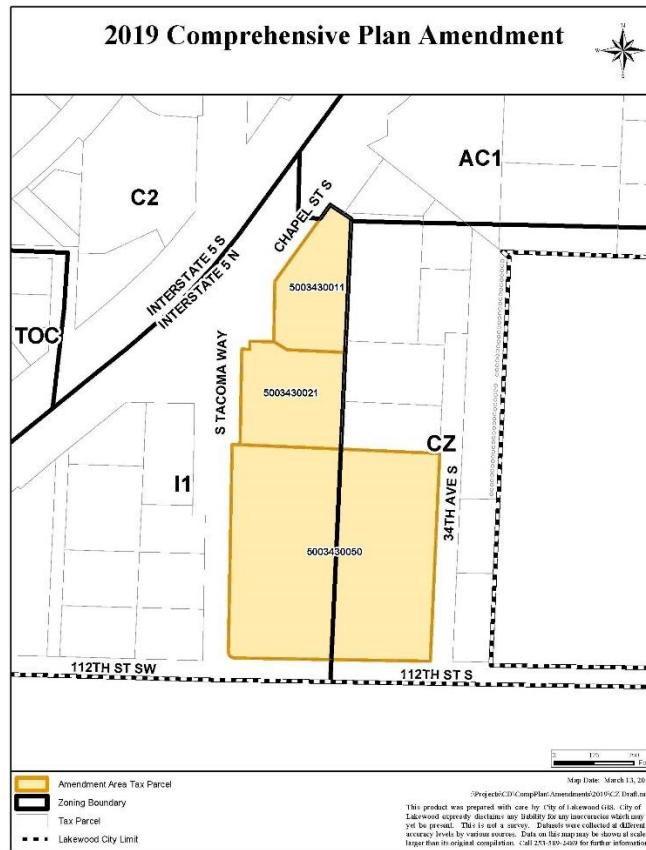
- amend the designation and zoning on certain parcels that are currently partially within the AC1 or AC2 zones to eliminate split zoning;
- update the Comprehensive Plan discussion about Joint Base Lewis-McChord (JBLM), Camp Murray, and related military issues;
- amend LMC Chapter 18A.30.700 (Military-Related Zoning Districts); and
- amend other sections of the LMC, including removing certain land use types and levels currently allowed within the Clear Zone (CZ) area.

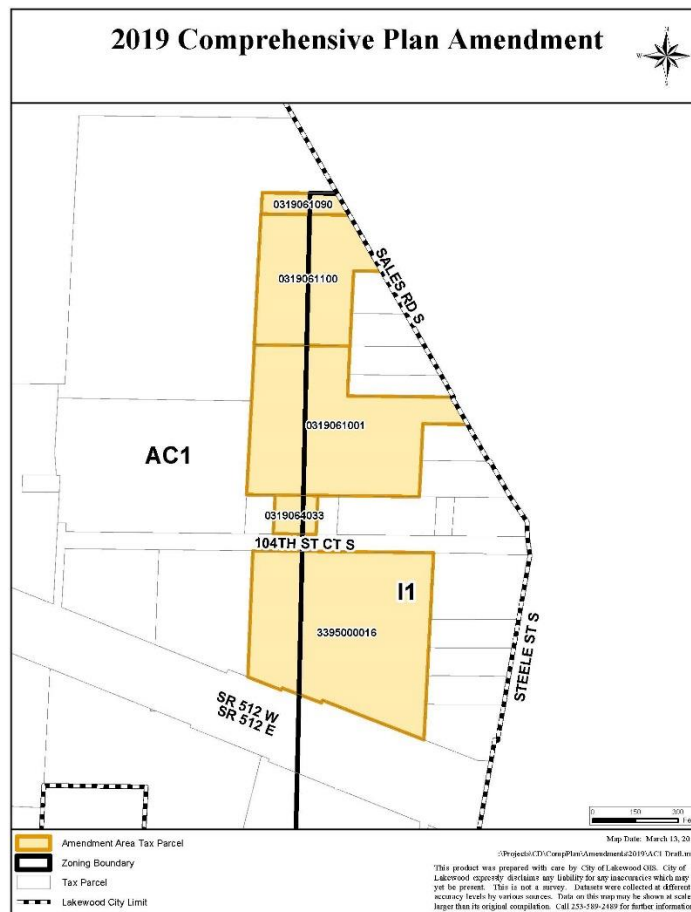
### CPA/ZOA-2019-07 Vicinity Map

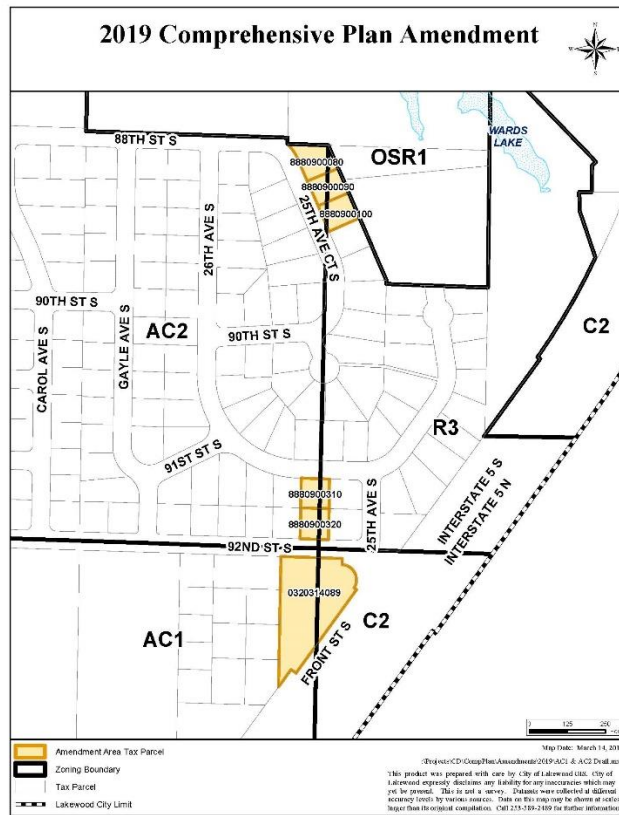




## Amendments to Lakewood Comprehensive Plan Future Land Use Map:







## Amendments to Lakewood Comprehensive Plan Text (changes in red text):

### 3.6 Military Lands



Military lands are the portions of the federal and state military installations within or adjacent to the City. These installations include Joint Base Lewis McChord (JBLM) including McChord Field and Camp Murray. The autonomy associated with federal and state ownership of the military installations, in combination with the unique character of the military operations and support structures, are not typical of civilian land uses and requires special consideration by the City as a host community for these installations.

### 3.6.1 JBLM Installation Profile

JBLM was formally established in 2010, combining Fort Lewis and McChord Air Force Base into a single administrative unit. JBLM is home to the U.S. Army I Corps and 7th Infantry Division, the U.S. Air Force 62nd ~~and (Total Force Partner)~~ 446<sup>th</sup> Airlift Wings, Madigan Army Medical Center, 1st Special Forces Group, U.S. Navy and U.S. Marine Corps elements, and other commands and tenant organizations. JBLM reports that as of March 2019, more than 40,000 active duty, National Guard, and Reserve service members and about 154,000 civilian workers are stationed or work at the installation, as of June 2015, the on-base population stands at 23,700. Region-wide, the JBLM-supported population, which includes full-time military, family members, and dependents; DoD employees; and civilian contractors; living on-base and in neighboring communities, stands at more than 130,000. JBLM is the largest military installation on the west coast, encompassing over 90,000 acres including the main cantonment area (approximately 10,000 acres) and close-in training ranges (approximately 80,000 acres). There are two airfields on the installation: McChord Field, which is home to both active duty and Air Force Reserve C-17A airlift wings transport fleet, and Gray Army Airfield (GAAF), which supports mainly helicopter operations. JBLM has a rail loading complex that connects to the Burlington Northern-Santa Fe (BNSF) line. The training lands on JBLM include 115 live-fire training ranges. Convoy routes to Yakima Training Center (YTC) use I-5 to State Route (SR 18) to I-90 to I-82. The ports of Olympia, Tacoma, and Seattle provide deep water seaport capabilities.

JBLM is a power projection platform with many strategic advantages, including its location on the Pacific Rim, home to the I Corps and its historical Asia/Pacific focus, deep water port access, global airlift capabilities, and extensive training ranges.

### 3.6.2 JBLM Economic Profile

JBLM is also a major economic engine in Washington State and, as of 2014, is the second largest employer in the state and the largest employer in Pierce County. The economic impact of JBLM includes wage and salary payments to military and civilian employees, construction contractor payments, and operating costs such as rent and lease payments for various types of equipment, utilities, telephone services, office supplies, and non-construction contracts. It is estimated that 70-75 percent of JBLM Soldiers live off base, bringing large revenue and jobs to surrounding communities. A 2018 JBLM Regional Economic Analysis\* found that the installation's workforce has approximately overall \$8.3 to \$9.2 billion annual impact on the South Sound.

JBLM's presence also generates 25,000 "spin-off" jobs that contribute an additional \$1.7 billion to the local economy each year. About 70% of JBLM's active duty soldiers live off-base; taken with the Department of Defense (DoD) civilian workforce, this population is 85% of JBLM's personnel and they bring significant revenue and jobs to the communities surrounding the installation. (The report focused on workforce and operating budget, and thus did not estimate the additional impact of JBLM families aside from that on K-12 education.)

\*The Economic Impact of the JBLM Workforce and Operations on the South Sound Region, University of Washington Tacoma (UWT) Center for Business Data Analytics, June 2018.

Looking at the impact from the JBLM workforce, each dollar spent by a service member or contract employee circulates through the local economy multiple times. \$1,000 provided to a service members as a housing allowance could translate into \$2,000 in the economy and foster 10 jobs for the area's population.

JBLM's annual payroll totals almost \$5 billion, and defense contracts with South Sound communities total approximately \$660 million. Defense contracts with businesses located outside the region total an additional \$80 million. The 32,000 military retirees who choose to live in the South Sound bring \$900 million in retiree pay to the local economy.

Economic impact multipliers are a mechanism to summarize the importance of different areas of activity within an economy. The employment multiplier represents the change in the number of additional jobs gained or lost from an initial change in employment on JBLM. JBLM enjoys a multiplier of 1.42, meaning that for every 100 soldiers stationed at JBLM an additional 42 jobs in the local economy are generated.

~~The Washington Economic Development Commission conducted an analysis in 2010 to determine the economic impact of Washington's military bases and defense-related economy, identify new and emerging business opportunities, and build on the state's significant military presence.~~

~~According to the report, DoD spending in 2014 resulted in an estimated \$12.7 billion of economic activity within Washington State, including payroll, contracts, pensions, and other expenditures. DoD contracting produced an estimated \$3.7 billion in total output. The total defense activity created nearly \$12.2 billion in total output in the state and supported approximately 191,600 jobs and nearly \$10.5 billion of labor income. At JBLM specifically, payroll and other expenditures equaled \$3.5 billion in 2009. In the same year, businesses in Pierce County also received \$862,361,235 in defense contracts.~~

Aside from quantifiable economic impacts, military-related activity provides numerous benefits to the state and regional economies, including generating employment opportunities for a wide range of individuals, providing skilled workers in the form of retiring military personnel, creating supplementary markets for firms, whose principal focus is not defense, offering relative insulation from the volatility of market demand, and spurring technological innovation.

### 3.6.3 1992 JLUS

In 1992, a Joint Land Use Study (JLUS) was completed for Fort Lewis and McChord Air Force Base. During the more than 20 years since that study, the two military installations have formed a joint base and grown considerably, missions have changed, and significant urban growth has occurred in the region. While some specific compatibility issues addressed in the previous study are no longer relevant, there are several persistent issues.

The 1992 JLUS resulted in several successful implementation actions. Most significantly, both Pierce County and the City of Lakewood have addressed land use impacts related to JBLM within their comprehensive plans and development regulations, particularly with regard to land uses in the McChord North Clear Zone (NCZ) and Aircraft Potential Zones (APZs). Acquisition of private property by the U.S. Air Force and Pierce County within the NCZ has occurred to mitigate the presence of incompatible land uses. However, incompatible private development in the McChord Field NCZ remains, incompatible land uses still exist, regional transportation impacts continue to pose a significant challenge, and noise impacts remain as missions have evolved.

The Washington State Legislature recognized the importance of military installations to Washington's economic health that it is a priority of the state to protect the land surrounding military installations from incompatible development, and that priority is expressed by RCW 36.70A.530 mandating that Comprehensive Plans and development regulations shall not allow incompatible development in the vicinity of military installations.

The region surrounding JBLM is expected to experience continued economic and population growth, thus a coordinated effort is needed to ensure that the growth which occurs allows the installation to maintain its essential role in the nation's defense while concurrently remaining a vital member of the local community and a major contributor to the local economy.

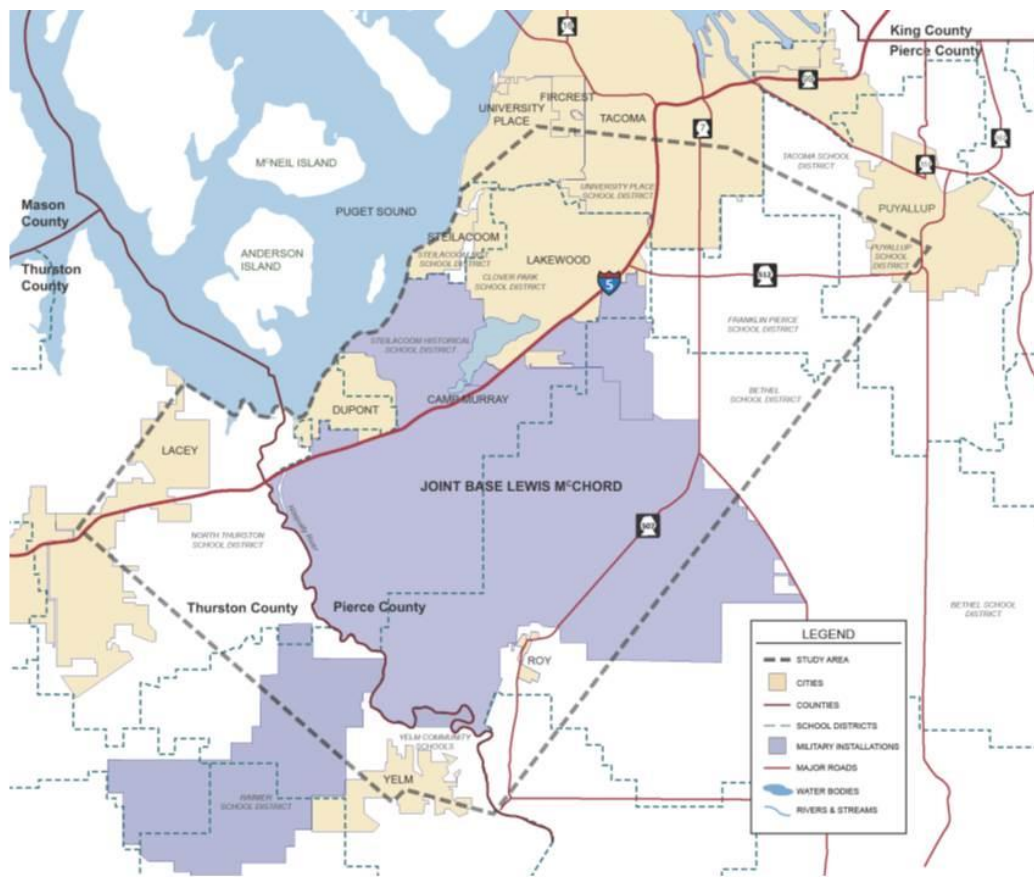
### 3.6.4 2010 Growth Coordination Plan

The Joint Base Lewis-McChord (JBLM) Growth Coordination Plan (GCP) is the product of partnerships formed to prepare for growth and change in the South Puget Sound region associated with the joint basing process that combine Fort Lewis and McChord Air Force Base into JBLM. This document represented a collective effort to assess the region's ability to address the impacts of past and future JBLM growth and change. The intent of the GCP was to assist the communities in planning and preparing effectively to maintain and enhance the quality of life of the region as the installation grows in response to Base Realignment and Closure (BRAC), Army Modular Force, and other Department of Defense initiatives.

The 2010 JBLM GCP had three intended uses: 1) To provide regional service providers with more information about JBLM population and employment they can

use to better support military families in the region; 2) To provide JBLM and community providers with recommendations for leveraging the economic opportunities of base expansion and for providing adequate off-base support services; and 3) To provide public agencies with a consolidated document that provides supporting data for the opportunities and needs identified that can support future grant applications, and inform decision-makers of the urgency for implementation and benefits to both JBLM and the larger region.

The GCP study area did not follow the geographic boundaries of any one entity, jurisdiction, or service agency, and is unique to the needs of those within it. JBLM representatives, Washington State, and community leaders from Pierce and Thurston counties, Lakewood, Tacoma, DuPont, Steilacoom, Lacey, Yelm, Roy, area School Districts, health and social service agencies, and nonprofit service providers in Pierce and Thurston counties participated in the development of the Plan.



Growth Coordination Plan Study Area Map

The Joint Base Lewis-McChord 2010 Growth Coordination Plan (GCP) included Six Core Recommendations:

- Formalize New Methods of Regional Collaboration
- Improve Access to Information
- Improve Access to Existing Services

- Promote JBLM as a Center of Regional Economic Significance
- Improve Support for Military Families
- Improve Regional Mobility

As GCP issues have been resolved or become obsolete, the SSMCP has supplemented its content and moved beyond the GCP where appropriate while relying on the relationships built during its drafting.

### 3.6.5 2015 JLUS

During 2014, the South Sound Military & Communities Partnership, of which Lakewood is a member, coordinated an update to the 1992 Fort Lewis JLUS for the recently formed Joint Base Lewis-McChord (JBLM). The update was completed in October 2015. The revised JLUS consists of three documents, the Existing Conditions Report; a Compatibility Report which identifies points of conflict or encroachment; and an Implementation Plan that lists strategies to solve current conflicts, or avoid future ones. The JBLM JLUS findings are advisory in nature and are intended to identify and suggest resolution for impacts generated by military training and operations on communities, and in turn, community growth and activities on or near military installations.

In 2017, using state grant funds and funding from Pierce County, hired a consultant to appraise all clear zone properties. A rough “order of magnitude” estimate for business relocation costs for properties and businesses was also completed as part of an Action & Implementation Plan developed by SSMCP.

During 2017, SSMCP developed a plan of action to bring the McChord Field North Clear Zone (NCZ) into compliance with federal guidelines for public and air safety. The AIP sets forth a phased strategy consisting of six actions and corresponding implementation steps designed to be carried out in a specific sequence in order to achieve the desired end state and acceptable interim outcomes, while balancing benefits and costs among project stakeholders.

Lakewood-JBLM “Land Swap”: The threshold question was whether sale of the Woodbrook Property would generate sufficient revenues to offset costs and result in meaningful purchases in the McChord Field North Clear Zone. JBLM would transfer the Woodbrook Property to local government ownership. Lakewood would convey the parcel to a private developer. Funds from the sale would be used to purchase privately-owned lands in the NCZ. The 2017-2018 review found that due to environmental constraints and infrastructure cost, the Woodbrook Property, and other identified possible parcels, would not be a feasible candidates for transfer.

In 2018-2019, Lakewood worked with the South Sound Military & Communities Partnership (SSMCP) and JBLM to develop lighting ordinance and regional lighting code templates for jurisdictions around the JBLM boundaries.

~~The goals and policies below lay the groundwork to eliminate or diminish compatibility issues and improve coordination between JBLM. These Goals and~~



Policies are as follows:

**Military Compatibility is the Growth Management Act (GMA)**

**RCW 36.70A.530 Land use development incompatible with military installation not allowed—Revision of comprehensive plans and development regulations.**

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4).

**Military Compatibility in the Countywide Planning Policies (CPPs)**

UGA-11. The County and each municipality neighboring Joint Base Lewis-McChord should develop planning provisions, including development regulations that encourage adjacent land uses that are compatible with military uses.

**Comprehensive Plan Goals and Policies**

Lakewood is engaged in collaborative planning efforts involving Joint Base Lewis-McChord (JBLM) and local governments surrounding the installation to encourage compatible development and redevelopment in surrounding areas, balancing sustaining the local military mission with long-term community land use needs. Goals and policies toward this end follow:

**GOAL LU-34:** Protect the long-term viability of JBLM and assure flight safety in the vicinity of McChord Field while protecting the public's health and safety.

Policies:

LU-34.1: Air Corridors Established.

The two air corridor areas (Air Corridor 1 and 2) extend northward from the McChord Field runway and are subject to noise and safety impacts of military flight operations. Figure 1 shows the Air Corridor boundaries. The potential risk to life and property from ~~the rather unique nature of~~ hazards that may be associated with military aircraft operations, as distinguished from general/commercial aviation, corridors, necessitates control of the intensity, type, and design of land uses within the designation.

A. Air Corridor ~~I~~ (AC1) comprises the Clear Zone (CZ) and the Accident Potential Zone Designation I (APZ I) as identified through the Air Installation Compatible Use Zone (AICUZ) program. The CZ is a 3,000 by 3,000 foot zone at the end of the runway where there is the highest statistical possibility of aircraft accidents. Any existing or future development in the CZ is of concern. USAF analysis indicates that 28% of all air accidents occur within the CZs. Development in the CZ increases the likelihood of flight obstructions such as physical structures, smoke, and glare, and

challenges the military's ability to safely carry out missions. Development should be prohibited in this zone. Any use other than airfield infrastructure (e.g., approach lighting) is incompatible in the CZ. The APZ I designation has somewhat lower accident potential than the CZ, but it is high enough that most types of development in this zone are discouraged, including residential uses.

B. Air Corridor ~~H~~ 2 (AC2) comprises the Accident Potential Zone Designation II (APZ II), again, as identified through the Air Installation Compatible Use Zone (AICUZ) program. The APZ II designation has a lower accident potential, and some compatible uses are appropriate; however, uses that concentrate people in the APZ II, including residential uses at densities greater than two dwelling units per acre, are considered incompatible per federal guidance.

C. Special Note on Air Corridor ~~I~~ 1 and ~~H~~ 2 boundaries: There are minor discrepancies in boundary locations between the Air Corridors and the CZ, APZ I and APZ II. The Air Corridor boundaries follow property lines whereas the CZ, APZ I and APZ II are based in imaginary surface areas. The CZ is 3,000 feet by 3,000 feet, measured along the extended runway centerline beginning at the end of the runway; APZ I is 3,000 feet wide by 5,000 feet long; APZ II is 3,000 feet wide by 7,000 feet long

~~LU-34.2:—Compatibility with JBLM Missions.~~

~~Evaluate all proposed amendments to the Comprehensive Plan, capital facilities plan, and Urban Growth Area (UGA) that will to ensure they do not potentially encourage incompatible land uses or create the potential for incompatible development in the vicinity of JBLM.~~

~~LU-34.3:—Restrict Residential Uses.~~

~~Future Comprehensive Plan amendments and zone reclassifications within Air Corridors I and II that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial designation to a residential designation or allow residential uses in commercial or industrial zones will be prohibited.~~

LU-34.42: Compatible Land Use ~~and Densities~~ Policies.

Regulate land uses and/or activities that could adversely impact present and/or future base operations and protect JBLM and McChord Field from further incompatible encroachment. Regulate land use within the AC1 and AC2 zones to protect public health and safety, ensure a compatible mix of land uses, and support ongoing McChord Field operations, consistent with the GMA, CPPs, JBLM Joint Land Use Study (JLUS) recommendations.

A. Land use decisions regarding proposals located in the AC1 and AC2 zones shall consider regional and national needs as well as local concerns.

B. Review proposed Comprehensive Plan and zoning amendments for compatibility with the JBLM Air Installation Compatible Use Zone (AICUZ)

program and Joint Land Use Study. Identify priority areas in which to resolve inconsistencies with AICUZ regulations.

C. Comprehensive Plan amendments and zone reclassifications within AC1 and AC2 that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial designation to a residential designation, or allow residential uses in commercial or industrial zones are prohibited.

D. Sensitive uses that have a high concentration of people such as, but not limited to, schools, religious institutions, theaters, public assembly facilities and day care facilities are prohibited from locating near McChord Field and/or within the AC1 and AC2 zones.

E. Existing Industrial uses in the AC1 (but outside of the Clear Zone) and AC2 zones are to be preserved and industrial uses that complement aviation facilities are encouraged.

F. Recognize safety issues associated with training, artillery, and small-arms activities on JBLM.

1. Future construction adjacent to the installation should provide for fire protection at installation boundaries.
2. Prohibit the following land uses within appropriate areas:
  - a. New residential uses, unless the design of the structure and general site plan incorporate noise-reduction measures to meet the Department of Housing and Urban Development (HUD) standards;
  - b. Public services and quasi-public services such as hospitals, public meeting rooms, and libraries, and cultural, recreational, and entertainment land uses, unless the design of the structure and general site plan incorporate noise reduction measures to meet HUD standards; and
  - c. Schools, daycare facilities, and other facilities which incorporate outside activities.

G. Direct the following land uses away from property abutting the installation boundary:

1. High density residential;
2. Public buildings (such as schools, medical facilities, public meeting facilities, and churches); and
3. Cultural facilities.

H. Uses which attract birds, create visual hazards, discharge particulate matter into the air which could adversely alter atmospheric conditions, emit transmissions which would interfere with military aviation communications and instrument landing systems, otherwise obstruct or conflict with airport operations or aircraft traffic patterns, or result in potential hazard for off-base land uses are prohibited near McChord Field.

I. Protect military airspace by preventing structural penetration of Imaginary Surfaces as described in UFC 3-260-01 and in the most recently published JBLM AICUZ Report. Development within the AC1 and AC2 zones which may affect UFC 3-260-01 imaginary surfaces shall obtain necessary approvals from the Federal Aviation Administration (FAA). Operators of construction cranes within the AICUZ Accidental Potential Zones shall coordinate with JBLM and the Federal Aviation Administration prior to commencing operations.

J. Require the application of noise abatement through acoustical analysis, structure design and construction techniques and materials in residential developments within the AC1 and AC2 zones per FAA regulations (FAR Part 150).

K. Control light and glare in the AC1 and AC2 zones to protect the operational environments near McChord Field. Adopt regulations consistent with the 2019 SSMCP lighting ordinance template.

L. Require Title Notice for new development or substantial redevelopment of lots, buildings, and structures in the AC1 and AC2 zones that may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.

~~LU 34.5: —Industrial Designations:  
Existing Industrial uses in the AC I and AC II zones are to be preserved and industrial uses that complement aviation facilities are encouraged.~~

~~LU 34.6: —Land Use Regulations:  
Regulate land use within the AC I and AC II zones to protect public health and safety, ensure a compatible mix of land uses, and support ongoing McChord Field operations, consistent with the JBLM Joint Land Use Study recommendations.~~

~~LU 34.7: —Non-Residential Density Limitations:  
Sensitive uses that have a high concentration of people such as, but not limited to, schools, religious institutions, theaters, public assembly facilities and day care facilities are not allowed to locate near McChord Field and/or within the AC I and AC II zones.~~

~~LU 34.8: —Noise Abatement:  
Require the application of noise abatement through acoustical analysis, structure design and construction techniques and materials in residential developments within the AC I and AC II zones per FAA regulations (FAR Part 150).~~

~~LU 34.9: —Protection Strategies:  
Develop criteria, standards and land use designations that will protect JBLM and McChord Field from incompatible development by adopting a combination of zoning techniques, including but not limited, to special overlay zoning, height restrictions, building restrictions in high noise areas and development siting criteria in key areas adjacent to these military installations.~~

~~LU 34.10: —Operational Hazards.~~

~~Prohibit uses near McChord Field which attract birds, create visual hazards, discharge particulate matter into the air which could adversely alter atmospheric conditions, emit transmissions which would interfere with military aviation communications and instrument landing systems, otherwise obstruct or conflict with airport operations or aircraft traffic patterns or result in potential hazard for off-base land uses.~~

~~LU 34.11: — Protected Airspace.~~

~~Protect military airspace by preventing structural penetration of Imaginary Surfaces as described in UFC 3-260-01 and in the most recently published McChord Field Air Installation Compatible Use Zone (AICUZ) Report.~~

~~LU-34.43: Military Coordination, Notification and Consultation.~~

~~Discussion: Telecommunications, broadcast towers, hobby communication towers shall be reviewed by JBLM officials. Developments within the AC I and AC II zones which may affect UFC 3-260-01 imaginary surfaces shall obtain necessary approvals from the Federal Aviation Administration (FAA). Operators of construction cranes within the AICUZ Accidental Potential Zones shall coordinate with JBLM and the Federal Aviation Administration prior to commencing operations.~~

~~LU 34.12: — Light and Glare.~~

~~Control light and glare in the AC I and AC II zones to protect the operational environments near McChord Field.~~

~~LU 34.13: — Review.~~

~~A. Refer a Provide all applications for commercial development, subdivision review, variances, conditional uses, special exceptions and proposed amendments to Comprehensive Plans and development regulations proposed within MIA 2 and 3/4 the AC1 and AC2 zones shall be provided to JBLM official(s) for review and comment in accordance with RCW 36.70A.530, including applications concerning telecommunications, broadcast towers, and hobby communication towers.~~

~~B. Invite JBLM representatives to advise the Planning Commission on community and economic development issues which have the potential to impact base military operations.~~

~~C. Cooperate with JBLM and Camp Murray in developing plans for circulation improvements in and around the installations.~~

- ~~1. The viability of cross-base corridors (arterial or highway) should be determined on the basis of detailed studies of population projections, military mission, land availability, land use projections, and environmental analysis of alternative routes and corridors.~~
- ~~2. Plan public services, transportation, land use, and other decisions on the ability of the public transportation network to meet access needs without depending on military roads.~~
- ~~3. Cooperate in the development of mitigation plans for military road closures that affect public use.~~

D. Promote cooperation between JBLM and Lakewood to address the reduction or mitigation of noise-generating uses.

E. If military lands revert back to Pierce County, coordinate with JBLM and the County to identify the desired character of the reverted property.

F. Establish periodic meetings of elected local, state, and federal officials and military commanders on growth management issues of mutual concern.

G. Provide City environmental policies to JBLM to encourage consistency with any adopted by the military.

~~LU 34.14:—Considerations.~~

~~Land use decisions regarding proposals located in the AC I and AC II zones shall consider regional and national needs as well as local concerns.~~

~~LU 34.15:—Consultation.~~

~~Invite JBLM representatives to advise the Planning Commission on community and economic development issues which have the potential to impact base military operations.~~

~~LU 34.16:—Coordination.~~

~~Coordinate the protection of JBLM with the South Sound Military & Communities Partnership (SSMCP) by developing planning policies and development regulations that are consistent with the JLUS and Air Installation Compatible Use Zone (AICUZ) recommendations and other best management practices for encouraging compatible land uses in the general vicinity of JBLM. It is important to initiate and maintain collaborative and cooperative relationships with JBLM regarding all municipal activity potentially affecting JBLM's military mission and long term viability.~~

~~LU 34.17:—Title Notice.~~

~~Require Title Notice for new development or substantial redevelopment of lots, buildings, and structures in the AC I and AC II zones that may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.~~

~~LU 34.18:—Public Information.~~

~~Through the SSMCP, encourage the dissemination of information to the public regarding JBLM mission activity and associated impacts through such means as website postings, distribution of brochures, distribution of information to the regional print and broadcast media, providing notices on new site plans, subdivisions and binding site plans.~~

~~LU 34.19:—Air Installation Compatible Use Zone Study (AICUZ).~~

~~Review proposed Comprehensive Plan and zoning amendments for compatibility with the JBLM Air Installation Compatible Use Zone program and the JBLM Joint Land Use Study.~~



~~LU 34.2019: Accident Potential Zones.~~

~~Reduce and or eliminate incompatible land uses and densities that exist within the Air Corridors, by identifying priority areas for acquisition programs, such as property purchase, alternative housing or relocating housing to resolve inconsistencies with the Department of Defense, Air Installation Compatible Use Zone (AICUZ) regulations.~~

**GOAL LU-35:** Continue to support and fund the South Sound Military & Communities Partnership (SSMCP).

Policies:

LU-35.1: Business Plan.

In consultation with its partners, develop, and maintain a business plan for the SSMCP.

LU-35.2: SSMCP Funding.

In consultation with its partners, work to establish a permanent funding source for the SSMCP.

LU-35.3: Fiduciary Agent.

The City of Lakewood shall remain the fiduciary agent of the SSMCP and remains responsible for all budgetary activities.

LU-35.4: Executive Leadership.

The City of Lakewood shall retain its membership on the SSMCP Executive Leadership Team (ELT). The ELT acts for and on behalf of the SSMCP Steering Committee when the Steering Committee is not in session. The SSMCP Steering Committee is the primary decision-making body of the organization. It provides broad oversight to the implementation of the recommendations, strategies and action items outlined in the Growth Coordination Plan and successor documents.

**GOAL LU-36:** Coordinate the protection of JBLM from incompatible local, state and federal level issues and actions with the South Sound Military & Communities Partnership (SSMCP.) Work with the SSMCP to develop a land acquisition program for the McChord North Clear Zone.

Policies:

~~LU 36.1: Funding.~~

~~Identify potential funding sources and/or partnerships among public agencies, and/or private entities to leverage funds for property acquisition.~~

LU-36.12: Land Valuations.

Engage JBLM and Pierce County in determining land valuations and business relocation costs for properties and businesses in the McChord Field North Clear Zone.

LU-36.23: Joint Land Use sStudy (JLUS) Implementation.

Using funds from the Office of Economic Adjustment (OEA) and other available sources, develop a strategy and plan to resolve encroachment in the McChord North



Clear Zone. ~~(This policy is distinctly separate from Policy LU-36.2.)~~

~~LU-36.4: JBLM Land Swap.~~

~~Continue negotiations with JBLM to explore potential methods of financing the acquisition of privately held properties in the Clear Zone at the north end of McChord Field. One option under study is to surplus lands on JBLM and thereafter relocate existing private businesses located in the North Clear Zone to this new location.~~

LU-36.5 Public Notification

Through the SSMCP, encourage the dissemination of information to the public regarding JBLM mission activity and associated impacts through such means as website postings, distribution of brochures, distribution of information to the regional print and broadcast media.

**Amendments to LMC Title 18A (changes in red text):**

**18A.30.700 Military-Related Zoning Districts.**

**18A.30.710 Purpose - Military-Related Zoning Districts.**

The purpose of the Military Lands (ML) zoning district is to formally recognize the autonomy associated with federal and state ownership of the military installations adjacent to and within Lakewood and the unique character of their operations and support structures, which are not typical of civilian land uses and require special consideration by the City as a host community for the installations.

The purpose of the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zoning districts is to promote land use and development that is compatible with the aircraft noise and accident potential associated with the proximity to McChord Air Force Base (AFB) aircraft flight operations. The potential risk to life and property from hazards associated with military aircraft operations necessitate control of the intensity, type, and design of land uses within the air corridor.

**18A.30.720 Applicability - Military-Related Zoning Districts.**

The ML zoning district is applicable to lands designated Military Lands in the comprehensive plan.

The CZ, AC1, and AC2 zoning districts are applicable to lands located within the area designated as Air Corridor 1 and Air Corridor 2 in the comprehensive plan and within the area identified as the Clear Zone in the Air Installation Compatible Use Zone (AICUZ) study ~~(March 1998~~ May 2015). The AICUZ study is available for review at the Lakewood Community Development Department or ~~through McChord AFB.~~ by contacting Joint Base Lewis McChord (JBLM.)

**18A.30.730 Primary Permitted Uses - Military-Related Zoning Districts.**

The following uses are permitted within the Military-Related zoning districts, subject to approval of a zoning certification and all applicable development permits. Uses that are not listed within the Military-Related zoning districts or permitted as an accessory use are not permitted unless specifically provided for elsewhere in this code. Use types are defined in LMC 18A.20, Use Types and Levels.

The unique nature of these areas may invoke additional, specific standards. New uses within the CZ, AC1, and AC2 zoning districts shall be subject to intensity limitations in accordance with LMC 18A.30.770 and performance standards pursuant to LMC 18A.30.780, and structures in those zones shall be subject to noise attenuation requirements pursuant to LMC 18A.30.790. New public assembly uses are expressly prohibited in the CZ, AC1, and AC2 zoning districts.

A. ML Zoning District.

1. Communication Facilities (Level 1)
2. Electrical Facilities (Level 1)
3. Natural Gas Facilities (Level 1)
4. Sewage Collection Facilities
5. Stormwater Facilities (Level 1)
6. Water Supply Facilities (Level 1)
7. Military Installations (Level 2)

B. CZ Zoning District.

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Primary permitted uses in the OSR1 and OSR2 zoning districts.
- ~~3. Postal Services (Level 3)~~
4. Communication Facilities (Level 1/2)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1/2)
9. Water Supply Facilities (Level 1/2)

~~10. Manufactured and Modular Home Sales~~

~~11. Storage~~

~~12. Limited Manufacturing and Assembly~~

~~13. Contractor Yards~~

~~14. Outdoor Distribution and Freight Movement~~

~~15. Warehousing, Distribution, and Freight Movement~~

16. Agriculture (Level 1/2)

C. AC1 Zoning District.

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.

2. Primary permitted uses in the I2 zoning district, excepting primary manufacturing, secondary manufacturing and major assembly, as defined in 18A.20.700.

3. Primary permitted uses in the OSR1 and OSR2 zoning districts.

4. Communication Facilities (Level 1)

5. Electrical Facilities (Level 1)

6. Natural Gas Facilities (Level 1)

7. Sewage Collection Facilities

8. Stormwater Facilities (Level 1)

9. Water Supply Facilities (Level 1)

10. Motor Vehicle Sales and Rental (Level 2/3)

11. Agriculture (Level 1/2/3)

12. Residential Accessory Uses, except accessory dwelling units.

13. Commercial Accessory Uses.

14. Industrial Accessory Uses.

D. AC2 Zoning District.

1. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.
2. Primary permitted uses in the I1 zoning district, excepting primary manufacturing, as defined in 18A.20.700.
3. Primary permitted uses in the OSR1 and OSR2 zoning districts.
4. Communication Facilities (Level 1)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1)
9. Water Supply Facilities (Level 1)
10. Motor Vehicle Sales and Rental (Level 2/3)
11. Agriculture (Level 1/2/3)
12. Residential Accessory Uses, except accessory dwelling units.
13. Commercial Accessory Uses.
14. Industrial Accessory Uses.

**18A.30.740 Administrative Uses - Military-Related Zoning Districts.**

The following uses are permitted within the Military-Related zoning districts, subject to approval of an administrative use permit and all applicable development permits:

A. CZ, AC1, and AC2 Zoning Districts

1. Alteration or modification of non-conforming existing uses and structures.

B. AC1 Zoning District:

1. Uses allowed by administrative use permit in the I2 zoning district

C. AC2 Zoning District:

1. Uses allowed by administrative use permit in the I1 zoning district, excepting primary manufacturing, as defined in 18A.20.700.

**18A.30.750 Conditional Uses - Military-Related Zoning Districts.**

The following uses are permitted within the Military-Related zoning districts, subject to approval of a conditional use permit and all applicable development permits:

A. ML Zoning District.

1. Military Installations (Level 1)

B. CZ Zoning District.

1. Agriculture (Level 3)

2. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.

C. AC1 Zoning District.

1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.

2. Uses allowed by conditional use permit in the I2 zoning district excepting salvage/wrecking yards and vehicle storage facilities, level 2, and level 3, as defined in 18A.20.700.

D. AC2 Zoning District.

1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.

2. Uses allowed by conditional use permit in the I1 zoning district excepting mineral extraction, recycling processor, and salvage/wrecking yards and vehicle storage facilities, as defined in 18A.20.700.

**18A.30.760 Development Standards - Military-Related Zoning Districts.**

In addition to the regulations and requirements contained in other sections of this title, the following property development standards apply to all land and buildings in the Military-Related zoning districts:

A. Federal military lands are exempt from local development standards.

B. Development standards for the Military-Related zoning districts shall be determined jointly by the Community Development Director and City Engineer on a case-by-case basis considering the intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.

C. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

D. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

E. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

F. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.

G. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

#### **18A.30.770 Intensity Limits - Military-Related Zoning Districts.**

In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, AC1, and AC2 zoning districts and shall be used to determine compatibility of proposed uses with aircraft operations hazards. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following intensities of uses:

A. Within the CZ zoning district, the total number of people on a site at any time shall not exceed one (1) person per four thousand, three hundred fifty-six (4,356) square feet of gross site area, or ten (10) persons per acre.

B. Within the AC1 zoning district, the total number of people on a site at any time shall not exceed one (1) person per one thousand, seven hundred forty-two (1,742) square feet of gross site area, or twenty-five (25) persons per acre.

C. Within the AC2 zoning district, the total number of people on a site at any time shall not exceed one (1) person per eight hundred seventy-one (871) square feet of gross site area, or fifty (50) persons per acre.

#### **18A.30.780 Performance Criteria - Military-Related Zoning Districts.**

In addition to other requirements of the code, the following performance criteria shall be used to determine the compatibility of a use, project design, mitigation measures and/or any other requirements of the code with respect to aircraft operation hazards in the CZ, AC1 and AC2 zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

A. Any new use which involves release of airborne substances, such as steam, dust, and smoke that may interfere with aircraft operations is prohibited.

B. Any new use which emits light or direct or indirect reflections that may interfere with a pilot's vision is prohibited.

C. Any new use that creates an undue hazard to the general health, safety and welfare of the community in the event of an aircraft accident in these zoning districts is prohibited.

D. Facilities which emit electrical currents shall be installed in a manner that does not interfere with communication systems or navigational equipment.

E. Any new use which attracts concentrations of birds or waterfowl, such as mixed solid waste landfill disposal facilities, waste transfer facilities, feeding stations, and the growth of certain vegetation, is prohibited.

F. Structures are prohibited within one hundred (100) feet of the aircraft approach-departure or transitional surfaces.

#### **18A.30.790 Noise Attenuation - Military-Related Zoning Districts.**

A. Provisions for noise mitigation applies to structures within the CZ, AC1 and AC2 zoning districts which are located within the 65 Ldn Noise Contour for McChord AFB Field as shown in the most recent AICUZ study: shall comply with the Washington State Energy Code, Residential Provisions, Chapter 51-11R WAC, and the Washington State Energy Code, Commercial Provisions, Chapter 51-11R WAC.

~~A-B. Noise Insulation for Remodels Required. Those portions of new structures where the public is received or offices are located must be constructed with sound insulation or other means to achieve a day/night interior noise level (Ldn) of no greater than forty-five (45) dB. A remodeling project where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building is also subject to these standards.~~

~~B. Sound Isolation Construction. A building will generally be considered acceptable by the building official if it incorporates the applicable features described in UBC. Alternate materials and methods of construction may be permitted, if such alternates are demonstrated to the satisfaction of the Building Official to be equivalent to those described. Construction as outlined in this section satisfies the requirements of the UBC and for purposes of this ordinance is considered to meet the interior noise standard specified therein. Each item indicated in this section shall be identified on the project drawings that are submitted with the permit application.~~

~~1. Noise level reduction— 25 decibels. For a building located where a noise level reduction of twenty-five (25) decibels is required, the building shall be constructed with the following features:~~

~~a. If wood frame construction is used, all exterior stud walls shall have interior and exterior surfaces of an approved material at least as massive as one-half (1/2) inch gypsum wallboard, and the intervening space (studs) shall contain fibrous thermal insulation having a resistance of R-11 or greater.~~

~~b. Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use.~~

~~c. Any air duct or connection out of doors must contain an interior sound absorbing lining acoustically equivalent at least to fiberglass duct liner one (1) inch thick and of a length greater than ten (10) feet and be provided with one (1) ninety (90) degree elbow.~~



~~d. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing baffle plate across the exterior termination that allows proper ventilation. The duct shall be provided with a ninety (90) degree bend.~~

~~e. The ceiling below an attic space shall include gypsum board or plaster at least one-half (1/2) inch thick. Fibrous thermal insulation having a resistance of R-19 or greater shall be placed above the ceiling.~~

~~f. There shall be no direct openings, such as mail slots, from the interior to the exterior of the building. All chimneys shall be provided with well-fitted dampers.~~

~~g. All openable windows shall be sound rated assemblies having sound transmission class (STC) of at least twenty-six (26). Fixed windows shall be well-sealed and at least three-sixteenth (3/16) inch thick glass.~~

~~h. All entry doors shall be solid-core constructed, close fitting units with weather-stripping seals incorporated on all edges to eliminate gaps. Air gaps and rattling shall not be permitted.~~

~~i. Masonry walls, if used, shall be at least equivalent in weight to eight (8) inch, lightweight concrete blocks, at least one (1) surface of which is painted or plastered.~~

~~j. The roof deck shall weigh at least seven (7) pounds per square foot with roof sheathing containing a solid core at least one-half (1/2) inch thick.~~

~~k. Rooms, when in use, are expected to contain furniture or other materials that absorb sound equivalent to the absorption provided by wall-to-wall carpeting over a conventional pad.~~

~~2. Noise level reduction—30 decibels. For a building located where a noise level reduction of thirty (30) decibels is required, in addition to the requirements of Section 1 above, the building shall be constructed to incorporate the following features:~~

~~a. Windows, fixed or openable, shall be sound rated units with a STC of at least thirty-two (32) (double-glazed).~~

~~b. A ceiling or exhaust duct for the forced air ventilation system shall be provided with a bend in the duct such that there is no direct line of sight through the duct from outside to inside. The bend shall be lined with the equivalent of fiberglass duct liner one (1) inch thick.~~

~~c. The top floor ceiling construction shall consist of plaster or gypsum board at least five-eighths (5/8) inch thick.~~

~~d. The floor of the lowest room or area shall be a concrete slab, or shall be sealed against exterior noise.~~

~~e. Masonry walls, if used, shall be at least equivalent in weight to eight (8) inch, lightweight concrete blocks. At least one (1) surface shall be painted, plastered or covered with gypsum board.~~

~~f. The roof deck shall weigh at least twelve (12) pounds per square foot. Wood roof sheathing shall be continuous (plywood) and at least five eighths (5/8) inch thick.~~

~~3. Noise level reduction—35 decibels. For a building located where a noise level reduction of thirty five (35) decibels is required, in addition to the requirements of Sections 1 and 2 above, the building shall be constructed to incorporate the following features:~~

~~a. The use of exposed wood beam ceilings is prohibited unless sound isolating treatment is provided between the ceiling and roofline. The minimum treatment shall consist of rigid fiberglass board, nominally two (2) inches thick placed over the interior ceiling and under at least one half (1/2) inch of plywood sheathing. The sheathing shall be nailed only to the beam or major frame members and not to the interior exposed ceiling at points between the beams.~~

~~b. For attic spaces ventilated to the outside, the attic floor shall be decked over with one half (1/2) inch plywood or equivalent and all cracks caulked. R-11 insulation shall be placed between the floor joists.~~

~~c. Roof deck shall weigh at least twenty (20) pounds per square foot. Roof sheathing shall be continuous, weighing a total of at least four (4) pounds per square foot.~~

~~d. Wood exterior sheathing less than one half (1/2) inch thick shall be used only over gypsum board of at least five eighths (5/8) inch thick. Interior gypsum board walls shall consist of two (2) layers of one half (1/2) inch board nailed directly to the studs.~~

~~e. Fixed or openable windows must be sound rated units with at least a sound transmission class (STC) of thirty six (36).~~

C. Acoustical Analysis and Design Report. The applicant may elect to have a qualified architect or engineer examine the noise levels and needed building sound isolation requirements for a specific site. The analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permit. The report shall show the topographical relationship of the aircraft noise sources and the building site, identification of noise sources and their characteristics, predicated noise spectra at the exterior of the proposed building structure, basis for the predication (measured or obtained from published data), and effectiveness of the proposed construction showing that the prescribed interior day-night sound level is met.

D. Noise Disclosure Statement. Prior to the issuance of a building permit for new construction or remodeling where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building, the property owner shall

sign a noise disclosure statement and record the statement with the title of the property. The noise disclosure statement acknowledges that the property is located within the sixty-five (65) Ldn contour, as indicated on Noise Contour Map for McChord ~~AFB Field~~ as shown in the most recent AICUZ study, and that noise attenuation is required of any new construction or remodeled structure where it meets the threshold.

### 18A.90.200 Definitions

"Recycle" means to use, reuse, or reclaim a material.

"Recycling" means transforming or remanufacturing inert waste materials into usable or marketable materials for use other than landfill disposal or incineration; reusing waste materials and extracting valuable materials from a waste stream. Recycling includes processing inert waste materials to produce tangible commodities. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport or burning for energy recovery.

*RECYCLING CENTER.* A center for the receiving and storage of recyclable materials ~~such as paper, glass and aluminum~~. The center would receive materials from the general public. This use may involve some outside storage.

"Recycling facility" means a facility where recyclable materials are transformed or remanufactured into useable or marketable materials.

"Recyclable materials" means those inert solid wastes that are separated for recycling or reused, including but not limited to, papers, metals, glass, that are identified as recyclable material pursuant to a local solid waste management plan.

**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:** These amendments are to update the Comprehensive Plan and Lakewood Municipal Code for consistency with the most recent Air Force Instruction regarding the JBLM Air Installations Compatible Use Zone (AICUZ). There are many goals and policies within the Comprehensive Plan recognizing the importance of, and pledging support of, JBLM to Lakewood's identity and long term viability.

**B. Compatibility with development in the vicinity:** Through this application, some development within the Air Corridor 1 and 2 zones will have changed zoning and/or changed allowed uses, or may be deemed legal non-conforming.

**C. Transportation impacts and mitigation:** The application may result on lower transportation impacts in the affected areas due to the reduction in allowed densities and uses.

**D. Public Service impacts and mitigation:** No significant public service impacts are anticipated.

**E. Public health, safety and general welfare impacts:** The land use and municipal code amendments will increase safety for the parcels located within the Air Corridor 1 and 2 zones.

**F. Range of permitted uses:** The permitted uses within Air Corridors 1 and 2 will be slightly reduced (see draft language above.)

**G. Change in circumstances:** The release of the latest AFI on the JBLM AICUZ, coupled with the passage of time, has made the Comprehensive Plan language and municipal code outdated, needing updates.

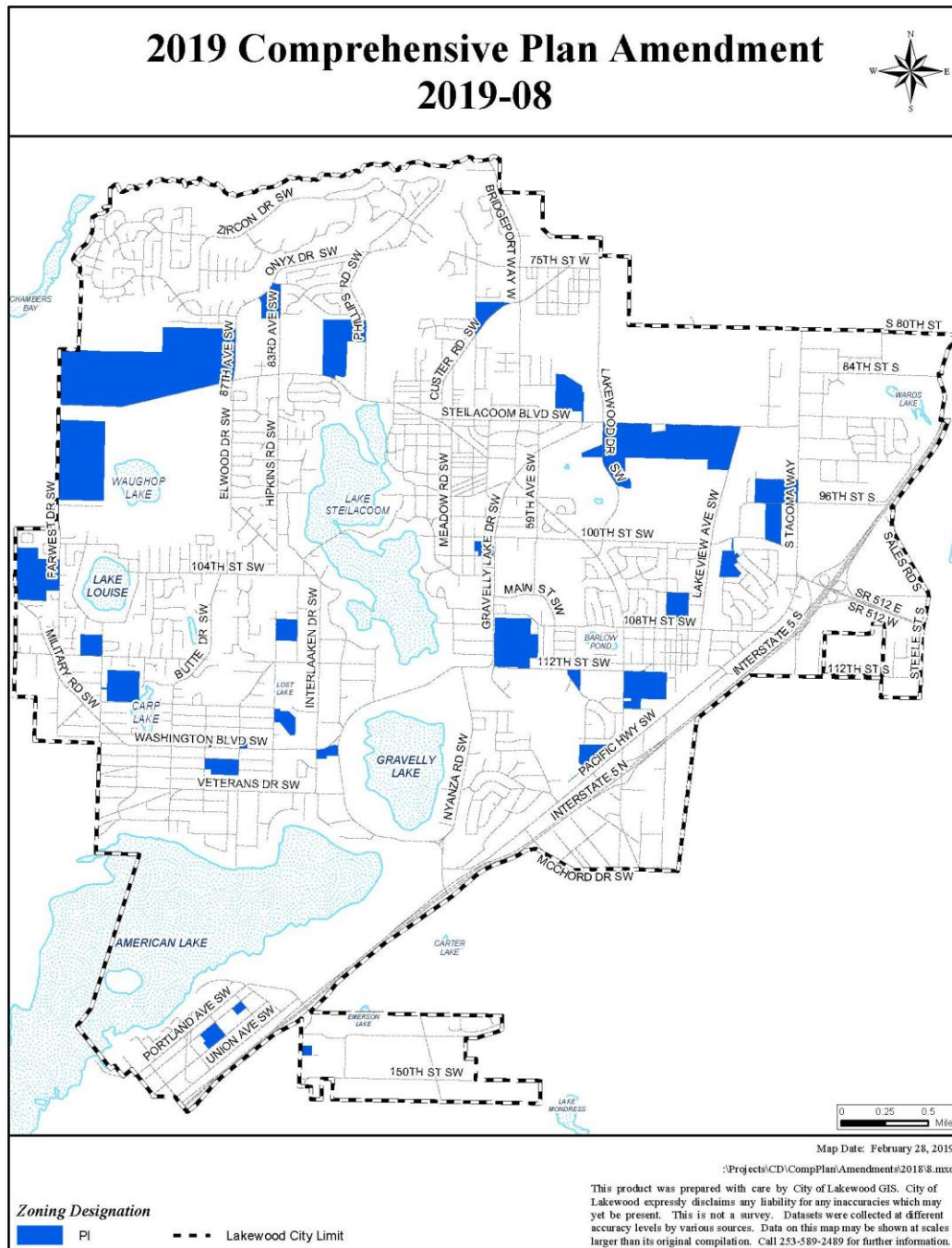
**H. Advantages vs. negative impacts:** The increased public safety secured by adoption of the application outweighs any negative impacts.

**CEDD Recommendation:**

CEDD recommends approval of CPA/ZOA 2019-07 as considered.

## CPA/ZOA-2019-08 – TEXT AMENDMENT (Essential Public Facilities/PI Districts)

This application would amend the Comprehensive Plan Essential Public Facilities (EPF) Element and LMC Chapters 18A.20, 18A.30 and 18A.90 as appropriate to address the use of buildings in the Public/Institutional (PI) Zoning District. The proposal examines current PI code regulations, but also addresses master plan requirements as well as the reuse and/or demolition of vacant/unused buildings and structures.



**Amendments to Lakewood Comprehensive Plan (changes in red text):**

## ESSENTIAL PUBLIC FACILITIES – ISSUES & BACKGROUND

Essential Public Facilities include those facilities considered difficult to site because of potential adverse impacts related to size, bulk, hazardous characteristics, noise, or public health and safety. Lakewood must identify appropriate land for essential public facilities that meets the needs of the community such as local waste handling and treatment facilities, landfills, drop-box sites and sewage treatment facilities, airports, state educational facilities, essential state public facilities, regional transportation and utility facilities, state and local correctional facilities, and inpatient facilities (including substance abuse facilities, mental health facilities and group homes). These facilities are difficult to site, serve regional or state requirements, or are part of a region or county-wide service system.

The Revised Code of Washington (WAC) provides clarification as to what constitutes an essential public facility:

“In the identification of essential public facilities, the broadest view should be taken of what constitutes an essential public facility, involving the full range of services to the public provided by government, funded substantially by government, contracted for by government, or provided by public entities subject to public service obligations.”

The Office of Financial Management (OFM) shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The Office of Financial Management may at any time add facilities to the list.

In addition to the list maintained by OFM, LKEWOOD may identify other additional public facilities that are essential to providing services to residents and without which development cannot occur.

## ESSENTIAL PUBLIC FACILITIES AND PUBLIC AND SEMI-PUBLIC INSTITUTIONAL LAND USES

Confusion often arises as to the distinction between lands identified for semi-public and institutional land use and those identified for essential public facilities. Essential public facilities can be thought of as a subset of public purpose lands. The table below illustrates this distinction.

<u>Table XXX</u> <u>Distinguishing Semi-Public and Institutional Land Uses</u> <u>from Essential Public Facilities</u>	
<u>Semi-Public and Institutional Land Use</u>	<u>Essential Public Facilities</u>
<u>FOCUS: Lands needed to accommodate public facilities.</u>	<u>FOCUS: Facilities needed to provide public services and</u>



<p><u>Lands needed to provide the full range of services to the public provided by government, substantially funded by government, contracted for by government, or provided by private entities to public service obligations.</u></p> <p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Utility corridors</u></li> <li>▪ <u>Transportation corridors</u></li> <li>▪ <u>Sewage treatment facilities</u></li> <li>▪ <u>Storm water management</u></li> <li>▪ <u>Facilities</u></li> <li>▪ <u>Recreation facilities</u></li> <li>▪ <u>Schools</u></li> <li>▪ <u>Other public uses</u></li> </ul>	<p><u>functions that are typically difficult to site. Those public facilities that are usually unwanted by neighborhoods, have unusual site requirements, or other features that complicate the siting process.</u></p> <p><u>Examples:</u></p> <ul style="list-style-type: none"> <li>▪ <u>Airports</u></li> <li>▪ <u>Large-scale transportation facilities</u></li> <li>▪ <u>State educational facilities</u></li> <li>▪ <u>Correctional facilities</u></li> <li>▪ <u>Solid waste handling facilities &amp; landfills</u></li> <li>▪ <u>Joint Base Lewis McChord</u></li> <li>▪ <u>Inpatient facilities (Substance abuse facilities, mental health facilities &amp; group homes)</u></li> </ul>
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## **GMA GOALS**

Many of the facilities identified in the table above as being “public facilities” located on public purpose lands are dealt with in other sections of this plan. The facilities in the column on the right of the table are typical essential public facilities and are addressed in this section.

## **COUNTY-WIDE PLANNING POLICIES (CPPs)**

Adopted CPPs require the County and UGAs to develop a cooperative and structured process, including public involvement at an early stage, to consider the siting of public facilities of a regional, state-wide, or federal nature. Solid waste disposal, correctional, transportation, education, or human service facilities, or any other locally unpopular land uses are examples of those facilities. Any new facilities or major expansions of existing facilities must conform to these locally defined siting procedures described in the strategies section.

The CPPs addressing Essential Public Facilities (EPFs) outline the approach to the siting of essential public facilities:

EPF-1. The County, and each municipality in the County, shall adopt a policy its comprehensive plan, on the siting of essential public capital facilities of a Countywide or statewide nature.



1.1 Essential public facilities must have a useful life of 10 years or more and be either:

1.1.1 a Countywide facility which has the potential for serving the entire County or more than one jurisdiction in the County; or

1.1.2 a statewide facility which serves or has the potential for serving the entire state, or which serves less than the entire state, but more than one county.

EPF-2. The County, and each municipality in the County, shall identify lands useful for public purposes and incorporate such designations in their respective comprehensive plans.

EPF-3. The County, and each municipality in the County, shall incorporate a policy and process in their respective comprehensive plans to identify and site essential public facilities. The process and policy shall include the following components:

3.1 A requirement that the state provide a justifiable need for the public facility and for its location in Pierce County based upon forecasted needs and a logical service area, and the distribution of facilities in the region and state;

3.2 A requirement that the state establish a public process by which the residents of the County and of affected and "host" municipalities have a reasonable opportunity to participate in the site selection process.

EPF-4. The County and municipal policies shall be based upon the following criteria:

4.1 Specific facility requirements:

4.1.1 Minimum acreage;

4.1.2 Accessibility;

4.1.3 Transportation needs and services;

4.1.4 Supporting public facility and public service needs and the availability thereof;

4.1.5 Health and safety;

4.1.6 Site design;

4.1.7 Zoning of site;

4.1.8 Availability of alternative sites;

4.1.9 Community-wide distribution of facilities;

4.1.10 Natural boundaries that determine routes and connections.

4.2 Impacts of the facility:

4.2.1 Land use compatibility;

4.2.2 Existing land use and development in adjacent and surrounding areas;

4.2.3 Existing zoning of surrounding areas;

4.2.4 Existing Comprehensive Plan designation for surrounding areas;

- 4.2.5 Present and proposed population density of surrounding area;
- 4.2.6 Environmental impacts and opportunities to mitigate environmental impacts;
- 4.2.7 Effect on agricultural, forest or mineral lands, critical areas and historic, archaeological and cultural sites;
- 4.2.8 Effect on areas outside of Pierce County;
- 4.2.9 Effect on designated open space corridors;
- 4.2.10 "Spin-off" (secondary and tertiary) impacts;
- 4.2.11 Effect on the likelihood of associated development being induced by the siting of the facility.

EPF-5. The County and municipal policies shall ensure that the facility siting is consistent with the adopted County and municipal comprehensive plans, including:

- 5.1 The future land use map and other required and optional plan elements not otherwise listed below;
- 5.2 The identification of lands for public purposes in the land use element;
- 5.3 The capital facilities plan element and budget;
- 5.4 The utilities element;
- 5.5 The rural element;
- 5.6 The transportation element;
- 5.7 The housing element;
- 5.8 The comprehensive plans of adjacent jurisdictions that may be affected by the facility siting;
- 5.9 regional general welfare considerations.

EPF-6. The County and municipal policies may include standards and criteria related to:

- 6.1 the time required for construction;
- 6.2 property acquisition;
- 6.3 control of on- and off-site impacts during construction;
- 6.4 expediting and streamlining necessary government approvals and permits if all other elements of the County or municipal policies have been met;
- 6.5 the quasi-public or public nature of the facility, balancing the need for the facility against the external impacts generated by its siting and the availability of alternative sites with lesser impacts;
- 6.6 zoning of area around site to protect against encroachment.

EPF-7. The County and municipal policies may include standards and criteria related to:

- 7.1 Facility operations;
- 7.2 Health and safety;
- 7.3 Nuisance effects;
- 7.4 Maintenance of standards congruent with applicable governmental regulations, particularly as they may change and become more stringent over time;

7.5 Sustainable development practices.

EPF-8. The County and municipal policies on facility siting shall be coordinated with and advance other planning goals including, but not necessarily limited to, the following:

- 8.1 Reduction of sprawl development;
- 8.2 Promotion of economic development and employment opportunities;
- 8.3 Protection of the environment;
- 8.4 Positive fiscal impact and on-going benefit to the host jurisdiction;
- 8.5 Serving population groups needing affordable housing;
- 8.6 Receipt of financial or other incentives from the state and/or the County or other municipalities;
- 8.7 Fair distribution of such public facilities throughout the County and state;
- 8.8 Requiring state and federal projects to be consistent with this policy.

## **9.6 ESSENTIAL PUBLIC FACILITIES SITING**

**GOAL CF-8:** Provide for the siting of identified essential public facilities.

Policies:

CF-8.1: Identify and classify a list of statewide, countywide, and citywide essential public facilities.

CF-8.2: Identify facilities of a statewide nature consistent with those of the Washington State Office of Financial Management or successor agency.

CF-8.3: Identify countywide essential public facilities following a cooperative interjurisdictional agreement pursuant to GMA requirements and consistent with the guidance of the CWPP.

CF-8.4: Identify city essential public facilities pursuant to the requirements of GMA.

**GOAL CF-9:** Administer a process, through design and development regulations, to site essential public facilities that adequately consider impacts of specific uses.

Policies:

CF-9.1: Address, as a priority measure, essential public facilities siting related to direct provision of police services.

CF-9.2: The proposal process for siting an essential public facility is as follows:

- The proposal must be identified on the City's essential public facilities list.

- In the siting of a statewide or countywide essential public facility, the applicant is required to provide a justifiable need for the public facility and for its location in Lakewood based upon forecasted needs and logical service area, including an analysis of alternative sites within and outside of the city.
- In the siting of a statewide or countywide essential public facility, ~~the applicant is required to establish a public process by which the residents of the city and the affected neighborhoods have a reasonable opportunity to participate in the site selection process.~~ ensure that affected agencies and citizens, adjacent jurisdictions, and other interested parties are given adequate notice and opportunity for meaningful participation in decisions on siting essential public facilities.
- Proposals must be consistent with this comprehensive plan and the City's design and development regulations.
- Medical clinics and services should be sited near public transit facilities and routes.
- Avoid siting essential public facilities in the ~~500~~ 100 -year floodplain or in other areas subject to environmental hazards.
- If a proposal is not specifically addressed by use (or intensity of the use) in the comprehensive plan or design and development regulations, the City will make an administrative use determination in accordance with City regulations. In such cases, proposals requesting siting as an essential public facility shall be subject to a conditional use permit or public facilities permit unless otherwise determined by the City.
- The proposal will be analyzed for impacts and mitigation in accordance with City design and development regulations.
- Analysis and mitigation may include fiscal impacts of the proposal to the City.

CF 9.3: Subject to the provisions of this section, the siting of essential public facilities is not categorically precluded.

## **Amendments to Lakewood Municipal Code Title 18A (changes shown in red text)**

### **18A.20.400 Civic Use Category - Land Use Types and Levels.**

The Civic use category includes facilities or services that serve a demonstrated public function and are generally considered to be of community importance, such as educational, cultural, medical, protective, and governmental facilities and uses.

D. Essential Public Facilities. Under the state Growth Management Act, essential public facilities include those facilities that are typically difficult to site such as

airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; state and local correctional facilities; solid waste handling facilities; and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. For the purposes of and within this title, essential public facilities are treated as listed or substantially similar to listed use types, thereby affirming their siting in appropriate areas; except as applied to public lands, where they are liberally construed to include a broad array of public services. Essential public facilities do not include wireless telecommunications facilities.

### **18A.30.830 Permitted Uses - Public/Institutional (PI) Zoning District.**

#### **A. PI Zoning District.**

1. The following uses are permitted within the PI zoning district, subject to approval of a discretionary land use permit and all applicable development permits. The unique nature of this zoning district and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or conditional use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.

a. Continuation of uses already legally existing within the zone at the time of adoption of this title. Maintenance and repair of existing structures shall be permitted.

b. Any use that, in the opinion of the Community Development Director, constitutes an essential public facility as defined in LMC 18A.20.400(D), or public and semi-public facilities beyond those specifically identified in state law, including a broad variety of both listed and unlisted uses, which may be liberally interpreted to meet essential community needs. Examples may include, but are not limited to, schools, libraries, and hospitals, including the Western State Hospital campus, but specifically excluding Religious Assembly use types for which adequate provision is made in other zoning districts.

2. The following uses are allowed in the PI zoning district, without the need for a discretionary land use permit:

- a. Outdoor Recreation (Level 1/2)
- b. Public Maintenance Facilities (Level 1)
- c. Transportation Facilities (Level 1)
- d. Communication Facilities (Level 1)

- e. Electrical Facilities (Level 1)
- f. Natural Gas Facilities (Level 1)
- g. Sewage Collection Facilities
- h. Stormwater Facilities (Level 1)
- i. Water Supply Facilities (Level 1)

**18A.30.840 Development Standards - Public/Institutional Zoning District.**

A. Because of the nature of the typical uses characterizing this use type and the high need for flexibility in siting and operating public facilities, general development standards shall be determined jointly by the Community Development Director and City Engineer on a case-by-case basis considering the type and intensity of the proposed use, adjacent uses and zoning, environmental issues, site design, and/or type and construction of buildings.

B. Master-Planned Facilities. Public/institutional uses on properties twenty (20) acres or larger in size which are located within the Public/Institutional zoning district must undertake a public facilities master plan pursuant to LMC 18A.30.850, which must be reviewed and approved prior to issuance of permits for any proposed development, except as provided in LMC 18A.30.850(C). The public facilities master plan for each facility or coherent group of facilities shall specifically state the type and level of uses, as set forth in Chapter 18A.20 LMC, proposed therein.

C. SEPA Lead Agency. Unless specifically released on a case-by-case basis, the City hereby reserves lead agency status for environmental review under the State Environmental Policy Act for any and all uses within Public/Institutional zoning districts.

D. Design. Design features shall be required as set forth in LMC 18A.50.200, Community Design.

E. Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.50.300, Tree Preservation.

F. Landscaping. Landscaping shall be provided as set forth in LMC 18A.50.400, Landscaping.

G. Parking. Parking shall conform to the requirements of LMC 18A.50.500, Parking.

H. Signs. Signage shall conform to the requirements of LMC 18A.50.600, Signs.

**18A.30.850 Public Facilities Master Plan Standards - Public/Institutional Zoning District.**

A. Purpose. The purpose of the public facilities master plan process is to encourage Essential Public Facilities Civic uses on large parcels of land to be developed holistically, with internally compatible uses and physical development and with accommodations made for natural site and environmental conditions, assuring that:

1. Appropriate provisions are made for water, sanitary sewer, drainage ways, utilities, roadways, emergency services, and any other applicable infrastructure or services;
2. Critical areas will be protected;
3. Usable open space will be provided;
4. Appropriate provisions are made for motorized and nonmotorized transportation circulation, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
5. Approval criteria and mitigation measures are established which include general design elements and linkage components; and
6. The safety of the general public as well as workers at and visitors to the facility is ensured.

B. Applicability. A public facilities master plan is required for all Essential Public Facilities Civic uses which utilize contiguous parcels of land totaling twenty (20) acres or more and which are zoned Public/Institutional.

1. Exemption from a public facilities master plan. A public facilities master plan is not required for installation of portable classrooms as approved by the Community Development Director subject to Process I administrative action; uses and activities listed in LMC 18A.30.830(A)(2); renovations, remodeling and general maintenance, provided there is no expansion in occupiable space greater than one thousand (1,000) square feet of the structure proposed for renovation/remodeling; roof repairs; infrastructure improvements to existing systems (i.e., interior streets; sidewalks; lighting; security equipment; landscaping; and storm water, sewer, water, and power utilities); emergency repairs; and installation of fire/life safety equipment).

C. Uses. Uses not included in an approved public facilities master plan, except those listed in subsection B above, shall not subsequently be allowed upon the site except by review and approval of an amended public facilities master plan following the same process as establishment of an initial public facilities master plan.

When a new Essential Public Facility Civic use is proposed which requires a public facilities master plan or amendment to an existing plan and it is located on the same property or site of an already established Essential Public Facility Civic use, the City shall require the project proponent to prepare a compatibility study which, at minimum, contains the following information on a form prescribed by the City:



1. The purpose of the proposed Essential Public Facility Civic use;
2. An operational characteristics description of the proposed Essential Public Facility Civic use and an operational characteristics description of the existing use or uses;
3. An evaluation of the potential effects of the proposed Essential Public Facility Civic use upon the existing use or uses;
4. An evaluation of the potential effects of the proposed Essential Public Facility Civic use upon the adjacent properties;
5. An evaluation of the potential effects of the proposed Essential Public Facility Civic use upon at-risk or special needs populations, including but not limited to children and the physically or mentally disabled; and
6. Identification of any applicable mitigation measures designed to address any potential effects identified through the evaluation required herein.

D. Previous Permits. A previously adopted public facilities permit issued under Pierce County predating City incorporation, or a previously adopted administrative use or other permit issued pursuant to Title 18 or 18A LMC after City incorporation, may constitute an adopted public facilities master plan for the purposes of fulfilling the requirements herein. Any subsequent amendment(s) sought to an existing public facilities permit shall follow the process for a public facilities master plan.

E. Process. A public facilities master plan shall be reviewed as a Process III permit type under LMC 18A.02.550.

F. Termination and expiration of approval. If a condition of approval is violated, or if any provision of this code is violated, the Community Development Director may, in his sole discretion, initiate a revocation of the public facilities master plan which shall require a public hearing before and decision by the hearing examiner. Nothing in this section shall limit or affect the revocation of building permits, issuance of stop orders or other similar proceedings authorized by this code.

Recognizing that the nature of essential public facilities often requires approval of significant capital appropriations and that the appropriations process may be unpredictable, a public facilities master plan typically would not expire unless and until the slate of projects to be completed thereunder has been substantially completed, and new projects that are not included in the scope of the public facilities master plan are proposed. In such case, the proponent shall undertake an update which shall follow the same process as an initial public facilities master plan.

G. Discontinuance of Public/Institutional and/or Essential Public Facilities Civic use. When a Public/Institutional and/or an Essential Public Facilities Civic use has been discontinued for a period of six or more months, the use of land and/or

structure(s) shall be considered discontinued. In the event of discontinuance, the Public/Institutional and/or Essential Public Facilities Civic use shall be demolished in accordance with the provisions of the International Building Code.

H. Adaptive Reuse. In the event that a Public/Institutional and/or an Essential Public Facilities Civic use is proposed for adaptive reuse, where buildings/structures are repurposed for viable new uses and modern functions, other than those originally intended to address present-day needs, a public facilities master plan is required. Adaptive reuse does not constitute an exemption from a public facilities master plan as is outlined in 18A.30.850 (B).

**Definitions to be inserted or updated in Chapter 18A.90:**

ADAPTIVE REUSE means the process of reusing an existing building for a purpose other than which it was originally built or designed for.

DISCONTINUANCEED. The abandonment or nonuse of a building, structure, sign or lot. Discontinued means the activity or operation ceases; the premises are vacated; machinery, equipment or fixtures are removed; the maintenance of the property or structure(s) is substantially reduced, or ends altogether; or other action terminating the use is taken; to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:** The proposed amendments to the Comprehensive Plan would increase its consistency with state law and regional and countywide planning policies. The amendments to LMC Title 18A would bring the municipal code into better consistency with the updated Comprehensive Plan.

**B. Compatibility with development in the vicinity:** The application would increase compatibility with development in the vicinity of PI Districts by ensuring structures on the property are properly sited, maintained or removed if appropriate.

**C. Transportation impacts and mitigation:** No significant transportation impacts are anticipated from this application.

**D. Public Service impacts and mitigation:** No significant public service impacts are anticipated from this application.

**E. Public health, safety and general welfare impacts:** The application would increase public safety and general welfare by ensuring structures on PI District property are properly sited, maintained or removed if appropriate.

**F. Range of permitted uses:** Not applicable.

**G. Change in circumstances:** Not applicable.

**H. Advantages vs. negative impacts:** The proposed amendments would provide for better development maintenance and use in the PI Districts. No significant negative impacts are anticipated.

**CEDD Recommendation:**

CEDD recommends approval of CPA/ZOA 2019-08 as considered.

## **CPA-2019-09 – TEXT AMENDMENT (Economic Development Element)**

This application would strike and replace the Comprehensive Plan Economic Development Element to reflect updated data (e.g., population and employment statistics in Lakewood), and actions (e.g., adoption of the Downtown Subarea Plan.)

**Amendments to the Comprehensive Plan - Strike the current Economic Development Element and replace with the following:**

### **5.0 ECONOMIC DEVELOPMENT**

#### **5.1 Introduction**

The Growth Management Act (GMA) includes economic development as one of its basic goals, and it is a theme that runs throughout the Act. GMA considers the need to stimulate economic development throughout the state, but requires that these activities be balanced with the need to protect the physical environment. It encourages the efficient use of land, the availability of urban services, and the financing strategies necessary to pay for needed infrastructure. GMA mandates that communities perform long range planning, and then implement zoning and regulatory rules so that appropriate development can occur. It recognizes that while the public sector can shape and influence development, it is the private sector that generates economic growth.

At the regional level, Lakewood complies with the Multicounty Planning Policies (MPPs) adopted by the Puget Sound Regional Council (PSRC) as part of VISION 2040 and its successors (e.g., VISION 2050 will replace VISION 2040 in 2020.) The MPPs provide an integrated framework for addressing land use, economic development, transportation, other infrastructure, and environmental planning. These policies play three key roles: (1) give direction for implementing the Regional Growth Strategy, (2) create a common framework for planning at various levels (including countywide planning, local planning, transit agency planning, and others) within the four-county region, and (3) provide the policy structure for the Regional Council's functional plans.

PSRC also provides staff support for the regional Economic Development District Board (EDDB), the governing board for the federally designated economic development district for King, Pierce, Snohomish and Kitsap counties. Its members include representatives from private business, local governments, tribes and trade organizations. In September 2017, the EDDB adopted a new regional economic development strategy, titled "Amazing Place."

Pierce County, through its Countywide Planning Policies (CPPs) that must be complied with by all cities and towns as well as the County itself, re-emphasize the economic development goal of the GMA. The CPPs promote the creation of a healthy and diverse economic climate and describe the need to strengthen, expand, and diversify the economy. They encourage protection of our natural resources and enhancement of our human resources through education and job training. The CPPs also speak of the need to make an adequate supply of land available for economic development by providing necessary infrastructure, while also encouraging the redevelopment of underutilized properties.

Within this policy framework, Lakewood has outlined a vision of its economic development future. Its vision is to transform itself from a largely bedroom-community of the City of Tacoma and Joint Base Lewis-McChord (JBLM) into a diversified, full-service, and self-contained city. The Lakewood Downtown Plan was adopted in October 2018 to encourage high quality, intensive mixed use development and cultural activity within the recognized heart of Lakewood. However, as Lakewood realizes this vision, it is important to remember that it is part of the larger Puget Sound economy, and this transformation will depend in large part on the market forces at work within the greater region. To achieve this vision, the City must:

- Continue to expand its infrastructure;
- Protect Joint Base Lewis-McChord from urban encroachment as a means to fend off future Base Realignment and Closure rounds;
- Both retain existing businesses and attract new businesses to build a diverse economic base;
- Encourage the creation of new trade-based and family wage jobs;
- Foster redevelopment of the City from a fractured low-scale, suburbanized district to a more pedestrian friendly, full-scale urban community; and
- Produce a housing stock that attracts new residents.

The potential is there. Lakewood's unique location along the I-5 Corridor and its juxtaposition near Joint Base Lewis McChord and the Port of Tacoma, combined with its relationship within the Central Puget Sound region, represent significant opportunities.

## **5.2 Existing Conditions and Trends**

Lakewood is a mature suburb whose basic pre-Growth Management Act land use pattern has shaped its economy. That pattern has resulted in an abundance of commercial zoning with inadequate commercial concentrations, including some very spread-out, linear commercial areas. The layout of older businesses along arterials is problematic because of the lack of parking as well as little or no non-vehicular amenities. Commercial development and redevelopment is further complicated by access difficulties and a competing need to increase right-of-way width for transportation improvements. Unlike other cities of its size, Lakewood does not have an established downtown. These forces have shaped Lakewood's existing economy.

### **5.2.1 General Patterns of Existing Development**

The City's position as a "bedroom community" to Tacoma and King County means that often people are leaving or returning to the City, or may be driving through the City as they travel to an adjacent community. The lack of a central core or sense

of place leaves them without a focused destination point within the City. Establishing a downtown will help people connect with local businesses.

Lakewood competes in a regional market that includes Tacoma, South Hill, and even Olympia and Federal Way. National chains are well represented in this market as a whole, to the extent that some find they are “competing with themselves” in the various malls. In the past, cutbacks in locations have often focused on Lakewood rather than other areas where not only commercial development is strong, but the housing market is vibrant and median incomes are greater.

Because Lakewood is landlocked by the military bases and is largely built out, it is unlikely to experience much expansion to the east of I-5; therefore, revitalization will occur as redevelopment of existing lands. Lakewood’s economic focus rests with establishing strong redevelopment strategies.

Economic development encompasses jobs as well as spending. It is important to capitalize on the growth plans of existing private sector employers such as St. Clare Hospital and Lakewood Industrial Park to stimulate job creation, as well as marketing the community for new business locations. Industrial redevelopment opportunities in the Woodbrook Business Park are intended to act as a stimulus for this. Olympia Moving & Storage is the first business to locate in the park. A 467,000 square foot “spec” building was constructed in 2017, and additional building continues with a high demand for industrial space due to Lakewood’s proximity to the Port of Tacoma and major transportation networks.

To establish a more stable and diverse economic base, Lakewood must focus on coordinating and establishing partnerships, implementing capital facilities funding programs that support redevelopment, developing market strategies for specific industries, improving upon its housing stock, and redeveloping vacant and underutilized commercial/industrial properties.

A summary of the background data gathered during the development of the 2018 Downtown Subarea Plan (DSAP) follows.

Most of the Subarea Plan area is commercial use, and the Future Land Use Designation and Zoning maps reflect this with Central Business District (CBD) zoning. The zoning authorizes a mix of land uses, including housing, and offers the densest development and greatest height, yet the development pattern is generally single-story and does not incorporate housing. This is partly due to Covenants, Conditions & Restrictions (CC&R’s) on the Lakewood Towne Center Mall site, but is also due to the auto-oriented era in which development first occurred. Considering the CBD zoning and vacant and redevelopable land, as well as parking lots that could have intensified land uses, there is a large capacity for employment and housing uses.

The City’s population growth was flat between 2007 and 2017. The Downtown contains little housing and a relatively small population of fewer than 1,700

residents. Though there has been little population growth in numbers, there has been a change in the racial and ethnic makeup of the community, which is more diverse. There is an opportunity to add quality housing in the Downtown within the planned density of the area and with an investment in amenities such as parks. Downtown is mostly in commercial use and contains nearly 3,500 jobs; the make-up of workers is mostly female and less diverse than the community. The wages earned monthly range from less than \$1,250 to over \$3,330; at the low end, it would be difficult to support a unit at fair market rents. A Central Business District Assessment in 2017 showed a market potential of 3 million square feet of commercial growth in the City, and much of that could be attracted to the Downtown through appropriate public and private investments in amenities and infrastructure as well as appropriate zoning and design standards.

Key findings from the existing conditions evaluation include:

- Auto congestion is minimal outside of several key intersections along routes leading to I-5.
- Pedestrian and bicycle connections in the Downtown could be improved within and between districts to make non-motorized travel a more attractive and comfortable option.
- Lakewood's Transit Center acts as a hub for many Pierce Transit bus routes; this resource could be enhanced with better pedestrian and bicycle connections into the surrounding areas. Likewise, improved facilities between the area and Lakewood Station could help connect the area with a valuable regional transit amenity.

Downtown is fully served by public safety and school services. Water and sewer infrastructure is also available, though some water lines in the area will require replacement due to age. There are cultural facilities – a library, museum, and theater – but the primary finding in the Downtown is the lack of parks and open space. As part of the 2018 Downtown Subarea Plan, the City has adopted urban design concepts for a linear park, a Green Street Loop linear park, and the Colonial Plaza event space to support economic development.

Source: 2018 Lakewood Downtown Subarea Plan

By its nature, economic revitalization is a long-term, incremental effort. Together with complementary land use and transportation goals and policies, an economic development program will help redefine Lakewood's image; provide a basis for relationships with developers, business operators, and lenders to invest in the community, and create a foundation for the City's future economy.

## **5.2.2 Demographics & Workforce**

### **Total Private Primary Jobs**

	<b><u>2015</u></b>
<b><u>Count</u></b>	<b><u>Share</u></b>



<u>Total Private Primary Jobs</u>	<u>17,168</u>	<u>100.0%</u>
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### Jobs by Worker Age

	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>Age 29 or younger</u>	<u>4,772</u>	<u>27.8%</u>
<u>Age 30 to 54</u>	<u>8,984</u>	<u>52.3%</u>
<u>Age 55 or older</u>	<u>3,412</u>	<u>19.9%</u>

### Jobs by Earnings

	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>\$1,250 per month or less</u>	<u>4,205</u>	<u>24.5%</u>
<u>\$1,251 to \$3,333 per month</u>	<u>7,400</u>	<u>43.1%</u>
<u>More than \$3,333 per month</u>	<u>5,563</u>	<u>32.4%</u>

## Workforce

### Jobs by Worker: Race

	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>White Alone</u>	<u>12,923</u>	<u>75.3%</u>
<u>Black or African American Alone</u>	<u>1,450</u>	<u>8.4%</u>
<u>American Indian or Alaska Native Alone</u>	<u>196</u>	<u>1.1%</u>
<u>Asian Alone</u>	<u>1,687</u>	<u>9.8%</u>
<u>Native Hawaiian or Other Pacific Islander Alone</u>	<u>193</u>	<u>1.1%</u>
<u>Two or More Race Groups</u>	<u>719</u>	<u>4.2%</u>

### Jobs by Worker: Ethnicity

	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>Not Hispanic or Latino</u>	<u>15,729</u>	<u>91.6%</u>
<u>Hispanic or Latino</u>	<u>1,439</u>	<u>8.4%</u>

### Jobs by Worker: Educational Attainment

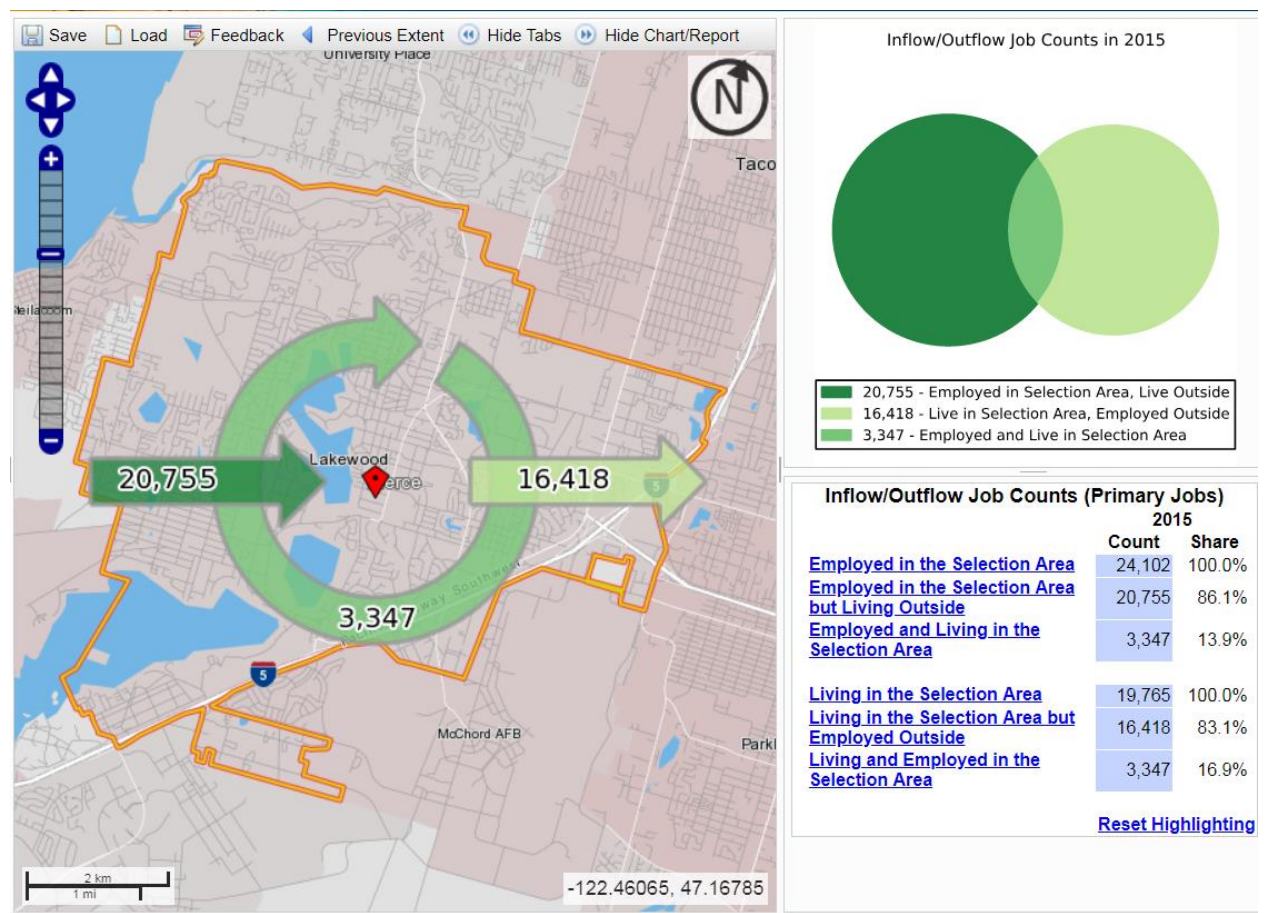
	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>Less than high school</u>	<u>1,607</u>	<u>9.4%</u>
<u>High school or equivalent, no college</u>	<u>3,632</u>	<u>21.2%</u>
<u>Some college or Associate degree</u>	<u>4,137</u>	<u>24.1%</u>
<u>Bachelor's degree or advanced degree</u>	<u>3,020</u>	<u>17.6%</u>
<u>Educational attainment not available (workers aged 29 or younger)</u>	<u>4,772</u>	<u>27.8%</u>

### Jobs by Worker: Sex

	<u>2015</u>	
	<u>Count</u>	<u>Share</u>
<u>Male</u>	<u>8,240</u>	<u>48.0%</u>
<u>Female</u>	<u>8,928</u>	<u>52.0%</u>

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

### City of Lakewood Employment Inflow-Outflow



Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

### Outflow Job Characteristics (Primary Jobs)

	2015	
	Count	Share
<u>External Jobs Filled by Residents</u>	16,418	100.0%
<u>Workers Aged 29 or younger</u>	4,016	24.5%
<u>Workers Aged 30 to 54</u>	8,773	53.4%
<u>Workers Aged 55 or older</u>	3,629	22.1%
<u>Workers Earning \$1,250 per month or less</u>	2,990	18.2%
<u>Workers Earning \$1,251 to \$3,333 per month</u>	6,249	38.1%
<u>Workers Earning More than \$3,333 per month</u>	7,179	43.7%
<u>Workers in the "Goods Producing" Industry Class</u>	2,218	13.5%
<u>Workers in the "Trade, Transportation, and Utilities" Industry Class</u>	3,836	23.4%

<u>Workers in the "All Other Services" Industry Class</u>	<u>10,364</u>	<u>63.1%</u>
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### **Inflow Job Characteristics (Primary Jobs)**

	<b>2015</b>	
	<b>Count</b>	<b>Share</b>
<u>Internal Jobs Filled by Outside Workers</u>	<u>20,755</u>	<u>100.0%</u>
<u>Workers Aged 29 or younger</u>	<u>4,624</u>	<u>22.3%</u>
<u>Workers Aged 30 to 54</u>	<u>11,085</u>	<u>53.4%</u>
<u>Workers Aged 55 or older</u>	<u>5,046</u>	<u>24.3%</u>
<u>Workers Earning \$1,250 per month or less</u>	<u>4,036</u>	<u>19.4%</u>
<u>Workers Earning \$1,251 to \$3,333 per month</u>	<u>7,767</u>	<u>37.4%</u>
<u>Workers Earning More than \$3,333 per month</u>	<u>8,952</u>	<u>43.1%</u>
<u>Workers in the "Goods Producing" Industry Class</u>	<u>2,011</u>	<u>9.7%</u>
<u>Workers in the "Trade, Transportation, and Utilities" Industry Class</u>	<u>5,263</u>	<u>25.4%</u>
<u>Workers in the "All Other Services" Industry Class</u>	<u>13,481</u>	<u>65.0%</u>

### **Interior Flow Job Characteristics (Primary Jobs)**

	<b>2015</b>	
	<b>Count</b>	<b>Share</b>
<u>Internal Jobs Filled by Residents</u>	<u>3,347</u>	<u>100.0%</u>
<u>Workers Aged 29 or younger</u>	<u>697</u>	<u>20.8%</u>
<u>Workers Aged 30 to 54</u>	<u>1,628</u>	<u>48.6%</u>
<u>Workers Aged 55 or older</u>	<u>1,022</u>	<u>30.5%</u>
<u>Workers Earning \$1,250 per month or less</u>	<u>747</u>	<u>22.3%</u>
<u>Workers Earning \$1,251 to \$3,333 per month</u>	<u>1,426</u>	<u>42.6%</u>
<u>Workers Earning More than \$3,333 per month</u>	<u>1,174</u>	<u>35.1%</u>
<u>Workers in the "Goods Producing" Industry Class</u>	<u>163</u>	<u>4.9%</u>
<u>Workers in the "Trade, Transportation, and Utilities" Industry Class</u>	<u>636</u>	<u>19.0%</u>
<u>Workers in the "All Other Services" Industry Class</u>	<u>2,548</u>	<u>76.1%</u>

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

## **5.2.3 Economic Base**

The Marketplace Fairness Act (effective January 1, 2018) has created a number of changes impacting local sales tax distributions and streamlined sales tax (SST) mitigation payments. This will result in an increase in sales tax distributions for all cities and counties, but will also result in the elimination of all SST mitigation payments effective October 2019 that many cities and counties have received since 2008. SST mitigation helped compensate jurisdictions for sales tax revenues that were lost when the state switched from an origin-based to destination-based sales tax for delivery of goods.

As jurisdictions receive increased sales tax revenues from internet and remote sales, their SST mitigation payments are reduced by a corresponding amount, and all mitigation payments will cease of as October 1, 2019. In many cases, DOR expects

the increased sales tax revenues from remote sales to more than offset the elimination of SST mitigation payments.

For Lakewood, estimated increased sales tax are projected to total \$1,857,507 for the six year period, 2018 through 2023. The higher amounts beginning in 2019 are not included in the current estimates, consistent with financial policies. Sales tax is the largest single revenue source for the City of Lakewood, representing 24% of the consolidated General and Street Fund revenue. It is estimated to generate \$9.8 million in 2019 and \$10.0 million in 2020.

According to a listing of businesses registered with the City of Lakewood and sorted by the North American Industry Classification System (NAICS), the business economy appears to be configured as follows: retail trade 46%; services 24%; construction 12%; wholesale trade 5%; information 5%; finance, insurance and real estate 4%; manufacturing 2%; and all others 2%.

#### **5.2.4 Employment Base**

##### **Jobs by NAICS Industry Sector**

	<b>2018q4</b>	
	<b>Count</b>	<b>Share</b>
<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>48</u>	<u>0.1%</u>
<u>Mining, Quarrying, and Oil and Gas Extraction</u>	<u>0</u>	<u>0.0%</u>
<u>Utilities</u>	<u>69</u>	<u>0.2%</u>
<u>Construction</u>	<u>1,682</u>	<u>5.2%</u>
<u>Manufacturing</u>	<u>956</u>	<u>3.0%</u>
<u>Wholesale Trade</u>	<u>900</u>	<u>2.8%</u>
<u>Retail Trade</u>	<u>3,289</u>	<u>10.3%</u>
<u>Transportation and Warehousing</u>	<u>2,188</u>	<u>6.8%</u>
<u>Information</u>	<u>219</u>	<u>0.7%</u>
<u>Finance and Insurance</u>	<u>595</u>	<u>1.9%</u>
<u>Real Estate and Rental and Leasing</u>	<u>723</u>	<u>2.3%</u>
<u>Professional, Scientific, and Technical Services</u>	<u>921</u>	<u>2.9%</u>
<u>Management of Companies and Enterprises</u>	<u>1</u>	<u>0.0%</u>
<u>Administration &amp; Support, Waste Management and Remediation</u>	<u>1,036</u>	<u>3.2%</u>
<u>Educational Services</u>	<u>2,741</u>	<u>8.5%</u>
<u>Health Care and Social Assistance</u>	<u>11,135</u>	<u>34.7%</u>
<u>Arts, Entertainment, and Recreation</u>	<u>802</u>	<u>2.5%</u>
<u>Accommodation and Food Services</u>	<u>2,781</u>	<u>8.7%</u>
<u>Other Services (excluding Public Administration)</u>	<u>1,459</u>	<u>4.6%</u>
<u>Public Administration</u>	<u>518</u>	<u>1.6%</u>

Source: Bureau of Labor Statistics' Quarterly Census of Employment and Wages, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

<b><u>Lakewood Employment Over Time</u></b>			
	<b><u>2001</u></b>	<b><u>2010</u></b>	<b><u>2018</u></b>

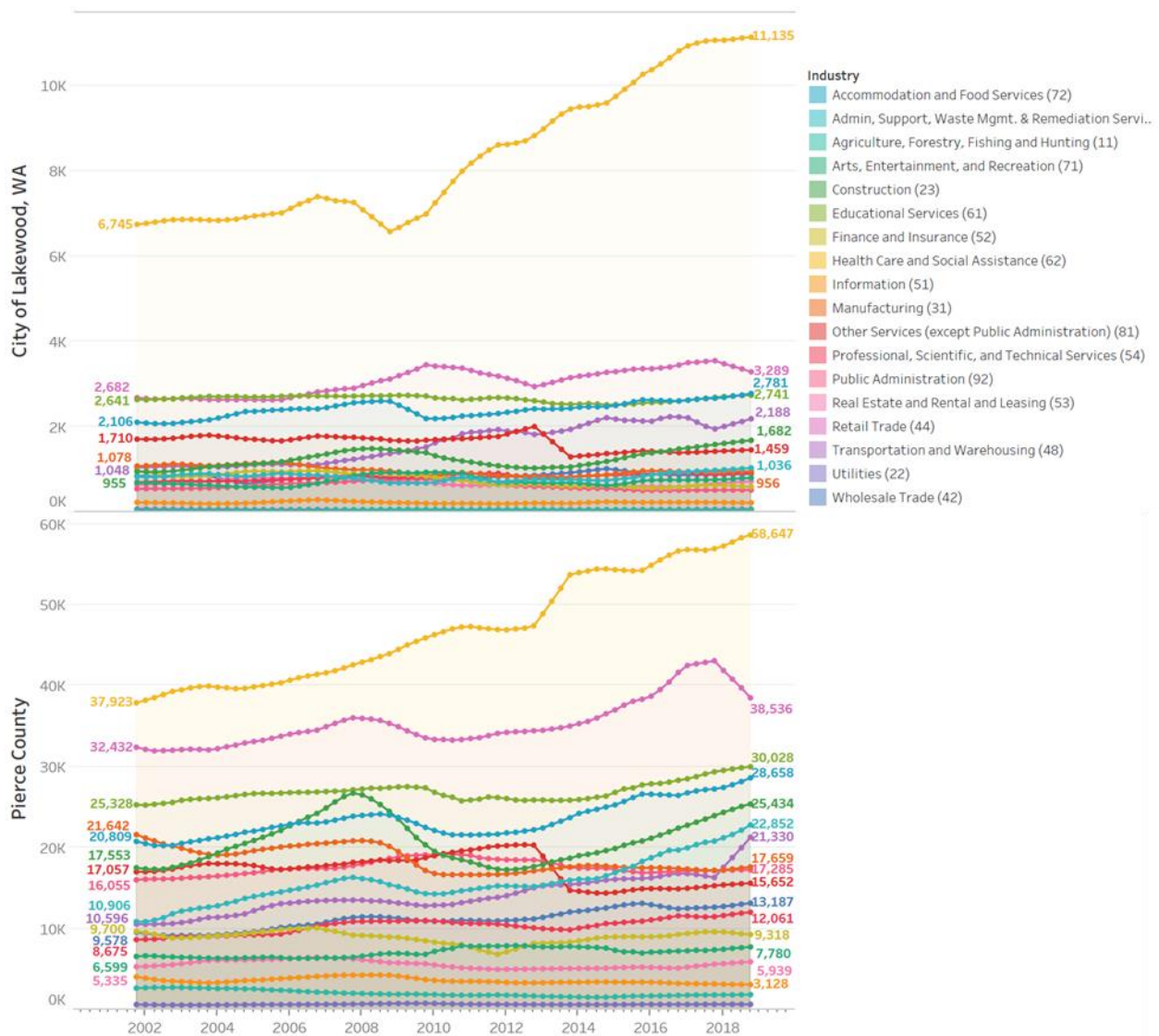
<u>Administrative/Support/Waste Mgmt/Remediation Services</u>	<u>828</u>	<u>817</u>	<u>1,036</u>
<u>Agriculture/Mining</u>	<u>40</u>	<u>57</u>	<u>48</u>
<u>Arts/Entertainment/Recreation</u>	<u>688</u>	<u>913</u>	<u>802</u>
<u>Construction</u>	<u>955</u>	<u>1,199</u>	<u>1,682</u>
<u>Educational</u>	<u>2,641</u>	<u>2,627</u>	<u>2,741</u>
<u>Finance/Insurance/Real Estate</u>	<u>1,612</u>	<u>1,366</u>	<u>1,318</u>
<u>Health Care/Social Assistance</u>	<u>6,745</u>	<u>7,993</u>	<u>11,135</u>
<u>Information</u>	<u>229</u>	<u>205</u>	<u>219</u>
<u>Manufacturing</u>	<u>1,078</u>	<u>929</u>	<u>956</u>
<u>Professional/Scientific/Technical Services</u>	<u>705</u>	<u>896</u>	<u>921</u>
<u>Public Administration</u>	<u>545</u>	<u>751</u>	<u>518</u>
<u>Retail Trade</u>	<u>2,682</u>	<u>3,377</u>	<u>3,289</u>
<u>Services (Accommodation, Food, Other)</u>	<u>3,816</u>	<u>3,973</u>	<u>4,240</u>
<u>Transportation and Warehousing</u>	<u>1,048</u>	<u>1,836</u>	<u>2,188</u>
<u>Wholesale Trade</u>	<u>852</u>	<u>812</u>	<u>900</u>

Source: JobsEQ® March, 2019 Note: Figures may not sum due to rounding. Growth demand is based on 4-qtr moving avg employment from the latest available date.

From 2000 to 2016, Pierce County employment grew by 21%, while employment in Lakewood grew by only 1%. The Services industry from 2000 to 2016 continues to employ the largest percentage of employees in both Lakewood (47% in 2016) and Pierce County (46% in 2016). With a job to housing ratio of 0.87, Lakewood is a net exporter of workers, with more people living in Lakewood than working in Lakewood. This is the case for many comparable cities as well, with the exception of Puyallup, Sumner, and Tacoma. Lakewood's second and third largest employment sectors are Retail and Manufacturing. At 9%, Lakewood has one of the higher unemployment rates of all the shown geographies. In comparison, the Pierce County unemployment rate is 6%.

Source: BERK Consulting, 2017





Source: Bureau of Labor Statistics' Quarterly Census of Employment and Wages

### 5.2.5 Joint Base Lewis-McChord (JBLM)

Located immediately adjacent to the City of Lakewood, Joint Base Lewis-McChord (JBLM) is the second largest employer in Washington State and is an essential driver to the economic momentum of Washington State and the South Sound region. In 2018, JBLM provided direct employment for 52,000 active duty and civilian South Sound citizens, as well as engendering demand for local services through its tens of thousands of personnel. The total annual economic impact in the South Sound region due to the presence of JBLM is estimated to be upwards of \$9.2 billion. (*The Economic Impact of the JBLM workforce and operations on the South Sound Region, June 2018, Center for Business Data Analytics, University of Washington – Tacoma.*)

The South Sound region has supported its military residents in multiple ways, from easing the transition into public school for families, providing advanced education opportunities focused on the complex needs of active duty military members, to providing a familiar and comfortable environment for military retirees. The 2010

JBLM Growth Coordination Plan recommended establishing a new JBLM regional partnership. That partnership, the South Sound Military Communities Partnership (SSMCP) provides a framework for collaboration between local governments, military installations, state agencies, and federal agencies to better coordinate efforts in areas such as: military relations; transportation and land use planning; environmental protection; emergency preparedness; grant applications; health care; population forecasting; workforce development; education; housing; and economic development. The City of Lakewood is a key leader in the SSMCP.

Between 2013 and 2015, the SSMCP coordinated the development of a **Joint Land Use Study (JLUS)** for Joint Base Lewis-McChord (JBLM.) The JLUS was a collaborative process among federal, regional, and local governments and agencies; tribes; the public; JBLM; and Camp Murray. The study was designed to create a collective regional dialogue around the sometimes complex issues of balancing military operational demands and mission changes with the region's and local communities' land use plans, economic development and infrastructure needs, and goals for environmental sustainability. The study area generally encompassed those communities within two miles of the JBLM boundary within Pierce and Thurston Counties.

The JBLM JLUS is a four-part planning process that starts with understanding conditions and issues in the study area and then identifying both current and foreseeable compatibility challenges based on land use, growth and development trends, and civilian and military interests and mission needs. Compatibility challenges can occur when military operations produce impacts, such as noise that affect surrounding communities or when civilian growth and development interfere with the ability to conduct military operations safely and effectively.

Based on analysis and public and agency feedback, the 2015 JLUS includes recommendations to promote greater compatibility between military activities and civilian land uses. The process concluded with a detailed look at action steps to implement recommendations. These recommendations are not binding, but participants are asked to make a good faith efforts to implement proposed action steps. Lakewood and other jurisdictions are implementing recommendations from the JLUS over time.

The SSMCP and partners from the State of Washington, Pierce County, City of Lakewood, JBLM and the Department of Defense have completed work on the North Clear Zone Action and Implementation Plan (NCZAIP). In April 2017, the City of Lakewood adopted Resolution No. 2017-09, authorizing the City to sign and execute a Memorandum of Agreement (MOA) for implementation of the AIP. In May 2017, the MOA was signed by all AIP partners. The AIP sets forth a phased strategy consisting of six actions and corresponding implementation steps designed to be carried out over the next 10-20 years to accomplish project objectives, while balancing benefits and costs among stakeholders. All of the actions are anticipated to begin in the short term (0-5 years).

*NCZAIP Actions:*



1. Changes to City of Lakewood Code and Administrative Processes
2. Amortization Study
3. Voluntary Property Acquisitions and Business Relocation
4. Habitat Restoration and Preservation
5. Woodbrook Land Exchange
6. AIP Implementation Team

A Clear Zone is a federally-designated, 3,000-by-3,000-foot safety area adjacent to the end of a runway. This area has the highest statistical possibility of aircraft accidents. Federal Aviation Administration and Department of Defense guidelines call for Clear Zones to be undeveloped and free of people and flight obstructions. This protects the public's safety and the military's ability to carry out its missions.

The North Clear Zone is located at the north end of the McChord Field runway. It is partly within JBLM and partly within the City of Lakewood. The part in Lakewood includes many buildings and business on privately-held properties. Based on federal safety guidelines, these uses are incompatible with runway operations and pose public and flight safety risks. At the same time, existing businesses operating in the North Clear Zone are an important part of the local, regional and State economy.

SSMCP recently completed the JBLM Joint Land Use Study (JLUS). One of the highest priority recommendations that came out of JLUS was to develop solutions for the North Clear Zone based on Air Force Instruction:

The potential for accidents is so high [in the Clear Zone] that the land use restrictions necessary to ensure compatibility would prohibit reasonable economic use of the land. Therefore, it is DOD and USAF policy to own the land within the Clear Zone, or control the land through restrictive use easements.

Air Force Instruction (AFI) 32-7063, 18 DEC 2015, para. 3-9, p 24.

### **Project Objectives**

- Ensure public and air safety
- Bring use of the North Clear Zone into Federal Aviation Administration and Department of Defense regulatory compliance
- Preserve JBLM "Mission Assurance"
- Implement the 2015 JBLM Joint Land Use Study
- Maintain full airfield operational capacity and capability

The North Clear Zone project is being conducted in four phases; Phases 1-3 have been completed. They included 1) project startup, which began in summer 2017, 2) strategy analysis and cost estimates for voluntary property acquisition and business relocation, which were conducted between summer and winter 2016, and 3) development of the North Clear Zone Action Plan & Implementation Program and Memorandum of Agreement, which were finalized and adopted in spring 2017 following open houses with property owners and a Lakewood City Council study session and public comment period. The final phase, implementation, is currently underway and is anticipated to continue for the next 10-20 years. Most implementation actions will be

led by project partners such as the City of Lakewood, Pierce County and JBLM. SSMCP will continue to be actively engaged, for instance by supporting formation and regular meetings of the AIP Implementation Task Force.

### **5.2.6 Residential Development**

<b><u>New Housing Permits Issued/Units Built</u></b>				
<b><u>Type</u></b>	<b><u>2015</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>	<b><u>2018</u></b>
<b><u>Single Family</u></b>	<b><u>26/26</u></b>	<b><u>37/37</u></b>	<b><u>46/46</u></b>	<b><u>54/54</u></b>
<b><u>Duplex</u></b>	<b><u>1/2</u></b>	<b><u>1/2</u></b>	<b><u>2/4</u></b>	<b><u>2/4</u></b>
<b><u>Multifamily</u></b>	<b><u>0</u></b>	<b><u>2/4</u></b>	<b><u>7/223</u></b>	<b><u>2/30</u></b>
<b><u>Total</u></b>	<b><u>27/28</u></b>	<b><u>40/43</u></b>	<b><u>55/273</u></b>	<b><u>58/88</u></b>

### **5.2.7 Retail & Lodging Development**

Lakewood Towne Center is a site of open air destination with four distinct components: A City Hall as its centerpiece; a power center; an entertainment center; and a neighborhood center, all of which need further development to create a greater sense of place and gathering area for the community and visitors.

The International District is located along South Tacoma Way, from the City's entrance at 80<sup>th</sup> Street to the North and the 512 interchange to the South. Although Korean settled and developed, the area is a mix of cultures, restaurants, grocery, and other retail. Paldo World, Boo Han Market, and HMart are the most prominent stores along this corridor. The Great American Casino to the South, at the 512, was built in 2007. In 2017, Lee Medical Center was built, bringing a new family medical team, lab, counseling, and internal medicine facility to the area. This district currently brings in more retail sales tax to the City than any other combined area in the City. The district is has potential for major redevelopment, particularly at the City's entrance.

In 2008/2009, the City conducted both a hotel study and market analysis on Pacific Highway from 108<sup>th</sup> to Bridgeport. Development followed with the construction of Candlewood Suites, Lakewood Station and Pedestrian Bridge, Lakewood Ford, and the Nisqually Market. In 2012, LaQuinta Inn was converted to a Holiday Inn, and the Sounder Train service was extended to Lakewood Station. In 2013, Kenworth Northwest built a state-of-the-art new truck sales and service facility. A mobile home park was closed in preparation for two Marriott Hotel properties, one of which is planned for construction in 2015.

Numerous older motels have been closed along South Tacoma Way and Pacific Highway in anticipation of redevelopment.

In 2008, Walmart opened a new supercenter at the City's entrance to the Northwest on Bridgeport Avenue, and Lowes opened on 100th and Lakewood Drive. In 2014, Hobby Lobby and Big Lots opened at 100th and Bridgeport, site of the former Kmart store.

The Colonial Shopping Center, which included a former QFC, was purchased by an equity firm in 2013. It is currently being re-designed. New tenants are being recruited to the site.

#### **5.2.8 Office Development**

There is some office space within the business parks, along major corridors and, small office space within the Central Business District. The most significant office developments have been medical facilities, a professional services office on Main Street SW, and the new Harborstone Credit Union. Office buildings have constituted minimal new development. This may be a future focus as business and healthcare campuses develop.

#### **5.2.9 Commercial Enterprise**

Lakewood Industrial Park added over 400,000 square feet of industrial space to its 2.5 million square feet of space. Zoning was changed in the Woodbrook area to allow for a new 150 acre Industrial Business Park (IBP). A 440,000+ square foot manufacturing/ warehouse use building has been approved in the IBP. Existing manufacturing/warehouse space is available in the Durango industrial area. Manufacturing is slightly expanding on other industrial lands. The Air Corridor may cause some businesses to move, depending upon JBLM future plans.

#### **5.2.10 Institutional, Educational, Cultural, and Recreation Development**

Residents and surrounding communities come to Lakewood for comprehensive healthcare options. Lakewood's St. Clare Hospital recently completed a \$15.5 million renovation to support the areas growing patient population. The hospital offers state-of-the-art primary care, orthopedics, therapy, diagnostics imaging, a chronic pain center, and a cancer center.

Multicare and medical specialists also serve the community. An influx of national dental chains has entered the market. Western State Hospital offers a wide range of mental health services, psychiatric treatments, and a recovery center.

Lakewood has two colleges, Pierce College and Clover Park Technical College, with a combined attendance of over 16,500.

Pierce College offers 39 certificate programs, e-learning, running start, worker retraining, and continuing education. Clover Park Technical College (CPTC) offers 40 programs, including aerospace, advanced manufacturing, health sciences, human services, business, hospitality, science, technology, engineering, transportation and trades.

The Clover Park School District has 31 schools and an enrollment of 11,947 students in PK- 12 programs. Nearly a quarter of the population, 5 and older speaks a language other than English.

The City of Lakewood is one of 100 cities across the nation to have received the America's Promise Award. The award is given to cities that meet high standards in five areas: caring adults, safe places, healthy start, effective education, and opportunities to help others. The City has received this award several years in a row. The school district partnership is integral to the future of our citizens.

Lakewood's Sister Cities Association develops and promotes activities that support exchanges of delegations, educational and informational exchanges and events including the Annual International Festival and Artfest.

The City of Lakewood Parks, Recreation and Human Services Department maintains 14 parks and offers events throughout the year. SummerFest is held annually and includes a sprint triathlon. The parks department also works with the Community Garden program, Healthy Start, the Senior Activity Center, and human services to create livable communities where all individuals have access to the resources they need. A Legacy Parks Plan prepared by the parks, recreation, and human services department has been adopted by Council.

### **5.3 Lakewood's Position in the Region**

#### **5.3.1 Lakewood's Regional Role**

Lakewood is situated along strong transportation networks. It is bordered by one of the largest military installations in the United States, just minutes away from Puget Sound and the Port of Tacoma, and 35 miles from SeaTac International Airport. The City is a major transportation hub for the lower Puget Sound Region with the Lakewood Station and Sounder commuter rail system directly connecting Lakewood to Seattle and Tacoma.

Adjacent to I-5 and SR512, Lakewood has access to populations beyond its borders. Lakewood is an easy driving distance between two large metropolitan areas, Seattle and Portland. The I-90 major east-west route connecting Seattle with Chicago and Boston is only 40 miles away. There is convenient access to three ports – the Port of Seattle, the Port of Tacoma and the Port of Olympia. Sound Transit's commuter rail is close to the I-5/SR512 intersection on Pacific Highway and provides the ability to live in Lakewood and commute to locations north of Lakewood.

Two military bases are at Lakewood's eastern and southern borders, Camp Murray and Joint Base Lewis McChord (JBLM). JBLM is one of the largest military installations in the United States. Proximity to military bases provides access to over 55,000 soldiers and their families. Current and potential military contracting opportunities attract businesses that work on JBLM or Camp Murray and/or have locations in the vicinity. They lodge in City hotels, reside in the community, and buy goods and services from local companies. There remains a significant need for access to off base restaurants, shopping, and various services

Amenities and educational opportunities are significant considerations for many

companies when considering a new location. Culture, innovation, creativity, and quality of life for employers will become increasingly important for the next generations of workers and leaders. Pierce College and Clover Park Technical College offer access state-of-the-art facilities and educational opportunities. In recent years, the City has enhanced its recreational opportunities by expanding and improving parks and recreational activities.

Lakewood manages Fort Steilacoom Park, a 340-acre regional park facility, located adjacent to Pierce College. The park is popular with the community and region as a whole. About 1 million people visit the park annually.

Lakewood plays a key role in commerce and trade with its industrial properties. The Lakewood Industrial Business Park (IBP) offers 2.5 million square feet of leasable space. There are approximately 62 companies in the park employing 1,500-1,600 people, making this IBP the 4th largest for-profit employer in Pierce County. Transportation, warehousing and distribution are primary uses with some manufacturing, retail, and wholesale trade operations. Approximately 150 acres in the Woodbrook area have been zoned for industrial use. Industrial lands are also available in the Woodworth Industrial Park, Jenco Industrial Park, and northeast Lakewood in the vicinity of Durango Street SW and South Tacoma Way.

- Industry sectors expected to have significant increases in the area include:
- Construction, both new and rehabilitation of existing properties;
- Transportation, warehousing and distribution;
- Health care and education;
- Professional business services;
- Professional, scientific and technical Services; and
- Manufacturing.

Growth in these areas will be largely natural to support aging population, population growth, JBLM needs for off-base housing, demand for export/import trade companies, a desire for higher wage jobs with higher economic impacts, and increasing technology related efficiencies.

### **5.3.2 Regional Economic Competition**

Many of the existing urban development patterns are already set within the South Sound, and Pierce and Thurston counties. It is within this geographic area that Lakewood vies with other cities and Pierce County in relation to economic development. These cities include Tacoma, Lacey, Puyallup, Federal Way and Pierce County.

Tacoma and Puyallup provides the region's stiffest competition for regional retailers and retail establishments. Lakewood finds itself "in the middle" between these two markets, but also having to compete with retail sales located on JBLM. Lodging appears underrepresented and based on past reports, this is a niche that Lakewood has yet to capitalize.

Lakewood does experience a "competitive" relationship with several nearby

municipal governments that must be taken into account. Tacoma is the county leader with respect to economic development. Tacoma is an older city that has made many efforts to improve its downtown, and image, often at the expense of Lakewood, for more than a quarter of a century. Tacoma has an aggressive economic development mission. The city has devoted its own funds, as well as state and federal grants, to stimulate economic development. Tacoma has a strategic location on the highway system and a strong port.

One of the biggest challenges that faces Lakewood is infrastructure, particularly as it relates to utilities. Three power purveyors have boundaries that all come together within Lakewood. Parts of the service areas are disputed. In addition, water and sewer are provided by two separate entities, the Lakewood Water District, and the Pierce County Public Works & Utilities Department. This current situation complicates many aspects of development.

In summary, any program of economic development for Lakewood must monitor conditions and trends in Tacoma and elsewhere, and act decisively and aggressively to increase Lakewood's strategic position.

#### **5.4 Summary of Achievements**

- The establishment of Lakewood's own police department.
- Installation of over \$20 million in water and sewer infrastructure in Tillicum and Woodbrook.
- Required \$1.5 million in mitigation measures to offset the relocation of the main entrance into Camp Murray.
- Over \$5 million in improvements to the Berkeley Bridge and Union Avenue SW.
- Over \$5 million in new road improvements to Pacific Highway SW.
- Construction of the Sounder Station including parking garage and pedestrian overpass.
- In 2002, the redevelopment of the Lakewood Mall into the Lakewood Towne Center.
- Recruitment of National retailers to the CBD and the South Tacoma Way Corridor.
- The location of Tactical Tailor to Lakewood.
- The removal of blighted buildings and structures on South Tacoma Way and Pacific Highway SW.
- Construction of a Wal-Mart Super Center on Bridgeport Way, including \$1.5

million in new road improvements.

- Construction of the new Kenworth Truck Dealership on Pacific Highway SW.
- Construction of Lakewood Ford on Pacific Highway SW.
- Installation of major park upgrades at Fort Steilacoom Park.
- Extensive new road improvements on Murray Road SW, including a new roundabout, 59<sup>th</sup> Street SW, 104<sup>th</sup> Street SW, and Bridgeport Way from the northerly City limits to Gravelly Lake Drive SW.
- Establishment of the Rental Housing Safety Program and Dangerous Building Abatement Program priorities in 2018.
- Adoption of the Downtown Subarea Plan in 2018

## **5.5 Economic Development Strategy for Lakewood**

As with many cities, Lakewood will have limited funds with which to pursue its economic development goals. The City's policy makers will have to use its resources in a focused and prioritized manner to have a positive impact on the local economic base. Lakewood will be developing a focused Economic Development Strategy in the 2019-2020 biennium.

## **5.6 Economic Goals and Policies**

The City of Lakewood will not wait for market forces alone to create the future, but will act to shape and accelerate the evolving market trends in the direction of its vision. The City will pursue the following goals and policies to implement economic development.

### **City's Overall Role in Economic Development**

**GOAL ED-1: Maintain a strong, proactive position toward economic development that promotes a positive civic image.**

Policies:

ED-1.1: Increase the retail sales tax base of the City.

ED-1.2: Encourage public-private partnerships which further public goals while advancing economic development opportunities.

ED-1.3: Promote partnerships with the State, Pierce County, Joint Base Lewis McChord, other cities and organizations to advance regional competitiveness and mutual economic development goals.

ED-1.4: Review and respond to emerging issues, pending legislation, and provide



guidance with regards to special projects and economic development initiatives.

ED-1.5: Encourage development or maintenance of business recruitment programs.

ED-1.6: Encourage development or maintenance of business expansion and retention programs.

ED-1.7: Where feasible and appropriate, assist the business community in the collection of data relative to economic development.

ED-1.8: Increase Lakewood's leadership, role and influence in local and regional forums in order to advance the City's economic development goals.

ED-1.9: Continue to pursue aggressive public safety programs designed to protect residents, businesses, and their investments.

ED-1.10: Maintain working partnerships with Pierce College and Clover Park technical College in order to encourage and support their expansion and further integration within the Lakewood economy, as well as to identify and exploit increasing opportunities for economic development.

ED-1.11: Consider opportunities to partner with local human service organizations to assist in providing human services resource development programs for the unemployed or under-employed.

### **Permitting**

**GOAL ED-2: Ensure a responsive and efficient business licensing and building permitting process.**

#### **Policies:**

ED-2.1: Establish a permit process system that is fair and timely while promoting the public health, safety, and general welfare.

ED-2.2: Work with adjacent cities and Pierce County on consistency among regulatory codes.

ED-2.3: Encourage predictability and consistency in the City's land use regulations, while also allowing for flexibility and creativity in the site development process.

ED-2.4: Promote a results-oriented permit process, which consolidates review timelines, eliminates unnecessary steps, and maintains a strong customer service approach.

ED-2.5: Provide targeted assistance to businesses that may be unsophisticated in permitting and licensing requirements.

ED-2.6: Allocate sufficient resources to process development projects quickly

and efficiently.

## **Housing**

**GOAL ED-3: Encourage increased ownership and quality housing throughout the City.**

### **Policies:**

ED-3.1: Encourage home ownership to increase the number of invested stakeholders in the community.

ED-3.2: Expand the homeownership opportunities for existing residents in neighborhoods with homeownership rates are lower than the regional average.

ED-3.3: Expand quality of middle income housing products.

ED-3.4: Develop new relationships and mechanisms that increase private investment in, and production of high-quality housing for all income groups.

ED-3.5: Consider the cumulative impact of regulations on the ability of housing developers to meet current and future housing demand.

ED-3.6: Require owners, investors, and occupants, to be responsible for maintenance of the housing stock.

ED-3.7: Ensure that owners, managers, and residents of rental property improve the safety, durability, and livability of rental housing.

ED-3.8: Support the public and private actions that improve the physical and social environment of areas that have experienced disinvestment in housing, that have a concentration of low-income households, or that lack infrastructure.

ED-3.9: Attract a proportionate share of the region's families with children in order to encourage stabilized neighborhoods and a vital public school system.

ED-3.10: Promote housing opportunities that build a sense of community, civic involvement, and neighborhood pride.

## **Infrastructure**

**GOAL ED-4: Leverage public infrastructure for private investment.**

### **Policies:**

ED-4.1: Where public costs will be recouped from increased revenue resulting from private investment, invest in infrastructure to stimulate and generate private investment for economic development and redevelopment projects.

ED-4.2: Consider public financing techniques such as the use of local improvement districts, public-private partnerships, and grants in targeted areas to accomplish

specific economic development needs.

ED-4.3: Work with community development on signage and frontage improvements and regulations that enhance the community and promote economic development.

ED-4.4: Use HUD programs (CDBG allocations and the Section 108 loan program) to help fund infrastructure improvements.

### **Focused Redevelopment Emphasis**

**GOAL ED-5:** Promote the revitalization/redevelopment of the following areas within Lakewood:

- 1) the Central Business District;
- 2) the South Tacoma Way & Pacific Highway Corridors;
- 3) Springbrook;
- 4) Tillicum/Woodbrook;
- 5) Lakeview (Lakewood Station District); and
- 6) Lake City.

Policies:

ED-5.1: Where appropriate, develop and maintain public-private partnerships for revitalization.

ED-5.2: Pursue regional capital improvement opportunities within these specific areas.

ED-5.3: Promote the concentration of commercial uses and cultural activities in the Central Business District with the intent of increasing and maintaining the vitality of the community.

ED-5.4: Promote industrial land development at the Woodbrook Business Park.

ED-5.5: Continue existing programs to expand sewers throughout Tillicum and Woodbrook.

ED-5.6: Expand commercial development along Pacific Highway SW by converting lands designated Public/Institutional into commercial uses.

ED-5.7: Expand housing ownership opportunities.

ED-5.8: Identify and implement strategies to foster small business development and expansion.

ED-5.9: Aggressively market the Central Business District as a place to live, shop, and do business.

ED-5.10: Encourage mixed use developments within the Central Business District and

Lakeview.

ED-5.11: Remove blighted buildings from residential neighborhoods.

ED-5.12: Promote single family development in Lake City and Tillicum.

ED-5.13: Develop and implement a sub-area plan for Springbrook.

ED-5.14: Consider establishing a local development government corporation and an equity investment approach for land assembly within a designated target area. Under this model, landowners contribute their land (and improvements) as “shares” to the corporation and receive a portion of the distribution from cash flow generated by redevelopment.

**Manufacturing/Industrial Areas**

**GOAL ED-6:** Ensure the logistical functions of Lakewood’s industrial districts are not impaired by conflicts with other transportation system users.

Policies:

ED-6.1: Where feasible and appropriate, promote freight mobility through grade separation of rail traffic from street traffic and improvement of existing Lakewood road connections.

ED-6.2: Pursue regional capital improvement opportunities that will benefit Lakewood’s industrial districts.

ED-6.3: Coordinate with the Capital Improvement Program and Six-Year Transportation Improvement Plan to ensure the maintenance and expansion of infrastructure to support Lakewood’s industrial districts.

**Joint Base Lewis McChord**

**GOAL ED-7:** Protect the mission of, and ensure the long-term viability of Joint Base Lewis- McChord.

Policies:

ED-7.1: Maintain the South Sound Military Communities Partnership.

ED-7.2: Conduct a Joint Land Use Study and implement the resulting recommendations into Lakewood’s Comprehensive Plan, development regulations, capital improvement programs, and other plans policies.

ED-7.3: Work with federal, state, and local agencies to fund the acquisition of properties deemed unsafe in the Clear Zone.

ED-7.4: Develop a JBLM Regional Policy Considerations Guide. The guide would include background text on JBLM operations and policies associated with economic development and housing.

ED-7.5: Support workforce development programs for military personnel transitioning out of military service.

ED-7.6: Continue to support the efforts of the South Sound Military Communities Partnership.

ED-7.7: Conduct industry justification and economic diversification studies in response to drawdown and potential loss of Department of Defense contracts.

**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:** The proposed amendments to the Comprehensive Plan would increase its consistency with state law and regional and countywide planning policies as well as reflect current statistical and demographic data.

**B. Compatibility with development in the vicinity:** Not applicable.

**C. Transportation impacts and mitigation:** Not applicable.

**D. Public Service impacts and mitigation:** Not applicable.

**E. Public health, safety and general welfare impacts:** Not applicable..

**F. Range of permitted uses:** Not applicable.

**G. Change in circumstances:** Not applicable.

**H. Advantages vs. negative impacts:** Not applicable.

**CEDD Recommendation:**

CEDD recommends approval of CPA/ZOA 2019-09 as considered.

## **CPA/ZOA-2019-10 – TEXT AMENDMENT (Multifamily Open Space)**

Amend the LMC zoning text at LMC 18A.50.231 (C)(1)(o)(2) to increase the open space requirements for multifamily development in the City.

### **Proposed Amendments to LMC 18A.50.231 (changes in red text):**

C. Multi-Family Residential Uses and Zones. These standards are intended to create an attractive and enjoyable environment for multi-family residential uses, improve vehicular circulation and upgrade the City's visual appearance in high-density residential areas.

1. Required Site Design and Building Design Elements. These standards are in addition to other development standards applicable under this chapter or other chapters of the Lakewood Municipal Code.

o. Provide an open space network that is accessible to all units and that will accommodate a wide variety of activities, public and private, in the following manner:

1. Provide at least ~~thirty (30)~~ one hundred (100) square feet per unit of common open space in addition to individual balconies or patios and that area required by landscaping, recreation, building setbacks, critical area buffers and other code requirements.

2. Common open space shall be an open air area intended for use by all residents, guests, employees or patrons of a site and may include lawns, gardens, squares, plazas, courtyards, terraces, barbecue and picnic areas, games court or multi-use recreational areas, and other types of built space. Common open space shall meet the following standards:

(a) Linear dimensions of no less than twenty (20) feet.

(b) No more than thirty (30) percent of the area covered by a structure.

(c) Provide ample exposure to natural sunlight and fresh air.

(d) Provide direct pedestrian connection to other parts of the site.

(e) May include multi-use stormwater detention facilities, if the Community Development Director determines that the facilities are designed to function as common open space by providing an enhanced nature or visually aesthetic design.

**Housing Capacity Analysis:** No net loss or increase in potential housing stock.

**A. Consistency with the Comprehensive Plan:**



Lakewood Comprehensive Plan excerpts:

LU-4.12: Direct multi-family housing to locations that support residents by providing direct access to public transportation, employment, services, open space, and other supporting amenities.

4.2 Relationship Between Urban Design and Land-Use Designations

Particularly desirable urban design features accompany many of the land-use designations discussed in Chapter 2. These features are identified here in relationship to the specific land-use designations, except the CBD and Lakewood Station district, which are presented separately.

4.2.1 Residential Lands Urban design is especially important in multi-family residential areas to create satisfying and aesthetic places for residents. The following factors should be considered in developing multi-family properties:

Mixed Residential and Multi-Family: Encourage infill development along key pedestrian streets and in proximity to public transit routes or centers. Use design to create a pedestrian scale along key pedestrian streets. Locate parking behind residential buildings with access off alleys, where possible, and limit driveways and curb cuts along key pedestrian streets. Building faces should typically be oriented parallel to the street with setbacks aligned with adjacent buildings. Architectural variety should be encouraged, as should building modulation, emphasis on semi-public, semi-private, and private open space. Building scale, especially in mixed residential areas, should respect physical context. Above all, livability over the long term should be a prime consideration during the project review process.

High-Density Multi-Family: Encourage the development of high-density multi-family residential neighborhoods in proximity to public transit and the commuter rail station. Neighborhood character should reinforce a pedestrian orientation along key pedestrian streets and linkages to commuter rail or public transit. Below grade parking or garages behind buildings, with access from alleys where possible, should be encouraged. Driveways and curb cuts along key pedestrian streets should be limited. Encourage the incorporation of design elements characteristic of older single-family residential areas such as pitched roofs, roof dormers, modulation of building facades, articulated building materials and finishes, and human-scale massing. The result should be an attractive, urban residential neighborhood with wide sidewalks, street trees, and numerous public seating/gathering spots in a combination of private and open space.

**B. Compatibility with development in the vicinity:** Not applicable.

**C. Transportation impacts and mitigation:** Not applicable.

**D. Public Service impacts and mitigation:** Not applicable.

**E. Public health, safety and general welfare impacts:** the increase in on-site open space for multifamily developments in the City will increase healthy living opportunities for Lakewood's current and future residents.

**F. Range of permitted uses:** Not applicable.

**G. Change in circumstances:** The 2018 adoption of the Downtown Subarea Plan, in which open space requirements for multifamily development was increased, spurred Council to consider a similar increase across the City.

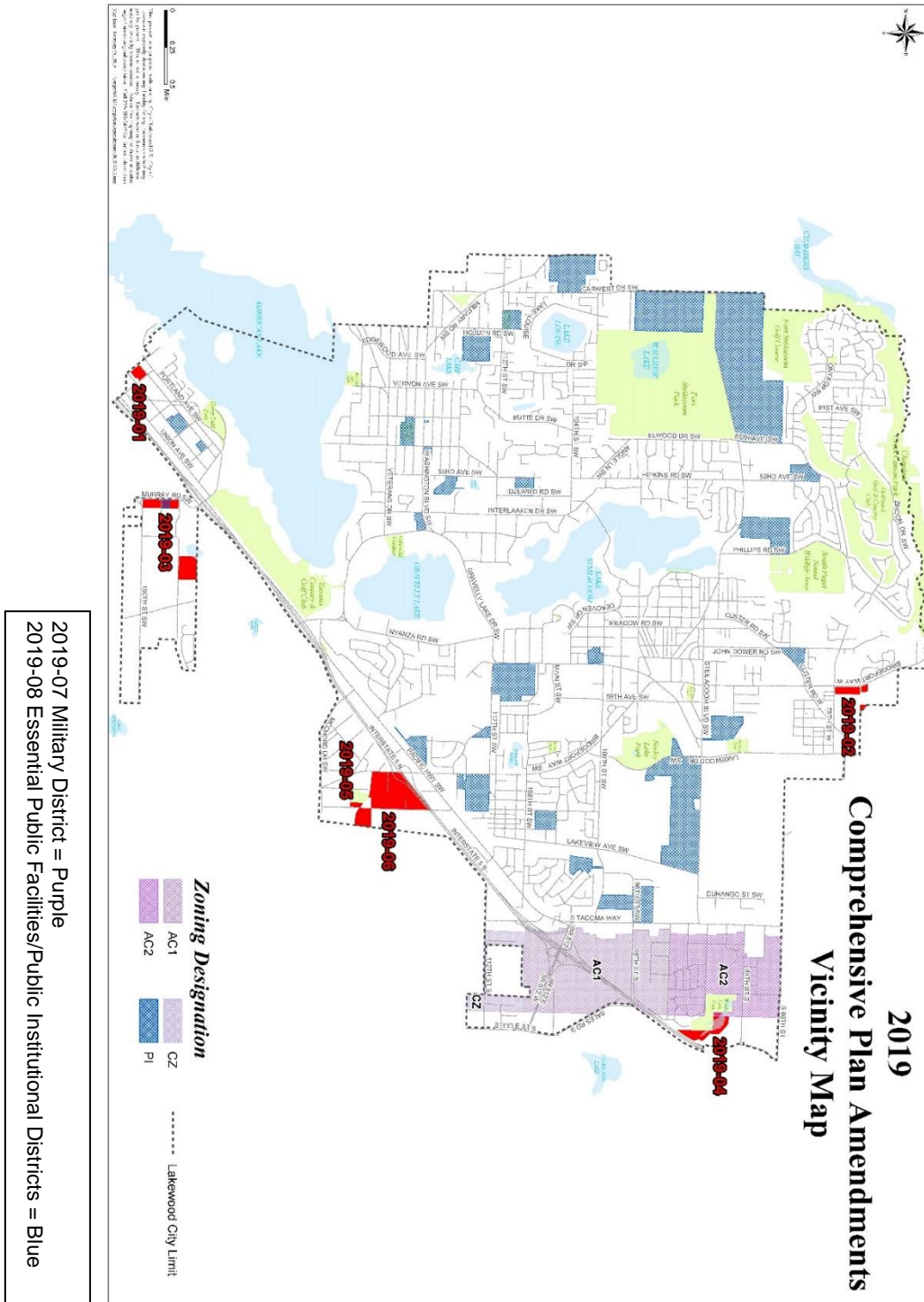
**H. Advantages vs. negative impacts:** The physical and mental health advantages for Lakewood residents from increased open space in multifamily developments outweigh any potential negative impacts.

**CEDD Recommendation:**

CEDD recommends approval of CPA/ZOA 2019-10 as considered.

## PART IV: SUMMARY OF CEDD RECOMMENDATIONS

### Vicinity Map of 2019 amendments (except for Economic Development Element update)



**Cumulative Housing Capacity Analysis:** If all proposed amendments were approved, the net result to Lakewood’s housing capacity would be a loss of 1,444 units if assuming a maximum loss of 1,150 units in Springbrook. Using the more likely loss of 600 units in Springbrook, the cumulative loss would be 894 units. When the increase of 1,807 units in the Downtown Subarea Plan adopted in 2018 is considered, the net change in capacity is an increase of 913 units compared to that prior to the adoption of the Downtown Subarea Plan.

	2019 CPA Housing Units Lost	2018 Downtown Subarea Housing Units Increase	Net Citywide Housing Capacity Change
Springbrook at max density of 1,150 units lost	1,444 -	1,807 +	363 +
Springbrook at more likely density of 600 units lost	894 -	1,807 +	913+

### **CEDD Amendment Recommendations**

#### **CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)**

Recommend denial without prejudice

#### **CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)**

Recommend approval w amendment to NBD/NC2 zone vs. CC/C2 for parcels 0220262057 and 0220263153

#### **CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)**

Recommend approval

#### **CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)**

Recommend approval

#### **CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)**

Recommend approval

#### **CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood)**

No recommendation: four options proposed for Council consideration. **Option 1 – Status Quo** (Take no action); **Option 2 – Lower Density**; **Option 3 – Open Space**; **Option 4 - Industrial**

#### **CPA/ZOA-2019-07– MAP & TEXT AMENDMENT (Military Districts)**

Recommend approval

#### **CPA/ZOA-2019-08– TEXT AMENDMENT (Essential Public Facilities/PI Districts)**

Recommend approval

#### **CPA/ZOA-2019-09– TEXT AMENDMENT (Economic Development Element)**

Recommend approval

#### **CPA/ZOA-2019-10– TEXT AMENDMENT (Multifamily Open Space)**

Recommend approval

## PART V: Summary of Public Comments at Planning Commission

<b>Amendment No.</b>	<b>Public Comments</b>
<b>CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)</b>	4/17/19: No Comment
<b>CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)</b>	4/17/19: No Comment 5/15/19: Kathy Hargrave (Sitts & Hill Engineers) requested that the Commission approve the applicant-requested redesignation of parcels 0220262057 and 0220263153 to Corridor Commercial (CC) and rezone to Commercial 2 (C2). 5/15/19: Kramer Foster (Kidder Matthews) requested that the Commission approve the applicant-requested redesignation of parcels 0220262057 and 0220263153 to Corridor Commercial (CC) and rezone to Commercial 2 (C2). 5/15/19: Jeff Kraft (Kidder Matthews) requested that the Commission approve the applicant-requested redesignation of parcels 0220262057 and 0220263153 to Corridor Commercial (CC) and rezone to Commercial 2 (C2).
<b>CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)</b>	4/17/19: No Comment 5/15/19: Wayne Carlson (AHBL) testified in support of the staff recommendation. 6/5/19: Josh Kubitz (AHBL) testified in support of the staff recommendation.
<b>CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)</b>	4/17/19: No Comment
<b>CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)</b>	4/17/19: No Comment during public hearing. Question from Brady Louween regarding whether City would use eminent domain on his property (12616 47th Ave SW) submitted during general public comment
<b>CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood)</b>	4/17/19: Kathy Ames question regarding whether a 144 unit apartment complex at 4828 123 <sup>rd</sup> St SW would be able to conduct maintenance and repair if rezoned to nonconforming status. DBugher replied yes.
<b>CPA/ZOA-2019-07– MAP &amp; TEXT AMENDMENT (Military Districts)</b>	4/17/19: Public hearing continued to 5/15/19 due to quorum issues. 5/15/19: Bill Adamson testified on behalf of JBLM and the South Sound Military & Communities Partnership (SSMCP) in support of the staff recommendation.
<b>CPA/ZOA-2019-08– TEXT AMENDMENT (Essential Public Facilities/PI Districts)</b>	4/17/19: No Comment
<b>CPA/ZOA-2019-09– TEXT AMENDMENT (Economic Development Element)</b>	4/17/19: No Comment
<b>CPA/ZOA-2019-10– TEXT AMENDMENT (Multifamily Open Space)</b>	4/17/19: No Comment

**PART VI: Planning Commission Recommendations**

<b>Amendment No.</b>	<b>Planning Commission Recommendation</b>
<b>CPA/ZOA-2019-01– MAP AMENDMENT (Tillicum)</b>	6/5/19: Recommend denial without prejudice
<b>CPA/ZOA-2019-02– MAP AMENDMENT (Bridgeport)</b>	6/5/19: Recommend approval to redesignate/rezone all parcels CC/C2
<b>CPA/ZOA-2019-03– MAP AMENDMENT (Woodbrook)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-04– MAP AMENDMENT (Wards Lake)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-05– MAP AMENDMENT (Springbrook Park)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood)</b>	6/5/19: Recommend approval of Option 1
<b>CPA/ZOA-2019-07– MAP &amp; TEXT AMENDMENT (Military Districts)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-08– TEXT AMENDMENT (Essential Public Facilities/PI Districts)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-09– TEXT AMENDMENT (Economic Development Element)</b>	6/5/19: Recommend approval
<b>CPA/ZOA-2019-10– TEXT AMENDMENT (Multifamily Open Space)</b>	6/5/19: Recommend approval



TO: City Council

FROM: Tiffany Speir, Planning Manager, Special Projects

THROUGH: Tho Kraus, Acting City Manager *John P. Crawford*  
David Bugher, Assistant City Manager for Development Services

DATE: July 15, 2019

SUBJECT: ***SUPPLEMENTAL STAFF REPORT - CPA 2019-07 POTENTIAL AMENDMENTS***

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On July 8, 2019, members of the Community & Economic Development Department (CEDD) met with Councilmember Brandstetter to review a list of his potential amendments to CPA/ZOA 2019-07. To place these amendments into context, what follows is:

- 1) A summary of CPA/ZOA2019-07 and the recommendations of CEDD and the Planning Commission;
  - 2) Excerpts from the Comprehensive Plan and comments regarding military lands;
  - 3) Zoning code excerpts for military lands;
  - 4) A summary of Councilmember Brandstetter's proposed amendments; and
  - 5) Incorporation of Councilmember Brandstetter's amendments into the proposed amendments as presented by CEDD and the Planning Commission.
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## **PART 1 - SUMMARY**

Amendment No.	Application Request	CEDD Recommendation	Planning Commission Recommendation
CPA/ZOA-2019-07 – MAP & TEXT AMENDMENT (Military Districts)	To be consistent with the December 2015 Air Installations Compatible Use Zones (AICUZ) Program Air Force Instruction (AFI) 32-7063, this amendment:  Amends the designation and zoning on 14 parcels (Assessor's Tax Parcel Nos. 5003430011, -0021, -0050; 8880900080, -0090, -0100, -0310, -0320; 0320314089; 0319061090, -1100, -1001, -4033; and 3395000016) that are currently partially within the Air Corridor 1 or 2	Recommend approval	Recommend approval



Amendment No.	Application Request	CEDD Recommendation	Planning Commission Recommendation
	<p>(AC1 or AC2) zones to eliminate the split zoning (parcels are rezoned completely AC1 or AC2 as appropriate);</p> <p>Updates the Comprehensive Plan discussion about Joint Base Lewis-McChord (JBLM), Camp Murray, and related military issues;</p> <p>Amends LMC Chapter 18A.30.700 (Military-Related Zoning Districts), including: the primary permitted allowed uses in the Clear Zone (CZ), AC1 and AC2 zones; the administrative uses allowed in the AC2 zone; the conditional uses allowed in AC1 and AC2; and the noise attenuation standards for the CZ, AC1 and AC2 zones; and</p> <p>Amends LMC section 18A.90.200 to add definitions regarding recycling.</p>		

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## PART 2 - COMPREHENSIVE PLAN DISCUSSION OF MILITARY LANDS

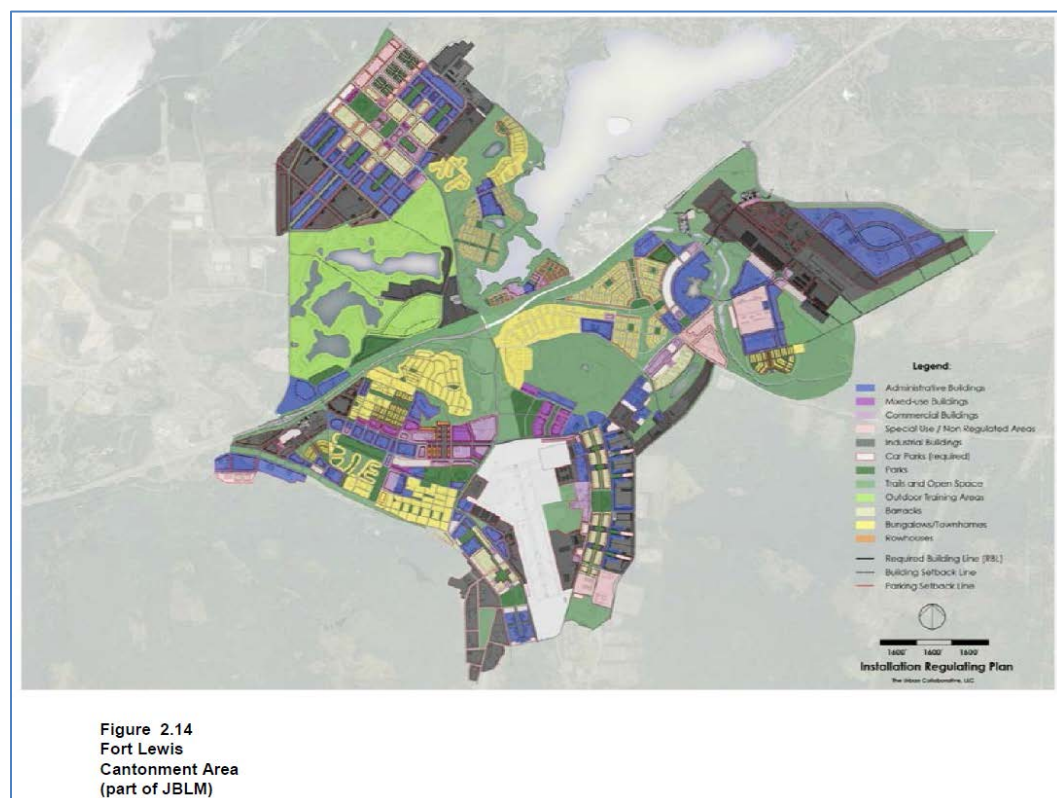
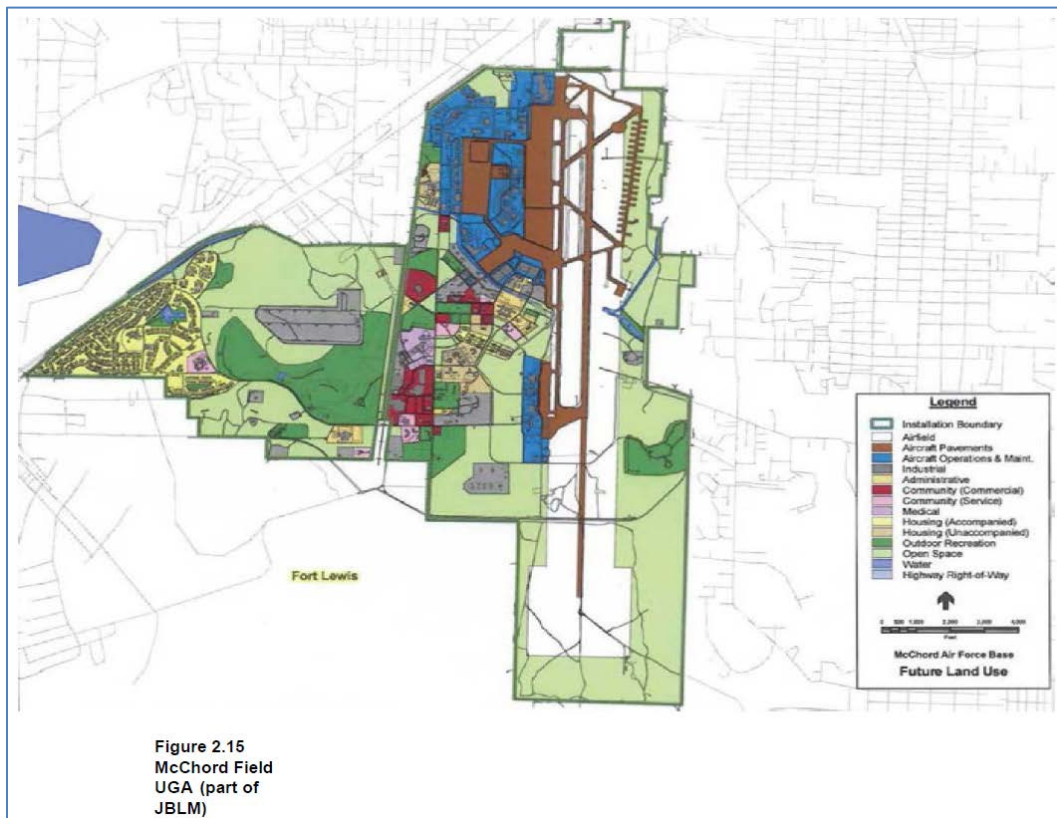
Military Lands are discussed in Lakewood's Comprehensive Plan:

### 2.3.13 Military Lands

The Military Lands land-use designation applies to the portions of the federal and state military installations within the City. The autonomy associated with federal and state ownership of the military installations, in combination with the unique character of the military operations and support structures, are not typical of civilian land uses and require special consideration by the City as a host community for the installations.

Commentary: There are 24.95 acres of Military Lands identified within Lakewood. No housing is allowed on the acreage. JBLM's cantonment area is within the City's Urban Growth Area (UGA.) The City has no regulatory authority over federal military lands. The UGA also includes Camp Murray, which is owned by Washington State and part of the Washington Military Department; it has no residential development on its acreage. State enabling legislation would be required to annex Camp Murray should Lakewood ever decide to pursue annexation.

Several maps are included below presenting the location of military lands within the City and its UGA.









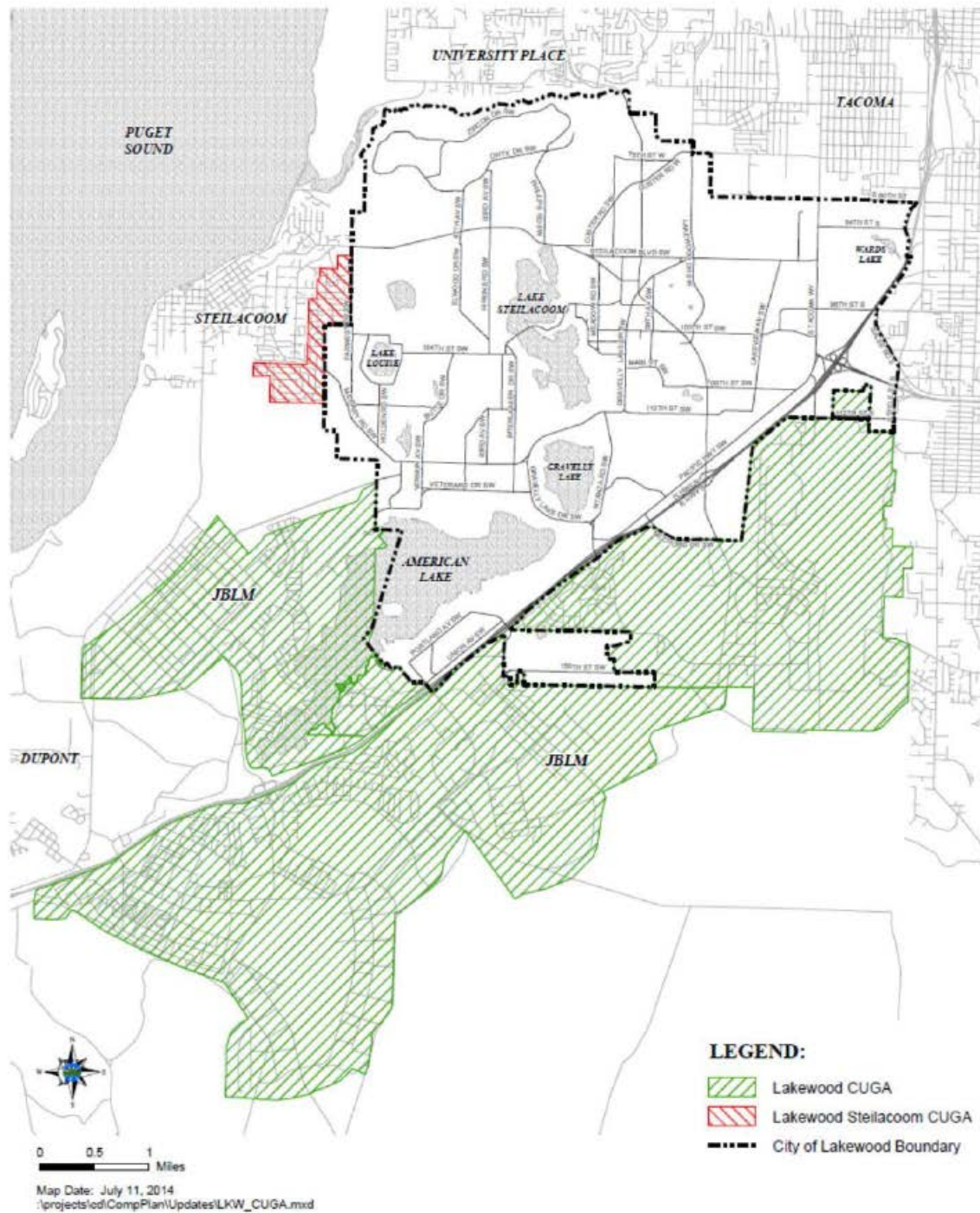


Figure 2.12  
 Comprehensive Plan Urban Growth Area  
 (CUGA)

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## PART 3 – ZONING DISCUSSION OF MILITARY LANDS

Military Lands are introduced in Title 18A at Section 18A.20.400:

**G. Military Installations.** A governmentally owned or controlled property and facilities which support a range of uses to facilitate military operations in a “compound” setting, as distinguished from stand-alone facilities such as recruiting stations. The autonomy associated with governmental ownership or control of the property, in combination with the unique character of the military operations and support structures, are not typical of civilian uses.

**Level 1:** State installation owned or controlled by the Washington State Military Department.

**Level 2:** Federal installation owned or controlled by the U.S. Department of Defense.

As stated in LMC 18A.30.710,

The purpose of the Military Lands (ML) zoning district is to formally recognize the autonomy associated with federal and state ownership of the military installations adjacent to and within Lakewood and the unique character of their operations and support structures, which are not typical of civilian land uses and require special consideration by the City as a host community for the installations.

The purpose of the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zoning districts is to promote land use and development that is compatible with the aircraft noise and accident potential associated with the proximity to McChord Air Force Base (AFB) aircraft flight operations. The potential risk to life and property from hazards associated with military aircraft operations necessitate control of the intensity, type, and design of land uses within the air corridor.

18A.30.720 continues:

The ML zoning district is applicable to lands designated Military Lands in the comprehensive plan.

The CZ, AC1, and AC2 zoning districts are applicable to lands located within the area designated as Air Corridor 1 and Air Corridor 2 in the comprehensive plan and within the area identified as the Clear Zone in the Air Installation Compatible Use Zone (AICUZ) study.

Per 18A.30.630, **primary permitted uses** in the Industrial 1 (I1) and Industrial 2 (I2) zones include:

**B. *Industrial 1 (I1).***

1. Outdoor Recreation (Level 1/2)
2. Postal Services (Level 3)
3. Public Maintenance Facilities (Level 1/2/3)
4. Public Safety Services (Level 1/2)
5. Transportation (Level 1)
6. Communication Facilities (Level 1/2/3)
7. Electrical Facilities (Level 1/2)
8. Natural Gas Facilities (Level 1/2)
9. Sewage Collection Facilities
10. Stormwater Facilities (Level 1/2)
11. Waste Transfer Facilities (Level 1/2/3)
12. Water Supply Facilities (Level 1/2/3)
13. Bulk Fuel Dealers
14. Buy-Back Recycling Center
15. Convenience Commercial (Level 4)
16. Drive-Through Facilities, limited to coffee kiosks
17. Eating and Drinking Establishment (Level 1/2)
18. Funeral Services (Level 2)
19. Manufactured and Modular Homes Sales
20. Motor Vehicle Sales and Rental (Level 4)
21. Motor Vehicle Service and Repair (Level 3/4/5)
22. Pet Sales and Services (Level 4)
23. Private Training School (Level 1/2)
24. Rental and Repair Services (Level 3/4)
25. Storage (Level 1/2/3)
26. Primary Manufacturing (Level 1)
27. Secondary Manufacturing and Major Assembly (Levels 1/2)
28. Limited Manufacturing/Assembly (Level 1/2/3)
29. Contractor Yards (Level 1/2)
30. Flex Space (Level 1/2/3)
31. Food and Related Products (Level 1/2)
32. Industrial Services
33. Motion Picture Production Studios
34. Outdoor Distribution and Freight Movement
35. Printing and Publishing (Level 1/2)
36. Research, Development, and Laboratories (Level 1/2)
37. Warehousing, Distribution and Freight Movement (Levels 1/2/3)
38. Commercial Accessory Uses
39. Industrial Accessory Uses

**C. *Industrial 2 (I2).***

1. Outdoor Recreation (Level 1/2)
2. Postal Services (Level 3)
3. Public Maintenance Facilities (Level 1/2/3)
4. Public Safety Services (Level 1/2)
5. Transportation (Level 1)
6. Communication Facilities (Level 1/2/3)
7. Electrical Facilities (Level 1/2)
8. Natural Gas Facilities (Level 1/2)
9. Sewage Collection Facilities
10. Stormwater Facilities (Level 1/2)
11. Waste Transfer Facilities (Level 1/2/3)
12. Water Supply Facilities (Level 1/2/3)
13. Bulk Fuel Dealers
14. Buy-Back Recycling Center
15. Eating and Drinking Establishments (Level 1/2)
16. Funeral Services (Level 2)
17. Manufactured and Modular Homes Sales
18. Motor Vehicle Sales and Rental (Level 4)
19. Motor Vehicle Service and Repair (Level 3/4/5)
20. Private Training Schools (Level 1/2)
21. Rental and Repair Services (Level 3/4)
22. Sales of General Merchandise (Level 4)
23. Storage (Level 2/3)
24. Primary Manufacturing (Level 1/2)
25. Secondary Manufacturing and Major Assembly (Levels 1/2)
26. Limited Manufacturing/Assembly (Level 1/2/3)
27. Contractor Yards (Level 1/2)
28. Flex Space (Level 2/3)
29. Food and Related Products (Level 1/2)
30. Industrial Services
31. Motion Picture Production Studios
32. Outdoor Distribution and Freight Movement
33. Printing and Publishing (Level 1/2)
34. Research, Development, and Laboratories (Level 1/2/3)
35. Warehousing, Distribution and Freight Movement (Levels 2/3)
36. Commercial Accessory Uses
37. Industrial Accessory Uses

Per 18A.30.650, **conditional uses** allowed in the I1 and I2 zones include:

**B. Industrial 1 (I1).**

1. Outdoor Recreation (Level 4)
2. Public Safety Services (Level 3/4)
3. Transportation (Level 4)
4. Electrical Generation Facilities
5. Organic Waste Processing Facilities (Level 1/2/3)
6. Sewage Treatment Facilities
7. Stormwater Facilities (Level 3)
8. Waste Disposal Facilities (Level 1/2/3/4)
9. Waste Transfer Facilities (Level 4)
10. Amusement and Recreation (Level 4)
11. Mineral Extraction
12. Recycling Processor
13. Salvage/Wrecking Yards and Vehicle Storage Facilities (Level 1/2)

**C. Industrial 2 (I2).**

1. Public Safety Services (Level 3/4)
2. Transportation (Level 4)
3. Electrical Generation Facilities
4. Organic Waste Processing Facilities (Level 1/2/3)
5. Sewage Treatment Facilities
6. Stormwater Facilities (Level 3)
7. Waste Disposal Facilities (Level 1/2/3/4)
8. Mineral Extraction
9. Off-Site Hazardous Waste Treatment and Storage Facilities (Level 1/2/3)
10. Recycling Processor
11. Salvage/Wrecking Yards and Vehicle Storage Facilities (Level 1/2)

Per 18A.30.920, the **Open Space & Recreation** (OSR) OSR1 zoning district may be applied to publicly or privately owned or controlled property used for natural open space and passive recreation. The OSR2 zoning district may be applied to privately and publicly owned active recreational uses and cemeteries.

Per 18A.20.900, **Residential Accessory Uses** include the following:

A. *Residential Accessory.* Uses accessory to a primary permitted residential use or in conjunction with a residential use requiring a discretionary permit, subject to LMC 18A.50.140, Residential Accessory Buildings, and all applicable construction permits.

1. Accessory dwelling unit, subject to the provisions of LMC 18A.70.310.
2. Boarding Houses, subject to the provisions of LMC 18.70.320.
3. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
4. Storage.
  - a. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
  - b. Detached carports or garages are allowed in conjunction with an approved access and driveway.
  - c. In addition to attached carports or garages, detached carports, garages, and other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods



and yard maintenance equipment, but excluding accessory dwelling units, are allowed.

5. Outdoor storage of two (2) recreational/sporting/utility vehicles, subject to LMC 18A.50.145, Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.
6. Home occupations and limited home occupations, subject to the provisions of LMC 18A.70.200.
7. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC 18A.50.155, Vehicle Service and Repair Accessory to Residential Uses.
8. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis, as distinguished from Outdoor Recreation uses.
9. Civic use types, limited to “pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.
10. On-site underground fuel storage tanks to serve a residential use.
11. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC 18A.70.600, Wireless Telecommunications Facilities.
12. Decks and patios.
13. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
14. On-site soil reclamation in accordance with state regulations.
15. Retaining walls, freestanding walls, and fences.
16. Yard sales.
17. Eating and Drinking Establishment Level 1, limited to ice cream trucks but excluding their storage.
18. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

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## PART 4 - SUMMARY OF POTENTIAL AMENDMENTS TO PROPOSED CPA/ZOA 2019-07

Included and highlighted below are several potential amendments to proposed CPA/ZOA 2019-07 related to military districts that stem from a discussion between Councilmember Brandstetter and CEDD staff on July 8, 2019. Please see specifically:

- LU-34's references to Figure 3.14;
- Amendments to LU 34.2 (E);
- Newly proposed LU 34.2 (F);
- Amendments to LMC 18A.30.730 (B)1, (B)2, (C)1, (C)2, (C)3, (D)1, (D)2, and (D)3;
- Amendments to LMC 18A.30.750 (C) 2 and (D) 2.

*(IMPORTANT: Please note that if adopted, the amendments cited in the fourth bullet point above would designate numerous properties as nonconforming in the City's AC1 and AC2 zones.)*

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## PART 5 - PROPOSED COMPREHENSIVE PLAN AMENDMENTS

LU-34: Air Corridors Established (~~exhibit~~ **Figure** 3.14).

The air corridor areas extend northward from the McChord Field runway and are subject to noise and safety impacts of military flight operations. Figure **3.14** shows the Air Corridor boundaries. The potential risk to life and property from the rather unique nature of hazards that may be associated with military aircraft operations, as distinguished from general/commercial aviation, corridors necessitates control of the intensity, type, and design of land uses within the designation.

LU-34.~~42~~: Compatible Land Use ~~and Densities~~ Policies.

Regulate land uses and/or activities that could adversely impact present and/or future base operations and protect JBLM and McChord Field from further incompatible encroachment. Regulate land use within the AC1 and AC2 zones to protect public health and safety, ensure a compatible mix of land uses, and support ongoing McChord Field operations, consistent with the GMA, CPPs, JBLM Joint Land Use Study (JLUS) recommendations.

A. Land use decisions regarding proposals located in the AC1 and AC2 zones shall consider regional and national needs as well as local concerns.

B. Review proposed Comprehensive Plan and zoning amendments for compatibility with the JBLM Air Installation Compatible Use Zone (AICUZ) program and Joint Land Use Study. Identify priority areas in which to resolve inconsistencies with AICUZ regulations.

C. Comprehensive Plan amendments and zone reclassifications within AC1 and

AC2 that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial designation to a residential designation, or allow residential uses in commercial or industrial zones are prohibited.

D. Sensitive uses that have a high concentration of people such as, but not limited to, schools, religious institutions, theaters, public assembly facilities and day care facilities are prohibited from locating near McChord Field and/or within the AC1 and AC2 zones.

E. Existing Industrial uses in the AC1 (but outside of the Clear Zone) and AC2 zones are to be preserved and industrial uses that complement aviation facilities are encouraged. The siting of warehousing, storage, open space, and other appropriate land uses within the air corridor areas are encouraged.

E.F. Promote the conversion of existing higher density housing, including mobile home parks and apartments and other high occupancies, to less intensive land uses.

F.G. Recognize safety issues associated with training, artillery, and small-arms activities on JBLM.

1. Future construction adjacent to the installation should provide for fire protection at installation boundaries.
2. Prohibit the following land uses within appropriate areas:
  - a. New residential uses, unless the design of the structure and general site plan incorporate noise-reduction measures to meet the Department of Housing and Urban Development (HUD) standards;
  - b. Public services and quasi-public services such as hospitals, public meeting rooms, and libraries, and cultural, recreational, and entertainment land uses, unless the design of the structure and general site plan incorporate noise reduction measures to meet HUD standards; and
  - c. Schools, daycare facilities, and other facilities which incorporate outside activities.

G.H. Direct the following land uses away from property abutting the installation boundary:

1. High density residential;
2. Public buildings (such as schools, medical facilities, public meeting facilities, and churches); and
3. Cultural facilities.

H.I. Uses which attract birds, create visual hazards, discharge particulate matter into the air which could adversely alter atmospheric conditions, emit transmissions which would interfere with military aviation communications and instrument landing systems, otherwise obstruct or conflict with airport operations or aircraft traffic patterns, or result in potential hazard for off-base land uses are prohibited near McChord Field.

J. Protect military airspace by preventing structural penetration of Imaginary Surfaces as described in UFC 3-260-01 and in the most recently published JBLM AICUZ Report. Development within the AC1 and AC2 zones which may affect UFC 3-260-01 imaginary surfaces shall obtain necessary approvals from the Federal Aviation Administration (FAA). Operators of construction cranes within the AICUZ Accidental Potential Zones shall coordinate with JBLM and the Federal Aviation Administration prior to commencing operations.

K. Require the application of noise abatement through acoustical analysis, structure design and construction techniques and materials in residential developments within the AC1 and AC2 zones per FAA regulations (FAR Part 150).

L. Control light and glare in the AC1 and AC2 zones to protect the operational environments near McChord Field. Adopt regulations consistent with the 2019 SSMCP lighting ordinance template.

M. Require Title Notice for new development or substantial redevelopment of lots, buildings, and structures in the AC1 and AC2 zones that may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.

\* \* \*

#### **18A.30.730 Primary Permitted Uses - Military-Related Zoning Districts.**

The following uses are permitted within the Military-Related zoning districts, subject to approval of a zoning certification and all applicable development permits. Uses that are not listed within the Military-Related zoning districts or permitted as an accessory use are not permitted unless specifically provided for elsewhere in this code. Use types are defined in LMC 18A.20, Use Types and Levels.

The unique nature of these areas may invoke additional, specific standards. New uses within the CZ, AC1, and AC2 zoning districts shall be subject to intensity limitations in accordance with LMC 18A.30.770 and performance standards pursuant to LMC 18A.30.780, and structures in those zones shall be subject to noise attenuation requirements pursuant to LMC 18A.30.790. New public assembly uses are expressly prohibited in the CZ, AC1, and AC2 zoning districts.

##### **A. ML Zoning District.**

1. Communication Facilities (Level 1)
2. Electrical Facilities (Level 1)
3. Natural Gas Facilities (Level 1)
4. Sewage Collection Facilities
5. Stormwater Facilities (Level 1)

6. Water Supply Facilities (Level 1)

7. Military Installations (Level 2[: *Federal installation owned or controlled by the U.S. Department of Defense.*])

B. CZ Zoning District.

1. ~~Continuation of uses already legally existing within the zone at the time of adoption of this title.~~ Maintenance and repair of existing structures shall be permitted in compliance with LMC 18A.02.835 - .870.

2. Primary permitted uses in the ~~OSR1 and~~ OSR2 zoning districts.

~~3. Postal Services (Level 3)~~

4. Communication Facilities (Level 1/2)

5. Electrical Facilities (Level 1)

6. Natural Gas Facilities (Level 1)

7. Sewage Collection Facilities

8. Stormwater Facilities (Level 1/2)

9. Water Supply Facilities (Level 1/2)

~~10. Manufactured and Modular Home Sales~~

~~11. Storage~~

~~12. Limited Manufacturing and Assembly~~

~~13. Contractor Yards~~

~~14. Outdoor Distribution and Freight Movement~~

~~15. Warehousing, Distribution, and Freight Movement~~

16. Agriculture (Level 1/2)

C. AC1 Zoning District.

1. ~~Continuation of uses already legally existing within the zone at the time of adoption of this title.~~ Maintenance and repair of existing structures shall be permitted in compliance with LMC 18A.02.835 - .870.

~~2. Primary permitted uses in the I12 zoning district, excepting primary manufacturing, secondary manufacturing and major assembly, as defined in 18A.20.700.~~

3. Primary permitted uses in the ~~OSR1 and~~ OSR2 zoning districts.
4. Communication Facilities (Level 1)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1)
9. Water Supply Facilities (Level 1)
10. Motor Vehicle Sales and Rental (Level 2/3)
11. Agriculture (Level 1/2/3)
12. Residential Accessory Uses, except accessory dwelling units.

13. Commercial Accessory Uses.

14. Industrial Accessory Uses.

D. AC2 Zoning District.

1. ~~Continuation of uses already legally existing within the zone at the time of adoption of this title.~~ Maintenance and repair of existing structures shall be permitted in compliance with LMC 18A.02.835 - .870.
2. Primary permitted uses in the ~~I21~~ zoning district, excepting primary manufacturing, as defined in 18A.20.700.
3. Primary permitted uses in the ~~OSR1 and~~ OSR2 zoning districts.
4. Communication Facilities (Level 1)
5. Electrical Facilities (Level 1)
6. Natural Gas Facilities (Level 1)
7. Sewage Collection Facilities
8. Stormwater Facilities (Level 1)
9. Water Supply Facilities (Level 1)
10. Motor Vehicle Sales and Rental (Level 2/3)

11. Agriculture (Level 1/2/3)
12. Residential Accessory Uses, except accessory dwelling units.
13. Commercial Accessory Uses.
14. Industrial Accessory Uses.

\* \* \*

#### **18A.30.750 Conditional Uses - Military-Related Zoning Districts.**

The following uses are permitted within the Military-Related zoning districts, subject to approval of a conditional use permit and all applicable development permits:

- A. ML Zoning District.
  1. Military Installations (Level 1[*: State installation owned or controlled by the Washington State Military Department.*])
- B. CZ Zoning District.
  1. Agriculture (Level 3)
  2. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.
- C. AC1 Zoning District.
  1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.
  2. Uses allowed by conditional use permit in the **I12** zoning district excepting salvage/wrecking yards and vehicle storage facilities, level 2, and level 3, as defined in 18A.20.700.
- D. AC2 Zoning District.
  1. Any permitted or administratively permitted use involving more than incidental levels of hazardous materials or waste.
  2. Uses allowed by conditional use permit in the **I21** zoning district excepting mineral extraction, recycling processor, and salvage/wrecking yards and vehicle storage facilities, as defined in 18A.20.700.