



## LAKWOOD CITY COUNCIL AGENDA

Monday, October 21, 2019

7:00 P.M.

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

---

Page No.

### CALL TO ORDER

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### PROCLAMATIONS AND PRESENTATIONS

1. Business Showcase. – *Briggs & Briggs, Mr. Shawn Briggs*

### PUBLIC COMMENTS

### C O N S E N T A G E N D A

- (4) A. Approval of the minutes of the City Council study session of September 23, 2019.
- (7) B. Approval of the minutes of the City Council special meeting of September 23, 2019.
- (8) C. Approval of the minutes of the City Council retreat of September 28, 2019.
- (10) D. Approval of the minutes of the City Council special meeting of October 7, 2019.
- (11) E. Approval of the minutes of the City Council meeting of October 7, 2019.

*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.*

(17) F. Motion No. 2019-61

Authorizing the execution of an interlocal agreement for cooperative planning, design, construction and maintenance of the Chambers Creek Canyon Trail.

(30) G. Motion No. 2019-62

Authorizing the execution of an agreement with Northeast Electric, LLC, in the amount of \$198,686, for the construction of the 2019 citywide repair project.

(33) H. Motion No. 2019-63

Authorizing an amendment to the agreement with Miles Resources, LLC, increasing construction spending, in the amount of \$50,000, for the Fort Steilacoom Park utility improvement project.

(34) I. Motion No. 2019-64

Authorizing the execution of an amendment to the agreement with Parametrix, Inc., increasing construction spending, in the amount of \$461,670.14, for phase 2 design services related to the Veterans Drive SW project.

(44) J. Motion No. 2019-65

Authorizing the execution of an agreement with Transpo Group, in the amount of \$329,580, to analyze local transportation impacts.

(56) K. Motion No. 2019-66

Authorizing the execution of an agreement with Steucke Environmental Services, LLC, in the amount of \$78,936, for conservation banking and partnering.

(67) L. Motion No. 2019-67

Authorizing the execution of an agreement with AHBL, Inc., in the amount of \$79,965, for affordable off installation housing.

*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.

(80) M. Motion No. 2019-68

Amending the 2019-2020 Biennial Legislative Agenda and Policy Manual.

(96) N. Ordinance No. 718

Adopting changes to the 2019 Shoreline Master Program.

## (225) O. Items Filed in the Office of the City Clerk:

1. Public Safety Advisory Committee meeting minutes of August 7, 2019.
2. Lakewood's Promise Advisory Board meeting minutes of September 5, 2019.
3. Planning Commission meeting minutes of September 18, 2019.

## R E G U L A R   A G E N D A

### PUBLIC HEARINGS AND APPEALS

- (233) This is the date set for a public hearing on rezoning five parcels from Open Space & Recreation 2 (OSR2) to Open Space & Recreation 1 (OSR1) located at or near the location of the former Fort Steilacoom Golf Course property.

### UNFINISHED BUSINESS

### NEW BUSINESS

### REPORTS BY THE CITY MANAGER

- (243) Seeley Lake Improvement Project.
- (252) Review of 2019-2020 Mid-Biennium Budget Adjustment.
- (284) Review of 2020 Property Tax Levy.

### CITY COUNCIL COMMENTS

### ADJOURNMENT

*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.



## **LAKWOOD CITY COUNCIL STUDY SESSION MINUTES**

Monday, September 23, 2019  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

---

### **CALL TO ORDER**

Deputy Mayor Whalen called the meeting to order at 7:01 p.m.

### **ROLL CALL**

Councilmembers Present: 5 – Deputy Mayor Jason Whalen; Councilmembers Mary Moss, Mike Brandstetter, John Simpson and Marie Barth.

Councilmembers Excused: 2 – Mayor Don Anderson and Councilmember Paul Bocchi.

Community Services Advisory Boardmembers Present: 5 – Chair Sarah Yamamoto, Michael Lacadie, Edith Owen-Wallace, Deann Harris, Laurie Maus.

### **ITEMS FOR DISCUSSION:**

#### **Joint Community Services Advisory Board meeting and review of 2019 Human Services funding.**

Chair Yamamoto and members of the Community Services Advisory Board introduced themselves and highlighted 2019 work plan items, the five human service funding strategy areas and significant accomplishments. Discussion ensued.

#### **Clover Creek Floodplain Analysis Update.**

Public Works Engineering Director Bucich shared that in the spring of 2017 the Federal Emergency Management Agency (FEMA) put forward a floodplain mapping analysis. The City reviewed the analysis and thought that a remapping of the floodplain would create a smaller floodplain area and decrease the depth of inundation therefore contracted with a firm to provide an independent analysis.

He highlighted the effective mapping area between Joint Base Lewis McChord and Lake Steilacoom along the Clover Creek corridor. He shared the preliminary results of the analysis and maps showing areas of significant risk of flooding which include Pacific Hwy, Bridgeport Way and the I-5 corridor. He then reviewed the inundation results with the levee intact and failed. He then shared that next steps in the

process include FEMA reviewing the model and providing an assessment. If the model is correct, the city will be obligated to submit a letter of map revision to FEMA for review and approval that will become the new flood mapping for the area. In addition, the city should consider partnering with WSDOT and Pierce County to conduct an engineering study to evaluate options to stop the flooding from occurring. Discussion ensued.

### **Review of Job Order Contracting.**

Public Works Engineering Director Bucich introduced Mr. Michael Celesta, Gordian who is currently contracting with agencies to manage their Job Order Contracting (JOC) programs. Mr. Bucich shared that JOC is an alternate procurement process authorized by RCW. The City of Bellevue has a contract in place and is allowing agencies to execute interlocal agreements for use of their contract. He highlighted the types of projects that JOC can be used for and shared that JOC is expected to decrease the time to execute work and provide administrative cost savings. Discussion ensued related to transparency in the procurement process and whether updates to the purchasing policy would be required if this interlocal is executed.

### **ITEMS TENTATIVELY SCHEDULED FOR THE OCTOBER 7, 2019 REGULAR CITY COUNCIL MEETING:**

1. Police Commissioning Ceremony. – *Detective Michelle Hunt*
2. Proclamation declaring October as Domestic Violence Awareness month.
3. Presentation of the 2020 Stormwater Pollution Prevention and Water Conservation Calendar.
4. Youth Council Report.
5. Clover Park School District Report.
6. Appointing Judy Swortz to serve on the Lakewood Arts Commission through October 15, 2022. – (Motion – Consent Agenda)
7. Authorizing the execution of an interlocal joint purchasing agreement with the City of Bellevue. – (Motion – Consent Agenda)
8. Approving the 2020 Legislative Agenda, Legislative Policy Manual and Federal Priorities. – (Motion – Regular Agenda)
9. Review interlocal agreement for cooperative planning, design construction and maintenance of the Chambers Creek Canyon Trail. – (Reports by the City Manager)
10. Municipal Court Update. – (Reports by the City Manager)

## 11. Nisqually Jail Update. – (Reports by the City Manager)

**REPORTS BY THE CITY MANAGER**

Acting City Manager Kraus announced the following meetings and events:

- September 28, 8:30 A.M., City Council Retreat, Police Station Multipurpose Room
- October 12, 11:00 A.M. to 3:00 P.M., Truck & Tractor Day, Fort Steilacoom Park
- October 26, 9:00 A.M., Make Difference Day, Fort Steilacoom Park
- October 26, 6:00 P.M., EFN Abundance Dinner and Auction Event, McGavick Conference Center
- November 7, 6:00 P.M., 2/2 SBCT Lancers Dinner Event, Thornewood Castle
- November 2 and 3, Fall Clean Up Day, LeMay Transfer Station

**CITY COUNCIL COMMENTS**

Councilmember Moss shared that last week she attended the Air Force Association Conference, the Wellstone Bridgeport and John Walstrum Center for Advanced Manufacturing Technology grand opening events.

Councilmember Simpson spoke about a Wall Street Journal article discussing cyber deception.

Deputy Mayor Whalen shared that last week he attended the John Walstrum Center for Advanced Manufacturing Technology grand opening.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:03 p.m.

---

JASON WHALEN, DEPUTY MAYOR

ATTEST:

---

BRIANA SCHUMACHER  
CITY CLERK



## **LAKWOOD CITY COUNCIL SPECIAL MEETING MINUTES**

Monday, September 23, 2019  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

---

### **CALL TO ORDER**

Deputy Mayor Whalen called the meeting to order at 9:03 p.m.

### **ROLL CALL**

Councilmembers Present: 5 – Deputy Mayor Jason Whalen; Councilmembers Mary Moss, Mike Brandstetter, John Simpson and Marie Barth.

Councilmembers Excused: 2 – Mayor Don Anderson and Councilmember Paul Bocchi.

### **NEW BUSINESS**

**Motion No. 2019-56 Authorizing the execution of a cooperative use agreement and statement of work, with the U.S. Department of the Army, for the acquisition of JBLM North Clear Zone properties.**

COUNCILMEMBER SIMPSON MOVED TO ADOPT MOTION NO. 2019-56.  
SECONDED BY COUNCILMEMBER BARTH. VOICE VOTE WAS TAKEN AND  
CARRIED UNANIMOUSLY.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:10 p.m.

---

JASON WHALEN, DEPUTY MAYOR

ATTEST:

---

BRIANA SCHUMACHER  
CITY CLERK



## **LAKWOOD CITY COUNCIL RETREAT MINUTES**

Saturday, September 28, 2019  
Lakewood Police Station  
Multipurpose Room  
9401 Lakewood Drive  
Lakewood, WA 98499

---

### **CALL TO ORDER**

Deputy Mayor Whalen called the meeting to order at 8:43 a.m.

### **ROLL CALL**

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

Councilmembers Excused: 1 – Mayor Don Anderson.

### **Review of the 2019-2020 State Legislative Agenda and Policy Manual, Federal Legislative Priorities and Pierce County Policy Manual.**

Senior Policy Analyst Kelley-Fong introduced Governmental Relations Lobbyists, Ms. Briahna Murray and Ms. Shelly Helder, Gordon Thomas Honeywell Governmental Affairs.

Ms. Murray highlighted the successes of the 2019 legislative session and shared that the 2020 session will begin on January 14<sup>th</sup>. She noted that it is expected that the capital budget will total approximately \$70 Million and the transportation budget is uncertain pending results of Initiative 976 which is on the November, 2019 general election ballot. She reported that Representative Laurie Jinkins has been selected as the State House Speaker and Representative Kilduff will chair the House Civil Rights & Judiciary Committee.

Ms. Helder then provided an overview of the 2019-2020 Biennial Legislative Agenda which includes requests for Economic Development tools for Lakewood Landing, an Amtrak Station Stop Assessment, Fort Steilacoom ballfield lights and the Wards Lake Park Expansion.

### **Legislative Policy Manual**

Ms. Murray then highlighted the changes to the 2019-2020 legislative policy manual.

### **Federal Priorities**

Federal Relations lobbyist Jake Johnston introduced himself and provided an overview of the federal legislative agenda and priorities.



**Pierce County Policy Manual**

Senior Policy Analyst Kelley-Fong highlighted the changes to the 2019-2020 Pierce County policy manual.

**Review of financing options for transportation capital projects.**

City Manager Caulfield reviewed a comparison of funding options and recommendations that should be considered to support future transportation improvement projects. The options presented include continuing to collect the pay as you go Transportation Benefit District vehicle licensing fee, a property tax levy lid lift that is subject to a public vote of 50% simple majority, a property tax excess levy lid lift that is subject to a public vote of 60% supermajority and imposing a business and occupation tax.

He then highlighted maps of existing and proposed sidewalks for the City through 2021, future proposed sidewalks for connectivity and five unfunded road projects, totaling approximately \$17 Million, that that are recommended for the next biennium, of which three have pending Transportation Improvement Board funding requests. He reported that funding has been approved from both the Defense Community Infrastructure Program and the Defense Community Compatibility Account in support of the Washington Boulevard project and a request for funding will be submitted for the North Gate Road portion of the project. Discussion ensued.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 11:50 a.m.

---

JASON WHALEN, DEPUTY MAYOR

ATTEST:

---

BRIANA SCHUMACHER  
CITY CLERK



## **LAKWOOD CITY COUNCIL SPECIAL MEETING MINUTES**

Monday, October 7, 2019  
City of Lakewood  
American Lake Conference Room  
6000 Main Street SW  
Lakewood, WA 98499

---

### **CALL TO ORDER**

Mayor Anderson called the meeting to order at 6:15 p.m.

### **ROLL CALL**

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

Councilmember Excused: 1 – Councilmember Barth.

### **GROUP ACTIVITY**

Councilmembers introduced themselves and then participated in a speed networking and table discussion activity with Youth Councilmembers.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:55 p.m.

---

DON ANDERSON, MAYOR

ATTEST:

---

BRIANA SCHUMACHER  
CITY CLERK



## LAKWOOD CITY COUNCIL MINUTES

Monday, October 7, 2019  
City of Lakewood  
City Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499

---

### CALL TO ORDER

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

### ROLL CALL

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

Councilmembers Excused: 1 – Councilmember Marie Barth.

### PLEDGE OF ALLEGIANCE

The Boys Scouts of America Troop No. 53 posted the colors. The Pledge of Allegiance was led by Mayor Anderson.

### PROCLAMATIONS AND PRESENTATIONS

#### **Police Commissioning Ceremony.**

Judge Susan Adams conducted the swearing in of Detective Michelle Hunt and Detective Karen Latimer.

#### **Proclamation declaring October as Domestic Violence Awareness month.**

COUNCILMEMBER SIMPSON PRESENTED A PROCLAMATION DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH TO MS. HEIDI WACHTER, CITY ATTORNEY.

#### **Presentation of the 2020 Stormwater Pollution Prevention and Water Conservation Calendar.**

MAYOR ANDERSON AND DEPUTY MAYOR WHALEN PRESENTED CERTIFICATES OF RECOGNITION TO STUDENTS FROM MERIWETHER ELEMENTARY SCHOOL FOR THEIR PARTICIPATION IN THE 2020 STORMWATER POLLUTION PREVENTION AND WATER CONSERVATION CALENDAR.

**Youth Council Report.**

Youth Council member Lynesse Cammack shared that at this evening's meeting the students learned about updates to the Legacy Plan and participated in a networking activity with the Councilmembers. Students then reported on various high school events and activities.

**Clover Park School District Report.**

Clover Park School District (CPSD) Board President Schafer shared that October is National Principals month. He shared that staff and students participated in building of the Kiwanis Park playground and are collecting donations for this year's Fallen Officers Food Drive. He then shared that CPSD employees medical insurance will change to the Public Employee Benefits Board, Lakes sophomore Devon Nofoa-Masoe won the WIAA 3A Boys Athlete of the Week award and that Lisa Boyd is the principal at Oakbrook Elementary School.

**PUBLIC COMMENTS**

Speaking before the Council were:

*Logan Stevens, Boy Scouts of America*, asked what is the biggest issue impacting the City.

*Glen Spieth, Lakewood resident*, spoke about the impacts of a burglary and trespass that occurred at St. Francis Cabrini Church and the Lakewood Historical Museum.

*Boy Scouts of America Representative*, asked how the City was going to solve homelessness and what young people can do about it.

**C O N S E N T A G E N D A**

- A. Approval of the minutes of the City Council meeting of September 3, 2019.
- B. Approval of the minutes of the City Council study session of September 9, 2019.
- C. Approval of the minutes of the City Council meeting of September 16, 2019.
- D. Approval of payroll checks, in the amount of \$2,457,068.64, for the period of August 16, 2019 through September 15, 2019.
- E. Approval of claims vouchers, in the amount of \$2,976,329.00, for the period of August 16, 2019 through September 13, 2019.
- F. Motion No. 2019-57

Appointing Judy Swortz and Susan Warner to serve on the Lakewood Arts Commission through October 15, 2022.

G. Motion No. 2019-58

Authorizing the execution of an interlocal agreement with Pierce Transit for off-duty police services.

H. Motion No. 2019-59

Authorizing the execution of an interlocal joint purchasing agreement with the City of Bellevue.

I. Motion No. 2019-60

Amending the 2019-2020 biennial legislative agenda, legislative policy manual and adopting the 2020 federal priorities and 2020 Pierce County policy manual.

J. Items Filed in the Office of the City Clerk:

1. Lodging Tax Advisory Committee meeting minutes of September 14, 2018.
2. Parks and Recreation Advisory Board meeting minutes of July 23, 2019.
3. Planning Commission meeting minutes of September 4, 2019.
4. Independent Salary Commission meeting minutes of September 12, 2019.

\*\*\*\*\*

Councilmember Brandstetter requested Item No. H, Motion No. 2019-59 be removed from the Consent Agenda.

\*\*\*\*\*

COUNCILMEMBER BOCCHI MOVED TO ADOPT CONSENT AGENDA ITEMS NO. A THROUGH ITEM NO G, AND ITEM NO. I THROUGH ITEM NO. J AS PRESENTED. SECONDED BY COUNCILMEMBER MOSS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

\*\*\*\*\*

DEPUTY MAYOR WHALEN MOVED TO ADOPT ITEM NO. H, MOTION NO. 2019-59 AS PRESENTED. SECONDED BY COUNCILMEMBER SIMPSON. VOICE VOTE WAS TAKEN WITH COUNCILMEMBER BRANDSTETTER VOTING IN OPPOSITION.

## R E G U L A R   A G E N D A

### UNFINISHED BUSINESS

None.

**NEW BUSINESS**

None.

**REPORTS BY THE CITY MANAGER****Review of interlocal agreement for cooperative planning, design construction and maintenance of the Chambers Creek Canyon Trail.**

Parks, Recreation and Community Services Director Dodsworth reported that it is recommended a revised interlocal agreement be executed for the Chambers Creek Canyon Trail project. The interlocal agreement develops a timeline and outlines next steps for Pierce County, Lakewood and University Place specific to conceptual design, permitting and construction of the trail. The end result will be a 2.5 mile pathway that will connect the communities. Discussion ensued.

\*\*\*\*\*

**Nisqually Jail Update.**

City Attorney Wachter provided an update regarding Nisqually Jail services as follow up the September 3<sup>rd</sup> Council meeting. She highlighted jurisdictions that are currently contracting with Nisqually and noted that several are operating with expired contracts. She shared that each time emergency medical services responds to the jail for an inmate the cost to Lakewood is \$1025. She expects to continue to explore options for services and anticipates providing an update again in the spring of 2020.

\*\*\*\*\*

City Manager Caulfield shared that Lakewood is one of 52 cities to be featured on a card deck created by the Association of Washington Cities. A photo of American Lake is on the ace of spades.

He the commented on the legislative initiatives that the city has influenced over the past several years. He shared that members of the Economic Development Team met with the Washington State Department of Transportation and Office of Financial Management last week regarding securing funding for the relocation WSDOT property, options for partnerships and the development of Lakewood Landing.

He then shared that he held a conference call with the producer from Behind the Scenes, a program that highlights great places to live, work and raise a family. The cost is \$23,500 and it is not recommended at this time as it replicates efforts of our Build your Better Here campaign.

He congratulated the Public Works Engineering department for securing \$1.4 Million in funding for the 111<sup>th</sup>/112<sup>th</sup> Street improvement project and the Parks, Recreation & Community Services Department whose application for Pierce County

Conservation Futures funding for the Wards Lake property acquisition is ranked fifth out of twelve.

He reported that as a follow up to the cooperative agreement that was approved on September 23<sup>rd</sup>, the City now has funding to secure Tactical Tailor and that on November 4<sup>th</sup> a Veterans Day recognition ceremony will be held during the regular Council meeting and on December 5<sup>th</sup> the Council will hold a joint meeting with 28<sup>th</sup> and 29<sup>th</sup> District State Legislative Delegation.

He then reported that the Department of Ecology has recommended amendments to the Shoreline Master Program. The changes will need to be adopted within 30 days of receipt of the notification and Council review is scheduled for the October 14<sup>th</sup> study session with action at the October 21<sup>st</sup> regular meeting.

He shared that the Lakewood Community Foundation Fund received seven nominations for the 2020 Larry Saunders Service Award. The Committee will meet on November 13<sup>th</sup> to review the nominations with Councilmember Barth participating on the selection committee and presentation of the award during the January 21, 2020 Council meeting.

He thanked Ms. Andie Gernon and congratulated the City who will be recognized at Community Health Care's 50th Anniversary Celebration as a Health Hero during the event on October 30<sup>th</sup> at the Hotel Murano in Tacoma from 5:00 P.M. to 8:00 P.M.

He commented that as a follow up to SHB 1923 which was approved by the Legislature last session the City submitted an application to access grant funds, up to \$100,000, to create a subarea plan for Lakewood Station District area.

He then noted that the Public Works Engineering Department met again with the cities of Tacoma and University Place regarding submitting a joint application for a transportation grant for the Lakewood Drive to South Orchard Street from Custer Road project. The City of Tacoma will take the lead with the application. He shared that Puget Sound Regional Council transportation funding will be available again in 2020 and it is estimated that \$20-25 Million in funds will be available to Pierce County.

He then announced the following upcoming meetings and events:

- October 8, 4:00 P.M. to 9:00 P.M., Caring for Kids Oktoberfest, Ram Restaurant
- October 9, 2:30 P.M. to 3:30 P.M., 3<sup>rd</sup> Quarter Employee Recognition Event, Police Station Multipurpose Room
- October 9, 3:30 P.M., Pierce County Library Board Meeting, Lakewood Library
- October 12, 11:00 A.M. to 3:00 P.M., Truck & Tractor Day, Fort Steilacoom Park

- October 17, 4:00 P.M. to 8:00 P.M., Springbrook Connections Carrs Takeover, Carrs Restaurant, 11006 Bridgeport Way SW

### **CITY COUNCIL COMMENTS**

Councilmember Moss shared that she attended the Jamba Store grand opening event.

Councilmember Bocchi shared that Pierce County Resolution No. 2019-123 is scheduled for vote tomorrow regarding Conservation Futures funding for the Wards Lake Park property and that he will attend the Communities in Schools fundraising event on October 9<sup>th</sup> at 6:00 p.m. at Environmental Services Center and Custer Elementary will host a restaurant take over McDonalds on October 9<sup>th</sup>.

Councilmember Brandstetter commented on the September 28<sup>th</sup> Council retreat and looks forward to the December meeting with the State Legislatures. He shared that he participated in building of the Kiwanis Park playground.

Councilmember Simpson shared positive comments about the Council retreat and the importance of this evenings meeting and discussion with the Youth Council.

Deputy Mayor Whalen shared that he attended the Arts Commission meeting where there was continued discussion regarding the public art policy, the Youth Council meeting and chaired the Economic Development Board of Tacoma-Pierce County's annual retreat. He then shared he will be absent during October 14<sup>th</sup> and 21<sup>st</sup> Council meetings.

Mayor Anderson reported that he and Deputy Mayor Whalen will be absent during the October 14<sup>th</sup> Council meeting and appointed Councilmember Simpson to act as Presiding Officer. He then commented on an Association of Defense Communities Federal Outreach and Advocacy Committee conference call that he participated in.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:50 p.m.

---

DON ANDERSON, MAYOR

ATTEST:

---

BRIANA SCHUMACHER  
CITY CLERK



# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> October 14, 2019	<b>TITLE:</b> Chambers Creek Canyon Trail ILA	<b>TYPE OF ACTION:</b> — ORDINANCE NO. — RESOLUTION NO. <u>  X  </u> MOTION NO. 2019-61 — OTHER
<b>REVIEW:</b> October 7, 2019	<b>ATTACHMENTS:</b> Chambers Creek Canyon Trail ILA	

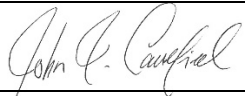
**SUBMITTED BY:** Mary Dodsworth, Parks, Recreation and Community Services Director

**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to enter into an interlocal agreement with the City of University Place and Pierce County to cooperatively plan, design, construction and maintain the Chambers Creek Canyon Trail.

**DISCUSSION:** The City has been working with Pierce County since incorporation on the Chambers Creek Canyon properties. In 2012 Pierce County and the cities of Lakewood and University Place began meeting to discuss how we could work together to improve access in this area, specifically in and along the canyon trails. In 2015, the City signed an interlocal agreement for cooperative planning, design and construction of the Chambers Creek Canyon Trail. Since that time we have cohosted open houses, planning sessions and work parties and completed a master design and phased development plan. We have continued to cooperatively work on the development of this trail to include local permitting and successfully applying for grants to offset construction costs. A new ILA is needed to continue the necessary planning work to design, construct and maintain the canyon trail.

**ALTERNATIVE(S):** Council could choose to not enter into the interlocal agreement which could delay the project and jeopardize various partnerships and grant funding sources.

**FISCAL IMPACT:** Total project cost estimated at \$1,720,000. Based on various grants and other funding sources, the City’s portion is estimated to be \$286,000. Council has authorized funding for this project in the Parks CIP.

Mary Dodsworth Prepared by  Mary Dodsworth Department Director	 _____ City Manager Review
--	--

**INTERLOCAL AGREEMENT FOR COOPERATIVE PLANNING,  
DESIGN, CONSTRUCTION AND MAINTENANCE OF  
THE CHAMBERS CREEK CANYON TRAIL**

**THIS INTERLOCAL AGREEMENT** (hereinafter referred to as this "AGREEMENT") is made and entered into this \_\_\_\_ day of, 2019, by and between the City of University Place, (hereinafter also referred to as "UP"), City of Lakewood (hereinafter also referred to as "LAKEWOOD"), and Pierce County Parks and Recreation (hereinafter also referred to as "PARKS"); collectively referred to in this AGREEMENT as the "PARTIES" and singularly referred to as a "PARTY."

**RECITALS**

- I. The Chambers Creek Canyon Trail (hereinafter referred to as "TRAIL") project will be constructed on certain real property owned by the County and the cities of Lakewood and UP. The north side of the canyon lies in UP and the south side of the canyon lies in Lakewood. The dividing line between the two cities is the center line of Chambers Creek. See Appendix A for tax parcel ownership, county and city right of ways and proposed trailhead locations.
- II. In 1997, following an extensive public process, Pierce County adopted the Chambers Creek Properties Master Site Plan which included a proposed trail extending from an existing trailhead on Chambers Creek Road at the west end of the trail up the canyon on both the north and south sides.
- III. In June of 1997 UP adopted its first Parks, Recreation and Open Space Plan (UP PROS Plan) citing the Chambers Creek Properties Master Site Plan and describing the TRAIL in detail. The TRAIL is identified in the 2007 and 2014 UP PROS Plan updates.
- IV. On June 19, 2000, the PARKS, UP and LAKEWOOD entered into a Joint Procedural Agreement (JPA) to facilitate and develop the Chambers Creek Properties, including the TRAIL.
- V. In 2004, with the help of the Washington State Recreation and Conservation Office (RCO) and Pierce County Conservation Futures Program, UP purchased the Kobayashi property, which is the location of the eastern end of the TRAIL.
- VI. On August 6, 2012 the UP City Council adopted Resolution 696, Council Goals for 2013 – 2014 identifying the development of an implementation plan for the development of the Leach Creek/Chambers Creek Trail and commence construction of the Phase 1 Leach Creek/Chambers Creek Trail as funding allows.
- VII. On January 29, 2013, PARKS, UP and LAKEWOOD jointly held a TRAIL open house attended by 80 people from surrounding communities where there was broad support for development of the TRAIL.

- VIII. On November 26, 2013, the PARTIES completed the Draft Chambers Creek Canyon Trail Plan and agreed to enter into an interlocal agreement for the planning and design of the TRAIL.
- IX. In February 2014, PARKS adopted the Pierce County 2014 Parks, Recreation, and Open Space Plan (County PROS Plan) in which the lower portion of the TRAIL is identified as a Sub-Regional Trail and the upper portion as a Connector Trail. The County PROS Plan indicates trail development is a high priority and includes capital improvements for the TRAIL.
- X. On March 3, 2014, LAKEWOOD adopted the LAKEWOOD Legacy Plan which identified the TRAIL as an important regional asset, which if completed, contributed to LAKEWOODS plan mission and level of service standards. Trail expansion and trailhead improvements were proposed in the plan and included in capital improvement plans.
- XI. In February 2015, the PARTIES entered an Interlocal Agreement for Cooperative Planning, Design, and Construction of the TRAIL.
- XII. In January 2017, the PARTIES submitted a joint grant application to the RCO Recreational Trails Program (RTP) to fund construction of a pedestrian bridge over Chambers Creek west of Kobayashi Park.
- XIII. In February 2017, the PARTIES jointly funded a Preliminary Design Report for the TRAIL that determined a final trail alignment and provided cost estimates for the TRAIL.
- XIV. The original joint use agreement expired in 2017. It is in the public interest that the PARTIES continue to work collaboratively on the TRAIL between the Chambers Creek Road Trailhead and the Chambers Creek Road West Trailhead, including trail connections to street ends on both sides of the canyon, boardwalks crossing sensitive areas in the canyon, and two pedestrian bridge crossings between the north and south sides of the canyon.
- XV. This AGREEMENT is entered into pursuant to RCW 39.34 (Interlocal Cooperation Act). The PARTIES represent that under state law, including but not limited to RCW 35.75, RCW 36.34.340, RCW 36.89.030, and RCW 67.20.010, they each have authority to perform the services, activities, and undertakings contemplated herein.

**NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the PARTIES agree as follows:**

**TERMS AND CONDITIONS**

- I. **INCORPORATION OF RECITALS.** Each of the recitals set forth above is incorporated into this AGREEMENT as though fully set forth herein.
  
- II. **PURPOSE.** The Purpose of this AGREEMENT is to establish a framework for the PARTIES to cooperate and to jointly commit to the planning, design, permitting, construction and long-term maintenance of the TRAIL.  
The TRAIL is defined as improved pedestrian pathways consisting of unpaved (soft) or boardwalk surfaces. This definition may include formal access points as agreed upon by the PARTIES but does not apply to informal routes connecting to the TRAIL that were constructed by private entities without approval.
  
- III. **PARTIES' ROLES.**
  - A. The PARTIES jointly agree to:
    - 1. Provide funding for the permitting, design, construction and long-term maintenance of the TRAIL.
    - 2. Sponsor and assist with the grant application process.
    - 3. Participate in fundraising, seeking donations, local matching funds and in-kind services for TRAIL projects in consultation with the other PARTIES.
    - 4. Provide right-of-access to all real property defined in Appendix A.
    - 5. Design and construct proposed trailheads on their properties (as defined in Appendix A) within ten years of trail construction.
    - 6. Maintain proposed trail and trailheads on their properties for the term of this agreement.
  
  - B. UP. In accordance with the JPA, UP will:
    - 1. Act as the lead agency for the planning, full design and permitting work of the TRAIL, in consultation with the Designated Representatives identified in Section V.
    - 2. Complete the full design and secure all necessary permits prior to construction timeline, as agreed on by PARTIES.
  
  - C. LAKEWOOD. LAKEWOOD will:
    - 1. Cooperate and participate in the planning, design and permitting work for the TRAIL.
  
  - D. PARKS. PARKS will:
    - 1. Cooperate and participate in the planning, design, and permitting work for the TRAIL.
    - 2. Act as the lead agency for construction of the TRAIL.

IV. TERM. The term of this AGREEMENT shall be ten (10) years, commencing upon execution of this agreement, unless sooner terminated as provided in Section XI or extended by amendment as provided in section XVI.

V. DESIGNATED REPRESENTATIVES

A. UP:

Gary Cooper, Director  
Parks and Public Works  
City of University Place  
4951 Grandview Drive West  
University Place, WA 98467  
Phone: 253.460.6494

B. LAKEWOOD:

Mary Dodsworth, Director  
Parks, Recreation and Community Services  
City of Lakewood  
6000 Main Street S.W.  
Lakewood, WA 98499-5027  
Phone: 253-859-2489

C. PARKS:

Kimberly Freeman, Superintendent  
Pierce County Parks and Recreation Service, Resource Stewardship  
9112 Lakewood Blvd.  
Lakewood, WA 98499-3998  
Phone: 253-798-4009

VI. RELATIONSHIPS AMONG THE PARTIES.

A. Funding of Trail Design or Development. The PARTIES will jointly contribute funds toward the final design, permitting, construction and maintenance of the TRAIL. Nothing in this AGREEMENT obligates any PARTY to fund any aspect of the project contemplated herein beyond those funds appropriated by their respective legislatures or other governing bodies in each fiscal year.

B. Manner of Collecting, Holding, and Accounting for Money. UP will act as the lead agency for each funded project for the design and permitting, of the TRAIL. COUNTY will act as lead for each funded project for the construction and maintenance of the TRAIL. The lead agency will provide budget and accounting documentation to the PARTIES. Budget and accounting documentation will be consistent with generally accepted accounting principles as well as any additional guidance provided by the Parties through the Designated Representatives.

C. PARTIES' Options Not Limited. Nothing in this AGREEMENT shall limit the PARTIES' legal rights or remedies, or their broader freedom to creatively resolve the contingencies addressed in this section or other contingencies not contemplated

in this AGREEMENT; PROVIDED, that the PARTIES shall attempt to work cooperatively in good faith through the Designated Representatives as set forth above; and provided further, that in the event of a dispute they shall first utilize the dispute resolution process set forth in Section XIV below.

## VII. RIGHT OF ENTRY

- A. PARTIES hereby grant to one another an irrevocable Right of Entry. This Right of Entry gives all PARTIES' employees, agents, contractors and consultants an irrevocable right to enter and use their respective properties as described in Appendix A for the purpose of planning, design, permitting, construction and maintenance of the TRAIL as necessary.
- B. Care of Properties: These Rights of Entry shall commence on the date of this AGREEMENT and shall expire ten (10) years from date of execution unless earlier terminated or extended by the PARTIES. Prior to its expiration, all PARTIES will return the properties to a condition reasonably comparable to the condition of the properties prior to the effective date of this AGREEMENT, except for trail improvements made in accordance with this agreement and except to the extent that changes to the condition of the properties did not occur as a result of an act of any PARTY, its employees, agents, contractors, or consultants. Gates will be secured, and fences, if temporarily removed, shall be replaced. All excavations shall be filled and leveled. There shall be no cutting or removal of paved surfaces without prior notice and written approval by the appropriate PARTIES.
- C. Access: Access will typically be by foot, light duty truck or car along common access ways or trails. No vehicles larger than a light duty pick-up truck shall be permitted on the properties except as needed for emergency vehicles. All PARTIES understand the properties include an active trail used by the general public and the rights herein granted shall at all times be exercised in a manner that does not unreasonably interfere with the use of the properties by the PARTIES.

## VIII. DESIGN PHASE

- A. Planning. As the lead agency for planning, design, and permitting, UP will incorporate the Preliminary Design Report (2017) specifications as agreed upon by the PARTIES. Significant modifications from the Preliminary Design Report will be communicated to the PARTIES.
- B. Permitting. As the lead agency for planning, design and permitting, UP will obtain all necessary Federal, State and Local permits.
- C. Communications.
  - a. UP will facilitate regular, factual and productive communication to ensure all PARTIES have an opportunity to participate in planning, design and permitting decision-making.
  - b. All parties shall assist the Grant Holder, PARKS, in communicating necessary information with the RCO.

- D. Timeliness. UP will ensure that all design deadlines are met and all permitting is completed in a timely manner, with a deadline prior to the construction timeline, as agreed on by the PARTIES for full design and permitting.

IX. CONSTRUCTION PHASE

- A. General Obligation Regarding Construction. PARKS will complete all TRAIL construction and installation, working closely with UP and LAKEWOOD to make sure construction meets community needs as well as applicable state and local laws. PARKS, its agents, and contractors, will perform all work on the TRAIL in accordance with construction plans and specifications approved by all parties. PARKS will assume responsibility for or control over the working conditions and safety practices of employees, contractors, or subcontractors hired to perform any work on the TRAIL or its amenities.
- B. Trailhead Construction. The PARTIES are responsible for designing and constructing proposed trailheads as defined in Appendix B. The PARTIES agree to use the County PROS Plan, Appendix I: Trail Design Guidelines, “Trailheads” (page I-7) as guidance for their designs to ensure continuity throughout the TRAIL system.
- C. Minimum Plan Requirements. During construction planning, PARKS will address the management of construction impacts on site, including but not limited to stockpiling of materials, equipment storage, and erosion and sediment control.
- D. Public Notice. PARKS will install safety barriers, signage regarding temporary detours and/or closures and any other appropriate device or infrastructure necessary to ensure public safety during construction. PARKS will leave such measures in place until after UP and LAKEWOOD have had the opportunity to inspect the TRAIL and/or TRAIL amenities upon completion and all parties determine the construction conforms to the construction plans. The PARTIES will work together to inform the public about plans to develop or open new TRAIL sections. The PARTIES will provide each other the opportunity to review and comment on all public notices regarding trail development, closures or openings.
- E. Communication. PARKS will facilitate regular, factual and productive communication to ensure all PARTIES have an opportunity to participate in decision-making. PARKS will give UP and LAKEWOOD reasonable prior notice of all pre-construction and construction meetings and of the commencement of construction, so that UP and LAKEWOOD may attend these meetings and inspect the TRAIL and/or TRAIL amenities during construction.

X. POST CONSTRUCTION PHASE

- A. PARKS will complete all work within the project area in a neat and efficient manner. PARKS will remove all construction-related debris and restore decommissioned or volunteer trails with native plants. PARKS agrees to provide

final plans of TRAIL improvements and/or amenities to UP and LAKEWOOD as soon as possible after completion of TRAIL work.

B. Insurance:

- a. During the time of construction of the improvements, the PARTIES shall require their contractors, subcontractors, and other agents to carry appropriate and customary insurance coverages and amounts. In addition, the PARTIES shall maintain reasonable and customary liability insurance for bodily injury, personal injury, death, contractual liability and property damage arising out of, or having to do with the PARTIES' and the general public's use, occupancy, and possession of, or acts or omission on or about the TRAIL, and shall provide each other with satisfactory evidence of such insurance on an annual basis. Such insurance shall name the other Parties as an additional insured with respect to all coverages, with the exception of Worker's Compensation Insurance.
- b. If a Party is a municipal corporation or a subdivision or an agency of the State of Washington and is self-insured for any of the above insurance requirements, a certification of self-insurance shall be attached hereto and be incorporated by reference and shall constitute compliance with this section.
- c. PARKS will ensure that all new infrastructure on PARKS property (See Attachment A) is protected by PARKS' insurance. The PARTIES agree to jointly fund expenses related to infrastructure damage not covered by PARKS' insurance.

XI. LONG-TERM MAINTENANCE PHASE

- A. The PARTIES shall develop, adopt and commit to a long-term maintenance plan that will ensure the trail conditions remain at or near their original construction conditions or intended standards.
- B. PARKS will act as lead agency to implement the long-term maintenance plan
- C. The PARTIES shall jointly and equally provide funding or services to adequately meet the intended standards of the adopted long-term maintenance plan based on expected annual costs.
- D. Parks shall not modify the long-term maintenance plan without communicating with UP and LAKEWOOD.
- E. The PARTIES will maintain trailheads on their properties, as identified in Appendix A, to the intended standards and at their own expense.

XII. HOLD HARMLESS AND INDEMNITY AGREEMENT

Each PARTY (the Indemnitor) agrees to defend, indemnify and save harmless each other (the Indemnitees), their board or council members, officers, agents and employees, from and against all loss or expense including, but not limited to, judgments, settlements, attorney's fees and costs by reason of any and all claims for damages, penalties or other relief based upon the Indemnitor's alleged negligence, or



wrongful conduct, except for the injuries, penalties and damages caused by the sole negligence or wrongful conduct of the Indemnitor. Such claims for damages or other relief include, but are not limited to, those for personal or bodily injury including death from such injury, property damage, torts, defamation, penalties imposed by any agency of the state or federal government for failure to comply with applicable law in the performance of this AGREEMENT. If the claim, suit or action involves concurrent negligence of the Parties, the indemnity provisions provided herein shall be applicable only to the extent of the percentage of each PARTY's negligence. It is further and expressly understood that the indemnification provided herein constitutes each PARTY's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this AGREEMENT.

XIII. **TERMINATION.** This AGREEMENT is subject to termination based upon the following:

- A. Necessity. In the event that any of the PARTIES determines that termination of this AGREEMENT is necessary due to lack of funding or any other reason that justifies termination, one of the PARTIES shall give the other PARTIES thirty (30) days' written notice of termination of this AGREEMENT. Upon termination of the AGREEMENT, all PARTIES shall be released from any future funding or other obligations related to this AGREEMENT.
- B. Default. By reason of a breach of this AGREEMENT by a PARTY, the other Parties may terminate this AGREEMENT; provided that written notice specifying the breach, and thirty (30) days to cure the breach is given, and thereafter, in the absence of a substantial cure, the dispute resolution procedures set forth in Section XIV below are followed. The notice and dispute resolution requirements do not apply where protection of the public's health, welfare, or safety requires immediate termination.
- C. Lack of Appropriation. Any PARTY's obligation under this AGREEMENT that may extend beyond the current appropriation year is expressly conditioned upon that PARTY's legislative appropriation of sufficient funds to support the activities described in this AGREEMENT. If the PARTY's legislative body does not appropriate sufficient funds for those purposes, then that PARTY's participation under this AGREEMENT shall terminate automatically at the end of the current appropriation year for which funds were appropriated. The PARTIES shall notify each other in writing for any such non-allocation of funds as soon as practicable under the circumstances.
- D. Public Convenience. Any PARTY may withdraw from the AGREEMENT for public convenience upon thirty (30) calendar days' written notice, provided that to the extent each PARTY has obligated itself to provide funding for the TRAIL and maintenance fund, that funding obligation shall survive the termination of the

AGREEMENT until the end of the withdrawing PARTY's current appropriation year, after which the withdrawing PARTY shall have no further funding obligation to the TRAIL or maintenance fund.

- E. Account Close-Out If Project Abandoned. If, for any reason, the TRAIL project is abandoned or otherwise terminated before the TRAIL design, permitting, or construction is completed, then the lead agency (UP) will settle up all remaining obligations, close out the project account, liquidate or return personal property consistent with applicable surplus requirements, provide a final account summary to the other PARTIES, and return any unspent funds on a prorated basis that reflects each PARTY's relative contribution to the project.
- XIV. NO SEPARATE ENTITY CREATED. This AGREEMENT does not create any separate legal or administrative entity. This AGREEMENT shall be administered by the Public Works, Parks & Facilities Director for the City of University Place, the Parks, Recreation and Community Services Director for the City of Lakewood, and the Director of Parks and Recreation for Pierce County. The PARTIES shall not financially obligate one another by seeking joint debt financing or by attempting to acquire or hold joint assets. Doing so will result in termination of this AGREEMENT as described herein.
- XV. DISPUTE RESOLUTION. Unless otherwise specified, disputes regarding any matter contained herein shall be referred to the City Managers or their designees for the Cities of University Place and Lakewood and to the Pierce County Executive or designee for Pierce County for mediation and/or settlement. Any controversy or claim arising out of, or relative to this AGREEMENT or the alleged breach thereof that cannot be resolved by the Lakewood and University Place City Managers and the Pierce County Executive or their designees may be submitted to a mediator to resolve disputes should the PARTIES agree to utilize the services of a mediator. The cost of mediating a dispute shall be borne equally by the PARTIES.
- XVI. NOTICE. Any written notice, which is required or permitted regarding this AGREEMENT, shall be given by U.S. first-class mail or by personal delivery to the designated representative of the PARTY which is the intended recipient of the notice at its address as set forth in Section V – Designated Representatives.
- XVII. ENTIRE AGREEMENT. This AGREEMENT contains the PARTIES' entire understanding with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.
- XVIII. AMENDMENTS IN WRITING. Any amendment or modification of this AGREEMENT must be in writing and executed by the PARTIES agreeing thereto.
- XIX. NO CONTINUING WAIVER OF DEFAULT. The waiver of any default under any provision of this AGREEMENT must be in writing to be valid and shall not constitute a waiver of any other default, whether of the same or of any other provision.

- XX. **LEGISLATIVE APPROVAL.** The Interlocal Cooperation Act, RCW 39.34 requires that this AGREEMENT be approved by the PARTIES' legislative bodies prior to execution. The PARTIES hereby affirm their intent to use their best efforts to seek timely approval of the AGREEMENT by their respective legislative bodies.
- XXI. **APPLICABLE LAW.** This AGREEMENT shall be construed under the laws of the State of Washington.
- XXII. **VENUE.** Venue for any lawsuit arising out of this AGREEMENT or for any action to enforce any term of this AGREEMENT shall be Pierce County, Washington.
- XXIII. **EXECUTION IN COUNTERPARTS.** This AGREEMENT may be executed in counterparts, each of which shall be deemed an original.
- XXIV. **ASSIGNABILITY; TERMS AND CONDITIONS BINDING ON SUCCESSORS AND ASSIGNS.** Any or all of the rights and obligations of a PARTY to this AGREEMENT may be assigned and delegated to other persons, firms, or corporations only with the express written consent of the other PARTIES. This AGREEMENT shall be binding on such approved assignees and delegates.
- XXV. **NO THIRD-PARTY BENEFICIARIES.** Nothing in this AGREEMENT shall create or be construed to create any rights, duties, obligations, or cause of action in any person not a party to it.
- XXVI. **NO RESTRICTION ON POLICE POWERS.** Nothing in this AGREEMENT shall diminish any of the PARTIES' governmental or police powers.
- XXVII. **SEVERABILITY.** If any provision of this AGREEMENT is deemed unlawful or unenforceable, such provision shall be fully severable, and the remainder of this AGREEMENT shall be in full force and effect with the automatic addition of a provision as similar in its terms to such illegal or unenforceable provision as may be possible to make such provision legal and enforceable.

**EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

**City of University Place**

**City of Lakewood**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_

**University Place City Attorney**

**APPROVED AS TO FORM:**

\_\_\_\_\_

**Lakewood City Attorney**

**Pierce County**

**By:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_

**Deputy Prosecuting Attorney**

## APPENDIX A

- A. The following tax parcels and their abutting county road right-of-ways are owned by PARKS: 0220224001, 0220271001, 0220271008, 0220271011, 0220271013, 0220271045, 0220271064, 0220272012, 0220272030, 0220275015, 0220275016, 0220275017, 0220281037, 0220281040, 0220281041, 0220282015, 0220282016, 0220283013, 0220285023, 0220291009, 0220294019, 0220294020, 0220294023, 0220294024, 9085900590, 0220282009, 0220272029, 0220282019, 0220291020, 6430493940. The following trailheads are owned by PARKS: 91<sup>st</sup> Ct. SW, and Chambers Creek Rd W.
- B. The following tax parcels and their abutting city road right-of-ways are owned by UP: 0220271072, 0220271069, 0220281034, 4002910220, 4002640190. The following trailheads are owned by UP: Chambers Creek Rd. East, Kobayashi and 86<sup>th</sup> Ave W.
- C. The following city road right-of-ways and trailheads are owned by LAKEWOOD: Phillips Rd., and Zircon Dr. SW.

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b>	<b>TITLE:</b> Motion authorizing award of a construction contract to Northeast Electric, LLC in the amount of \$198,686.00 plus ten percent contingency for the construction of the 2019 Citywide Electrical Repair project.	<b>TYPE OF ACTION:</b>
October 21, 2019		— ORDINANCE
		— RESOLUTION
<b>REVIEW:</b>		<u>X</u> MOTION 2019-62
October 21, 2019	<b>ATTACHMENTS:</b> Vicinity Map Bid Tabulations	— OTHER


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

**RECOMMENDATION:** It is recommended that the City Council authorize award of a construction contract to Northeast Electric, LLC in the amount of \$198,686.00 plus a ten percent contingency (\$19,868.60) for the construction of the 2019 Citywide Electrical Repair project, City Project 504.0000 (2019). A bid tabulation and vicinity map is attached.

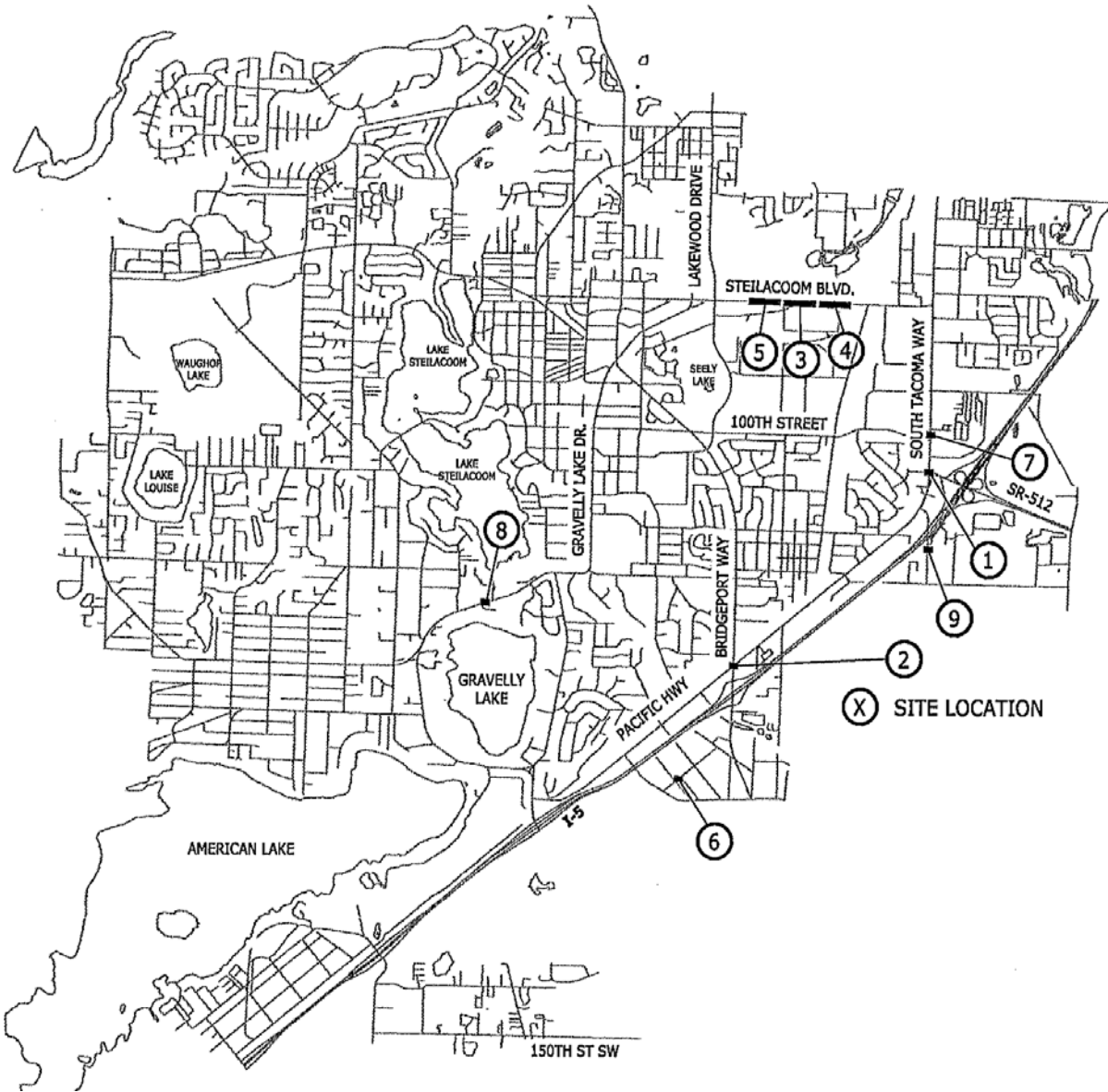
**DISCUSSION:** This project will replace or repair two (2) damaged traffic signal poles and eighteen (18) damaged street lights at various locations in the City. Damage occurred as a result of motor vehicle collision(s) or theft(s) at nine (9) locations in the City.

**ALTERNATIVE(S):** The City received four (4) bids for this project. It is not anticipated that rebidding the project would result in lower bids. Previous bids rejected by the City in April 2019 were higher compared to bids in October 2019.

**FISCAL IMPACT:** The Cities insurance provider will reimburse the City for repairs up to the Cities deductible of \$5,000 per claim. The total cost of the deductibles (up to \$45,000.00) will be funded from the Cities 504 Risk Management budget. Deductibles may be reimbursed by known person(s) responsible for damages.

<p>Jon Howe Prepared by</p> <hr/> <p>Paul Bucich Department Director</p>	 <hr/> <p>City Manager Review</p>
--	--

# VICINITY MAP



# BID TABULATIONS

Note: We hereby certify that these tabulated bids represent all bids received and that the additions of all prices shown have been checked and corrected.

2019 Citywide Electric Repair Project  
504.0000

				ENGINEERS ESTIMATE		Northeast Electric, LLC		Amaya Electric		Transportation Systems, Inc.		Titan Earthwork, LLC	
ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Site 1 – South Tacoma Way & State Route 512 Traffic Signal Pole Replacement (2018-0089)	1	LS	\$50,000.00	\$50,000.00	\$37,188.00	\$37,188.00	\$82,359.47	\$82,359.47	\$59,735.00	\$59,735.00	\$116,688.00	\$116,688.00
2	Site 2 - Pacific Hwy and Bridgeport Way Traffic Signal Replacement	1	LS	\$16,000.00	\$16,000.00	\$13,188.00	\$13,188.00	\$14,612.71	\$14,612.71	\$28,183.00	\$28,183.00	\$15,400.00	\$15,400.00
3	Site 3 – 4500 Steilacoom Blvd Street Light Replacement (2018-0051)	1	LS	\$53,000.00	\$53,000.00	\$62,175.00	\$62,175.00	\$43,549.72	\$43,549.72	\$63,450.00	\$63,450.00	\$57,000.00	\$57,000.00
4	Site 4 – 4500 Steilacoom Blvd Street Light Wiring Replacement (2019-0005-A)	1	LS	\$13,000.00	\$13,000.00	\$24,674.00	\$24,674.00	\$12,339.99	\$12,339.99	\$16,324.00	\$16,324.00	\$23,700.00	\$23,700.00
5	Site 5 – 4724 Steilacoom Blvd Street Light Wiring Replacement (2019-0005-B)	1	LS	\$6,500.00	\$6,500.00	\$8,159.00	\$8,159.00	\$4,447.49	\$4,447.49	\$7,635.00	\$7,635.00	\$11,000.00	\$11,000.00
6	Site 6 - 12922 Lincoln Avenue Street Light Replacement (2019-0009)	1	LS	\$11,500.00	\$11,500.00	\$11,011.00	\$11,011.00	\$8,741.81	\$8,741.81	\$10,525.00	\$10,525.00	\$13,700.00	\$13,700.00
7	Site 7 – 9911 South Tacoma Way Street Light Pole Replacement (2019-0013)	1	LS	\$14,000.00	\$14,000.00	\$14,804.00	\$14,804.00	\$11,825.67	\$11,825.67	\$18,138.00	\$18,138.00	\$20,700.00	\$20,700.00
8	Site 8 – 11503 Gravelly Lake Dr Street Light Pole Replacement (2019-0015)	1	LS	\$14,000.00	\$14,000.00	\$14,804.00	\$14,804.00	\$13,358.74	\$13,358.74	\$22,305.00	\$22,305.00	\$20,700.00	\$20,700.00
9	Site 9 - 10903 South Tacoma Way Street Light Replacement (2019-0020)	1	LS	\$11,500.00	\$11,500.00	\$12,683.00	\$12,683.00	\$9,974.18	\$9,974.18	\$13,705.00	\$13,705.00	\$16,000.00	\$16,000.00
<b>TOTAL</b>													
				<b>\$189,500.00</b>		<b>\$198,686.00</b>		<b>\$201,209.78</b>		<b>\$240,000.00</b>		<b>\$294,888.00</b>	



# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b>	<b>TITLE:</b> Fort Steilacoom Park Utility Improvement Project contract authorization increase.	<b>TYPE OF ACTION:</b>
October 21, 2019		<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION NO. 2019-63 <input type="checkbox"/> OTHER
<b>REVIEW:</b>		
October 21, 2019		

**SUBMITTED BY:** Mary Dodsworth, Parks, Recreation and Community Services Director

**RECOMMENDATION:** It is recommended that City Council authorize an increase in construction contract expenditures for Miles Resources, LLC in an amount up to, but not to exceed, \$50,000 for the additional restoration work needed to complete the Fort Steilacoom Park Utility Improvement Project.

**DISCUSSION:** A Fort Steilacoom Park Utility Improvement Project contract was awarded on May 6, 2019 to Miles Resources, LLC in the amount of \$878,815.83 (\$798,923.48 plus a ten percent contingency). This contract provided the resources needed to install sewer, water and other utility improvements at Fort Steilacoom Park.

During construction a number of changes were made to accommodate project needs. Changes included: lowering the sewer line grade 5.5 feet from main connection point to new restroom area by the dog park; a new fitting system to connect to the existing Pierce County manhole which allowed a current ladder and grated plankway to remain; additional double check valves, permits and roadway grading, paving, and finishing work. Contract should be increased by \$50,000 to support the necessary work to complete the project.

**ALTERNATIVE(S):** Council could choose not to increase contract expenditure approval, however, the changes made during construction were within approved park CIP 301.0013 project budget allocation.

**FISCAL IMPACT:** Funding for this project is included in the 2019/2020 adopted biennial budget. The overall project budget is \$1,157,031.00, which included revenue from a \$75,000 Pierce County Sewer grant, a \$388,000 allocation from the State (Dept. of Commerce grant) and approximately \$186,000 from Lakewood Water District. The current contract authorization is \$878,815.83. This increase in budget authorization (not to exceed \$50,000) would increase the project construction spending authorization to \$928,815.83. Total overall project costs will be under authorized total project budgeted amounts.

Mary Dodsworth  
 Prepared by  
 \_\_\_\_\_  
 Mary Dodsworth  
 Department Director



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

# REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:	TITLE:	TYPE OF ACTION:
October 21, 2019	Motion authorizing the City Manager to supplement the professional services agreement with Parametrix, Inc. in an amount not to exceed \$461,670.14 for Phase 2 design services related to the Veterans Drive SW project.	<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION 2019-64
<b>REVIEW:</b> October 21, 2019	<b>ATTACHMENTS:</b> Vicinity Map Scope of Work	<input type="checkbox"/> OTHER

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


**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to supplement the professional services agreement with Parametrix, Inc. in an amount not to exceed \$461,670.14 for Phase 2 design services related to the Veterans Drive SW project.

**DISCUSSION:** The purpose of this project is to re-construct Veterans Drive beginning at the Veterans Administration entrance and extending east to Gravelly Lake Drive. Improvements consist of complete roadway reconstruction with the addition of bicycle and pedestrian facilities, street lighting, storm drainage and intersection control improvements. **(Continued on Page 2)**

**ALTERNATIVE(S):** There is no practical alternative other than to conduct a new consultant selection process and negotiate a new fee. PWE believes the Phase 2 design budget is in line with the work requested and a new RFQ process would not result in savings and would delay the project 6-9 months.

**FISCAL IMPACT:** This project is funded from multiple sources and is fully funded with no additional fiscal impact anticipated.

The City received a grant from Washington State Connecting Washington in the amount of \$2,000,000. The remainder of the funds are derived from General Obligation funds, Surface Water Management funds and developer mitigation fees. The total available budget is \$7,499,000. **(Continued on Page 2)**

Eric Swanstrom _____ Prepared by	 _____ City Manager Review
Paul Bucich _____ Department Director	

**DISCUSSION: (Continued from Page 1)**

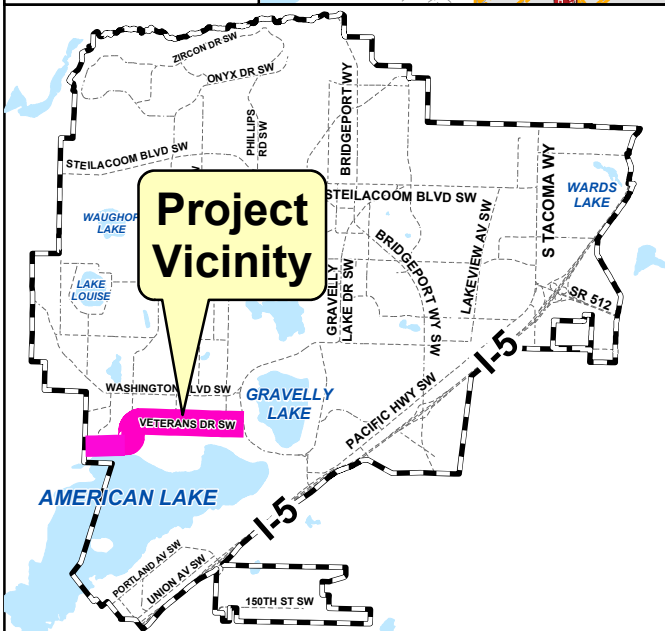
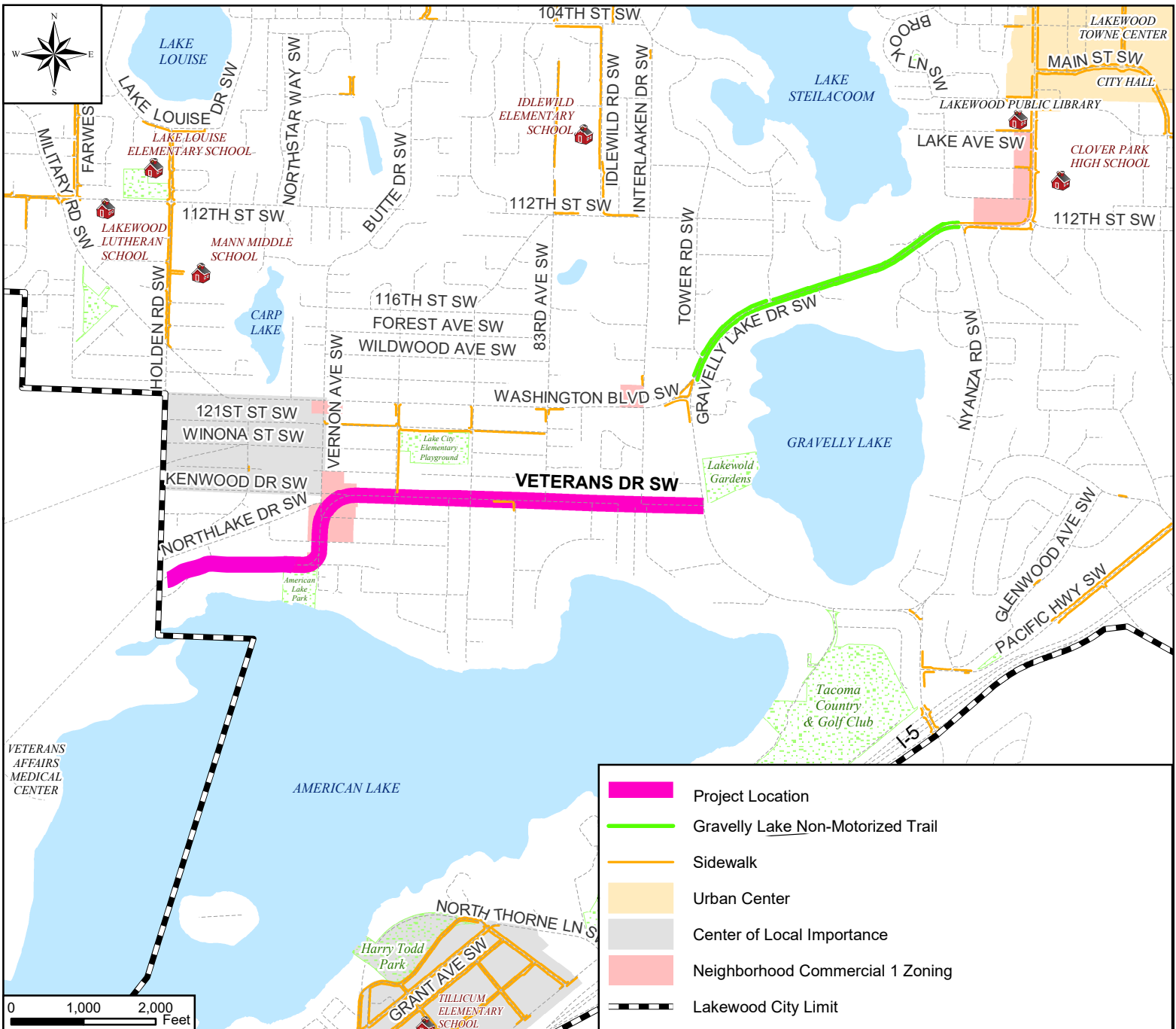
The design of this project has been broken into 3 distinct phases of work: Phase 1 – Preliminary Design, Phase 2 – Final Design and Bidding, and Phase 3 – Assistance during Construction. Phase 1 is complete and the preferred cross section was presented to Council at the August 12, 2019 Study Session. This supplement to the original contract is for Phase 2. Staff will return for Council authorization for Phase 3 should additional construction services be deemed necessary.

This contract includes the design of Veterans Drive beginning at the entrance to the Veterans Administration’s American Lake Medical Center (City limits) to Gravelly Lake Drive – the entire corridor. While the portion west of American Lake Park is currently unfunded, designing the entire corridor under one contract will provide clarity in public considerations for the corridor as a whole while resulting in future cost savings and possible grant opportunities. Should budget be sufficient, we anticipate recommending a construction contract for the full corridor improvements.

**FISCAL IMPACT: (Continued from Page 1)**

The combined total contract amount for Phase 1 and 2 is \$775,999.81. This includes the additional design for the portion west of the American Lake Park as described above as well as the additional American Lake Park parking lot re-design. This work was not included in the original project scope or budget as shown in the table below. The total contract amount is within the customary design services amount (<15% of construction costs).

Public Works Engineering labor costs are estimated to be \$30,000 through the end of this year. It is projected that the total expenditures for 2019 will be within the 2019 available budget (\$809,000).



# City of Lakewood Public Works

## Veterans Drive American Lake Park to Gravelly Lake Drive

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.

## SCOPE OF WORK- SUPPLEMENT 1

### City of Lakewood Veterans Drive SW

#### PROJECT UNDERSTANDING

The City of Lakewood (CITY) has obtained Washington State Connecting Washington funding and CITY general obligation bond funding to provide the following improvements to the Veterans Drive SW roadway corridor between Gravelly Lake Drive SW and the boat launch driveway at American Lake Park:

- Curb, gutter, and sidewalk (both sides),
- Bicycle facilities (one side),
- Associated storm drainage (both sides),
- Roadway reconstruction, and
- Street Lighting.
- Reconfiguration of the American Lake Park parking Lot

As funding permits, the above described improvements will also be provided on Veterans Drive SW between American Lake Park and the entrance to the American Lake Veterans Administration Medical Center immediately west of Nottingham Avenue SW. Improvements to the intersection of Veterans Drive SW and Gravelly Lake Drive, including a potential roundabout at this location, will also be considered.

For the purpose of identifying elements of design and concern for specific areas within the limits of the project, the following five segments have been identified. They are described from west to east, or left to right as anticipated to be presented during public outreach and ultimately in the project plans:

- Segment 1 – American Lake Medical Center to American Lake Park Boat Launch
- Segment 2 – American Lake Park Boat Launch to Kenwood Drive SW
- Segment 3 – Kenwood Drive to 83rd Avenue SW
- Segment 4 – 83rd Avenue SW to Gravelly Lake Drive
- Segment 5 – Gravelly Lake Drive Intersection Improvements

The CITY has selected Parametrix Inc. (PARAMETRIX) to provide preliminary and final engineering and other professional services to assist the CITY in identifying the specifics of improvements and ultimately preparing plans, specifications, and estimates (PS&E) for the CITY to solicit bids to construct the improvements. For the purpose of contracting, PARAMETRIX services will be provided in the following three phases:

- Phase 01 – Preliminary Design
- Phase 02 – Final Design and Assistance during Bidding
- Phase 03 – Assistance during Construction

The scope of the original agreement included only services for Phase 01. The scope of services for Phase 02 is included in this supplemental scope of work. The scope of services for Phase 03 will be defined based on the outcome of Phase 02 and included in a future supplement to the Agreement.

Phase 01 is complete. Phase 02 will begin immediately upon notice to proceed. Final Design will be completed in mid-January 2020. Assistance during Bidding will immediately follow Final Design and construction will commence in the spring of 2020.

## PHASE 2 – FINAL DESIGN AND ASSISTANCE DURING BIDDING

### Task 01 – Project Management

#### Approach

- Conduct weekly check-in conference call with CITY’s Project Manager.
- Provide monthly invoices and progress reports.
- Audit quality control procedures throughout Phase 02.
- Monitor project progress, scope, schedule, and budget throughout Phase 02.

#### Assumptions

- Weekly check-in calls will average 30 to 45 minutes, with calls cancelled by mutual agreement between the PARAMETRIX and CITY Project Managers.
- Progress meeting will be at CITY offices and attended by PARAMETRIX key staff.
- PARAMETRIX key staff shall typically include PARAMETRIX Project Manager, Design Lead, and Project Engineer.
- Progress reports (4) will include bulleted description of work completed during the billing period and identification of any issues related to project schedule and budget.
- Project management services for Phase 02 will be provided for 4 months.

#### Deliverables

- Monthly invoice and progress reports (4) – PDF delivered electronically.

### Task 02 – Traffic Operations Analysis

#### Assumptions

- No traffic operations analysis services will be required during Phase 02.
- No additional traffic operations analysis will be needed for the American Lake Park parking lot

### Task 03 – Survey

#### Approach

- PARAMETRIX will perform surveying work to stake proposed back of sidewalk/shared use path and right-of-way to support public outreach and utility coordination efforts.

### Assumptions

- PARAMETRIX will stake the back of sidewalk/shared use path and existing right-of-way where utilities will need to be relocated to avoid conflict with proposed project improvements. This is assumed to be required at approximately 30 locations for PSE poles, 35 locations for water meters, and 6 locations for fire hydrants. This staking is assumed to be completed in up to two mobilizations, once for PSE and a second time for water utilities.
- PARAMETRIX will stake the back of sidewalk/shared use path and existing right-of-way where required by PARAMETRIX to coordinate with property owners or as required by the CITY in response to requests from property owners. This staking is assumed to be completed concurrent with staking for the utilities or in up to one additional mobilization for late requests from property owners.
- Staking will be wood lath, hubs, PK nails and/or temporary paint as requested by the utilities or CITY.
- Compensation for updating the project base map to reflect the additional topographic mapping of the American Lake Park parking lot will be provided through the Phase 01 management reserve.

### Deliverables

- Field staking

### Task 04 – Geotechnical

#### Assumptions

- No additional geotechnical services will be required during Phase 02.
- No additional Geotechnical work will be needed for the American Lake Park parking lot

### Task 05 – Utility Coordination

#### Approach

- PARAMETRIX will request and provide to the CITY if requested record information provided from the utilities known to be present in the corridor (UTILITIES).
- PARAMETRIX will coordinate and facilitate a coordination meeting with the CITY and UTILITIES. PARAMETRIX will provide a roll plot of utility mapping available at the time of the coordination meeting with known/potential conflicts noted.
- PARAMETRIX will provide to the CITY and meeting attendees an electronic copy of the meeting sign-in sheet, meeting notes, and a copy of the roll plot with updates based on information provided at the coordination meeting.
- PARAMETRIX will conduct field visits with the CITY and UTILITIES to follow up on specific issues of concern.

#### Assumptions

- One utility coordination meeting will be required during Phase 02.
- The utility coordination meeting will be held at the CITY.

- Up to three 2-hour field visits, including travel time, or the equivalent will be required for utility coordination during Phase 02.

### Deliverables

- Utility record information – PDF delivered electronically.
- Roll plot for utility coordination meeting – One hard copy.
- Utility coordination meeting sign-in sheet, meeting notes, and update roll plot – PDFs delivered electronically.

### Task 06 – Conceptual Design

#### Assumptions

- Conceptual design was completed during Phase 01. No additional conceptual design services will be required during Phase 02.

### Task 07 – Public Outreach

#### Approach

- PARAMETRIX's Project Manager will attend the Lake City Neighborhood Association meeting to assist the CITY with presenting the project and responding to questions from the public.

#### Assumptions

- The roll plot and typical sections provided by PARAMETRIX to the CITY during Phase 01 for the City Council study session will be used for presenting the project at the Lake City Neighborhood Association meeting. No additional displays or handouts will be required.

### Task 08 – Preliminary Design (30%)

#### Assumptions

- Preliminary design was completed during Phase 01. No additional preliminary design services will be required during Phase 02.

### Task 09 – Final Design (60%/90%/Final)

#### Task 09.1 60% Design

#### Approach for 60% Design

- PARAMETRIX will advance to a 60% level of design the preferred alternative selected and as shown in the 30% submittal.
- PARAMETRIX will prepare a draft version of the Stormwater Site Plan and transmit to the CITY for review and comment.
- PARAMETRIX will finalize the lighting analysis and transmit, via email, a summary of the results and copy of the AGI32 lighting analysis for the CITY's review and comment/records.



- PARAMETRIX will attend one-on-one meetings with property owners to solicit input related to parking and access modifications. Prior to each meeting, PARAMETRIX will prepare 11x17 line drawings over an aerial photograph depicting existing right of way lines and potential improvement options to be used in coordination with the property owners.
- PARAMETRIX will prepare 60% plans and opinion of construction costs (Estimate).

#### Assumptions for 60% Submittal

- The 60% Plans are assumed to include the following plan sheets:
  - Cover Sheet, Legend and Horizontal Control Plan (4 Sheets)
  - Typical Sections (2 Sheets)
  - Demolition Plans (11 Sheets)
  - Roadway Plan and Profile (19 Sheets)
  - Roundabout Plans (12 Sheets)
  - Intersection Grading Plans (8 Sheets)
  - Storm Drain Plan and Profile (19 Sheets)
  - Drainage Details (2 Sheets)
  - Channelization and Illumination Plans (12 Sheets)
  - Signing Schedule/Details (2 Sheets)
  - Street Landscape Plans (12 Sheets)
  - Street Irrigation Plans (12 Sheets)
  - Park Parking Lot Plans (2 Sheets)
  - Park Parking Lot Landscape Plans (2 Sheets)
  - Park Parking Lot Irrigation Plans and Details (3 Sheets)
  - Misc. Details (2 Sheets)
- Up to four 2-hour field visits, including travel time, or the equivalent will be required for one-on-one meetings with property owners during Phase 02. Additional meetings with property owners and/or services required to prepare and obtain signatures for driveway reconstruction agreements will be provided, if requested by the CITY, through the Management Reserve or future supplement to the agreement.

#### Deliverables for 60% Submittal

- Draft Stormwater Site Plan – PDF delivered electronically.
- 60% Plans –PDFs delivered electronically.
- 60% Estimate – PDF and MS Excel formats delivered electronically.

### Task 09.2 90% Design

#### Approach for 90% Design

- PARAMETRIX will advance the design to a 90% level following a design review meeting with the CITY for the 60% submittal. The 90% plans will be delivered to the CITY for review.
- PARAMETRIX will prepare a Final Stormwater Site Plan and transmit to the CITY.
- PARAMETRIX will prepare 90% plans and opinion of construction costs (Estimate).
- PARAMETRIX will prepare Draft Contract Specifications for the CITY to review.

#### Assumptions for 90% Submittal

- The 90% Plans are assumed to include the same plan sheets as the 60% submittal.
- The CITY will provide legal boilerplate including all necessary forms for bidding.
- The Contract Specifications will be prepared using the 2020 WSDOT Standard Specifications
- Parametrix will incorporate all applicable APWA General Special Provisions unless otherwise directed by the CITY.
- All CITY required general special provisions will be provided for incorporation into the Draft Contract Specifications.

#### Deliverables for 90% Submittal

- Final Stormwater Site Plan – PDF delivered electronically.
- Draft Contract Specifications – PDF delivered electronically (MS Word format upon request).
- 90% Plans –PDFs delivered electronically.
- 90% Estimate – PDF and MS Excel formats delivered electronically.

### Task 09.3 Final Bidding Documents

#### Approach for Final Bidding Documents

- PARAMETRIX will advance the design to 100% following a design review meeting with the CITY for the 90% submittal.
- PARAMETRIX will incorporate the CITY's final comments and prepare 100% plans and opinion of construction costs (Estimate).
- PARAMETRIX will incorporate the CITY's final comments and prepare Final Contract Specifications.

#### Assumptions for Final Bidding Documents

- Final comments from the CITY following review of the 90% submittal will be incorporated into the Final Contract Documents, additional reviews and/or subsequent submittals may require a supplement.
- All final deliverables will be prepared in PDF format for use in bidding with online plan centers such as Builder's Exchange.

### Deliverables for Final Bidding Documents

- Final Contract Documents (Plans and Contract Specifications) – PDF delivered electronically.
- Final Contract Documents (half-size plans and Contract Documents) – 15 sets on bond/paper and bound upon request.
- Up to six (6) full size plan sets (22"x34") on bond.
- Final Estimate – PDF and MS Excel formats for use in preparing bid tabulations.

### Task 10 – Advertisement and Bidding Assistance

#### Approach

PARAMETRIX will provide the following services to the CITY upon request up to the agreed budget amount:

- Respond to bidder questions to interpret the plans and contract documents upon request by the CITY.
- Prepare up to three (2) addenda upon request by the CITY.

#### Assumptions

- CITY will post Final Contract Documents to online plan centers.
- CITY will prepare bid tabulation spreadsheet, input bids from proposal forms and complete bid tabulation.
- CITY will prepare Award Letter for execution by the CITY.
- The scope of Task 10 is intentionally broad and is intended to provide resources for Parametrix to assist CITY staff with the bidding and award of the project to the lowest responsive bidder. Therefore, work will be completed and billed on a time-and-materials basis as requested by the CITY up to the agreed upon budgeted amount included in the contract. Additional work beyond the agreed upon amount may be completed with approval of an amendment.

#### Deliverables

- Response to bidder questions and addenda as applicable.

END OF SCOPE OF SERVICES

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> 21 OCT 2019	<b>TITLE: SSMCP contracts (3X)</b> (1) Analyze Local Transportation Impacts (2) Conservation Banking & Partnering (3) Affordable Housing	<b>TYPE OF ACTION:</b> — ORDINANCE NO. — RESOLUTION NO. <u>X</u> MOTION NO. 2019-65 — OTHER
<b>REVIEW:</b>	<b>ATTACHMENTS:</b> PSA	

**SUBMITTED BY:** Bill Adamson, SSMCP Program Director


**RECOMMENDATION:** It is recommended that the City Council authorize the City Manager to sign the three contracts.

**DISCUSSION:** On May 10<sup>th</sup>, 2019, SSMCP was awarded an OEA grant in the amount of \$506,027. SSMCP committed an additional \$56,890 in non-federal matching funds for a total of \$562,917 in funds. Of this total, \$434,000 is set aside for professional services contracts. The OEA grant was briefed to council at a study session on August 12, 2019 and council resolution 2019-18 was signed on August 19, 2019 authorizing the City Manager to accept the grant award. The grant money is being used to fund three contracts. These three contract each exceed \$50,000 requiring Council action to authorize the City Manger to sign the contracts.

**Contract 1:** The contract with TranspoGroup is being used to perform one of the grant tasks titled, *Analyze Local Transportation Impacts in the vicinity of JBLM*. This contract is for \$329,580. This study began with a kick-off meeting on 10 OCT. The critical task is to assess local transportation networks and multi-modal traffic alternatives in order to recommend, prioritize, and develop cost estimates for identified options to alleviate traffic congestion on local road networks in the vicinity of JBLM.

**ALTERNATIVE(S):** Do not approve the contract and solicit another RFP, or, do not award the contract and turn in the OEA grant funding.

**FISCAL IMPACT:** This is a cost share grant requiring a 10% in local match. The matching funds are calculated based on the entire cost of the grant for a total of \$56,890, and is not based on contract amounts.

Bill Adamson, SSMCP Prepared by  Dave Bugher Department Director	 City Manager Review
--	---

**PROFESSIONAL SERVICES AGREEMENT  
FOR  
Analyze Local Transportation Impacts**

---

This Professional Services Agreement ("Agreement"), made and entered into this 8<sup>th</sup> day of OCT, 2019, by and between the City of Lakewood, a Washington municipal corporation ("City"), and Transpo Group, a Washington corporation ("Contractor"). The City and Contractor (together "Parties") are located and do business at the below addresses which shall be valid for any notice required under this Agreement:

Transpo Group 12131 113th Avenue, Suite 203 Kirkland, WA 98034 ATTN: JON PASCAL 425-821-3665	:	<b>CITY OF LAKEWOOD:</b> 6000 Main Street SW Lakewood, WA 98499 ATTN: SSMCP Program Director, Bill Adamson 253-983-7772
--	---	---

The Parties agree as follows:

1. **TERM.** The term of this Agreement shall commence upon the effective date of this Agreement, which shall be the date of mutual execution, and shall continue until the completion of the Work, but in any event no later than 15 AUG 2020 ("Term"). This Agreement may be extended for additional periods of time upon the mutual written agreement of the City and the Contractor.
  
2. **SERVICES.** The Contractor shall perform the services more specifically described in Exhibit "A", attached hereto and incorporated by this reference ("Services"), in a manner consistent with the accepted professional practices for other similar services within the Puget Sound region in effect at the time those services are performed, performed to the City's satisfaction, within the time period prescribed by the City and pursuant to the direction of the City Manager or his or her designee. The Contractor warrants that it has the requisite training, skill, and experience necessary to provide the Services and is appropriately accredited and licensed by all applicable agencies and governmental entities, including but not limited to obtaining any applicable City of Lakewood business license. Services shall begin immediately upon the effective date of this Agreement. Services shall be subject, at all times, to inspection by and approval of the City, but the making (or failure or delay in making) such inspection or approval shall not relieve Contractor of responsibility for performance of the Services in accordance with this Agreement, notwithstanding the City's knowledge of defective or non-complying performance, its substantiality or the ease of its discovery.
  
3. **TERMINATION.** Either party may terminate this Agreement, with or without cause, upon providing the other party 30 days written notice at its address set forth above. The City may terminate this Agreement immediately if the Contractor fails to maintain required insurance policies, breaches confidentiality, or materially violates Section 12; and such may result in ineligibility for further City agreements.

#### **4. COMPENSATION.**

4.1 Amount. In return for the Services, the City shall pay the Contractor an amount not to exceed a maximum amount and according to a rate or method as delineated in Exhibit "B", attached hereto and incorporated by this reference. The Contractor agrees that any hourly or flat rate charged by it for its services contracted for herein shall remain locked at the negotiated rate(s) for the Term. Except as otherwise provided in Exhibit "B", the Contractor shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of the performance and payment of this Agreement.

4.2 Method of Payment. On a monthly basis, the Contractor shall submit a voucher or invoice in the form specified by the City, including a description of what Services have been performed, the name of the personnel performing such Services, and any hourly labor charge rate for such personnel. The Contractor shall also submit a final bill upon completion of all Services. Payment shall be made on a monthly basis by the City only after the Services have been performed and within thirty (30) days after receipt and approval by the appropriate City representative of the voucher or invoice. If the Services do not meet the requirements of this Agreement, the Contractor will correct or modify the work to comply with the Agreement. The City may withhold payment for such work until the work meets the requirements of the Agreement.

4.3 Non-Appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will not be obligated to make payments for Services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon the completion of all remaining Services for which funds are allocated. No penalty or expense shall accrue to the City in the event this provision applies.

#### **5. INDEMNIFICATION.**

5.1 Contractor Indemnification. Contractor shall defend, indemnify and hold the Public Entity, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Contractor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the Public Entity.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the Public Entity, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

5.2 Industrial Insurance Act Waiver. It is specifically and expressly understood that the Contractor waives any immunity that may be granted to it under the Washington State industrial insurance act, Title 51 RCW, solely for the purposes of this indemnification. Contractor's indemnification shall not be limited in any way by any limitation on the amount of damages, compensation or benefits payable to or by any third party under workers' compensation acts, disability benefit acts or any other benefits acts or programs. The Parties acknowledge that they have mutually negotiated this waiver.

5.3 Survival. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

6. **INSURANCE**. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees.

6.1. No Limitation. Contractor's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy available at law or in equity.

6.2. Minimum Scope of Insurance. Contractor shall obtain insurance of the types and coverage described below:

- a. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
- b. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap independent contractors and personal injury and advertising injury. The Public Entity shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the Public Entity using an additional insured endorsement at least as broad as ISO CG 20 26.
- c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- d. Professional Liability insurance appropriate to the Contractor's profession.

6.3. Minimum Amounts of Insurance. Contractor shall maintain the following insurance limits:

- a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- b. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- c. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

6.4. Other Insurance Provision. The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the Public Entity. Any Insurance, self-insurance, or self-insured pool coverage maintained by the Public Entity shall be excess of the Contractor's insurance and shall not contribute with it.

6.5. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

6.6. Verification of Coverage. Contractor shall furnish the Public Entity with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the

additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

6.7 Notice of Cancellation. The Contractor shall provide the Public Entity with written notice of any policy cancellation within two business days of their receipt of such notice.

6.8 Failure to Maintain Insurance. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the Public Entity may, after giving five business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the Public Entity on demand, or at the sole discretion of the Public Entity, offset against funds due the Contractor from the Public Entity.

6.9 Public Entity Full Availability of Contractor Limits. If the Contractor maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Contractor.

6.10 Survival. The provisions of this Section shall survive the expiration or termination of this Agreement.

7. **WORK PRODUCT.** All originals and copies of work product, including plans, sketches, layouts, designs, design specifications, records, files, computer disks, magnetic media or material which may be produced or modified by Contractor while performing the Work shall belong to the City upon delivery. The Contractor shall make such data, documents, and files available to the City and shall deliver all needed or contracted for work product upon the City's request. At the expiration or termination of this Agreement, all originals and copies of any such work product remaining in the possession of Contractor shall be delivered to the City.

8. **BOOKS AND RECORDS.** The Contractor agrees to maintain books, records, and documents which sufficiently and properly reflect all direct and indirect costs related to the performance of the Work and maintain such accounting procedures and practices as may be deemed necessary by the City to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject, at all reasonable times, to inspection, review or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

9. **INDEPENDENT CONTRACTOR.** The Parties intend that the Contractor shall be an independent contractor and that the Contractor has the ability to control and direct the performance and details of its work, the City being interested only in the results obtained under this Agreement. The City shall be neither liable nor obligated to pay Contractor sick leave, vacation pay or any other benefit of employment, nor to pay any social security or other tax which may arise as an incident of employment. Contractor shall take all necessary precautions and shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work and shall utilize all protection necessary for that purpose. All work shall be done at Contractor's own risk, and Contractor shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work. The Contractor shall pay all income and other taxes due except as specifically provided in Section 4. Industrial or any other insurance that is purchased for the benefit of the City, regardless of whether such may provide a secondary or incidental benefit to



the Contractor, shall not be deemed to convert this Agreement to an employment contract. If the Contractor is a sole proprietorship or if this Agreement is with an individual, the Contractor agrees to notify the City and complete any required form if the Contractor retired under a State of Washington retirement system and agrees to indemnify any losses the City may sustain through the Contractor's failure to do so.

**10. CONFLICT OF INTEREST.** It is recognized that Contractor may or will be performing professional services during the Term for other parties; however, such performance of other services shall not conflict with or interfere with Contractor's ability to perform the Services. Contractor agrees to resolve any such conflicts of interest in favor of the City. Contractor confirms that Contractor does not have a business interest or a close family relationship with any City officer or employee who was, is, or will be involved in the Contractor's selection, negotiation, drafting, signing, administration, or evaluating the Contractor's performance.

**11. EQUAL OPPORTUNITY EMPLOYER.** In all services, programs, activities, hiring, and employment made possible by or resulting from this Agreement or any subcontract, there shall be no discrimination by Contractor or its subcontractors of any level, or any of those entities' employees, agents, subcontractors, or representatives against any person because of sex, age (except minimum age and retirement provisions), race, color, religion, creed, national origin, marital status, or the presence of any disability, including sensory, mental or physical handicaps, unless based upon a bona fide occupational qualification in relationship to hiring and employment. This requirement shall apply, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Contractor shall comply with and shall not violate any of the terms of Chapter 49.60 RCW, Title VI of the Civil Rights Act of 1964, the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973, 49 CFR Part 21, 21.5 and 26, or any other applicable federal, state, or local law or regulation regarding non-discrimination.

**12. GENERAL PROVISIONS.**

12.1 Interpretation and Modification. This Agreement, together with any attached Exhibits, contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior statements or agreements, whether oral or written, shall be effective for any purpose. Should any language in any Exhibits to this Agreement conflict with any language in this Agreement, the terms of this Agreement shall prevail. The respective captions of the Sections of this Agreement are inserted for convenience of reference only and shall not be deemed to modify or otherwise affect any of the provisions of this Agreement. Any provision of this Agreement that is declared invalid, inoperative, null and void, or illegal shall in no way affect or invalidate any other provision hereof and such other provisions shall remain in full force and effect. Any act done by either Party prior to the effective date of the Agreement that is consistent with the authority of the Agreement and compliant with the terms of the Agreement, is hereby ratified as having been performed under the Agreement. No provision of this Agreement, including this provision, may be amended, waived, or modified except by written agreement signed by duly authorized representatives of the Parties.

12.2 Assignment and Beneficiaries. Neither the Contractor nor the City shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other Party. If the non-assigning party gives its consent to any assignment, the terms of this Agreement shall continue in full force and effect and no further assignment shall be made without additional written consent. Subject to the foregoing, the rights and obligations of the Parties shall inure to the benefit of and be binding upon their respective successors in interest, heirs and assigns. This Agreement is made and entered into for the sole protection and

benefit of the Parties hereto. No other person or entity shall have any right of action or interest in this Agreement based on any provision set forth herein.

12.3 Compliance with Laws. The Contractor shall comply with and perform the Services in accordance with all applicable federal, state, local, and city laws including, without limitation, all City codes, ordinances, resolutions, regulations, rules, standards and policies, as now existing or hereafter amended, adopted, or made effective.

12.4 Contractor's Employees – Employment Eligibility Requirements. The Contractor and any subcontractors shall comply with E-Verify as set forth in Lakewood Municipal Code Chapter 1.42. E-Verify is an Internet-based system operated by United States Citizenship and Immigration Services in partnership with the Social Security Administration. E-Verify is free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The Contractor shall enroll in, participate in and document use of E-Verify as a condition of the award of this contract. The Contractor shall continue participation in E-Verify throughout the course of the Contractor's contractual relationship with the City. If the Contractor uses or employs any subcontractor in the performance of work under this contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Contractor. The Contractor shall show proof of compliance with this section, and/or proof of subcontractor compliance with this section, within three (3) working days of the date of the City's request for such proof.

12.5 Contractor's Employees - Department of Retirement Systems (DRS) Retiree Return to Work Verification Process. The City's obligation to comply with DRS Retiree Return to Work Verification Process extends to Independent Contractors and Third Party Workers. Contractor and any subcontractors shall provide worker information as requested by the City. The Contractor shall provide such requested information, and/or proof of subcontractor compliance with this section, within three (3) working days of the date of the City's request for same.

12.6 Enforcement. Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor. Adherence to completion dates set forth in the description of the Services is essential to the Contractor's performance of this Agreement. Any notices required to be given by the Parties shall be delivered at the addresses set forth at the beginning of this Agreement. Any notices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth above. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing. Any remedies provided for under the terms of this Agreement are not intended to be exclusive, but shall be cumulative with all other remedies available to the City at law, in equity or by statute. The failure of the City to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default. This Agreement shall be made in, governed by, and interpreted in accordance with the laws of the State of Washington. If the Parties are unable to settle any dispute, difference or claim arising from this Agreement, the exclusive means of resolving that dispute, difference, or claim, shall be by filing suit under the venue, rules and jurisdiction of the Pierce County Superior Court, Pierce County, Washington, unless the parties agree in writing to an alternative process.

If the Pierce County Superior Court does not have jurisdiction over such as suit, then suit may be filed in any other appropriate court in Pierce County, Washington. Each party consents to the personal jurisdiction of the state and federal courts in Pierce County, Washington and waives an objection that such courts are an inconvenient forum. If either Party brings any claim or lawsuit arising from this Agreement, each party shall pay all its legal costs and attorney's fees and expenses incurred in defending or bringing such claim or lawsuit, including all appeals, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the Parties' rights to indemnification under Section 5 of this Agreement.

12.7 Execution. Each individual executing this Agreement on behalf of the City and Contractor represents and warrants that such individual is duly authorized to execute and deliver this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and with the same effect as if all Parties hereto had signed the same document. All such counterparts shall be construed together and shall constitute one instrument, but in making proof hereof it shall only be necessary to produce one such counterpart. The signature and acknowledgment pages from such counterparts may be assembled together to form a single instrument comprised of all pages of this Agreement and a complete set of all signature and acknowledgment pages. The date upon which the last of all of the Parties have executed a counterpart of this Agreement shall be the "date of mutual execution" hereof.

[Signature page follows]

IN WITNESS, the Parties hereto have caused this agreement to be executed the day and year first above written.

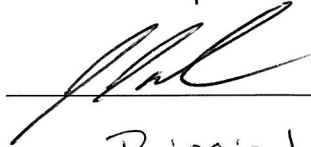
Date: \_\_\_\_\_

CITY OF LAKEWOOD

\_\_\_\_\_

John J. Caulfield, City Manager

\_\_\_\_\_  
Transpo Group USA, Inc.

\_\_\_\_\_  


\_\_\_\_\_  
Principal

ATTEST:

\_\_\_\_\_

Briana Schumacher, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Heidi Ann Wachter, City Attorney

**IF NEEDED PICK APPROPRIATE NOTARY:**

**Corporate:**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this day personally appeared before me Jon C. Pasca, to me known to be the Principal of Transpo Group USA, Inc. that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

GIVEN my hand and official seal this 8<sup>TH</sup> day of October, 2019.

Notary's signature Anissa M. Corea  
Notary's printed name Anissa M. Corea  
Notary Public in and for the State of Washington.  
My commission expires 11/11/2019



**Individual:**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this day personally appeared before me, \_\_\_\_\_, to me known to be the individual described in and who executed the foregoing instrument, and on oath swore that he/she/they executed the foregoing instrument as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN my hand and official seal this \_\_\_\_\_ day of October, 2019.

Notary's signature \_\_\_\_\_  
Notary's printed name \_\_\_\_\_  
Notary Public in and for the State of Washington.  
My commission expires \_\_\_\_\_

## EXHIBIT "A"

### SERVICES

Provide a complete description of any services that the Contractor will render including any limitations or requirements, special methods, and any instructions on how to do the services, reports or track the services.

1. The Contractor shall do or provide the following:

The consultant team led by Transpo Group will assist the South Sound Military Community Partnership (CLIENT) in evaluating local transportation impacts in the vicinity of JBLM. Transpo will be assisted by SCJ Alliance, supporting specific pieces of the work program as outlined herein.

The consultant work program is organized into the following tasks:

1. Project Management: Consultant Deliverables

2. Stakeholder Participation Program: Consultant Deliverables

one-on-one interviews

Need statement, and a decision-making process

two SSMCP Steering Committee meetings and up to six Transportation Working Group Meetings

materials for up to 2 briefings to the SSMCP Executive Leadership Team and the steering committee

3. Existing Conditions: Consultant Deliverables

of 10 intersection turning movement traffic counts

figures of the transportation system

agency plans

4. Purpose and Need: Consultant Deliverables

prioritization process

5. Transportation Needs Identification: Consultant Deliverables

needs in the study area

6. Evaluate & Screen Solutions: Consultant Deliverables

location of each solution

7. Draft and Final Report: Consultant Deliverables

summarizing key study recommendations and timelines

appendices

Together, both Transpo Group (Transpo) and SCJ Alliance (SCJ), otherwise known as CONSULTANT, have prepared the following scope to complete the study.

See attached Scope of Services



**EXHIBIT "B"**

**COMPENSATION**

1. **Total Compensation:** In return for the Services, the City shall pay the Contractor an amount not to exceed \$329,580 and \_\_\_/100 Dollars (\_\_\_\_\_) and Washington State sales tax equal to \_\_\_\_\_ and \_\_\_/100 Dollars (\$\_\_\_\_\_) for a total amount not to exceed \_\_\_\_\_ and \_\_\_/100 Dollars (\$\_\_\_\_\_).

2. **Method of Compensation:**

The Consultant will submit monthly invoices to the Project Manager. The city will pay the Consultant on a monthly basis by electronic fund transfer for fees earned in prior monthly invoices, which the Parties anticipate being generally allocated as follows:

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> 21 OCT 2019  <b>REVIEW:</b>	<b>TITLE:</b> PSA Steucke Env, Svcs. – <b>Conservation Banking &amp; Partnering</b>  <b>ATTACHMENTS:</b> PSA	<b>TYPE OF ACTION:</b> — ORDINANCE NO. — RESOLUTION NO. <u>X</u> MOTION NO. 2019-66 — OTHER
---	---	---

**SUBMITTED BY:** Bill Adamson, Program Director SSMCP

**RECOMMENDATION:** Recommend that the City Council authorize the City Manager to sign the contract.

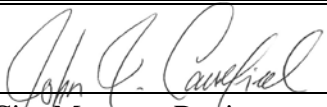
**DISCUSSION:** This is the second of three agenda bill documents related to the 2019 OEA grant funded studies.

Listed Endangered and Threatened Species and their habitat requirements limit the scope of training on JBLM. The Army has negotiated voluntary restrictions on military training with the U.S. Fish and Wildlife Service (USFWS). JBLM is legally required to have these restrictions and to actively participate in the recovery of listed endangered species. The project goal is to reduce listed species encroachment on JBLM by identifying ways to support and encourage conservation actions off-post.

This contract is for \$78,936.

**ALTERNATIVE(S):** Without a PSA this contract cannot proceed. The only alternatives are to readvertise the work through another RFP or cancel the study and return the grant funds.

**FISCAL IMPACT:** (see previous agenda bill for OEA grant cost share requirements)

Bill Adamson  _____ Prepared by  Dave Bugher Department Director	 _____ City Manager Review
--	--



**PROFESSIONAL SERVICES AGREEMENT FOR  
STUDY THE EXPANSION OF CONSERVATION BANKING AND PARTNERING**

This Professional Services Agreement ("Agreement"), made and entered into this \_\_\_\_ day of \_\_\_\_, 20\_\_19\_\_, by and between the City of Lakewood, a Washington municipal corporation ("City"), and Steucke Environmental Services, LLC ("Contractor"). The City and Contractor (together "Parties") are located and do business at the below addresses which shall be valid for any notice required under this Agreement:

<b>STEUCKE ENVIRONMENTAL SERVICES, LLC:</b> 8307 Jamieson Ct SW Olympia, WA 98512 Attn: Paul Steucke Phone: 360.888.6263	<b>CITY OF LAKEWOOD:</b> 6000 Main Street SW Lakewood, WA 98499 Attn: SSMCP, Program Director Bill Adamson Phone: 253.983.7772
--	--

The Parties agree as follows:

1. **TERM.** The term of this Agreement shall commence upon the effective date of this Agreement, which shall be the date of mutual execution, and shall continue until the completion of the Work, but in any event no later than August 15, 2020 ("Term"). This Agreement may be extended for additional periods of time upon the mutual written agreement of the City and the Contractor.

2. **SERVICES.** The Contractor shall perform the services more specifically described in Exhibit "A", attached hereto and incorporated by this reference ("Services"), in a manner consistent with the accepted professional practices for other similar services within the Puget Sound region in effect at the time those services are performed, performed to the City's satisfaction, within the time period prescribed by the City and pursuant to the direction of the City Manager or his or her designee. The Contractor warrants that it has the requisite training, skill, and experience necessary to provide the Services and is appropriately accredited and licensed by all applicable agencies and governmental entities, including but not limited to obtaining any applicable City of Lakewood business license. Services shall begin immediately upon the effective date of this Agreement. Services shall be subject, at all times, to inspection by and approval of the City, but the making (or failure or delay in making) such inspection or approval shall not relieve Contractor of responsibility for performance of the Services in accordance with this Agreement, notwithstanding the City's knowledge of defective or non-complying performance, its substantiality or the ease of its discovery.

3. **TERMINATION.** Either party may terminate this Agreement, with or without cause, upon providing the other party 30 (thirty) days written notice at its address set forth above. The City may terminate this Agreement immediately if the Contractor fails to maintain required insurance policies, breaches confidentiality, or materially violates Section 12; and such may result in ineligibility for further City agreements.

4. **COMPENSATION.**

4.1 **Amount.** In return for the Services, the City shall pay the Contractor an amount not to exceed a maximum amount and according to a rate or method as delineated in Exhibit "B", attached hereto and incorporated by this reference. The Contractor agrees that any hourly or flat rate charged by it for its services contracted for herein shall remain locked at the negotiated rate(s) for the

Term. Except as otherwise provided in Exhibit "B", the Contractor shall be solely responsible for the payment of any taxes imposed by any lawful jurisdiction as a result of the performance and payment of this Agreement.

4.2 Method of Payment. On a monthly basis, the Contractor shall submit a voucher or invoice in the form specified by the City, including a description of what Services have been performed, the name of the personnel performing such Services, and any hourly labor charge rate for such personnel. The Contractor shall also submit a final bill upon completion of all Services. Payment shall be made on a monthly basis by the City only after the Services have been performed and within thirty (30) days after receipt and approval by the appropriate City representative of the voucher or invoice. If the Services do not meet the requirements of this Agreement, the Contractor will correct or modify the work to comply with the Agreement. The City may withhold payment for such work until the work meets the requirements of the Agreement.

4.3 Non-Appropriation of Funds. If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will not be obligated to make payments for Services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon the completion of all remaining Services for which funds are allocated. No penalty or expense shall accrue to the City in the event this provision applies.

## 5. INDEMNIFICATION.

5.1 Contractor Indemnification. Contractor shall defend, indemnify and hold the Public Entity, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Contractor in performance of this Agreement, except for injuries and damages caused by the sole negligence of the Public Entity.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the Public Entity, its officers, officials, employees, and volunteers, the Contractor's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

5.2 Industrial Insurance Act Waiver. It is specifically and expressly understood that the Contractor waives any immunity that may be granted to it under the Washington State industrial insurance act, Title 51 RCW, solely for the purposes of this indemnification. Contractor's indemnification shall not be limited in any way by any limitation on the amount of damages, compensation or benefits payable to or by any third party under workers' compensation acts, disability benefit acts or any other benefits acts or programs. The Parties acknowledge that they have mutually negotiated this waiver.

5.3 Survival. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

## 6. INSURANCE.

6.1. No Limitation. Contractor's insurance shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy available at law or in equity.

7. WORK PRODUCT. All originals and copies of work product, including plans, sketches, layouts, designs, design specifications, records, files, computer disks, magnetic media or material which may be produced or modified by Contractor while performing the Work shall belong to the City upon delivery. The Contractor shall make such data, documents, and files available to the City and shall deliver all needed or contracted for work product upon the City's request. At the expiration or termination of this Agreement, all originals and copies of any such work product remaining in the possession of Contractor shall be delivered to the City.

8. BOOKS AND RECORDS. The Contractor agrees to maintain books, records, and documents which sufficiently and properly reflect all direct and indirect costs related to the performance of the Work and maintain such accounting procedures and practices as may be deemed necessary by the City to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject, at all reasonable times, to inspection, review or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

9. INDEPENDENT CONTRACTOR. The Parties intend that the Contractor shall be an independent contractor and that the Contractor has the ability to control and direct the performance and details of its work, the City being interested only in the results obtained under this Agreement. The City shall be neither liable nor obligated to pay Contractor sick leave, vacation pay or any other benefit of employment, nor to pay any social security or other tax which may arise as an incident of employment. Contractor shall take all necessary precautions and shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work and shall utilize all protection necessary for that purpose. All work shall be done at Contractor's own risk, and Contractor shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work. The Contractor shall pay all income and other taxes due except as specifically provided in Section 4. Industrial or any other insurance that is purchased for the benefit of the City, regardless of whether such may provide a secondary or incidental benefit to the Contractor, shall not be deemed to convert this Agreement to an employment contract. If the Contractor is a sole proprietorship or if this Agreement is with an individual, the Contractor agrees to notify the City and complete any required form if the Contractor retired under a State of Washington retirement system and agrees to indemnify any losses the City may sustain through the Contractor's failure to do so.

10. CONFLICT OF INTEREST. It is recognized that Contractor may or will be performing professional services during the Term for other parties; however, such performance of other services shall not conflict with or interfere with Contractor's ability to perform the Services. Contractor agrees to resolve any such conflicts of interest in favor of the City. Contractor confirms that Contractor does not have a business interest or a close family relationship with any City officer or employee who was, is, or will be involved in the Contractor's selection, negotiation, drafting, signing, administration, or evaluating the Contractor's performance.

11. EQUAL OPPORTUNITY EMPLOYER. In all services, programs, activities, hiring, and employment made possible by or resulting from this Agreement or any subcontract, there shall be no discrimination by Contractor or its subcontractors of any level, or any of those entities' employees, agents, subcontractors, or representatives against any person because of sex, age (except minimum age and retirement provisions), race, color, religion, creed, national origin, marital status, or the presence of any disability, including sensory, mental or physical handicaps, unless based upon a bona

vide occupational qualification in relationship to hiring and employment. This requirement shall apply, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Contractor shall comply with and shall not violate any of the terms of Chapter 49.60 RCW, Title VI of the Civil Rights Act of 1964, the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973, 49 CFR Part 21, 21.5 and 26, or any other applicable federal, state, or local law or regulation regarding non-discrimination.

## **12. GENERAL PROVISIONS.**

12.1 Interpretation and Modification. This Agreement, together with any attached Exhibits, contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior statements or agreements, whether oral or written, shall be effective for any purpose. Should any language in any Exhibits to this Agreement conflict with any language in this Agreement, the terms of this Agreement shall prevail. The respective captions of the Sections of this Agreement are inserted for convenience of reference only and shall not be deemed to modify or otherwise affect any of the provisions of this Agreement. Any provision of this Agreement that is declared invalid, inoperative, null and void, or illegal shall in no way affect or invalidate any other provision hereof and such other provisions shall remain in full force and effect. Any act done by either Party prior to the effective date of the Agreement that is consistent with the authority of the Agreement and compliant with the terms of the Agreement, is hereby ratified as having been performed under the Agreement. No provision of this Agreement, including this provision, may be amended, waived, or modified except by written agreement signed by duly authorized representatives of the Parties.

12.2 Assignment and Beneficiaries. Neither the Contractor nor the City shall have the right to transfer or assign, in whole or in part, any or all of its obligations and rights hereunder without the prior written consent of the other Party. If the non-assigning party gives its consent to any assignment, the terms of this Agreement shall continue in full force and effect and no further assignment shall be made without additional written consent. Subject to the foregoing, the rights and obligations of the Parties shall inure to the benefit of and be binding upon their respective successors in interest, heirs and assigns. This Agreement is made and entered into for the sole protection and benefit of the Parties hereto. No other person or entity shall have any right of action or interest in this Agreement based on any provision set forth herein.

12.3 Compliance with Laws. The Contractor shall comply with and perform the Services in accordance with all applicable federal, state, local, and city laws including, without limitation, all City codes, ordinances, resolutions, regulations, rules, standards and policies, as now existing or hereafter amended, adopted, or made effective.

12.4 Contractor's Employees – Employment Eligibility Requirements. The Contractor and any subcontractors shall comply with E-Verify as set forth in Lakewood Municipal Code Chapter 1.42. E-Verify is an Internet-based system operated by United States Citizenship and Immigration Services in partnership with the Social Security Administration. E-Verify is free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The Contractor shall enroll in, participate in and document use of E-Verify as a condition of the award of this contract. The Contractor shall continue participation in E-Verify throughout the course of the Contractor's contractual relationship with the City. If the Contractor uses or employs any subcontractor in the performance of work under this contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Contractor. The Contractor shall show

proof of compliance with this section, and/or proof of subcontractor compliance with this section, within three (3) working days of the date of the City's request for such proof.

12.5 Enforcement. Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor. Adherence to completion dates set forth in the description of the Services is essential to the Contractor's performance of this Agreement. Any notices required to be given by the Parties shall be delivered at the addresses set forth at the beginning of this Agreement. Any notices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth above. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing. Any remedies provided for under the terms of this Agreement are not intended to be exclusive, but shall be cumulative with all other remedies available to the City at law, in equity or by statute. The failure of the City to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect. Failure or delay of the City to declare any breach or default immediately upon occurrence shall not waive such breach or default. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default. This Agreement shall be made in, governed by, and interpreted in accordance with the laws of the State of Washington. If the Parties are unable to settle any dispute, difference or claim arising from this Agreement, the exclusive means of resolving that dispute, difference, or claim, shall be by filing suit under the venue, rules and jurisdiction of the Pierce County Superior Court, Pierce County, Washington, unless the parties agree in writing to an alternative process. If the Pierce County Superior Court does not have jurisdiction over such a suit, then suit may be filed in any other appropriate court in Pierce County, Washington. Each party consents to the personal jurisdiction of the state and federal courts in Pierce County, Washington and waives any objection that such courts are an inconvenient forum. If either Party brings any claim or lawsuit arising from this Agreement, each Party shall pay all its legal costs and attorney's fees and expenses incurred in defending or bringing such claim or lawsuit, including all appeals, in addition to any other recovery or award provided by law; provided, however, however nothing in this paragraph shall be construed to limit the Parties' rights to indemnification under Section 5 of this Agreement.

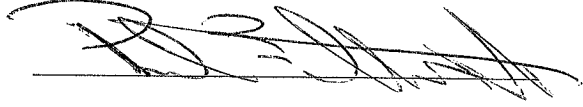
12.6 Execution. Each individual executing this Agreement on behalf of the City and Contractor represents and warrants that such individual is duly authorized to execute and deliver this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and with the same effect as if all Parties hereto had signed the same document. All such counterparts shall be construed together and shall constitute one instrument, but in making proof hereof it shall only be necessary to produce one such counterpart. The signature and acknowledgment pages from such counterparts may be assembled together to form a single instrument comprised of all pages of this Agreement and a complete set of all signature and acknowledgment pages. The date upon which the last of all of the Parties have executed a counterpart of this Agreement shall be the "date of mutual execution" hereof.

IN WITNESS, the Parties hereto have caused this agreement to be executed the day and year first above written.

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

CITY OF LAKEWOOD

STEUCKE ENVIRONMENTAL SERVICES, LLC



\_\_\_\_\_  
John J. Caulfield, City Manager

\_\_\_\_\_  
Paul T. Steucke, Jr., President

ATTEST:

\_\_\_\_\_  
Briana Schumacher, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney

## EXHIBIT "A"

### SERVICES

Provide a complete description of any services that the Contractor will render including any limitations or requirements, special methods, and any instructions on how to do the services, reports or track the services.

1. The Contractor shall do or provide the following:

Task 1 will be completed within 30 days of Notice to Proceed (NTP), Task 2 will be completed within 210 days of NTP, and Task 3 will be completed within 270 days of NTP.

Specific Work tasks to be accomplished are as follows:

Task 1.0 Develop Project Work Plan and conduct kick-off meetings.

1.1 Finalize the Work Plan, Project Schedule, and a list of potential Project Stakeholders.

Task 2.0 Assess current and potential effectiveness of existing and proposed conservation programs, regulations, and funding sources to protect existing and potential habitat and populations of the listed species in Thurston County. **Develop metrics to quantify the effectiveness of these programs.**

2.1 Existing programs to be evaluated include, but are not limited to, Department of Defense (DOD) JBLM Army Compatible Use Buffer (ACUB) program and JBLM Sentinel Landscape; the Thurston County and Tumwater/Port of Olympia draft Habitat Conservation Plans (HCPs); Natural Resources Conservation Service (NRCS) Farm Bill programs and Regional Conservation Partnership Program (RCPP); USFWS Conservation Banking, State Wildlife Grant Program, Working Lands for Wildlife, and ESA Section 6 grants; the Washington Wildlife and Recreation Program (WWRP); the state's Voluntary Stewardship Program (VSP); and other programs established by conservation NGO's (e.g., the Center for Natural Lands Management [CNLM]).

2.2 Existing regulations to be evaluated include, but are not limited to, those related to Washington's Growth Management Act, mining, agriculture, airports, and Critical Areas.

2.3 Existing funding sources to be evaluated include, but are not limited to, DOD, USFWS, NRCS, Washington State legislature (WWRP), and conservation NGOs. Potential funding sources include foundations, the Puget Sound Partnership, mitigation credit buyers and the Washington Department of Commerce.

2.4 Review laws, policies, plans, websites, etc., associated with each of the programs, regulations, and funding sources in 2.1–2.3.

2.5 Interview Project Stakeholders on their perspectives about the programs, regulations, and funding sources in 2.1–2.3, and about potential new (or not previously recognized) programs, regulations, and funding sources.

2.6 Assess the need for an implementation strategy for establishing additional conservation programs and regulations to protect and potentially expand critical habitat through additional partnering with conservation organizations.

2.7 Identify potential barriers that may limit conservation banking and partnering opportunities and thus constrain achieving the project goal of reducing listed species encroachment on JBLM.

Task 3.0 Prepare a report on the research done in 2.1–2.7.

3.1 Describe the current and potential effectiveness of each of the programs, regulations, and funding sources for conservation and recovery of the three listed species, and for their ability to generate species credits for JBLM.

3.2 How much of a role does/could conservation banking play in 3.1? Is there a need for more banks, besides the one being set up by Center for Natural Lands Management?

3.3 Evaluate how interaction/integration between agriculture and conservation can facilitate 3.1.

3.4 Recommend ways to improve stakeholder group interactions and facilitate public/private collaborations. What are the existing impediments for these activities?

3.5 Identify resource shortfalls and recommend secure sources of funding for restoration of conservation sites and their long-term stewardship.

3.6 Recommend regulatory and non-regulatory ways to improve implementation, including changes in policy and better integration of resources and funding. Tailor recommendations for the JBLM, Thurston and Pierce Counties, local governments, and conservation NGOs.



## EXHIBIT "B"

### COMPENSATION

1. Total Compensation: In return for the Services, the City shall pay the Contractor an amount not to exceed \$78,936 and 00/100 Dollars.

2. Method of Compensation:

The Consultant will submit quarterly invoices to the Project Manager. The city will pay the Consultant on a quarterly basis by electronic fund transfer for fees earned in prior quarterly invoices, which the Parties anticipate being generally allocated as follows:

The Consultant will submit monthly invoices to the Project Manager. The city will pay the Consultant on a monthly basis by electronic fund transfer for fees earned in prior monthly invoices, which the Parties anticipate being generally allocated as follows:

#### PROJECT COST

Cost breakdown for the proposed work is as follows:

<u>Task</u>	<u>Rate (\$/hr)</u>	<u>Hrs</u>	<u>Cost (\$)</u>	<u>Total per task (\$)</u>
-------------	---------------------	------------	------------------	----------------------------

Task 1.0 Develop Project Work Plan and conduct kick-off meetings.				<b>\$1,300.00</b>
---	--	--	--	-------------------

1.1 Finalize the Work Plan, Project Schedule, and a list of potential Project Stakeholders				
--	--	--	--	--

\$130.00	10	\$1,300.00		
----------	----	------------	--	--

Task 2.0 Assess current and potential effectiveness of existing and proposed conservation programs, regulations, and funding sources to protect existing and potential habitat and populations of the listed species in Thurston County.				<b>\$50,700.00</b>
--	--	--	--	--------------------

    2.1 Existing programs to be evaluated include, but are not limited to, Department of Defense (DOD) JBLM Army Compatible Use Buffer (ACUB) program and JBLM Sentinel Landscape; the Thurston County and Tumwater/Port of Olympia draft Habitat Conservation Plans (HCPs); Natural Resources Conservation Service (NRCS) Farm Bill programs and Regional Conservation Partnership Program (RCPP); USFWS Conservation Banking, State Wildlife Grant Program, Working Lands for Wildlife, and ESA Section 6 grants; the Washington Wildlife and Recreation Program (WWRP); the state's Voluntary Stewardship Program (VSP); and other programs established by conservation NGO's (e.g., the Center for Natural Lands Management [CNLM]).

\$130.00	90	\$11,700.00		
----------	----	-------------	--	--

    2.2 Existing regulations to be evaluated include, but are not limited to, those related to Washington's Growth Management Act, mining, agriculture, airports, and Critical Areas.

\$130.00	30	\$3,900.00		
----------	----	------------	--	--

    2.3 Existing funding sources to be evaluated include, but are not limited to, DOD, USFWS, NRCS, Washington State legislature (WWRP), and conservation NGOs. Potential funding sources include foundations, the Puget Sound Partnership, mitigation credit buyers and the Washington Department of Commerce.

\$130.00	30	\$3,900.00		
----------	----	------------	--	--

    2.4 Review laws, policies, plans, websites, etc., associated with each of the programs, regulations, and funding sources in 2.1–2.3.

\$130.00	30	\$3,900.00		
----------	----	------------	--	--

    2.5 Interview Project Stakeholders on their perspectives about the programs, regulations, and funding sources in 2.1–2.3, and about potential new (or not previously recognized) programs, regulations, and funding sources.

\$130.00	110	\$14,300.00		
----------	-----	-------------	--	--

<u>Task</u>	<u>Rate (\$/hr)</u>	<u>Hrs</u>	<u>Cost (\$)</u>	<u>Total per task (\$)</u>
2.6 Assess the need for an implementation strategy for establishing additional conservation programs and regulations to protect and potentially expand critical habitat through additional partnering with conservation organizations.	\$130.00	30	\$3,900.00	
2.7 Identify potential barriers that may limit conservation banking and partnering opportunities and thus constrain achieving the project goal of reducing listed species encroachment on JBLM.	\$130.00	40	\$5,200.00	
Task 3.0 Prepare a report on the research done in 2.1—2.7				<b>\$19,760.00</b>
3.1 Describe the current and potential effectiveness of each of the programs, regulations, and funding sources for conservation and recovery of the three listed species, and for their ability to generate species credits for JBLM.	\$130.00	40	\$5,200.00	
3.2 How much of a role does/could conservation banking play in 3.1? Is there a need for more banks, besides the one being set up by Center for Natural Lands Management?	\$130.00	20	\$2,600.00	
3.3 Evaluate how interaction/integration between agriculture and conservation can facilitate 3.1.	\$130.00	20	\$2,600.00	
3.4 Recommend ways to improve stakeholder group interactions and facilitate public/private collaborations. What are the existing impediments for these activities?	\$130.00	24	\$3,120.00	
3.5 Identify resource shortfalls and recommend secure sources of funding for restoration of conservation sites and their long-term stewardship.	\$130.00	24	\$3,120.00	
3.6 Recommend regulatory and non-regulatory ways to improve implementation, including changes in policy and better integration of resources and funding. Tailor recommendations for the JBLM, Thurston and Pierce Counties, local governments, and conservation NGOs.	\$130.00	24	\$3,120.00	
Subtotal all tasks		522		\$71,760.00
Overhead and incidentals (10%)				\$7,176.00
<b>Total all tasks</b>				<b>\$78,936.00</b>

# REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:	TITLE:	TYPE OF ACTION:
21 OCT 2019	<b>AHBL, Inc. Professional Services Agreement (PSA)-Off Installation Housing</b>	— ORDINANCE NO.
<b>REVIEW:</b>		— RESOLUTION NO.
	<b>ATTACHMENTS:</b>	<u>X</u> MOTION NO. 2019-67
	PSA	— OTHER

**SUBMITTED BY:** Bill Adamson, Program Director, SSMCP

**RECOMMENDATION:** Recommend that the City Council authorize the City Manager to sign the contract.


**DISCUSSION:** This is the third of three agenda bill documents related to the 2019 OEA grant funded studies.

Quality affordable housing around JBLM is limited while the demand for housing increases due to the continued growth in the South Puget Sound. This planning study is intended to document the specific purpose and need for increased cooperation, improved process for communications, to develop and identify various housing options. This study will document relevant decisions, processes, policies and regulations impacting housing that can be utilized during evaluation of housing options. The purpose of the study is to define the current housing market in the South Puget Sound and the impact to the military mission.

This contract is for \$79,965.

**ALTERNATIVE(S):** Without a PSA this contract cannot proceed. The only alternatives are to readvertise the work through another RFP or cancel the study and return the grant funds.

**FISCAL IMPACT:** (see previous agenda bill for OEA grant cost share requirements)

<p><u>Bill Adamson</u></p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>Prepared by</p> <p><u>Dave Bugher</u> Department Director</p>	 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>City Manager Review</p>
---	---

**CITY OF LAKEWOOD  
PROFESSIONAL SERVICES AGREEMENT**

**THIS AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the **CITY OF LAKEWOOD**, a municipal corporation under the laws of the State of Washington, hereinafter referred to as the “City,” and AHBL, Inc., whose address is 2215 North 30<sup>th</sup> Street, Suite 200, Tacoma, WA 98403, hereinafter referred to as the “Contractor.”

**WHEREAS**, the City desires to engage the Contractor to work for the City of Lakewood and the South Sound Military & Communities Partnership (SSMCP); and

**WHEREAS**, Contractor represented, and by entering into this Agreement now represents, that it is fully qualified to perform the work to be performed hereunder in a competent and professional manner;

**NOW THEREFORE**, the parties herein do mutually agree as follows:

1. **Engagement of Contractor.** The City hereby agrees to engage the Contractor, and the Contractor and his firm for professional testing services. The Contractor hereby agrees to perform the work in a competent and professional manner and provide the following services (hereafter referred to as “Work”): testing services, as set forth in Exhibit “A.” Without a written directive of an authorized representative of the City, the Contractor shall not perform any services that are in addition to, or beyond the scope of, the Work. If the Contractor’s proposal is attached as an exhibit, and if such proposal contains or incorporates any conditions or terms in addition to or different from the terms of this Agreement, then the Contractor expressly agrees that such conditions or terms are neither incorporated nor included into this Agreement between the City and Contractor.

2. **Work for Hire.** Unless otherwise expressly agreed in writing, works created pursuant to this Agreement, or for the City of Lakewood, are works for hire, and all rights in such works belong to the City of Lakewood. Works created by Contractor prior to engagement, or not solely for performance in the course of the engagement for the City, shall not be works for hire.

3. **Time of Beginning and Completion of Performance.** This Agreement shall commence as of the date of execution of this Agreement and shall be for one year unless terminated pursuant to the terms of Section 7 of this Agreement.

4. **Compensation.**

- A. The Contractor shall be paid by the City only for completed Work and for services actually rendered which are described herein. Such payment shall be full compensation for Work performed or services rendered, including, but not limited to, all labor, materials, supplies, equipment and incidentals necessary to complete Work.
- B. The Contractor shall be paid such amounts as in such manner as follows:  
See Exhibit "A."
- C. Contractor may receive payment as reimbursement for Eligible Expenses actually incurred. "Eligible Expenses" means those types and amounts of expenses approved for reimbursement by the City. If approval for reimbursement is not obtained from the City prior to the Contractor's incurring the expense, Contractor acknowledges that the City retains the option not to reimburse the Contractor.
- D. If Contractor fails or refuses to accept direction or carry out the reasonable directions of the City in performance of its work, the City may, in addition to any other remedy, withhold from any payment otherwise due an amount that the City in good faith believes is equal to the cost to the City of correcting, re-procuring, or remedying any damage caused by Contractor's conduct.

5. **Time for Performance, Liquidated Damages and Term of Agreement.** The Contractor shall perform the services provided for herein in accordance with the direction and scheduling provided below unless otherwise agreed to in writing by the parties.

6. **Ownership and Use of Documents.** All documents, reports, memoranda, diagrams, sketches, plans, surveys, design calculations, working drawings and any other materials created or otherwise prepared by the Contractor as part of his performance of this Agreement (the "Work Products") shall be owned by and become the property of the City, and may be used by the City for any purpose beneficial to the City.

7. **Termination of Contract.** City reserves the right to terminate this Agreement at anytime by sending written notice of termination to Contractor ("Notice"). The Notice shall specify a termination date ("Termination Date") at least fourteen (14) days after the date the Notice is issued. The Notice shall be effective ("Notice Date") upon the earlier of either actual receipt by Contractor (whether by fax, mail, delivery or other method reasonably calculated to be received by Contractor in a reasonably prompt manner) or three calendar days after issuance of the Notice. Upon the Notice Date, Contractor shall immediately commence to end the Work in a reasonable and orderly manner. Unless terminated for Contractor's material breach, the Contractor shall be paid or reimbursed

for: (a) all hours worked and Eligible Expenses incurred up to the Notice Date, less all payments previously made; and (b) those hours worked and Eligible Expenses incurred after the Notice Date, but prior to the Termination Date, that were reasonably necessary to terminate the Work in an orderly manner. The Notice shall be sent by the return receipt requested, or by delivery. In addition, the Notice may also be sent by any other method reasonably believed to provide Contractor actual notice in a timely manner, such as fax. The City does not by this section waive, release or forego any legal remedy for any violation, breach or non-performance of any of the provisions of this Agreement. At its sole option, City may deduct from the final payment due the Contractor (a) any damages, expenses or costs arising out of any such violations, breaches, or non-performance and (b) any other back charges or credits.

8. **Changes.** The City may, from time to time, unilaterally change the scope of the services of the Contractor to be performed hereunder. Such changes, including any increase or decrease in the scope of work (and resulting increase or decrease in compensation), shall: (a) be made only in writing and signed by an authorized City representative, (b) be explicitly identified as a Change Order and (c) become a part of this Agreement.

9. **Subletting/Assignment of Contracts.** Contractor shall not sublet or assign any of the Work without the express prior written consent of the City.

10. **Indemnification.** Except as otherwise provided in this paragraph, the Contractor hereby agrees to defend and indemnify the City from any and all Claims arising out of, in connection with, or incident to any acts, errors, omissions, or conduct by Contractor (or its employees, agents, representatives subcontractors/subconsultants) relating to this Agreement. The Contractor is obligated to defend and indemnify the City pursuant to this paragraph whether a Claim is asserted directly against the City, or whether it is asserted indirectly against the City, e.g., a Claim is asserted against someone else who then seeks contribution or indemnity from the City. The Contractor's duty to defend and indemnify pursuant to this paragraph is not in any way limited to, or by the extent of, insurance obtained by, obtainable by, or required of the Contractor. Solely and expressly for the purpose of its duties to indemnify and defend the City, the Contractor specifically waives any immunity it may have under the State Industrial Insurance Law, Title 51 RCW. The Contractor recognizes that this waiver of immunity under Title 51 RCW was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. As used in this paragraph: (1) "City" includes the City's officers, employees, agents, and representatives and (2) "Claims" include, but are not limited to, any and all losses, claims, demands, expenses (including, but not limited to, attorney's fees and litigation expenses), suits, judgments, or damage, irrespective of the type of relief sought or demanded, such as money or injunctive relief, and irrespective of whether the damage alleged is bodily injury, damage to property, economic loss, general damages, special damages, or punitive damages.

11. **Insurance.** The Contractor shall be responsible for maintaining, during the term of this Agreement and at its sole cost and expense, the types of insurance coverage and in the amounts described below. The Contractor shall furnish evidence, satisfactory to the City, of all such policies. During the term hereof, the Contractor shall take out and maintain in full force and affect the following insurance policies:

- a. Comprehensive general liability insurance, including automobile and property damage, insuring the City and the Contractor against loss or liability for damages for personal injury, death or property damage arising out of or in connection with the performance by the Contractor of its obligations hereunder, with minimum liability limits of \$1,000,000.00 combined single limit for personal injury, death or property damage in any one occurrence.
- b. Such workmen's compensation and other similar insurance as may be required by law.
- c. Professional liability insurance with minimum liability limits of \$1,000,000.

12. **Independent Contractor.**

- A. It is further agreed by and between the parties that because this Agreement shall not constitute nor create an employer-employee relationship, and since the Contractor is an independent contractor, Contractor shall be responsible for all obligations relating to federal income tax, self-employment FICA taxes and contributions, and all other so-called employer taxes and contributions, including, but not limited to, industrial insurance (Workmen's Compensation), and that the Contractor agrees to indemnify, defend and hold the City harmless from any claims, valid or otherwise, made to the City, because of these obligations.
- B. Any and all employees of the Contractor, while engaged in the performance of any Work, shall be considered employees of the Contractor only and not of the City, and any and all claims that may or might arise under the Worker's Compensation Act on behalf of said employees or Contractor, while so engaged in any and all claims made by a third party as a consequence of any negligent act or omission on the part of the Contractor's employees, while so engaged in any of the Work, shall be the sole obligation and responsibility of the Contractor.
- C. Contractor shall comply with all applicable provisions of the Fair Labor Standards Act and other legislation affecting its employees and the rules and regulations issued thereunder insofar as applicable to its employees and shall at all times save the City free, clear and harmless from all actions, claims, demands and expenses arising out of said act, and rules and regulations that are or may be promulgated in connection therewith.

- D. Contractor assumes full responsibility for the payment of all payroll taxes, use, sales, income, or other form of taxes, fees, licenses, excises or payments required by any city, federal or state legislation which are now or may during the term of the Agreement be enacted as to all persons employed by the Contractor and as to all duties, activities and requirements by the Contractor in performance of the Work and Contractor shall assume exclusive liability therefore, and meet all requirements thereunder pursuant to any rules or regulations that are now or may be promulgated in connection therewith.

13. **Employment.** The Contractor warrants that it had not employed or retained any company or person, other than a bona fide employee working solely for the Contractor, to solicit or secure this Agreement and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

14. **Audits and Inspections.** At any time during normal business hours and as often as the City may deem necessary, the Contractor shall make available to the City for the City's examination of all the Contractor's records and documents with respect to all matters covered by this Agreement and furthermore, the Contractor will permit the City to audit, examine and make copies, excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

15. **City of Lakewood Business License.** Contractor shall obtain a City of Lakewood business license prior to performing any work pursuant to this Agreement.

16. **State of Washington Requirements.** Contractor shall register and obtain any State of Washington business licenses, Department of Revenue account and/or unified business identifier number as required by RCW 20.04.140 and 51.08.195 prior to performing any work pursuant to this Agreement.

17. **Records Inspection and Audit.** All compensation payments shall be subject to the adjustments for any amounts found upon audit or otherwise to have been improperly invoiced, and all records and books of accounts pertaining to any work performed under



this Agreement shall be subject to inspection and audit by the City for a period of up to five (5) years from the final payment for work performed under this Agreement.

18. **Continuation of Performance.** In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Contractor agrees that, notwithstanding such dispute or conflict, the Contractor shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

19. **Waiver.** Any waiver by the Contractor or the City or the breach of any provision of this Agreement by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.

20. **Complete Agreement.** This Agreement contains the complete and integrated understanding and Agreement between the parties and supersedes any understanding, Agreement or negotiation, whether oral or written, not set forth herein.

21. **Equal Employment Opportunity.** Contractor shall not discriminate against any employee, applicant for employment, independent contractor, or proposed independent contractor, on the basis of race, color, religion, sex, age, disability, marital state, or national origin

22. **Modification of Agreement.** This Agreement may be modified as provided in paragraph 8, or by a writing explicitly identified as a modification of this Agreement that is signed by authorized representatives of the City and the Contractor.

23. **Administration of Agreement.** This Agreement shall be administered by Wayne Carlson on behalf of the Contractor, and by Sarah Luna, Program Coordinator for the South Sound Military & Communities Partnership, or designee, on behalf of the City. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

City of Lakewood

6000 Main Street SW  
Lakewood, WA 98499-5013  
(253) 983-7774, FAX (253) 589-3774  
Attn: Sarah Luna

Contractor

AHBL, Inc.  
2215 North 30<sup>th</sup> Street, Suite 200  
Tacoma, WA 98403  
(253) 383-2422, FAX (253) 383-2572  
Attn: Wayne Carlson

24. **Notices.** All notices or communications permitted or required to be given under this Agreement shall be in writing and shall be deemed to have been duly given if

delivered in person or deposited in the United States mail, postage prepaid, for mailing by certified mail, return receipt requested, and addressed, if to a party of this Agreement, to the address set forth next to such party's signature at the end of this Agreement, or if to a person not a party to this Agreement, to the address designated by a party to this Agreement in the foregoing manner.

Any party may change his, her or its address by giving notice in writing, stating his, her or its new address, to any other party, all pursuant to the procedure set forth in this section of the Agreement.

25. **Severability.** If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, and null and void, insofar as it is in conflict with said laws, and the remainder of the Agreement shall remain in full force and effect.

26. **Venue.** It is agreed that venue for any lawsuit arising out of this Agreement shall be Pierce County.

27. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

**IN WITNESS WHEREOF**, the City and Contractor have executed this Agreement as of the date first above written.

**CITY OF LAKEWOOD**

**AHBL, INC.**

\_\_\_\_\_  
John J. Caulfield, City Manager

  
\_\_\_\_\_  
Wayne Carlson, Principal

Dated: \_\_\_\_\_

Dated: October 14, 2019

**ATTEST:**

\_\_\_\_\_  
Briana Schumacher, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Heidi Wachter, City Attorney

## **EXHIBIT A**

### **SSMCP Off-Installation Housing Study**

**Scope of Work  
AHBL Project No. 2190548.30  
October 14, 2019**

#### **Task 1: Work Plan Development**

The AHBL Team will work with the South Sound Military & Communities Partnership (SSMCP) to develop a work plan that meets the Off-Installation Housing Study goals and schedule. The work plan will include key deliverable dates, identify the schedule for internal review and comment, and include proposed meeting dates. The meeting dates identified in the Work Plan will be further refined and described in a Stakeholder Engagement Strategy. The Stakeholder Engagement Strategy will identify the proposed stakeholders, discuss the proposed outreach methods that will be employed to reach each stakeholder group, identify potential meeting dates, and include a general description of the proposed topics that will be addressed at each meeting/ event. The Stakeholder Strategy will be a living document that ultimately will be memorialized in a final Off-Installation Housing Study as a way of “showing our work.” We anticipate that working with the stakeholder group will result in refinements to the geographic boundaries of the study area.

1.1 Project Schedule and Client Coordination. AHBL staff will prepare a project schedule for use during our ongoing work on the project. The project schedule will be a dynamic document, inasmuch as it will be amended as needed to reflect the completion of tasks and changes by the client. We will establish communication and coordination protocols and expectations, including emails, meetings, and project status reports.

1.2 Stakeholder Engagement Strategy. AHBL staff will prepare a Stakeholder Engagement Strategy that identifies the plan for engaging participants into the planning process. The Stakeholder Engagement Strategy will identify the goals for each meeting (e.g., what information we are hoping to learn from the meeting), the approximate dates for engagement events/meetings, the method for soliciting comment from various stakeholders, and other considerations such as meeting noticing and publication requirements. We will assist the SSMCP Housing Task Force in identifying other value-added organizations to include in the stakeholder group.

1.3 Define Study Area. AHBL staff will work with the SSMCP stakeholders to discuss possible modifications to the geographic area of the study area associated with the military-readiness requirements that active duty soldiers live within 30 minutes of the base. Modification of the study area may be through a variety of considerations, including traffic congestion and gate locations.

#### **Deliverables:**

- Project Schedule
- Stakeholder Engagement Strategy
- Study Area Map

## **Task 2: Research and Study**

A considerable amount of research and study is necessary to lay the foundation for providing recommendations related to ways of constructing additional housing, increasing participation in the JBLM Rental Partnership Program (JBLM RPP), improving the rental referral programs so that they are more responsive to current soldier needs, and identifying other housing policies and regulations that can facilitate these aims.

2.1 Stakeholder Engagement & Meetings. This subtask will implement the Stakeholder Engagement Strategy prepared under Task 1.2, above. The scope of work will include regular meetings with a stakeholder group that is identified and selected by the client. We will also develop a network diagram depicting stakeholder roles and responsibilities to guide plan development.

2.2 Housing Policy and Program Research. This subtask will involve analyzing the funding programs available to incentivize the construction of affordable housing, as well as regulations, including state statutes and local codes that may be posing impediments to the provision of affordable housing for active duty service members. The following subtasks will be completed:

2.2.1 Evaluate Existing Housing Coordination Programs. We will also engage with participants of the JBLM RPP, agencies providing affordable housing referral programs (e.g., City of Lakewood), non-profits, and staff from the Pierce County Housing Authority, Tacoma Housing Authority, and Housing Authority of Thurston County to understand best practices and areas of improvement.

2.2.2 Evaluate Existing Housing Adequacy Programs. We will evaluate other housing programs such as Lakewood Rental Housing Safety and Tacoma Equity Housing, among others, for their successes and lessons learned in ensuring clean and safe housing. We will interview local Housing Authorities to gain a better understanding of their current initiatives and programs to develop adequate workforce housing.

2.2.3 Stakeholder Interviews. This task involves interviews of participants from the SSMCP Housing Task Force to review their existing housing policies, programs, challenges, and opportunities for addressing additional affordable housing and, specifically, service member housing in their communities. Prior to the stakeholder interviews, we will prepare a standard list of topics and questions.

2.2.4 Evaluate Market Forces. We will analyze the impact of tourism, vacation homes, short-term rentals, and second-home owners on the local housing market and determining to what extent, if at all, there is a loss of long-term units because of a gain in short-term units.

We will also analyze the impact of market forces such as cost and availability of developable land, cost of raw ground, utilities costs (including costs associated with extending utility service), and any other market forces that hinder the development of new housing stock.

2.3 Determine Active Duty Soldier Housing Needs. In this subtask, we will identify and analyze the amount and availability of accessible rental units within the study area, including any unmet need for accessible and affordable units. We will structure this analysis to correspond with the Basic Allowance Housing (BAH) by rank with and without dependents. This task includes evaluating existing survey data and potentially conducting new surveys to develop a full understanding of service members' housing needs.

2.4 Housing Market Study. This subtask involves the preparation of a housing market study to aid in decision making related to changes and/or new programs to facilitate the construction of new affordable housing, increased participation in the JBLM RPP, improvements to rental referral programs, and other housing policies and regulations.

2.4.1 Demographic Analysis. This subtask involves the analysis of demographic data and trends, including household growth, population and household characteristics, household income and tenure, and cost-burdened and extremely cost-burdened households. Definitions and cohort delineations will conform to those as adopted by the U.S. Department of Housing and Urban Development and the U.S. Census Bureau.

2.4.2 Economic Conditions. AHBL's project partner, ECONorthwest, will prepare an analysis of employment and economic data, including employment and economic trends, to understand the economic characteristics for the study area identified under Subtask 1.3, above. This work will involve analyzing the employment trends and growth, unemployment trends, and commuting patterns to understand the impacts on housing availability.

2.4.3 Rental and Owner-Occupied Housing Market Analysis. This subtask will primarily be focused on analyzing the rental housing market, but will also include an analysis of the owner-occupied housing market. AHBL's project partner, ECONorthwest, will prepare a comprehensive inventory of rental and owner-occupied housing, including apartments, townhomes, condominiums, duplexes, manufactured and mobile units, and stick built single-family houses, including their geography within the community, rental rates, whether they are subsidized, and condition of the property (as identified by the Pierce County Assessor-Treasurer). To the extent available, the inventory will also include planned and approved projects.

To understand the existing for-rent market, we will prepare an analysis of the for-rent market, examining overall existing rental trends, including trends in rental pricing, rented and inventory details and levels, with specific attention to levels and locations that are underbuilt. A similar exercise will be performed for the owner-occupied housing market.

This subtask will also involve analyzing the amount and availability of accessible rental housing units in the specified sub-geographies, as well as the unmet need for accessible, affordable units, including considerations for household size.

Based on available data and sources, we will compile and analyze information on the for-rent units currently marketed by looking at current price point and geographic dispersion of rentals by price point.

2.5 Determine Landlord/Developer Interests and Incentives. In this subtask, we will interview area landlords, housing developers and consultants in the study area and region to understand their issues with developing new workforce housing, the RPP program, and other ideas for incentives that may increase the participants in RPP and interest in long-term partnerships with SSMCP. In advance of the interview, we will prepare a list of questions and topics for discussion. We will document the contact information and results of each interview.

2.6 Perform Gap Analysis. This subtask will involve comparing the BAH with the cost of available housing (rental and owner occupied). This will include comparing projected rental demand, both temporary and permanent, with projected availability. In this task, we will develop a map depicting the existing housing resources, and near- and long-term future housing projects, transportation routes, etc.

Deliverables:

- Preliminary Stakeholder Diagram
- Stakeholder Interview Notes
- Landlord/Developer Interview Notes
- Memorandum Documenting Housing Policy Program Research Findings and Best Practices
- Housing Market Study

### **Task 3: Draft Report Preparation**

Task 3 involves documenting the findings and recommendations on ways of constructing additional housing, increasing participation in the JBLM RPP, improving the rental referral programs so that they are more responsive to current soldier needs, and identifying other housing policies and regulations that can facilitate these aims.

The draft report will be presented first to the SSMCP Housing Task Force for feedback and discussion. We also anticipate that the draft will include preliminary recommendations and implementations, and strategies for discussion with the SSMCP Housing Task Force.

Deliverables:

- Draft Report on Findings, including Narratives and Graphics
- SSMCP Housing Task Force Meeting
- Draft Recommendations and Implementation Plan

### **Task 4: Final Recommendations and Implementation Plan**

Task 4 will refine the draft report narrative, graphics, and recommendations.

Deliverables:

- Final Off-Installation Housing Study Report with Recommendations and Implementation Plan

Q:\2019\2190548\Proposals\_Contracts\Finals\20191014 SOW (Ex A) 2190548.30.docx

SOUTH SOUND MILITARY & COMMUNITIES PARTNERSHIP October 14, 2019	AHBL					AHBL Fees	ECONorthwest			ECONorthwest Fees	Total Labor Cost
	Wayne Carlson	Lisa Klein	Brittany Port	Josh Kubitza	Kendal Black		Project Director	Project Manager	Research Analystist		
	\$215	\$190	\$150	\$110	\$75		\$200	\$135	\$90		
<b>TASK 1: WORK PLAN DEVELOPMENT</b>											
1.1 Project Schedule and Client Coordination		6				\$1,140	1	1		\$335	\$1,475
1.2 Stakeholder Engagement Strategy	2	6	10			\$3,070				\$0	\$3,070
1.3 Define Study Area		2			22	\$2,030		3		\$405	\$2,435
<b>TASK 1 - SUBTOTAL (hours)</b>	2	14	10	0	22		1	4	0		
<b>TASK 1 - SUBTOTAL (fees)</b>						\$6,240				\$740	\$6,980
<b>TASK 2: RESEARCH &amp; STUDY</b>											
2.1 Stakeholder Engagement & Meetings	2	20	20			\$7,230		10		\$1,350	\$8,580
2.2 Housing Policy and Program Research						\$0	2	3	8	\$1,525	\$1,525
2.2.1 Evaluate Existing Housing Coordination Programs	2	4		26		\$4,050				\$0	\$4,050
2.2.2 Evaluate Existing Housing Adequacy Programs	2	4		18		\$3,170				\$0	\$3,170
2.2.3 Stakeholder Interviews	2	4		24		\$3,830				\$0	\$3,830
2.2.4 Evaluate Market Forces						\$0	2	3	8	\$1,525	\$1,525
2.3 Determine Active Duty Soldier Housing Needs	2	4			26	\$3,140				\$0	\$3,140
2.4 Housing Market Study	2	7				\$1,760	2	36	80	\$12,460	\$14,220
2.4.1 Demographic Analysis						\$0				\$0	\$0
2.4.2 Economic Conditions						\$0				\$0	\$0
2.4.3 Rental and Owner-Occupied Housing Market Analysis						\$0				\$0	\$0
2.5 Determine Landlord/Developer Interests and Incentives		4			28	\$2,860				\$0	\$2,860
2.6 Perform Gap Analysis	2	10		8	16	\$4,410	2	3		\$805	\$5,215
<b>TASK 2 - SUBTOTAL (hours)</b>	14	57	20	76	70		8	55	96		
<b>TASK 2 - SUBTOTAL (fees)</b>						\$30,450				\$17,665	\$48,115
<b>TASK 3: DRAFT REPORT PREPARATION</b>											
3.1 Prepare Draft Report, Including Narrative and Graphics	8	14	4	46	10	\$10,790				\$0	\$10,790
3.2 Revise Report Based on Stakeholder Feedback	2	4	2	16	4	\$3,550				\$0	\$3,550
<b>TASK 3 - SUBTOTAL (hours)</b>	10	18	6	62	14		0	0	0		
<b>TASK 3 - SUBTOTAL (fees)</b>						\$14,340				\$0	\$14,340
<b>TASK 4: FINAL RECOMMENDATIONS AND IMPLEMENTATION PLAN</b>											
4.1 Prepare Final Report, Graphics, Recommendations	8	8	2	38	8	\$8,320	2	6		\$1,210	\$9,530
<b>TASK 4 - SUBTOTAL (hours)</b>	8	8	2	38	8		2	6	0		
<b>TASK 4 - SUBTOTAL (fees)</b>						\$8,320				\$1,210	\$9,530
<b>REIMBURSABLES</b>						\$1,000				\$0	\$1,000
<b>GRAND TOTAL</b>	<b>34</b>	<b>97</b>	<b>38</b>	<b>176</b>	<b>114</b>	<b>\$60,350</b>	<b>11</b>	<b>65</b>	<b>96</b>	<b>\$19,615</b>	<b>\$79,965</b>

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> October 21, 2019  <b>REVIEW:</b> October 14, 2019	<b>TITLE:</b> Amending the City's 2019-2020 Biennial Legislative Agenda and Legislative Policy Manual  <b>ATTACHMENTS:</b> Amended 2019-2020 Biennial Legislative Agenda and Legislative Policy Manual	<b>TYPE OF ACTION:</b> <input type="checkbox"/> ORDINANCE NO. <input type="checkbox"/> RESOLUTION NO. <input checked="" type="checkbox"/> MOTION NO. 2019-68 <input type="checkbox"/> OTHER
--	---	---

**SUBMITTED BY:** Shannon Kelley-Fong, Senior Policy Analyst


**RECOMMENDATION:** It is recommended that the City Council approve the proposed amendments to the 2019-2020 Biennial Legislative Agenda and Legislative Policy Manual.

**DISCUSSION:** The amended 2019-2020 Biennial Legislative Agenda and Legislative Policy Manual reflect the City's current polices and priorities at the state level.

Adoption of these documents will help support the City in achieving its state legislative priorities.

**ALTERNATIVE(S):** The City Council could elect to modify the 2019-2020 Biennial Legislative Agenda and Legislative Policy Manual as they deem necessary. The City Council could also elect to not adopt the documents.

**FISCAL IMPACT:** Not applicable.

Shannon Kelley-Fong Prepared by _____ Department Director	 City Manager Review
--	---





## 2019-2020 Biennial Legislative Agenda

The City looks forward to continuing its partnership with its legislative delegation to improve the overall quality of life for those that call Lakewood home.

**Economic Development Tools for Lakewood Landing:** Lakewood Landing is a 25-acre property along I-5 that is primarily used for industrial purposes, including a WSDOT maintenance facility. The site’s prime I-5 frontage and proximity to the Lakewood Sounder Station make it well suited for transit-oriented and mixed-use development. The site could potentially include affordable housing, child care centers, retail business, commercial businesses and, if redeveloped, would generate significant state and local tax revenue.

Because redevelopment of this site requires the WSDOT maintenance facility to be relocated, public investment is needed to advance Lakewood Landing from vision to reality. This public investment could come from state authorized economic development tools such as tax increment financing and/or investments in the Local Revitalization Financing Program. The City requests a state investment of \$2 million annually for a twenty-year period through either of these value capture financing programs.

**Multimodal Transportation Study:** The City requests the Legislature allocate \$250,000 for a multimodal transportation assessment to consider practical solutions to increase multimodal connectivity along the I-5 corridor between DuPont and Lakewood. The study will include options that take advantage of already funded grade separated crossings and increase connectivity between Sound Transit and Amtrak using existing or planned infrastructure. This will support the movement of people through the growing South Sound corridor - including Lakewood, DuPont, Joint Base Lewis McChord, and areas of unincorporated Pierce County, including Parkland and Spanaway. This is supported by Sound Transit, JBLM, Pierce Transit, Pierce County Council Chair Doug Richardson, Lakewood Water District, West Pierce Fire & Rescue and the Clover Park School District.

### LEGISLATIVE REQUESTS ON THE HORIZON

**Fort Steilacoom Ballfield Lights:** The City has made major improvements at Fort Steilacoom Park to support youth and adult sports. The City is in the process of replacing four dirt ballfields with synthetic turf infields to allow games to be played throughout the various sport seasons. To further extend play at these fields, the City plans to install lights at the four ballfields (\$550,000 per field) in partnership with the state. Ballfield lights would increase the competitiveness of the fields for tournament play, generating economic impact with the sales of fuel, hotel rooms and goods and services.

**Wards Lake Park Expansion:** The City will be applying for grants and requesting capital funding to improve Wards Lake Park to help create a healthy, robust, and engaging park for some of Pierce County’s most underserved populations. The City is in the process of adding 11 acres to this park. Once expanded, potential park improvements would include: wetland enhancements and other environmental remediation; trail expansion; open space improvements that allow for better active and passive recreation; increased parking areas; expanded signage and learning opportunities; improved water access; and improved safety and security through park programming and the incorporation of crime prevention through environmental design (CPTED) features.

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL OCTOBER 21, 2019

**Contact Information:**  
**John J. Caulfield**, City Manager  
City of Lakewood  
253-983-7703  
[jcaulfield@cityoflakewood.us](mailto:jcaulfield@cityoflakewood.us)

**Briahna Murray**, Vice President  
Gordon Thomas Honeywell Government Affairs  
253-310-5477  
[bmurray@gth-gov.com](mailto:bmurray@gth-gov.com)



# **CITY OF LAKEWOOD**

# **STATE**

# **LEGISLATIVE MANUAL**

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT</b> .....	<b>2</b>
<i>Economic Development Tools</i> .....	2
<i>Economic Development Tools for Lakewood Landing</i> .....	2
<i>Tax Increment Financing</i> .....	2
<i>Annexation</i> .....	2
<i>Boundary Review Board</i> .....	3
<i>Local Authority for Land Use and Planning</i> .....	3
<b>PARKS, RECREATION, &amp; COMMUNITY SERVICES</b> .....	<b>4</b>
<i>Future Capital Request: Fort Steilacoom Ballfield Lights</i> .....	4
<i>Future Capital Request: Wards Lake Park Expansion</i> .....	4
<i>Future Capital Request: Fort Steilacoom H-Barn Restoration</i> .....	4
<i>State Funding</i> .....	4
<b>TRANSPORTATION &amp; INFRASTRUCTURE</b> .....	<b>5</b>
<i>Multimodal Transportation Study</i> .....	5
<i>Infrastructure Funding</i> .....	5
<i>Limiting Additional Freight on Point Defiance Bypass (Lakeview Rail Line)</i> .....	5
<i>I-5 JBLM Corridor</i> .....	5
<i>Systematic I-5 South Sound Corridor Planning</i> .....	6
<i>Stormwater &amp; Culvert Funding</i> .....	6
<b>FINANCE</b> .....	<b>6</b>
<i>State-Shared Revenues</i> .....	6
<i>Fiscal Home Rule (alternative to State-Shared Revenues)</i> .....	6
<i>General Fund Revenue</i> .....	6
<i>City Financial Liability for Indigent Defense</i> .....	7
<i>Unfunded Mandates &amp; Other State &amp; Federal Budget Impacts</i> .....	7
<i>Construction Contracts Claims Process</i> .....	7
<i>Prevailing Wage Rate Changes</i> .....	7
<b>PUBLIC SAFETY</b> .....	<b>8</b>
<i>Authority to Appoint Municipal Court Judges</i> .....	8
<i>Traffic Enforcement Cameras</i> .....	8
<i>Community Policing Program and Basic Police Services at Western State Hospital</i> .....	8
<i>Basic Law Enforcement Academy (BLEA)</i> .....	8
<i>Jail and Court Costs</i> .....	8
<i>Release of Offenders to County of Origin</i> .....	9
<i>Adult Family Homes</i> .....	9
<i>State Hospital Reentry Program</i> .....	10
<i>Enhanced Services Facilities</i> .....	10
<i>Civil Asset Forfeiture</i> .....	10
<i>Consolidate Traffic-Based Financial Obligations</i> .....	11
<b>HOUSING</b> .....	<b>11</b>
<i>Quality Affordable Housing</i> .....	11
<i>Predatory Lending</i> .....	11
<i>Foreclosure of Homes</i> .....	11
<b>GENERAL GOVERNMENT</b> .....	<b>12</b>
<i>Public Records &amp; Open Meetings</i> .....	12
<b>MILITARY AFFAIRS</b> .....	<b>12</b>
<i>American Lake Veterans Golf Course Tax Exemption &amp; Capital Improvements</i> .....	12
<i>South Sound Military &amp; Communities Partnership (SSMCP) &amp; Joint Base Lewis-McChord</i> .....	12



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **COMMUNITY & ECONOMIC DEVELOPMENT**

#### **Economic Development Tools**

The City joins AWC in supporting robust and sustainable funding for the Economic Development Strategic Reserve Fund, Local Revitalization Funding, Community Economic Revitalization Board, Local Infrastructure Financing Tool, Public Works Assistance Account, Public Facility Districts, and other programs that assist local governments in neighborhood residential and commercial area rehabilitation.

The City also supports legislation that provides optional economic development tools for cities, such as the multi-family housing tax incentive, lodging tax, the Main Street Act (a series of small tax incentives for neighborhood business districts), complete streets grant program, community facility financing, shared state revenue for construction of convention and special event centers, additional shared state revenue for urban renewal and other public facility improvements, and innovative approaches to property tax assessment that reduces the current incentive to allow property to remain blighted.

#### **Economic Development Tools for Lakewood Landing**

Lakewood Landing is a 25-acre property along I-5 that is primarily used for industrial purposes, including a WSDOT maintenance facility. The site's prime I-5 frontage and proximity to the Lakewood Sounder Station make it well suited for transit-oriented and mixed-use development. The site could potentially include affordable housing, child care centers, retail business, commercial businesses and, if redeveloped, would generate significant state and local tax revenue.

Because redevelopment of this site requires the WSDOT maintenance facility to be relocated, public investment is needed to advance Lakewood Landing from vision to reality. This public investment could come from state authorized economic development tools such as tax increment financing and/or investments in the Local Revitalization Financing Program. The City requests a state investment of \$2 million annually for a twenty-year period through either of these value capture financing programs.

#### **Tax Increment Financing**

The City joins AWC in supporting efforts to create a tax increment financing option for cities.

#### **Annexation**

The City believes that annexation laws should encourage the logical development and expansion of the City to provide for a healthy and growing local economy and efficient provision of urban services. The City supports legislation that would modify state annexation laws to reduce the administrative process and the overall cost of annexation, both of which would help encourage and incentivize the annexation of existing unincorporated islands.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **Boundary Review Board**

The City supports the elimination of Boundary Review Boards' (BRB) role in reviewing items that are governed by the GMA (RCW 36.70A) while authorizing counties to determine whether to retain their BRB to review non-GMA-governed issues (e.g., special purpose district expansions).

### **Local Authority for Land Use and Planning**

The City supports preserving the authority of local governments regarding local taxation, as well as land use planning, zoning and regulation consistent with the GMA (RCW 36.70A) and SEPA (RCW 43.21C.) The City supports state level efforts to bolster military installations' sustainability and operational readiness and address land use compatibility issues, so long as local jurisdictional control over land use and infrastructure planning is not eroded.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **PARKS, RECREATION, & COMMUNITY SERVICES**

The City of Lakewood is in need of state assistance to improve, maintain and expand its local park system and the open space areas of the City.

#### **Future Capital Request: Fort Steilacoom Ballfield Lights**

The City has made major improvements at Fort Steilacoom Park to support youth and adult sports. The City is in the process of replacing four dirt ballfields with synthetic turf infields to allow games to be played throughout the various sport seasons. To further extend play at these fields, the City plans to install lights at the four ballfields (\$550,000 per field) in partnership with the state. Ballfield lights would increase the competitiveness of the fields for tournament play, generating economic impact with the sales of fuel, hotel rooms and goods and services.

#### **Future Capital Request: Wards Lake Park Expansion**

The City will be requesting assistance with the improvement of Wards Lake Park to help create a healthy, robust, and engaging park for some of Pierce County's most underserved populations. The City is in the process of adding 11 acres to this park. Once expanded, potential park improvements would include: wetland enhancements and other environmental remediation; trail expansion; open space improvements that allow for better active and passive recreation; increased parking areas; expanded signage and learning opportunities; improved water access; and improved safety and security through park programming and the incorporation of crime prevention through environmental design (CPTED) features.

#### **Future Capital Request: Fort Steilacoom H-Barn Restoration**

History matters. The City will be requesting assistance to help restore the "H-Barn" at Fort Steilacoom Park. By renovating the H-Barn, the City aims to preserve a piece of important Washington State history and keep the barns from falling into a state of irreversible disrepair. The City intends to renovate this barn into a dynamic, multi-functional event space for the community, creating a new economic catalyst for the region. This space would be available year-round for community meetings, weddings, indoor concerts and performances, family gatherings, school functions, and seasonal holiday events.

#### **State Funding**

The City supports ongoing funding for the Washington Wildlife and Recreation Program (WWRP), Aquatic Land Enhancement Account (ALEA), and the Youth Athletic Facilities (YAF) grant programs.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **TRANSPORTATION & INFRASTRUCTURE**

#### **Multimodal Transportation Study**

The City requests the Legislature allocate \$250,000 for a multimodal transportation assessment to consider practical solutions to increase multimodal connectivity along the I-5 corridor between DuPont and Lakewood. The study will include options that take advantage of already funded grade separated crossings and increase connectivity between Sound Transit and Amtrak using existing or planned infrastructure. This will support the movement of people through the growing South Sound corridor - including Lakewood, DuPont, Joint Base Lewis McChord, and areas of unincorporated Pierce County, including Parkland and Spanaway. This is supported by Sound Transit, JBLM, Pierce Transit, Pierce County Council Chair Doug Richardson, Lakewood Water District, West Pierce Fire & Rescue and the Clover Park School District.

#### **Infrastructure Funding**

Local agencies, including the City of Lakewood, lack resources for infrastructure funding. As a result, city roads remain in disrepair; general fund dollars are taken from other important services to repair roads; or a combination thereof. The City joins AWC in pursuing a comprehensive city transportation bill that will provide new resources and funding options. The City continues to support the state's ongoing and increased investment in infrastructure funding programs such as the Public Works Assistance Account.

#### **Limiting Additional Freight on Point Defiance Bypass (Lakeview Rail Line)**

The City opposes increased freight traffic along this corridor that is above and beyond the activity already in place and does not have a destination within Lakewood or Joint Base Lewis-McChord. With the opening of the Point Defiance Bypass project in support of Amtrak passenger rail coupled with increasing demands on freight rail, there is concern that the Point Defiance Bypass project could eventually lead to increased freight traffic in addition to new passenger rail.

#### **I-5 JBLM Corridor**

The I-5 JBLM corridor is fully funded in the 2015 Connecting Washington package. The City is currently working with WSDOT to ensure timely implementation of the project. The City will continue to advocate for any appropriations or policy changes needed to advance the project in the best interests of our community and region. The City will closely monitor the development of the Gravelly-Thorne Connector project.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **Systematic I-5 South Sound Corridor Planning**

WSDOT has increasingly indicated a preference to take a holistic approach to transportation improvements along a corridor. The City supports WSDOT's position and supports WSDOT's efforts to complete an assessment of the I-5 corridor from Tacoma to Tumwater to ensure that any future investments in this corridor resolve congestion rather than shift traffic congestion points along I-5.

Consistent with this effort, the Connecting Washington package invested significant funding in the I-5 corridor through JBLM to eliminate the traffic congestion point at Thorne Road by expanding the corridor from three to four lanes. Any future investments along the I-5 corridor in this region, particularly expanding the portion north of the project from four to five lanes, should consider the impact it would have on this and other congestion points. Any investments should resolve, rather than shift, traffic congestion points.

### **Stormwater & Culvert Funding**

Cities have significant stormwater and culvert funding needs. The City of Lakewood joins AWC in requesting secure, ongoing and sufficient funding for city culvert repair and replacement. The City supports funding for current and new grant programs for local stormwater and culvert projects.

## **FINANCE**

### **State-Shared Revenues**

The City joins AWC in supporting restoration and continued appropriation of committed state shared funds, such as Liquor Excise Taxes and Profits, City-County Assistance Account, Municipal Criminal Justice Account, Annexation Sales Tax Credit, and public health funding.

### **Fiscal Home Rule (alternative to State-Shared Revenues)**

The City recognizes that it is increasingly difficult for the state to continue its historic role of providing state-shared revenues to the local level. The City will evaluate fiscal home rule proposals as they are introduced.

### **General Fund Revenue**

The City supports legislation that will increase, expand, or favorably restructure its revenue-raising ability. In consideration of the continued growth in demand for services that exceed revenue growth and inflation, the City supports the following revenue options:

- Give local governments increased local option flexibility in all areas of taxing authority.
- Eliminate remaining non-supplanting language and restrictions on use of certain revenues in local option tax authority. This language excessively limits City Council discretion regarding funding priorities.





# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### **City Financial Liability for Indigent Defense**

Indigent defense is a constitutional right that should be funded by the state. However, in 2017 counties contributed approximately \$136 million per year to trial court public defense costs alone, while the state contributed approximately \$6 million per year. The City supports state funding for indigent defense that is standardized and non-competitive in order to ensure more equitable funding.

### **Unfunded Mandates & Other State & Federal Budget Impacts**

Mandates from the Federal and State governments are rarely accompanied with adequate new revenues or taxing authority, but instead force the City to reduce funding levels for other services. The City opposes efforts by the State Legislature to balance budgets by shifting responsibilities to cities.

### **Construction Contracts Claims Process**

The City opposes legislation that would change the claim process for construction contracts on public works projects. When specific instances arise, the City is willing to work with a contractor to ensure a mutually beneficial outcome is reached.

### **Prevailing Wage Rate Changes**

In 2018 the Legislature passed a law requiring the Department of Labor & Industries (LNI) to use comparable collective bargaining agreements to establish the prevailing wage for trade/occupations in the geographic region, rather than the previous practice of using wage and hour surveys. If there is no established collective bargaining agreement (CBA) for a trade/occupation then the previous practice of using wage and hour surveys may continue. Through implementation of this new law, LNI's interpretation and application to various trade/occupations has varied from that of cities. The City supports administrative and/or legislative action to clarify the prevailing wage rates for trade/occupations where LNI's interpretations has made park and public space maintenance cost prohibitive.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### PUBLIC SAFETY

#### **Authority to Appoint Municipal Court Judges**

The City supports cities' ability to appoint a municipal court judge and to maintain courts and supports further technical and financial assistance for the administration of municipal courts.

#### **Traffic Enforcement Cameras**

The Legislature has authorized local government to use traffic enforcement cameras in limited situations, including red light enforcement at certain intersections and speed control in school zones. Traffic enforcement cameras have proven to be successful at reducing instances of speeding and violations of traffic signals. The City supports the use of traffic enforcement cameras. The City also supports legislation allowing images from traffic enforcement cameras to be used by law enforcement in criminal cases if there is probable cause.

#### **Community Policing Program and Basic Police Services at Western State Hospital**

Since 2007 the City has operated a highly effective community policing program to respond to hundreds of calls for police service at Western State Hospital (WSH). In the 2019-2020 Operating Budget, the State appropriated \$641,224 toward the program. The City will continue to request that this program receives ongoing full funding to ensure its successful operation.

#### **Basic Law Enforcement Academy (BLEA)**

The City supports ongoing funding of the Basic Law Enforcement Academy which is the sole training program for police departments statewide. With an increasing number of law enforcement officers retiring, it is imperative this program receive adequate funding to provide ample training openings for new hires. There is currently a four to six month wait for a spot. During that time, a recruit does not count towards staffing but does count for a budgeted position. This exacerbates staffing issues faced by police departments across the state and will ultimately generate an even bigger backlog as departments try to catch up. Public Safety is a priority for Washington and should be funded as such. Recently the City of Lakewood had two candidates wait over five months for training slots.

#### **Jail and Court Costs**

The City supports legislative proposals that reduce jail and court costs, and maintain its flexibility in providing jail and court services. The City supports additional funding for local grants through the Office of Public Defense, and clarifying local authority to set standards for public defenders. The City also supports maintaining the flexibility to select the most appropriate manner in which to provide jail services. The City will monitor all legislation that impacts the City's ability to contract with government agencies.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### Release of Offenders to County of Origin

The City supports legislation that addresses “fair share” and expands the “county of origin” policy that sends offenders back to their county of origin upon release, including offenders released from the state’s only Special Commitment Center located on McNeil Island, and civil commitment patients released from Western State Hospital. The City requests that this legislation include sufficient enforcement mechanisms to ensure that “fair share” and “county of origin” are properly applied to released offenders and civil commitment patients. The City supports Senate Bill 5040, sponsored by Sen. Steve O’Ban, which expands the fair share statute so DSHS will have to consider counties that neighbor the individual’s county of commitment when developing discharge plans. The bill would require DSHS to provide a report on the availability of less restrictive alternative services available in regional service areas and to procure adequate services within a regional service area if services are not adequate.

### Adult Family Homes

Adult Family Homes (AFHs) serve adults with functional limitations who need personal and special care. The City of Lakewood has become aware of public safety concerns within adult family homes. The City expects aggressive and timely legislative solutions that increase public safety in and around adult family homes.

The City supports legislation introduced by 28<sup>th</sup> district legislators to respond to the concerns from the Lakewood community:

- **House Bill 1825**, sponsored by Rep. Christine Kilduff, requires civilly committed sexually violent predators (SVPs) petitioning for conditional release to a less restrictive alternative (LRA) to document efforts to find placement in the county of commitment. Requires the Department of Social and Health Services (DSHS) to review proposed conditional release LRA placement plans and report to the court with potential alternative placements in certain circumstances. Imposes school-proximity restrictions on residential placements for certain SVPs on LRA orders. Modifies the criteria that courts must consider in deciding conditional release petitions for SVPs. Requires community notification of any change of address of a conditionally released SVP. Provides that secure community transition facilities may be sited in any county in the state. Implements Department of Health credential waivers for sex offender treatment providers working in under-served counties.
- **House Bill 1826**, sponsored by Rep. Mari Leavitt, would require the DSHS to disclose publicly accessible and relevant criminal history for certain persons during the discharge planning process. The bill would also impose a civil penalty of \$5,000 for the misuse and unauthorized disclosure of protected health information by an entity authorized to receive the information.
- **Senate Bill 5038**, sponsored by Sen. Steve O’Ban, limits who can be placed in an adult family home. Individuals committed under the involuntary treatment act where the court has made an affirmative special finding are prohibited from being placed in an AFH. The



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

bill also prohibits a person committed as a sexually violent predator from being placed in an adult family home. Establishes enhanced services facilities as the appropriate long-term care option for sexually violent predators.

In addition to the legislation introduced by 28<sup>th</sup> district legislators, the City closely monitors all legislation that impacts public safety in and around Adult Family Homes:

- **House Bill 1023** would allow certain adult family homes to increase capacity from six to eight beds. The City supports amendments to the bill that 1) prohibit adult family homes that attest to serving individuals who have been committed to a state hospital after committing acts constituting a violent felony or individuals that have been committed to the Special Commitment Center as a sexually violent predator from increasing their capacity to seven or eight beds; and 2) require DSHS to allow the adult family home's local jurisdiction to provide recommendations as to whether or not DSHS should approve the adult family home's request to increase its bed capacity to seven or eight beds. These amendments were adopted by the Senate Health & Long Term Care committee in 2019 and the bill unanimously passed the Senate.

### State Hospital Reentry Program

The City supports **Senate Bill 5048**, sponsored by Sen. Steve O'Ban, that expands the reentry community safety program. The current program is designed for individuals being released from a correctional facility and Senate Bill 5048 would expand the program to apply to patients who are civilly committed after prosecution for a violent offense or who are civilly committed based on criminal insanity.

### Enhanced Services Facilities

Enhanced Service Facilities (ESFs) serve adults with mental and chemical disorders or other impairments that requires supervision and daily care. The City supports legislation that would prohibit Adult Family Home businesses (AFHs) from converting to ESFs, as well as legislation that would prohibit the locating of ESFs in residential neighborhoods.

### Acute and Long-Term Care Facilities

The City of Lakewood supports the implementation of the Trueblood Settlement Agreement and state funding for the construction and ongoing operation of acute and long-term care facilities equitably dispersed in communities throughout the state. The City requests clarification on the six-year capital facilities plan for Western State Hospital (WSH), and facility programming, namely, user needs, use of space, and project phasing and scheduling.

### Civil Asset Forfeiture

Civil asset forfeiture allows law enforcement agencies to take possession of property when the property itself is illegal, was used to facilitate a crime, is proceeds from a crime, or was purchased with proceeds traceable to criminal activity. The City views civil asset forfeiture as a valuable



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

tool, and will closely monitor legislation and oppose provisions that add restrictions on law enforcement's use of civil asset forfeiture.

### **Consolidate Traffic-Based Financial Obligations**

The City supports legislative proposals that would authorize the Administrative Office of the Courts to establish a unified payment plan system for the consolidation of multiple traffic-based financial obligations allowing defendants to bring multiple outstanding obligations into the new payment plan for ongoing servicing with a single point of contact and reducing the volume of driver's license suspension for failure to respond or pay, fewer DWLS-3 prosecutions, and improve collection rates.

### **Phlebotomist Credentials**

The City supports the elimination of forensic phlebotomist credential requirements from state statute leaving phlebotomist training requirements to be determined by the Department of Health.

## **HOUSING**

### **Quality Affordable Housing**

The City supports enhancement of the provision of much needed human service programs to address issues that drive increased homelessness and public safety costs. The City supports legislation that incentivizes developers to build affordable housing, such as the multifamily housing tax exemption, and funding allocated for public and nonprofit affordable housing, including the Housing Trust Fund.

### **Predatory Lending**

The City supports legislation to stop all predatory home lending practices and supports enforcement of state law to ensure all home renting practices are in compliance with existing regulations.

### **Foreclosure of Homes**

The City supports legislation that assists local jurisdictions in managing vacant, abandoned, and tax-delinquent properties. Without responsible management, these properties can cause problems throughout an entire community. The properties can become fire hazards, home to squatters, location of crime, and result in general decline in property values. In the upcoming session, the City also supports evaluating the effectiveness of legislation passed in this area.



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

### GENERAL GOVERNMENT

#### **Public Records & Open Meetings**

The City respects the right of the public to have access to legitimate public records and documents. The City believes its ability to recover the costs of searching for, gathering and reviewing requested documents is also in the public's interest. The City supports reasonable reforms to the Public Records Act. The City opposes requiring the recording of executive sessions or other restrictions on legitimate uses of executive sessions.

### MILITARY AFFAIRS

#### **American Lake Veterans Golf Course Tax Exemption & Capital Improvements**

The American Lake Veterans Golf Course has always been a United States Department of Veterans Affairs (VA) golf course. However, the VA has recently decided to have the golf course run by a nonprofit and it is unclear whether the nonprofit will have to pay sales tax and business and occupation tax. The City of Lakewood supports legislation that clarifies that the American Lake Veterans Golf Course is not subject to sales tax or business and occupation tax.

The City supports the state capital budget request by the American Lake Veterans Golf Course for improving the front nine holes of the course. Improvements would include upgrades to make the holes accessible to golfers with disabilities, similar to the new Jack Nickalus designed back nine that opened in 2016.

#### **South Sound Military & Communities Partnership (SSMCP) & Joint Base Lewis-McChord**

The City of Lakewood is a strong partner with Joint Base Lewis-McChord (JBLM) and a founding member of the South Sound Military & Communities Partnership (SSMCP), a nationally recognized organization that gives unique voice to a range of issues affecting Pierce and Thurston Counties and their cities as well as JBLM, the largest military installation in Washington State. JBLM is a regional employment hub and a major statewide economic driver. The City supports the ongoing efforts of SSMCP and supports policy and financial decisions that assist JBLM's operational readiness and sustainability.

The City also believes in strong policy and financial commitments from the State in support of statewide military affairs while preserving local governments' and regional coordinating organizations' flexibility and authority to maintain communications and relationships with area installations. Lakewood supports the State establishing and providing sustained funding for a Military Compatibility Fund (BRAC fund) to assist local jurisdictions in addressing incompatible uses such as the McChord North Clear Zone. Lakewood supports establishing a Military Advisory



# CITY OF LAKEWOOD

## LEGISLATIVE POLICY MANUAL

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 5, 2018  
AMENDED BY THE CITY COUNCIL ON OCTOBER 7, 2019  
AMENDED BY THE CITY COUNCIL ON OCTOBER 21, 2019

---

Council to advise the Governor and Legislature; providing financial support of regional military-community partnerships such as Forward Fairchild, Puget Sound Naval Bases Association and SSMCP; and strengthening financial, legislative and political support for military presence in Washington in anticipation of future force restructuring or defense contract reductions due to sequestration, Department of Defense budget reductions, and/or base realignment and closure (BRAC) rounds.

Lakewood supports SSMCP's 2020 Legislative Priorities to secure operating funding for the newly established Defense Community Compatibility Account (DCCA), lay the groundwork to request \$15 million be allocated to DCCA in the next biennial capital budget, and continue advocating for investments along the I-5 corridor from Mounts Road to Tumwater.

# REQUEST FOR COUNCIL ACTION

<b>DATE ACTION IS REQUESTED:</b> October 21, 2019	<b>TITLE:</b> AN ORDINANCE of the City Council of the City of Lakewood, Washington: adopting Ecology-Recommended Council-requested changes to the 2019 Shoreline Master Plan.	<b>TYPE OF ACTION:</b> <input checked="" type="checkbox"/> ORDINANCE NO. 718 <hr style="width: 100%;"/> <input type="checkbox"/> RESOLUTION NO. <input type="checkbox"/> MOTION NO. <input type="checkbox"/> OTHER
<b>REVIEW:</b> October 14, 2019 Council Study Session October 21, 2019 Council Public Meeting	<b>ATTACHMENTS:</b> Draft Ordinance, 2019 Shoreline Master Program with proposed changes	


**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 Ecology-recommended and Council-requested changes to the 2019 periodic review amendments to the 2014 Shoreline Master Program.

**DISCUSSION:** Per RCW 90.58.090(2)(e), the City may choose to adopt the recommended changes or submit an alternative to all or part of the changes recommended by Ecology. The City must notify Ecology which of the recommended changes the City will adopt. If Ecology determines that any alternative proposals are consistent with the purpose and intent of Ecology’s original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action.

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

**FISCAL IMPACT:** de minimus.

Prepared by: <u>Tiffany Speir, Planning Manager, Special Projects</u>  Department Director: <u>Dave Bugher, Asst. City Manager for Development Services</u>	 <hr style="width: 100%;"/> City Manager Review
---	--



**ATTACHMENT A Draft Ordinance**

**ORDINANCE NO. 718**

AN ORDINANCE of the City Council of the City of Lakewood, Washington: adopting changes to the 2019 Shoreline Master Program.

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

WHEREAS, the City of Lakewood is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW; and

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as “SMA”) recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City is required to develop a Shoreline Master Program (“SMP”) pursuant to the SMA and WAC 173-26; and,

WHEREAS, on August 14, 2014, the City adopted Ordinance No. 590 adopting an SMP; and

WHEREAS, in on May 6, 2019, the City adopted Ordinance No. 711 adopting 2019 periodic review amendments to the 2014 Lakewood SMP; and

WHEREAS, on September 30, 2019, the Department of Ecology issued a letter finding that “the City’s SMP is consistent with the policy and procedural requirements of the Shoreline Management Act of 1971 and the Shoreline Master Program Guidelines;” and

WHEREAS, within the September 30, 2019 letter, the Department of Ecology also stated that the department was conditionally approving the City's 2019 Shoreline Master Program pending City adoption of several recommended minor changes; and

WHEREAS, the City Council has reviewed and accepted the changes recommended by the Department of Ecology on its September 30, 2019 letter; and

WHEREAS, the City Council has considered and accepted changes requested by a member of the Council at its October 14, 2019 study session;

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

**Section 1.** Changes to the Lakewood 2019 Shoreline Master Program adopted. The City Council hereby adopts the Ecology-recommended and Council Member-requested changes to the 2019 Shoreline Master Program, a copy of which is attached to this ordinance as Exhibit A and incorporated herein by this reference. A copy of said SMP shall be on file in the office of the City Clerk for public use and copies of this ordinance, together with copies of the SMP, shall be distributed and filed as required by law. In the event of a conflict between the SMP and any provision of Title 14 of the Lakewood Municipal Code, the SMP shall control.

**Section 2.** 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 3.** Effective Date. This ordinance shall take effect fourteen days following the date of a letter to the City of Lakewood from the Washington State Department of Ecology approving the SMP adopted by this ordinance.

PASSED by the City Council this 21<sup>st</sup> day of October, 2019.

CITY OF LAKEWOOD

---

Don Anderson, Mayor

Attest:

---

Briana Schumacher, City Clerk

Approved as to Form:

---

Heidi Ann Wachter, City Attorney

**EXHIBIT A**

**2019 Shoreline Master Program with Ecology-Recommended and Council Member-Requested Changes**

# City of Lakewood

## Shoreline Master Program *Environment Designations, Policies, and Regulations*



Prepared by:

AHBL  
1200 6th Avenue  
Suite 1620  
Seattle, WA 98101

With:  
Otak, Inc.  
10230 NE Points  
Drive, Suite 400  
Kirkland, WA 98033

**DATE:**

***SMP Periodic Review: Lakewood City Council approval May 6, 2019; with 9/30/19 ECY-recommended changes and 10/14/19 Council member-requested changes***



This document was funded in part through a grant from the Washington Department of Ecology: 2009 Grant No. G1000045; 2018 Grant No. SEASMP-1719-LakPWD-00060.



# Acknowledgments:

City of Lakewood Citizens

City of Lakewood Planning Commission

City of Lakewood City Council

*This page intentionally left blank*

# Table of Contents

<b>Chapter 1</b>	<b>Introduction</b>	<b>1</b>
A.	History and Requirements of the Shoreline Management Act	1
B.	Shoreline Master Program Development and Public Participation	2
C.	Purposes of the Shoreline Master Program	2
D.	Shoreline Master Program Basics	2
E.	Organization of this Shoreline Master Program	3
F.	Relationship between this Shoreline Master Program and Other Plans	4
G.	Title	4
<b>Chapter 2</b>	<b>Shoreline Environments</b>	<b>5</b>
A.	Introduction to Shoreline Environment Designations	5
B.	Need for Consistency	5
C.	City of Lakewood Shoreline Jurisdiction	6
D.	City of Lakewood Shoreline Environment Designations	6
E.	Shoreline Areas Not Mapped or Designated	7
F.	Management Policies and Regulations	7
	1. Shoreline Residential Environment	7
	2. Urban - Stream Protection Environment	9
	3. Urban Park Environment	10
	4. Conservancy Environment	12
	5. Natural Environment	14
	6. Aquatic Environment	16
<b>Chapter 3</b>	<b>General Shoreline Provisions</b>	<b>19</b>
A.	Introduction	19
B.	Policies and Regulations	19
	1. Universally Applicable Policies and Regulations	19
	2. Archaeological and Historic Resources	20
	3. Critical Areas	22
	4. Environmental Impacts and Mitigation Sequencing	26
	5. Public Access	27
	6. Restoration	30
	7. Shorelines of Statewide Significance	33
	8. Shoreline Vegetation Conservation (Clearing and Grading)	34
	9. Water Quality, Stormwater, and Non-Point Pollution	38
<b>Chapter 4</b>	<b>Shoreline Use Provisions</b>	<b>41</b>
A.	Applicability	41
B.	General Policies	41



C.	Shoreline Use and Development Standards	42
1.	Shoreline Use Table	42
2.	Shoreline Development Standards Table	44
3.	Shoreline Setback and Buffer Regulations Administration	46
D.	Specific Shoreline Use Policies and Regulations	49
1.	Aquaculture	49
2.	Boating Facilities	50
3.	Commercial Development	53
4.	Parking	55
5.	Recreational Development	56
6.	Residential Development	58
7.	Signs	60
8.	Trails	60
9.	Transportation Facilities	61
10.	Utilities (Primary)	63
11.	Utilities (Secondary)	64
<b>Chapter 5</b>	<b>Shoreline Modification Provisions</b>	<b>67</b>
A.	Introduction and Applicability	67
B.	Table of Permitted Shoreline Modifications	67
C.	Policies and Regulations	68
1.	General Policies and Regulations	68
2.	Shoreline Stabilization (Including Bulkheads)	69
3.	Dredging and Disposal	76
4.	Fill	79
5.	Overwater Structures and Launching Facilities	80
<b>Chapter 6</b>	<b>Administration</b>	<b>89</b>
A.	Purpose and Applicability	89
B.	Shoreline Administrator	89
1.	Authority	89
2.	Duties	90
C.	Substantial Development	91
1.	Exemptions	91
2.	Permit Process	92
D.	Variances and Conditional Use Permits	93
1.	Shoreline Variance	93
2.	Shoreline Conditional Use Permits	94

E.	Appeals to the Shoreline Hearings Board	95
F.	Nonconforming Use and Development Standards	95
	1. Applicability	95
	2. Standards for Nonconforming Structures, Uses, and Lots	96
G.	Enforcement and Penalties	97
	1. General Provisions	97
	2. Administrative Orders	98
	3. Suspension and Revocation	99
H.	Shoreline Master Program Review by City of Lakewood	99
I.	Amendments to the Shoreline Master Program	100
J.	Severability	100
K.	Conflict of Provisions	100
<b>Chapter 7</b>	<b>Definitions and Abbreviations</b>	<b>101</b>

## List of Tables

Table I.	Shoreline Uses	42
Table II.	Shoreline Development Standards	44
Table III.	Shoreline Setback and Buffer Reduction Mechanisms	48
Table IV.	Permitted Shoreline Modifications	67
Table V.	Dimensional Standards for Overwater Structures	84

## List of Figures

Figure 1.	Shoreline Environment Designations Map	18
-----------	--	----

*This page intentionally left blank*

# Chapter 1 Introduction

## A. History and Requirements of the Shoreline Management Act

Washington’s Shoreline Management Act (SMA or the Act) was adopted in 1971 by referendum to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines. RCW 90.58.020 outlines the Act’s three broad policies:

1. **Encourage water-dependent uses**, preferably those “consistent with control of pollution and prevention of damage to the natural environment, or unique to or dependent upon use of the state’s shorelines”;
2. **Protect shoreline natural resources**, including "the land and its vegetation and wildlife, and the waters of the state and their aquatic life”; and
3. **Promote public access**: “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.”

This Act recognizes that shorelines are among the most valuable and fragile of the state's resources. The Act and the City of Lakewood recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Developing an inventory of the natural characteristics and land use patterns along shorelines covered by the act.
2. Preparing a Shoreline Master Program (SMP) to determine the future of the shorelines.
3. Preparing a cumulative impact analysis to demonstrate that reasonably foreseeable development under the SMP will not result in a net loss of ecological function.
4. Developing a permit system to further the goals and policies of both the Act and the SMP.
5. Developing a Restoration Plan that includes goals, policies, and actions to restore impaired shoreline ecological functions.

## **B. Shoreline Master Program Development and Public Participation**

The City obtained a grant from the Washington Department of Ecology (Ecology) in 2009 to conduct a comprehensive SMP update. The first step of the update process was to inventory the City's shorelines as defined by the Act, Chapter 90.58 RCW. American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek comprise the City's SMA shorelines. The inventory describes existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the shoreline will be measured.

The City identified environmental designations for the different shorelines, and policies and regulations for each were developed.

Ecology's SMP Guidelines (See Chapter 173-26-186(8) WAC) require the City to demonstrate that its updated SMP yields "no net loss" in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP, in combination with other City and regional efforts, will ultimately produce a net improvement in shoreline ecological functions.

## **C. Purposes of the Shoreline Master Program**

The purposes of this SMP are:

1. To carry out the responsibilities imposed on the City by the SMA.
2. To comply with the SMP Guidelines (See WAC 173-26-186), focusing on regulations and mitigation standards to ensure that development under the SMP will not result in a net loss of ecological functions.
3. To further both the policies of Chapter 90.58 RCW and the policies of this SMP.
4. To promote public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of the City.

## **D. Shoreline Master Program Basics**

The City's SMP is both a planning and regulatory document that outlines policies and development regulations for the City's shorelines.

In order to preserve and enhance the City's shorelines, it is important to consult the City Shoreline Administrator and evaluate all shoreline development proposals in terms of the City's SMP. Some developments may be exempt from obtaining a permit; however, all proposals must comply with the policies and regulations established by the SMA as expressed through this local SMP.

While the SMA defines the content and goals that local jurisdictions should include in the SMP, each community must develop specific regulations to address their individual needs. Under the SMP Guidelines, all shorelines governed by the SMA receive a shoreline environment designation. The purpose of the shoreline environment designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

The City has designated its shorelines on American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek under six shoreline environment designations: Aquatic, Natural, Conservancy, Urban Park, Urban - Stream Protection and Shoreline Residential. These shoreline environment designations are described in Chapter 2, Shoreline Environments.

American Lake has shorelines of statewide significance per RCW 90.58. Local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the City's Shoreline Administrator (the City's Community Development Director or designee) to determine how the proposal is addressed in the SMP. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Master Program.

The Shoreline Administrator will determine if a proposal is exempt from having to obtain a substantial development permit (i.e. qualifies for a Shoreline Exemption), as well as provide information on the permit application process.

Requests for variances, conditional use permits (CUPs), and/or substantial development permits require review and approval by the Shoreline Administrator and/or recommendation by the Shoreline Administrator to the Hearing Examiner, in accordance with Chapter 6 of this SMP. Requests for CUPs and variances also require final approval by Ecology. A description of exempt projects, shoreline application procedures, and criteria are discussed in Chapter 6, Administration.

A description of the area within the jurisdiction of this SMP is presented in Chapter 2: Shoreline Environments. Figure 1 depicts the general extent of shoreline jurisdiction in the City.

## **E. Organization of this Shoreline Master Program**

This SMP is divided into seven chapters:

**Chapter 1: Introduction** provides general background information on the SMA; the development of the SMP in the City; and a general discussion of when and how a SMP is used.

**Chapter 2: Shoreline Environments** defines and maps the approximate extent of City's shoreline jurisdiction and defines and maps the environment designations of the City's shorelines. Policies and regulations specific to the six (6) shoreline environment designations are detailed in this chapter.

**Chapter 3: General Policies and Regulations** establishes the general policies and regulations that apply to uses, developments, and activities in *all* shoreline areas of the City, regardless of environment designation.

**Chapter 4: Specific Shoreline Use Policies and Regulations** sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. Specific setback regulations, reduction incentives, and dimensional and density standards are detailed in this chapter. The policies and regulations cover the following uses and activities: Aquaculture; Boating Facilities; Commercial Development; Parking (as a primary use); Recreational Facilities; Residential Development; Signs; Trails; Transportation Facilities; Utilities (Primary and Accessory); and other uses and activities.

**Chapter 5: Shoreline Modification Activity Regulations** provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

**Chapter 6: Administration** provides the system by which the City's SMP will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, CUPs, and variances.

**Chapter 7: Definitions** defines terms found in this document.

## **F. Relationship between this Shoreline Master Program and Other Plans**

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other applicable local, state, regional, or federal laws or regulations. In the City, this includes, but is not limited to, the Land Use and Development Code (Lakewood Municipal Code (LMC) Title 18A), the Performance Code for Building and Facilities (LMC Title 15A), the City of Lakewood Comprehensive Plan, and the adopted surface water design manuals.

## **G. Title**

This document shall be known and may be cited as the City of Lakewood Shoreline Master Program. This document may refer to itself as 'The Master Program' or "SMP."

# Chapter 2 Shoreline Environments

## A. Introduction to Shoreline Environment Designations

The SMA and the SMP Guidelines provide for shoreline environment designations to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. Shoreline environment designations are intended to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities, and limitations, the aspirations of the local citizenry and the criteria in the SMP Guidelines.

Environment designations are categories that reflect the type of development that has or that should take place in a given area. The SMP Guidelines recommend classifying shoreline environments using the categories described in WAC 173-26-211(5). Additionally, local governments may establish an alternative shoreline environment designation, provided there is consistency with the purposes and policies of the SMA and the SMP Guidelines, including WAC 173-26-211(5).

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment designation.

## B. Need for Consistency

Local governments are tasked with evaluating consistency between the SMP, the Comprehensive Plan, and land use regulations under WAC 173-26-211(3). The SMA requires that policies for lands adjacent to the shorelines be consistent with the Act, implementing rules and the local SMP. Conversely, local comprehensive plans provide the underlying framework within which SMP provisions should fit. The Growth Management Act (GMA) requires that SMP policies be incorporated as an element of the comprehensive plan, and that all elements be internally consistent. In addition, under the GMA, all development regulations must be consistent with the comprehensive plan.

The SMP Guidelines identify three criteria to assist local governments in evaluating the consistency between SMP environment designation provisions and the corresponding comprehensive plan elements and development regulations, including:

1. **Provisions not precluding one another.** Comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of both the comprehensive plan and the SMP must be able to be met. Further, when considered together and applied to any one piece of property, the SMP use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.



2. **Use compatibility.** Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent existing or potential future water oriented uses, especially water dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, SMPs, comprehensive plans, and development regulations should prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.
3. **Sufficient infrastructure.** Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline environment designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

## C. City of Lakewood Shoreline Jurisdiction

As defined by the SMA, lands subject to shoreline jurisdiction include “waters of the state” plus their associated “shorelands.” At a minimum, waters of the state are streams whose mean annual flow is 20 cubic feet per second (c.f.s.) or greater, and lakes whose area is greater than 20 acres. In RCW 90.58.030, Shorelands are defined as:

“Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter.”

Within the City, shoreline jurisdiction includes American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, and Waughop Lake and their shorelands, as well as Chambers Creek and Clover Creek and their shorelands. Figure 1 depicts the general location of shoreline jurisdiction in the City and is illustrative in nature. The actual definition of shoreline jurisdiction as detailed in the SMA will determine the actual extent of shoreline jurisdiction on a project-by-project or parcel-by-parcel level. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria in RCW 90.58.030(2) and Chapter 173-22 WAC to determine shorelands and the extent of each environment designation.

~~When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail, consistent with the following rules:~~

- ~~1. Boundaries indicated as approximately following parcel, tract or section lines shall be so construed.~~
- ~~2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment of this Shoreline Master Program (SMP).~~
- ~~3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right of way edge.~~
- ~~4. Boundaries indicated as approximately parallel to or extensions of features indicated in XXX section of this SMP shall be so construed.~~

## D. City of Lakewood Shoreline Environment Designations

This SMP establishes six shoreline environment designations for the City of Lakewood's shoreline jurisdiction. These environments are derived from the City's Shoreline Analysis Report, the City of Lakewood Comprehensive Plan, and the environments recommended by the SMA and the SMP Guidelines. The City's Shoreline Analysis Report provides an inventory of natural and built conditions within the City's shoreline jurisdiction. The conditions identified in the inventory have been compared with the recommended shoreline environments and the most appropriate environments selected. The six (6) City shoreline environment designations in order of most intensive to least intensive are:

1. Shoreline Residential,
2. Urban - Stream Protection,
3. Urban Park,
4. Conservancy,
5. Natural, and
6. Aquatic.

These shoreline environment designations for the City are illustrated in Figure 1 (Shoreline Management Environment Designations), located at the end of this chapter page \_\_\_\_\_, and described in the text below. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and references to development standards that are specific to that shoreline environment. Shoreline development standards in each shoreline environment are summarized in Table II in Chapter 4. Development standards pertaining to all shoreline areas are covered in Chapter 3 and development standards for particular uses are detailed in Chapter 4.

When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail, consistent with the following rules:

1. Boundaries indicated as approximately following parcel, trac or section lines shall be so construed.
2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment of this Shoreline Master Program (SMP).
3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right-of-way edge.
4. Boundaries indicated as approximately parallel to or extensions of features indicated in this SMP shall be so construed.

Please see Figure 1 below at page \_\_\_\_\_ for the Shoreline Environment Designations Map.

## E. Shoreline Areas Not Mapped or Designated

Any undesignated or unmapped shorelines in the City and its Urban Growth Area are assigned automatically a Conservancy shoreline environment designation until the shoreline is re-designated through an amendment to the SMP. This includes any areas that are annexed into the City and fall within the City's shoreline jurisdiction, such as Camp Murray.

## **F. Management Policies and Regulations**

### **1. Shoreline Residential Environment**

#### **a) Purpose**

The Shoreline Residential environment designation is designed to provide for residential uses and structures where the necessary facilities for development can be provided. An additional purpose is to provide appropriate public access and recreational uses.

#### **b) Designation Criteria**

The Shoreline Residential environment designation is assigned to shoreline areas that are associated with lakes and are predominantly single-family or multi-family residential development or are platted, zoned, and planned for residential development.

#### **c) Designated Areas**

##### **1) Description**

Shoreline Residential environment areas include those shorelands adjacent to American Lake, Gravelly Lake, Lake Louise, and Lake Steilacoom that are primarily developed and/or platted and zoned for residential uses, and where that use is anticipated to continue in the future.

##### **2) Rationale**

The segments of shoreline designated as Shoreline Residential are predominately-residential land uses and all areas are platted and planned for low to moderate residential density. Urban services and infrastructure are provided to these properties.

#### **d) Management Policies**

- 1) Residential activities and developments that protect and enhance the shoreline are preferred.
- 2) Limited non-residential uses, such as water-oriented recreation facilities, parks, day care facilities, and home occupation businesses should be allowed, provided they are consistent with the residential character and the requirements of the underlying zone.
- 3) Development should be located, sited, designed, and maintained to protect, enhance, and be compatible with the shoreline environment designation.

- 4) Development regulations should require the preservation of ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- 5) Multi-family development, subdivisions of more than four lots and recreational developments should provide public access to the shoreline and joint use facilities for community recreational needs.
- 6) Low impact development (LID) best management practices (BMPs), such as minimizing effective impervious surfaces, infiltrating run-off, using green roofs and pervious pavers and other BMPs, should be implemented where feasible.
- 7) Private property owners should be encouraged to preserve and enhance native shoreline vegetation and use environmentally friendly landscaping practices, through incentives, information, and other assistance.

**e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Shoreline Residential environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- 2) Development Standards: Shoreline related development standards for the Shoreline Residential environment are summarized in Table II of Chapter 4.

## **2. Urban - Stream Protection Environment**

**a) Purpose**

The purpose of the Urban - Stream Protection environment designation is to ensure appropriate protections for the ecological functions of Clover Creek, while recognizing the limited demand for water dependent uses in this environment. This designation reflects the current developed urban nature of most upland areas and provides for a range of uses consistent with underlying zoning, while closely regulating the intensity of development allowed within stream and wetland buffers.

**b) Designation Criteria**

The Urban - Stream Protection environment designation is assigned to shorelands along Clover Creek with the following characteristics:

- 1) Riparian functions impacted by historic development as documented in the Shoreline Analysis and Characterization Report;
- 2) Key management objectives include stream function enhancement, flood hazard mitigation, and fostering economically productive uses; and
- 3) A mix of urban land uses exist in upland areas, including single-family, higher density multi-family and

commercial uses, depending on the underlying zoning.

**c) Designated Areas**

1) Description

The Urban - Stream Protection environment designation is assigned to areas that include Clover Creek between Lake Steilacoom and the City of Lakewood city limits, except for the shorelands in Springbrook Park adjacent to Clover Creek.

2) Rationale

The Urban - Stream Protection environment designation will protect and enhance stream functions by encouraging vegetative buffer enhancement and limiting development near the stream, while accommodating and allowing flexibility for existing and future uses, including single-family residential and higher intensity commercial and multi-family uses, where allowed by underlying zoning.

**d) Management Policies**

- 1) Stream functions should be protected, preserved and, where possible, enhanced per the Critical Areas provisions, while also encouraging redevelopment and allowing sufficient flexibility for accommodating existing and future upland shoreline uses.
- 2) Development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- 3) Modification of the stream channel should not be allowed, except where there will be a clear improvement or restoration of stream functions.
- 4) Reflecting current land uses, a wide range of shoreline uses should be allowed outside of required setbacks and, critical areas, and buffers, including single- and multi-family residential, parks and open space, and commercial uses on existing commercial sites or where a public benefit consistent with the SMA's objectives can be provided, such as public access, mixed-use or ecological enhancement.
- 5) All uses should be consistent with the requirements of the underlying zoning. No new industrial uses should be allowed.
- 6) LID should be implemented where feasible for any development occurring within the Urban – Stream Protection environment.

**e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Urban - Stream Protection environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and are summarized in Table I of that Chapter.

- 2) Development Standards: Shoreline related development standards for the Urban - Stream Protection environment are summarized in Table II of Chapter 4.

### **3. Urban Park Environment**

#### **a) Purpose**

The purpose of the Urban Park environment designation is to protect and restore ecological functions of open space in urban and developed settings, while allowing a variety of compatible uses, with an emphasis on water oriented recreation.

#### **b) Designation Criteria**

The Urban Park environment is assigned to areas with one or more of the following characteristics:

- 1) They are generally suitable for water-oriented recreational uses,
- 2) They have potential for ecological restoration,
- 3) They retain important ecological functions, even though partially developed, or
- 4) They have the potential for development that is compatible with ecological restoration.

#### **c) Designated Areas**

##### 1) Description

Urban Park environment areas include:

- a. Shorelands in all public parks and public street ends located on lakes within the shoreline jurisdiction;
- b. Eagle Point (a private subdivision open space tract on American Lake, Parcel # 4001800540);  
and
- c. Lakewold Gardens (a private facility with public access on Gravelly Lake).
- d. Shorelands adjacent to Waughop Lake; and
- e. Shorelands in Springbrook Park adjacent to Clover Creek.

##### 2) Rationale

This designation will preserve and enhance the ecological functions of the publicly owned properties and private recreational areas of the shoreline while retaining future options for active and passive water oriented shoreline recreation and public access. The publicly owned parks offer potential for ecological restoration.

#### **d) Management Policies**

- 1) Uses that preserve the natural character of the area or promote preservation of open space, either directly or over the long term, should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the current uses and conditions at the specific location.
- 2) Water dependent recreational uses, such as public access piers, recreational floats and boat launches, should be given priority over non-water dependent recreational uses, provided they can be located, designed, constructed, operated, and mitigated in a manner that ensures no net loss of ecological function.
- 3) Public access and public recreation objectives should be implemented whenever feasible and whenever significant ecological impacts can be mitigated.
- 4) Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and small playground areas would be acceptable, but tennis courts and developed sports fields would not.
- 5) Standards should be established for shoreline stabilization, vegetation conservation, water quality and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- 6) LID should be implemented where feasible for any development occurring within the Urban Park environment.

#### **e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Urban Park environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- 2) Development Standards: Shoreline related development standards for the Urban Park environment are summarized in Table II of Chapter 4.

### **4. Conservancy Environment**

#### **a) Purpose**

The purpose of the Conservancy environment designation is to protect and restore ecological functions of open space, floodplain, and other sensitive lands, while allowing a variety of compatible uses, with an emphasis on passive recreation, such as trails and wildlife viewing.

## **b) Designation Criteria**

The Conservancy environment is assigned to shorelines with one or more of the following characteristics:

- 1) They are generally unsuitable for intensive water-dependent recreational uses;
- 2) They are open space, flood plain or other sensitive areas that should not be more intensively developed;
- 3) They have potential for ecological restoration;
- 4) They retain important ecological functions, even though partially developed; or
- 5) They have limited potential for development that is compatible with ecological restoration.

## **c) Designated Areas**

- 1) Description

Conservancy environment areas include:

- a. Shorelands of Chambers Creek between Lake Steilacoom and the confluence of Leach Creek; and
- b. Those portions of the Oakbrook 4<sup>th</sup> Addition subdivision that fall within the shoreline jurisdiction.

- 2) Rationale

This designation will preserve and enhance the ecological functions of undeveloped and minimally developed portions of the shoreline and sensitive lands while retaining future options for passive shoreline recreation and public access. These areas also offer potential for ecological restoration.

## **d) Management Policies**

- 1) Uses that preserve the natural character of the area or promote preservation of open space or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed.
- 2) Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and small playground areas would be acceptable, but tennis courts and developed sports fields would not.
- 3) Intensive water dependent facilities, such as motorized boat ramps, are generally not appropriate for these areas; limited facilities for swimming, viewing, and launch of non-motorized craft should be allowed in suitable areas.



- 4) Public access and public recreation objectives should be implemented whenever feasible and whenever significant ecological impacts can be mitigated.
- 5) Standards should be established for shoreline stabilization, vegetation conservation, water quality and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
- 6) LID should be implemented where feasible for any development occurring within the Conservancy environment.

#### **e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Conservancy environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- 2) Development Standards: Shoreline related development standards for the Conservancy environment are summarized in Table II of Chapter 4.

## **5. Natural Environment**

#### **a) Purpose**

The purpose of the Natural environment designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Local agencies should include planning for restoration of degraded shorelines within this environment.

#### **b) Designation Criteria**

A Natural environment designation is assigned to shoreline areas if any of the following characteristics apply:

- 1) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be changed by human activity;
- 2) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- 3) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

#### **c) Designated Areas**

- 1) Description

The Natural environment areas include the portion of Chambers Creek that includes the south bank between the confluence of Leach Creek and where Chambers Creek crosses the western City boundary. Parcels within the Oakbrook 4<sup>th</sup> Addition subdivision are specifically excluded from the Natural environment designation.

2) Rationale

This portion of Chambers Creek has generally high ecological function, a largely natural shoreline and is unable to support significant new development without significant adverse impacts to ecological function.

**d) Management Policies**

- 1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- 2) The following new uses should be prohibited in the Natural environment:
  - a. Commercial uses.
  - b. Industrial uses.
  - c. Non-water-oriented recreation, except the maintenance, repair, and limited expansion of existing facilities and uses.
  - d. Roads, utility corridors, and parking areas that can be located outside of Natural environment designated shorelines.
  - e. Multi-Family Residential.
  - f. Commercial forestry.
  - g. Agricultural uses.
- 3) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed if no significant ecological impact in the area will result.
- 4) Certain over-water structures, such as docks and piers, should not be allowed because of their impacts to the Natural environment and because there is not sufficient demand for these structures to support the water dependent uses on Chambers Creek.
- 5) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- 6) The subdivision of property should not be allowed.

- 7) LID should be implemented where feasible for any development occurring within the Natural environment.

**e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Natural environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- 2) Development Standards: Shoreline related development standards for the Natural environment are summarized in Table II of Chapter 4.

## **6. Aquatic Environment**

**a) Purpose**

The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

**b) Designation Criteria**

The Aquatic environment designation is assigned to areas waterward of the OHWM.

**c) Designated Areas**

- 1) Description

Aquatic environment areas include all areas waterward of the OHWM as generally shown in Figure 1, including areas waterward of the OHWM within Chambers Creek and Clover Creek, as determined on a site-by-site basis.

- 2) Rationale

Areas waterward of the OHWM within the City fall within the Aquatic environment designation criteria as set forth in WAC 173-26-211(5)(c). This designation intends to preserve, protect, and manage the ecological functions of all water bodies that are considered waters of the state, as defined by the SMA.

**d) Management Policies**

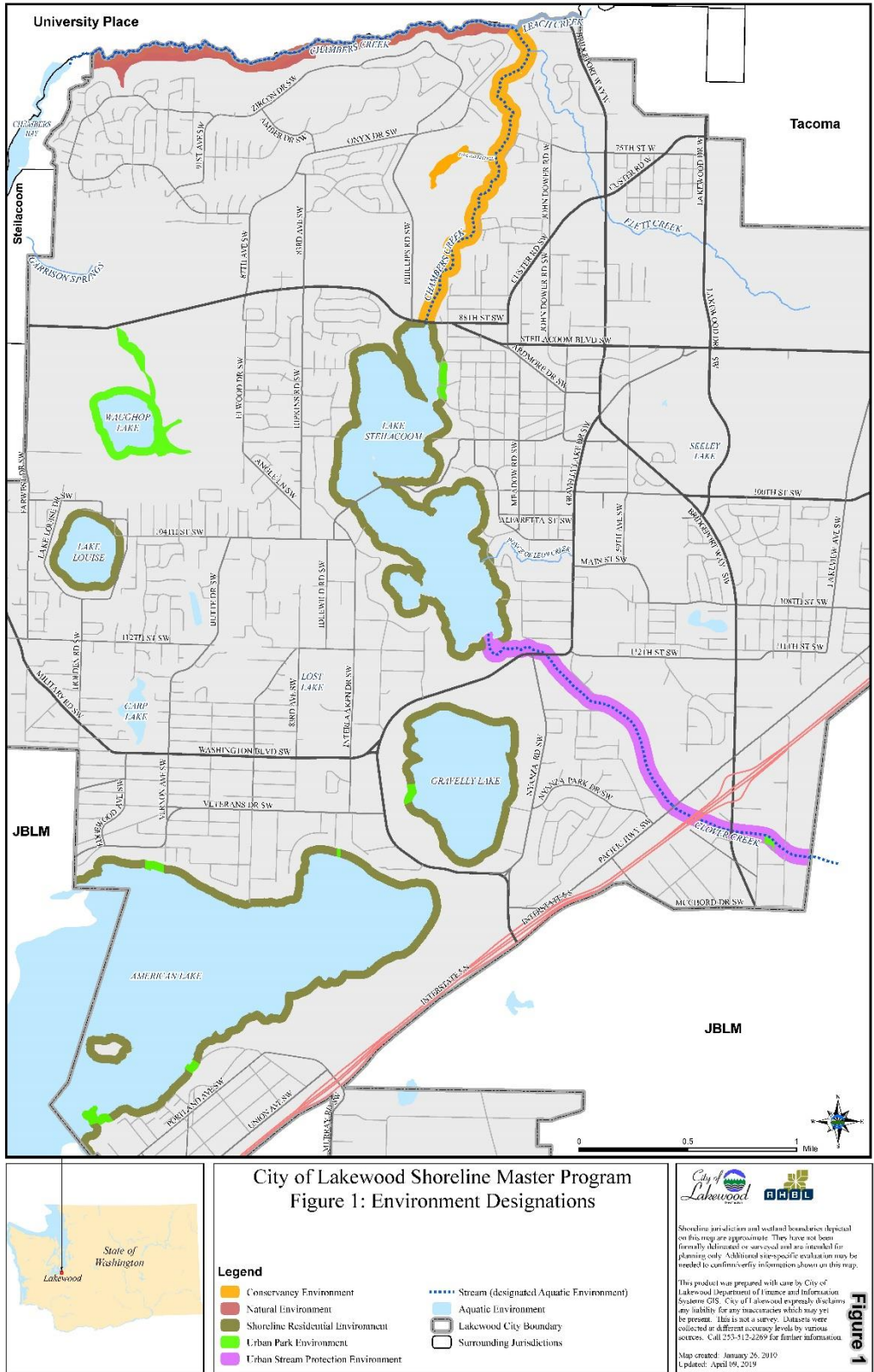
- 1) New over-water structures should be allowed only for water-dependent uses, public access, or ecological restoration.
- 2) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- 3) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.

- 4) All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- 5) Uses that adversely impact the ecological functions of identified critical freshwater habitats, should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in Chapter 3, Section B(4)(c)(3) of this SMP as necessary to assure no net loss of ecological functions.
- 6) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrological conditions.

**e) Regulations**

- 1) Shoreline Use: Permitted, conditional, and prohibited uses for the Aquatic environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.
- 2) Development Standards: Shoreline related development standards for the Aquatic environment are summarized in Table II of Chapter 4.

Figure 1. Note – Figure 1 is also available in 11x17 format at [www.cityoflakewood.us](http://www.cityoflakewood.us)



# Chapter 3    General Shoreline Provisions

## A.    Introduction

The following policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of Lakewood ~~except for those listed in WAC 173-27-044~~. General policies and regulations are broken into different topic headings. Each topic includes a description of its applicability, general policy statements, and specific regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, while detailing specific requirements for particular shoreline uses and activities. Topics include the following:

1.    Universally Applicable Policies and Regulations
2.    Archaeological and Historic Resources
3.    Critical Areas
4.    Environmental Impacts and Mitigation Sequencing
5.    Public Access
6.    Restoration
7.    Shorelines of Statewide Significance
8.    Shoreline Vegetation Conservation (Clearing and Grading)
9.    Water Quality, Stormwater, and Non-Point Pollution

These policies and regulations are in addition to other adopted ordinances and rules. Where conflicts exist between regulations, the requirement that most supports the provisions of RCW 90.58.020 shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City’s shorelines, protect the public’s interest in the shorelines’ recreational and aesthetic values, and assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.

These provisions address the elements of a SMP as required by RCW 90.58.100(2) and implement the SMP Guidelines as established in WAC 173-26-186.

## B.    Policies and Regulations

### 1.    Universally Applicable Policies and Regulations

### **a) Applicability**

The following provisions describe how this SMP is to be applied and the requirements for all shoreline uses and modifications in all shoreline environment designations.

### **b) Policies**

- 1) The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
- 2) The City should involve affected federal, state and tribal governments in the shoreline application review process.
- 3) The City should periodically review shoreline conditions to determine whether other actions are necessary to ensure no net loss of ecological functions, protect and enhance visual quality, and enhance residential and recreational uses on the City's shorelines. Such review should include, but is not limited to:
  - a. Water quality;
  - b. Conservation of aquatic vegetation (noxious weed control and vegetation enhancement that supports more desirable ecological and recreational conditions);
  - c. Changing visual character as result of new residential development, including additions, and individual vegetation conservation practices (both along shoreline and in upland areas); and
  - d. Shoreline stabilization and modifications.

### **c) Regulations**

- 1) All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the SMA and to the policies and regulations of this SMP.
- 2) The policies listed in this SMP are intended to provide broad guidance and direction for the "regulations" applied by the City. These policies constitute the Shoreline Element of the City's Comprehensive Plan.
- 3) If provisions within this SMP conflict, or where there is a conflict with other City policies and regulations, the provisions most directly implementing the objectives of the SMA, as determined by the Shoreline Administrator, shall apply unless specifically stated otherwise.
- 4) Shoreline uses, modifications and conditions listed as "prohibited" shall not be eligible for consideration as a variance or CUP. See Chapter 4 for Shoreline Use regulations and Chapter 6 (Administration) for exemptions, variances, conditional uses, and nonconforming use provisions.

## **2. Archaeological and Historic Resources**

### **a) Applicability**

The following provisions apply to archaeological and historic resources that either are recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records). Development or uses that may affect such sites shall comply with Chapter 25-48 WAC, as well as the provisions of this chapter.

**b) Policies**

- 1) Due to the limited and irreplaceable nature of archaeological and historic resources, destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Native American tribes, and Washington State Department of Archaeology and Historic Preservation should be prevented.
- 2) New development should be compatible with existing historic structures and cultural areas.

**c) Regulations**

- 1) Developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation and affected Native American tribes if archaeological resources are uncovered during excavation.
- 2) A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the shoreline permit.
- 3) Significant archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. When the Shoreline Administrator determines that a site has significant archeological, natural scientific or historical value, a substantial development permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The Shoreline Administrator may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- 4) In the event that unforeseen factors constituting an emergency as defined in WAC 173-27-040(2)(d) necessitate rapid action to retrieve, preserve, or protect property containing artifacts or data identified above from damage by the elements, the project may be exempted from the permit requirement. The City shall notify Ecology, the State Attorney General's Office, and the State Historic Preservation Office of such a waiver in a timely manner.
- 5) Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27-44 RCW (Indian Graves and Records) and Chapter 27-53 RCW (Archaeological Sites and Records) and shall comply with Chapter 25-48 WAC or its successor as well as the provisions of this SMP.



- 6) Identified historical or archaeological resources shall be considered in park, open space, public access, and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
- 7) Interpretive signs, plaques or other means to provide information about historical and archaeological features shall be provided, except when the location of resources are protected by state or federal law or disclosure of such information would potentially endanger the resources in question.

### **3. Critical Areas**

Critical areas in shoreline jurisdiction are regulated by this SMP. As such, the Critical Areas and Natural Resource Lands Regulations, Ordinance No. 630 § 10, December 7, 2015, and Ordinance No. 362 3(part), November 15, 2004, codified under Chapter 14 of the LMC, is herein incorporated by reference into this SMP (see Appendix A) with the exceptions and modifications noted below.

#### **a) Applicability**

Exceptions to the applicability of the Critical Areas and Natural Resource Lands Regulations in shoreline jurisdiction are provided below.

- 1) If provisions of the Critical Areas and Natural Resource Lands Regulations and other parts of the SMP conflict, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 shall apply, as determined by the Shoreline Administrator.
- 2) The setbacks and buffer provisions for SMA water bodies contained in Chapter 4, Section C shall apply.
- 3) Provisions of the Critical Areas and Natural Resource Lands Regulations that are inconsistent with the SMA and SMP Guidelines shall not apply or are specifically modified in shoreline jurisdiction, as follows:
  - a. The provisions do not extend shoreline jurisdiction beyond the limits specified in Chapter 2, Section C of this SMP.
  - b. Provisions relating to exemptions in LMC Section 14.142.070 and allowable activities such as those outlined in LMC Sections 14.154.090 and 14.162.090 do not relieve the applicant from obtaining a substantial development permit or other permit or approval required under this SMP, or meeting the specific requirements identified in other sections of the SMP, including, but not limited to, mitigation sequencing and the no net loss requirement.
  - c. Provisions that include a “reasonable use determination” shall not apply within shoreline jurisdiction. Specifically, LMC Sections 14.142.080 and 14.142.090 do not apply. Such uses and developments require a variance in accordance with Chapter 6 of this SMP.
  - d. Provisions relating to variance procedures and criteria do not apply in the shoreline jurisdiction. Specifically, LMC Section 14.142.110, which references variance procedures in the LMC, does not

apply. Variance procedures and criteria within shoreline jurisdiction have been established in this SMP, Chapter 6 Section D and in WAC 173-27-170.

- e. Provisions relating to nonconforming uses in LMC Section 14.142.180 shall not apply. Please see Chapter 6, Section F for nonconforming development standards within shoreline jurisdiction.
- f. Geologically Hazardous Areas. Provisions contained in LMC Section 14.146.000 are hereby clarified and amended.
  - i. New development and the creation of new lots through subdivision shall not be allowed when it would cause foreseeable risk from geological conditions to people or improvements during the life of the development.
  - ii. New development that would require structural shoreline stabilization over the anticipated life of the development shall not be allowed, unless stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.
  - iii. All shoreline stabilization shall comply with Chapter 5, Section C(1 and 2).
- g. Waughop Lake shall be subject to the setback requirements outlined in the SMP and not to the 35' buffer requirement in the LMC Section 14.154.060(B).
- h. Identification of wetlands and delineation of their boundaries shall be done in accordance with the most recent version of the approved federal wetland delineation manual and applicable regional supplements, pursuant to WAC 173-22-035. All areas within the shoreline management area meeting the wetland designation criteria in that procedure are hereby-designated critical areas and are subject to the provisions of this SMP. See LMC Chapter 14.162.
- i. Special permitted uses identified in LMC Section 14.162.060 may be authorized pursuant to the requirements herein, however, these provisions do not relieve an applicant from complying with all other procedural and substantive requirements of this SMP, including, but not limited to, mitigation sequencing, and no net loss.
- j. Wetland Buffers. The following modifications to LMC Section 14.162.080 shall apply.
  - i. Buffer width averaging in LMC Section 14.162.080(B)(1) shall be limited such that the buffer at its narrowest point is no less than 75% of the standard width.
  - ii. Administrative buffer reductions allowed under LMC Section 14.162.080(B)(2) shall be limited to 25% of the standard buffer width.
  - iii. Within shoreline jurisdiction, wetland buffers as outlined in LMC Section 14.162.080 (A) for Category I wetlands shall not apply. Wetland buffers within shoreline jurisdiction for Category I wetlands shall be 300 feet.

- k. Mitigation. LMC Section 14.162.100(A) shall not apply. Mitigation sequencing shall follow the requirements of Chapter 3, Section B(4)(c)(3).
- l. Agricultural Activities. LMC Section 14.162.110 shall not apply.
- m. Alternative Review Process, Corps of Engineers, Section 404 Permit. LMC Section 14.162.120 shall not be construed to modify the requirements contained in this SMP. In all cases, the buffer requirements identified herein shall apply and mitigation sequencing as required in Chapter 4, Section B(4)(c)(3) must be employed in the design, location and operation of the project.
- n. In-Stream Structures. Please see Chapter 5, Section C(5)(h) for regulations pertaining to in- stream structures such as dams and weirs.
- o. Channel Migration Zones (CMZ). Within the shoreline jurisdiction surrounding Chambers Creek, the Shoreline Administrator shall require a channel migration study when the City determines that a shoreline use, development or modification proposal has the potential to interfere with the process of channel migration. Potential CMZ reaches are shown on map 12 of the Shoreline Analysis Report dated October 1, 2010. The study shall include recommended measures (consistent with mitigation sequencing) that demonstrate how no net loss of ecological functions associated with channel migration will be achieved. The proposal must demonstrate how it will avoid affecting the CMZ through utilization of nonstructural flood hazard measures and avoid the need for future shoreline modifications and structural flood hazard measures.
- p. Flood Hazard Overlay. LMC Section 14.158.030 incorporates the Flood Hazard Overlay provisions of LMC Section 18A.40.100 by reference. In addition to the standards contained therein, the following shall apply:
  - i. Where feasible, nonstructural flood hazard reduction measures should be implemented.
  - ii. Development shall not increase flood hazards significantly or cumulatively and must be consistent with adopted and approved comprehensive flood hazard management plans, other comprehensive planning efforts, the requirements of the SMA and Chapter 173-26 WAC.
  - iii. New development and uses, including the subdivision of land, shall not be established when it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the CMZ or floodway.
  - iv. The following uses may be authorized within the CMZ or floodway:
    - a. Ecological restoration or projects that protect ecosystem processes or ecological functions.
    - b. Bridges, utility lines and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected area.

- c. Repair and maintenance of an existing legal use, provided such actions do not cause significant ecological impacts or increase flood hazards to other users.
  - d. Modifications or additions to an existing legal use, provided that further channel migration is not limited and the new development includes appropriate protection of ecological functions.
  - e. Development where existing structures prevent active channel movement and flooding.
  - f. Measures to reduce shoreline erosion, if it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition; the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions; and that the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.
- v. New structural flood hazard reduction measures shall be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with the requirements of Chapter 3, Section C(8).
- vi. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Such flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
- vii. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and immitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
- viii. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with this SMP and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.
- ix. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the State that evaluates cumulative impacts to the watershed system.

- x. Flood hazard overlay variance criteria and requirements in LMC Section 18A.40.160 are in addition to the standard shoreline variance criteria and requirements identified in Chapter 6, Section D(1).

## **4. Environmental Impacts and Mitigation Sequencing**

### **a) Applicability**

A primary concern of the SMA is the environmental impact that uses and development may have on the fragile shorelines of the state. The following policies and regulations specify how environmental impacts shall be addressed in project design, construction, and regulatory approval and apply to all uses, activities, and development, regardless of whether a permit is required.

### **b) Policies**

- 1) Shoreline processes and ecological functions should be protected through regulatory and non-regulatory means, including acquisition of key properties and conservation easements, development regulation, and providing incentives to encourage ecologically sound design.
- 2) The scenic aesthetic quality of shoreline areas and vistas should be preserved to the greatest extent feasible.
- 3) Adverse impacts on the natural environment should be minimized during all development phases (e.g. design, construction, operation, and management) and mitigation sequencing as described in the regulations should be applied to achieve no net loss of shoreline ecological functions.
- 4) Shoreline developments that propose to enhance environmentally sensitive areas, natural characteristics, shoreline resources, and provide water oriented public access and recreational opportunities should be encouraged and are consistent with the fundamental policies of this SMP.

### **c) Regulations**

- 1) All shoreline uses and developments shall be located, designed, constructed, and mitigated to result in no net loss of ecological functions necessary to sustain shoreline natural processes.
- 2) All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.), stabilization, landfills, dredging, groins, jetties, or substantial site regrading.
- 3) Where required, mitigation measures shall be applied in the following sequence listed in order of priority; lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable:
  - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by

- using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- 4) All shoreline developments shall be located, constructed, and operated so as not to be a hazard to public health and safety.
  - 5) Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation to ensure no net loss of ecological functions necessary to sustain shoreline processes shall be sufficient reason for permit denial.
  - 6) Substantive authority under the State Environmental Policy Act may be used to mitigate any environmental impacts not specifically or adequately addressed by the regulations contained in this SMP.

## **5. Public Access**

### **a) Applicability**

Public access includes the ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. There is a variety of types of public access, including, but not limited to, picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, and parking.

Existing formal public access to shorelines within the City includes American Lake North Park, Harry Todd Park (American Lake), Edgewater Park (Lake Steilacoom), Fort Steilacoom Park (Waughop Lake), and Chambers Creek Canyon Park. In addition, there are a number of public street ends where there may be potential for developing public access.

### **b) Policies**

- 1) Public shoreline access should be provided and enhanced through purchase or retention of access easements, signage of public access points, and designation and design of specific shoreline access areas for wildlife viewing.
- 2) Shoreline areas that hold unique value for public enjoyment should be identified and retained purchased, or easements should be acquired for public use. Prioritize sites in terms of short and long-

term acquisition and development.

- 3) Street crossings of Clover Creek and public street ends terminating at the creek should be considered for public access facilities.
- 4) Access should be provided for a range of users including pedestrians, bicyclists, boaters, and people with disabilities to the greatest extent feasible.
- 5) Provisions for shoreline access should be required when the proposed development can be shown to have an impact on public access to waters of the state. Shoreline projects shall not be permitted that result in any net loss of shoreline access.
- 6) Required public access exactions should be reasonably related to the nature and scope of the project's impact to public access resources. Proximity to the water, by itself, shall not constitute an impact or basis for an exaction.
- 7) The design, construction, and operation of permitted uses in the shoreline jurisdiction should be regulated to minimize interference with the public's use of the water.
- 8) Access to all shoreline areas should be improved through expanded non-motorized connections and transit service.
- 9) Shoreline public access trails should be integrated with other existing and planned regional trails where feasible to provide non-motorized access and community connections.
- 10) Existing and proposed public access and recreational uses should be ensured to not adversely affect the integrity and character of the shoreline, threaten fragile shoreline ecosystem, or impair or detract from the public's visual or physical access to the water.
- 11) Preservation and enhancement of the public's visual access to all shoreline areas should be encouraged through the establishment of setbacks and height limits that ensure view corridors, but not be construed to mean excess removal of vegetation that partially impairs views.
- 12) Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails), and habitat enhancement should be encouraged for the management of shoreline public access sites.
- 13) Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and they should be designed for accessibility by handicapped and physically impaired persons. Auxiliary facilities should be located outside of the shoreline management area or near the outer edge of the shoreline management area if feasible.
- 14) Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- 15) Regulations should ensure that the development of active recreational facilities results in no net loss of

ecological function. Regulations should address upland concerns, such as the location and design of parking and auxiliary facilities and active play areas, as well as the development of in-water and nearshore structures, such as non-motorized boat launches, piers, and swimming areas.

- 16) Public access facilities should be constructed of environmentally friendly materials, use LID BMPs where feasible, and sustain natural processes.
- 17) Regulations should provide guidance for the construction of trails in particularly environmentally sensitive shoreline segments along Chambers Creek and Waughop Lake.

### **c) Regulations**

- 1) Where the City has shown that a project would have an adverse impact on existing public access to the waters of the state or create a new demand for public access, provisions shall be made to mitigate the impact/meet the projected demand and ensure that there is no net loss to public access resources or opportunities. Examples of impacts to shoreline access resources or new demand include, but are not limited to:
  - a. The development would result in increased demand for shoreline access by the location of new dwelling units within the 200' SMA jurisdiction without physical shoreline access for each unit.
  - b. The development would foreclose an opportunity to access an area without existing public access, or where the opportunity for access is unique.
  - c. The proposed development would interfere with existing public access.
  - d. The proposed development would interfere with planned public access facilities shown in an adopted plan, ordinance, or resolution of the Lakewood City Council.
  - e. The proposed development would create additional potential demand for emergency response services without adequate potential access to the shoreline for emergency responders.
  - f. Instances where there is an existing public access or access easement applicable to the property.
- 2) The Community Development Director may authorize reasonable adjustments to development standards such as lot coverage, minimum lot width, setbacks, etc. in order to accommodate public access. Such adjustments may require a variance in accordance with Chapter 6(D)(1).
- 3) Development exactions for public access shall be reasonably related to the scope and nature of the project and its impact to public access. Access may be limited to the final users or residents of the development where full public access is not required to mitigate the identified impact.
- 4) Developments, uses, and activities shall be designed and operated to avoid blocking, reducing or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.



- 5) Public access sites shall be connected directly to the nearest public street through a parcel boundary, tract, or easement.
- 6) Public access sites shall be made barrier free for the physically disabled where feasible.
- 7) Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- 8) Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat, if applicable, or short plat as a condition running in perpetuity with the land. Recording with the Pierce County Recorder's Office shall occur at the time of permit approval (See RCW 58.17.110; relating to subdivision approval).
- 9) The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
- 10) Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
- 11) Physical public access shall be designed to prevent significant impacts to sensitive natural systems, follow the mitigation sequence identified in Chapter 3, Section B(4)(C)(4) and achieve no net loss of shoreline ecological function .
- 12) Where public access is to be provided by a trail the requirements contained in Chapter 4, Section (D)(8) shall apply.
- 13) Whenever financially feasible and practical, the City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline.
- 14) The Administrator may waive the requirement for public access where it is demonstrated to be infeasible due to reasons for incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other applicable legal limitations. In determining infeasibility, the Administrator shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses and restricting hours for public access.

## **6. Restoration**

### **a) Applicability**

Restoration refers to the reestablishment or upgrading of impaired ecological shoreline processes or functions. The following policies are intended to guide actions to improve shoreline ecological functions over time where such functions have been degraded. Restoration is distinct from mitigation measures necessary to achieve no net loss of shoreline functions and the City's commitment to plan for restoration will be implemented primarily

through non-regulatory means (e.g. incentives, public projects and voluntary private actions).

## **b) System-Wide Restoration Policies**

- 1) Areas that are biologically and aesthetically degraded should be reclaimed and restored to the greatest extent feasible while maintaining appropriate use of the shoreline. Water quality of all water bodies within the shoreline management area should be improved by managing the quality and quantity of stormwater in contributing systems, consistent with the latest Ecology Stormwater Management Manual for Western Washington.
- 2) The quality, width, and diversity of native vegetation in protected corridors adjacent to lake and stream habitats should be increased to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.
- 3) Work should continue with other jurisdictions and stakeholders on implementation of the Water Resource Inventory Area (WRIA) 12 Plan.
- 4) Funding for various restoration actions and programs should be sought from local sources and by working with other WRIA 12 jurisdictions and stakeholders to seek federal, state, grant and other funding opportunities.
- 5) A public education plan should be developed to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as pesticide/herbicide use, car washing) on fish and wildlife habitats. The City should strive to coordinate efforts with local groups such as the Tahoma Audubon Society, Chambers/Clover Creek Watershed Council, the Clover Creek Council and other appropriate partners and stakeholders. ~~In 2018, the Tahoma Audubon Society launched an outreach program targeted at property owners adjacent to creeks and Steilacoom Lake. Mailings, online resources and workshops educate about pesticides' effects on water quality and backyard plantings that attract birds and wildlife and could increase salmon runs in Chambers and Clover Creeks over time. This effort is conducted in cooperation with the Chambers/Clover Creek Watershed Council and the Clover Creek Council.~~
- 6) Lake area and wetland should be protected, enhanced, and restored throughout the contributing basin where functions have been lost or compromised.

## **c) SMA Restoration Policies**

- 1) Waughop Lake (Fort Steilacoom Park), American Lake North Park, Harry Todd Park, and Edgewater Park should be targeted for restoration of shoreline natural resources and functions while ensuring continued public access to the shoreline.
- 2) Restoration of aquatic and riparian habitat along Clover Creek should be encouraged and accomplished over time through incentives for private property owners, stormwater management improvements, and City capital improvement projects.

- 3) The City should collaborate with Pierce County and the City of University Place for any restoration activities that would improve habitat and other ecological functions within Chambers Creek Canyon Park.
- 4) The City, Washington State Parks, and Pierce County should protect natural areas and continue to identify and implement shoreline restoration projects at Fort Steilacoom Park, while ensuring continued public access.
- 5) Ecological functions of lake shorelines should be improved by removing bulkheads and replacing these features to the extent feasible with bioengineered stabilization solutions to improve aquatic habitat conditions.
- 6) Ecological functions of streams and related habitat with stream bank stabilization should be improved using native vegetation.
- 7) American Lake North Park and Harry Todd Park should be targeted for limited habitat enhancements that are designed and sited to be compatible with the heavy active recreation use at these parks. Opportunities include planting of native vegetation where appropriate.
- 8) Habitat conditions should be improved by increasing large woody debris recruitment potential through plantings of trees along the lakeshore, particularly conifers. Where a safety hazard will not be created, installation of large woody debris should be encouraged to meet short-term needs.
- 9) Single-family residential properties should be targeted with incentives, outreach, and information for homeowners who are willing to voluntarily remove bulkheads, plant native vegetation and recruit large woody debris.
- 10) The amount and impact of overwater and in-water structures should be decreased within SMP lakes through minimization of structure size and use of more environmentally friendly materials, including grated decking.
- 11) American Lake North Park, [Edgewater Park](#), Harry Todd Park, Springbrook Park and Open Space, and Chambers Creek Canyon Park should be targeted for the use of environmentally friendly materials and design during the future planned development of recreational facilities.
- 12) Native vegetation should be preserved and restored along shorelines to the greatest extent feasible.
- 13) Aquatic invasive species in American Lake, Gravelly Lake, Lake Louise, and Waughop Lake should be monitored and controlled, and participation in lake-wide efforts at Lake Steilacoom should continue to reduce populations of non-native aquatic vegetation.
- 14) Restoration projects may include shoreline modification actions such as vegetation modification, shoreline stabilization, dredging or filling in accordance with all applicable provisions in this SMP and provided the primary purpose of such actions is clearly restoration of natural character and ecological functions of the shoreline.

- 15) In accordance with RCW 90.58.580 and WAC 173-27-215, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.
- 16) Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.

## 7. Shorelines of Statewide Significance

### a) Applicability

The SMA designated certain shoreline areas as shorelines of statewide significance. American Lake is a shoreline of statewide significance. Such shorelines are considered major resources from which all people of the state derive benefits, thus preference is given to uses, which favor long-range goals and support the overall public interest.

### b) Policies

In implementing the objectives for shorelines of statewide significance, the City should consider the following policies in order of priority, 1 being the highest and 6 being the lowest.

- 1) Recognize and protect the statewide interest over local interest.
  - a. Make all information associated with this SMP and proposed amendments publicly available, and consider comments and opinions from groups and individuals representing statewide interests when developing and amending the SMP.
- 2) Preserve the natural character of the shoreline.
  - a. Designate and administer shoreline environment designations and use regulations to protect and restore the shoreline ecology and character.
  - b. Protect and restore diversity of vegetation and habitat associated with shoreline areas.
- 3) Support actions that result in long-term benefits over short-term benefits.
  - a. Restrict or prohibit development that would irreversibly damage shoreline resources.
- 4) Protect the resources and ecology of the shoreline.
  - a. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
  - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.

- 5) Increase public access to publicly owned areas of the shorelines.
  - a. Implement a comprehensive wayfinding signage program that directs the public to publicly owned shoreline areas.
- 6) Increase recreational opportunities for the public in the shoreline.
  - a. Plan for and encourage development of facilities for recreational use of the shoreline.

## **8. Shoreline Vegetation Conservation (Clearing and Grading)**

### **a) Applicability**

The following provisions apply to any activity, development, or use which results in the removal of or affect to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities.

### **b) Policies**

- 1) Native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and should mitigate the direct, indirect, and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
  - a. Providing shade necessary to maintain water temperatures required by salmonids and other organisms for all or a portion of their lifecycles.
  - b. Regulating microclimate in riparian and nearshore areas.
  - c. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macroinvertebrates.
  - d. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence and severity of landslides.
  - e. Reducing introduction of fine sediment into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
  - f. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
  - g. Providing a source of large woody debris to moderate stream flows, create hydraulic roughness, form pools and increase structural diversity for salmonids and other species.
  - h. Providing habitat elements for riparian-associated species, including downed wood, snags, migratory corridors, food, and cover.
- 2) Management and control of noxious and invasive weeds should be encouraged, preferably by using non-toxic or natural controls. Control of such species should be done in a manner that retains on-site

native vegetation, provides for erosion control, and protects water quality.

- 3) Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever feasible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
- 4) All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.
- 5) Incentives for the retention and planting of native vegetation should be provided, and extensive lawns should be discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications particularly in areas recommended for designation as Shoreline Residential. Incentives could include additional flexibility with building setbacks from American Lake, Gravelly Lake, Lake Louise, and Lake Steilacoom, a simplified permit process with recommended planting plans, reduced or waived permit fees, and/or City participation in a pilot-project that promotes shoreline restoration.
- 6) The City should explore opportunities for the planting and enhancement of native vegetation at American Lake North Park, Harry Todd Park, Edgewater Park, and Fort Steilacoom Park.
- 7) In order to increase habitat and address other ecological functions within the shoreline environment such as wave attenuation, temperature regulation, and bank stabilization, homeowners and property managers should be encouraged to leave diseased and fallen trees in place along the shoreline edge provided the trees are not a danger to public safety or private property.
- 8) The removal of mature trees and native vegetation along American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek should be regulated in a manner that provides greater protection than the current Tree Preservation regulations (LMC Section 18A.50.300). In particular, removal of non-hazardous mature trees and native vegetation within the required setback of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek should be severely restricted regardless of lot size or use.
- 9) The City should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides, which affect water quality and aquatic habitat.
- 10) Property owners should use the following BMPs when maintaining residential landscapes:
  - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along drainage channels, and shores of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek, as well as in the water.
  - b. Limit the amount of lawn and garden watering to avoid surface runoff.
  - c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street,

into a body of water, or near a storm drain.

- d. Use native plant materials wherever possible in soil bioengineering applications and habitat restoration activities for aquatic weed management. Remove, destroy, and modify aquatic vegetation only to the extent necessary to allow water-dependent activities to continue and in a manner that minimizes adverse impacts to native plant communities. Handle and dispose of weed materials and attached sediments appropriately.

### **c) Regulations**

- 1) Clearing and grading activities and related alteration of the natural landscape within shoreline jurisdiction shall only be allowed in association with a permitted shoreline use, activity or development, with limited exceptions as set forth below:
  - a. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with BMPs and the City's engineering and stormwater design standards, and native vegetation shall be promptly reestablished in the disturbed area. Noxious weeds removed under this provision shall be removed by hand or using small equipment to minimize negative impacts to the shoreline environment.
  - b. Pruning consistent with accepted arboricultural practices, maintenance of existing ornamental landscapes, and other activities allowed pursuant to these regulations, if said modification is conducted in a manner consistent with this SMP and results in no net loss to ecological functions or critical fish and wildlife habitats.
  - c. Maintenance or view restoration provided that said activity is conducted in a manner consistent with this SMP and results in no net loss to ecological functions or critical fish and wildlife habitat areas.
  - d. Removal of non-native vegetation, including trees up to six inches in diameter at breast height (dbh), provided all areas of exposed soil are replanted or stabilized.
- 2) All clearing and grading activities must also adhere to the requirements of this SMP and the City's code pertaining to land clearing and grading (Chapter 12A LMC - Public Works; LMC Sections 18A.50.400 - 18A.50.445 - Landscaping; LMC Section 18A.50.231 - Landscape design objectives for specific uses). Additional clearing and grading performance standards may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.
- 3) Shoreline developments shall address vegetation conservation and maintenance through compliance with this Section, the critical area standards incorporated in Appendix A, mitigation sequencing required in Section B(4)(c)(3) of this Chapter, and any other regulations specific to vegetation management that may be contained in other chapters of this SMP.
- 4) In all shoreline areas, land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.

- 5) Properties within the setbacks and buffers of Chambers Creek, Clover Creek, and Waughop Lake shall maintain native vegetation in an undisturbed state.
- 6) Native understory vegetation and trees within the shoreline setbacks in all environments shall be retained, unless removal is necessary to provide water access, to provide limited view corridors, to mitigate a hazard to life or property, or removal is in association with a permitted development. Any removed vegetation shall be replaced to assure no net loss in ecological functions.
- 7) Native understory vegetation and trees within the Natural environment shall be retained, unless removal is necessary to mitigate a hazard to life or property or allow for limited development associated with an educational, historic, water-oriented recreation, or cultural interpretation facility. Any removed vegetation must be replaced and/or enhanced to assure no net loss in ecological functions.
- 8) Within all other shoreline areas, outside of setbacks and buffers, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property. Significant trees, as defined in LMC Section 18A.50.320 shall be replaced according to a tree replacement plan prepared by a qualified professional that demonstrates how no net loss will be achieved.
- 9) The City shall require a shoreline vegetation management plan (SVMP) prepared by a qualified professional as part of any Substantial Development Permit that includes tree removal and land clearing. The City may require a SVMP for exempt activities or other permits involving tree removal and land clearing where necessary if project plans or other information does not clearly demonstrate compliance with this section. The SVMP shall document compliance with the mitigation sequence and identify appropriate compensatory mitigation, performance assurances, and maintenance and monitoring requirements necessary to assure no net loss of ecological functions. See Chapter 4, Section C(3)(a)(4 and 5) for additional SVMP requirements when the proposal involves an administrative setback reduction. The Citywide tree standards contained in LMC Section 18A.50.300 (Ordinance #264, August 20, 2001) shall be the minimum compensatory mitigation standards and the Shoreline Administrator may require additional compensatory mitigation to meet the no net loss standard. All development, including, but not limited to, development on lots that are less than seventeen thousand (17,000) square feet that would otherwise be exempt under the Citywide tree regulations, shall be required to comply with the standards contained in this SMP as well as those in Title 18A LMC.
- 10) Restoration of any shoreline that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to what most recently occurred on-site may be used.
- 11) Snags and downed trees that are not in the path of proposed improvements and do not pose a hazard to life or property shall be retained for wildlife habitat.
- 12) Placement of fifty (50) cubic yards or more of material from off-site (other than surcharge or preload), or the creation or raising of dry upland shall be considered fill and shall comply with the fill provisions in Chapter 5.



- 13) Surfaces cleared of vegetation and not developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and maintained such that, within three (3) years, the vegetation is at least ninety (90) percent reestablished.
- 14) Stabilization of exposed erosion-prone surfaces within the shoreline environment shall utilize soil bioengineering techniques wherever feasible instead of hardscape or structural techniques.
- 15) Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where weeds restrict an existing water dependent use. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Ecology and Washington Department of Fish and Wildlife (DFW) requirements. Aquatic vegetation control by mechanical methods is exempt from the requirement to obtain a substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- 16) The control of aquatic vegetation by de-rooting, rotovating or other methods, which disturb the bottom sediment or benthos, shall be considered development for which a substantial development permit is required.
- 17) The application of herbicides or pesticides in American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek, wetlands, or surface water conveyances requires a permit from the Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.
- 18) Prior to issuance of any construction, grading, or building permits, the City may require that the permittee post a cash guarantee to assure compliance with vegetation conservation standards. This amount should be equal one hundred fifty percent (150%) of the City Engineer's estimated cost of the project, or no less than two thousand dollars (\$2,000) unless specific proposal details support an alternative amount.
- 19) Prior to final issuance of a building permit, land use permit, or occupancy, a cash guarantee equal to thirty percent (30%) of the landscaping replacement cost may be required to assure compliance with vegetation conservation standards. The cash guarantee may be maintained for a three (3) year period, at which point the Shoreline Administrator will determine if the surety will be released or extended to maintain landscaped areas.
- 20) The Shoreline Administrator shall require the cash guarantees identified above when the proposal involves a variance, a setback reduction consistent with the flexible setback provisions of Chapter 4, Subsection C(3), or work within a critical area or buffer as defined in Appendix A.

## **9. Water Quality, Stormwater, and Non-Point Pollution**

## **a) Applicability**

The following section applies to all development and uses in shoreline jurisdiction that affect water quality and storm water quantity. Human occupation and shoreline area development affect water quality in numerous ways. For example, higher peak stormwater discharges at greater velocities caused by an increase in development and impermeable surfaces leads to scouring and stream bank erosion. Erosion increases suspended solids concentrations and turbidity in receiving waters, and carries heavy metals, household wastes, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. Water quality degradation adversely affects wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in Chapter 90.58 RCW. In January of 2007, the City received its Western Washington Phase II Municipal Stormwater Permit from the Ecology. Under this permit, the City developed a Stormwater Management Program.

## **b) Policies**

- 1) All shoreline uses and activities should be located, designed, constructed, and maintained to mitigate the adverse impacts to water quality.
- 2) Water quality education efforts should be used to reduce the potential sources of pollutants to American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek and other natural waterways. Phosphorous reduction sources in the Lake Steilacoom and American Lake sub-basins and fecal coliform sources in the Chambers Creek and Clover Creek sub-basins should be emphasized until the City can provide sufficient data to Ecology to have 303d listing removed from these water bodies. The 303d listing is comprised of those waters that are in the polluted water category under the Clean Water Act, for which beneficial uses- such as drinking, recreation, aquatic habitat, and industrial use - are impaired by pollution. Phosphorous sources include, but are not limited to, failing septic systems and residential fertilizer application. Fecal coliform pollutant sources include, but are not limited to, failing septic systems, and duck, geese and dog feces.
- 3) Stormwater impacts should be addressed through the application of the adopted Surface Water Design Manuals and all applicable City stormwater regulations.
- 4) New impervious surfaces should be limited within the shoreline management area by setting maximum impervious surface standards for new development and redevelopment and by encouraging pervious pavement use and other LID BMPs where feasible.
- 5) The City should work with the Tacoma-Pierce County Health Department to ensure existing septic systems are working properly to prevent groundwater and surface water degradation through excessive inputs of nutrients (nitrogen and phosphorus) and hazardous microbes, with an emphasis on the Chambers Creek and Clover Creek subbasins due to their 303(d) listing for fecal coliform.
- 6) The City should work with Pierce County Public Works and Utilities and the Tacoma-Pierce County Health Department to require sanitary sewer system connection when existing properties on septic

systems are developed, redeveloped, or substantially modified.

- 7) The City should continue to provide general information to the public about the land use and human activities which impact water quality by encouraging educational curricula that provide students with first hand exposure to the issues and solutions, and through community activities, such as Adopt-A-Stream programs.
- 8) The City should encourage homeowners and property managers to maintain and enhance vegetation that supports water quality functions and to use non-chemical weed and pest control solutions and natural fertilizers.

**c) Regulations**

- 1) All shoreline uses and activities shall utilize BMPs to minimize any increase in surface runoff and to control, treat, and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected during both construction and operation. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grassy swales, interceptor drains, and landscaped buffers. All types of BMPs require regular maintenance. BMPs are identified in the City's adopted stormwater manuals.
- 2) Structural stormwater facilities, such as vaults, pipes and catch basins, shall be located outside of the shoreline setback, unless the Shoreline Administrator determines that such location is not feasible.
- 3) Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- 4) The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected as determined by the Shoreline Administrator.
- 5) All shoreline development shall comply with the applicable requirements of the City's adopted surface water design Manuals and all applicable City stormwater regulations.
- 6) All shoreline development shall implement applicable LID BMPs where feasible, pursuant to the standards contained in the adopted surface water design manuals and the most recent edition of the Low Impact Development Technical Guidance Manual for Puget Sound.

# Chapter 4 Shoreline Use Provisions

## A. Applicability

As required by the SMA, this SMP sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development (Primary and Accessory), Forest Practices, Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory). The policies and regulations provide the basic criteria for evaluating shoreline permit applications and exemptions and are used to implement the broader goals, policies and intent of the SMA and this Program.

This SMP contains limited provisions related to commercial or industrial development along the shorelines of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek. These water bodies, with the exception of Waughop Lake and portions of Chambers Creek, are substantially developed with residential uses, with little undeveloped shoreline remaining. As such, access to the water is primarily related to recreation and residential uses and is not considered particularly important to commercial or industrial interests.

## B. General Policies

- 1) When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, the following should be applied in the order of preference listed below:
  - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
  - b. Reserve shoreline areas for water-dependent and associated water related uses.
  - c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
  - d. Treat single-family residential uses as a preferred use and encourage the continuation and development of this use where it can occur without significant impact to ecological functions or displacement of water-dependent uses.
  - e. Limit non-water-oriented uses to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the SMA, including opportunities for ecological enhancements and public access improvements.

- 2) Proposed shoreline use should be consistent with the City’s Comprehensive Plan. Conversely, upland uses on adjacent lands outside of immediate SMA jurisdiction (in accordance with RCW 90.58.340) should be consistent with the purpose and intent of this SMP.
- 3) All development and redevelopment activities within the City’s shoreline jurisdiction should be designed to ensure public safety, enhance public access, protect existing shoreline and water views, and achieve no net loss of shoreline ecological functions.
- 4) The use of “Green Building” practices should be encouraged, and in some cases required where feasible, such as LID and those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs, for new development within the shoreline jurisdiction.
- 5) Proposed shoreline uses should not infringe upon the rights of others or upon the rights of private ownership.
- 6) Shoreline uses, which enhance their specific areas or employ innovative features for purposes consistent with this program, should be encouraged.
- 7) Restoration in shoreline areas that have been degraded or diminished in ecological value and function because of past activities or catastrophic events should be encouraged.

## C. Shoreline Use and Development Standards

Table I and Table II indicate the allowable uses by shoreline environment designation and the key standards that apply to development. The standards in this section are supplemental to standards in other portions of this SMP. ~~See WAC 173-27-040, -044, and 045 for permit exemptions and when SMP permits do not apply.~~

### 1. Shoreline Use Table

Table I. Shoreline Uses

<b>KEY</b> <b>P3 = Permitted Use C = Conditional Use X = Prohibited</b>  <b>Shoreline uses are allowed only if permitted in both the shoreline environment designation and the underlying zone.</b>  <b>A use that occurs on both landward and waterward of the OHWM must meet the requirements of both the specific upland shoreline environment designation as well as the aquatic environment designation. Please also refer to specific use policies and regulations in Section 4 below.</b> <b>SHORELINE USE</b>	SHORELINE RESIDENTIAL	URBAN-STREAM PROTECTION	URBAN PARK	CONSERVANCY	NATURAL	AQUATIC
<b>Agriculture</b>	X	X	X	X	X	X
<b>Aquaculture</b>	C	C	C	C	X	C
<b>Boating Facilities <sup>1</sup></b>						

Marinas (Public or Private)	C	X	C	X	X	C
Floating Homes and Live Aboards	X	X	X	X	X	X
Community Piers and Docks (Private Shared Use)	P	X	P	X	X	P
Public Pier	C	X	P	X	X	P
Boat Launch <sup>4</sup>	C	X	C	X	X	C
<b>Water-Oriented Commercial <sup>2</sup></b>	C	P	C	C	X	C
<b>Non-Water Oriented Commercial <sup>2</sup></b>	C	P	C	C	X	X
<b>Forest Practices</b>	X	X	X	X	X	X
<b>Industrial</b>	X	X	X	X	X	X
<b>Mining</b>	X	X	X	X	X	X
<b>Parking</b>						
Parking (As a Primary Use)	X	X	X	X	X	X
Parking (As an Accessory Use)	P	P	P	X	X	X
<b>Recreation <sup>3</sup></b>						
Water-Dependent	P	P	P	P	P	P
Water-Enjoyment	P	P	P	P	P	P
Non-Water Oriented (As an Accessory Use)	P	P	P	P	C	X
Non-Water Oriented (As a Primary Use)	X	C	X	X	X	X
<b>KEY</b> <b>P3 = Permitted Use C = Conditional Use X = Prohibited</b>  <b>Shoreline uses are allowed only if permitted in both the shoreline environment designation and the underlying zone.</b>  <b>A use that occurs on both landward and waterward of the OHWM must meet the requirements of both the specific upland shoreline environment designation as well as the aquatic environment designation. Please also refer to specific use policies and regulations in Section 4 below.</b> <b>SHORELINE USE</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN-STREAM PROTECTION</b>	<b>URBAN PARK</b>	<b>CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
<b>Residential Structures</b>						
Single-Family	P	P	C	C	C	X
Multi-Family	P	P	X	X	X	X
<b>Scientific, Historical, Cultural, or Educational Uses</b>	P	P	P	P	P	P
<b>Transportation Facilities</b>						
New Public Roads	P	C	C	C	C	C
Expansion of Existing Roads and New Driveways	P	P	P	P	C	C
Major Trails	C	C	C	C	X	C
Minor Trails	P	P	P	P	P	C
<b>Utilities (Primary)</b>						
Solid Waste Disposal or Transfer Sites	X	X	X	X	X	X
Other	C	C	C	C	C	C
<b>Utilities (Secondary)</b>						
All	P	P	P	P	C	C
<b>Other Uses and Activities</b>						
Restoration Activities	P	P	P	P	P	P

<sup>1</sup> See Chapter 5 (Shoreline Modifications) for specific types of in-water or over water structures/facilities allowed in each environment (e.g. piers, docks and floats). Please note, boat ramps and overwater structures are not allowed in the Urban - Stream Protection, Conservancy, and Natural environments.

<sup>2</sup> In the Shoreline Residential, Conservancy and Urban Park environments, only water-oriented commercial activities or limited accessory commercial uses are allowed, e.g. day care in Shoreline Residential and concessions in the Urban Park, per the use standards in Commercial Uses in this SMP and in the underlying zoning.

<sup>3</sup>See permit requirements and exemptions in Chapter 5 and Chapter 6.

<sup>4</sup>Launching rails are not considered boating facilities for purposes of this Section. Launching rails are not intended to serve more than four (4) residences. For launching rail provisions, see Chapter 5.

## 2. Shoreline Development Standards Table

Table II. Shoreline Development Standards

<b>DEVELOPMENT STANDARD</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN - STREAM PROTECTION</b>	<b>URBAN PARK</b>	<b>CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
Maximum Height <sup>1</sup>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	N/A <sup>3</sup>
Shoreline Setback or Buffer By Waterbody <sup>2,4</sup>  Note: Setback requirements apply to all lakes and buffer requirements apply to streams. See definitions for more information.  Along streams, an additional 8 ft. building setback shall apply to edge of the buffer per Critical Area standards.	65 ft. Setback  (Note: May be reduced to 50 ft. with enhancement)	Clover Creek 65 ft. Buffer  (Note: May be reduced to 50 ft. with enhancement)	100 ft. Setback for Urban Park properties on all lakes  (Note: May be reduced to 75 ft. with enhancement)  Clover Creek 65 ft. Buffer  (Note: May be reduced to 50 ft. with enhancement.)	150 ft. Buffer  (Note: No reduction allowed unless a variance is obtained)	150 ft. Buffer  (Note: No reduction allowed unless a variance is obtained)	N/A <sup>3</sup>

<b>DEVELOPMENT STANDARD</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN - STREAM PROTECTION</b>	<b>URBAN PARK</b>	<b>CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
Maximum Impervious Surface Coverage within shoreline jurisdiction <sup>5</sup>	35% (R1 and R2) 50% (R3) 60% (R4) 50% (ARC) 60% (MR2) 70% (NC1) 80% (NC2)  Provided an additional 10% of site coverage using pervious pavements shall be allowed	See adjacent column for Shoreline Residential	30%	20%	5%	N/A <sup>3</sup>
Maximum Impervious Surface or Hard Surface Coverage within Shoreline Setback or Buffer.  Note: Pervious pavements required where feasible	10% within 25 ft. of the OHWM, 20% within remaining portion of setback	See critical area buffer requirements	10% within 25 ft. of OHWM, 20% within remaining portion of setback for Lakes  See critical area buffer requirements for stream	See critical area buffer requirements	See critical area buffer requirements	N/A <sup>3</sup>
Minimum Lot Frontage	50 ft. (Lake Louise)  60 ft. (American Lake and Gravelly Lake)  70 ft. (Lake Steilacoom)	100 ft.	No further subdivision allowed	No further subdivision allowed	No further subdivision allowed	N/A <sup>3</sup>



<b>DEVELOPMENT STANDARD</b>	<b>SHORELINE RESIDENTIAL</b>	<b>URBAN - STREAM PROTECTION</b>	<b>URBAN PARK</b>	<b>CONSERVANCY</b>	<b>NATURAL</b>	<b>AQUATIC</b>
Minimum Lot Size and Lot Density	Underlying zoning: R1 - 25,000 gsf R2 - 17,000 gsf R3 - 7,500 gsf R4 - 5,700 gsf	Underlying zoning: R1 - 25,000 gsf R2 - 17,000 gsf R3 - 7,500 gsf R4 - 5,700 gsf MF2 - 35 dua MF3 - 54 dua	No further subdivision is allowed	No further subdivision allowed	No further subdivision is allowed	N/A <sup>3</sup>

<sup>1</sup> Height limits apply to all permanent and temporary structures. Development shall also be subject to the height limits established by the underlying zoning. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances.

<sup>2</sup> Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. The standard setback applies unless the applicant implements voluntary enhancements as described in the following regulations and in Table III below. Where allowed, the setback may be reduced by the Shoreline Administrator to the minimum setback indicated in Table II. See zoning regulations for interior lot setbacks and other requirements that apply to specific zones. In the event of a conflict between a provision in this SMP and a provision in another part of the LMC, the requirement that provides the most protection to the shoreline management area shall be applied.

<sup>3</sup> Not Applicable. Land-based standards do not apply in the Aquatic environment because only water dependent structures and development, such as docks, are allowed. Height of all structures shall be the minimum necessary for the proposed water dependent use.

<sup>4</sup> Activities and improvements associated with ecological restoration or interpretation, water-oriented uses, and public access are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the minimum setback. Allowed structures include (but are not limited to) upland boathouses, gazebos, viewing platforms and decks.

<sup>5</sup> Partial credit may be given for using pervious pavements for driveways, parking areas, walkways, and patios, based on City review of the specifications for the particular product used. In no case shall the credit be used to develop more than an additional 10% of the lot with the pervious pavement. Please note that impervious surface coverage may be further limited within the setback or buffer pursuant to the development standards in this Chapter.

### 3. Shoreline Setback and Buffer Regulations Administration

- a) The following standards shall apply for all proposals that request a reduction in the standard shoreline setback or buffer identified in Table II:
  - 1) The standard setback or buffer may be reduced down to the minimum setback or buffer identified in Table II for each eligible shoreline environment designation and water body when setback reduction impacts are mitigated using the options provided in Table III to achieve an equal or greater protection of lake or stream ecological functions. Any setback or buffer reduction requests beyond that allowed in Table II shall require a variance. Within the Conservancy and Natural environments, buffer

reductions shall only be approved as part of the variance process. Variance approval criteria are described in Section 6.D.

- 2) At least one (1) water-related action must be undertaken in order to achieve the full reduction allowed.
- 3) A maximum of ten (10) feet in cumulative reduction may be achieved under Upland Related Actions.
- 4) All property owners who obtain approval for a setback or buffer reduction must have prepared and agree to adhere to a Shoreline Vegetation Management Plan (SVMP) approved by the Shoreline Administrator and record the final approved setback or buffer and corresponding conditions in a Notice on Title. The Notice on Title shall include a statement regarding the existence of the SVMP and it shall be provided to the Shoreline Administrator.
- 5) The SVMP shall detail the required restoration of native vegetation. The SVMP shall consist of a mixture of trees, shrubs, and groundcover and be designed to improve shoreline ecological functions. The SVMP shall include appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality. The SVMP shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:
  - a. The goals and objectives for the mitigation plan;
  - b. A description of how required mitigation sequencing was implemented;
  - c. Mitigation performance standards, including standards for vegetation coverage and survival;
  - d. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator for a period of no less than two (2) growing seasons nor more than five (5) years sufficient to establish that performance standards have been met as determined by the Shoreline Administrator; and
  - e. A contingency plan.
- 6) Whenever the Shoreline Administrator determines through progress report review that mitigation performance standards have not been achieved, the property owner shall be required to institute corrective action, which shall also be subject to further monitoring as provided in this section.
- 7) The Shoreline Administrator may require a cash guarantee or other security in an amount sufficient to guarantee that all required mitigation measures will be completed in a manner that complies with conditions of approval and to guarantee satisfactory workmanship and materials for a period not to exceed five (5) years. The Shoreline Administrator shall establish the conditions of the security according to the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
- 8) All costs associated with the mitigation/monitoring and planning including City expenses, shall be the responsibility of the applicant.
- 9) Impervious surface coverage within the approved lake setback shall be limited to ten percent (10%) within twenty-five (25) feet of the OHWM and twenty percent (20%) within the remaining portion of the applied setback. All development within buffers, including impervious surface, is subject to the requirements for Critical Areas contained in this SMP.

**Table III. Shoreline Setback and Buffer Reduction Mechanisms**

<b>REDUCTION MECHANISM</b>		<b>REDUCTION ALLOWANCE</b>
Water Related Actions		
1	Removal of an existing bulkhead which is located at, below, or within 5 ft. landward of the shoreline's OHWM and subsequent shoreline restoration to a natural or semi-natural state, including restoration of topography, beach/substrate (lake bottom) composition and stabilization of areas that have been disturbed by the bulkhead removal with native vegetation.	Bulkhead removal on at least 75% of frontage: 15 ft.  50% of frontage: 10 ft.  25% of frontage: 5 ft.
2	Restoration of natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline feature such as upland impervious surfaces or other structural alterations allowed) within 10 ft. of the OHWM, including restoration of native vegetation. This reduction will only be granted if ecological functions would be improved relative to the existing condition.	10 ft.
3	Existing hard structural stabilization at or near the OHWM is removed and new hard structural shoreline stabilization measures are setback from the OHWM between two (2) ft. to four (4) ft. based on feasibility and existing conditions and are sloped a maximum angle of 3 vertical: 1 horizontal to provide dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat. See Chapter 6 for stabilization measure types and additional standards. For purposes of this reduction mechanism only, need for the replacement structure is not required to be demonstrated as outlined in Chapter 5, Section (C)(2)(c), Shoreline Stabilization – Replacement and Repair.	5 ft.
4	Soft structural shoreline stabilization measures are installed waterward of the OHWM on a site currently containing only hard stabilization. Measures may include the use of gravels, cobbles, limited use of boulders in conjunction with other measures, and logs, as well as vegetation. The material shall be of a size and placed to remain stable and accommodate alteration from wind and boat-driven waves and shall be graded to a maximum slope of 1 vertical: 4 horizontal	5 ft.
Upland Related Actions		
5	Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75% of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25%	10 ft.

REDUCTION MECHANISM		REDUCTION ALLOWANCE
	of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 20 ft. of frontage may be used for improved shoreline access. Access areas shall be counted as part of the 25% non-native area and located to avoid areas of greater sensitivity and habitat value.	
6	Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25% of the reduced setback area. Up to 20 ft. of frontage may be used for improved shoreline access. Access areas shall be counted as part of the 75% non-native area and located to avoid areas of greater sensitivity and habitat value.	5 ft.
7	Installation of biofiltration/infiltration mechanisms such as rain gardens, bioswales, created and/or enhanced wetlands, infiltration facilities, ponds, or other approved LID BMPs that treat the majority of surface water run-off from a site and meet or exceed adopted stormwater requirements. (Note: stormwater ponds serving more than one property should be located outside of shoreline jurisdiction if feasible and in accordance with mitigation sequencing).	5 ft.
8	Installation of at least 500 sq. ft. of “green” roof in accordance with the standards of the LEED Green Building Rating System.	5 ft.
9	Installation of a minimum of 1,000 sq. ft. of pervious material for driveway, parking, patio and/or road construction.	5 ft.
10	Preserving or restoring at least 20% of the total lot area outside of the setback or buffer area as native vegetation. No more than 20% of the total lot area can be lawn.	5 ft.

## D. Specific Shoreline Use Policies and Regulations

### 1. Aquaculture

Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Aquaculture is dependent on the use of the water area. When consistent with control of pollution and prevention of damage to the environment, it is a preferred use of the water area. The technology associated with some forms of aquaculture is still in its formative stages and experimental. Thus, this SMP recognizes the necessity of some latitude in the development of this use.

#### a) Policies

- 1) Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions or significantly conflict with navigation and other water-dependent uses.

- 2) Aquaculture facilities should be designed and located to prevent the spread of disease to native aquatic life, significant ecological impacts caused by new nonnative species, or significant impacts on the shorelines' aesthetic qualities.

## **b) Regulations**

- 1) Aquaculture development shall conform to applicable state and federal policies and regulations, provided they are consistent with the SMA and this SMP to ensure no net loss of ecological function.
- 2) The applicant shall demonstrate that the proposed facility meets the requirements of Policy 2 above.
- 3) Impacts to ecological functions shall be mitigated in accordance with the sequence described in Chapter 3, Section 4(C)3.

## **2. Boating Facilities**

### **a) Applicability**

Boating facilities, including community piers, public or community boat launches and marinas, shall be subject to the policies and regulations of this Section and those for specific types of facilities in Chapter 5, Section C(5). Boating facilities as defined in this SMP do not apply to residential moorage facilities serving four (4) or fewer single-family residences. Policies and regulations for all overwater structures and moorage facilities, including those serving four (4) or fewer single-family residences, are addressed in Chapter 5, Section C(5).

Accessory uses found in boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, restrooms and dry goods.

### **b) Policies**

- 1) Boating facilities should be located and designed to ensure no net loss of ecological functions or other significant adverse impacts, and, where feasible, enhance degraded and/or scarce shoreline features.
- 2) Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking, and shoreline viewing.
- 3) Boating facilities should be located in areas of low biological productivity as documented in a report prepared by a qualified professional at time of application.
- 4) Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the neighboring area and will not unreasonably impair shoreline views. However, the need to protect and restore functions and to provide for water-dependent uses carries higher priority than the protection of views.
- 5) Limits should be put on the size of community docks to address the potential for impacts on

neighboring properties.

- 6) Accessory uses at boating facilities should be limited to water-oriented uses, or uses that provide physical and/or visual shoreline access for substantial numbers of the general public. Non-water-dependent accessory uses should be located outside of shoreline jurisdiction or outside of the shoreline setback.

### **c) Regulations**

- 1) Location Standards.
  - a. New boating facilities shall not be permitted in areas where dredging will be required or where impacts to shoreline ecological functions and processes cannot be mitigated.
  - b. New boating facilities shall not significantly affect the rights of navigation on the water of the state.
  - c. Boating facilities shall not be located where their development would reduce the quantity or quality of critical fish and wildlife habitat areas as defined in LMC Section 14.154.020 (Critical Areas and Natural Resource Lands Regulations, Ordinance No.362 3(part), 2004) or where significant ecological impacts would occur.
  - d. Boating facilities shall be located and designed with the minimum necessary shoreline stabilization to protect facilities, users, and watercraft from floods or destructive storms.
  - e. Boating facilities shall not be located where it would be incompatible with the need to protect the public health, safety, and welfare.
  - f. Boating facilities shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.
- 2) Facility Design.
  - a. All boating facilities shall be designed to avoid and minimize impacts. All unavoidable impacts must be mitigated.
  - b. All boating facilities shall be the minimum size necessary to accommodate the anticipated demand. Specifically, the amount of overwater cover, the size, and number of in-water structures, the waterward length of the facility, and the extent of any necessary associated shoreline stabilization or modification shall be minimized. Boating facilities shall meet all applicable Shoreline Modification regulations in Chapter 5. Community and public moorage facilities shall meet the size and usage requirements established in Chapter 5, Section C(5).
- 3) Site Design and Operation.
  - a. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed, nor made dangerous.

- b. Boating facilities shall provide physical and/or visual public or community access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal, including, but not limited to, physical and visual access to waterbodies, public piers or fishing platforms.
  - c. Upland boat storage may be allowed within shoreline jurisdiction in the Urban Park and Shoreline Residential environments, provided impervious surface limitations and other standards are met, mitigation sequencing is followed and impacts can be mitigated to achieve no net loss.
  - d. Accessory uses at boating facilities shall be located outside of shoreline jurisdiction where feasible and shall be limited to water-oriented uses or uses that support physical or visual shoreline access for substantial numbers of the general public. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where necessary to support the water-oriented use.
  - e. The applicant shall comply with all state agency policies and regulations, including all applicable health, safety, and welfare requirements associated with the primary or accessory use.
  - f. The streets serving the proposed facility must handle the traffic generated by such a facility safely and conveniently.
  - g. The facility must be limited to day moorage only. No live-aboards or floating homes are allowed.
  - h. Covered moorage is allowed only in the Shoreline Residential environment by a CUP. Boat lift canopies are a permitted use in the Shoreline Residential environment. See Chapter 5, Section (C)(5)(d)(8) and (9) for applicable standards.
  - i. The perimeter of parking, upland boat storage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas.
  - j. All facilities must have provisions available for cleanup of accidental contaminants and spills
  - k. Public access shall be required, pursuant to the requirements and exemptions in the Public Access regulations contained in Chapter 3.
- 4) Boat Launch.
- a. Location Standards - Boat launches shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Native upland vegetation removal shall be minimized to the greatest extent feasible. All facilities shall be sited and designed per required mitigation sequencing.
  - b. Public launch ramps shall be located only on stable shorelines where feasible and where water depths are adequate to eliminate or minimize the need for dredging, filling, beach enhancement, or other maintenance activities.

- c. The design shall comply with all regulations as stipulated by state and federal agencies, affected tribes, or other agencies with jurisdiction.
- d. The applicant shall demonstrate that the proposed length of a boat launch is the minimum necessary to launch the intended craft safely. In no case shall the ramp extend beyond the point where the water depth is eight (8) feet below the OHWM, unless the Shoreline Administrator determines that a greater depth is needed for a public boat launch facility.
- e. Design Standards.
  - i. Boat launches for non-motorized boats shall be constructed of gravel or other similar natural material.
  - ii. Preferred launch ramp designs for motorized boats, in order of priority, are:
    - a. Open grid designs with minimum coverage of lake substrate.
    - b. Seasonal ramps that can be removed and stored upland.
    - c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.
    - d. Standard concrete pads.

### **3. Commercial Development**

#### **a) Applicability**

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Uses and activities associated with commercial development that are identified as separate uses in this program include Agriculture, Aquaculture, Mining, Industry, Boating Facilities, Transportation Facilities, and Utilities. Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in Chapter 5 in addition to the standards for commercial development established herein.

#### **b) Policies**

- 1) Commercial development should be limited in the shoreline area based on the residential and recreational nature of the existing shoreline.
- 2) Water-oriented commercial developments should be preferred over non-water-oriented commercial uses.
- 3) Commercial developments should be encouraged to incorporate LID BMPs where feasible into new and existing projects.



### c) Regulations

- 1) New commercial uses shall be prohibited within all shoreline areas except where the underlying zoning permits such uses, and one or more of the criteria identified below are met:
  - a. The use is water-oriented;
  - b. The use is an accessory use to a permitted recreational use or facility within the Urban Park or Conservancy environment. Examples include, but are not limited to:
    - i. Concession stands in City Parks,
    - ii. Booths associated with festivals sponsored by the City, and private parties or receptions and banquets, and
    - iii. Boat rentals.
  - c. The use is a home occupation within the Shoreline Residential environment provided they meet the requirements of LMC Sections 18A.70.200 and 18A.70.250 pertaining to Home Occupations.
  - d. The site is physically separated from the shoreline by another property or public right of way.
  - e. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the SMA's objectives, such as providing public access and ecological restoration.
  - f. Navigability is severely limited at the proposed site, and the proposed commercial use provides significant public benefit with respect to the SMA's objectives, such as providing public access and ecological restoration; or
  - g. The use is non-water oriented and replaces an existing non-water oriented use in an existing commercial building. For purposes of this regulation, replace means the footprint and general intensity of the commercial uses are the same.
- 2) Water oriented uses shall incorporate design and operational elements that clearly demonstrate that they meet the definition of water dependent, water related or water oriented uses.
- 3) Commercial uses shall provide public access as required in Chapter 3, Section B(5) and ecological restoration where feasible and shall not negatively impact existing navigation, recreation or public access.
- 4) All commercial loading and service areas shall be located or screened to minimize adverse impacts, including visual impacts, to the shoreline environment.
- 5) LID BMPs shall be incorporated into new development where feasible, pursuant to the City's adopted Surface Water Design Manual and the most recent edition of the Low Impact Development Technical Guidance Manual for Puget Sound.

- 6) Commercial development and accessory uses must conform to the setback and height standards established in Table II.

## **4. Parking**

### **a) Applicability**

Parking is the temporary storage of automobiles or other motorized and non-motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

### **b) Policies**

- 1) Parking in shoreline areas should be minimized
- 2) Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including impacts related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, and to result in no loss of ecological functions.
- 3) Parking in shoreline areas should not restrict access to the site by necessary public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties.

### **c) Regulations**

- 1) Parking as a primary use is prohibited in shoreline jurisdiction.
- 2) Parking in shoreline areas must directly serve a permitted shoreline use.
- 3) Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.
- 4) Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- 5) Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped to provide an effective “full-screen” within three (3) years of project completion when viewed from adjacent areas within shoreline jurisdiction.
- 6) New and reconstructed parking areas within the Urban Park shoreline environment designation shall utilize LID BMPs where feasible in accordance with the City’s adopted Surface Water Design Manual and the most recent edition of the Low Impact Development Technical Guidance Manual for Puget Sound.

## 5. Recreational Development

### a) Applicability

Recreational uses include passive activities, such as walking, viewing, and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to both public and private shoreline recreational facilities (excluding private residences). Commercial shoreline recreational facilities must also meet the requirements for Commercial Development.

### b) Policies

- 1) Primary recreational uses in the shoreline jurisdiction should be limited to water-oriented uses. Non-water-oriented recreational facilities may be allowed as an accessory use and in limited circumstances where they do not displace water oriented uses, for example, where visual access is incorporated if feasible and physical access is not possible.
- 2) The coordination of local, state, and federal recreation planning should be encouraged. Shoreline recreational developments should be consistent with the City's Comprehensive Park and Recreation Plan.
- 3) Recreational developments should be designed to preserve, enhance, or create scenic views and vistas.
- 4) The use of publicly owned lands for public access and development of recreational opportunities should be encouraged.
- 5) Priority for land acquisition should be given to open space that provides wildlife habitat and offers opportunities for education and interpretation.
- 6) Shoreline areas with a potential for providing recreation or public access opportunities should be identified and acquired by lease or purchase, or through partnerships with nonprofit and service organizations, and incorporated into the park and open space system.
- 7) Links between existing and future shoreline parks, recreation areas, and public access points should be created with a non-motorized trail system using existing rights-of-way or through acquisition of easements and/or land.
- 8) Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate negative impacts on adjoining property.
- 9) Public access should not contribute to a net loss of shoreline ecological functions.

### c) Regulations

- 1) All structures associated with a recreational use, except water dependent structures, such as docks and boardwalks and limited water enjoyment structures such as open viewing platforms and benches, shall maintain a standard setback from the OHWM per Table II. However, existing structures may be replaced in their current location and configuration to the extent allowed by the Nonconforming

Development provisions of Chapter 6, Section F, and state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a setback reduction pursuant to Table II in this Chapter or a shoreline variance.

- 2) Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- 3) Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery, such as picnicking, hiking and bicycling, shall be emphasized in planning public and private (excluding residential) noncommercial recreation sites in shoreline areas.
- 4) All recreational developments shall make adequate provisions for:
  - a. Non-motorized and pedestrian access;
  - b. The prevention of trespass onto adjacent properties, including, but not limited to, landscaping and fencing;
  - c. Protection and restoration of environmentally sensitive areas and shoreline processes and functions;
  - d. Signs indicating the public's right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
  - e. Buffering of such development from adjacent private property or natural areas.
- 5) In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance, or restore desirable shoreline features.
- 6) Swimming areas shall be separated from boat launch areas.
- 7) The construction of swimming facilities, piers, moorages, floats, and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this SMP.
- 8) Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for non-intensive recreation activities that do not involve the construction of structures.
- 9) Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction.
- 10) Proposals for new or expanded recreational development shall include provisions for public access to the shoreline, subject to the requirements and exemptions contained in Chapter 3, Subsection B(5)(c).

## 6. Residential Development

### a) Applicability

Residential development means construction of one or more buildings or structures, or subdivision of land to provide a place of abode for human beings. Such development includes multi-family and single-family dwellings together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, garages, sheds, decks, patios and fences.

Residential development is preferred use under this SMP and is allowed where it can be accommodated without significant shoreline impacts. Residential development is prohibited in the Aquatic environment, and single-family residential development is a conditional use in the Natural, Urban Park, and Conservancy environments. Single-family and multi-family development is further limited by the underlying zoning.

### b) Policies

- 1) Residential development should be permitted only where there are adequate provisions for utilities, circulation, and access.
- 2) New development should provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, preserve views and minimize use conflicts.
- 3) The City should provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement, and restoration of high functioning buffers and natural or semi-natural shorelines.
- 4) Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
- 5) Residential development should be designed to preserve existing shoreline vegetation, control erosion, protect water quality, and utilize LID BMPs where feasible.
- 6) The City should encourage the use of joint-use piers and docks in lieu of individual piers and docks for each waterfront lot to protect the ecological functions of the lake.
- 7) The City should encourage the use of alternative paving products for walkways, driveways, and patios, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.
- 8) At a minimum, development should achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

### c) Regulations

- 1) Residential development is a preferred use where it can be accommodated without significant impacts to the shoreline and shall be permitted in shoreline jurisdiction subject to the policies and regulations

for the specific shoreline environment designation (see Chapter 4, Table II), underlying zoning regulations, and the general regulations in Chapter 3 of this SMP.

- 2) Structures or other development accessory to residential uses are permitted in shoreline jurisdiction, if allowed under all other applicable standards in this SMP and subject to the provisions of the City's zoning code.
- 3) All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 4, Table II.
- 4) Nonconforming residential structures that are repaired, modified, replaced or enlarged are subject to the requirements in Chapter 6, Section F(2) (Administration - Nonconforming Use and Development Standards).
- 5) Accessory uses and appurtenant structures not specifically addressed in the SMP shall be subject to the same regulations as primary residences, including setbacks, with the exception of water-oriented accessory structures that comply with the impervious surface limits identified in Table II of this Chapter. Water-oriented structures allowed in the setback include, but are not limited to, boathouses, gazebos, viewing platforms and decks.
- 6) In order to maintain visual access to the waterfront, all fences except those located next to creeks shall be set back a minimum of fifteen (15) feet from the OHWM. Fences located next to creeks must be placed above the creek's flood limit level.
- 7) To protect views and vistas maximum height limits have been established for each shoreline environment designation as indicated in Chapter 4, Table II.
- 8) The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems and other LID BMPs shall be incorporated into new development where feasible, in accordance with the City's adopted Surface Water Design Manual and the most recent edition of the Low Impact Development Technical Guidance Manual for Puget Sound.
- 9) LID stormwater facilities, such as swales and infiltration areas, may be located within the required shoreline setback area at the discretion of the Shoreline Administrator if no mature trees are removed.
- 10) Residential development, including land subdivision, shall result in no net loss of shoreline ecological functions. This includes meeting the no net loss standard at full build out of a subdivision or other development. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies by qualified professionals to determine compliance with this standard.
- 11) For the purposes of this section and WAC 173-27-040(2)(g), the following shall be considered a "normal appurtenance" to a single-family residence. Not all normal appurtenances are considered water oriented:
  - a. Garages

- b. Decks
- c. Driveways and parking areas
- d. Utilities
- e. Fences
- f. Landscaping
- g. Pathways, walkways and stairways
- h. Swimming pool and spa
- i. Flagpole
- j. Shed up to two hundred (200) square feet
- k. Children's play equipment
- l. Fire Pit
- m. Sports court
- n. Installation of a septic tank, drain field and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve the placement of fill in any wetland or waterward of the OHWM (when permitted by Tacoma Pierce County Health Department, Pierce County Sewer Utility, and City policies and regulations).

## 7. Signs

### a) Regulations Policies: See LMC Chapter 18A.100

- 1) Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent water and land uses.
- 2) Signs should not block or otherwise interfere with visual access to the water or shorelines.

### b) Regulations:

- 1) Signs shall comply with the City's sign regulations.
- 2) All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
- 3) The following types of signs may be allowed in all shoreline environment designations:
  - a. Water navigational signs and highway signs necessary for operation, safety, and direction.
  - b. Public information signs directly relating to a shoreline use or activity.
  - c. Off-premise, freestanding signs for community identification, information, or directional purposes.
  - d. Site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

## 8. Trails

### a) Applicability

Trails serve as both recreational facilities and transportation facilities. Trails are classified into two types: minor trails and major trails. Major trails are paved and they allow for simultaneous use by both pedestrians and bicycles. Major trails also frequently provide connections between local points of interest and a larger regional access network. Due to their use of pavement and the necessity of complying with ADA design requirements,

major trails are generally not appropriate for locations with steep terrain or environmentally sensitive areas. Minor trails, on the other hand, are designed for local access and usually have less improved right-of-way than major trails. Minor trails are typically unpaved and surfaced with either gravel or bare dirt, although they may have sections where pervious pavement is used. Due to their narrow right-of-way, minor trails usually do not support simultaneous use by pedestrians and bicycles.

#### **b) Policies**

- 1) Normal operation and normal maintenance and repair of all trails in shoreline jurisdiction should be exempt from the Substantial Development Permit requirements, subject to the specific provisions identified in Chapter 6 Section C(1).
- 2) Trail location, design, and construction should adhere to mitigation sequencing and no net loss requirements.

#### **c) Regulations**

- 1) Unless approved as a major trail, trails shall be no greater than ten (10) feet in total improved width, which includes eight (8) feet of surface and one (1) foot shoulders. Not including landscaping, no more than eight (8) feet of improved surface is preferable in most cases.
- 2) Major trails shall be the minimum width necessary to accommodate the proposed use safely and in no case shall they be more than eighteen (18) feet in total improved width, which includes fourteen (14) feet of surfaced trail and two (2) foot shoulders.
- 3) Gravel, woodchips, or pervious pavement shall be used for public access within the shoreline management area unless the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, aesthetic, or functionality concerns.
- 4) Trails shall be placed at least twenty-five (25) feet from the OHWM, except for bridges, limited spurs to physical access points and overlooks comprising no more than ten percent (10%) of the overall lineal length of the proposed trail. The Shoreline Administrator shall use the variance process and criteria for evaluating a proposed reduction in the twenty-five (25) foot setback for trails parallel to the water, which exceed ten percent (10%) of the total linear length of the proposed trail.
- 5) Landscaping shall be native and drought tolerant or site appropriate.
- 6) Enhancement of shoreline functions, including native plantings, shall be incorporated into trail designs as mitigation for development impacts where necessary and where a clear benefit can be demonstrated.
- 7) Trails shall be subject to other specific conditions as described in the applicable trail or parks plan.

## **9. Transportation Facilities**

### **a) Applicability**



Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, heliports, and other related facilities.

In the City, transportation facilities account for a limited percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

## **b) Policies**

- 1) Normal operation, and normal maintenance and repair of all transportation facilities in the shoreline jurisdiction should be exempt from Substantial Development Permit requirements, subject to the specific provisions identified in Chapter 6 Section C(1).
- 2) New road construction in the shoreline jurisdiction should be minimized, and such construction outside of the Shoreline Residential environment should be allowed by conditional use only when related to and necessary for the support of permitted shoreline activities.
- 3) Expansion of existing roadways in the shoreline jurisdiction should be allowed if such facilities are found to be in the public interest, as determined jointly by the City Engineer and Shoreline Administrator.
- 4) Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities, and motorized and non-motorized forms of transportation should be encouraged.

## **c) Regulations**

- 1) New road construction in shoreline jurisdiction shall be minimized and allowed only when related to, and necessary for, the support of permitted shoreline activities or found to be within the public interest.
- 2) New stream crossings associated with transportation uses shall be avoided if possible and minimized in number and total area impacts (e.g. perpendicular crossings). Culverts and bridges shall be designed to allow passage of adult and juvenile salmon pursuant to DFW Fish Passage Guidelines and accommodate the flow of water, sediment, and woody debris during the 100-year return storm event. Bridge abutments shall be located outside of floodplains and CMZs if feasible.
- 3) Transportation facility development shall result in no net loss of shoreline ecological functions and shall not affect existing or planned water dependent uses. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 4) New roads and expansion of existing roadways within the shoreline jurisdiction shall be allowed only when the proponent demonstrates that:
  - a. No alternative route is feasible; and
  - b. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment.

- 5) Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
- 6) Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the SMP and the City's Comprehensive Plan.
- 7) All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.
- 8) Road designs must provide safe pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
- 9) Streets within shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of impermeable surfaces and help to maintain a more natural appearance.
- 10) The City shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.

## **10. Utilities (Primary)**

### **a) Applicability**

Utilities are services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, sewage, communications and the like. Utilities in this SMP are divided into primary and secondary based on type and scale. The provisions of this section apply to primary utility uses and activities such as solid waste handling and disposal, regional water transmission lines and storage facilities, sewage treatment facilities and interceptors, water or sewer pump stations, power generating or high voltage transmission facilities, gas pipelines and storage facilities and regional stormwater treatment facilities.

### **b) Policies**

- 1) New primary utilities should be located outside of shoreline jurisdiction unless they are water oriented, no other feasible option exists, and should utilize existing transportation and utility sites, rights-of-way and corridors where allowed, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.
- 2) Solid waste disposal activities and facilities should be prohibited in shoreline areas.
- 3) Primary utilities should avoid locating in environmentally sensitive areas unless no feasible alternatives exist.
- 4) Primary utility facilities and corridors should be located to protect scenic views if they must be placed in a shoreline area, preferably underground or designed to minimize impacts on the aesthetic qualities of the shoreline area if possible.

### **c) Regulations**

- 1) Primary utilities shall be located outside of SMA jurisdiction unless no other feasible option exists.
- 2) Primary utilities shall be located landward of OHWM unless such location is not feasible or would result in potentially greater environmental impacts.
- 3) Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility design, location, development, and maintenance shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 4) Through coordination with local government agencies, utility development shall provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.
- 5) Utility lines shall utilize existing rights-of-way, corridors, and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.
- 6) Solid waste disposal sites and facilities are prohibited in all shoreline environment designations.
- 7) Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
- 8) To the greatest extent feasible, primary utility development shall provide screening of facilities from water bodies and adjacent properties. Screening, including landscaping and fencing, shall be designed to constitute a dense “full screen,” where feasible.
- 9) Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and, upon project completion; any disturbed areas shall be restored to their pre-project condition.
- 10) The City shall hold public meetings prior to the issuance of a substantial development permit for a major primary utility project in accordance with the administrative procedures outlined in this SMP to allow for the greatest amount of public input to help guide utility-related decisions.

## **11. Utilities (Secondary)**

### **a) Applicability**

Secondary utilities are typically distribution services connected directly to the uses along the shoreline. For example, power distribution, telephone, cable, water mains and distribution lines, sewer collectors and side sewer stubs, stormwater collection and conveyance, are all considered as utilities accessory to shoreline uses. They are covered in this section because they concern all types of development and have the potential of

affecting the ecological condition and visual quality of the shoreline and its waters. On-site accessory utilities that only serve the permitted shoreline use (e.g. sewer connection) are considered part of the primary use. The Shoreline Administrator shall have the authority to determine when a facility is a Primary or Secondary Utility based on the guidance provided in the SMP.

**b) Policies**

- 1) Utilities necessary to serve shoreline uses should be properly sited and installed to protect the shoreline and water from contamination and degradation.
- 2) Secondary utility facilities and right-of-ways should be located outside of the shoreline area to the extent possible. Utility lines should be placed underground if possible when a shoreline location is required.
- 3) Utility facilities should be designed and located in a manner, which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.

**c) Regulations**

- 1) Through coordination with local government agencies, utility developments shall provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.
- 2) In shoreline areas, secondary utilities shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and existing corridors whenever possible.
- 3) Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
- 4) Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored, to the greatest extent feasible, to pre-project conditions, including replanting with native species, or other species as approved by the Shoreline Administrator, and maintenance care. If the previous condition is identified as being undesirable for shoreline function, then landscaping and other improvements shall be undertaken.
- 5) The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.
- 6) The City shall maintain, enhance, and restore public natural drainage systems in accordance with all applicable policies and regulations to protect water quality, reduce flooding, reduce public costs, and prevent associated environmental degradation for a no net loss of shoreline ecological functions.

- 7) New utility lines including electricity, communications, and fuel lines shall be located underground, where feasible. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements where feasible.
- 8) Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- 9) Proposals for new utility corridors shall demonstrate the infeasibility of existing routes.

# Chapter 5 Shoreline Modification Provisions

## A. Introduction and Applicability

Shoreline modifications are those structures and actions that modify the physical configuration or qualities of the shoreline area, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to, structures such as bulkheads, docks, piers, and floats, and actions such as clearing, grading and dredging. Shoreline modifications are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modifications.

Shoreline modification policies and regulations are intended to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the SMA. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

This chapter has been divided into four sections: Shoreline Stabilization, Dredging and Disposal, Fill, and Overwater Structures and Launching Facilities.

## B. Table of Permitted Shoreline Modifications

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environment designations. See the standards following the table for a full explanation of structures and actions and required conditions.

Table IV. Permitted Shoreline Modifications

- P** = Permitted Use
- C** = May be Permitted as a Conditional Use
- X** = Prohibited, Not Eligible for a Variance or CUP
- N/A** = Not Applicable

SHORELINE MODIFICATIONS	Shoreline Residential	Urban - Stream Protection	Urban Park	Conservancy	Natural	Aquatic
<b>SHORELINE STABILIZATION</b>						See adjacent upland shoreline environment designation
Beach Restoration and Enhancement	P	X	P	X	C	
Soil Bio-engineering	P	P	P	P	P	
Structural Stabilization	P	X	C	X	X	
Breakwaters, Jetties, and Groins	X	X	X	X	X	
Clearing and Grading	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	C <sup>1</sup>	
Dredging and Disposal	X	X	X	X	X	
Dredging <sup>2</sup>	C	C	C	C	C	
<b>FILL</b>						
Fill Upland of OHWM	P	P <sup>1</sup>	P <sup>1</sup>	C <sup>1</sup>	X	
Fill Waterward of OHWM <sup>2</sup>	C	C	C	X	C	

<b>OVERWATER AND IN-WATER STRUCTURES<sup>4</sup></b>					
Recreational Float	P	X	P	X	X
Overwater Boathouse <sup>3</sup>	X	X	X	X	X
Single / Joint Pier and Dock	P	X	P	X	X
Moorage Piles and Mooring Buoys	P	X	P	X	X
Private Community Dock	P	X	P	X	X
Public Pier/Dock	C	X	P	X	X
Boat Launch	C	X	C	X	X
Launching Rails	C	X	X	X	X
Boat Lifts	P	X	X	X	X
Boat Lift Canopies	P	X	X	X	X
Moorage Covers (Open Sides, Structural Roof)	C	X	X	X	X
In-Stream Structures (e.g. Dams and Weirs)	C	C	C	C	C

<sup>1</sup>The critical area provisions of LMC Title 14 as incorporated into this SMP shall apply within designated critical areas and buffers (such as streams and wetlands). Critical area requirements may further restrict this activity and other development activities in portions of the shoreline management area. Please see LMC Title 14 and Chapter 3, Section (B)(3) for more information.

<sup>2</sup>Dredging and fill waterward of the OHWM occur in the Aquatic shoreline environment designation by definition, but are regulated based on the adjacent upland shoreline environment designation. In the shoreline environment designations where they are allowed, fill waterward of the OHWM and dredging are only permitted in limited situations. See Chapter 5, Section C(3) and (4) for additional restrictions and requirements. Small scale beach restoration utilizing up to or less than twenty-five (25) cubic yards of material is permitted waterward of the OHWM without a CUP. See Chapter 5, Section C(4)(c)(2).

<sup>3</sup>Boathouses landward of the OHWM no greater than twelve (12) feet in height are allowed in shoreline setbacks subject to impervious surface limits and other restrictions in this SMP.

<sup>4</sup>See permit requirements and exemptions per Section C.5 (b) of Chapter 5 and Chapter 6.

## C. Policies and Regulations

### 1. General Policies and Regulations

#### a) Applicability

The following provisions apply to all shoreline modifications ~~except for those listed in WAC 173-27-044~~ whether such proposal addresses a single property or multiple properties. Additional requirements as contained in other Chapters of this SMP apply. Where a general standard, environmental standard or use standard conflicts with the provisions contained in this chapter, the more restrictive shall apply.

#### b) Policies

- 1) The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
- 2) The Shoreline Administrator should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological function by preventing unnecessary shoreline modifications by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline

modifications.

### **c) Regulations**

- 1) All shoreline modifications must be in support of an authorized shoreline use or provide for human health and safety.
- 2) All shoreline development shall be located and designed to prevent or minimize the need for shoreline modifications.
- 3) In reviewing shoreline modification permits, the Shoreline Administrator shall require steps to avoid then reduce significant ecological impacts according to the mitigation sequence in Chapter 3, Section B.4.C.3.
- 4) The Shoreline Administrator shall base all shoreline modification decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.

## **2. Shoreline Stabilization (Including Bulkheads)**

### **a) Applicability**

Shoreline stabilization includes structures and actions taken to address erosion impacts caused by natural processes, such as currents, floods, and waves. Examples of stabilization methods include beach restoration and enhancement, soil bioengineering, and bulkheads.

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as anchored logs, limited rock placement in conjunction with other components, bioengineered vegetation measures, and beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures.

Generally, the harder the construction measure, the greater the impact on shoreline processes, such as sediment transport, geomorphology, and biological functions. The means taken to reduce damage caused by erosion, accretion, and flooding must recognize and promote the benefits of these natural occurrences. Erosion does not occur without accretion (deposition and accumulation) of material eroded, such as formation of a beach or a sandbar. Likewise, accretion cannot occur unless material has been eroded.

A key regulatory distinction in this SMP is made between new stabilization measures and the replacement of existing stabilization measures. New stabilization measures include the enlargement of existing structures. Some of these techniques are currently being used in City as described below, or they are techniques that could be used to address local shoreline issues.

General policies and regulations addressing shoreline stabilization methods are presented below, followed by discussion, polices and regulations of the individual stabilization methods.



### Beach Restoration or Enhancement

Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and/or aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use. For recreational purposes, various grades of clean sand or pea gravel are often used to create a beach above the OHWM. Restoration or re-creation of a shore feature may require a rock and gravel matrix and/or other materials appropriate for the intended use.

### Soil Bioengineering

Soil bioengineering is the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of root systems, or other living plant material; fabric; and limited rock toe protection, where appropriate. Soil bioengineering projects often include fisheries habitat enhancement measures, such as anchored logs or root wads, in project design. Soil bioengineering techniques may be applied to shoreline areas and the upland areas away from the immediate shoreline.

The use of soil bioengineering as a shoreline stabilization technique is a viable and proven alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the shoreline's natural character. Soil bioengineering is the preferred "best practices" choice when considering shoreline stabilization.

### Bulkheads

Bulkheads are shoreline structures, either sloped or vertical, usually constructed parallel to the shore close to or at the OHWM. The primary purpose is to contain and prevent the loss of soil caused by erosion or wave action.

Bulkheads have historically been constructed of poured-in-place or precast concrete, concrete blocks, steel or aluminum sheet piling, wood or wood and structural steel combinations, and boulders. Bulkheads may be either thin structures penetrating deep into the ground or more massive structures resting on the surface.

Uses and activities related to bulkheads, which are identified as separate use activities in this program, such as Fill and Residential Development, are subject to the regulations for those uses in addition to the standards for bulkheads established in this section.

### Groins

Groins are barrier-type structures of rock, wooden piling, or other materials constructed across the beach itself and extending into the water with the intent to obstruct sand and sediment carried by the littoral drift action along shorelines. Groins have limited applicability in the City's shoreline jurisdiction because of the relatively small size of the jurisdictional lakes.

## **b) Policies**

- 1) Shoreline stabilization should be located, designed, and maintained to protect and maintain shoreline ecological functions, ongoing shoreline processes, and the integrity of shoreline features. Ongoing stream or lake processes and the probable effects of proposed shoreline stabilization on other

properties and shoreline features should be considered. Shoreline stabilization should not be developed for the purpose of filling shorelines.

- 2) Hard structural shoreline stabilization measures should only be used when softer, more natural, flexible, or non-structural methods such as placing the development farther from the OHWM, planting vegetation, or installing on-site drainage improvements, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
  - a. No action (allow the shoreline to retreat naturally), increase buffers, and relocate structures.
  - b. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
  - c. Rigid works constructed of artificial materials such as riprap or concrete.
- 3) Structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land subdivisions should be designed to assure that future development would not require shore stabilization.
- 4) New or expanded structural shoreline stabilization should only be permitted where necessary to protect an existing primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, and where it would not cause a net loss of shoreline ecological functions and processes.
- 5) New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on-site drainage improvements would be insufficient to achieve enhancement, restoration, or remediation objectives.
- 6) Shoreline stabilization should not be permitted when it interferes with public access, or other appropriate shoreline uses including, but not limited to, navigation or private recreation.
- 7) Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shore stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
- 8) Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design, and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
- 9) Materials used for construction of shoreline stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shoreline features including aesthetic values, and flexibility for future uses.

- 10) New development that would require shoreline stabilization, which causes significant impacts to adjacent properties, should not be allowed.
- 11) Explore a range of solutions to reduce the amount of bulkheads and hard shoreline armoring over time around American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, and Waughop Lake and restore natural bank conditions. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features should be the preferred method where feasible.

### **c) Regulations**

#### Shoreline Stabilization - General Requirements

- 1) The standards in this section apply to all developments and uses in shoreline jurisdiction.
- 2) Except as otherwise provided in these regulations, structural shoreline stabilization to protect primary structures from damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that non-structural solutions would not provide sufficient protection to existing structures. If structural stabilization is necessary to protect structures, then the feasibility of soft structural measures shall be evaluated prior to consideration of hard structural measures. Soft structural stabilization measures shall be used unless the Shoreline Administrator determines that it is not feasible based on the geotechnical report required in this section and provided by the applicant.
- 3) The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion, urgency, alternative solutions, and other pertinent factors. Hard armoring shall not be authorized except where the geotechnical report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such measures or where waiting until the need is that immediate would foreclose the opportunity to use measures that would avoid impacts on ecological functions. Where a geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, soft structural stabilization measures may be authorized.
- 4) Soft shoreline stabilization may include the use of gravels, cobbles, limited use of boulders in conjunction with other measures, and logs, as well as vegetation.
- 5) During construction or repair work on a shoreline stabilization measure, areas of temporary disturbance within the shoreline setback shall be restored as quickly as feasible to their pre- disturbance condition or better to avoid impacts to the ecological function of the shoreline.

#### Shoreline Stabilization - New Development

- 1) New development, including land subdivision, shall, to the extent feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization and ensure no net loss of ecological function at full build-out. A geotechnical analysis of the site and shoreline characteristics shall be required to assure that lots created through subdivision will not require shoreline stabilization in order for reasonable development to occur. New non-water dependent development that would require

shoreline stabilization and cause significant adverse impacts to adjacent or down-current properties is prohibited.

- 2) New development, including single-family residences, that requires new structural shoreline stabilization shall be prohibited unless all of the conditions below are met:
  - a. The need to protect the development from damage due to erosion caused by natural processes, such as currents and waves is demonstrated through a geotechnical report;
  - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;
  - c. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, LID BMPs, or installing on-site drainage improvements, are not feasible or not sufficient; and
  - d. The stabilization structure will not result in a net loss of shoreline ecological functions.
- 3) New development on steep or unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis prepared by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

#### Shoreline Stabilization - New or Expanded Measures

New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, public improvements, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

#### Shoreline Stabilization - Replacement and Repair

- 1) An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is a demonstrated need to protect legally established principal uses or existing structures from erosion caused by currents or waves and a nonstructural measure is not feasible.
- 2) Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below.
- 3) Where existing hard structural stabilization is replaced by soft structural or non-structural shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the OHWM subject to state and federal approvals. Such stabilization does not constitute fill for the purpose of this SMP.
- 4) A major repair or replacement of a hard shoreline stabilization structure shall be allowed without a

demonstration of need when the existing primary structure is ten (10) feet or less from the OHWM. All other major repair proposals must include a written narrative prepared by a qualified geotechnical engineer that provides a demonstration of need. A major repair shall be defined as:

- a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away, or otherwise demonstrated loss of structural integrity, or in which the repair work involves modification of the toe rock or footing, and the repair is fifty percent (50%) or greater than the linear length of the shoreline stabilization measure; or
  - b. A repair to more than seventy-five percent (75%) of the linear length of the existing hard structural stabilization measure in which the repair work involves replacement of top or middle course rocks or other similar repair activities.
- 5) Minor repairs are repairs that do not meet the threshold established in regulation 4 above. Such repairs shall be allowed without a demonstration of need.

#### General Shoreline Stabilization - Design Requirements

- 1) Shoreline stabilization and modification projects shall avoid adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions.
- 2) Shoreline stabilization shall not be used to create new or newly usable land.
- 3) Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- 4) Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and not interfere with visual access to the water substantially.
- 5) Shoreline stabilization shall be designed so as not to not cause a significant impact to adjacent properties, including the need for shoreline stabilization elsewhere.
- 6) Professional design (as approved by the Shoreline Administrator) of all shoreline stabilization is required. All shoreline modifications shall be in support of a permitted shoreline use that is in conformance with the provisions of this SMP unless it can be demonstrated that such activities are necessary and in the public interest.
- 7) All shoreline modification activities must comply with all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
- 8) Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.
- 9) Public access shall be required as part of publicly financed shoreline stabilization measures unless public

access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and immitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

#### Beach Restoration or Enhancement

- 1) Beach enhancement along American Lake, Gravelly Lake, Lake Louise and Lake Steilacoom may be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat and all other standards of the SMP are followed.
- 2) Beach enhancement for the purpose of shoreline stabilization is limited to the minimum necessary. Proposals exceeding the threshold outlined in Section 4(c)(2) shall be subject to the requirements for shoreline fill in that section.
- 3) Natural beach restoration/enhancement activities shall not:
  - a. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
  - b. Disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- 4) The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site.
- 5) The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to create additional dry land).
- 6) Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it, as well as where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

#### Soil Bioengineering

- 1) All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.
- 2) Except where more restrictive or specific Critical Area and Resource Lands Regulations apply, all cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred percent (100%) reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to reestablish vegetation adequately shall be replanted by the applicant with approved plant materials until the plantings are viable. The Shoreline Administrator may establish additional performance standards in permit conditions based on the project site and nature of the proposal.

- 3) Any bioengineered bank stabilization and replanted areas as required by Regulation 2 above shall be maintained in the form of a buffer zone for a minimum of three (3) years. The buffer zone shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of plantings.
- 4) All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

#### Breakwaters

- 1) Breakwaters, jetties, and groins shall not be permitted.

#### Bulkheads

- 1) Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations.
- 2) On shorelines where no other adjacent bulkheads, the bulkhead construction shall tie in with the contours of the adjoining shorelines, as feasible, to avoid causing erosion of the adjoining properties.
- 3) Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
- 4) Replacement bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure.
- 5) When a bulkhead is required at a public access site, provisions for safe access to the water shall be incorporated into bulkhead design.
- 6) Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.
- 7) Fill behind bulkheads shall be limited to an average of one (1) cubic yard per linear foot of bulkhead. Any filling in excess of this amount shall be subject to the policies and regulations in this SMP pertaining to fill activities.

### **3. Dredging and Disposal**

#### **a) Applicability**

Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, or lake and associated shorelines, side channels, and wetlands. In a lake setting, dredging is normally done for specific purposes or uses such as deepening a navigational channel or obtaining bottom material.

Dredge material is disposed of on land or into water bodies and may be intended for the purpose of creating new or additional lands for other uses. Dredge spoil varies from clean river sand to organic sludge. While some of this material is deposited on land, a significant portion is dumped, intentionally or unintentionally, back into the water or immediately adjacent to the water.

Of all activities on shorelines, dredging poses one of the greatest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment by temporarily reducing water clarity from suspended sediments, causing aquatic plant and animal loss by direct removal or from the sedimentation of suspended materials, altering the nutrient and oxygen levels of the water column, and suspending toxic materials from the sediments into the water column.

## **b) Policies**

- 1) In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values. Proposals that include dredging should provide mitigation to achieve no net loss of shoreline ecological functions.
- 2) When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.
- 3) Dredging waterward of the OHWM for the primary purpose of obtaining fill should not be allowed, except as part of a restoration or environmental cleanup project.
- 4) The City may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.
- 5) Dredging or excavation of gravel for the purposes of flood management should be consistent with adopted flood hazard reduction plans and should result in no net loss of ecological function.

## **c) Regulations**

- 1) Dredging and disposal of dredge material shall avoid and minimize significant ecological impact; impacts that cannot be avoided shall be mitigated to achieve no net loss of ecological processes and functions.
- 2) New development siting and design shall avoid the need for new and maintenance dredging.
- 3) Dredging may be permitted as a conditional use activity only:
  - a. When necessary to support a water-dependent use; or
  - b. For expansion or alteration of public utility facilities; or



- c. As part of mitigation actions, environmental restoration, a comprehensive flood control program or habitat enhancement projects.
- 4) In all cases where dredging is allowed, dredging may be permitted as a conditional use:
  - a. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired; and
  - b. When other solutions would result in greater environmental impact; and
  - c. When applicable permits of other local, state, federal have been obtained.
- 5) Maintenance dredging associated with a water dependent use shall be restricted to maintaining the previously dredged and/or existing authorized location, depth, and width.
- 6) Dredging for the primary purpose of obtaining fill or construction material is prohibited, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. When dredging is allowed for fill materials, placement of fill must be waterward of the OHWM.
- 7) Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
- 8) Dredging material, which will not subsequently cause violation of state Water Quality Standards, may be used in permitted landfill projects.
- 9) Excavation on beaches below the OHWM in lands covered by water constitutes dredging and shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.
- 10) Dredging shall be timed so that it does not interfere with aquatic life.
- 11) Depositing dredge materials in all water areas shall be prohibited, except where authorized in Regulation 6 above.
- 12) Disposal of dredged material on shorelands or wetlands within a CMZ shall be prohibited.
- 13) Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
- 14) Limitations may be imposed on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.
- 15) Dredging or excavation of gravel for the flood management shall be consistent with an adopted flood hazard reduction plan per the requirements of WAC 173-26-221(3)(c). Such dredging or excavation shall only be approved after a biological study demonstrates that the project would have a long-term benefit to flood hazard reduction, is part of a comprehensive flood management solution, and would not result in a net loss of ecological function.

## 4. Fill

### a) Applicability

Fill is the placement of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the OHWM, in wetlands or on shorelands in a manner that raises the elevation or creates dry land. Fill is usually considered in locations where the water is shallow and rooted vegetation often occurs. In their natural condition, these areas provide valuable habitat for fish and wildlife feeding, breeding, and shelter. Biologically, these areas tend to be highly productive portions of the lake. For these reasons, governmental agencies and scientific experts have generally sought to prohibit or restrict fill.

### b) Policies

- 1) Shoreline fill waterward of the OHWM should be permitted as a conditional use in all shoreline environment designations, and only when tied to a specific development proposal that is permitted by the SMP.
- 2) Where permitted, fill coverage should be the minimum necessary to provide for the proposed use.
- 3) In evaluating fill projects, factors such as current and potential public use of the shoreline and water surface area, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the fill site in its present state versus the proposed shoreline use to be created to ensure consistency with the SMA and this SMP.
- 4) Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with the Washington State Department of Natural Resources (DNR) rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- 5) Shoreline fills should be designed and located so that there will be no net loss of existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.
- 6) The fill perimeter should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.

### c) Regulations

- 1) Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.

- 2) Fills waterward of the OHWM (not including small scale beach restoration that does not exceed twenty-five (25) cubic yards) shall require a CUP and shall be restricted to the minimum necessary to:
  - a. Support water-dependent uses;
  - b. Provide public access;
  - c. Allow for the remediation and disposal of contaminated sediments as part of an interagency clean-up plan;
  - d. Allow the disposal of dredged sediments in accordance with DNR rules;
  - e. Provide for the expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible; and
  - f. Accomplish mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.
- 3) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- 4) All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.
- 5) Fill shall be permitted only where it is demonstrated that the proposed action will not:
  - a. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or
  - b. Adversely alter natural drainage and circulation patterns, or significantly reduce floodwater-holding capabilities.
- 6) No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted within the American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom or Waughop Lake shoreline areas.
- 7) Any placement or removal of materials landward of the OHWM shall comply with the Vegetation Conservation and Critical Areas provisions of this SMP.
- 8) Fill for the purpose of raising the average grade level is prohibited.

## 5. Overwater Structures and Launching Facilities

### a) Applicability

Piers and docks are structures that abut the shoreline and often used as a landing or moorage place for watercraft. Piers are built on fixed platforms supported by piles above the water, while docks float upon the water. Some piers may terminate in a float section that is connected by a ramp.

Recreational floats are independent anchored offshore platforms, used for water-dependent recreational activities such as swimming and diving.

Boat launches include graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

All of these types of facilities have positive and negative environmental aspects. Floating docks generally have less of a visual impact than piers on pilings. However, in the nearshore, docks can interrupt littoral drift of sediments and other suspended materials, and significantly shade the aquatic environment throughout their length. Pile piers can provide diverse habitat for both desirable and undesirable aquatic life. Excavated moorage involves dredging and disturbs bottom sediments and aquatic life. Docks and piers alike create impediments to boat traffic and fish travel. Boat launches impact soils and vegetation, both upland and aquatic. Construction of these facilities requires regulation to protect navigation, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas.

## b) Exemptions

Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

The City will review all development proposals for overwater structures to determine if:

- 1) The proposal is or is not exempt from the requirement for a Substantial Development Permit per WAC 173-27-040. This exemption applies in freshwater when the fair market value of the dock does not exceed:
  - A) Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or
  - ~~4)B)~~ Eleven thousand two hundred dollars (\$11,200) for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

- 2) The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and
- 3) The proposal is consistent with the intent, policies, and regulations of the SMA, the SMP Guidelines, and this SMP.

## c) General Policies

- 1) New piers and docks should be allowed only for public access and water-dependent uses.
- 2) New piers and docks should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
- 3) Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by pier and dock construction.
- 4) The further proliferation of single-purpose, single-owner piers, and docks should be discouraged. Preference should be given to the shared use piers in shoreline areas.

- 5) Preference should be given to fixed-pile piers elevated above the OHWM. Floating docks should be allowed if the applicant can demonstrate why a fixed pile pier is not feasible or will result in greater impacts.
- 6) Recreational floats should be allowed where they are intended to support public or private recreational uses, or in lieu of fixed piers adjacent to residential land uses.
- 7) New overwater boathouses are prohibited and new moorage covers should not be allowed, except through a CUP in the Shoreline Residential environment.
- 8) Overwater structures, including piers, should only be authorized after consideration of:
  - a. The effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmentally sensitive resources, submerged lands, and submerged vegetation.
  - b. The effect such structures have on water circulation, recreational boating, sediment movement and littoral drift and shoreline access.
- 9) Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.
- 10) The proposed size of the structure and intensity of use or uses of any overwater structure should be compatible with the surrounding environment and land and water uses.
- 11) Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

**d) Regulations - Docks, Piers and Moorage Structures**

- 1) All new overwater structures, including modifications and/or additions, must comply with all regulations contained in this SMP and all other regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction.
- 2) Mitigation shall be provided for all reconstructed, repaired, or modified overwater structures to ensure no net loss of ecological function.
- 3) Fixed pile piers elevated at least two (2) feet above the water surface shall be preferred over floating docks. Floating docks shall be allowed if floating elements are not located within the first twenty (20) feet of the shoreline, measured waterward of the OHWM, unless the applicant can demonstrate why adherence to this restriction is not feasible and an alternative design would result in less ecological impact.
- 4) New piers and docks shall be allowed only for public access and water-dependent use, which includes a structure associated with a single-family residence that is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in this section. Piers and docks of the minimum size necessary to accommodate the proposed water dependent use may be permitted

accessory to a development provided:

- a. No more than one (1) pier/dock for each single-family residence is permitted. Up to one (1) buoy is allowed per dwelling unit in lieu of a dock.
  - b. No more than one (1) pier, dock or other moorage structure is allowed for a water dependent commercial use or a multi-family development on a single lot or contiguous ownership with the required minimum lot width.
- 5) On lots that have less than the minimum lot width for an overwater structure, as required in Table V, joint-use piers/docks shall be required, except when lots on either side of the subject lot have legal pre-existing piers or docks and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. Only in this case may the lot with less than the required minimum lot width be permitted an individual pier.
- 6) New piers and docks that are not accessory to single-family residences shall be permitted only when intended for public use or when the applicant demonstrates that a specific need exists to support the intended water-dependent use.
- 7) New residential development of more than two (2) dwellings shall provide a joint use or community moorage structure, rather than individual piers or docks.
- 8) New moorage covers in the Shoreline Residential environment are permitted by a CUP, if the proposal meets all of the following criteria:
- a. The applicant demonstrates that a joint use or community moorage structure is not feasible;
  - b. The applicant demonstrates that the moorage cover is the minimum size necessary to provide for the water dependent use;
  - c. The overwater structure does not create any potential adverse impacts to public safety;
  - d. Navigation rights are not significantly impacted;
  - e. The overwater structure does not cause environmental impacts that cannot be sufficiently mitigated;
  - f. The covered moorage is placed as far waterward of the OHWM as feasible and safe, within the limits of the dimensional standards for docks and piers established in this Section;
  - g. There is only one (1) covered moorage per moorage facility, including joint use piers; and
  - h. The overwater structure complies with all other conditional use criteria in WAC 173-27-160 as outlined in Chapter 6 of this SMP.
- 9) New boat lifts and boat lift canopies are permitted as long as the following requirements are met:
- a. Boatlifts shall be placed as far waterward of the OHWM as feasible and safe, within the limits of the dimension standards for piers and docks.
  - b. Bottom of a boat lift canopy shall be elevated above the boat lift to the maximum extent feasible, the lowest edge of the canopy must be at least four (4) feet above the water surface, and the top of the canopy must not extend more than seven (7) feet above an associated pier.
  - c. One boat lift and boat lift canopy and up to two (2) jetski lifts per dwelling unit.
  - d. The lift does not require the placement of pilings or permanent structures.

- e. A maximum of two (2) cubic yards of clean rock fill or pre-cast concrete blocks are permitted to anchor the boat lift if the substrate prevents the use of anchoring devices.
  - f. No hydraulic fluid other than water shall be used in the boat lift system; backflow protection may be required.
- 10) Proposed overwater structures that do not comply with the dimensional standards in Table V may only be approved if they obtain a variance. Provided that, pursuant to WAC 173-27-040 (2)(b), any legally existing nonconforming pier or dock may be repaired or restored (replacement may be authorized as repair) to its original pre-existing size, dimension, configuration and location without the need for a variance, provided such activity meets the definition of normal maintenance and repair. Projects undertaken pursuant to this section must be permitted within two years of removal of the pre-existing, nonconforming structure.
- 11) All float tubs shall be fully encapsulated.
- 12) Floating docks are required to be designed to not ground during low water conditions.
- 13) All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.
- 14) Wooden components that will be in contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, arsenate, creosote, or similar toxic substances. Structures shall be made out of materials that have been approved by applicable state and federal agencies.
- 15) Non-water dependent elements and uses, such as decks and gazebos built on piers or docks, are not allowed.

**Table V. Dimensional Standards for Overwater Structures**

<b>Standard</b>	<b>Dock or Float</b>	<b>Pier</b>	<b>Moorage Pile or Buoy</b>
Height above OHWM <sup>1</sup>	N/A	2 ft.	N/A
Maximum Waterward Distance for all Single Use and Joint Use Moorage Structures or Floats <sup>2</sup>	Point at which 11 ft. water depth from OHWM is reached, not to exceed the following:  Lake Louise: 40 ft.  All other lakes: 80 ft.	Point at which 11 ft. water depth from OHWM is reached, not to exceed the following:  Lake Louise: 40 ft. All  Other lakes: 80 ft.	Point at which 11 ft. water depth from OHWM is reached, not to exceed the following:  Lake Louise: 40 ft. All  Other lakes: 80 ft.
Maximum Waterward Distance for Community Docks	150 ft.	150 ft.	N/A
Setback from Extension of Side Yard Lot Lines	10 ft.	10 ft.	10 ft.

Maximum Surface Area <sup>4</sup>	550 sq. ft. (single owner) 640 sq. ft. (2 owners)  100 sq. ft. for each additional owner over 2 up to a maximum size of 2,000 sq. ft.  Please note that all docks and piers must also meet water frontage standards	550 sq. ft. (single owner) 700 sq. ft. (2 owners)  120 sq. ft. for each additional owner over 2 up to a maximum size of 2,000 sq. ft.  Please note that all docks and piers and docks must also meet water frontage standards	N/A
Location of Ells, Fingers and Deck Platforms, or Freestanding Buoy or Moorage Pile <sup>3</sup>	No closer than 20 ft. waterward of the OHWM.  Within 20 ft. of the OHWM, only the access ramp portion of dock is allowed.	No closer than 20 ft. waterward of the OHWM.  Within 20 ft. of the OHWM, only the access ramp portion of dock is allowed.	No closer than 20 ft. waterward of the OHWM and moorage piles may not be located farther away than the end of the pier or dock
Minimum Water Frontage Required - Single-Family	50 ft.	50 ft.	None
Private Joint Use or Community Docks - Intensity of Use (Number of Slips)	One moorage for each 30 ft. of shoreline frontage up to 210 ft., plus one moorage for each additional 20 ft.	One moorage for each 30 ft. of shoreline frontage up to 210 ft., plus one moorage for each additional 20 ft.	N/A
On Lake Steilacoom only, pier and dock primary walkways or decks must be fully grated or contain other materials that allow light transmittance through between thirty and fifty percent (30%-50%) of the material, depending on the pier or float width.			

<sup>1</sup> During the course of the normal fluctuations of the elevation of the water body, No portion of a deck of a pier shall protrude more than six (6) feet above the water surface.

<sup>2</sup> The proposed length must be the minimum necessary to support the intended use. The total dock length includes approach ramp and floating element(s). If eleven (11) foot average water depth is reached within twenty (20) feet of the approach ramp for a dock, a floating element will be permitted, not to exceed the maximum length standard. A dock or pier may exceed the maximum length with a shoreline variance, provided a report prepared by a qualified professional that includes verifiable survey information demonstrates the average water depth of eleven (11) feet is not attainable within the maximum length allowed from the OHWM. Existing public piers may be repaired or replaced to their previous length.

<sup>3</sup> Includes all walkways and additional fingers. The maximum width of a ramp connecting a pier to a float should be



minimized to the maximum extent practical and should not exceed 4 feet in width.

<sup>4</sup>Includes all walkways, ramps, and additional fingers. The maximum surface area also includes the areas of related or separate recreational floats. Two or more residential property owners must utilize joint-use docks and piers. Existing public piers may be repaired or replaced to their previous square footage.

**e) Regulations - Recreational Floats**

- 1) Recreational floats may be permitted, provided:
  - a. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. No recreational float shall have more than one hundred and fifty (150) square feet when associated with a private recreation land use, and four hundred (400) when associated with a public recreational land use.
  - b. Distance waterward from the OHWM. Recreational floats must be in water with depths of eleven (11) feet or more at the landward end of the float and may be located up to a maximum waterward distance as shown in Table V.
  - c. The area of the recreational float shall be in addition to the maximum surface area for overwater structures in Table V.
- 2) Recreational floats shall be designed and intended for swim use or other non-motorized use.
- 3) On Lake Steilacoom, recreational floats shall be fully grated.
- 4) Retrieval lines shall not float at or near the surface of the water.
- 5) Height. Recreational floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
- 6) All float tubs shall be fully encapsulated.

**f) Regulations - Moorage Piles and Buoys**

- 1) Up to two (2) moorage piles are allowed per dwelling unit, up to a maximum of six (6) moorage piles for joint use or community docks.
- 2) Up to one (1) buoy is allowed per dwelling unit in lieu of a dock.
- 3) Buoys shall be anchored to the lake substrate in accordance with all state and federal requirements.

**g) Regulations - Boat Launches (Rails and Ramps)**

- 1) Launching rails may be permitted as a conditional use in the Shoreline Residential environment in lieu of a moorage pier. The applicant shall demonstrate that the proposed length of the rail is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. In no case shall the rail extend beyond the point where the water depth is eight (8) feet below the OHWM.

- 2) Launching rails shall be anchored to the ground with the use of tie-type construction.
- 3) No more than one (1) launching rail per single-family residence or duplex is permitted.
- 4) Launching ramps may be permitted as a conditional use for recreational uses or when serving more than four (4) residential units in the Shoreline Residential or Urban Park environment. The applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by state and federal agencies, local tribes, or others that have jurisdiction. In no case shall the ramp extend beyond the point where the water depth is eight (8) feet below the OHWM.
- 5) Launching ramps serving more than four (4) residential units are regulated as Boating Facilities and they must comply with all policies and regulations in Chapter 4 of this SMP. Launching rails serving more than four (4) residential units are prohibited.
- 6) Location Standards - Launch ramps and launching rails shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent feasible. All facilities shall be sited and designed per required mitigation sequencing.
- 7) Where feasible, launch ramps and launching rails shall be located only on stable shorelines where water depths are adequate to eliminate or minimize the need for dredging, filling, beach enhancement or other maintenance activities.
- 8) The design shall comply with all regulations as stipulated by state and federal agencies, affected tribes, or other agencies with jurisdiction.
- 9) Design Standards
  - a. Boat launches for non-motorized boats shall be constructed of gravel or other similar natural material.
  - b. Preferred launch ramp designs for motorized boats, in order of priority, are:
    - A) Open grid designs with minimum coverage of lake substrate.
    - B) Seasonal ramps that can be removed and stored upland.
    - C) Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.
    - D) Standard concrete pads.

#### **h) Regulations - In-stream Structures**

- 1) In-stream structures shall be minimized and shall only be allowed consistent with the provisions of the SMP, including mitigation sequencing and no net loss.
- 2) When allowed, in-stream structures shall be located, designed and operated to protect and preserve ecosystem-wide processes, ecological functions and cultural resources, including (but not limited to)

fish passage, wildlife and water resources, critical areas, hydrogeological processes and natural scenic vistas.

- 3) The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species. In particular, this includes anadromous fish.

# Chapter 6 Administration

## A. Purpose and Applicability

There is hereby established an administrative system designed to assign responsibilities for implementation of the SMP and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this SMP are treated in a fair and equitable manner. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the SMA and to the policies and regulations of this SMP.

The SMP shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity which develops, owns, leases or administers lands, wetlands, or waters that fall under the jurisdiction of the Act. The permit requirements established under the SMP apply to all nonfederal activities, and to development and uses undertaken on lands not federally owned but under lease, easement, license or other similar property right of the federal government. Nothing in the SMP shall affect and rights established by treaty to which the United States is a party.

### 1. Exceptions to Local Review and Permitting

Developments not required to obtain shoreline permits or local reviews. Consistent with WAC 173-27-044 and -045, requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

a) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

b) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

c) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

d) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

e) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

## B. Shoreline Administrator

### 1. Authority

- a) The City's Shoreline Administrator is hereby vested with:
  - 1) Overall authority for administering the SMA and this SMP;
  - 2) Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this SMP; and
  - 3) Authority to grant statements of exemption from substantial development permits in accordance with the policies and provisions of this SMP.

## **2. Duties**

- a) The duties and responsibilities of the Shoreline Administrator shall include:
  - 1) Preparing and using application forms essential to administer this SMP.
  - 2) Advising interested citizens and applicants of the policies, regulations, and procedures of this SMP.
  - 3) Making administrative decisions and interpretations of the policies and regulations of this SMP and the SMA. In development of any procedures for and/or administrative interpretations of the Master Program, the Administrator shall consult with the Department of Ecology to insure any formal written interpretation is consistent with the purpose and intent of the Shoreline Management Act and the Shoreline Master Program Guidelines.
  - 4) Collecting applicable fees, as established in the City's fee schedule.
  - 5) Determining application submission completeness.
  - 6) Conducting field inspections as necessary.
  - 7) Reviewing applications and submitted and related information.
  - 8) Determining if a substantial development permit, CUP, or variance is required.
  - 9) Providing copies of permit applications to relevant staff and agencies for review and comment.
  - 10) Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.
  - 11) Submitting substantial development permit, CUP and variance applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
  - 12) Assuring that proper notice is given to appropriate persons and the public for all hearings.
  - 13) Providing technical and administrative assistance to the City's Hearing Examiner, Planning Advisory

Board, and City Council as required for effective and equitable implementation of this program and the Act.

- 14) Investigating, developing, and proposing amendments to this SMP as deemed necessary to more effectively and equitably achieve its policies.
- 15) Enforcing and seeking remedies for alleged violations of this SMP, the SMA or conditions of any approved shoreline permit issued by the City.
- 16) Acting as the primary liaison between local and state agencies in the administration of the SMA and this SMP.
- 17) Forwarding shoreline permits to the Ecology for filing or action.

## C. Substantial Development

Any person wishing to undertake substantial development within the shoreline shall submit materials as required under Chapter 18A.02 LMC and shall apply to the Shoreline Administrator for a shoreline permit, as required in this Chapter and Chapter 90.58 RCW. Specific submittal requirements may be established by administrative rule.

### 1. Exemptions

- a) Developments, which are exempt from the requirement for a substantial development permit, are identified in WAC 173-27-0404 or as subsequently amended.
- b) Applicants must apply for an exemption approval on forms provided by the City, pursuant to Chapter 18A.02 LMC. Applicants shall be required to submit information necessary to determine the exemption and compliance with the requirements of this SMP. Submittal requirements shall be established by administrative rule.
- c) Before determining that a proposal is exempt, the Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria.
- d) All development, use, or activity that occurs within the shoreline jurisdiction is subject to the requirements of this SMP, regardless of whether a substantial development permit required.
- e) Exempt development may still require a variance or CUP. For example, exempt development that cannot meet the dimensional standards in this SMP will require a variance and certain uses are allowed in certain shoreline environment designations only upon approval of a CUP.
- f) The Administrator shall prepare a letter of exemption whenever a development is determined to be exempt from the Substantial Development permit requirements and the development is subject to one or more of the federal permit requirements outlined in WAC 173-27-050. The letter shall indicate the specific exemption that is being applied to the development and provide a summary of the City's analysis of the

consistency of the project with the SMP.

## 2. Permit Process

- a) Applicants shall apply for substantial development permits, CUPs, and variances on forms provided by the City.
- b) Substantial development permits, CUPs, and variances are Process II applications and shall be processed and subject to the applicable regulations of Chapter 18A.02 LMC, as amended.
- c) Public Notice. A notice of application shall be issued for all shoreline permit applications as provided for in Chapter 18A.02 LMC, as amended, excepting that the public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-110(2)(e).
- d) Public Hearing. The Shoreline Administrator, at his or her discretion, may refer any shoreline application to the Hearing Examiner as a Process III application when the proposal could significantly impact another party or the proposal is of broad public concern. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.
- e) Application review. The Shoreline Administrator shall make decisions on applications for substantial development permits, CUPs, and variances based upon:
  - 1) The policies and procedures of the SMA and related sections of the WAC;
  - 2) Any public comment received on the application as it relates to compliance with the requirements of the SMA or this SMP; and
  - 3) Special procedures for WSDOT projects. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments; and
  - 4) This SMP.
- f) Local Appeal. All decisions of the Shoreline Administrator may be appealed to the Hearing Examiner pursuant to Chapter 18A.02 LMC and related provisions. Any party may also appeal a substantial development permit, CUP, or variance to the Shoreline Hearings Board as provided by RCW 90.58.180 without first exhausting any local appeal opportunity. The decision of the Hearing Examiner may also be appealed to the Shoreline Hearings Board.
- g) Filing with Ecology. All applications for a permit or permit revision shall be submitted to Ecology, as required by WAC 173-27-130 or as subsequently amended. After City approval of a CUP or Variance, the City shall submit the permit to the Ecology for approval, approval with conditions, or denial, as provided in WAC 173-27-200. Ecology shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City. Permit revisions shall comply with the revision approval criteria and process provided in WAC 173-27-100.
- h) Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on

Substantial Development Permits differs from date of filing for a CUP or variance. In the case of a substantial development permit, the date of filing is the date Ecology actually receives the City decision on the permit. In the case of a variance or CUP, the “date of filing” means the date that Ecology’s final decision on the permit is transmitted to the City.

- i) Duration of permits. Construction, or the use or activity, shall commence within two (2) years after the effective date of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Shoreline Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and Ecology, for up to one (1) year based on reasonable factors.
- j) Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity. All uses and developments occurring within shoreline jurisdiction shall be compliant with Chapter 90.58 RCW.

## **D. Variances and Conditional Use Permits**

The SMA states that SMPs shall contain provisions covering variances and CUPs that are consistent with Chapter 173-27 WAC. These provisions should be applied in a manner, which assures that a person will be able to use his/her property in a fair and equitable manner while still protecting the environment.

### **1. Shoreline Variance**

#### **a) Purpose**

The purpose of a variance is strictly limited to granting relief to specific bulk dimensions, or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

#### **b) Application**

- 1) An application for a Variance shall comply with the provisions of Chapter 18A.02 LMC. An applicant for Substantial Development Permit who wishes to request a Variance shall submit the applications for a Variance and Substantial Development Permit simultaneously.

#### **c) Criteria for Granting Variances**

- 1) Variances for development that will be located landward of the OHWM and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:
  - a. That the strict application of the bulk, dimensional, or performance standards set forth in the



- SMP precludes, or significantly interferes with, reasonable use of the property.
- b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP and not, for example, from deed restrictions or the applicant's own actions.
  - c. That the design of the project is compatible with other permitted activities within the area and with the uses planned for the area under the Comprehensive Plan and SMP and the design will not cause adverse impacts to the shoreline environment.
  - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
  - e. That the variance requested is the minimum necessary to afford relief.
  - f. That the public interest will suffer no substantial detrimental effect.
- 2) Variances for a development that will be located waterward of the OHWM mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes all reasonable use of the property.
  - b. That the proposal is consistent with the criteria established under subsection (1)(a) through (f) of this section.
  - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
- 3) In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- 4) Variances from the use regulations of the SMP are prohibited.

## **2. Shoreline Conditional Use Permits**

### **a) Purpose**

The purpose of a CUP is to allow flexibility in the application of use regulations of the SMP in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the SMA and this SMP.

## **b) Application**

An application for a CUP shall comply with the provisions of Chapter 18A.02 LMC. An applicant for a Substantial Development Permit who wishes to request a CUP shall submit the applications for a CUP and Substantial Development Permit simultaneously.

## **c) Criteria for Granting Shoreline Conditional Use Permits**

- 1) Uses classified as conditional uses in the SMP may be authorized, provided the applicant demonstrates all of the following conditional use criteria as listed in WAC 173-27-160:
  - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
  - b. That the proposed use will not interfere with the normal public use of public shorelines;
  - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP;
  - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  - e. That the public interest suffers no substantial detrimental effect.
- 2) In the granting of all CUPs, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if CUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- 3) Other uses, which are not classified or set forth in this SMP, may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the SMP.
- 4) Uses, which are specifically prohibited by this SMP, shall not be authorized.

## **E. Appeals to the Shoreline Hearings Board**

Any person aggrieved by the granting or denying of a substantial development permit, CUP, or variance, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this SMP, may seek review from the State of Washington Shorelines Hearing Board by filing a petition for review within twenty-one (21) days of the date of filing of the permit decision. Within seven (7) days of filing the petition, the petitioner shall serve copies of the petition to Ecology, the Attorney General's Office, and the City of Lakewood. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC.

## **F. Nonconforming Use and Development Standards**

### **1. Applicability**

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed

or legally established prior to the effective date of the SMA or this SMP, or amendments thereto, but which does not conform to present regulations or standards of this SMP. Nonconforming uses are also subject to LMC Section 18A.02.830. Where the standards in this Section are more specific or conflict with the standards in LMC Section 18A.02.830, the standard in this Section shall apply. Where the standards contained in this Section do not address an issue related to nonconforming development, the standards contained in LMC Section 18A.02.830 shall apply.

## **2. Standards for Nonconforming Structures, Uses, and Lots**

### **a. Nonconforming structures**

- 1) Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.
- 2) Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.
- 3) Nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.
- 4) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- 5) In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
  - a. No reasonable alternative conforming use is practical; and
  - b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
- 6) A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the applicable master program and the act.
- 7) If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the

permits necessary to restore the development within two years of the date the damage occurred.

**b. Nonconforming uses**

- 1) Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses.
- 2) In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.
- 4) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless re-establishment of the use is authorized through a conditional use permit which must be applied for within the two year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations. A use authorized pursuant to subsection (2)(e) of this section shall be considered a conforming use for purposes of this section.

**c. Nonconforming lots**

A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

## **G. Enforcement and Penalties**

### **I. General Provisions**

- a) The Shoreline Administrator shall enforce all provisions of this SMP. The enforcement procedures and penalties contained in Chapter 173-27 WAC and Chapter 90.58 RCW are hereby incorporated by reference. See also Chapter 1.44 LMC for additional information regarding the City's enforcement regulations and related penalties.
- b) The Shoreline Administrator shall have authority to enforce this Title, any rule or regulation adopted, and any permit, order or approval issued pursuant to this Title, against any violation or threatened violation thereof. The Shoreline Administrator is authorized to issue civil infraction citations and administrative orders, levy fines, and/or institute legal actions in court including prosecution of misdemeanor violations. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this Title, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this Title, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed a separate and distinct offense. An application for a required permit, when pursued in good faith, shall stay the accumulation of violations. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.
- c) The Shoreline Administrator is authorized to make site inspections and take such actions as necessary to enforce the SMP. The Shoreline Administrator or representative may enter private property with the

consent of the owner or occupant or pursuant to a warrant.

- d) The Shoreline Administrator shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of areas at the owner's expense.
- e) The Shoreline Administrator may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of shorelines, which are inconsistent with this Title. Enforcement actions shall include civil infractions, administrative orders, prosecution of misdemeanors, and actions for damages and restoration.
- f) Aiding or abetting. Any person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have committed a violation of this Title.
- g) Any person found to have violated any provision of this Title or who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this Title or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to be maintained pursuant to this Title shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine of up to \$1,000.00.
- h) Orders and penalties issued pursuant to this Section may be appealed as provided for by this Title.

## **2. Administrative Orders**

- a) The Shoreline Administrator may serve an administrative order when any person makes or partakes in any use of land, development or any activity within the shoreline jurisdiction or on associated critical areas and/or buffers in violation of this Title. The order shall include the following:
  - 1) A description of the specific nature, location, extent, and time of violation. The order may include the damage or potential damage resulting from the violation.
  - 2) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
  - 3) Effective date. The cease and desist order issued under this Section shall become effective immediately upon receipt by the person to whom the order is directed.
  - 4) Compliance. Failure to comply with the terms of an administrative order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
  - 5) The order may include specific corrective measures to be taken to mitigate environmental damage.
  - 6) The order shall state that an affected party may request a hearing by sending a written request for a hearing to the Shoreline Administrator within ten (10) days of the receipt of said order and upon payment of the applicable appeal fee.
  - 7) Failure to comply with the terms and provisions of an administrative order issued under this Title shall

constitute public nuisance and may be abated and prosecuted according to applicable law including LMC Section 8.16, Chapter 7.48 RCW and Chapter 9.66 RCW.

- 8) Administrative orders pursuant to this Title shall be served upon the property owner, person, or party occupying the property by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to the property owner at the property address or to the mailing address listed upon public records regarding the property. In the event that personal service or certified mail service cannot be completed, or the property owner cannot be identified or located, service of the order may be achieved by posting the administrative order in a conspicuous location upon the property.
  - a. Any person who undertakes any activity within an area regulated by the SMA or affiliated critical area or buffer without first obtaining an approval required by this Title, or who violates one or more conditions of any approval required by this Title, shall be subject to a Class 2 civil infraction citation with a mandatory \$250.00 fine. Any person who violates one or more conditions of administrative order issued under this Title may be subject to prosecution for a misdemeanor, and a maximum penalty of 90 days in jail and/or a \$1,000.00 fine may be imposed. Each violation and, in the case of a continuing violation, each violation and each day of activity without a required approval shall be a separate and distinct violation. An application for a required permit, when pursued in good faith, shall stay the accumulation of violations. The penalty provided shall be appealable as provided by law.
  - b. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Title, shall be guilty of a civil infraction or misdemeanor. Each day or portion of a day during which a violation of this Title is continued, committed, or permitted shall constitute a separate offense. Any development carried out contrary to the provisions of this Title shall constitute a public nuisance and it may be enjoined as provided by the Statutes of the State of Washington.

### **3. Suspension and Revocation**

In addition to other penalties provided for elsewhere, the Shoreline Administrator may suspend or revoke any project permit approval if it finds that the applicant has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

### **H. Shoreline Master Program Review by City of Lakewood**

1. This SMP shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in state statutes and administrative rules, and changes to the City's Comprehensive Plan and implementing regulations.
2. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of this SMP in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions. This process

shall also be used to periodically evaluate the cumulative effects of authorized development on shoreline conditions.

3. As part of any major update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
4. The SMP periodic review process shall be consistent with requirements of RCW 90.58.080 and WAC 173-26-090 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

## **I. Amendments to the Shoreline Master Program**

1. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in LMC Section 18A.02.
2. Amendments or revisions to the SMP, as provided by law, do not become effective until approved by Ecology.

## **J. Severability**

If any provisions of this SMP, or its application to any person or legal entity or parcel of land or circumstances is held invalid, the remainder of this SMP, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

## **K. Conflict of Provisions**

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the requirement that most supports the purposes and provisions of the SMA as detailed in RCW 90.58.020 shall apply, as determined by the Shoreline Administrator, except when constrained by federal or state law.

# Chapter 7 Definitions and Abbreviations

THE FOLLOWING WORDS AND PHRASES ARE GIVEN THE DEFINITIONS AND/OR ABBREVIATIONS PROVIDED IN THIS CHAPTER FOR PURPOSES OF INTERPRETING THIS SMP.

**Accessory use or accessory structure** - Any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building to which it is subordinate.

**Accretion** - The growth of a beach by the addition of material transported by wind and/or water, including, but not limited to, shore forms such as barrier beaches, points, spits, and hooks.

**Act** - The Shoreline Management Act (See Chapter 90.58 RCW).

**Adjacent lands or properties** - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls (i.e. zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local SMP (see RCW 90.58.340).

**Agriculture** - Agricultural uses, practices and activities. In all cases, the use of agriculture related terms shall be consistent with the specific meanings provided in WAC 173-26-020. Accessory agricultural uses may consist of garden plots, livestock pens, barns, or other structures supporting incidental agriculture on the property.

**Anadromous fish** - Fish species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

**Appurtenance** - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and also of the perimeter of any wetland. For purposes of this SMP, normal appurtenances are outlined in Chapter 4, Section D(6)(c)(11).

**Aquaculture** - The commercial cultivation of fish, shellfish, and/or other aquatic animals or plants including the incidental preparation of these products for human use.

**Archaeological** - Having to do with the scientific study of material remains of past human life and activities.

**Associated wetlands** - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the SMA. (See WAC 173-22-030(1)).

**Average grade level** - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of OHWM. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (See WAC 173-27-030(3)).

**Baseline** - The existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this SMP is approved.



**Beach** - The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

**Beach enhancement/restoration** - Process of restoring a beach to a state that more closely resembles a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

**Beach feeding** - Landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

**Benthic organism or Benthos** - Living organisms that live in or on the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

**Berm** - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the OHWM. A linear mound may be used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

**Best Management Practices (BMPs)** - Methods of improving water quality that can have a great effect when applied by numerous individuals. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

**Bioengineering** - see Soil bioengineering.

**Biofiltration system** - A stormwater or other drainage treatment system that utilizes the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

**Biota** - The animals and plants that live in a particular location or region.

**BMPs** - see Best Management Practices.

**Boat launch or ramp** - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

**Boat lift** - A mechanical device that can hoist vessels out of the water for storage, usually located along a pier.

**Boat lift canopy** - A translucent canopy or awning that is attached to the boat lift to shield the boat from sun and precipitation.

**Boathouse** - A structure designed for storage of vessels located over water or on shorelands. Boathouses do not include "houseboats" or "floating homes." Boathouses have 4 walls and a solid roof, whereas covered moorage does not include walls, only a roof.

**Boating facility** - A public or private moorage structure or boat launch serving more than four (4) residences.

**Breakwater** - An offshore structure generally built parallel to the shore that may or may not be connected to land, built to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore and to protect the shoreline from wave-caused erosion.

**Buffer** or “buffer zone, strip, or area” means the area adjacent to a shoreline or critical area that separates and protects the area from adverse impacts associated with adjacent land uses.

**Bulkhead** - A vertical or nearly vertical erosion protection structure placed parallel to the shoreline at or near the OHWM, consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

**CERCLA** - Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or “SARA.”

**Channel Migration Zone (CMZ)** - The area within which a river channel is likely to move over a period of time, also referred to as the meander belt. Unless otherwise demonstrated through scientific and technical information, areas separated from the active river channel by legally existing artificial channel constraints that limit channel movement within incorporated municipalities and urban growth areas and all areas separated from the active channel by a legally existing artificial structure(s) that is likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood should not be considered within the CMZ.

**Chapter 90.58 RCW** - The Shoreline Management Act of 1971.

**City** - The City of Lakewood.

**Clearing** - The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

**CMZ** - see Channel Migration Zone.

**Commercial** - Uses and facilities that are involved in wholesale or retail trade or business activities.

**Community Pier / Dock** - Joint use moorage serving more than four (4) residences that is tied to specific parcels by covenant or deed. Community piers are distinguished from marinas in that they do not offer moorage space for lease or sale.

**Comprehensive Plan** - Comprehensive plan means the document adopted by the city council, including all attachments, that outlines the City’s goals and policies relating to growth management, and prepared in accordance with Chapter 36.70A RCW.

**Conditional Use** - A use, development, or substantial development that is classified as a conditional use or is not classified within the SMP. (See WAC 173-27-030(4)).

**Conservation Easement** - A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land,

and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

**Covered moorage** - Boat moorage, without solid walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the lake.

**Cumulative impact** - The impact on the environment resulting from the incremental impact of past, present, and reasonably foreseeable future actions taken together regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

**Degrade** - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

**Development** - The construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any permanent or temporary project which interferes with the normal public use of the waters overlying lands subject to the SMA at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development. (See RCW 90.58.030(3a)).

**DFW** - the Washington State Department of Fish and Wildlife.

**DNR** - the Washington State Department of Natural Resources.

**Dock** - A floating moorage structure.

**Dredge spoil or Dredge material** - The material removed by dredging.

**Dredging** - Excavation or displacement of the bottom or shoreline of a water body by mechanical or hydraulic machines to maintain channel depths or berths for navigational purposes or to cleanup polluted sediments.

**Dwelling unit** - A single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and includes permanent provisions for living, sleeping, eating, cooking and sanitation.

**EIS** - Environmental Impact Statement.

**Ecological functions** - The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

**Ecology** - The Washington State Department of Ecology.

**Ecosystem-wide processes** - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

**Ell** - Terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed-piles or floating docks and are typically wider than the pier walkway.

**Emergency** - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property from damage by the elements. For a complete definition of emergency, including required follow up actions and exclusions from this definition, see RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

**Endangered Species Act (ESA)** - A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range. (See 16 U.S.C. § 1531 et seq.).

**Enhancement** - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

**Environmental impacts** - The effects or consequences of actions on the natural and built environments, including effects upon the elements of the environment listed in the State Environmental Policy Act. (See WAC 197-11-600 and WAC 197-11-444).

**Environmentally Sensitive Areas Ordinance 362, City of Lakewood** - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of the City. The ordinance addresses environmentally sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

**Environments or Shoreline Environment** - Designations given to specific shoreline areas based on the existing development pattern, the biophysical capabilities and limitations, and the goals and aspirations of local citizenry, as part of an SMP.

**Erosion** - The wearing away of land by of natural forces.

**Exaction** – A concept in real property law where a condition for development is imposed on a parcel of land that requires the developer to mitigate anticipated negative impacts of the development.

**Excavated moorage slip** - A boat mooring location that is man-made in that it requires dredging or excavation of excess sediment to afford access. Such slips may often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

**Excavation** - The artificial movement of earth materials.

**Exemption** - Specific developments exempt from the definition of substantial developments and the Substantial Development Permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local SMP. CUPs and/or Variances may also still be required even though the activity does not need a Substantial Development Permit. For a complete list of exemptions, see WAC 173-27-040.

**Fair market value** - The open market bid price for conducting the work, using the equipment and facilities, and purchasing the goods, services and materials necessary to accomplish a development, normally the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (See WAC 173-27-030(8)).

**Feasible** - An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where certain actions are required unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**Fill** - The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands in a manner that raises the elevation or creates dry land.

**Finger pier or fingers** - A narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

**Float** - A floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving.

**Floating dock** - A fixed structure floating upon a water body for the majority of its length and connected to shore.

**Floating home** - A structure designed and operated substantially as a permanently based over water residence, typically served by permanent utilities and semi-permanent anchorage/moorage facilities. Floating homes are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel.

**Floodplain** - The land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year (synonymous with 100-year floodplain). The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (See WAC 173-22-030(2)).

**Floodway** - The area, as identified in an SMP, that has been established in Federal Emergency Management

Agency flood insurance rate maps (FIRM) or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**Geotechnical report or Geotechnical analysis** - A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology; the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes; conclusions and recommendations regarding the effect of the proposed development on geologic conditions; the adequacy of the site to be developed; the impacts of the proposed development; alternative approaches to the proposed development; and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

**Grading** - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

**Grassy swale** - A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

**Groin** - A barrier-type structure extending from, and usually perpendicular to, the backshore into a water body, to protect a shoreline and adjacent upland by influencing water movement and/or material deposits. This is accomplished by building or preserving an accretion beach on its up drift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

**Habitat** - The place or type of site where a plant or animal naturally or normally lives and grows.

**Hearing Examiner** - The Hearing Examiner of the City of Lakewood.

**Height** - The distance measured from the average grade level to the highest point of a structure; provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines. Temporary construction equipment is excluded in this calculation (See WAC 173-27-030(9)).

**Heliport** - Any landing area or other facility used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

**Hoist** - A device used for lifting or lowering a load by means of a drum or lift-wheel around which rope, fiber or chain wraps. It may be manually operated, electrically or pneumatically driven.

**Houseboat** - A vessel, principally used as an over water residence, licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location,

for a period exceeding two (2) months in any one calendar year. This definition includes live aboard vessels.

**Impervious surface** - Any horizontal surface artificially covered or hardened so as to prevent or impede the water percolation into the soil mantle including, but not limited to, roof tops, swimming pools, or paved or graveled roads, walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

**In-stream structure** - A structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or water flow diversion, obstruction, or modification. In-stream structures may include structures used for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service, fish habitat enhancement, or other purpose.

**Joint Use Pier or Dock** - A pier, dock, or secured float or floats for vessel moorage, fishing, or other water use that is shared by two (2) or more residences, up to four (4) residences. Joint use moorage serving more than four residences is considered a community pier or dock.

**Lake** - A body of standing water in a depression of land or expanded part of a river, including, but not limited to, reservoirs of twenty (20) acres or greater in total area. A lake is bounded by the OHWM or, where a stream enters a lake, the extension of the elevation of the lake's OHWM within the stream (WAC 173-20-030; WAC 173-22-030(4)).

**Landfill** - The creation of, or addition to, a dry upland area (landward of the OHWM) by the addition of rock, soil, gravels and earth or other material, but not solid or hazardous waste.

**Landscaping** - Vegetation ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

**Launching rail** - See Boat launch or ramp.

**Launching ramp** - See Boat launch or ramp.

**LID** - Low Impact Development.

**Littoral** - Living or occurring on the shore.

**Littoral drift** - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents. **Marina** - A private or public facility providing the purchase or lease of a slip for storing, berthing and securing boats or watercraft, including both long-term and transient moorage, including, but not limited to, accessory facilities that provide incidental services to marina users, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boat. Community docks and piers, which serve specific upland parcels and which do not offer moorage for purchase by the general public, shall not be considered to be marinas.

**Lot Width** - The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines, except that portion of a flag lot that usually forms an extended access way to a street right-of-way.

**Low Impact Development (LID)** - A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

**May** - Signifies an action is permitted but not required, provided it conforms to the provisions of this SMP.

**Mitigation or Mitigation sequencing** - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal through the following sequence of steps, listed in order of priority: (See WAC 197-11-768 and WAC 173-26-201(2)(e)(1)).

- (a) Avoiding the impact all together by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

**Moorage** - Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy).

**Moorage Piles** - Structural members driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

**Multi-family dwelling or Multi-family residence** - A building containing two (2) or more dwelling units, including, but not limited to, duplexes, triplexes, four-plexes, apartment buildings and condominium buildings.

**Must** - Signifies an action is required.

**Native plants** - Plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

**Nonconforming use, development, structure, or lot** - (a) "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program. (b) "Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program. (c) "Nonconforming lot" means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program (See WAC 173-27-080).

**Normal maintenance** – Those usual acts to prevent a decline, lapse, or cessation from a lawfully established



condition.

**Normal repair** – To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.

**Ordinary High Water Mark (OHWM)** - The mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology provided, that in any area where the OHWM cannot be found, OHWM adjoining fresh water shall be the line of mean high water. (See RCW 90.58.030(2)(c) and WAC 173-22-030(5)).

**Overwater structure** - Any device or structure projecting over the OHWM, including, but not limited to, piers, docks, floats, and moorage.

**Permit or Shoreline Permit** - Any substantial development permit, CUPs or variance, or revision, or any combination thereof, authorized by the Act (See WAC 173-27-030(13)).

**Pier** - A fixed, pile-supported moorage structure.

**Primary structure** – The structure associated with the principal use of the property. This also includes single family residential appurtenant structures (such as a garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as tool sheds, gazebos, greenhouses or other ancillary residential improvements that can feasibly be moved landward to prevent the erosion threat.

**Priority habitat** - A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- 1) Comparatively high fish or wildlife density;
- 2) Comparatively high fish or wildlife species diversity;
- 3) Fish spawning habitat;
- 4) Important wildlife habitat;
- 5) Important fish or wildlife seasonal range;
- 6) Important fish or wildlife movement corridor;
- 7) Rearing and foraging habitat;
- 8) Important marine mammal haul-out;
- 9) Refuge habitat;
- 10) Limited availability;
- 11) High vulnerability to habitat alteration;
- 12) Unique or dependent species; or
- 13) Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary

importance to fish and wildlife (such as oak woodlands or eelgrass meadows); by a successional stage (such as, old growth and mature forests); or by a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

**Priority species** - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels, and that meet any of the criteria listed below:

- (a) State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by DFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- (b) Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- (c) Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- (d) Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

**Professional engineer** - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the State of Washington or another state.

**Proposed, Threatened, and Endangered Species** - Those native species that are proposed to be listed or are listed by DFW as threatened or endangered, or that are proposed to be listed or are listed as threatened or endangered under the federal Endangered Species Act.

**Public access** - The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (See WAC 173-26- 221(4)).

**Public interest** - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (See WAC 173-27- 030(14)).

**Public use** - Public use means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. (See WAC 332-30-106)).

**RCW** - Revised Code of Washington.

**Residential development** - Development which is primarily devoted to or designed for use as a dwelling(s), including, but not limited to, single-family development, multi-family development, and the creation of new residential lots through land division.

**Recreational float** - A floating structure that is moored, anchored, or otherwise secured in the water offshore and that is generally used for recreational purposes such as swimming and diving.

**Recreational Use or Development** - Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of this SMP, recreational facilities are divided into two categories:

- 1) Water-oriented (i.e. - moorage facilities, fishing piers, recreational floats, trails, swimming beaches, overlooks, etc.); and
- 2) Non-water-oriented (i.e. - sports fields, golf courses, sport courts, etc.).

**Restoration or Ecological restoration** - The reestablishment or upgrading of impaired ecological shoreline processes or functions accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

**Riparian** - Of, on, or pertaining to the banks of a river, stream or lake.

**Riprap** - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

**Rotovating** - An aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

**Runoff** - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

**Sediment** - The fine grained material deposited by water or wind.

**SEPA** - see State Environmental Policy Act

**SEPA Checklist** - The checklist required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment, to help to reduce or avoid impacts from a proposal, and to help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (See WAC 197-11-960).

**Setback** - A required open space, specified in SMPs, measured horizontally upland from and perpendicular to the OHWM. "Setback" means the distance a building structure is placed behind a specified limit such as a lot line or shoreline buffer.

**Shall** - Signifies an action is required.

**Shorelands or Shoreland Areas** - Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous flood plain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the SMA. Shorelands in the City are limited to those areas within two hundred (200) feet of the OHWM of American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek and any associated wetlands.

**Shoreline Administrator** - The City of Lakewood Planning and Community Development Director or his/her designee, charged with the responsibility of administering this SMP.

**Shoreline jurisdiction** - All of the geographic areas covered by the SMA, related rules and the applicable SMP. In the City, shoreline jurisdiction includes American Lake, Gravelly Lake, Lake Louise, Lake Steilacoom, Waughop Lake, Chambers Creek, and Clover Creek, those areas within two hundred (200) feet of the OHWM of these water bodies, and any associated wetlands. See definitions of Shorelines, Shorelines of the state, Shorelines of statewide significance, Shorelands, and Wetlands.

**Shoreline Management Act (SMA)** - Chapter 90.58 RCW, as amended. Washington law adopted to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

**Shoreline Master Program (SMP)** - The comprehensive use plan and related use regulations used by local governments to administer and enforce the permit system for shoreline management. SMPs must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

**Shoreline Master Program Guidelines** - The Shoreline Master Program (SMP) Guidelines are state standards which local governments must follow in drafting their shoreline master programs. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. The guidelines are found in WAC 173-26, Part III.

**Shoreline modification** - Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can also include other actions, such as clearing, grading, or application of chemicals or significant vegetation removal.

**Shoreline stabilization** - Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural measures such as bulkheads and nonstructural methods such as building setbacks or relocation of structures.

**Shoreline vegetation management plan (SVMP)** - A plan prepared by a qualified professional that identifies appropriate mitigation, performance assurances, and maintenance and monitoring requirements necessary to assure no net loss of ecological functions.

**Shorelines** - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(e).

**Shorelines Hearings Board** - A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government. (See RCW 90.58.170; 90.58.180).

**Shorelines of statewide significance** - A select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special use preferences apply and greater planning authority is granted by the SMA. SMP policies, use regulations and permit review must acknowledge the use priorities for these areas established by the SMA. (See RCW 90.58.020). In Lakewood, American Lake is the only lake considered to have shorelines of statewide significance and subject to RCW 90.58.

**Shorelines of the state** - Shorelines and shorelines of statewide significance.

**Should** - Signifies an action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this SMP, against taking the action.

**Sign** - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

**Significant vegetation removal** – The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

**Single-family residence** - A detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance (See Chapter 4, Section D(6)(c)(11)).

**SMA** - see Shoreline Management Act.

**SMP** - see Shoreline Master Program.

**Soil bioengineering** - An applied science that combines structural, biological and ecological concepts to construct living structures that stabilize soils to control erosion, sedimentation and flooding using live plant materials as a main structural component.

**Solid waste** - All garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types, whether the sources be residential or commercial, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

**State Environmental Policy Act (SEPA)** - State law that requires state agencies, local governments and other

lead agencies to consider environmental factors when making most permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs and public comment may be required.

**Stream** - A naturally occurring body of periodic or continuously flowing water where the mean annual flow is greater than twenty (20) cubic feet per second and the water is contained within a channel (See WAC 173-22-030(8)).

**Structure** - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (See WAC 173-27-030(15)).

**Substantial Development** - Any development of which the total cost or fair market value exceeds seven thousand and forty seven dollars (\$7,047), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the Washington State Office of Financial Management every five (5) years based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. A list of activities and developments that shall not be considered substantial development is provided in Chapter 7 (See WAC 173- 27-040(2)(a)).

**SVMP** - see Shoreline Vegetation Management Plan.

**Terrestrial** - Of or relating to land as distinct from air or water.

**Upland** - The dry land area above and landward of the OHWM.

**Utilities** - Services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

**Utilities, Primary** - Utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

**Utilities, Secondary** - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

**Variance** - A means to grant relief from the specific bulk, dimensional or performance standards specified in the applicable SMP, but not a means to vary a shoreline use. A variance must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

**WAC** - Washington Administrative Code.

**Water-dependent use** - A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations, including, but not limited to, moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

**Water-enjoyment use** - A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

**Water-oriented use** - Refers to any combination of water-dependent, water-related, and/or water enjoyment uses.

**Water quality** - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. "Water quantity" refers only to development and uses regulated and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

**Water-related use**- A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- 1) Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
- 2) The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

**Wetlands or Wetland areas** - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, generally including swamps, marshes, bogs and similar areas, but not those artificial wetlands intentionally created from non-wetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally

created from non-wetland areas to mitigate the conversion of wetlands.

**Zoning** - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.





## **PUBLIC SAFETY ADVISORY COMMITTEE**

Regular Meeting Minutes  
Wednesday, August 7, 2019  
Lakewood Police Department  
9401 Lakewood Drive SW  
Lakewood, WA 98499

### CALL TO ORDER

The meeting was called to order at 5:15 p.m.

### ROLL CALL

Public Safety Advisory Committee Members Present: Alan Hart, James Hairston, Ken Witkoe  
Michael Arnett, Ray Dotson and Mark Peila

Public Safety Advisory Committee Members Excused: None

Public Safety Advisory Committee Members Absent: None

City Councilmember Present: No one from City Council was able to be present

Fire Department Staff Present: No one from the Fire Department was able to be present

Lakewood Youth Council Present: School out for summer.

Staff Present: Chief Mike Zaro and Committee Staff Support; Joanna Nichols, Administrative Assistant

### APPROVAL OF MINUTES

Mark Peila motioned to approve May's meeting minutes. All ayes; minutes were approved.

### PUBLIC COMMENT

There were no public comments.

### CITY COUNCIL LIAISON COMMENTS

No one from City Council was able to be present.

### FIRE CHIEF COMMENTS

No one from the Fire Department was able to be present.

### POLICE CHIEF COMMENTS

Chief Michael Zaro discussed National Night Out and stated he felt it was another successful event and year.

Chief Michael Zaro stated that the focus for the Department, currently, was on hiring and discussed how our last hiring testing process went.

Chief Michael Zaro stated we have our first Citizens Academy coming up soon and more information on that would be going out.

Chief Michael Zaro discussed the speed emphasis the Department would be conducting in the month of August. Discussion ensued.

### YOUTH COUNCIL COMMENTS

Youth Council is out for the summer.

### UNFINISHED BUSINESS

Fireworks were discussed. Chief Zaro gave a presentation regarding the numbers from the Fire Department, as well as LPD, and included footage from drone videos taken around 10 p.m. on the 4<sup>th</sup> of July. A subcommittee was created to draft up a letter to send to City Council with a recommendation for an advisory vote of the citizens. Two options suggested in the vote: a total ban or a city sponsored event, to include suggestions on where that money was supposed to come from for the city sponsored event. Discussion ensued. The sub-committee will present a draft to the Committee at the next meeting (October 2<sup>nd</sup>, 2019).

### NEW BUSINESS

Mark Peila asked about the District 6 crime increases he was noticing in the “Lakewood at a Glance” section of the 2<sup>nd</sup> quarter Report. Discussion ensued.

REPORTS FROM BOARD MEMBERS & STAFF

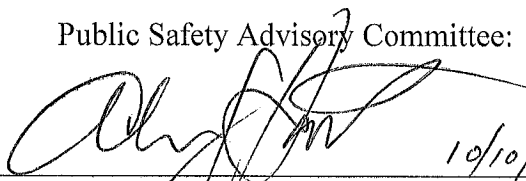
Ray Dotson volunteered to attend the Tillicum Neighborhood Association Meetings. Other members gave their meeting reports, as applicable.

Michael Arnett asked some questions regarding protocols for Animal Control call outs. Discussion ensued.

ADJOURNMENT

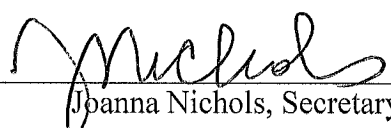
Mark Peila motioned to adjourn the meeting; all ayes. Meeting adjourned at 6:15 p.m.

Public Safety Advisory Committee:

  
\_\_\_\_\_  
Alan Hart, Vice Chair

10/10/19

Attest:

  
\_\_\_\_\_  
Joanna Nichols, Secretary



## LAKWOOD'S PROMISE ADVISORY BOARD

Thursday, September 5, 2019

American Lake Conference Room

Lakewood City Hall

Lakewood, WA 98499

7:30 am – 8:30 am

### CALL TO ORDER

Ms. Ellie Wilson called the meeting to order at 7:36 am.

### ATTENDANCE

**Promise Advisory Members Present:** Ellie Wilson, Leanna Christian, Elise Bodell, Mary Dodsworth, Beverly Howe, Shareka Fortier-Edwards (on behalf of Dr. Joyce Loveday), Andie Gernon, Ron Banner, Wanda Elder

**City Council Liaison:** Mary Moss

**Staff Present:** Brian Humphreys

**Youth Council Liaison:** TBD

### PUBLIC COMMENT

NONE

### APPROVAL OF MINUTES

Andie Gernon moved to approve the June 6<sup>th</sup>, 2019 Promise Board minutes as written on the condition that the listed date of the previous minutes approved is accurate (since confirmed). Wanda Elder seconded the motion. The motion was unanimously approved.

### NEW BUSINESS

Brian Humphreys gave an update about the work of the ad hoc committee over the summer. The committee worked on a dashboard of human services goals that aligned the human services funding priorities with the 5 Promises, then developed a survey to inform an updated community needs assessment based on those goals. The survey will close at the end of October. Several in-person community conversations will be held, and two public community conversations will take place on October 11<sup>th</sup> and 16<sup>th</sup> at the Lakewood library. A report will be written in November with a plan to deliver it to the City Council in December.

Brian Humphreys gave an update about the next What's Up newsletter. Content has been requested to be submitted by the middle of September so the newsletter can be printed by the end of the month.

Mary Dodsworth gave an update about the first meeting of the new Youth Council. Brian Humphreys will follow up with the Recreation Coordinator about who the liaison with the Promise board will be.

**BOARD MEMBER UPDATES**

Ron Banner gave an update that the school district has hired a new Director of Diversity, Equity and Inclusion. School safety zones are also in effect since school has started. The district is launching an anonymous reporting system for potential dangers which will be monitored by an offsite contractor who determines the threat level and how to respond. The enrichment levy will be renewed for 2020. The district also has a new app for information distribution that can be downloaded.

Beverly Howe reported that patient experience and quality scores have increased, and reminded the members that the new name of the hospital is Common Spirit.

Leanna Christian shared the Fall promotion is going on now, which is no fees to sign up. YMCA is doing a key stakeholder summit for the September 24<sup>th</sup>.

Elise Bodell shared about the Future Libraries Project and possible new, updated buildings for city libraries. The library has a survey to gather feedback about a new library (imagine.pcls.us) which will be live until the end of September.

Mary Moss shared that the subarea plan is being presented on September 14<sup>th</sup> at the new plaza. The Multicultural Coalition is moving forward with Harborstone Credit Union as a new sponsor.

Shareka Fortier-Edwards shared that the dedication for the advanced manufacturing facility will be September 20<sup>th</sup> at 3:30.

Ellie Wilson shared that the Barn Bingo is Friday September 6<sup>th</sup> at the McGavick Center.

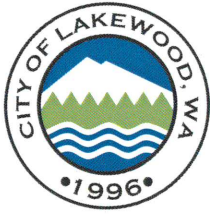
Andie Gernon shared that Community Health Care’s 50<sup>th</sup> anniversary will be October 30<sup>th</sup>. Willie Stewart, a long time Tacoma educator, is also being awarded the Tacoma Peace Prize on September 20<sup>th</sup>. Communities in Schools has a fundraiser on October 9<sup>th</sup>.

**ADJOURN**

Ellie Wilson adjourned the meeting at 8:30 am.

Ellie Wilson 2 Oct 2019  
Ellie Wilson, Chair Date

 10/2/19  
Brian Humphreys, Coordinator Date



**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
September 18, 2019  
City Hall Council Chambers  
6000 Main Street SW  
Lakewood, WA 98499**

### **Call to Order**

Mr. Don Daniels, Chair, called the meeting to order at 6:30 p.m.

### **Roll Call**

Planning Commission Members Present: Don Daniels, Connie Coleman-Lacadie, Christopher Webber, Ryan Pearson, Nancy Hudson-Echols, Paul Wagemann and James Guerrero

Planning Commission Members Excused: None

Commission Members Absent: None

Staff Present: Dave Bugher, Assistance City Manager for Development Services; Tiffany Speir, Special Projects Planning Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Mr. Michael Brandstetter

### **Approval of Minutes**

**The minutes of the meeting held on September 4, 2019 were approved as written by voice vote, M/S/C Wagemann/Guerrero. The motion passed unanimously, 7-0.**

### **Agenda Updates**

Ms. Tiffany Speir requested the unfinished business segment be moved to after the public hearing. Mr. Don Daniels, Chair agreed to the request.

### **Public Comments**

Mr. Glen Spieth, Lakewood History Museum owner, shared that the Historical Society opened up the museum during the celebration of the Colonial Plaza Grand Opening on Saturday evening, September 14<sup>th</sup>. Mr. Spieth guessed approximately 250 visitors attended during that brief opening. The true opening of the museum's new location will be the first week of October.

### **Public Hearings**

Continuation of Lakewood Municipal Development Code (Title 18A) Hearing

Mr. Don Daniels, Chair, opened the floor for public comment.

Mr. Tim Puryear, on behalf of Northwest Building, owner of the Lakewood Industrial Park, requested the commissioners include the "medium" category for "Manufacturing, Assembling and Packaging" as an allowed use in the Industrial Business Park IBP zone. Mr. Puryear requested the LIP be allowed to add one more personal storage facility to the 12 they currently have in operation. Mr. Puryear also requested consideration of the requirement for lighting limits inside the IBP zone. It was suggested the "maximum mounting height above adjacent grade" be increase to a minimum of 35' to allow safer illumination of the truck court out to 75'.

Mr. Gregory Busch, Wireless Policy Group on behalf of AT&T, requested that commissioner's revisit the confusing language specifically in section 18A.95.090.D.11.as it relates to the priority of locations for the macro facilities and the stipulation requiring the applicant to demonstrate that

all other possible locations and wireless technologies cannot be modified to function within the grid system.

Mr. Don Daniels discussed options with commissioners and it was decided the hearing will be held open until the October 16<sup>th</sup> meeting while staff continues to research suggestions forwarded in public comments and the commissioner's suggested changes.

Rezone of 6 Parcels from OSR2 to OSR1 north of Western State Hospital

Ms. Tiffany Speir provided an explanation to commissioners of a recent boundary line adjustment which combined two parcels therefore reducing the number of parcels involved in the rezone to five. Ms. Speir provided an overview of a second staff report that commissioners received by email prior to the meeting which reiterated the 8 criteria to be used in making recommendation to Council.

Mr. Don Daniels, Chair, opened the floor for public hearing to begin.

Ms. Casio, Oakbrook neighborhood resident in Lakewood, requested an explanation of the differences between OSR1 and 2 zones with concerns the rezone would allow something to be built behind their property and affect the view they now enjoy of open spaces. Ms. Speir explained that OSR1 is a more passive zone; fewer things would be allowed if the rezone was approved; meaning the parcels would still remain open space. Ms. Speir provided Ms. Casio a paper copy of the same explanation provided to commissioners.

Mr. David Bugher interjected that the OSR1 zone is the most restrictive zone in Lakewood and is used for open spaces such as the Ft. Steilacoom Park and Chambers Creek areas.

Chair Daniels closed the public hearing.

**Unfinished Business**

Lakewood Municipal Development Code Title 18A Update Discussion

Ms. Tiffany Speir prepared a list of the questions asked and public comments made from the September 4 meeting. Ms. Speir provided to commissioners a set of the latest updated draft amendments to Title 18A which addressed all previous questions and comments to date. Additional public comments have been received and will be answered and discussed again at the next meeting, October 2<sup>nd</sup>.

Mr. David Bugher provided detailed explanations to commissioners on their questions voiced to date. Mr. Bugher noted that cross references to Title 18A within Title 18B as well as several other titles would be up[dated by October 16; in addition, CEDD was working with the City legal department on certain proposed changes which would be shared with the Commission no later than at the next public hearing.

Commissioners have had four meetings, held as many discussions and a public hearing on this code update. Information has been consistently provided to citizens on the project website: [www.Lakewood18A.org](http://www.Lakewood18A.org). Commissioners are scheduled to take action and make recommendation to Council on October 16. Council is currently scheduled to begin consideration on October 28 and take action on November 18, 2019.

**New Business**

2020 Comprehensive Plan Amendment Docket

Ms. Tiffany Speir provided a brief description on each proposed amendment of applications received. Ms. Speir then reviewed the legally required steps in order to complete zoning map and comprehensive text amendments, including City level SEPA review; Department of Commerce (DOC) review; Planning Commission public hearing, review, and recommendation; and City Council public hearing, review and action. Ms. Speir provided a schedule of the next several months of important discussions, public hearings and action dates.

The next steps for commissioner's is the first public hearing on the 2020 Comprehensive Plan and Zoning Map Amendments to be held on October 2, 2019.

**Report from Council Liaison**

Councilmember Mr. Mike Brandstetter updated commissioners on the following topics:

City Council has renewed the City Manager contract for another year. Councilmember Brandstetter commented on the ribbon cutting ceremony for the Complete Streets Colonial Plaza grand opening

**Reports from Commission Members and Staff**

City Council Actions

None

Written Communications

None

Future Agenda Topics

None

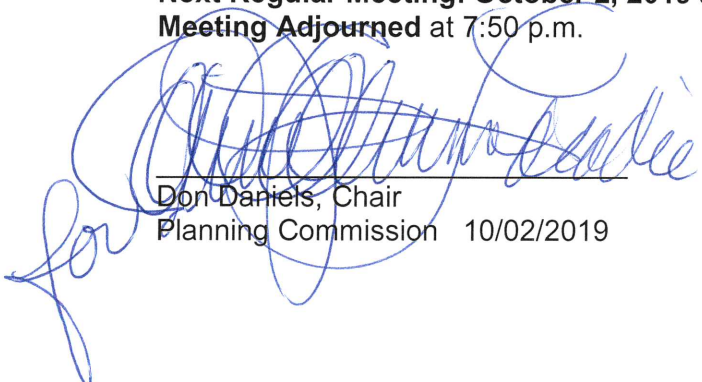
Area-Wide Planning / Land Use Updates

Mr. David Bugher informed the commissioners of abatement hearings scheduled in the morning of Thursday, September 19<sup>th</sup>, for the Karwan Village 38 unit Mobile Home Park regarding their significant issues with a failed septic system as well as high volume of police calls for service. The City is asking for the number of tenants to be reduced and the septic system properly fixed.

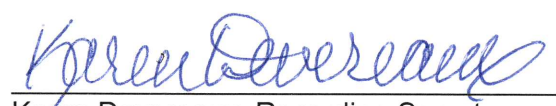
Another hearing is scheduled in the afternoon of September 19<sup>th</sup> for the QFC Property regarding the abatement of the structures. The current owner is of the opinion the property can be rehabilitated. The City performed an inspection finding an interior wall to be bowed. There are questions about the attachments to the roof which needs full replacement.

**Next Regular Meeting: October 2, 2019 at 6:30 p.m. in Council Chambers**

**Meeting Adjourned** at 7:50 p.m.



Don Daniels, Chair  
Planning Commission 10/02/2019



Karen Devereaux, Recording Secretary  
Planning Commission 10/02/2019





TO: City Council

FROM: Tiffany Speir, Planning Manager, Special Projects

THROUGH: John J. Caulfield, City Manager *John J. Caulfield*

DATE: October 21, 2019

SUBJECT: Proposed Rezone of Five Parcels from OSR2 to OSR1

---

The City Council is holding a public hearing on October 21 regarding the proposed rezone of 5 parcels located at the former Fort Steilacoom Golf Course from Open Space and Recreation 2 (OSR2) to Open Space and Recreation 1 (OSR 1.) The Council held a study session to review the rezone proposal on October 14.

**DISCUSSION**

Considering the environmental constraints on the parcels in question, and to better reflect the current and desired use of the subject property and surrounding properties, the City of Lakewood is initiating an application to rezone 5 parcels from OSR2 zone to OSR 1 on the Fort Steilacoom Golf Course, north of the Western State Hospital Campus. No land use redesignation of any of the parcels is needed.

Action	Application Review Process	Parcels	Owner
Zoning Map Amendment (OSR 2 to OSR 1)	Process IV	1. 0220294023	PC Parks
		2. 0220283013	PC Parks
		3. 0220283027	State of WA
		4. 0220283026	State of WA
		5. 0220321007	State of WA DNR

The two maps included below highlight the 5 parcels in question.



Table 1 below distinguishes the permitted, administrative and conditional uses in OSR1 and OSR2. Generally speaking, OSR1 is a more “passive” open space and recreational zone than OSR2 (i.e., higher intensity outdoor recreational uses and transportation uses are allowed in OSR2 than OSR1, and several uses are administratively or conditionally allowed in OSR2 that are not allowed in OSR1 (i.e., Community and Cultural Services, Amusement and Recreation, Funeral Services, and Lodging) as highlighted in the table below.)

**Table 1**

Use	Zone	
	OSR1	OSR2
<b>Permitted</b>	<b>1. Outdoor Recreation (Level 1/2)</b>	<b>1. Outdoor Recreation (Level 1/2)</b>
	2. Residential Accessory Uses	2. Public Maintenance Facilities (Level 1)
	3. Civic Accessory Uses	<b>3. Transportation (Level 1)</b>
		4. Communication Facilities (Level 1)
		5. Electrical Facilities (Level 1)
		6. Stormwater Facilities (Level 1)
		7. Residential Accessory Uses
		8. Civic Accessory Uses
<b>Administrative</b>	<b>OSR1</b>	<b>OSR2</b>
	1. Public Maintenance Facilities (Level 1)	<b>1. Community and Cultural Services (Level 1)</b>
	<b>2. Transportation (Level 1)</b>	<b>2. Outdoor Recreation (Level 3)</b>
	3. Communication Facilities (Level 1)	3. Public Maintenance Facilities (Level 2)
	4. Electrical Facilities (Level 1)	<b>4. Transportation (Level 2)</b>
	5. Natural Gas Facilities (Level 1)	5. Communication Facilities (Level 2)
	6. Sewage Collection Facilities	6. Electrical Facilities (Level 2)
	7. Stormwater Facilities (Level 1/2)	7. Natural Gas Facilities (Level 1)
	8. Water Supply Facilities (Level 1)	8. Sewage Collection Facilities
		9. Stormwater Facilities (Level 2)
	10. Water Supply Facilities (Level 1)	
<b>Conditional</b>	<b>OSR1</b>	<b>OSR2</b>
	<b>1. Outdoor Recreation (Level 3/4)</b>	<b>1. Community and Cultural Services (Level 2)</b>
	<b>2. Transportation (Level 2)</b>	<b>2. Outdoor Recreation (Level 4)</b>
	3. Communication Facilities (Level 2)	3. Pipelines
	4. Electrical Facilities (Level 2)	4. Stormwater Facilities (Level 3)
	5. Pipelines	<b>5. Amusement and Recreation (Level 2/3/4)</b>
	6. Stormwater Facilities (Level 3)	<b>6. Funeral Services (Level 3)</b>
	<b>7. Lodging (Level 2)</b>	

Descriptions of the use levels highlighted in the table above that are variously allowed or prohibited in the OSR1 and OSR2 zones are included below.

### **Excerpts from LMC 18A.20 Land Use Types and Levels**

***Amusement and Recreation.*** Establishments or places of business primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members, which may or may not include Eating and Drinking Establishment Commercial use types in conjunction, but where eating and drinking is clearly secondary to a primary Amusement and Recreation Commercial use type, and which do not otherwise constitute Sexually Oriented Business Commercial use types. Examples include video arcades; teen clubs; dance halls; athletic clubs; indoor swimming pools; billiard parlors; bowling alleys; ice or roller skating rinks; indoor and drive-in movie theaters; outdoor recreational equipment rental, including marine-related; mini-golf and indoor or outdoor driving ranges that are not located in conjunction with a golf course; enclosed sports arenas or stadiums; amusement parks; and gambling establishments or activities such as cardrooms, enhanced cardrooms (“mini-casinos”), bingo parlors, off-track betting, or similar gambling activities, subject to appropriate state licensure; specifically excluding Lottery and pull tabs. Such uses may include facilities or activities clearly incidental and secondary to the primary use which provide functions typical of a “pro shop” in conjunction with the primary use.

Level 1: Indoor facilities not exceeding five thousand (5,000) gross square feet and/or outdoor facilities of less than thirty-five thousand (35,000) square feet, without alcohol sales.

Level 2: Indoor facilities of between five thousand (5,000) and thirty thousand (30,000) gross square feet and/or outdoor facilities of between thirty-five thousand (35,000) and eighty-seven thousand, one hundred twenty (87,120) gross square feet (two acres), without alcohol sales.

Level 3: Indoor facilities of up to thirty thousand (30,000) gross square feet with up to five thousand (5,000) gross square feet of enclosed outdoor facilities, with or without alcohol sales.

Level 4: Indoor facilities exceeding thirty thousand (30,000) gross square feet and/or outdoor facilities exceeding five thousand (5,000) gross square feet, with or without alcohol sales.

***Community and Cultural Services.*** Establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Examples include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, and community clubs and organizations.

Level 1: Establishments which do not exceed five thousand (5,000) gross square feet.

Level 2: Establishments of between five thousand (5,000) and twenty thousand (20,000) gross square feet.

Level 3: Establishments which are larger than twenty thousand (20,000) gross square feet.

**Funeral Services.** Funeral facilities such as preparation and display facilities, funeral chapels, crematories, and affiliated offices.

Level 1: Mortuaries, including affiliated funeral chapels and offices.

Level 2: Crematories, including affiliated funeral chapels and offices, subject to state air quality standards and intensity limits when situated within the military-related zoning districts.

Level 3: Cemeteries, which may include Level 1 and Level 2 uses.

**Lodging.** Establishments that provide transitory lodging services, subject to appropriate state and local licensure.

Level 1: Bed and breakfast, subject to the requirements of LMC 18A.70.900.

Level 2: Camping and recreational vehicle parks where a tract of land under single ownership or unified control is developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent camping for vacation or other similar short stay purposes, subject to design standards set forth in LMC 18A.70.500. This use does not include the rental of recreational vehicles or manufactured home parks.

Level 3: Hotels and motels, or other transient lodging facilities not listed herein, containing a single building or a group of detached or semi-detached buildings containing guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers.

**Outdoor Recreation.** Recreational areas and recreation facilities which primarily are owned or operated by public or non-profit entities for the use and enjoyment of the general public. Examples include neighborhood parks, community parks, regional parks, waterfront parks, open space, arboretums, small or special landscaped areas, community and “pea patch” gardens, fairgrounds, zoos, and swimming pools. In some cases, such areas and facilities may be incidental to private development, such as open space set-asides necessary for environmental mitigation and children’s play areas (“tot lots”) within a subdivision; are intended to be principally used by a finite group; and may constitute private property.

Level 1: Natural **open space** and **passive recreation**. Protected **open space** areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.

Level 2: Neighborhood-scale active **recreation** and limited **accessory structures**. Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size; open sports fields two (2) acres or less in size, with no spectator seating; improved trail systems; paved multi-**use** areas and bridle trails within defined park areas; ranger stations; public restrooms; playground equipment; sports equipment, including swimming pools, for neighborhood **use**; and picnic tables and shelters.

Level 3: Parks and playgrounds from two (2) to twenty (20) acres in size; multi-**use** linear trails; open sports fields with unenclosed seating for up to four hundred (400) spectators; swimming pools for community or regional **use**; public and private outdoor recreational facilities such as golf courses and associated driving ranges, equestrian clubs, and **marinas**; and arboretums and community gardens more than two (2) acres in size.

Level 4: Parks and playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities.

**Transportation.** The provision of public or semi-public transportation services. Examples include parking **garages**, park-and-ride **lots**, commercial parking **lots**, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry **docks**, and other types of public and quasi-public transportation facilities.

Level 1: Transportation **uses** serving neighborhoods, such as bus shelters.

Level 2: Transportation **uses** serving communities and regions, such as passenger rail and bus stations; parking facilities, including park-and-rides; and weigh stations.

Level 3: Commercial parking **lots**, **structures**, and satellite **lots** providing short-term parking for operational vehicles.

Level 4: Taxi, shuttle, and bus “**barns**” and **yards**, and motor pool facilities. May include usable and/or scrap tire **piles** of up to a total of two hundred (200) tires as an **accessory use**.

Level 5: **Airports**, heliports, landing fields or waterways, and ferry **docks**.

#### **APPLICATION REVIEW PROCESS**

This action is considered an “area-wide zoning map amendment” and is handled under Permit Application Process IV as described in Lakewood Municipal Code sections 18A.02.502 and .560:

<b>Excerpts from LMC 18A.02.502: Process IV Permit Application</b>	
Permit	Area-Wide Zoning Map amendments
Impacts	Potential significant effect on some persons or broad impact on a number of persons
Notice & Comment	In addition to applicant, others affected invited to present initial information
Recommendation	Planning Commission
Decision-Making Body	City Council
Appeal	Superior Court

The criteria referenced above to be addressed by the Planning Commission for an area-wide zoning map amendment are as follows:

1. The proposed amendment is consistent with the Comprehensive Plan.
2. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated.
5. The proposed amendment will not adversely impact the public health, safety, and general welfare of the citizens of the city.
6. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of the subject property.
7. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment.
8. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.

**PLANNING COMMISSION RESOLUTION NO. 2019-04**

**A RESOLUTION OF THE CITY OF LAKEWOOD PLANNING COMMISSION  
RECOMMENDING THE REZONE OF FIVE (5) PARCELS FROM OPEN SPACE &  
RECREATION 2 (OSR2) TO OPEN SPACE & RECREATION 1 (OSR1)**

**I. RECITALS**

**WHEREAS**, Lakewood land parcels numbered 0220294023, 0220283013, 0220283027, 0220283026, 0220321007, on which used to be operated the Fort Steilacoom Golf Course, are currently zoned from Open Space & Recreation 2 (OSR2); and

**WHEREAS**, after considering the environmental constraints on the parcels in question, and to better reflect the current and desired use of the subject property and surrounding properties, the City of Lakewood is considering amending the City's Zoning Map to rezone the five (5) parcels listed above from OSR2 zone to OSR 1. No amendment to the City's Future Land Use Map designation on any of the parcels is needed; and

**WHEREAS**, this action is considered an "area-wide zoning map amendment" and is addressed through Permit Application Process Type IV as described in Lakewood Municipal Code sections 18A.02.502 and .560; and

**WHEREAS**, on September 4, 2019, the City of Lakewood Planning Commission held a study session to review the proposed rezone; and

**WHEREAS**, on September 18, 2019, the City of Lakewood Planning Commission conducted an advertised public hearing.

**NOW THEREFORE,**

**II. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD DOES  
HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1:** The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

**SECTION 2:** The procedural requirements of RCW 36.70A have been complied with.

**SECTION 3:** The proposed Zoning Map amendment is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

**SECTION 4:** The proposed Zoning Map amendment is consistent with the City of Lakewood Comprehensive Plan.

**SECTION 6:** The proposed Zoning Map amendment has been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.



**SECTION 7:** All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

**SECTION 8:** All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

**SECTION 9:** The Lakewood Planning Commission finds and determines that the zoning of parcels within the City's boundaries are within the City's regulatory authority.

**SECTION 10:** The Lakewood Planning Commission finds and determines that zoning of city parcels is subject to the authority and general police power of the City, and the City reserves its powers and authority to appropriately amend, modify and revise such zoning in accordance with applicable law;

**SECTION 11:** The Lakewood Planning Commission finds and determines that:

1. The proposed amendment is consistent with the Comprehensive Plan;
2. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity;
3. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;
4. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated;
5. The proposed amendment will not adversely impact the public health, safety, and general welfare of the citizens of the city;
6. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of the subject property;
7. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment; and
8. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.

**SECTION 12:** The Lakewood Planning Commission finds and determines that approval of the rezone of the five (5) parcels in question is in the best interests of the residents of Lakewood and will promote the general health, safety and welfare.

**SECTION 13:** The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood; NOW, THEREFORE,

**III. THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD,  
WASHINGTON DOES RECOMMEND AS FOLLOWS:**

**Section 1.**

That Lakewood land parcels numbered 0220294023, 0220283013, 0220283027, 0220283026, 0220321007 be rezoned from Open Space & Recreation 2 (OSR2) to Open Space & Recreation 1 (OSR1.)

**PASSED, APPROVED, and ADOPTED** this 2<sup>nd</sup> day of October, 2019 upon a motion of Commissioner \_\_\_James Guerrero\_\_\_, seconded by Commissioner \_\_\_Ryan Pearson\_\_\_, by the following vote:

AYES: Connie Coleman-Lacadie, Christopher Webber, James Guerrero,  
Ryan Pearson and Nancy Hudson-Echols

NOES: None

ABSENT: Don Daniels and Paul Wagemann

ABSTAIN: None

APPROVED:



DON DANIELS, Chair

ATTEST:



KAREN DEVEREAUX, Secretary



TO: Mayor and City Council

FROM: Mary Dodsworth, Parks, Recreation & Community Services Director

THROUGH: John Caulfield, City Manager 

DATE: October 21, 2019

SUBJECT: Seeley Lake Improvement project

ATTACHMENTS: Memorandum of Agreement to improve Seeley Lake Park

---

**Summary:** The City of Lakewood and Pierce County have an opportunity to make improvements to Seeley Lake Conservancy Park. A Memorandum of Agreement will establish the framework for this cooperative effort of improving safety, public access, water quality and the overall environmental condition of the area.

**Background:** Seeley Lake is a 48 acre park located within City of Lakewood boundaries. Visible from Lakewood Drive and across the street from Harrison Prep and the CPSD Business Services (bus barn) Center, the site is accessed through a parking lot adjacent to the Lakewood Community Center, where the City leases space for the Lakewood Senior Activity Center. The park includes woods, wetlands, natural areas, a lake (a stormwater collection site) and a 1.3 mile perimeter loop trail. It is recognized as a *Resource Conservation Park* in Pierce County's Parks and Open Space (PROs) Plan, a *Natural Open Space Area* in Lakewood's Legacy Plan and a way to provide *connections to the linear green street* in the Downtown Subarea Plan. All plans note the importance of this area for stormwater retention, water quality and providing citizens and visitors with an opportunity to connect with nature and improve their health. It is used by the community for a variety of purposes.

Funds were included in the City's 2019 stormwater CIP (#401-0012) to assess condition and function of outfalls into Seeley Lake and to determine water quality and need for system retrofits. Pierce County also allocated resources in their 2019 budget and anticipate additional resources in their 2020/2021 budget to address water quality, environmental health and improved public access to this area. When starting to plan for the various tasks associated with these projects, the idea of working together was explored to provide better communication, outcomes and project efficiencies.



**MEMORANDUM OF AGREEMENT TO COOPERATIVELY  
DESIGN AND CONSTRUCT IMPROVEMENTS TO  
SEELEY LAKE RESOURCE CONSERVANCY PARK**

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as this "Agreement") is made and entered into this \_\_\_\_\_ day of 2019, by and between the City of Lakewood (hereinafter referred to as Lakewood) and Pierce County (hereinafter referred to as County); collectively referred to in this Agreement as the "Parties" and singularly referred to as a "Party" for improvements to Seeley Lake Resource Conservancy Park (hereinafter referred to as "the Property").

**RECITALS**

- A. Pierce County owns certain real property totaling 48 acres known as Seeley Lake Park within the city limits of Lakewood as legally described in Exhibit A and illustrated in Exhibit B attached hereto.
- B. The Property was defined as a Resource Conservancy Park in the Pierce County 2014 Parks, Recreation and Open Space Plan (PROS Plan). Resource Conservancy lands allow Pierce County to meet Goal PR-21 of the Pierce County Comprehensive Plan, which calls for providing a "system of open space experiences and corridors to support livable communities, to offer relief from the built environment, and to allow people to connect with nature and ensure the long-term health of the natural environment and citizens."
- C. The Property is included in Lakewood's 2018 Comprehensive Plan as is part of its "Focus Area Urban Design Plan", which is listed as part of its "Downtown" as an "open space asset."
- D. The Property is also listed in Lakewood's 2014 Parks and Recreation Legacy Plan as an "Natural Open Space Area" containing 1.3 miles of "Park Trails" and is noted as being important for contributing "to the quality of Lakewood's urban environment".
- E. The Property has high visibility along Lakewood Drive.
- F. The Property is currently open to the public and used for habitat protection and passive recreation
- G. The Property collects stormwater runoff for approximately 250 acres of the surrounding urban area and is vital for area water quality management and improvement.
- H. The Property needs improvements and restoration to increase habitat, recreation, and safety; and

WHEREAS, The Parties hereby represent they each have authority to perform the services, activities, and undertakings contemplated herein,

NOW, THEREFORE, for and in consideration of the terms and conditions set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### **TERMS AND CONDITIONS**

1. **PURPOSE.** The Purpose of this Agreement is to establish a framework for the Parties to cooperatively design and construct improvements to the Property for the purpose of improving public access and safety, habitat and water quality on the Property.
2. **PARTIES' ROLES.** The Parties' roles are as follows:
  - 2.1. **Lakewood.** Lakewood will:
    - 2.1.1. Provide project management necessary to coordinate improvements to the Property.
    - 2.1.2. Provide funding not to exceed \$45,000 unless otherwise appropriated by the City of Lakewood Council.
    - 2.1.3. Support the project by seeking and obtaining grants, donations, and in-kind donations.
  - 2.2. **Pierce County.** Pierce County will:
    - 2.2.1. Cooperate and participate in making improvements to the Property.
    - 2.2.2. Grant irrevocable Right of Entry to Lakewood's employees, agents, contractors and consultants to the Property as described in Appendix A for the purpose of planning, design, permitting, and construction as necessary.
    - 2.2.3. Provide funding from Parks Sales Tax not to exceed \$50,000 in 2019 and \$50,000 in the 2020/2021 biennial budget.
    - 2.2.4. Support the project by seeking and obtaining grants, donations, and in-kind donations.
3. **PROJECT PHASING.** The Parties' agree to design and construct the Property improvements according to the following schedule:
  - 3.1. **Phase 1** shall include all activities related to research, planning and design of planned Property improvements.
  - 3.2. **Phase 2** shall include implementation of an approved design including construction of planned improvements.
  - 3.3. Should project work go beyond Pierce County's 2020/2021 biennial budget, the Parties agree to continue working in partnership for safety, public access and habitat improvements.
4. **MANNER OF COLLECTING, HOLDING AND ACCOUNTING FOR MONEY.**

Lakewood will act as the lead agency for the project. The lead agency will provide budget and accounting documentation to the Parties. Budget and accounting documentation will be consistent with generally accepted accounting principles as well as any additional guidance provided by the Parties through the Designated Representative as set forth in Section 14.

5. **LIMITATIONS:** This Agreement covers the work on this project defined in Phase 1 and 2 but is not intended to address the operation and maintenance of improvements made to the Property. The Parties fully contemplate that amendments to this Agreement will be necessary to further define roles and responsibilities regarding the operation and maintenance of improvements made to the Property.
6. **TERM.** The term of this Agreement shall be 6 years, commencing on the 31st day of October 2019, and terminating on the 30<sup>th</sup> day of September 2025, unless sooner terminated as provided in Section 8.
7. **INDEMNIFICATION.** Each party (the Indemnitor) agrees to defend, indemnify and save harmless each other (the Indemnitees), their manger or council members, officers, agents and employees, from and against all loss or expense including, but not limited to, judgments, settlements, attorney's fees and costs by reason of any and all claims for damages, penalties or other relief based upon the Indemnitor's alleged negligence, or wrongful conduct, except for the injuries, penalties and damages caused by the sole negligence or wrongful conduct of the Indemnitor. Such claims for damages or other relief include, but are not limited to, those for personal or bodily injury including death from such injury, property damage, torts, defamation, penalties imposed by any agency of the state or federal government for failure to comply with applicable law in the performance of this Agreement. If the claim, suit or action involves concurrent negligence of the Parties, the indemnity provisions provided herein shall be applicable only to the extent of the percentage of each party's negligence. It is further and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.
8. **TERMINATION.** This Agreement is subject to termination based upon the following:
  - 8.1. Necessity. In the event that either party determines that termination of this Agreement is necessary due to lack of funding or any other reason, the Parties shall give each other thirty (30) days' notice of termination of this Agreement. Upon termination of the agreement, all Parties shall be released from any future funding or other obligations related to this agreement.
  - 8.2. Default. By reason of a breach of this Agreement by a Party, the other Parties may terminate this Agreement; provided that written notice specifying the breach, and thirty (30) days to cure the breach is given, and thereafter, in the absence of a substantial cure, the dispute resolution procedures set forth in Section 9 below are followed. The notice and dispute resolution requirements do not apply where protection of the public's health, welfare, or safety requires immediate termination.
  - 8.3. Lack of Appropriation. Any Party's obligation under this Agreement that may extend beyond the current appropriation year is expressly conditioned upon that Party's legislative appropriation of sufficient funds to support the activities described in this Agreement. If the Party's legislative body does not appropriate sufficient funds for those purposes, then that Party's participation under this Agreement shall terminate automatically at the end of the current appropriation year.

- 8.4. Public Convenience. Either Party may withdraw from the Agreement for public convenience upon thirty (30) calendar days' written notice provided that to the extent each Party has obligated itself to provide funding for the project, that funding obligation shall survive the termination of the agreement and funding shall continue to be provided by the Party until the end of the Party's current appropriation year, after which the Party shall have no further funding obligation to the project.
- 8.5. Account Close-Out If Project Abandoned. If, for any reason, the project is abandoned or otherwise terminated before design is completed, then the Parties will settle up all remaining obligations, close out the project account, liquidate or return personal property consistent with applicable surplus requirements, provide a final account summary to the other Parties, and return any unspent funds on a prorated basis that reflects each Party's relative contribution to the project.

9. **DISPUTE RESOLUTION.** The Parties shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this Agreement.

10. Each Party shall be responsible for maintaining adequate insurance or adequate self-insurance (which shall include coverage through a statutory risk pool) to provide for any liabilities which might arise under the terms and conditions of this Agreement and/or arising out of each parties' activities as set forth under the terms and conditions of this Agreement.

11. **NOTICE AND DESIGNATED REPRESENTATIVES.** Any written notice, which is required or permitted regarding this Agreement, shall be given by U.S. first-class mail or by personal delivery to the Designated Representatives of the Party which is the intended recipient of the notice at its address as follows:

City of Lakewood:  
 Mary Dodsworth, Director  
 Lakewood Parks and Recreation  
 6000 Main St SW  
 Lakewood, WA 98499  
 Phone: 253- 983-7887

Pierce County:  
 Roxanne Miles, Director  
 Pierce County Parks and Recreation Services  
 9112 Lakewood Blvd. SW  
 Lakewood, WA 98499  
 Phone: 253-798-4007

12. **ENTIRE AGREEMENT.** This Agreement contains the Parties' entire understanding with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

13. **AMENDMENTS IN WRITING.** Any amendment or modification of this Agreement must be in writing and executed by the Parties agreeing thereto.

14. **NO CONTINUING WAIVER OF DEFAULT.** The waiver of any default under any provision of this Agreement must be in writing to be valid and shall not constitute a waiver of any other default, whether of the same or of any other provision.



15. **APPLICABLE LAW.** This Agreement shall be construed under the laws of the State of Washington. Venue for any lawsuit arising out of this Agreement shall lie in Pierce County Superior Court.
16. **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be deemed an original.
17. **HEADINGS NOT PART OF TERMS OR CONDITIONS.** The headings of the various sections and subsections of this Agreement are inserted for convenience only and shall not be deemed to expand, limit, or otherwise affect them.
18. **ASSIGNABILITY; TERMS AND CONDITIONS BINDING ON SUCCESSORS AND ASSIGNS.** Any or all of the rights and obligations of a Party to this Agreement may be assigned and delegated to other persons, firms, or corporations only with the express written consent of the other Parties. This Agreement shall be binding on such approved assignees and delegates.
19. **NO AGENCY, PARTNERSHIP, OR EMPLOYMENT RELATIONSHIP CREATED.** Nothing herein shall be construed as creating an agency, partnership, or employment relationship between or among the Parties or any of their employees, representatives, or agents.
20. **NO THIRD-PARTY BENEFICIARIES.** Nothing in this Agreement shall create or be construed to create any rights, duties, obligations, or cause of action in any person not a party to it.
21. **NO RESTRICTION ON POLICE POWERS.** Nothing in this Agreement shall diminish any of the Parties' governmental or police powers.
22. **SEVERABILITY.** If any provision of this Agreement is deemed unlawful or unenforceable, such provisions shall be fully severable, and the remainder of this Agreement shall be in full force and effect with the automatic addition of a provision as similar in its terms to such illegal or unenforceable provision as may be possible to make such provision legal and enforceable.
23. **BUSINESS DAYS:** Business days for this Agreement are defined as Monday through Friday, excluding Washington State holidays per RCW 1.16.050.
24. **RECORD RETENTION:** Pierce County shall maintain all research, planning and design documents for a period of not less than six (6) years, during which period Pierce County shall allow the other Parties to inspect such materials by appointment during regular business hours.

25. Exhibits. The following exhibits are attached to and by this reference incorporated herein as if fully set forth:

Exhibit A - Legal Description of the Property

Exhibit B - Map of the Property

**Signature Blocks Appear on Page 7**

**EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.**

**The City of Lakewood**

**By: \_\_\_\_\_**

**TITLE: \_\_\_\_\_**

**APPROVED AS TO FORM**

\_\_\_\_\_

**Lakewood City Attorney**

**Pierce County**

**By: \_\_\_\_\_**

**TITLE: \_\_\_\_\_**

**APPROVED AS TO LEGAL FORM ONLY**

\_\_\_\_\_

**Deputy Prosecuting Attorney**



To: Mayor and City Councilmembers  
From: Tho Kraus, Assistant City Manager/Administrative Services  
Through: John J. Caulfield, City Manager *John J. Caulfield*  
Date: October 21, 2019  
Subject: Proposed 2019/2020 Mid-Biennium Budget Adjustment

---

## **BACKGROUND**

The proposed budget adjustment makes the following types of modification to the current biennium:

- Revise the beginning fund balance by adjusting the estimated amount to reflect the final 2018 ending fund balance (impacts CDBG Fund only);
- Adjustments to incorporate items previously approved by the City Council;
- Appropriate projects funded by grants and contributions;
- Adjustments to reflect economic conditions; and
- New allocations.

## **POTENTIAL ITEMS & OTHER CONSIDERATIONS NOT INCLUDED IN PROPOSED ADJUSTMENT**

The following potential items and other considerations are not included in the proposed budget adjustment:

- Abatement Funds. In the event the City moves forward with demolition of the QFC building additional abatement funds would be necessary. Estimated cost for the demolition including asbestos removal is \$1,000,000. This figure is an estimate, but has been confirmed by an external source.
- I-976. If passed in the upcoming election (becomes effective December 5, 2019) this initiative would repeal the City's authority for transportation benefit districts to impose vehicle license fees. Under the City's current \$20 vehicle license (VLF) and annual budget, the impact to the City's transportation improvement funding is \$814,000 annually. The \$20 VLF generated revenues of \$822,762 in 2017 and \$835,711 in 2018. Additionally, if passed, it is expected there would be reductions in many of the state accounts associated with transportation funding, including the Multimodal Transportation Account, the Motor Vehicle Account, State Patrol Highway Account, and the Transportation Partnership Account. The City receives multimodal funding and motor vehicle excise tax of approximately \$82,000/year and \$1,285,000/year, respectively, which could be impacted if reductions occur at the state level. Additionally, state grants and local programs funded by these sources could be impacted as well (particularly multimodal funds).
- Transportation Mitigation Fees. Life-to-date June 2019 traffic mitigation fees received total \$58,000 and is expected to grow to \$200,000 in the near future according to the City's Assistant City Manager for Development Services. Plan for the use of these moneys is to first to construct a new traffic signal at Avondale and Gravelly Lake Drive to include signal coordination along the Gravelly Lake Drive Corridor. The estimated cost for a new traffic signal in 2020 dollars is roughly \$700,000 and is anticipated to be covered 50% by traffic mitigation funds matched by 50% City funds.

- Replacement Maintenance Costs for Colonial Plaza. The total 20-year cost for catenary lighting replacement, street lamp replacement, street furniture replacement, and resand pavers total \$250,000 over the next 25 years. These costs will be evaluated as part of the 2021/2022 biennial budget process.
- SHB 1406. In the 2019 regular sessions, the Washington State Legislature approved, and the Governor signed Substitute House Bill 1406 authorizing cities and counties to impose a local sales and use tax for acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing for cities of 100,000 or less, or if eligible for providing rental assistance to tenants. The tax will be credited against state sales taxes collected within the City of Lakewood and will not result in higher sales and use taxes within the City of Lakewood and will represent an additional source of funding to address housing needs in the City. The tax must be used to assist persons whose income is at or below 65% of the City of Lakewood's median income. In order for a city or county impose the tax, within six months of the effective date of SHB 1406, or January 28, 2020, the governing body must adopt a resolution of intent to authorize the maximum capacity of the tax, and within twelve months of the effective date of SHB 1406, or July 28, 2020, must adopt legislation to authorize the maximum capacity of the tax. On September 3, 2019 the Lakewood City Council adopted resolution 2019-19 declaring its intent to adopt legislation to authorize the maximum capacity of the sales and use tax authorized by SHB 1406 within one year of the effective date of SHB 1406, or by July 28, 2020. The program provides up to 0.0146% in local sales and use tax credited against the state sales tax for housing investments. The tax credit is available in increments of 0.0073%, depending on the imposition of other local taxes and whether Pierce County also takes advantage of the credit. The estimated maximum distribution to the City are as follows: 0.0073% annual cap is \$94,174 (\$1,888,473 over 20 years) or 0.0146% annual cap is \$188,347 (\$3,766,946 over 20 years).
- JBLM North Clear Zone. On September 23, 2019 the City Council authorized the City Manager to execute a Cooperative Agreement with U.S. Army Environmental Command to purchase lands in the JBLM North Clear Zone (NCZ). The Cooperative Agreement's primary purpose is to support and sustain the military mission and help facilitate future testing and training requirements at JBLM through prevention, reduction, or elimination of incompatible land uses on properties adjacent to and/or in the vicinity of the NCZ and its mission activities. This is achieved by encumbering private property with permanent easements, acquiring by fee simple means, or similar permanent land restrictions. The Army commits up to \$50M in the first 10-year period and up to a total of \$80M if extensions are needed out to 50-years. There is a 20% local cost share.

## STRATEGY

In past years, the City has drawn down restricted funds first in order to preserve General Fund resources which provides for operational flexibility. The direction for this budget adjustment is to preserve real estate excise tax with the goal of creating an opportunity fund and setting aside excess real estate excise tax for future capital projects. The proposed budget adjustment does not provide for excess general or real estate excise tax funds.

## NEXT STEPS

The following are schedule items as it relates to the 2019/2020 Mid-Biennial Review:

November 4, 2019 Regular Meeting

- Public Hearing on 2020 Property Tax
- Public Hearing on 2019/2020 Mid-Biennium Budget Adjustment

November 12, 2019 Study Session

- Review of 2020 Fee Schedule Amendments

November 18, 2019 Regular Meeting

- Adopt 2020 Property Tax
- Adopt 2020 Fee Schedule
- Adopt 2019/2020 Mid-Biennium Budget Adjustment

**PROPOSED BUDGET AMENDMENTS – SUMMARY**

Year 2019 for all Funds:

- Increases beginning fund balance by \$1.34M, resulting in a revised estimate of \$28.37M;
- Increases revenues by \$14.38M, resulting in a revised estimate of \$97.03M;
- Increases expenditures by \$14.25M, resulting in a revised estimate of \$103.77M; and
- Increases ending fund balance by \$3.71M, resulting in a revised estimate of \$21.63M.

Year 2020 for All Funds:

- Increases beginning fund balance by \$1.47M, resulting in a revised estimate of \$21.63M;
- Decreases revenues by \$2.41M, resulting in a revised estimate of \$71.81M;
- Decreases expenditures by \$1.79M, resulting in a revised estimate of \$76.86M; and
- Increases ending fund balance by \$2.94M, resulting in a revised estimate of \$16.58M.

The table below provides a breakdown of the proposed 2019 and 2020 mid-biennium budget adjustment by year and fund group.

Fund Group	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance		
	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget
<b>Total Year 2019</b>	\$27,031,516	\$ 1,339,865	\$28,371,381	\$82,651,109	\$14,378,447	\$97,029,556	\$89,517,294	\$14,251,566	\$ 103,768,860	\$17,920,364	\$ 3,711,713	\$ 21,632,077
General	8,847,536	(0)	8,847,536	39,735,669	514,144	40,249,813	42,419,346	1,256,397	43,675,743	5,256,028	165,578	5,421,606
Special Revenue	3,057,367	1,339,865	4,397,232	10,384,376	7,672,894	18,057,270	12,021,903	7,951,055	19,972,958	800,000	1,681,544	2,481,544
Debt Service	1,137,870	(0)	1,137,870	1,772,086	(220,000)	1,552,086	2,533,197	(212,992)	2,320,205	417,899	(48,148)	369,751
Capital Projects	5,969,656	-	5,969,656	19,000,213	5,529,260	24,529,473	20,377,683	4,412,830	24,790,513	4,072,199	1,636,417	5,708,616
Enterprise	3,600,171	-	3,600,171	4,107,800	217,084	4,324,884	5,190,359	216,395	5,406,754	2,078,878	439,423	2,518,301
Internal Service	4,418,916	-	4,418,916	7,650,965	665,065	8,316,030	6,974,806	627,881	7,602,687	5,295,360	(163,101)	5,132,259
<b>Total Year 2020</b>	\$20,165,332	\$ 1,466,745	\$21,632,077	\$74,225,332	\$(2,412,919)	\$71,812,413	\$78,655,036	\$(1,792,138)	\$ 76,862,898	\$13,645,207	\$ 2,936,385	\$ 16,581,592
General	6,163,859	(742,253)	5,421,606	39,863,110	696,761	40,559,871	40,473,664	568,129	41,041,793	4,867,170	72,514	4,939,684
Special Revenue	1,419,840	1,061,704	2,481,544	7,215,172	(1,903)	7,213,269	7,453,172	(179,611)	7,273,561	800,000	1,621,252	2,421,252
Debt Service	376,759	(7,008)	369,751	2,514,654	831	2,515,485	2,263,482	1,080	2,264,562	668,822	(48,148)	620,674
Capital Projects	4,592,186	1,116,430	5,708,616	15,511,700	(3,626,282)	11,885,418	17,686,000	(2,610,282)	15,075,718	1,647,899	870,417	2,518,316
Enterprise	2,517,613	688	2,518,301	3,954,900	148,474	4,103,374	5,143,366	39,146	5,182,512	890,412	548,751	1,439,163
Internal Service	5,095,075	37,184	5,132,259	5,165,796	369,200	5,534,996	5,635,352	389,400	6,024,752	4,770,904	(128,401)	4,642,503

## **GENERAL FUND ENDING FUND BALANCE**

In support of the City's financial integrity, the City Council originally adopted on September 15, 2014, a set of financial policies including fund balance reserves totaling 12% of General/Street O&M Funds operating revenues. With the proposed mid-biennium budget adjustment, the 2020 estimated General/Street O&M Funds ending fund balance of \$4.94M equates to 12% of General/Street O&M Funds operating revenues and is in alignment with the City's financial policies below.

- *2% General Fund Contingency Reserves:* The purpose of this reserve is to accommodate unexpected operational changes, legislative impacts, or other economic events affecting the City's operations which could not have been reasonably anticipated at the time the original budget was prepared. A 2% reserve fund based on 2020 General/Street O&M Funds operating revenues equates to \$823K.
- *5% General Fund Ending Fund Balance Reserves:* The purpose of this reserve is to provide financial stability, cash flow for operations and the assurance that the City will be able to respond to revenue shortfalls with fiscal strength. A 5% reserve fund based on 2018 General/Street O&M Funds operating revenues equates to \$2.06M.
- *5% Strategic Reserves:* The purpose of this reserve is to provide some fiscal means for the City to respond to potential adversities such as public emergencies, natural disasters or similarly major, unanticipated events. A 5% reserve fund based on 2018 General/Street O&M Funds operating revenues equates to \$2.06M.

## PROPOSED BUDGET AMENDMENTS – DETAILS

The narrative below provides detailed information on the proposed budget adjustments. A summarized list is included as an attachment to this memo.

### **Fund 001 General**

#### *Revenue Adjustments*

- Property Tax. Increase revenue estimate by \$50,000 in 2019 and \$197,600 in 2020 based on the preliminary levy calculation commensurate with 1% levy increase as authorized by State law. The revised revenue estimate is \$7,160,000 for 2019 and \$7,400,000 for 2020.
- Sales Tax. Increase revenue estimate by \$950,000 in 2019 and \$678,900 in 2020. The revised revenue estimate is \$10,802,600 for 2019 and \$10,630,000 for 2020. Year-to-date June revenues total roughly \$5,848,488 and is \$661,853 or 12.8% above the same period in 2018.
- Park Sales Tax. Increase revenue estimate by \$30,000 each year resulting in revised revenue estimates of \$638,700 in 2019 and \$650,900 in 2020. Through year-to-date June, revenues increased by \$16,253 or 5.3 % above the same period in 2018.
- Criminal Justice Sales Tax. Increase revenue estimates by \$55,000 each year resulting in revised revenue estimates of \$1,144,400 in 2019 and \$1,166,200 in 2020. Through year-to-date June, revenues increased by \$22,830 or 5.2% above the same period in 2018.
- Brokered Natural Gas. Increase revenue estimates by \$10,000 each year resulting in revised revenue estimates of \$40,000 annually. Through year-to-date June, revenues have reached the \$30,000 annual revenue estimate.
- Leasehold Tax. Decrease revenue estimates by \$7,000 each year resulting in revised revenue estimates of \$5,000 annually.
- Utility Tax. Decrease revenue estimates by \$330,000 each year resulting in revised revenue estimates of \$5,405,000 in 2019 and \$5,415,800 in 2020. Through year-to-date June, revenues decreased by \$35,767 or 1.2 % below the same period in 2018.
- Franchise Fees. Increase revenue estimates by \$103,600 each year resulting in revised revenue estimates of \$4,212,400 in 2019 and \$4,335,700 in 2020. Through year-to-date June, revenues increased by \$84,531 or 4.4% above the same period in 2018.
- High Crime Funding. Reduce high crime funding by \$77,000 annually resulting in a revised annual revenue estimates of \$241,800. The reduction is due to the City's decrease in crime (must have crime rate in excess of 125% of statewide average).
- Municipal Court Contracts. Reduce court contract revenues by \$87,198 annually to reflect actual revenues in 2019 and similar revenues in 2020. The final 2020 figure will be determined in early 2020. 2019 contract revenues total \$430,102 (Town of Steilacoom \$155,276 / City of University Place \$153,321 / City of DuPont \$121,505).
- Development Services Permits & Fees. Decrease 2019 revenue estimates by \$432,600. There are many pending projects; however, it is uncertain when these projects will materialize and result in actual permit revenue. Although permit activity generating revenues is down, the department experienced a substantial increase in residential remodels/additions and commercial tenant improvements which do not generate the same level of revenue as larger projects.



- **Business License.** Decrease 2019 revenue estimates by \$54,000. In June 2018 the City partnered with the State Department of Revenue Business License Services (BLS) to process all general business licenses in Lakewood through a common licensing system, as required by state law. The revenue decrease is likely due to BLS's policy to pro-rate business license fees based on the renewal date of a business's State license in order to have all licenses on the same renewal schedule, as well as the closure of the Starlite Swap Meet. The City does not expect to see the full revenue generated under the BLS partnership until the end of 2019. The revised estimate is \$260,000 in 2019 and \$314,000 in 2020.
- **Alarm Permits & Fees.** Increase alarm permits and fees by \$75,000 per year. The City had budgeted a lower revenue not knowing the exact reason for the declining revenues during most of 2018. Towards the end of 2018, after the budget was adopted, we learned the decrease in revenues is due to timing of billings by PMAM, the City's 3<sup>rd</sup> party contractor. PMAM acquired ATB in 2011; however, transition of data from ATB to the new PMAM platform did not occur until January 2018. There were inconsistencies in the data transition and PMAM's IT Team had been working on reconciling and completed it in July 2018. PMAM issued renewals notices to alarm companies in August 2018 and the City received the large revenue distribution in late 2018. The revised estimate is \$105,000 annually.
- **Animal Services Contract.** Increase revenue estimates in accordance with contracts for Town of Steilacoom (revised estimate is \$16,144 in 2019 and \$16,368 in 2020) and City of DuPont (revised estimate is \$33,252 in 2019 and \$33,877 in 2020).
- **South Sound 911 Background Investigation.** Increase 2019 revenue estimate by \$15,000 for a revised annual estimate of \$19,000. Revenues collected through June totals \$13,600.
- **Municipal Court Fines and Forfeitures.** Reduce revenue estimate by \$74,300 in 2019 and \$77,500 in 2020. The revised revenue estimate is \$786,600 for 2019 and \$783,400 for 2020. The court is experiencing increases from infractions and citations as a result of the City's motorcycle patrol and rental housing safety programs. The number of hearings have also increased. While this impacts court activity, it does not necessarily generate additional fines and forfeitures.
- **Camera Enforcement Fines.** Increase 2019 revenue estimate by \$100,000 for a revised 2019 estimate of \$800,000. Gross revenues through June totals \$453,172.

***CC – Independent Salary Commission Decision, New / Ongoing***

Add \$5,345 in 2019 (begins with pay period ending 9/15/2019) and \$18,220 in 2020 to implement the Independent Salary Commission Decision, which is to increase all positions by \$200/month. The resulting salary schedule is \$1,400/month for Councilmembers, \$1,500/month for Deputy Mayor, and \$1,600/month for Mayor.

***CM – Connections Magazine, New / 1-Time***

Add \$8,000 for fall edition of Connections magazine. Estimated cost of production before advertisement sales is \$17,000. The new sales representative anticipates advertisements sales between \$8,700 and \$11,700.

***CM – Temporary Help, New / 1-Time***

Add \$12,000 for temporary help for City Manager Department.

***CM – Executive Leadership Team Building, New / 1-Time***

Add \$25,000 for third party facilitator for Executive Leadership Team Building.

***CM – City Manager Personnel Cost, New / 1-Time***

Add \$5,000 annually for City Manager personnel cost increase based on performance evaluation. The \$5,000 is in the form of additional contribution to deferred compensation.

***AD – GFOA 2019 Leadership Academy, New / 1-Time***

Add \$3,440 for the Government Finance Officers Association (GFOA) leadership academy. Attendees for this academy are chosen through a competitive application process.

***AD – Volunteer and Employee Recognition Event, New / Ongoing***

Add back \$3,000 annually for venue rental and catering costs for 4<sup>th</sup> quarter employee recognition and volunteer recognition events.

***AD – Support Equity Team, New / 1-Time***

Support the City's Equity Team program by providing \$3,600 for professional services provided by Pacific Northwest Learning Cohort and \$1,000 each year for Government Alliance on Race and Equity (GARE) membership. The Government Alliance on Race and Equity (GARE) is a national network of governments working to achieve racial equity and advance opportunities for all. GARE membership provides access to tools and resources, events and training, and other information to the City's Equity Team, increase our awareness of issues and opportunities as we work to achieve the City's Equity Goals. GARE membership also provides the City with access to the Pacific Northwest Learning Cohort. The City is sending 3 Equity Team members to participate in training and development, and create peer support networks over the course of a year for a group of Race and Equity workers in government agencies in the area.

***AD – Leadership Academy, New / Ongoing***

During the 2019/2020 adopted budget process, leadership academy in-class sessions for the expanded executive leadership team (includes directors, managers and supervisors) was reduced by \$5,500 annually. The request is to restore funding on an ongoing basis beginning in 2020 in the amount of \$4,000 annually.

***CD – Limited Term Office Assistant, New / Ongoing***

Add \$35,000 in 2019 and \$80,000 in 2020 for a limited term office assistant with end date of December 31, 2020 (to be re-evaluated as part of the 2021/2022 biennial budget process). The position will work as a receptionist on the second floor front counter which includes planning, building, public works, business licensing and rental housing safety program, complete other assignments (archiving, filing, keeping handouts and applications readily available for customers, provide permit status updates to customers, respond to/forward voicemails, update the department's website and schedule inspections).

***CD – Training, New / 1-Time***

Add \$2,000 for permit counter training, specifically for the two permit technicians to obtain their International Code Council (ICC) certifications. The ICC is an organization that develops codes and standards for the building and construction industries. Also, add \$255 for ATC-20 training for two building inspectors and one apprentice. ATC-20 training refers to a process used to evaluate structures following a post-earthquake event.

***CD – PALS Permit System, New / 1-Time & Ongoing***

Add internal service charges for new PALS Permit System. 1-time costs are estimated at \$80,000 as it is partially funded by accumulated technology fees of \$59,403. Ongoing costs are estimated at \$50,000 annually and is partially offset by current permitting system m&o costs of \$8,400 annually.

***CED – Image Campaign, New / 1-Time***

Add \$76,493 in 2019 and \$103,500 in 2020 for City image campaign.

***CED – Western State Hospital Impacts Analysis, New / 1-Time***

Add \$14,960 for consultant analysis of the impacts of different potential futures for Western State Hospital.

***PK – Fiscal Agent for Lakewood's CHOICE, New / 1-Time***

The City of Lakewood was approached by the Washington State Health Care Authority (HCA) to become the fiscal agent for Lakewood's CHOICE (CHOICE), a substance abuse prevention coalition that has been successfully operating in the City for four years. CHOICE's work aligns with the Legacy Plan mission of creating a healthy and vibrant community as well as the goals and strategies of the Human Services division. As a fiscal agent the City would submit monthly reports prepared by CHOICE staff, pay bills and submit grant reimbursement requests. One of the reasons that the City was considered is our sound accounting and financial practices. The contract is for \$110,000 each year for two years. The City would receive an 8% contract administration fee (approximately \$8,906/year) for service. The grant funding period is July 1, 2019 through June 30, 2021.

***PK – Colonial Plaza Dedication, New / 1-Time***

Add \$4,000 for Colonial Plaza opening celebration, including logistics, rentals, performance, etc.

***PK - Colonial Plaza O&M, New / 1-Time & Ongoing***

Add \$36,636 beginning in 2020 for Colonial Plaza operations and maintenance (refuse pickup, landscape tree and debris pickup, irrigation, landscape plants, pressure wash pavers and sidewalks, special event/rental support, street furniture repair and bollard repair).

***PK – Street Landscape 0.75 FTE, New / Ongoing***

Add 0.75 FTE for a limited term maintenance assistant with end date of December 31, 2020 to replace 6 month seasonal position to support growing street landscape maintenance needs. The net cost is \$21,450 (cost \$41,200 offset by existing budget of \$19,750).

***PK – Overtime for Special Events, New / Ongoing***

Add \$5,000 annually in support of storm events and the City’s growing special events. The department does an excellent job growing and adding events that require logistical and staff support from both parks and operations & maintenance teams. SummerFest, Truck and Tractor Day, and the Christmas parade/tree lighting are the three that require additional staff time. During storm response, the department uses all hands on deck so the additional budget request reflects that additional work.

***PK – Water Utility Usage, New / Ongoing***

Add \$15,000 annually to account for 6 new connections and water usage at Fort Steilacoom Park.

***PK – Sewer Utility Charge, New / Ongoing***

Add \$1,500 annually for sewer connections at Fort Steilacoom Park.

***PK – SummerFest, New / 1-Time***

This adjustment is to true up SummerFest revenues and expenditures. Increase program expenditures by \$44,300 to reflect estimated cost. The adopted budget included expenditures of \$17,450 while total estimated costs net of \$50,000 from LTAC totals \$61,750. Reduce donations/sponsorships by \$48,100. The adopted budget included \$109,000 in donations/sponsorships while estimated revenues total \$60,900. Revised SummerFest sources total \$110,938 and uses total \$111,767. These amounts reflect lodging tax contributions but exclude in-kind contributions of \$36,800.

***PD – Evidence Section, New / 1-Time***

Add \$15,546 in 2019 and \$9,264 in 2020 for training and supplies related to the Evidence section, funded by property room proceeds. Training includes LEIRA conferences and IAI forensic courses totaling \$10,000 and supplies include storage, lockers/locks and impound storage shed totaling \$13,720.

***PD – South Sound 911 Assessment, New / Ongoing***

Reduce assessment by \$19,560 for a revised budget of \$1,931,370 in 2020.

***PD – Jail Services, New / Ongoing***

Add \$250,000 annually for jail costs resulting in revised annual expenditures estimates of \$950,000.

***Transfers to CIP – See Capital Projects Funds for Additional Information***

Parks Capital:

- \$107,129 to 301.0003 Harry Todd Phase II Waterfront Improvements
- \$350,000 to 301.0014 FSP/South angle Lane Parking & Trail Improvements
- \$20,000 to 301.0014 FSP/South angle Lane Parking & Trail Improvements (Oak Tree Mitigation Funds)
- \$9,000 to 301.0016 Playground Resurfacing
- \$15,300 to 301.0031 FSP/Artificial Turf Infields

Transportation Capital:

- \$100,000 to 302.0002 New LED Street Lights
- \$80,214 to 302.0053 123<sup>rd</sup> St SW – Bridgeport Way to 47<sup>th</sup> Ave SW Street
- \$72,000 to 302.0065 SRTS Gravelly Lake Drive (Bridgeport to Steilacoom)
- Reduce funding for Colonial Plaza by \$744,870 (project savings)

***Transfer to GO Bond Debt Service, Housekeeping / 1-Time***

Increase transfer by \$831 in 2019 to align with scheduled debt service payments for the 2016 LED Streetlights LOCAL financing.

***Internal Service Charges – See Internal Service Funds for Additional Information***

Property Management:

- Total \$52,176 for City Hall LED Lighting Conversion
- Total \$15,500 for Police Station Battery Backup Repair/Upgrade & Service Agreement
- Total \$10,000 for Police Station Generator Plug In

Information Technology:

- Total \$6,400 for Professional Services for Position Renumbering
- Total \$8,520 for KnowBe4 Cybersecurity Training
- Total \$117,395 for Additional Cybersecurity Program

**Fund 101 Street**

***PK - Colonial Plaza O&M, New / 1-Time & Ongoing***

Add \$8,992 beginning in 2020 for Colonial Plaza operations and maintenance (catenary lighting power, catenary lighting replacement, street/lamp festival power, paver failure due to root upheaval, and concrete sidewalk failure from root upheaval).

***PK – Overtime, New / Ongoing***

Add \$1,500 annually in support of storm events and the City’s growing special events. The department does an excellent job growing and adding events that require logistical and staff support from both parks and operations & maintenance teams. SummerFest, Truck and Tractor Day, and the Christmas parade/tree lighting are the three that require additional staff time. During storm response, the department uses all hands on deck so the additional budget request reflects that additional work.

***PK – New Street Signs, New / Ongoing***

Add \$7,500 annually for new street signs that are requested to be installed by Public Works Engineering (PWE). Streets O&M division constantly get requests from PWE to add new signs, usually at the request of the Police Department, businesses, or the general public. These are new signs, posts, and concrete. The signs vary from regulatory (speed limit, no parking, etc.) to informational (service club, church, etc.) signs. This is on top of the signs O&M has to replace as part of regular maintenance.

***PK – Street Lighting, New / Ongoing***

Add \$10,000 annually for street light electricity costs for about 45 upgraded lights on TPU poles and 15 new street lights on 123<sup>rd</sup> Street project.

***PK – Snow & Ice Maintenance, New / Ongoing***

Add \$15,000 to purchase salt for snow and ice maintenance in advance of winter season.

***PW - Non-Motorized Plan, Housekeeping / 1-Time***

Shift budgeted expenditures from 2020 to 2019.

***PW – Consulting Services for Build Grant, Housekeeping / 1-Time***

Add \$50,000 for consultant contract to assist the City in developing materials for the BUILD (Better Utilizing Investments to Leverage Development) Transportation Discretionary Grant Program. The BUILD program provides a unique opportunity for the USDOT to invest in road, rail, transit and port projects that promise to achieve national objectives. Previously known as TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grants, Congress has dedicated nearly \$7.1 billion for 10 rounds of National Infrastructure Investments to fund projects that have a significant local or regional impact. As this program can fund projects up to \$25 million, development of the materials for a grant this size requires assistance and expertise beyond the norm to prepare a competitive grant application.

***Internal Service Charges – See Internal Service Funds for Additional Information***

Property Management:

- Total \$3,162 for City Hall LED Lighting Conversion

Information Technology:

- Total \$761 for KnowBe4 Cybersecurity Training
- Total \$10,490 for Additional Cybersecurity Program
- Total \$30,000 for Fiber Repair

Risk Management:

- Total \$100,000 for Potential Risk Management Claims

**Fund 102 Real Estate Excise Tax**

***REET Revenue***

Increase REET revenue estimate by \$550,000 in 2019 for a total revised estimate of \$2,250,000. The proposed budget adjustment does not include changes to the 2020 budget. Consistent with the current strategy of preserving real estate excise tax with the goal of creating an opportunity fund and setting aside excess real estate tax for future capital projects, 2020 revenues collected in excess of the current \$1,700,000 budget will be dedicated for this purpose.

***Transfers to Debt Service, Housekeeping / 1-Time***

Reduce debt service on 2019 LTGO bond issue by \$220,000 in accordance with debt service schedule and fiscal agent and other debt service related fees.

***Transfers to Capital Projects – See Capital Projects for Additional Information***

Parks Capital:

- Total \$519,589 to 301.0003 Harry Todd Phase II Waterfront Improvements

Transportation Capital:

- Total \$49,786 to 302.0051 Lakewood Drive – Flett Creek to 74<sup>th</sup> Overlay
- Total \$269,786 to 302.0053 123<sup>rd</sup> St SW – Bridgeport Way to 47<sup>th</sup> Ave SW Street
- Total \$309,000 to 302.0060 100<sup>th</sup> St SW & Lakewood Drive SW Traffic Signal Replacement
- Reduce total transfers by \$189,958 to 302.0063 Colonial Plaza Project (project savings)

**Fund 104 Hotel/Motel Lodging Tax**

***Hotel/Motel Lodging Tax Revenue***

Increase revenue estimate by \$100,000 in 2019 for a revised estimate of \$900,000.

**Fund 181 Felony Seizures**

***Felony Seizure, New / 1-Time***

Appropriate 2019 funds received of \$6,035 through year-to-date July for eligible felony seizure related activity.

## **Fund 192 Office of Economic Adjustment/South Sound Military Communities Partnership**

### ***OEA JLUS JBLM CU Implementation 3, Grant / 1-Time***

The grant funds provide for a written report detailing alternatives to alleviate traffic congestion on local transportation networks in the vicinity of JBLM; document policy and procedure recommendations and develop a coordination plan for accessible and affordable housing for active duty military members in the area; and written report offering mitigation strategies to protect endangered species habitat in Thurston County while lifting restrictions on military training. The grant funding period is September 1, 2019 through August 31, 2020. Federal funds total \$506,027 and non-federal match total \$56,890 and is funded within the existing SSMCP budget.

### ***JBLM North Clear Zone – Purchase of Tactical Tailor Building, Grant / 1-Time***

Add \$6,183,000 for the purchase of the Tactical Tailor Building. Secured funding sources include: USAF (Air Force) \$3,600,000; REPI (Readiness and Environmental Protection Integration) \$953,000; and 2019/2021 State Capital Budget \$500,000. Funding sources anticipated include: REPI \$500,000; and Pierce County \$630,000 (current budget \$130,000 / proposed budget \$500,000). These funds, along with the \$760,000 from the State Capital budget (2017/2018) that is already budgeted, provides \$6,943,000 to move Tactical Tailor and acquire their property.

## **Fund 195 Public Safety Grants**

### ***PD - Emergency Management Performance, Grant / 1-Time***

The \$33,075 in grant funds provide for partial reimbursement of the Emergency Management Coordinator's position shared with West Pierce Fire and Rescue. The grant funding period is June 1, 2019 through August 31, 2020.

### ***PD – Washington State Parks Boater Safety, Grant / 1-Time***

The grant increase of \$1,131 provides additional funds for instructor support, for a total of \$17,281 in grant funds with a required local match of \$6,320 that is included within the existing budget. The grant funds are intended to compensate the City for actively supporting recreational boating safety in Washington State. The grant funding period is March 1, 2019 through September 30, 2019.

### ***PD – Pierce County Sheriff's STOP VAWA (Violence Against Women Act) – Grant / 1-Time***

The grant increase of \$1,661 provides additional training funds for two police officers, for a total of \$3,836 in grant funds. Pierce County awards funds after they have received billing for training attendance and adjusts the grant award accordingly. The grant funding period is January 1, 2019 through June 30, 2019.

### ***PD – Pierce County Sheriff's Phlebotomy, Grant / 1-Time***

The \$435 in grant funds provide for reimbursement of Washington State Phlebotomist re-certifications for three police officers. The grant funding period is October 1, 2018 through June 30, 2019.

### ***PD – Washington State Patrol Phlebotomy, Grant / 1-Time***

The \$15,000 in grant funds provide for phlebotomy services to the Washington State Patrol's Mobile Impaired Driving Unit processing facilities, police officer overtime and municipal court on-call pay. The grant funding period is October 1, 2018 through September 30, 2019.

### ***PD – Office of Justice Programs Bulletproof Vest Partnership, Grant / 1-Time***

Add 2019 grant award of \$10,763 for armored vests that meet the National Institute of Justice applicable ballistic and stab resistant standards for police officers. There is a 50% local match required which is already budgeted in the General Fund. This grant funding is for April 1, 2019 through August 31, 2021.

## **Fund 201 GO Bond Debt Service**

### ***2019 LTGO Bonds, Housekeeping / 1-Time***

Reduce debt service on 2019 LTGO bond issue by \$220,000 in accordance with debt service schedule and fiscal agent and other debt service related fees. The funding source for these bonds is real estate excise tax.

## **Fund 202 LID Debt Service**

### ***LID Debt Service, Housekeeping / 1-Time***

Earmark estimated funds totaling \$7,257 for early redemption of bonds and fiscal agent fees.

## **Fund 301 Parks Capital**

### ***301.0003 Harry Todd Park Phase I ADA, Dock, Bulkhead, Shoreline, Open Space, Grant / 1-Time***

Add \$1,080,000 in project expenditures funded by WWRP Water Access grant of \$580,000 and Aquatic Lands Enhancement Account (ALEA) Grant of \$500,000.

### ***301.0003 Harry Todd Park Phase II Waterfront, New / 1-Time***

The project was developed as part of the two RCO grant applications that were structured in a way that they were providing the bulk of the required local match. Unfortunately the City was not awarded the WWRP Water Access grant in the amount of \$626,718. If the City were unable to replace this source of revenue then the City would not be able to accept the \$500,000 ALEA grant and would forego replacement of the fishing and boating piers and restroom building. The proposed budget adjustment replaces \$600,000 in funds anticipated with \$107,129 from General Fund and \$519,589 from REET. Phase II project costs with these adjustments is \$1,326,718.

### ***301.0013 Fort Steilacoom Park/North Angle Lane Improvements, Housekeeping / 1-Time***

Eliminate duplicate Town of Steilacoom contribution. This \$25,000 was redirected to 301.0014 Fort Steilacoom Park/South Angle Lane Parking and Trail for new restrooms in the previous budget adjustment.

### ***301.0014 Fort Steilacoom Park/South Angle Lane Parking and Trail, New / 1-Time***

The original cost estimate was created as part of the RCO grant application and was purposely optimistic in order to maximize the grant request while trying to minimize the local match requirement. Unfortunately, after submitting the grant application, the City received new costs estimates for the restroom construction that greatly exceeded the original estimate. The additional funding of \$370,000 from the General Fund (\$20,000 of this amount is funded by Oak Tree Mitigation Funds) will allow for the full development of the intended scope and preserve the full amount of the grant award. Project costs with these adjustments is \$1,500,000.

### ***301.0017 Playground Resurfacing, New / 1-Time***

Add \$9,000 for playground resurfacing. \$10,000 is budgeted annually for playground resurfacing. Earlier this year \$4,300 was used for the new playgrounds in Oakbrook and American Lake parks. The remaining funds from the existing budget is set aside for Fort Steilacoom Park (under review). The additional funds are needed to replace Kiwanis park playground. The Kiwanis Club is purchasing and installing a \$70,000 structure (to include swings) in late September. The City will need to provide all new surfacing in this park, estimated at \$9,000. Source is General Fund.

### ***301.0031 Fort Steilacoom Park/Artificial Turf Infields, New / 1-Time***

In the City's "Capital Funding Request" to the State Legislature a preliminary project cost estimate was developed that established a total project cost of \$1,260,000. The City requested \$1M from the State and the City would provide a local match of \$260K. The final State award, after administrative fees is \$994,700. The City Council allocated \$250,000 of REET funds in the 2019/2020 biennial budget leaving a \$15,300 shortfall which is proposed to be covered by General Fund.

### ***301.0032 Springbrook Park Expansion, Grant / 1-Time***

Increase project costs for Springbrook Clover Creek Restoration from \$750,000 to \$788,000 funded by an increase in State Legislative allocation. Funds will be used for restoration efforts to improve the biodiversity of native and aquatic plants and improve water quality within this important salmon bearing riparian area. Additionally, this project will improve the quality of life for some of Lakewood's most vulnerable, underserved and diverse residents by improving their access to open space areas. Park proximity has been shown to play an integral part in promoting higher levels of park use and physical health, especially for youth.

## **Fund 302 Transportation Capital**

### ***302.0002 New LED Street Lights, New / 1-Time***

Increase project costs by \$100,000 to complete 2019 street lights and (includes \$14,000 to cover any unknowns that pop up in the remainder of 2019), funded by General Fund. Costs include staff utilization to administer and inspect the large street light efforts in 2018. The contractor required more time to accomplish the work and more interaction in part due to the different utilities we coordinated work with during design and different staff they used during construction. It also includes change orders to the citywide electrical contract to re-pour sidewalk panels, connect school zone lights to permanent metered power, and upgrade transformers for the new metered services. This was unanticipated work and was previously authorized by Council action. Other costs include additional poles from PSE to complete a neighborhood that was missed during design and vendor oversight of prior year billings.

### ***302.0051 Lakewood Drive – Flett Creek to 74<sup>th</sup> Overlay, New / 1-Time***

Increase project costs by \$111,187 to finalize the project funded by REET \$49,786 and SWM \$61,401. This need is driven in part by an agreement to allow the contractor to conduct a portion of the work at night with full closure to speed up the work and complete it early. The charge to SWM is just a recognition that the full amount expected was not transferred and we are requesting this amount from the original funding requested be transferred.

### ***302.0053 123<sup>rd</sup> St SW – Bridgeport Way to 47<sup>th</sup> Ave SW Street Project, New / 1-Time***

Increase project costs by \$350,000 funded by General Fund \$80,214 and REET \$269,786. Improvements include curb, gutter, sidewalks, and extends 123<sup>rd</sup> Street between Bridgeport Way and 47<sup>th</sup> Avenue, relocation of the intersection of 123<sup>rd</sup> and Bridgeport to south to move it away from the I-5 ramp terminal intersection, and add a new left turn lane for southbound Bridgeport Way to 123<sup>rd</sup> Street,

### ***302.0060 100<sup>th</sup> St SW & Lakewood Drive SW Traffic Signal Replacement, New / 1-Time***

Increase project costs by \$403,000 for a total project cost of \$1,025,733. The additional funds from REET of \$309,000 and SWM of \$94,000 (for related storm drainage element) allows the City to complete the sidewalks on both sides of the street from Bridgeport Way east to the existing sidewalks east of Lakewood drive.

### ***302.0063 Colonial Plaza, Housekeeping & New / 1-Time***

Reduce projects sources by \$641,927 and project costs by \$742,357. The revised estimated project cost is \$2,151,643 and includes: design \$100,000; construction admin costs \$90,000; Lakeview Light & Power power relocation \$30,157; construction \$1,906,486; and security cameras \$25,000 (new). Sources include: grants \$785,000; Lakewood Water District \$69,720; motor vehicle excise tax \$58,000; increased gas tax \$47,300; multi-modal \$82,400; General Fund \$245,000; REET \$638,042; and SWM \$226,181.

### ***302.0065 SRTS Gravelly Lake Drive (Bridgeport Way to Steilacoom), New / 1-Time***

Add \$72,000 to cover the intersection tie-in work at both ends of the project and the installation of new video detection cameras.

### ***302.0134 Veterans Drive – Gravelly Lake to American Lake Park Sidewalks, New / 1-Time***

Move WSDOT \$1,675,000 grant revenues and expenditures from 2020 to 2019. Grants secured total \$2,000,000. Project scope includes curb, gutter, sidewalks, street lighting, associated drainage and pavement along a portion of Veterans Drive and Vernon Ave connecting American Lake Park and the Lake City Business District.

## **Fund 401 Surface Water Management**

### ***Revenue Adjustments***

- Storm Drainage Fees. Increase revenue estimates by \$100,000 annually resulting in revised revenue estimates of \$3,826,200 in 2019 and \$4,004,100 in 2020. Revenues collected year-to-date through June totals \$2,288,361 with the other half due in October.
- Site Development Permit Fee. Increase revenue estimate by \$13,000 in 2019 resulting in a revised revenue estimate of \$43,000. Revenues collected year-to-date through June totals \$31,578.



***American Lake Management District, New / 1-Time & Ongoing***

Add \$152,558 in revenues and 160,320 in expenditures related to the American Lake Management District. This includes 1-time sources of \$75,000 from Department of Ecology Grant, \$30,026 from JBLM/VA contribution, and \$47,532 from lake management district assessments. The program is funded by \$19,447 from SWM which is scheduled to be repaid over the 10-year life of the lake management district.

***Colonial Plaza O&M, New / 1-Time & Ongoing***

Add \$4,346 beginning in 2020 for Colonial Plaza operations and maintenance (biopod inspection, biopod maintenance and street sweeping).

***Transfers to Capital Projects – See Capital Projects for Additional Information***

Transportation Capital:

- \$61,401 to 302.0051 Lakewood Drive – Flett Creek to 74<sup>th</sup> Overlay in 2019
- \$94,000 to 302.0060 100<sup>th</sup> St SW & Lakewood Drive SW Traffic Signal Replacement in 2019
- Reduce funding by \$76,819 for 302.0063 Colonial Plaza (project savings)

***Internal Service Charges – See Internal Service Funds for Additional Information***

Property Management:

- Total \$4,662 for City Hall LED Lighting Conversion

Information Technology:

- Total \$516 for KnowBe4 Cybersecurity Training
- Total \$7,115 for Additional Cybersecurity Program

**Fund 501 Fleet & Equipment**

***PD Totaled Vehicle #40371, New / 1-Time***

This vehicle was involved in a collision and has been declared a total loss by WCIA. The budget request is to add expenditures of \$57,000 in 2019, funded by replacement reserves of \$816 and insurance proceeds of \$56,184.

***PD Totaled Vehicle #40241, New / 1-Time***

This vehicle was involved in a collision and has been declared a total loss by WCIA. The budget request is to add expenditures of \$57,000 in 2019, funded by insurance proceeds.

***PD Damaged Vehicle #40800, New / 1-Time***

This vehicle was involved in a collision and has significant damages as a result. The budget request is to add expenditures of \$30,000 in 2019, funded by replacement reserves of \$20,800 and insurance proceeds of \$9,800.

***PD – Eliminate Original Adopted Budget Request, Housekeeping / 1-Time***

Passenger van #42160 was approved to be surplused and trailer #42130 was approved to be replaced using proceeds from van #42160, at a net cost of \$38,000. Since then the passenger van has been repurposed as a backup for Courts and the trailer has been determined to be in working condition and will no longer need to be replaced.

**Fund 502 Property Management**

***CH – City Hall LED Lighting Conversion, New / 1-Time***

Add \$60,000 for City Hall conversion to LED lighting. This conversion does not include changing out the emergency exit lights or the emergency lighting with battery backup (this is only a few lights) as they are a bit more complicated and costs would exceed the benefits.

***PD – Police Station Battery Backup System, New / 1-Time & Ongoing***

Add \$6,500 for server room battery backup system upgrade/repair (1-time) and \$9,000 for service agreement to maintain the new battery backup system (ongoing),

***PD – Police Station Generator Plug In, New / 1-Time***

Add \$10,000 for a generator plug to plug in external generator if backup generator fails as it did this past winter.

**Fund 503 Information Technology**

***AD/HR - Position Renumbering, New / 1-Time***

Add \$6,400 for use of Tyler Technology professional services to renumber the City's positions in a logical format while preserving data integrity and history.

***CED – PALS Permit System, New / 1-Time & Ongoing***

Add internal service charges for new PALS Permit System. 1-time costs are estimated at \$80,000 as is partially funded by accumulated technology fees of \$59,403. Ongoing costs are estimated at \$50,000 annually and is partially offset by current permitting system m&o costs of \$8,400 annually.

***PK – Fiber Repair, New / 1-Time***

Add \$30,000 for fiber repair. The City's Information Technology team began work over the summer to install new fiber to the O&M shop at Front Street, which would connect them directly to City Hall and the Police Station. Based on initial conversations with the City's Operations Superintendent, IT was informed that conduit had been placed in the ground during previous projects to facilitate the future installation of fiber directly to the O&M shop. This saved thousands of dollars by having it installed previously versus having to dig up the road and install new. During the project it was determined that the conduit which was thought to be usable was damaged due to a previous transportation improvement project to widen the street near South Tacoma Way and the new warehouses that were recently constructed on 96<sup>th</sup>. Unfortunately this had a negative impact on the fiber project as IT was unable to complete the pull of new cable due to the damaged conduit. IT is requesting \$30,000 to hire a contractor to repair the road and complete the fiber installation. Upon completion, the O&M shop at Front Street will be directly connected to the City network via fiber, eliminating the need for the Comcast small business circuit, enabling all cameras at the facility for security purposes and provide access to city resources over fiber versus the slower Comcast connection.

***CW - KnowBe4 Cybersecurity Training, New / 1-Time***

Add \$12,297 for city-wide cybersecurity training, offset by WCIA reimbursement of \$2,500 for a net cost of \$9,797. KnowBe4 provides security awareness training to help manage the IT security problems of social engineering, spear phishing and ransomware attacks.

***CW - Additional Cybersecurity - New / 1-Time & Ongoing***

Add funds to implement additional software and hardware solutions that protect the city's infrastructure from increased potential cyber-attacks both internal and external. The city must implement a solution that not only is robust but also includes hands off automation. Any solution must also leverage a consistent approach across AWS (Amazon Web Services), Azure (Cloud) and VMWare virtualized data centers. It must also adapt to the business needs of the city to ensure the complete protection of any future applications or systems regardless of if they are cloud based or hosted on premises. Complete monitoring of all devices and users across the enterprise is also required to ensure protection not only against external threats but internal.

- ShieldX®. This is a subscription solution with an initial 1-time cost \$45,000 with estimated ongoing costs of \$30,000 each per year.
- Fortinac®. Initial 1-time cost of \$25,000 with ongoing yearly renewal costs of approximately \$15,000.
- Training. \$20,000 in 1-time funds for enhanced security training for information technology staff.

## **Fund 504 Risk Management**

### ***Claims – New / 1-Time***

Add \$300,000 in 2019 and \$100,000 in 2020 to account for potential claims anticipated to be covered by insurance recoveries of \$200,000 in 2019 and \$100,000 in 2020. The 2019 budget adjustment includes approximately \$200,000 for repair of 2 damaged traffic signal poles and 18 damaged street lights at various locations in the City. Damage occurred as a result of motor vehicle collisions(s) or theft(s) at 9 locations.

### ***Transfer to Fleet & Equipment Fund, New / 1-Time***

Add \$56,184 in 2019 for transfer of insurance proceeds from totaled police vehicle #40371, funded by insurance proceeds.

### ***Transfer to Fleet & Equipment Fund, New / 1-Time***

Add \$57,000 in 2019 for transfer of insurance proceeds from totaled police vehicle #40241, funded by insurance proceeds.

### ***Transfer to Fleet & Equipment Fund, New / 1-Time***

Add \$9,800 in 2019 for transfer of insurance proceeds from police vehicle #40800, funded by insurance proceeds.

**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
<b>Grand Total - All Funds</b>			<b>\$14,378,447</b>	<b>\$14,251,566</b>	<b>\$(2,412,919)</b>	<b>\$ (1,792,138)</b>
<b>Total - Fund 001 General</b>			<b>\$ 514,144</b>	<b>\$ 1,256,397</b>	<b>\$ 696,761</b>	<b>\$ 568,129</b>
Increase Property Tax Revenue Estimate	Revenue	Ongoing	50,000	-	197,600	-
Increase Sales Tax Revenue Estimate	Revenue	Ongoing	950,000	-	678,900	-
Increase Parks Sales Tax Revenue Estimate	Revenue	Ongoing	30,000	-	30,000	-
Increase Criminal Justice Sales Tax Revenue Estimate	Revenue	Ongoing	55,000	-	55,000	-
Increase Brokered Natural Gas Revenue Estimate	Revenue	Ongoing	10,000	-	10,000	-
Reduce Leasehold Tax	Revenue	Ongoing	(7,000)	-	(7,000)	-
Reduce Utility Tax Revenue Estimate	Revenue	Ongoing	(330,000)	-	(330,000)	-
Increase Franchise Fees Revenue Estimate	Revenue	Ongoing	103,600	-	103,600	-
Decrease High Crime Revenue Estimate	Revenue	Ongoing	(77,000)	-	(77,000)	-
Increase Municipal Court Contract Revenue	Revenue	Ongoing	(87,198)	-	(87,198)	-
Reduce Development Services Revenue Estimate	Revenue	Ongoing	(432,600)	-	-	-
Reduce Business License Revenue Estimate	Revenue	Ongoing	(54,000)	-	-	-
Increase Alarm Permits & Fees Revenue Estimate	Revenue	Ongoing	75,000	-	75,000	-
Increase Animal Services Contracts Revenue Estimate	Revenue	Ongoing	6,196	-	6,095	-
Increase South Sound 911 Background Investigation Revenue Estimate	Revenue	Ongoing	15,000	-	-	-
Reduce Municipal Court Fines and Forfeitures Revenue Estimate	Revenue	Ongoing	(74,300)	-	(77,500)	-
Increase Camera Enforcement Revenue Estimate	Revenue	Ongoing	100,000	-	-	-
Increase Interest Earnings & Penalties and Interest on Taxes	Revenue	Ongoing	105,000	-	-	-
CC - Implement Independent Salary Commission Decision	New	Ongoing	-	5,345	-	18,220
CM - Connections Magazine Fall Edition	New	1-Time	-	8,000	-	-
CM - Temporary Help	New	1-Time	-	12,000	-	-
CM - Executive Leadership Team Building	New	1-Time	-	25,000	-	-
CM - City Manager Personnel Cost Increase per Performance Evaluation	New	Ongoing	-	5,000	-	5,000
AD - Government Finance Officers Association 2019 Leadership Academy	New	1-Time	-	3,440	-	-
AD - Volunteer & Employee Recognition Event Venue and Catering	New	Ongoing	-	3,000	-	3,000
AD - Support Equity Team Professional Services Provided by Pacific Northwest Learning and Government Alliance on Race and Equity (GARE) Membership	New	1-Time	-	4,600	-	1,000
AD - Leadership Academy Program Restore portion of funds eliminated during the 2019/2020 Adopted Budget	New	Ongoing	-	-	-	4,000
CD - Office Assistant Limited Term Position with End Date 12/31/2020	New	1-Time	-	33,500	-	80,000
CD - Training for Permit Counter, Building Inspectors and Apprentice	New	1-Time	-	2,255	-	-
CD - PALS Permit System 1-Time = \$80,000 (Partially funded by Accumulated Technology Fees \$59,404) Ongoing = \$50,000/year (Partially Offset by Current System M&O Cost of \$8,400/year)	New	1-Time & Ongoing	-	37,518	-	41,600
CD - Image Campaign	New	1-Time	-	76,493	-	103,500
CD - Western State Hospital Impacts Analysis	New	1-Time	-	14,960	-	-

**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
PK - Fiscal Agent for Lakewood's CHOICE Program	New	1-Time	110,000	110,000	110,000	110,000
PK - Colonial Plaza Dedication	New	1-Time	-	4,000	-	-
PK - Colonial Plaza O&M	New	Ongoing	-	-	-	36,636
PK - Add Street Landscape 0.75 FTE (Net Cost) Limited Term Position with End Date 12/31/2020	New	Ongoing	-	-	-	21,450
PK - Overtime in Support of Storm and Special Events	New	Ongoing	-	5,000	-	5,000
PK - Increase Water Utility at Fort Steilacoom Park	New	Ongoing	-	15,000	-	15,000
PK - Sewer Utility Charge for Sewer Connections at Fort Steilacoom Park	New	Ongoing	-	1,500	-	1,500
PK - SummerFest Adjustment for Donations/Sponsorships and Program Costs	New	1-Time	(48,100)	44,300	-	-
PD - Evidence Section Training \$10,000 / Supplies \$13,710 Source is Evidence Room Revenue	New	1-Time	14,546	14,546	9,264	9,264
PD - South Sound 911 Assessment	New	Ongoing	-	-	-	(19,560)
PD - Jail Services	New	Ongoing	-	250,000	-	250,000
PK - Transfer to Parks CIP 301.0003 Harry Todd Park Phase II Waterfront Improvements	New	1-Time	-	-	-	107,129
PK - Transfer to Parks CIP 301.0014 FSP/South Angle Lane Parking and Trail Improvements	New	1-Time	-	350,000	-	-
PK - Transfer to Parks CIP 301.0014 FSP/South Angle Lane Parking and Trail Improvements Source is Oak Tree Mitigation Funds \$20,000 (Reduce Available Oak Tree \$)	New	1-Time	-	-	-	-
PK - Transfer to Parks CIP 301.0016 Playground Resurfacing	New	1-Time	-	9,000	-	-
PK - Transfer to Parks CIP 301.0031 FSP/Artificial Turf Infields	New	1-Time	-	15,300	-	-
PK - Transfer to Transportation CIP 302.0002 New LED Street Lights	New	1-Time	-	100,000	-	-
PW - Transfer to Transportation CIP 302.0053 123rd St SW - Bridgeport Way to 47th Ave SW Street Project	New	1-Time	-	80,214	-	-
PW - Reduce Transfer to Transportation CIP 302.0063 Colonial Plaza Project Savings	New	1-Time	-	(438,417)	-	(306,453)
PW - Transfer to Transportation CIP 302.0065 SRTS Gravelly Lake Drive (Bridgeport to Steilacoom)	New	1-Time	-	72,000	-	-
PW - Transfer to GO Bond Debt Service LED Streetlight LOCAL Debt Service	Housekeeping	1-Time	-	-	-	831
AD - Internal Service Charge Professional Services for Position Renumbering	New	1-Time	-	6,400	-	-
CW - Internal Service Charge KnowBe4 City-Wide Cybersecurity Training	New	1-Time	-	8,520	-	-

**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
CW - Internal Service Charge Additional Cybersecurity	New	1-Time & Ongoing	-	78,264	-	39,131
CH - Internal Service Charge LED Lighting Conversion	New	1-Time	-	17,392	-	34,784
PD - Internal Service Charge Police Station Battery Backup Repair/Upgrade & Service Agreement	New	1-Time & Ongoing	-	6,500	-	9,000
PD - Internal Service Charge Police Station Generator Plug In	New	1-Time	-	10,000	-	-
General/Street Fund Subsidy			-	265,767	-	(1,903)
<b>Total - Special Revenue Funds</b>			<b>\$ 7,672,894</b>	<b>\$ 7,951,055</b>	<b>\$ (1,903)</b>	<b>\$ (179,611)</b>
<b>Total - Fund 101 Street O&amp;M</b>			<b>\$ 265,767</b>	<b>\$ 265,767</b>	<b>\$ (1,903)</b>	<b>\$ (1,903)</b>
PK - Colonial Plaza Maintenance	New	Ongoing	-	-	8,992	8,992
PK - Overtime in Support of Storm and Special Events	New	Ongoing	1,000	1,000	1,000	1,000
PK - New Street Signs	New	Ongoing	7,500	7,500	7,500	7,500
PK - Increase Street Lighting for New Street Lights	New	Ongoing	10,000	10,000	10,000	10,000
PK - Salt for Snow & Ice Maintenance	New	Ongoing	15,000	15,000	15,000	15,000
PW - Use of Technology Fees for PALS Permit System	New	1-Time	(6,541)	(6,541)	-	-
PW - Non-Motorized Plan (Shift from 2020 to 2019)	Housekeeping	1-Time	50,000	50,000	(50,000)	(50,000)
PW - Consultant Contract to Assist with BUILD Grant Application	New	1-Time	50,000	50,000	-	-
PK - Internal Service Charge Fiber Repair	New	1-Time	30,000	30,000	-	-
PK - Internal Service Charge Potential Risk Management Claims (Includes Citywide Electrical Repair Project for Damaged Traffic Signals and Street Lights)	New	1-Time	100,000	100,000	-	-
CH - Internal Service Charge LED Lighting Conversion	New	1-Time	1,054	1,054	2,108	2,108
CW - Internal Service Charge KnowBe4 City-Wide Cybersecurity Training	New	1-Time	761	761	-	-
CW - Internal Service Charge Additional Cybersecurity	New	1-Time & Ongoing	6,993	6,993	3,497	3,497
<b>Total - Fund 102 Real Estate Excise Tax</b>			<b>\$ 550,000</b>	<b>\$ 928,161</b>	<b>\$ -</b>	<b>\$ (189,958)</b>
Increase REET Revenue Estimate	Revenue	1-Time	550,000	-	-	-
Reduce Transfer to Debt Service Fund For Transportation 2019 LTGO Bond	Housekeeping	1-Time	-	(220,000)	-	-
Transfer to Transportation CIP 302.0051 Lakewood Drive - Flett Creek to 74th Overlay	New	1-Time	-	49,786	-	-
Transfer to Transportation CIP 302.0053 123rd St SW - Bridgeport Way to 47th Ave SW Street Project	New	1-Time	-	269,786	-	-
Transfer to Transportation CIP 302.0060 100th St SW & Lakewood Drive SW Traffic Signal Replacement	New	1-Time	-	309,000	-	-

**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
Reduce Transfer to Transportation CIP 302.0063 Colonial Plaza Project Savings Increase REET in 2019 \$519,589 / Reduce REET in 2020 \$519,589	New	1-Time	-	519,589	-	(709,547)
Transfer to Parks CIP 301.0003 Harry Todd Park Phase II Waterfront Improvements	New	1-Time	-	-	-	519,589
<b>Total - Fund 104 Hotel/Motel Lodging Tax</b>			<b>\$ 100,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 12,250</b>
Increase Hotel/Motel Lodging Tax Revenue Estimate	Revenue	1-Time	100,000	-	-	-
LTAC Grant Allocation	New	1-Time	-	-	-	12,250
<b>Total - Fund 181 Felony Seizure</b>			<b>\$ 6,035</b>	<b>\$ 6,035</b>	<b>\$ -</b>	<b>\$ -</b>
Eligible Felony Seizures Related Funds	New	1-Time	6,035	6,035	-	-
<b>Total - Fund 192 Office of Economic Adjustment (OEA)</b>			<b>\$ 6,689,027</b>	<b>\$ 6,689,027</b>	<b>\$ -</b>	<b>\$ -</b>
OEA - JBLM CU Implementation	Grant	1-Time	506,027	506,027	-	-
North Clear Zone - Purchase of Tactical Tailor Building Funded by: USAF \$3,600,000 / REPI \$953,000 / State Capital Budget 2017/2018 \$760,000 / State Capital Budget 2019/2021 \$500,000 / Funds Anticipated from Pierce County \$630,000 / Additional Funds Anticipated REPI \$500,000. The current budget already includes \$760,000 from State Capital Budget.	Grant	1-Time	6,183,000	6,183,000	-	-
<b>Total - Fund 195 Public Safety Grants</b>			<b>\$ 62,065</b>	<b>\$ 62,065</b>	<b>\$ -</b>	<b>\$ -</b>
Emergency Management Planning Grant	Grant	1-Time	33,075	33,075		
Washington State Boaters Safety Grant	Grant	1-Time	1,131	1,131	-	-
Pierce County STOP VAWA (Violence Against Women Act) Training Grant	Grant	1-Time	1,661	1,661	-	-
Pierce County Phlebotomy Grant	Grant	1-Time	435	435	-	-
Washington State Patrol Phlebotomy Grant	Grant	1-Time	15,000	15,000	-	-
Office of Justice Programs Bulletproof Vest Partnership	Grant	1-Time	10,763	10,763	-	-
<b>Grand Total - Debt Service Funds</b>			<b>\$ (220,000)</b>	<b>\$ (212,992)</b>	<b>\$ 831</b>	<b>\$ 1,080</b>
<b>Total - Fund 201 General Obligation Bond Debt Service</b>			<b>\$ (220,000)</b>	<b>\$ (220,000)</b>	<b>\$ 831</b>	<b>\$ 831</b>
Reduce 2019 LTGO Bond Debt Service	Housekeeping	1-Time	(220,000)	(220,000)	-	-
Increase LED Street Light LOCAL Debt Service	Housekeeping	1-Time	-	-	831	831
<b>Total - Fund 202 LID Debt Service</b>			<b>\$ -</b>	<b>\$ 7,008</b>	<b>\$ -</b>	<b>\$ 249</b>
Earmark for Early Redemption & Fiscal Agent Fees	Housekeeping	1-Time	-	7,008	-	249
<b>Total - Capital Improvement Project Funds</b>			<b>\$ 5,529,260</b>	<b>\$ 4,412,830</b>	<b>\$ (3,626,282)</b>	<b>\$ (2,610,282)</b>
<b>Total - Fund 301 Parks CIP</b>			<b>\$ 2,444,000</b>	<b>\$ 2,444,000</b>	<b>\$ (935,282)</b>	<b>\$ (935,282)</b>
301.0003 Harry Todd Park Phase I Improvements (ADA, Dock, Bulkhead, Shoreline, Open Space ) Funded by WWRP Grant \$580,000 and ALEA Grant \$500,000	Grant	1-Time	1,080,000	1,080,000	-	-
301.0003 Harry Todd Park Phase II Improvements (Waterfront) Remove grants funds anticipated \$600,000 Add transfer in from General Fund \$107,129 Add transfer in From REET Fund \$519,589	New	1-Time	-	-	26,718	26,718
301.0013 FSP & North Angle Lane Improvements Remove Duplicate Town of Steilacoom Contribution	Housekeeping	1-Time	(25,000)	(25,000)	-	-

**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
301.0014 FSP/South Angle Lane Parking & Trail Improvements Funded by Transfer In From General Fund \$370,000 (includes \$20,000 from Oak Tree Mitigation Funds)	New	1-Time	370,000	370,000	-	-
301.0017 Playground Resurfacing Source is General Fund	New	1-Time	9,000	9,000	-	-
301.0031 FSP/Artificial Turf Infields Reduce funds anticipated by \$5,300 (the amount of State grant admin fees) Increase costs by \$10,000 Source is General Fund of \$15,300	New	1-Time	1,010,000	1,010,000	(1,000,000)	(1,000,000)
301.0032 Springbrook Park Expansion Source is Increase in State Legislative Funds	Grant	1-Time	-	-	38,000	38,000
<b>Total - Fund 302 Transportation CIP</b>			<b>\$ 3,085,260</b>	<b>\$ 1,968,830</b>	<b>\$(2,691,000)</b>	<b>\$ (1,675,000)</b>
302.0002 New LED Street Lights Source is General Fund	New	1-Time	100,000	100,000	-	-
302.0051 Lakewood Drive - Flett Creek to 74th Overlay Source is REET \$49,786 and SWM \$61,401	New	1-Time	111,187	111,187	-	-
302.0053 123rd St SW - Bridgeport Way to 47th Ave SW Street Project Source is General Fund \$80,214 / REET \$269,786	New	1-Time	350,000	350,000	-	-
302.0060 100th St SW & Lakewood Dr SW Traffic Signal Replacement Source is REET \$309,000 and SWM \$94,000	New	1-Time	403,000	403,000	-	-
302.0063 Colonial Center Plaza Reduce Project Costs \$742,357 (net of \$25,000 for new security cameras) Add TIB Grant \$300,000 Add Lakewood Water District Contribution \$69,720 Reduce SWM Contribution \$76,819 Reduce General Fund Contribution \$744,870 Reduce REET \$189,958	Housekeeping & New	1-Time	374,073	(742,357)	(1,016,000)	-
302.0065 SRTS Gravelly Lake Drive (Bridgeport to Steilacoom) Source is General Fund	New	1-Time	72,000	72,000	-	-
302.0134 Veterans Dr - Gravelly Lake Dr to American Lake Park Sidewalks Funded by WSDOT Grant Move Project from 2020 to 2019	Grant	1-Time	1,675,000	1,675,000	(1,675,000)	(1,675,000)
<b>Total - Enterprise Funds</b>			<b>\$ 217,084</b>	<b>\$ 216,395</b>	<b>\$ 148,474</b>	<b>\$ 39,146</b>
<b>Total - Fund 401 Surface Water Management</b>			<b>\$ 217,084</b>	<b>\$ 216,395</b>	<b>\$ 148,474</b>	<b>\$ 39,146</b>
Increase Storm Drainage Fees Revenue Estimate	Revenue	Ongoing	100,000	-	100,000	-
Increase Site Development Permit Fees Revenue Estimate	Revenue	Ongoing	13,000	-	-	-
American Lake Management District Source is DOE Grant \$75,000 / JBLM \$30,026 / Assessments \$23,766/year	New	1-Time & Ongoing	104,084	131,000	48,474	29,320
Colonial Plaza O&M	New	Ongoing	-	-	-	4,346
Transfer to Transportation CIP 302.0051 Lakewood Drive - Flett Creek to 74th Overlay	New	1-Time	-	61,401	-	-
Transfer to Transportation CIP 302.0060 100th St SW & Lakewood Drive SW Traffic Signal Replacement	New	1-Time	-	94,000	-	-



**2019/2020 Mid-Biennium Budget Adjustment  
Summary of Proposed Requests**

	Adjustment Type	Ongoing/ 1-Time	Year 2019		Year 2020	
			Revenue	Expenditure	Revenue	Expenditure
Transfer to Transportation CIP 302.0063 Colonial Plaza	New	1-Time	-	(76,819)	-	-
CH - Internal Service Charge LED Lighting Conversion	New	1-Time	-	1,554	-	3,108
CW - Internal Service Charge KnowBe4 City-Wide Cybersecurity Training	New	1-Time	-	516	-	-
CW - Internal Service Charge Additional Cybersecurity	New	1-Time & Ongoing	-	4,743	-	2,372
<b>Total - Internal Service Funds</b>			<b>\$ 665,065</b>	<b>\$ 627,881</b>	<b>\$ 369,200</b>	<b>\$ 389,400</b>
<b>Total - Fund 501 Fleet &amp; Equipment</b>			<b>\$ 56,184</b>	<b>\$ 19,000</b>	<b>\$ 66,800</b>	<b>\$ 87,000</b>
PD - Replace Totaled Vehicle #40371 Funded by Reserves \$816 / Insurance Proceeds \$56,184	New	1-Time	56,184	57,000	-	-
PD - Replace Totaled Vehicle #40241 Funded by Insurance Proceeds \$57,000	New	1-Time	-	-	57,000	57,000
PD - Replace Vehicle # 40800 Due to Significant Damage from Collision Funded by Insurance Proceeds \$9,800 / Replacement Reserves \$20,200	New	1-Time	-	-	9,800	30,000
PD - Eliminate Adopted Budget Request Retain Passenger Van #42160 instead of surplus. Retain Trailer #42130 instead of replacing. Net cost savings is \$38,000.	Housekeeping	1-Time	-	(38,000)	-	-
<b>Total - Fund 502 Property Management</b>			<b>\$ 36,500</b>	<b>\$ 36,500</b>	<b>\$ 49,000</b>	<b>\$ 49,000</b>
CH - LED Lighting Conversion	New	1-Time	20,000	20,000	40,000	40,000
PD - Police Station Battery Backup Repair/Upgrade & Service Agreement 1-Time in 2019 / Ongoing in 2020	New	1-Time	6,500	6,500	9,000	9,000
PD - Police Station Generator Plug In	New	1-Time	10,000	10,000	-	-
<b>Total - Fund 503 Information Technology</b>			<b>\$ 216,197</b>	<b>\$ 216,197</b>	<b>\$ 86,600</b>	<b>\$ 86,600</b>
AD - Professional Services for Position Renumbering System	New	1-Time	6,400	6,400	-	-
CD - PALS Permitting System	New	1-Time & Ongoing	80,000	80,000	41,600	41,600
PK - Fiber Repair	New	1-Time	30,000	30,000	-	-
CW - KnowBe4 City-Wide Cybersecurity Training	New	1-Time	9,797	9,797	-	-
CW - Additional Cybersecurity 1-Time \$90,000 in 2019 / Ongoing \$45,000 in 2020	New	1-Time & Ongoing	90,000	90,000	45,000	45,000
<b>Total - Fund 504 Risk Management</b>			<b>\$ 356,184</b>	<b>\$ 356,184</b>	<b>\$ 166,800</b>	<b>\$ 166,800</b>
Claims Expense Offset by Insurance Recoveries	New	1-Time	300,000	300,000	100,000	100,000
Transfer to Fleet & Equipment Fund For Partial Funding of Replacement Totaled Police Vehicle #40371 Source is Insurance Proceeds	New	1-Time	56,184	56,184	-	-
Transfer to Fleet & Equipment Fund For Funding of Replacement Totaled Police Vehicle #40241 Source is Insurance Proceeds	New	1-Time	-	-	57,000	57,000
Transfer to Fleet & Equipment Fund For Partial Funding of Replacement Totaled Police Vehicle #40800 Source is Insurance Proceeds	New	1-Time	-	-	9,800	9,800

	2018 Annual Actual	2019 Original Budget	2019 Revised Budget	Prop MidBien Adj	Prop Revised Budget	2020 Original Budget	2020 Revised Budget	Prop MidBien Adj	2020 Prop Revised Budget
<b>(001) GENERAL FUND</b>									
<i>REVENUES:</i>									
<b>Taxes</b>	<b>\$28,837,365</b>	<b>\$27,734,900</b>	<b>\$27,734,900</b>	<b>\$758,000</b>	<b>\$28,492,900</b>	<b>\$27,970,400</b>	<b>\$27,970,400</b>	<b>\$634,500</b>	<b>\$28,604,900</b>
Property Tax	6,910,944	7,110,000	7,110,000	50,000	7,160,000	7,202,400	7,202,400	197,600	7,400,000
Local Sales & Use Tax	10,978,014	9,852,600	9,852,600	950,000	10,802,600	9,951,100	9,951,100	678,900	10,630,000
Sales/Parks	631,395	608,700	608,700	30,000	638,700	620,900	620,900	30,000	650,900
Brokered Natural Gas Use Tax	41,558	30,000	30,000	10,000	40,000	30,000	30,000	10,000	40,000
Criminal Justice Sales Tax	1,133,354	1,089,400	1,089,400	55,000	1,144,400	1,111,200	1,111,200	55,000	1,166,200
Admissions Tax	545,816	496,000	496,000	-	496,000	496,000	496,000	-	496,000
Utility Tax	5,408,728	5,735,200	5,735,200	(330,000)	5,405,200	5,745,800	5,745,800	(330,000)	5,415,800
Leasehold Tax	5,901	12,000	12,000	(7,000)	5,000	12,000	12,000	(7,000)	5,000
Gambling Tax	3,181,655	2,801,000	2,801,000	-	2,801,000	2,801,000	2,801,000	-	2,801,000
<b>Franchise Fees</b>	<b>4,035,453</b>	<b>4,108,800</b>	<b>4,108,800</b>	<b>103,600</b>	<b>4,212,400</b>	<b>4,232,100</b>	<b>4,232,100</b>	<b>103,600</b>	<b>4,335,700</b>
Cable, Water, Sewer, Solid Waste	2,945,276	2,960,200	2,960,200	123,600	3,083,800	3,049,000	3,049,000	123,600	3,172,600
Tacoma Power	1,090,176	1,148,600	1,148,600	(20,000)	1,128,600	1,183,100	1,183,100	(20,000)	1,163,100
<b>Development Service Fees</b>	<b>2,204,665</b>	<b>1,710,100</b>	<b>1,710,100</b>	<b>(432,600)</b>	<b>1,277,500</b>	<b>1,744,000</b>	<b>1,744,000</b>	<b>-</b>	<b>1,744,000</b>
Building Permits	897,791	714,000	714,000	(287,600)	426,400	728,300	728,300	-	728,300
Other Building Permit Fees	492,983	310,200	310,200	(80,000)	230,200	316,400	316,400	-	316,400
Plan Review/Plan Check Fees	625,754	564,000	564,000	(100,000)	464,000	575,200	575,200	-	575,200
Other Zoning/Development Fees	188,137	121,900	121,900	35,000	156,900	124,100	124,100	-	124,100
<b>Licenses &amp; Permits</b>	<b>417,487</b>	<b>384,000</b>	<b>384,000</b>	<b>21,000</b>	<b>405,000</b>	<b>384,000</b>	<b>384,000</b>	<b>75,000</b>	<b>459,000</b>
Business License	275,552	314,000	314,000	(54,000)	260,000	314,000	314,000	-	314,000
Alarm Permits & Fees	104,411	30,000	30,000	75,000	105,000	30,000	30,000	75,000	105,000
Animal Licenses	37,525	40,000	40,000	-	40,000	40,000	40,000	-	40,000
<b>State Shared Revenues</b>	<b>1,195,471</b>	<b>1,255,900</b>	<b>1,255,900</b>	<b>(77,000)</b>	<b>1,178,900</b>	<b>1,255,900</b>	<b>1,255,900</b>	<b>(77,000)</b>	<b>1,178,900</b>
Sales Tax Mitigation	10,006	-	-	-	-	-	-	-	-
Criminal Justice	158,293	154,000	154,000	-	154,000	154,000	154,000	-	154,000
Criminal Justice High Crime	231,905	318,800	318,800	(77,000)	241,800	318,800	318,800	(77,000)	241,800
Liquor Excise Tax	304,078	291,700	291,700	-	291,700	291,700	291,700	-	291,700
Liquor Board Profits	491,189	491,400	491,400	-	491,400	491,400	491,400	-	491,400
<b>Intergovernmental</b>	<b>512,739</b>	<b>576,500</b>	<b>576,500</b>	<b>(66,002)</b>	<b>510,498</b>	<b>576,450</b>	<b>576,450</b>	<b>(81,103)</b>	<b>495,347</b>
Police FBI & Other Misc	12,640	12,000	12,000	-	12,000	12,000	12,000	-	12,000
Police-Animal Svcs-Steilacoom	13,740	14,100	14,100	2,044	16,144	14,380	14,380	1,988	16,368
Police-Animal Svcs-Dupont	29,533	29,100	29,100	4,152	33,252	29,770	29,770	4,107	33,877
Police-South Sound 911 Background Investigations	19,593	4,000	4,000	15,000	19,000	3,000	3,000	-	3,000
Muni Court-University Place Contract	285,396	294,000	294,000	(140,679)	153,321	294,000	294,000	(140,679)	153,321
Muni Court-Town of Steilacoom Contract	111,537	114,900	114,900	40,376	155,276	114,900	114,900	40,376	155,276
Muni Court-City of Dupont	40,301	108,400	108,400	13,105	121,505	108,400	108,400	13,105	121,505

	2018 Annual Actual	2019 Original Budget	2019 Revised Budget	Prop MidBien Adj	Prop Revised Budget	2020 Original Budget	2020 Revised Budget	Prop MidBien Adj	2020 Prop Revised Budget
<b>(001) GENERAL FUND-continued</b>									
<b>Charges for Services &amp; Fees</b>	<b>1,300,239</b>	<b>1,435,700</b>	<b>1,435,700</b>	-	<b>1,435,700</b>	<b>1,442,700</b>	<b>1,442,700</b>	-	<b>1,442,700</b>
Parks & Recreation Fees	250,101	278,700	278,700	-	278,700	288,700	288,700	-	288,700
Police - Various Contracts	15,507	7,000	7,000	-	7,000	7,000	7,000	-	7,000
Police - Towing Impound Fees	10,300	15,000	15,000	-	15,000	12,000	12,000	-	12,000
Police - Extra Duty	655,726	775,000	775,000	-	775,000	775,000	775,000	-	775,000
Police - Western State Hospital Community Policing	366,750	355,500	355,500	-	355,500	355,500	355,500	-	355,500
Other	1,855	4,500	4,500	-	4,500	4,500	4,500	-	4,500
<b>Fines &amp; Forfeitures</b>	<b>1,626,872</b>	<b>1,560,900</b>	<b>1,560,900</b>	<b>25,700</b>	<b>1,586,600</b>	<b>1,560,900</b>	<b>1,560,900</b>	<b>(77,500)</b>	<b>1,483,400</b>
Municipal Court	798,411	860,900	860,900	(74,300)	786,600	860,900	860,900	(77,500)	783,400
Photo Infraction	828,460	700,000	700,000	100,000	800,000	700,000	700,000	-	700,000
<b>Miscellaneous/Interest/Other</b>	<b>325,024</b>	<b>133,700</b>	<b>133,700</b>	<b>119,546</b>	<b>253,246</b>	<b>133,700</b>	<b>133,700</b>	<b>9,264</b>	<b>142,964</b>
Interest Earnings	130,742	68,000	68,000	60,000	128,000	68,000	68,000	-	68,000
Penalties & Interest - Taxes	77,122	15,200	15,200	45,000	60,200	15,200	15,200	-	15,200
Miscellaneous/Other	117,160	50,500	50,500	14,546	65,046	50,500	50,500	9,264	59,764
<b>Interfund Transfers</b>	<b>284,700</b>	<b>284,700</b>	<b>284,700</b>	-	<b>284,700</b>	<b>284,700</b>	<b>284,700</b>	-	<b>284,700</b>
Transfers In - Fund 401 SWM	284,700	284,700	284,700	-	284,700	284,700	284,700	-	284,700
<b>Subtotal Operating Revenues</b>	<b>\$40,740,015</b>	<b>\$39,185,200</b>	<b>\$39,185,200</b>	<b>\$452,244</b>	<b>\$39,637,444</b>	<b>\$39,584,850</b>	<b>\$39,584,850</b>	<b>\$586,761</b>	<b>\$40,171,611</b>
<b>% Revenue Change over Prior Year</b>	<b>4.48%</b>	<b>-3.82%</b>	<b>-3.82%</b>		<b>-2.71%</b>	<b>1.02%</b>	<b>1.02%</b>		<b>1.35%</b>
<i>EXPENDITURES:</i>									
<b>City Council</b>	<b>122,436</b>	<b>136,853</b>	<b>136,853</b>	<b>5,345</b>	<b>142,198</b>	<b>136,853</b>	<b>136,853</b>	<b>18,220</b>	<b>155,073</b>
Legislative	122,436	133,403	133,403	5,345	138,748	133,403	133,403	18,220	151,623
Sister City	-	3,450	3,450	-	3,450	3,450	3,450	-	3,450
<b>City Manager</b>	<b>706,432</b>	<b>706,338</b>	<b>719,321</b>	<b>5,000</b>	<b>724,321</b>	<b>716,460</b>	<b>729,443</b>	<b>5,000</b>	<b>734,443</b>
Executive	559,533	558,090	571,073	5,000	576,073	563,586	576,569	5,000	581,569
Communications	146,899	148,248	148,248	-	148,248	152,874	152,874	-	152,874
<b>Municipal Court</b>	<b>2,050,968</b>	<b>2,126,507</b>	<b>2,126,798</b>	-	<b>2,126,798</b>	<b>2,158,419</b>	<b>2,158,709</b>	-	<b>2,158,709</b>
Judicial Services (Includes Veterans Court Grant Match)	1,092,375	1,078,653	1,078,944	-	1,078,944	1,099,223	1,099,513	-	1,099,513
Professional Services	652,000	656,400	656,400	-	656,400	658,400	658,400	-	658,400
Probation & Detention	306,592	391,454	391,454	-	391,454	400,796	400,796	-	400,796
<b>Administrative Services</b>	<b>1,731,553</b>	<b>1,811,960</b>	<b>1,812,892</b>	<b>3,000</b>	<b>1,815,892</b>	<b>1,863,255</b>	<b>1,864,186</b>	<b>46,131</b>	<b>1,910,317</b>
Finance	1,166,248	1,222,733	1,223,571	-	1,223,571	1,254,474	1,255,312	-	1,255,312
Information Technology & I/S Charges to be Allocated		-	-	-	-	-	-	39,131	39,131
Human Resources	565,305	589,227	589,320	3,000	592,320	608,781	608,874	7,000	615,874
<b>Legal</b>	<b>1,699,409</b>	<b>1,708,980</b>	<b>1,709,272</b>	-	<b>1,709,272</b>	<b>1,681,540</b>	<b>1,681,831</b>	-	<b>1,681,831</b>
Civil Legal Services	1,087,523	926,805	927,039	-	927,039	950,693	950,926	-	950,926
Criminal Prosecution Services	240,632	344,890	344,890	-	344,890	351,722	351,722	-	351,722
City Clerk	287,036	282,285	282,343	-	282,343	289,125	289,183	-	289,183
Election	84,219	155,000	155,000	-	155,000	90,000	90,000	-	90,000

	2018 Annual Actual	2019 Original Budget	2019 Revised Budget	Prop MidBien Adj	Prop Revised Budget	2020 Original Budget	2020 Revised Budget	Prop MidBien Adj	2020 Prop Revised Budget
<b>(001) GENERAL FUND-continued</b>									
<b>Community &amp; Economic Development</b>	<b>2,073,063</b>	<b>2,183,606</b>	<b>2,183,978</b>	<b>33,500</b>	<b>2,217,478</b>	<b>2,223,800</b>	<b>2,224,173</b>	<b>121,600</b>	<b>2,345,773</b>
Current Planning	659,093	705,298	705,438	-	705,438	721,574	721,714	-	721,714
Long Range Planning	192,837	213,664	213,733	-	213,733	217,368	217,438	-	217,438
Building	1,035,962	1,079,013	1,079,152	33,500	1,112,652	1,093,347	1,093,487	121,600	1,215,087
Economic Development	185,169	185,631	185,654	-	185,654	191,511	191,535	-	191,535
<b>Parks, Recreation &amp; Community Services</b>	<b>2,718,160</b>	<b>2,935,191</b>	<b>2,958,533</b>	<b>65,800</b>	<b>3,024,333</b>	<b>2,821,605</b>	<b>2,844,948</b>	<b>79,586</b>	<b>2,924,534</b>
Human Services	418,594	435,596	435,596	-	435,596	436,099	436,099	-	436,099
Administration	301,174	315,474	315,613	-	315,613	316,462	316,601	-	316,601
Recreation	405,448	412,721	412,721	44,300	457,021	422,141	422,141	-	422,141
Senior Services	236,627	237,607	237,607	-	237,607	241,021	241,021	-	241,021
Parks Facilities	500,484	522,442	531,505	2,500	534,005	504,716	513,780	39,136	552,916
Fort Steilacoom Park	672,444	774,459	788,552	19,000	807,552	675,795	689,888	19,000	708,888
Street Landscape Maintenance	183,388	236,892	236,938	-	236,938	225,371	225,418	21,450	246,868
<b>Police</b>	<b>24,469,816</b>	<b>24,747,028</b>	<b>24,919,595</b>	<b>264,546</b>	<b>25,184,141</b>	<b>25,369,543</b>	<b>25,553,034</b>	<b>248,704</b>	<b>25,801,738</b>
Command	4,596,657	4,355,472	4,481,027	-	4,481,027	3,882,300	4,015,324	9,000	4,024,324
Jail Service	633,754	700,000	700,000	250,000	950,000	700,000	700,000	250,000	950,000
Dispatch Services/SS911	2,118,919	2,068,490	2,068,490	-	2,068,490	2,068,490	2,068,490	(19,560)	2,048,930
Investigations	3,385,410	4,394,040	4,394,040	-	4,394,040	4,717,513	4,717,513	-	4,717,513
Patrol	7,764,555	7,428,622	7,428,622	-	7,428,622	7,999,003	7,999,003	-	7,999,003
Special Units	913,301	110,850	110,851	-	110,851	110,850	110,857	-	110,857
SWAT/SRT	124,032	116,054	116,054	-	116,054	118,176	118,176	-	118,176
Neighborhood Policing Unit (Formerly Crime Prevention)	1,114,361	1,289,583	1,289,583	-	1,289,583	1,371,776	1,371,776	-	1,371,776
Contracted Services (Extra Duty, offset by Revenue)	951,870	775,000	775,000	-	775,000	775,000	775,000	-	775,000
Community Safety Resource Team (CSRT)	421,180	384,550	387,405	-	387,405	389,286	393,609	-	393,609
Training	286,671	771,219	771,219	-	771,219	799,837	799,837	-	799,837
Traffic Policing	869,386	1,239,680	1,242,535	-	1,242,535	1,313,271	1,317,593	-	1,317,593
Property Room	249,181	274,310	274,310	14,546	288,856	281,262	281,262	9,264	290,526
Reimbursements	301,055	109,152	120,322	-	120,322	109,905	114,227	-	114,227
Emergency Management	72,620	38,040	38,040	-	38,040	38,040	38,040	-	38,040
Animal Control	280,958	301,966	332,097	-	332,097	304,834	342,327	-	342,327
Road & Street/Camera Enforcement	385,906	390,000	390,000	-	390,000	390,000	390,000	-	390,000
<b>Non-Departmental</b>	<b>127,456</b>	<b>133,960</b>	<b>133,960</b>	<b>-</b>	<b>133,960</b>	<b>133,960</b>	<b>133,960</b>	<b>-</b>	<b>133,960</b>
Citywide	127,456	133,960	133,960	-	133,960	133,960	133,960	-	133,960
<b>Interfund Transfers</b>	<b>1,791,977</b>	<b>1,867,246</b>	<b>1,867,246</b>	<b>33,500</b>	<b>1,900,746</b>	<b>1,877,774</b>	<b>1,877,774</b>	<b>46,820</b>	<b>1,924,594</b>
Transfer to Fund 101 Street O&M	1,358,130	1,390,040	1,390,040	33,500	1,423,540	1,402,118	1,402,118	45,989	1,448,107
Transfer to Fund 105/190 Abatement Program	35,000	35,000	35,000	-	35,000	35,000	35,000	-	35,000
Transfer to Fund 201 GO Bond Debt Service	398,847	442,206	442,206	-	442,206	440,656	440,656	831	441,487
<b>Subtotal Operating Expenditures</b>	<b>\$37,491,270</b>	<b>\$38,357,670</b>	<b>\$38,568,448</b>	<b>\$410,691</b>	<b>\$38,979,139</b>	<b>\$38,983,209</b>	<b>\$39,204,911</b>	<b>\$566,061</b>	<b>\$39,770,972</b>
<b>% Expenditure Change over Prior Year</b>	<b>6.22%</b>	<b>2.31%</b>	<b>2.87%</b>		<b>3.97%</b>	<b>1.63%</b>	<b>1.65%</b>		<b>2.03%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>\$3,248,745</b>	<b>\$827,530</b>	<b>\$616,752</b>	<b>\$41,553</b>	<b>\$658,305</b>	<b>\$601,641</b>	<b>\$379,939</b>	<b>\$20,700</b>	<b>\$400,639</b>
<b>As a % of Operating Expenditures</b>	<b>8.67%</b>	<b>2.16%</b>	<b>1.60%</b>		<b>1.69%</b>	<b>1.54%</b>	<b>0.97%</b>		<b>1.01%</b>

	2018	2019				2020			
	2018 Annual Actual	2019 Original Budget	2019 Revised Budget	Prop MidBien Adj	Prop Revised Budget	2020 Original Budget	2020 Revised Budget	Prop MidBien Adj	2020 Prop Revised Budget
<b>(001) GENERAL FUND-continued</b>									
<i>OTHER FINANCING SOURCES:</i>									
<b>Grants, Donations/Contrib, 1-Time</b>	<b>423,455</b>	<b>140,750</b>	<b>550,469</b>	<b>61,900</b>	<b>612,369</b>	<b>140,750</b>	<b>278,260</b>	<b>110,000</b>	<b>388,260</b>
Contributions/Donations/Other	171,941	140,750	152,750	(48,100)	104,650	140,750	140,750	-	140,750
Grants	251,514	-	397,719	110,000	507,719	-	137,510	110,000	247,510
<b>Transfers In</b>	<b>16,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Transfer In - Fund 501 Fleet & Equipment	16,000	-	-	-	-	-	-	-	-
<b>Subtotal Other Financing Sources</b>	<b>\$439,455</b>	<b>\$140,750</b>	<b>\$550,469</b>	<b>\$61,900</b>	<b>\$612,369</b>	<b>\$140,750</b>	<b>\$278,260</b>	<b>\$110,000</b>	<b>\$388,260</b>
<i>OTHER FINANCING USES:</i>									
<b>Capital &amp; Other 1-Time</b>	<b>1,756,983</b>	<b>558,728</b>	<b>2,180,046</b>	<b>405,342</b>	<b>2,585,388</b>	<b>174,826</b>	<b>312,336</b>	<b>249,284</b>	<b>561,620</b>
Municipal Court	78,647	18,553	121,680	-	121,680	9,240	9,240	-	9,240
City Council	4,218	-	-	-	-	-	-	-	-
City Manager	9,817	4,453	25,751	45,000	70,751	2,217	2,218	-	2,218
Administrative Services	21,310	20,311	47,080	14,440	61,520	11,371	11,371	1,000	12,371
IT 6-Year Strategic Plan & I/S Charges to be Allocated	-	-	-	104,176	104,176	-	-	34,784	34,784
Legal/Clerk	165,623	18,553	96,715	-	96,715	9,240	9,240	-	9,240
Community & Economic Development	249,841	58,211	954,708	111,226	1,065,934	46,289	46,289	103,500	149,789
Parks, Recreation & Community Services	38,310	111,670	181,722	114,000	295,722	10,718	10,717	110,000	120,717
Police	1,189,217	326,977	752,391	16,500	768,891	85,751	223,261	-	223,261
<b>Interfund Transfers</b>	<b>2,235,910</b>	<b>952,101</b>	<b>1,670,853</b>	<b>440,364</b>	<b>2,111,217</b>	<b>956,417</b>	<b>956,417</b>	<b>(247,216)</b>	<b>709,201</b>
Transfer Out - Fund 101 Street O&M	-	72,101	195,853	232,267	428,120	76,417	76,417	(47,892)	28,525
Transfer Out - Fund 102 Street Capital	-	-	-	-	-	-	-	-	-
Transfer Out - Fund 105 Property Abatement/Rental Housing	215,000	50,000	50,000	-	50,000	50,000	50,000	-	50,000
Transfer Out - Fund 106 Public Art	-	-	100,000	-	100,000	-	-	-	-
Transfer Out - Fund 192 SSMCP	50,000	50,000	50,000	-	50,000	50,000	50,000	-	50,000
Transfer Out - Fund 301 Parks CIP	925,275	80,000	105,000	394,300	499,300	80,000	80,000	107,129	187,129
Transfer Out - Fund 302 Transportation CIP	1,045,635	700,000	1,170,000	(186,203)	983,797	700,000	700,000	(306,453)	393,547
<b>Subtotal Other Financing Uses</b>	<b>\$3,992,893</b>	<b>\$1,510,829</b>	<b>\$3,850,899</b>	<b>\$845,706</b>	<b>\$4,696,605</b>	<b>\$1,131,243</b>	<b>\$1,268,753</b>	<b>\$2,068</b>	<b>\$1,270,821</b>
<b>Total Revenues and Other Sources</b>	<b>\$41,179,470</b>	<b>\$39,325,950</b>	<b>\$39,735,669</b>	<b>\$514,144</b>	<b>\$40,249,813</b>	<b>\$39,725,600</b>	<b>\$39,863,110</b>	<b>\$696,761</b>	<b>\$40,559,871</b>
<b>Total Expenditures and other Uses</b>	<b>\$41,484,163</b>	<b>\$39,868,499</b>	<b>\$42,419,347</b>	<b>\$1,256,397</b>	<b>\$43,675,744</b>	<b>\$40,114,458</b>	<b>\$40,473,664</b>	<b>\$568,129</b>	<b>\$41,041,793</b>
<b>Beginning Fund Balance:</b>	<b>\$9,152,227</b>	<b>\$5,798,575</b>	<b>\$8,847,534</b>	<b>\$0</b>	<b>\$8,847,534</b>	<b>\$5,256,028</b>	<b>\$6,163,856</b>	<b>(\$742,253)</b>	<b>\$5,421,603</b>
<b>Ending Fund Balance:</b>	<b>\$8,847,534</b>	<b>\$5,256,026</b>	<b>\$6,163,856</b>	<b>(\$742,253)</b>	<b>\$5,421,603</b>	<b>\$4,867,170</b>	<b>\$5,553,302</b>	<b>(\$613,621)</b>	<b>\$4,939,681</b>
Ending Fund Balance as a % of Gen/Street Operating Revenues	21.2%	13.1%	15.3%		13.3%	12.0%	13.7%		12.0%
Reserve - Total Target 12% of Gen/Street Operating Revenues	\$5,011,691	\$4,819,212	\$4,819,212		\$4,873,481	\$4,867,170	\$4,867,170		\$4,937,581
2% Contingency Reserves	\$835,282	\$803,202	\$803,202		\$812,247	\$811,195	\$811,195		\$822,930
5% General Fund Reserves	\$2,088,205	\$2,008,005	\$2,008,005		\$2,030,617	\$2,027,988	\$2,027,988		\$2,057,326
5% Strategic Reserves	\$2,088,205	\$2,008,005	\$2,008,005		\$2,030,617	\$2,027,988	\$2,027,988		\$2,057,326
Unreserved / (12% Adopted Reserves Shortfall):	\$3,835,843	\$436,814	\$1,344,644		\$548,122	\$0	\$686,132		\$2,100

ORDINANCE NO.

AN ORDINANCE of the City Council of the City of Lakewood, Washington, adopting the 2019/2020 Biennial Budget.

WHEREAS, the tax estimates and budget for the City of Lakewood, Washington, for the 2019/2020 fiscal biennium have been prepared and filed on October 1, 2018 as provided by Titles 35A.34 and 84.55 of the Revised Code of Washington; and

WHEREAS, the budget was printed for distribution and notice published in the official paper of the City of Lakewood setting the time and place for hearing on the budget and said notice stating copies of the budget can be obtained on-line and at the Office of the City Clerk; and

WHEREAS, the City Council of the City of Lakewood having held a public hearing on November 5, 2018, and having considered the public testimony presented; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 700 on November 19, 2018 implementing the 2019/2020 Biennial Budget; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 707 on May 6, 2019 implementing the 2019 Carry Forward Budget Adjustment;

WHEREAS, the City Council of the City of Lakewood finds it necessary to revise the 2019/2020 Biennial Budget as a result of the mid-biennial review; and

WHEREAS, the City Council of the City of Lakewood having held a public hearing on the 2019/2020 Mid-Biennium Budget Adjustment on November 4, 2019.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Budget Amendment. The 2019/2020 Biennial Budget, as set forth in Ordinance 707, Section 1 and as shown in Exhibits A1 (Current Adopted Budget by Fund – Year 2019) and B1 (Current Adopted Budget by Fund – Year 2020), is amended to adopt the revised budget for the 2019/2020 biennium in the amounts and for the purposes as shown on Exhibits A2 (Revised Budget by Fund – Year 2019) and B2 (Revised Budget by Fund – Year 2020).

Section 2. Severability. If any section, 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 3. Copies of the Budget to Be Filed. A complete copy of the final budget as adopted herein shall be transmitted to the Office of the State Auditor, the Association of Washington Cities and to the Municipal Research and Services Center of Washington. Copies of the final budget as adopted herein shall be filed with the City Clerk and shall be made available for use by the public.

Section 4. Effective Date. This Ordinance shall be in full force and effect for the fiscal years 2019 and 2020 and five (5) days after publication as required by law.

ADOPTED by the City Council this 18<sup>th</sup> day of November, 2019.

CITY OF LAKEWOOD

\_\_\_\_\_  
Don Anderson, Mayor

Attest:

\_\_\_\_\_  
Briana Schumacher, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney

DRAFT

**EXHIBIT A1**  
**CURRENT ADOPTED BUDGET BY FUND - YEAR 2019**  
Per ordinance 707 Adopted May 6, 2019

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Government Funds:</b>	<b>\$ 8,049,087</b>	<b>\$ 4,993,686</b>	<b>\$ 13,042,773</b>	<b>\$ 48,054,532</b>	<b>\$ 3,837,599</b>	<b>\$ 51,892,131</b>	<b>\$ 49,629,692</b>	<b>\$ 7,344,754</b>	<b>\$ 56,974,446</b>	<b>\$ 7,960,458</b>
001 General	\$ 5,798,575	\$ 3,048,961	\$ 8,847,536	\$ 39,325,950	\$ 409,719	\$ 39,735,669	\$ 39,868,497	\$ 2,550,849	\$ 42,419,346	\$ 6,163,859
101 Street	-	-	-	2,439,541	123,752	2,563,293	2,439,541	123,752	2,563,293	-
102 Real Estate Excise Tax	83,000	626,417	709,417	1,700,000	-	1,700,000	1,783,000	200,000	1,983,000	426,417
103 Transportation Benefit District	-	141,325	141,325	814,000	-	814,000	814,000	109,000	923,000	32,325
104 Hotel/Motel Lodging Tax Fund	1,049,220	115,984	1,165,204	800,000	-	800,000	1,049,220	-	1,049,220	915,984
105 Property Abatement/RHSP	-	468,879	468,879	338,600	40,000	378,600	338,600	508,879	847,479	-
106 Public Art	-	24,886	24,886	15,000	100,000	115,000	15,000	124,886	139,886	-
180 Narcotics Seizure	-	316,361	316,361	60,500	27,343	87,843	60,500	343,704	404,204	-
181 Felony Seizure	-	15,045	15,045	-	-	-	-	15,045	15,045	-
182 Federal Seizure	-	-	-	9,600	-	9,600	9,600	-	9,600	-
190 CDBG	-	53,916	53,916	565,000	1,822,863	2,387,863	565,000	1,876,779	2,441,779	-
191 Neighborhood Stabilization Prog	-	88,632	88,632	8,500	66,500	75,000	8,500	155,132	163,632	-
192 OEA Grant/SSMCP	-	73,702	73,702	277,100	905,598	1,182,698	277,100	934,186	1,211,286	45,114
195 Public Safety Grants	-	-	-	105,306	165,173	270,479	105,306	165,173	270,479	-
201 GO Bond Debt Service	-	-	-	626,206	200,000	826,206	626,206	200,000	826,206	-
202 LID Debt Service	-	67,726	67,726	197,600	(23,349)	174,251	197,600	37,369	234,969	7,008
204 Sewer Project Debt	991,245	(50,788)	940,457	771,629	-	771,629	1,472,022	-	1,472,022	240,064
251 LID Guaranty	127,047	2,640	129,687	-	-	-	-	-	-	129,687
<b>Capital Project Funds:</b>	<b>\$ 1,040,629</b>	<b>\$ 4,929,027</b>	<b>\$ 5,969,656</b>	<b>\$ 13,297,960</b>	<b>\$ 5,702,253</b>	<b>\$ 19,000,213</b>	<b>\$ 10,266,390</b>	<b>\$ 10,111,293</b>	<b>\$ 20,377,683</b>	<b>\$ 4,592,186</b>
301 Parks CIP	-	1,492,523	1,492,523	2,605,000	1,230,901	3,835,901	1,725,000	2,926,871	4,651,871	676,553
302 Transportation CIP	300,000	3,243,423	3,543,423	8,848,570	3,843,258	12,691,828	6,655,000	6,993,052	13,648,052	2,587,199
311 Sewer Project CIP	28,239	89,987	118,226	1,844,390	628,094	2,472,484	1,174,000	88,276	1,262,276	1,328,434
312 Sanitary Sewer Connection	712,390	103,094	815,484	-	-	-	712,390	103,094	815,484	-
<b>Enterprise Fund:</b>	<b>\$ 2,155,074</b>	<b>\$ 1,445,097</b>	<b>\$ 3,600,171</b>	<b>\$ 3,777,800</b>	<b>\$ 330,000</b>	<b>\$ 4,107,800</b>	<b>\$ 3,853,997</b>	<b>\$ 1,336,362</b>	<b>\$ 5,190,359</b>	<b>\$ 2,517,612</b>
401 Surface Water Management	2,155,074	1,445,097	3,600,171	3,777,800	330,000	4,107,800	3,853,997	1,336,362	5,190,359	2,517,612
<b>Internal Service Funds:</b>	<b>\$ 5,168,715</b>	<b>\$ (749,799)</b>	<b>\$ 4,418,916</b>	<b>\$ 6,033,097</b>	<b>\$ 1,617,868</b>	<b>\$ 7,650,965</b>	<b>\$ 5,906,452</b>	<b>\$ 1,068,354</b>	<b>\$ 6,974,806</b>	<b>\$ 5,095,075</b>
501 Fleet & Equipment	4,787,279	(951,501)	3,835,778	1,688,521	905,204	2,593,725	1,660,720	182,779	1,843,499	4,586,004
502 Property Management	316,436	176,702	493,138	777,111	-	777,111	745,111	172,911	918,022	352,227
503 Information Technology	65,000	25,000	90,000	1,982,806	682,664	2,665,470	1,915,962	682,664	2,598,626	156,844
504 Risk Management	-	-	-	1,584,659	30,000	1,614,659	1,584,659	30,000	1,614,659	-
<b>Total All Funds</b>	<b>\$ 16,413,505</b>	<b>\$ 10,618,011</b>	<b>\$ 27,031,516</b>	<b>\$ 71,163,389</b>	<b>\$ 11,487,720</b>	<b>\$ 82,651,109</b>	<b>\$ 69,656,531</b>	<b>\$ 19,860,763</b>	<b>\$ 89,517,294</b>	<b>\$ 20,165,331</b>



**EXHIBIT A2**  
**REVISED BUDGET BY FUND - YEAR 2019**  
**Per Proposed Mid-Biennium Adjustment**

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Government Funds:</b>	<b>\$ 13,042,773</b>	<b>\$ 1,339,865</b>	<b>\$ 14,382,638</b>	<b>\$ 51,892,131</b>	<b>\$ 7,967,038</b>	<b>\$ 59,859,169</b>	<b>\$ 56,974,446</b>	<b>\$ 8,994,460</b>	<b>\$ 65,968,906</b>	<b>\$ 8,272,901</b>
001 General	\$ 8,847,536	\$ (0)	\$ 8,847,536	\$ 39,735,669	\$ 514,144	\$ 40,249,813	\$ 42,419,346	\$ 1,256,397	\$ 43,675,743	\$ 5,421,606
101 Street	-	-	-	2,563,293	265,767	2,829,060	2,563,293	265,767	2,829,060	-
102 Real Estate Excise Tax	709,417	-	709,417	1,700,000	550,000	2,250,000	1,983,000	928,161	2,911,161	48,256
103 Transportation Benefit District	141,325	-	141,325	814,000	-	814,000	923,000	-	923,000	32,325
104 Hotel/Motel Lodging Tax Fund	1,165,204	-	1,165,204	800,000	100,000	900,000	1,049,220	-	1,049,220	1,015,984
105 Property Abatement/RHSP	468,879	-	468,879	378,600	-	378,600	847,479	-	847,479	-
106 Public Art	24,886	-	24,886	115,000	-	115,000	139,886	-	139,886	-
180 Narcotics Seizure	316,361	-	316,361	87,843	-	87,843	404,204	-	404,204	-
181 Felony Seizure	15,045	-	15,045	-	6,035	6,035	15,045	6,035	21,080	-
182 Federal Seizure	-	-	-	9,600	-	9,600	9,600	-	9,600	-
190 CDBG	53,916	1,339,865	1,393,781	2,387,863	-	2,387,863	2,441,779	-	2,441,779	1,339,865
191 Neighborhood Stabilization Prog	88,632	-	88,632	75,000	-	75,000	163,632	-	163,632	-
192 OEA Grant/SSMCP	73,702	-	73,702	1,182,698	6,689,027	7,871,725	1,211,286	6,689,027	7,900,313	45,114
195 Public Safety Grants	-	-	-	270,479	62,065	332,544	270,479	62,065	332,544	-
201 GO Bond Debt Service	-	-	-	826,206	(220,000)	606,206	826,206	(220,000)	606,206	-
202 LID Debt Service	67,726	(0)	67,726	174,251	-	174,251	234,969	7,008	241,977	-
204 Sewer Project Debt	940,457	-	940,457	771,629	-	771,629	1,472,022	-	1,472,022	240,064
251 LID Guaranty	129,687	-	129,687	-	-	-	-	-	-	129,687
<b>Capital Project Funds:</b>	<b>\$ 5,969,656</b>	<b>\$ -</b>	<b>\$ 5,969,656</b>	<b>\$ 19,000,213</b>	<b>\$ 5,529,260</b>	<b>\$ 24,529,473</b>	<b>\$ 20,377,683</b>	<b>\$ 4,412,830</b>	<b>\$ 24,790,513</b>	<b>\$ 5,708,616</b>
301 Parks CIP	1,492,523	-	1,492,523	3,835,901	2,444,000	6,279,901	4,651,871	2,444,000	7,095,871	676,553
302 Transportation CIP	3,543,423	-	3,543,423	12,691,828	3,085,260	15,777,088	13,648,052	1,968,830	15,616,882	3,703,629
311 Sewer Project CIP	118,226	-	118,226	2,472,484	-	2,472,484	1,262,276	-	1,262,276	1,328,434
312 Sanitary Sewer Connection	815,484	-	815,484	-	-	-	815,484	-	815,484	-
<b>Enterprise Fund:</b>	<b>\$ 3,600,171</b>	<b>\$ -</b>	<b>\$ 3,600,171</b>	<b>\$ 4,107,800</b>	<b>\$ 217,084</b>	<b>\$ 4,324,884</b>	<b>\$ 5,190,359</b>	<b>\$ 216,395</b>	<b>\$ 5,406,754</b>	<b>\$ 2,518,301</b>
401 Surface Water Management	3,600,171	-	3,600,171	4,107,800	217,084	4,324,884	5,190,359	216,395	5,406,754	2,518,301
<b>Internal Service Funds:</b>	<b>\$ 4,418,916</b>	<b>\$ -</b>	<b>\$ 4,418,916</b>	<b>\$ 7,650,965</b>	<b>\$ 665,065</b>	<b>\$ 8,316,030</b>	<b>\$ 6,974,806</b>	<b>\$ 627,881</b>	<b>\$ 7,602,687</b>	<b>\$ 5,132,259</b>
501 Fleet & Equipment	3,835,778	-	3,835,778	2,593,725	56,184	2,649,909	1,843,499	19,000	1,862,499	4,623,188
502 Property Management	493,138	-	493,138	777,111	36,500	813,611	918,022	36,500	954,522	352,227
503 Information Technology	90,000	-	90,000	2,665,470	216,197	2,881,667	2,598,626	216,197	2,814,823	156,844
504 Risk Management	-	-	-	1,614,659	356,184	1,970,843	1,614,659	356,184	1,970,843	-
<b>Total All Funds</b>	<b>27,031,516</b>	<b>\$ 1,339,865</b>	<b>\$28,371,381</b>	<b>\$ 82,651,109</b>	<b>\$ 14,378,447</b>	<b>\$97,029,556</b>	<b>\$ 89,517,294</b>	<b>\$ 14,251,566</b>	<b>\$103,768,860</b>	<b>\$ 21,632,077</b>

**EXHIBIT B1**  
**CURRENT ADOPTED BUDGET BY FUND - YEAR 2020**  
Per ordinance 707 Adopted May 6, 2019

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Government Funds:</b>	<b>\$ 6,473,927</b>	<b>\$ 1,486,531</b>	<b>\$ 7,960,458</b>	<b>\$ 49,183,405</b>	<b>\$ 409,531</b>	<b>\$ 49,592,936</b>	<b>\$ 49,321,340</b>	<b>\$ 868,978</b>	<b>\$ 50,190,318</b>	<b>\$ 7,363,076</b>
001 General	5,256,028	907,831	6,163,859	39,725,600	137,510	39,863,110	40,114,458	359,206	40,473,664	5,553,305
101 Street	-	-	-	2,455,935	-	2,455,935	2,455,935	-	2,455,935	-
102 Real Estate Excise Tax	-	426,417	426,417	1,700,000	-	1,700,000	1,700,000	238,000	1,938,000	188,417
103 Transportation Benefit District	-	32,325	32,325	814,000	-	814,000	814,000	-	814,000	32,325
104 Hotel/Motel Lodging Tax Fund	800,000	115,984	915,984	800,000	-	800,000	800,000	-	800,000	915,984
105 Property Abatement/RHSP	-	-	-	328,800	-	328,800	328,800	-	328,800	-
106 Public Art	-	-	-	15,000	-	15,000	15,000	-	15,000	-
180 Narcotics Seizure	-	-	-	70,000	-	70,000	70,000	-	70,000	-
181 Felony Seizure	-	-	-	-	-	-	-	-	-	-
182 Federal Seizure	-	-	-	39,600	-	39,600	39,600	-	39,600	-
190 CDBG	-	-	-	560,000	-	560,000	560,000	-	560,000	-
191 Neighborhood Stabilization Prog	-	-	-	24,700	-	24,700	24,700	-	24,700	-
192 OEA Grant/SSMCP	-	45,114	45,114	277,100	-	277,100	277,100	-	277,100	45,114
195 Public Safety Grants	-	-	-	130,037	-	130,037	130,037	-	130,037	-
201 GO Bond Debt Service	-	-	-	1,250,656	300,000	1,550,656	1,250,656	300,000	1,550,656	-
202 LID Debt Service	-	7,008	7,008	203,500	(27,979)	175,521	203,500	(28,228)	175,272	7,257
204 Sewer Project Debt	290,852	(50,788)	240,064	788,477	-	788,477	537,554	-	537,554	490,987
251 LID Guaranty	127,047	2,640	129,687	-	-	-	-	-	-	129,687
<b>Capital Project Funds:</b>	<b>\$ 4,072,199</b>	<b>\$ 519,987</b>	<b>\$ 4,592,186</b>	<b>\$ 15,878,700</b>	<b>\$ (367,000)</b>	<b>\$ 15,511,700</b>	<b>\$ 18,303,000</b>	<b>\$ (617,000)</b>	<b>\$ 17,686,000</b>	<b>\$ 2,417,886</b>
301 Parks CIP	880,000	(203,447)	676,553	2,980,000	-	2,980,000	3,860,000	(250,000)	3,610,000	46,553
302 Transportation CIP	2,493,570	93,629	2,587,199	12,703,700	(367,000)	12,336,700	14,320,000	(367,000)	13,953,000	970,899
311 Sewer Project CIP	698,629	629,805	1,328,434	195,000	-	195,000	123,000	-	123,000	1,400,434
312 Sanitary Sewer Connection	-	-	-	-	-	-	-	-	-	-
<b>Enterprise Fund:</b>	<b>\$ 2,078,878</b>	<b>\$ 438,735</b>	<b>\$ 2,517,613</b>	<b>\$ 3,954,900</b>	<b>\$ -</b>	<b>\$ 3,954,900</b>	<b>\$ 5,143,366</b>	<b>\$ -</b>	<b>\$ 5,143,366</b>	<b>\$ 1,329,147</b>
401 Surface Water Management	2,078,878	438,735	2,517,613	3,954,900	-	3,954,900	5,143,366	-	5,143,366	1,329,147
<b>Internal Service Funds:</b>	<b>\$ 5,295,360</b>	<b>\$ (200,285)</b>	<b>\$ 5,095,075</b>	<b>\$ 5,034,796</b>	<b>\$ 131,000</b>	<b>\$ 5,165,796</b>	<b>\$ 5,559,252</b>	<b>\$ 76,100</b>	<b>\$ 5,635,352</b>	<b>\$ 4,625,519</b>
501 Fleet & Equipment	4,815,080	(229,076)	4,586,004	755,720	-	755,720	1,352,020	(54,900)	1,297,120	4,044,604
502 Property Management	348,436	3,791	352,227	778,684	-	778,684	773,684	-	773,684	357,227
503 Information Technology	131,844	25,000	156,844	1,915,733	126,000	2,041,733	1,848,889	126,000	1,974,889	223,688
504 Risk Management	-	-	-	1,584,659	5,000	1,589,659	1,584,659	5,000	1,589,659	-
<b>Total All Funds</b>	<b>17,920,364</b>	<b>\$ 2,244,968</b>	<b>\$20,165,332</b>	<b>\$ 74,051,801</b>	<b>\$ 173,531</b>	<b>\$74,225,332</b>	<b>\$ 78,326,958</b>	<b>\$ 328,078</b>	<b>\$78,655,036</b>	<b>\$ 15,735,628</b>

**EXHIBIT B2**  
**REVISED BUDGET BY FUND - YEAR 2020**  
**Per Proposed Mid-Biennium Adjustment**

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Government Funds:</b>	<b>\$ 7,960,458</b>	<b>\$ 312,443</b>	<b>\$ 8,272,901</b>	<b>\$ 49,592,936</b>	<b>\$ 695,689</b>	<b>\$ 50,288,625</b>	<b>\$ 50,190,318</b>	<b>\$ 389,598</b>	<b>\$ 50,579,916</b>	<b>\$ 7,981,610</b>
001 General	6,163,859	(742,253)	5,421,606	39,863,110	696,761	40,559,871	40,473,664	568,129	41,041,793	4,939,684
101 Street	-	-	-	2,455,935	(1,903)	2,454,032	2,455,935	(1,903)	2,454,032	-
102 Real Estate Excise Tax	426,417	(378,161)	48,256	1,700,000	-	1,700,000	1,938,000	(189,958)	1,748,042	214
103 Transportation Benefit District	32,325	-	32,325	814,000	-	814,000	814,000	-	814,000	32,325
104 Hotel/Motel Lodging Tax Fund	915,984	100,000	1,015,984	800,000	-	800,000	800,000	12,250	812,250	1,003,734
105 Property Abatement/RHSP	-	-	-	328,800	-	328,800	328,800	-	328,800	-
106 Public Art	-	-	-	15,000	-	15,000	15,000	-	15,000	-
180 Narcotics Seizure	-	-	-	70,000	-	70,000	70,000	-	70,000	-
181 Felony Seizure	-	-	-	-	-	-	-	-	-	-
182 Federal Seizure	-	-	-	39,600	-	39,600	39,600	-	39,600	-
190 CDBG	-	1,339,865	1,339,865	560,000	-	560,000	560,000	-	560,000	1,339,865
191 Neighborhood Stabilization Program	-	-	-	24,700	-	24,700	24,700	-	24,700	-
192 OEA Grant/SSMCP	45,114	-	45,114	277,100	-	277,100	277,100	-	277,100	45,114
195 Public Safety Grants	-	-	-	130,037	-	130,037	130,037	-	130,037	-
201 GO Bond Debt Service	-	-	-	1,550,656	831	1,551,487	1,550,656	831	1,551,487	-
202 LID Debt Service	7,008	(7,008)	-	175,521	-	175,521	175,272	249	175,521	-
204 Sewer Project Debt	240,064	-	240,064	788,477	-	788,477	537,554	-	537,554	490,987
251 LID Guaranty	129,687	-	129,687	-	-	-	-	-	-	129,687
<b>Capital Project Funds:</b>	<b>\$ 4,592,186</b>	<b>\$ 1,116,430</b>	<b>\$ 5,708,616</b>	<b>\$ 15,511,700</b>	<b>\$ (3,626,282)</b>	<b>\$ 11,885,418</b>	<b>\$ 17,686,000</b>	<b>\$ (2,610,282)</b>	<b>\$ 15,075,718</b>	<b>\$ 2,518,316</b>
301 Parks CIP	676,553	-	676,553	2,980,000	(935,282)	2,044,718	3,610,000	(935,282)	2,674,718	46,553
302 Transportation CIP	2,587,199	1,116,430	3,703,629	12,336,700	(2,691,000)	9,645,700	13,953,000	(1,675,000)	12,278,000	1,071,329
311 Sewer Project CIP	1,328,434	-	1,328,434	195,000	-	195,000	123,000	-	123,000	1,400,434
312 Sanitary Sewer Connection	-	-	-	-	-	-	-	-	-	-
<b>Enterprise Fund:</b>	<b>\$ 2,517,613</b>	<b>\$ 688</b>	<b>\$ 2,518,301</b>	<b>\$ 3,954,900</b>	<b>\$ 148,474</b>	<b>\$ 4,103,374</b>	<b>\$ 5,143,366</b>	<b>\$ 39,146</b>	<b>\$ 5,182,512</b>	<b>\$ 1,439,163</b>
401 Surface Water Management	2,517,613	688	2,518,301	3,954,900	148,474	4,103,374	5,143,366	39,146	5,182,512	1,439,163
<b>Internal Service Funds:</b>	<b>\$ 5,095,075</b>	<b>\$ 37,184</b>	<b>\$ 5,132,259</b>	<b>\$ 5,165,796</b>	<b>\$ 369,200</b>	<b>\$ 5,534,996</b>	<b>\$ 5,635,352</b>	<b>\$ 389,400</b>	<b>\$ 6,024,752</b>	<b>\$ 4,642,503</b>
501 Fleet & Equipment	4,586,004	37,184	4,623,188	755,720	66,800	822,520	1,297,120	87,000	1,384,120	4,061,588
502 Property Management	352,227	-	352,227	778,684	49,000	827,684	773,684	49,000	822,684	357,227
503 Information Technology	156,844	-	156,844	2,041,733	86,600	2,128,333	1,974,889	86,600	2,061,489	223,688
504 Risk Management	-	-	-	1,589,659	166,800	1,756,459	1,589,659	166,800	1,756,459	-
<b>Total All Funds</b>	<b>20,165,332</b>	<b>\$ 1,466,745</b>	<b>\$21,632,077</b>	<b>\$ 74,225,332</b>	<b>\$ (2,412,919)</b>	<b>\$71,812,413</b>	<b>\$ 78,655,036</b>	<b>\$ (1,792,138)</b>	<b>\$76,862,898</b>	<b>\$ 16,581,592</b>

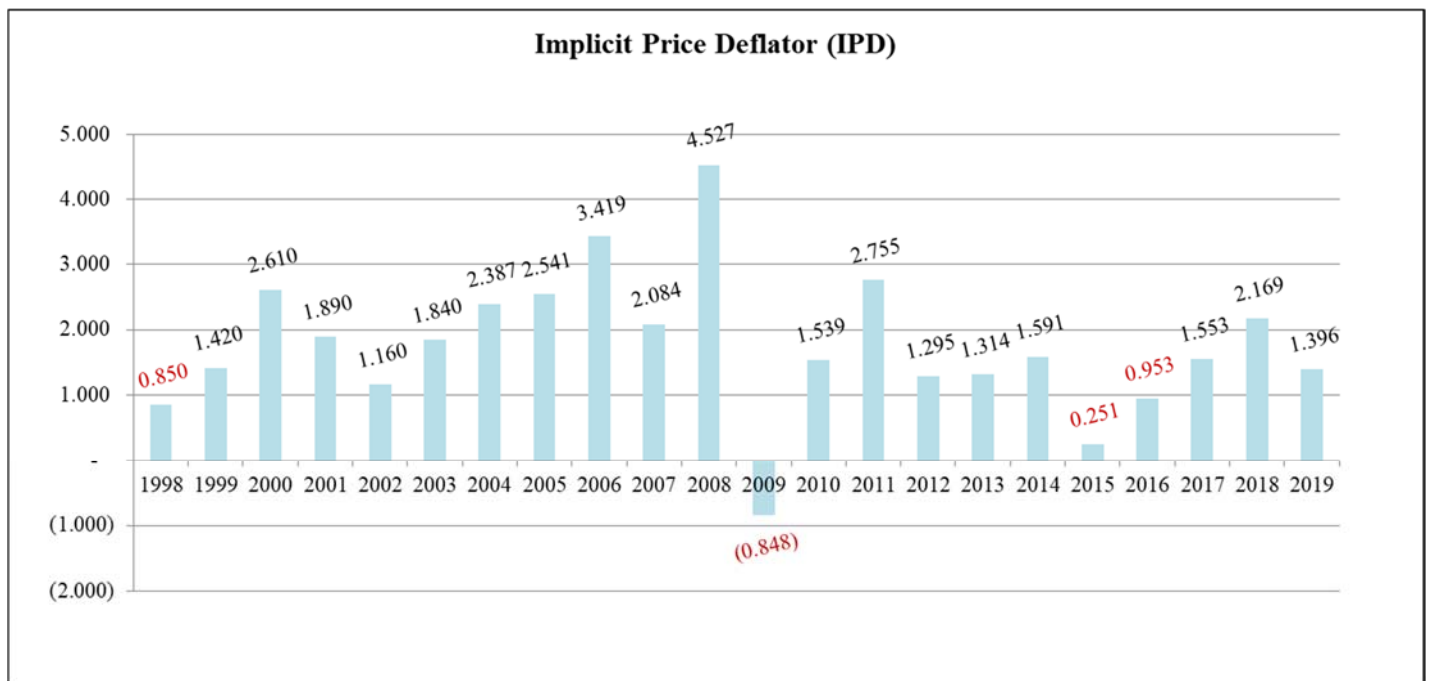


To: Mayor and City Councilmembers  
 From: Tho Kraus, Assistant City Manager/Administrative Services  
 Through: John J. Caulfield, City Manager *John J. Caulfield*  
 Date: October 21, 2019  
 Subject: 2020 Property Tax Levy

**INTRODUCTION**

Washington state law requires cities to hold a public hearing on possible increases in the property tax revenues to be held prior to the time the city levies the taxes. The hearing must be held in November in order to provide the County with the information by November 30. A public hearing has been scheduled for November 4 for this purpose. Adoption of the property tax levy ordinance is also scheduled for November 18.

Per state statute, the City is authorized to increase its property tax annually up to the lesser of Implicit Price Deflator (IPD) or one percent (1%). The inflation rate for 2018-2019 (as of August 29, 2019) is 1.396%, which means all local governments in Washington may increase their property taxes by 1% for 2020 without adopting a substantial need ordinance. The August data release is the final federal release before the September 25 statutory deadline listed in RCW 84.55.005.



## ANALYSIS

The following tables below provides a summary comparison of assessed value, city levy rate and city property tax levy and detailed calculation used for the City's property tax levy amounts being considered for collection in 2020

	2019	2020 Estimate (1% Increase)	Change	
			\$	%
Assessed Value	\$6,929,745,386	\$7,590,118,362	\$660,372,976	9.5%
City Levy Rate	\$1.03	\$0.97	-\$0.0584	-5.7%
City Property Tax Levy *	\$7,160,859	\$7,399,644	\$238,785	3.3%

\* The City Property Tax Levy increase of 3.3% includes the 1% increase plus new construction, administrative refunds and increase in state-assessed property.

According to the Pierce County Assessor-Treasurer's office, the City's total assessed value for 2019 property tax collection is estimated to be \$7,590,118,362, which represents a 9.5% or \$660,372,976 increase from the City's total assessed value for 2019 property tax collection of \$6,929,745,386.

Tax Calculation Factor	Tax Levy
Base Levy Amount (Highest Lawful Regular Tax)	\$7,140,531
1% Increase	\$71,405
New Construction Estimate	\$64,986
Administrative Refunds	\$23,372
<b>Subtotal</b>	<b>\$7,300,294</b>
Increase from State-Assessed Property (2020 Estimate Based on 2019 Actual)	\$99,350
<b>Total Preliminary 2019 Levy</b>	<b>\$7,399,644</b>
<b>2019 Preliminary Assessed Value for 2020 Levy</b>	<b>\$7,590,118,362</b>
<b>2020 Preliminary Levy Rate (Assumes 1% Increase)</b>	<b>\$0.9749</b>
<b>Levy Rate Calculation:</b>	
2019 Preliminary Assessed Value	\$7,590,118,362
Divide by \$1,000	\$1,000
2019 AV Per \$1,000	\$7,590,118
2020 Preliminary Levy	\$7,399,644
Divide by 2019 AV Per \$1,000	\$7,590,118
2020 Preliminary Levy Rate per \$1,000 (Assumes 1% Increase)	\$0.9749

The table below illustrates the impact of no increase and 1% increase to the average homeowner. The 2018 assessed valuation of the average single family residential home for 2019 property tax collection of \$320,940 increased by 9.5% to \$351,524.

	2019 1% Increase	2020 Est No Increase	Change from 2019		2020 Est 1% Increase	Change from 2019	
			\$	%		\$	%
AV Average Home	\$320,940	\$351,524	\$30,584	9.5%	\$351,524	\$30,584	9.5%
City Levy Rate	\$1.0334	\$0.9655	-\$0.0679	-6.6%	\$0.9749	-\$0.0584	-5.7%
City Property Tax Paid	\$331.64	\$339.40	\$7.75	2.3%	\$342.70	\$11.06	3.3%
Additional property tax paid by average homeowner with 1% increase compared to 0% increase =						\$3.31	

Note: The assessed valuation for individual properties may not necessarily increase by 9.5%, rather the total assessed valuation for all properties is increased by 9.5%.

- Compared to 2019, under the no increase scenario, the property tax levy rate of \$0.9655 results in an additional \$7.75 property tax paid to the City, which is an increase of 2.3%.
- Compared to 2019, applying the 1% increase property tax levy rate of \$0.9749 results in an additional \$11.06 property tax paid to the City, which is an increase of 3.3%.
  - The additional property tax paid by the average homeowner with a 1% increase compared to 0% increase is \$3.31.

## CITY COUNCIL OPTIONS & CONSIDERATIONS

The options the City Council may take regarding the 2020 property tax levy are:

- Option 1: Levy the property taxes without any increase.
- Option 2: Increase the property tax levy by 1% commensurate with the 2019/2020 biennial budget estimates. - RECOMMENDED

The City's 2020 proposed revised budget includes an annual property tax increase of 1% as authorized by state statute. A 1% increase in property tax levy generates \$71,405 in additional revenue for city services, or an additional charge of \$3.31 annually per average homeowner compared to 0% increase.

The preliminary 2020 property tax revenue estimate is \$7,399,644 and is based on the preliminary figures provided by Pierce County (plus 2019 increase in state-assessed property of \$99,350 used for 2020 estimate since 2020 figures is currently not available).

Since 2006, the City has enacted the 1% increase as authorized by state statute. The cumulative impact of not taking the 1% increase in 2020 over the 6-year period (2020 - 2025) is approximately \$439,000.

The details of options 1 and 2 are provided below.

Factors	2019	2020 - Option 1 (no increase)	2020 - Option 2 (1.00%)
Base Levy Amount (Highest Lawful Regular Tax)	\$6,880,272	\$7,140,531	\$7,140,531
Increase	\$68,803	\$0	\$71,405
New Construction Estimate	\$92,106	\$64,986	\$64,986
Administrative Refunds	\$20,328	\$23,372	\$23,372
Increase from State-Assessed Property (2020 Estimate Based on 2019 Actual)	\$99,350	\$99,350	\$99,350
<b>Total Property Tax Levy</b>	<b>\$7,160,859</b>	<b>\$7,328,239</b>	<b>\$7,399,644</b>
Total Property Tax Levy % Increase from Base Levy Amount	4.08%	2.63%	3.63%
Assessed Value	\$6,929,745,386	\$7,590,118,362	\$7,590,118,362
Levy Rate Per \$1,000 AV	\$1.0334	\$0.9655	\$0.9749
City Tax Paid by Average Home Owner Average Home Value for 2019 Property Tax = \$320,940 Estimated Average Home Value for 2020 Property Tax = \$351,524	\$331.64	\$339.40	\$342.70
City Tax Paid by Average Home Owner, Change from 2019 - \$	n/a	\$7.75	\$11.06
City Tax Paid by Average Home Owner, Change from 2019 - %	n/a	2.3%	3.3%

## **NEXT STEPS**

- Public Hearing on November 4, 2019
- Adoption on November 18, 2019

The City will have the opportunity to modify its levy certification in December once it receives the dollar amount of the administrative refunds from the County.

## **ATTACHMENTS**

- Additional Information – Administrative Refunds
- Additional Information – State Assessed Property
- Taxable Values – Commercial & Residential Taxable Values and Levy Rates
- New Construction & Added Improvements
- Pierce County Assessor-Treasurer Information on Preliminary 2019 Assessed Values
- Pierce County Assessor-Treasurer Information on Preliminary Tax Levy Limit 2019 for 2020

## ADDITIONAL INFORMATION – ADMINISTRATIVE REFUNDS

Administrative refunds are taxes that had been levied in previous years on properties that have had their taxes abated or cancelled. The following is an outline defining administrative refunds and what they consist of – there are 16 of them:

1. Paid more than once.
2. Paid as a result of manifest error in description.
3. Paid as a result of a clerical error in extending the tax rolls.
4. Paid as a result of other clerical errors in listing property.
5. Paid with respect to improvements which did not exist on assessment date.
6. Paid under levies or statutes adjudicated to be illegal or unconstitutional.
7. Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted or partially exempted from paying real property taxes.
8. Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest.
9. Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board.
10. Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board. PROVIDED, That the amount refunded under subsections (9) and (10) shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.
11. Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax that would, when added to all other property taxes within the 1 percent limitation of the state constitution equal 1 percent of the assessed value established by the board.
12. Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, that the amount refunded shall be for the difference between the amount of tax payable on the basis of the assessed valuation determined as a result of the preceding.
13. Paid on property acquired under a tax lien. (RCW 84.69.020)
14. Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065.
15. Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039.
16. Abated under RCW 84.70.010



## ADDITIONAL INFORMATION – STATE ASSESSED PROPERTY

Utility and transportation companies that are defined in RCW 84.12 whose operations are in more than one county or state are assessed by the Department of Revenues' (DOR) Property Tax Division. These companies include airlines, railroads, electric companies who produce or distribute electricity on the retail or wholesale market, gas pipeline companies who distribute or sell gas on the retail or wholesale market, and telecommunications companies including landline local and long distance phone and wireless companies. Telecommunications also includes cable companies who have assets in Washington that are used for providing telephone service in more than one county or state. In addition to these companies, DOR also assessed private railcars. These private railcars are most often owned by companies who are not a railroad that pay the railroad companies to transport their cars from place to place, including chemical companies, grain import and export companies, and several companies who are in the business to lease railcars to railroads and others.

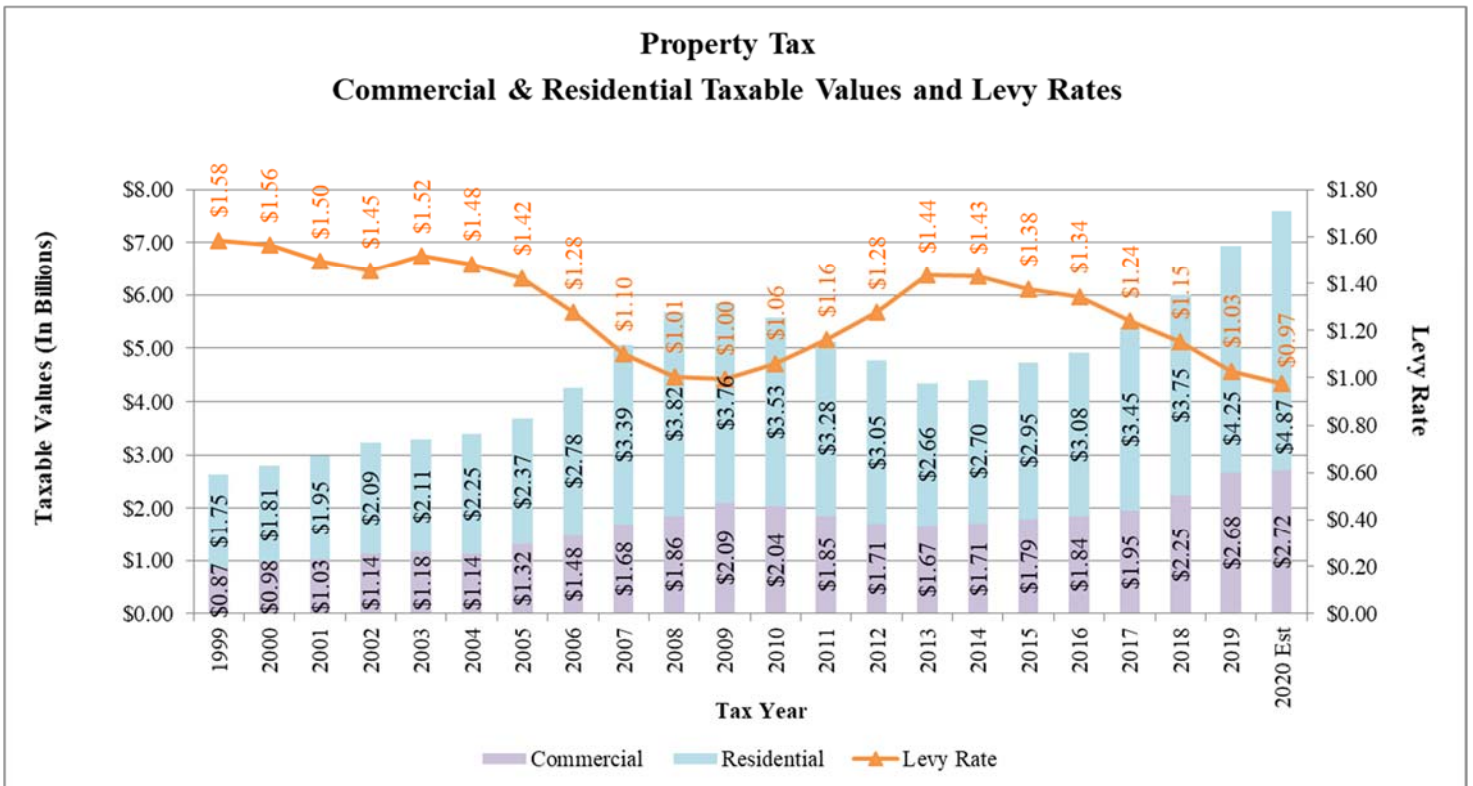
The appraised value of state assessed property is, by law, valued at 100% of market value. State, and in part, federal law require state assessed utilities be valued at the same level of assessment as other property in the same taxing jurisdiction. As a result, it is an equalized value of state assessed utilities that is allocated (apportioned) to all the taxing districts in the state; this includes real and personal property. The real and personal property ratio of each county is applied to the respective real and personal property appraised value of each company that is state assessed, and those values are apportioned to each county by tax code area (TCA).

Utility property appraisal is based on the unit method, property is valued as one thing. As a result, there is no specific value determined for any specific asset that makes up the operating unit. Hence, apportioned value does not directly relate to the value of assets in the TCA to which the assets value has been set. Apportionment is a process of assigning value based on certain metrics which generally consist of historical or original cost, length and size of pipes, miles of rail, etc., tied to the actual location of company assets. If one percent of a company's historical cost, length of pipe, or miles of main railroad track, then 1% is apportioned to all the TCAs in which the company has assets.

## TAXABLE VALUES – COMMERCIAL & RESIDENTIAL TAXABLE VALUES AND LEVY RATES

Year	Taxable Values (In Billions)										
						Change From Prior Year					
	Commercial		Residential		Total	Commercial		Residential		Total	
	\$	%	\$	%		\$	%	\$	%	\$	%
1999	\$0.87	33%	\$1.75	67%	\$2.62	n/a	n/a	n/a	n/a	n/a	n/a
2000	\$0.98	35%	\$1.81	65%	\$2.79	\$0.11	12.4%	\$0.06	3.5%	\$0.17	6.4%
2001	\$1.03	35%	\$1.95	65%	\$2.98	\$0.06	5.6%	\$0.14	7.5%	\$0.19	6.8%
2002	\$1.14	35%	\$2.09	65%	\$3.23	\$0.10	10.1%	\$0.14	7.1%	\$0.24	8.2%
2003	\$1.18	36%	\$2.11	64%	\$3.28	\$0.04	3.3%	\$0.02	0.9%	\$0.06	1.7%
2004	\$1.14	34%	\$2.25	66%	\$3.38	(\$0.04)	-3.1%	\$0.14	6.5%	\$0.10	3.1%
2005	\$1.32	36%	\$2.37	64%	\$3.69	\$0.18	15.6%	\$0.13	5.6%	\$0.30	9.0%
2006	\$1.48	35%	\$2.78	65%	\$4.27	\$0.17	12.8%	\$0.41	17.3%	\$0.58	15.7%
2007	\$1.68	33%	\$3.39	67%	\$5.07	\$0.19	12.9%	\$0.61	21.9%	\$0.80	18.8%
2008	\$1.86	33%	\$3.82	67%	\$5.67	\$0.18	10.7%	\$0.42	12.5%	\$0.60	11.9%
2009	\$2.09	36%	\$3.76	64%	\$5.85	\$0.23	12.5%	(\$0.06)	-1.5%	\$0.18	3.1%
2010	\$2.04	37%	\$3.53	63%	\$5.57	(\$0.05)	-2.2%	(\$0.23)	-6.2%	(\$0.28)	-4.8%
2011	\$1.85	36%	\$3.28	64%	\$5.13	(\$0.19)	-9.3%	(\$0.25)	-7.1%	(\$0.44)	-7.9%
2012	\$1.71	36%	\$3.05	64%	\$4.77	(\$0.14)	-7.5%	(\$0.22)	-6.8%	(\$0.36)	-7.1%
2013	\$1.67	39%	\$2.66	61%	\$4.33	(\$0.05)	-2.7%	(\$0.39)	-12.8%	(\$0.44)	-9.2%
2014	\$1.71	39%	\$2.70	61%	\$4.41	\$0.04	2.7%	\$0.03	1.2%	\$0.08	1.8%
2015	\$1.79	38%	\$2.95	62%	\$4.74	\$0.08	4.8%	\$0.25	9.4%	\$0.33	7.6%
2016	\$1.84	37%	\$3.08	63%	\$4.93	\$0.05	2.7%	\$0.14	4.6%	\$0.18	3.9%
2017	\$1.95	36%	\$3.45	64%	\$5.40	\$0.11	5.8%	\$0.36	11.8%	\$0.47	9.5%
2018	\$2.25	37%	\$3.75	63%	\$6.00	\$0.30	15.4%	\$0.31	8.9%	\$0.61	11.2%
2019	\$2.68	39%	\$4.25	61%	\$6.93	\$0.43	19.1%	\$0.50	13.3%	\$0.93	15.4%
2020 Est	\$2.72	36%	\$4.87	64%	\$7.59	\$0.47	21.1%	\$1.11	29.7%	\$1.59	26.4%

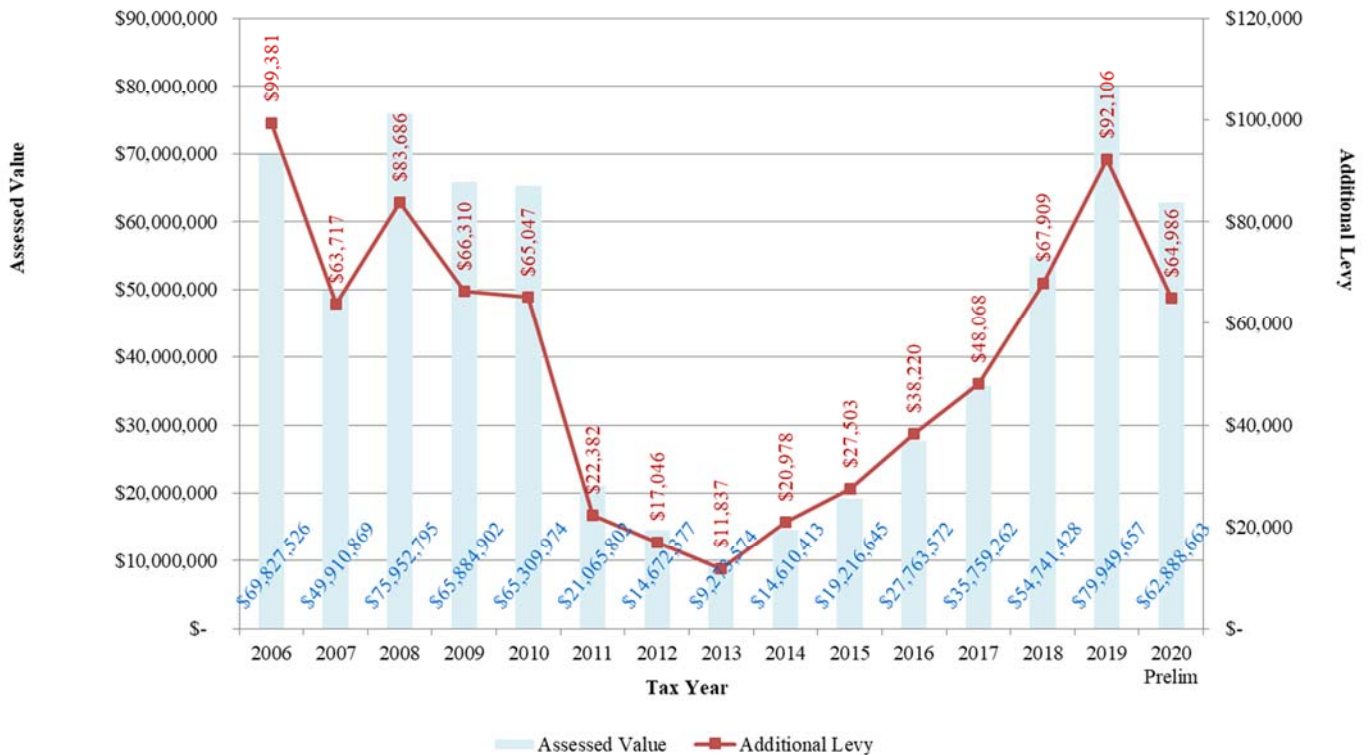
Values listed above continue to be adjusted after the certification of value due to exemptions, board of equalization actions, destroyed property, etc.



## NEW CONSTRUCTION & ADDED IMPROVEMENTS

New Construction & Added Improvement						
Tax Year	Taxable Value	Additional Levy	Change From Prior Year			
			Assessed Value		Additional Levy	
			\$	%	\$	%
2006	\$ 69,827,526	\$ 99,381	n/a	n/a	n/a	n/a
2007	\$ 49,910,869	\$ 63,717	\$ (19,916,657)	-28.5%	\$ (35,664)	-35.9%
2008	\$ 75,952,795	\$ 83,686	\$ 26,041,926	52.2%	\$ 19,969	31.3%
2009	\$ 65,884,902	\$ 66,310	\$ (10,067,893)	-13.3%	\$ (17,377)	-20.8%
2010	\$ 65,309,974	\$ 65,047	\$ (574,928)	-0.9%	\$ (1,263)	-1.9%
2011	\$ 21,065,802	\$ 22,382	\$ (44,244,172)	-67.7%	\$ (42,665)	-65.6%
2012	\$ 14,672,377	\$ 17,046	\$ (6,393,425)	-30.3%	\$ (5,335)	-23.8%
2013	\$ 9,273,574	\$ 11,837	\$ (5,398,803)	-36.8%	\$ (5,209)	-30.6%
2014	\$ 14,610,413	\$ 20,978	\$ 5,336,839	57.5%	\$ 9,141	77.2%
2015	\$ 19,216,645	\$ 27,503	\$ 4,606,232	31.5%	\$ 6,526	31.1%
2016	\$ 27,763,572	\$ 38,220	\$ 8,546,927	44.5%	\$ 10,717	39.0%
2017	\$ 35,759,262	\$ 48,068	\$ 7,995,690	28.8%	\$ 9,848	25.8%
2018	\$ 54,741,428	\$ 67,909	\$ 18,982,166	53.1%	\$ 19,841	41.3%
2019	\$ 79,949,657	\$ 92,106	\$ 25,208,229	46.0%	\$ 24,197	35.6%
2020 Prelim	\$ 62,888,663	\$ 64,986	\$ (17,060,994)	-21.3%	\$ (27,120)	-29.4%

**Property Tax  
New Construction & Added Improvements**





**Pierce County**

**Mike Lonergan, Assessor-Treasurer**

2401 South 35th Street  
Tacoma, WA 98409-7498  
(253) 798-6111 FAX (253) 798-3142  
ATLAS (253) 798-3333  
www.piercecountywa.org/atr

September 16, 2019

OFFICIAL NOTIFICATION TO: **LAKESWOOD**

RE: 2019 PRELIMINARY ASSESSED VALUES

**FOR REGULAR LEVY**

Total Taxable Regular Value	7,590,118,362
Highest lawful regular levy amount since 1985	7,140,530.82
<b>Last year's actual levy amount (including refunds)</b>	<b>7,160,858.80</b>
Additional revenue from current year's NC&I	64,986.06
Additional revenue from annexations (RCW 84.55)	0.00
Additional revenue from administrative refunds (RCW 84.69)	23,371.99

*No additional revenue from administrative refunds will be allowed if you are limited by your statutory rate limit.*

Last year's additional revenue from increase in state-assessed property **99,350.05**

*(this amount may be added to the preliminary levy limit as an estimate of the final levy limit)*

**FOR EXCESS LEVY**

Taxable Value	7,331,684,239
Timber Assessed Value	-
Total Taxable Excess Value	7,331,684,239

2019 New Construction and Improvement Value 62,888,663

*If you need assistance or have any questions regarding this information, please contact Kim Fleshman  
253.798.7114 kim.fleshman@piercecountywa.gov*



**Pierce County**

**Mike Lonergan, Assessor-Treasurer**

2401 South 35th Street  
Tacoma, WA 98409-7498  
(253) 798-6111 FAX (253) 798-3142  
ATLAS (253) 798-3333  
www.piercecountywa.org/atr

**PRELIMINARY HIGHEST LAWFUL LEVY LIMIT 2019 FOR 2020**

**LAKEWOOD**

**> 10,000**

**REGULAR TAX LEVY LIMIT:**

**2018**

A. <u>Highest regular tax which could have been lawfully levied beginning with the 1985 levy</u> [refund levy not included] times limit factor (as defined in RCW 84.55.005).	7,140,530.82
	1.01
	7,211,936.13
B. Current year's assessed value of new construction, improvements and wind turbines in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred).	62,888,663
	1.033350924331
	64,986.06
C. Current year's state assessed property value in original district if annexed less last year's state assessed property value. The remainder to be multiplied by last year's regular levy rate (or the rate that should have been levied).	189,769,009
	189,769,009
	0.00
	1.033350924331
	0.00
<b>D. REGULAR PROPERTY TAX LIMIT (A + B + C)</b>	<b>7,276,922.19</b>

**ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:**

E. To find rate to be used in F, take the levy limit as shown in Line D above and divide it by the current assessed value of the district, excluding the annexed area.	7,276,922.19
	7,590,118,362
	0.958736325203
F. Annexed area's current assessed value including new construction and improvements times rate found in E above.	0.00
	0.958736325203
	0.00
<b>G. NEW LEVY LIMIT FOR ANNEXATION (D + F)</b>	<b>7,276,922.19</b>

**LEVY FOR REFUNDS:**

H. RCW 84.55.070 provides that the levy limit will not apply to the levy for taxes refunded or to be refunded pursuant to Chapters 84.68 or 84.69 RCW. (D or G + refund if any)	7,276,922.19
	23,371.99
	7,300,294.18
<b>I. TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G,or H)</b>	<b>7,300,294.18</b>
J. Amount of levy under statutory rate limitation.	7,590,118,362
	1.775448157873
	<b>13,475,861.66</b>
<b>K. LESSER OF I OR J</b>	<b>7,300,294.18</b>