



LAKESWOOD CITY COUNCIL AGENDA

Monday, June 15, 2020

7:00 P.M.

Residents can virtually attend City Council meetings by watching them live on the city's YouTube channel:

<https://www.youtube.com/user/cityoflakewoodwa>

Those who do not have access to YouTube can call in to listen by telephone via Zoom: Dial +1(253) 215- 8782 and enter participant ID: 151082920.

Page No.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Participation in Public Comments will only be accepted via mail or email at this time. Comments should be sent to Briana Schumacher, City Clerk at 6000 Main Street SW Lakewood, WA 98499 or bschumacher@cityoflakewood.us. Comments received up to one hour before the meeting will be provided to the City Council electronically. Comments received after that deadline will be provided to the City Council after the meeting.

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 May 26, 2020.
- (9) B. Approval of the minutes of the City Council meeting of June 1, 2020.
- (14) C. Motion No. 2020-30
- (16) D. Approving the 2021-2022 Human Services funding process.
Motion No. 2020-31

Authorizing the execution of an agreement with the Washington State Department of Commerce, to receive \$1,790,100.00, in Coronavirus Relief Funds.

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>

(37) E. Motion No. 2020-32

Authorizing the execution of the Pierce County Force Investigation Team (PCFIT) Memorandum of Understanding.

(53) F. Items Filed in the Office of the City Clerk:

1. Planning Commission meeting minutes of May 20, 2020.

R E G U L A R A G E N D A

PUBLIC HEARINGS AND APPEALS

Public Testimony on Public Hearings will only be accepted via mail or email at this time. Comments should be sent to Briana Schumacher, City Clerk at 6000 Main Street SW Lakewood, WA 98499 or bschumacher@cityoflakewood.us. Comments received up to one hour before the meeting will be provided to the City Council electronically.

- (56) This is the date set for a public hearing on the 2020 Annual Development Regulations and Multifamily Tax Exemption (MFTE) code amendments.

ORDINANCE

(114) Ordinance No. 736

Authorizing the acquisition of real property under threat of condemnation or by condemnation for park purposes; authorizing payment thereof from the City's General Fund or from such other monies that the City may have available or attain for the acquisition; providing for severability; and establishing an effective date.

(125) Ordinance No. 737

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

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.

RESOLUTION**(198) Resolution No. 2020-10**

Adopting a Six-Year (2021-2026) Comprehensive Transportation Improvement Program.

(222) Resolution No. 2020-11

Establishing funding principles and a budget to guide the expenditure of Coronavirus Relief Funds distributed to the City of Lakewood by Washington State.

UNFINISHED BUSINESS**NEW BUSINESS****REPORTS BY THE CITY MANAGER****(226) Review of in person or virtual City Council meeting attendance.****CITY COUNCIL COMMENTS****ADJOURNMENT**

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.



LAKEWOOD CITY COUNCIL STUDY SESSION MINUTES

Tuesday, May 26, 2020

City of Lakewood

<https://www.youtube.com/user/cityoflakewoodwa>

Telephone via Zoom: +1(253) 215- 8782

Participant ID: 151082920

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: 7 – Mayor Don Anderson; Deputy Mayor Jason Whalen; Councilmembers Mary Moss, Mike Brandstetter, John Simpson, Linda Farmer and Paul Bocchi.

Planning Commission Members Present: 6 – Chair Don Daniels, Connie Coleman-Lacadie, Nancy Echols, James Guerrero, Ryan Pearson and John Paul Wagemann.

ITEMS FOR DISCUSSION:

Joint Planning Commission Meeting.

Chair Don Daniels introduced himself and members of the Planning Commission. Mr. James Guerrero highlighted the 2019 accomplishments and 2020 work plan items.

Review of 2020 Comprehensive Plan and zoning map amendment docket.

Planning Manager Speir shared that the Planning Commission has recommended 9 amendments comprised of 7 map and 2 text amendments to the Lakewood Comprehensive Plan and Zoning Map. She then reviewed each of the proposed amendments. She shared that a public hearing on the proposed amendments is scheduled for June 1st with adoption on June 15th. Discussion ensued.

Review of potential use of Coronavirus Relief Funds (CRF).

Planning Manager Speir shared that \$1.79 Million has been allocated to the City through the Department of Commerce in Coronavirus Relief Funds. She shared that funds can be used from March 1, 2020 through October 31, 2020. She highlighted the criteria necessary for allowable expenditures and potential internal

and external uses of funds which includes a contingency reserve, individual and family economic resilience, business assistance and vital government services. Discussion ensued related to types of programs and funding available and it is recommended that additional data be researched and a refined budget with prioritized expenditures be provided for review and discussion by the City Council.

Electronic Reader Board Update.

Communications Manager Grimley provided an overview of the various ways that the City shares information with the community. She shared that events are promoted on the City's social media accounts such as Twitter, Instagram and Facebook, the City reaches 31,000 households with the distribution of Connections Magazine, uses South Sound Magazine, Travel Tacoma Mount Rainier, the Suburban Times and the reader board located at the Lakewood Police Station and other various reader board's throughout the City to promote events.

She then highlighted high traffic areas and potential locations with adequate space to install a new reader board sign in the City and shared on average the cost to purchase is \$80,000 not including installation or ongoing maintenance. She also shared that the City could advertise events on the RPAI sign at the entrance of the Lakewood Towne Center at the cost of \$300 per month. Discussion ensued and it is not recommended the City purchase an electronic reader board at this time.

ITEMS TENTATIVELY SCHEDULED FOR THE JUNE 1, 2020 REGULAR CITY COUNCIL MEETING:

1. Youth Council Recognition.
2. Boys and Girls Club of South Puget Sound Youth of the Year Recognition of Charles Johnson, Jr.
3. Clover Park School District Report.
4. Appointing Lakewood's Promise Advisory Board members. – (Motion – Consent Agenda)
5. Appointing Lodging Tax Advisory Committee members. – (Motion – Consent Agenda)
6. Establishing July 6, 2020, as the date for a public hearing to consider the proposed vacation of the easterly fifty-six (56) feet of 148th Street SW right-of-way east of the intersection with Murray Rd SW. (Resolution – Consent Agenda)
7. This is the date set for a public hearing on the Six-Year (2021-2026) Transportation Improvement Program. – (Public Hearings and Appeals)

8. This is the date set for a public hearing regarding proposed code amendments that would reduce the time during which certain fireworks are allowed from July 3 through July 5 to specified hours on July 4 only.– (Public Hearings and Appeals)
9. This is the date set for a public hearing on the 2020 Comprehensive Plan and zoning map amendments. – (Public Hearings and Appeals)
10. Granting unto New Cingular Wireless, PCS, LLC (“AT&T”), a Delaware Limited Liability Company authorized to do business within the State of Washington, its affiliates, successors and assigns, the right, privilege, and authority to install, construct, maintain, repair and operate wireless cellular facilities know as Small Wireless Facilities within public rights of way, providing for severability and ratification, and establishing an effective date. – (Ordinance – Regular Agenda)
11. Adopting the CDBG Five-Year (2020-2024) Consolidated Plan and 2020 Annual Action Plan. – (Resolution – Regular Agenda)
12. Establishing funding principles to guide the expenditure of Coronavirus Relief Funds distributed to the City of Lakewood by Washington State. – (Resolution – Regular Agenda)

REPORTS BY THE CITY MANAGER

City Manager Caulfield requested that the City Council review the draft article for the summer Connections Magazine focused on COVID-19 and provide feedback prior to June 4th.

He suggested the City Council schedule a Retreat as a follow up to the goal setting Retreat held on March 7th.

He provided an update on the impacts of COVID-19 noting that Pierce County must have fewer than 90 cases in a 14 day period in order to move to Phase 2. He then shared that next week Pierce County is setting up distribution sites at several locations to provide Personal Protective Equipment (PPE) to businesses and the SMART Act has been introduced in an attempt to allocate funding to local municipalities to address revenue losses.

He shared that the Port of Tacoma awarded the City with a \$50,000 grant for the design of a project in the Woodbrook neighborhood, the City continues conversations with Pierce County regarding implementation of the PALS permitting system with an anticipated roll out in the 4th quarter of 2020, costing \$57,000 annually.

He recognized 2/2 Stryker Brigade Combat Team soldiers who supported the Parks, Police and Public Works Engineering Departments on various projects.

He then shared that the City submitted a comment letter related to the Defense Communities Infrastructure Program and although the concerns were not taken into consideration for this round of funding, we continue to prepare to submit the grant application prior to the June deadline.

He reported that the Community and Economic Development Department remains busy, currently processing 57 housing and industrial use development projects.

He then reported that representatives of the United Methodist Church have submitted a request to allow for a safe car camping program in their parking lot which would allow cars, not RV's, to park and sleep in the parking lot from 7 p.m. to 7 a.m.

He also shared that the effective June 11th, House Bill 1754 goes into effect which allows religious facilities to host temporary homeless encampments on their property. It is requested that the Planning Commission develop an Ordinance with recommendations to the City Council addressing these new regulations.

CITY COUNCIL COMMENTS

Councilmember Simpson shared that he attended the 2/2 Stryker Brigade Combat Team Memorial Day Ceremony.

Councilmember Farmer shared that she attended the Parks and Recreation Advisory Board meeting, the AWC Large City Advisory Board meeting and the Sex Offender Policy Board meeting. She also commented on the process for the participation in public testimony on the public hearing related to fireworks.

Councilmember Brandstetter shared that he attended the 2/2 Stryker Brigade Combat Team Memorial Day Ceremony and a virtual Memorial Day Ceremony at Mountain View Memorial Cemetery.

Councilmember Bocchi asked about the Colonial Plaza public art work.

Deputy Mayor Whalen shared that he participated in the Clover Park School District Community Engagement Leadership Team (CELT) meeting and the Economic Development Board of Tacoma Pierce County continues to host meetings related to COVID-19 impacts.

Mayor Anderson shared that last week he attended the virtual South Sound Military and Communities Partnership Elected Official Council, 2/2 Stryker Brigade Combat Team Memorial Day Ceremony and a conference call with Governor Inslee regarding the transition to Phase 2 for counties. He noted that the seven day average of COVID-19 cases in Pierce County was 10 with 3 new deaths and two

homeless shelters were tested resulting in zero cases. He then shared that he will be attending the virtual Puget Sound Regional Council meeting this week where there will be discussion regarding funding allocations for transit agencies.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:49 p.m.

DON ANDERSON, MAYOR

ATTEST:

BRIANA SCHUMACHER
CITY CLERK



LAKEWOOD CITY COUNCIL MINUTES

Monday, June 1, 2020

City of Lakewood

<https://www.youtube.com/user/cityoflakewoodwa>

Telephone via Zoom: +1(253) 215- 8782

Participant ID: 151082920

CALL TO ORDER

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

ROLL CALL

Councilmembers Present: 7 – Mayor Anderson, Deputy Mayor Jason Whalen; Councilmembers Mary Moss, Mike Brandstetter, John Simpson, Linda Farmer and Paul Bocchi.

PROCLAMATIONS AND PRESENTATIONS

Youth Council Recognition.

Mayor Anderson acknowledged the 2019-2020 Youth Councilmembers for their work this past year and shared a Youth Empowerment video.

PUBLIC COMMENTS

Becky Holm, Lakewood resident, submitted written comments via email which were provide to the City Council in advance of the meeting.

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

- A. Approval of the minutes of the City Council study session of May 11, 2020.
- B. Approval of the minutes of the City Council meeting of May 18, 2020.
- C. Approval of claims vouchers, in the amount of \$2,053,128.10, for the period of April 16, 2020 through May 15, 2020.
- D. Approval of payroll checks, in the amount of \$2,279,191.33, for the period of April 16, 2020 through May 15, 2020.

E. Resolution No. 2020-08

Setting a public hearing on July 6, 2020 to consider the vacation of the easterly fifty-six (56) feet of 148th Street SW right-of-way east of the intersection with Murray Road SW.

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

1. Parks and Recreation Advisory Board meeting minutes of February 25, 2020.
2. Planning Commission meeting minutes of March 4, 2020.
3. Planning Commission meeting minutes of April 29, 2020.

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

R E G U L A R A G E N D A

PUBLIC HEARINGS AND APPEALS

This is the set for a public hearing on Six-Year (2021-2026) Comprehensive Transportation Improvement Program (TIP).

There being no testimony, the public hearing was declared closed at 7:13 p.m.

This is the date set for a public hearing regarding proposed code amendments that would reduce the time during which certain fireworks are allowed from July 3 through July 5 to specified hours on July 4 only.

DEPUTY MAYOR WHALEN MOVED TO CONTINUE THE PUBLIC HEARING UNTIL MONDAY, JULY 20, 2020. SECONDED BY COUNCILMEMBER MOSS. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

This is the date set for a public hearing on the 2020 Comprehensive Plan and Zoning Map amendments.

Christopher Huss, representing Gravelly Lake Townhomes, LLC, submitted written comments which were provided on page 215 of the City Council agenda packet of June 1, 2020.

There being no further testimony, the public hearing was declared closed at 7:28 p.m.

ORDINANCE

Ordinance No. 735 Granting unto New Cingular Wireless PCS, LLC (“AT&T”), a Delaware Limited Liability Company authorized to do business within the State of Washington, its affiliates, successors and assigns, the right, privilege, and authority to install, construct, maintain, repair and operate wireless cellular facilities known as Small Wireless Facilities within the public rights of way, providing for severability and ratification, and establishing an effective date.

DEPUTY MAYOR WHALEN MOVED TO ADOPT ORDINANCE NO.735.
SECONDED BY COUNCILMEMBER SIMPSON. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

RESOLUTION

Resolution No. 2020-09 Adopting the Five-Year (2020-2024) Joint Tacoma and Lakewood Consolidated Plan and Fiscal Year 2020 (July 1, 2020 - June 30, 2021) Consolidated Annual Action Plan.

COUNCILMEMBER SIMPSON MOVED TO ADOPT RESOLUTION NO. 2020-09.
SECONDED BY COUNCILMEMBER FARMER. VOICE VOTE WAS TAKEN AND CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS BY THE CITY MANAGER

City Manager Caulfield reported that Governor Inslee has released a Safe Start, four phased reopening approach for the State of Washington and Pierce County has applied to move into Phase 2. He shared that temporary changes to the Open Public Meetings Act (OPMA) which allow for virtual meetings was extended through June 17, 2020.

He shared that it is estimated that the City's financial impacts as a result of COVID-19 will be upwards of \$12.1 Million, we continue to advocate at the federal level to express support for a stimulus to support local municipalities and a financial strategy addressing impacts is scheduled for review at the City Council meeting of June 15th.

He shared that a letter was sent to the Federal Communications Commission (FCC) requesting they delay action and provide more time for cities to respond to wireless siting applications.

He then shared that at the June 8th study session a Pierce County Force Investigation Team (PCFIT) agreement will come forward for City Council review. This agreement satisfies state law requirements for the investigation of certain uses of force such as officer involved shootings.

He then reported that due to COVID-19 the deadline to respond to the 2020 Census has been extended to October 31, 2020 and the Public Works Department submitted a request to withdraw the application for the Letter of Map Revision (LOMR) due to the existing berm along Clover Creek as it enters the City across I-5 and the floodplain that was in place in 2017 will remain.

He shared that the Clover Park School District has asked the City Council to recognize graduating seniors in their upcoming newsletter and feedback regarding the City Council Connections article is due by June 4th.

He then shared that Representative Leavitt has requested feedback on legislative solutions recommended by the Association of Washington Cities and the Mayor on behalf of the City Council will send a letter in support.

He then shared that the Pierce County Regional Council (PCRC) has rated the City's two overlay projects and it is expected that one will be approved although it is unlikely that any roadway or preliminary engineering projects will be funded.

CITY COUNCIL COMMENTS

Councilmember Moss commented on the death of George Floyd and offered the support of the Lakewood Multicultural Coalition (LMCC) to explore regional partnerships with the City of Tacoma and other agencies to commit take action.

Councilmember Brandstetter shared his appreciation for the 2019-2020 Youth Councilmembers and encouraged reaching out to high schools within the City to recruit students for next year.

Councilmember Farmer commented on racial injustice, senseless violence and the importance of leaders taking action and effecting real change.

Councilmember Simpson suggested the City Council send a letter of support to the City of Minneapolis City Council.

Deputy Mayor Whalen spoke about standing up and speaking out against injustice and options for regional collaboration.

Mayor Anderson shared that the Washington State Health Department changed the rules to apply for Phase 2 and Pierce County's application is on track to be transmitted tomorrow. He shared that Pierce County is providing funding to the Department of Emergency Management to set up COVID-19 mobile testing facilities that can be converted to mobile vaccine units.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:16 p.m.

DON ANDERSON, MAYOR

ATTEST:

BRIANA SCHUMACHER
CITY CLERK

REQUEST FOR COUNCIL ACTION

| | | |
|--|--|---|
| DATE ACTION IS REQUESTED: June 15, 2020 | TITLE: Adopting the 2021-22 Biennium Human Services funding process | TYPE OF ACTION: — ORDINANCE NO. — RESOLUTION NO. <u> x </u> MOTION NO. 2020-30 — OTHER |
| REVIEW: June 8, 2020 | ATTACHMENTS: | |

SUBMITTED BY: Brian Humphreys, Human Services Coordinator

RECOMMENDATION: It is recommended that Council authorize City Manager to implement the 2020 human services funding application and review process as listed below.

DISCUSSION:

Since incorporation the City of Lakewood has been a consistent human services funding source using 1% of its general funds to support services and programs assisting Lakewood residents. Over the past twelve years funding levels have varied; the City has still effectively managed its resources to address the complex needs of an ever-changing community.

The Community Services Advisory Board (CSAB) reviewed the 2019-20 funding process, gathered information from current outcomes reports, year-end summaries, human and social service provider information, current trends and data and input from the Lakewood's Promise Advisory Board and their strategic plan and work program to develop their recommendation for implementing a 2021 application and funding process. The CSAB provides the following recommendation:


Keep five current funding strategies:

- Emotional Supports and Youth Programming
- Access to Health and Behavioral Health
- Housing Assistance & Homelessness Prevention
- Access to Food
- Crisis Stabilization and Advocacy

Continued – page 2

ALTERNATIVE(S): Council could delay or change application process which could delay ability to fund agencies and/or develop contract with service providers in 2021.

FISCAL IMPACT: To be determined during 2021-22 budget development process.

| | |
|---------------------------------------|---|
| Brian Humphreys Prepared by |  City Manager Review |
| _____ Department Director | |

DISCUSSION: Continued

Continue with applicant requirements:

- Application agencies are non-profit (501c3), education or government entities
- Agencies have clear financial audits, non-discriminatory practices, e-verify, and liability insurance
- Quarterly service reports are submitted with a cost reimbursement request
- The funding ceiling is \$25,000 and the floor is \$8,000 per program, and organizations can apply for more than one program.
- Contracts are for one year. Council will review options for 2nd year funding in 2021
- RFP or focus on Workforce Development can occur concurrently.

Follow established timeline in order to provide Council with information in October and funding recommendations in November during 2021-22 budget development process.

Timeline:

- June – public notices and outreach
- July 6 - release a request for proposals
- July 15 - conduct a virtual workshop
- August 22 – application deadline
- September – CSAB rates applications
- October – November - CSAB meets and deliberates and delivers recommendations to Council

REQUEST FOR COUNCIL ACTION

| | | |
|--|---|---|
| DATE ACTION IS REQUESTED: June 15, 2020 | TITLE: Motion authorizing the execution of a contract with the Department of Commerce to receive \$1,790,100 in Coronavirus Relief Fund Monies | TYPE OF ACTION: — ORDINANCE — RESOLUTION <u>X</u> MOTION NO. 2020-31 — OTHER |
| REVIEW: May 26 Study Session June 8 Study Session | ATTACHMENTS: Draft Contract | |

SUBMITTED BY: Tiffany Speir, Long Range & Strategic Planning Manager, through John Caulfield, City Manager.

RECOMMENDATION: It is recommended that the City Council authorize, by Motion, the execution of a contract with the State Department of Commerce for receipt of \$1,790,100 in Coronavirus Relief Funds.

DISCUSSION: On May 20, 2020, per the \$30 per capita calculations used by the state, Lakewood was allocated \$1.79 million of CARES Act COVID Relief Fund (CRF) dollars for its estimated population of 59,670. 100% of eligible costs are reimbursable by these CRF dollars for COVID19-related costs between March 1, 2020 and October 31, 2020. The City Council held study sessions on May 26 and June 8 to develop funding priorities and create a budget for CRF use to assist individuals and families, businesses and the City with Coronavirus-related costs and economic hardship. As of June 8, CRF funds can be used as a match to the FEMA PA grant that Lakewood secured on May 7, 2020.

ALTERNATIVE(S): The City Council could choose to modify or reject this Motion.

FISCAL IMPACT: If adopted, the Motion would authorize receipt of \$1,790,100 to be spent on Coronavirus cost relief for businesses (for-profit and non-profit), individuals and families, and the City.

Prepared by
Tiffany Speir, Long Rang & Strategic Planning
Manager

Department Director



City Manager Review



Interagency Agreement with

«The City of Lakewood»

through

the Coronavirus Relief Fund for Local Governments

For

Costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020.

Start date: March 1, 2020

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FACE SHEET

Contract Number: 20-6541C-222

**Washington State Department of Commerce
Local Government Division
Community Capital Facilities Unit
Coronavirus Relief Fund for Local Governments**

| | | | |
|---|--|--|--|
| 1. Contractor «City of Lakewood» «6000 Main St SW» «Lakewood», Washington «98499 » | | 2. Contractor Doing Business As (optional) | |
| 3. Contractor Representative «John» «Caulfield» «City Manager» 253.983.7703 jcaulfield@cityoflakewood.us | | 4. COMMERCE Representative <div style="display: flex; justify-content: space-between;"> <div> Amanda Sieler Project Manager (360) 791-1228 Fax 360-586-5880 amanda.sielers@commerce.wa.gov </div> <div> P.O. Box 42525 1011 Plum Street SE Olympia, WA 98504-2525 </div> </div> | |
| 5. Contract Amount \$1,790,100 | 6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/> | 7. Start Date March 1, 2020 | 8. End Date October 31, 2020 |
| 9. Federal Funds (as applicable) \$1,790,100 | Federal Agency: US Dept. of the Treasury | CFDA Number: 21.999 | Indirect Rate (if applicable): N/A |
| 10. Tax ID # 91-1698185 | 11. SWV # SWV0017611-00 | 12. UBI # 601667295 | 13. DUNS # 949462758 |
| 14. Contract Purpose To provide funds for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020. Final invoices must be received by November 15, 2020. | | | |
| 15. Signing Statement COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents hereby incorporated by reference: Attachment "A" – Scope of Work, Attachment "B" – Budget & Invoicing, Attachment "C" – A-19 Certification, Attachment "D" – A-19 Activity Report | | | |
| FOR CONTRACTOR  <hr/> John Caulfield, City Manager June 3, 2020 <hr/> Date | | FOR COMMERCE <hr/> Mark K. Barkley, Assistant Director, Local Government Division <hr/> Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL 05-01-2020. APPROVAL ON FILE. | |

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

1. AUTHORITY

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW.

2. ACKNOWLEDGMENT OF FEDERAL FUNDS

Funds under the Contract are made available and are subject to Section 601(a) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and Title V and VI of the CARES Act.

The Contractor agrees that any publications (written, visual, or sound) but excluding press releases, newsletters, and issue analyses, issued by the Contractor describing programs or projects funded in whole or in part with federal funds under this Contract, shall contain the following statements:

“This project was supported by a grant awarded by US Department of the Treasury. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the US Department of the Treasury. Grant funds are administered by the Local Government Coronavirus Relief Fund thru the Washington State Department of Commerce.”

3. CONTRACT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

4. COMPENSATION

COMMERCE shall pay an amount not to exceed the contract amount listed on the Face Sheet for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work (Attachment A).

5. EXPENSES

Contractor shall receive reimbursement for allowable expenses as identified in the Scope of Work (Attachment A) or as authorized in advance by COMMERCE as reimbursable.

Travel expenses may include airfare (economy or coach class only), other transportation expenses, and lodging and subsistence necessary during periods of required travel. Contractor shall receive compensation for travel expenses at current state travel reimbursement rates.

6. INDIRECT COSTS

Contractor shall provide their indirect cost rate that has been negotiated between their entity and the federal government. If no such rate exists a *de minimis* indirect cost rate of 10% of modified total direct costs (MTDC) will be used.

7. BILLING PROCEDURES AND PAYMENT

COMMERCE shall reimburse the Contractor for eligible Project expenditures, up to the maximum payable under this Contract. When requesting reimbursement for expenditures made, Contractor shall submit all Invoice Vouchers and any required documentation electronically through COMMERCE's Contracts Management System (CMS), which is available through the Secure Access Washington (SAW) portal. If the Contractor has constraints preventing access to COMMERCE's online A-19 portal, a hard copy A-19 form may be provided by the COMMERCE Project Manager upon request.

**SPECIAL TERMS AND CONDITIONS
INTERAGENCY AGREEMENT
FEDERAL FUNDS**

The voucher must be certified by an official of the Contractor with authority to bind the Contractor. The final voucher shall be submitted to COMMERCE no later than November 15, 2020.

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly.

The invoices shall describe and document, to COMMERCE's satisfaction, reimbursable expenditures as set forth under the Scope of Work (Attachment A) and Budget & Invoicing (Attachment B). The invoice shall include the Contract Number as stated on the Face Sheet.

Each voucher must be accompanied by an A-19 Certification (Attachment C) and A-19 Activity Report (Attachment D). The A-19 Certification must be certified by an authorized party of the Contractor to certify and attest all expenditures submitted on the voucher are in compliance with the United States Treasury Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

The A-19 Activity Report must be submitted which describes, in Excel spreadsheet and narrative form, a detailed breakdown of the expenditures within each applicable budget sub-category identified in the voucher, as well as a report of expenditures to date. COMMERCE will not release payment for any reimbursement request received unless and until the A-19 Certification and A-19 Activity Report is received. After approving the Invoice Voucher, A-19 Certification and Activity Report, COMMERCE shall promptly remit a warrant to the Contractor.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

Should the Contractor be found to spent funds inconsistent with federal laws, rules, guidelines, or otherwise inappropriately, it is the responsibility of the Contractor to reimburse Commerce for any amount spent on disallowed costs.

8. AUDIT

Contractor shall maintain internal controls providing reasonable assurance it is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs; and prepare appropriate financial statements, including a schedule of expenditures of federal awards.

If the Contractor is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:

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- A. Submit to COMMERCE the reporting package specified in OMB Super Circular 2 CFR 200.501, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor.
- B. Submit to COMMERCE follow-up and developed corrective action plans for all audit findings.

If the Contractor is a subrecipient and expends less than \$750,000 in federal awards from any and/or all sources in any fiscal year, the Contractor shall notify COMMERCE they did not meet the single audit requirement.

The Contractor shall send all single audit documentation to auditreview@commerce.wa.gov.

9. DEBARMENT

- A. Contractor, defined as the primary participant and its principals, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:
 - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
 - ii. Have not within a three-year period preceding this Contract, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549; and
 - iv. Have not within a three-year period preceding the signing of this Contract had one or more public transactions (Federal, State, or local) terminated for cause of default.
- B. Where the Contractor is unable to certify to any of the statements in this Contract, the Contractor shall attach an explanation to this Contract.
- C. The Contractor agrees by signing this Contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by COMMERCE.
- D. The Contractor further agrees by signing this Contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

- i. The lower tier Contractor certifies, by signing this Contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
 - ii. Where the lower tier Contractor is unable to certify to any of the statements in this Contract, such contractor shall attach an explanation to this Contract.
- E. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact COMMERCE for assistance in obtaining a copy of these regulations.

10. LAWS

The Contractor shall comply with all applicable laws, ordinances, codes, regulations, and policies of local, state, and federal governments, as now or hereafter amended, including, but not limited to:

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United States Laws, Regulations and Circulars (Federal)

Contractor shall comply with Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Award, 2 CFR 200, Subpart F – Audit Requirements.

Contractor shall comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation.

Contractor shall comply with Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39.

11. ORDER OF PRECEDENCE

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget & Invoicing
- Attachment C – A-19 Certification
- Attachment D – A-19 Activity Report

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1. DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Contract" or "Agreement" means the entire written agreement between COMMERCE and the Contractor, including any attachments, documents, or materials incorporated by reference. E-mail or facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2. ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

3. AMENDMENTS

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

4. ASSIGNMENT

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION

- A. "Confidential Information" as used in this section includes:
 - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
 - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and
 - iii. All personal information in the possession of the Contractor that may not be disclosed under state or federal law.
- B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality.

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COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

- C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

6. COPYRIGHT

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and any applicable federal laws, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

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9. INDEMNIFICATION

Each party shall be solely responsible for the acts of its employees, officers, and agents.

10. LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. RECAPTURE

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. RECORDS MAINTENANCE

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity.

The Contractor shall retain such records for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

14. SEVERABILITY

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

15. SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they

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relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. Contractor shall incorporate 2 CFR Part 200, Subpart F audit requirements into all subcontracts. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

16. SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

17. TERMINATION FOR CAUSE

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are in addition to any other rights and remedies provided by law.

18. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

19. TERMINATION PROCEDURES

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree

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with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the Authorized Representative has or may acquire an interest.

20. TREATMENT OF ASSETS

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract

All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

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21. WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

Scope of Work

This funding is made available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). Under the CARES Act, the Coronavirus Relief Fund may be used to cover costs that:

1. **Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); AND**
2. **Are not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government.**

These funds may be used to reimburse for expenditures incurred during the period of March 1, 2020 thru Oct. 31, 2020. Please note: In order to ensure all funds have been fully utilized prior to the US Treasury's December 30, 2020 end date, the State of Washington must closeout contracts by October 31, 2020. All final requests for reimbursement must be received no later than November 15, 2020.

Expenditures must be used for necessary actions taken to respond to the public health emergency. These may include expenditures incurred to allow the local government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

Payments may be used only to cover costs not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either:

1. The cost cannot lawfully be funded using a line item, allotment, or allocation within that budget; OR
2. The cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget is the enacted budget for the relevant fiscal period for the particular government. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Allowable expenditures include, but are not limited to:

1. Medical expenses such as:
 - a. COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - b. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - c. Costs of providing COVID-19 testing, including serological testing.
 - d. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - e. Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:

- a. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - b. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - c. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - d. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - e. Expenses for public safety measures undertaken in response to COVID-19.
 - f. Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - a. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - b. Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - c. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - d. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - e. COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - f. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - a. Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - b. Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - c. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Budget & Invoicing

The Contractor shall determine the appropriate budget and use of funds within the following 6 budget categories and their sub-categories:

1. Medical
2. Public Health
3. Payroll
4. Actions to Comply with Public Health Measures
5. Economic Support
6. Other Covid-19 Expenses

The Contractor shall submit invoice reimbursement requests to the Commerce Representative using the Commerce Contract Management System's (CMS) Online A-19 Portal. Each reimbursement request must include:

1. A-19 Certification form – An authorized party of the local government will certify each invoice (A19) submitted for reimbursement and attest that all incurred expenditures meet the US Treasury Department's guidance: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
2. A-19 Activity Report
3. A detailed breakdown of the expenditures incurred within each applicable budget sub-category on the A-19 Activity Report.

The A-19 Certification and Activity Report templates will be provided with the executed contract. The documents are included in Attachment C and Attachment D for reference.

Receipts and proof of payment for costs incurred do not need to be submitted with A-19s. All contractors are required to maintain accounting records in accordance with state and federal laws. Records must be sufficient to demonstrate the funds have been used in accordance with section 601(d) of the Social Security Act. Commerce reserves the right to audit any costs submitted for reimbursement. The Contractor shall comply with Commerce A-19 audits and provide the appropriate records upon request.



LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

I, **<FIRST, LAST NAME>**, am the **<TITLE>** of **<LOCAL GOVERNMENT>**, and I certify that:

1. I have the authority and approval from the governing body on behalf of the Local Government to request reimbursement from the Department of Commerce (Commerce) per contract number **<COMMERCE CONTRACT NUMBER>** from the allocation of the Coronavirus Relief Fund as created in section 5001 of H.R.748, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") for eligible expenditures included on the corresponding A-19 invoice voucher for report period **<REPORT PERIOD FROM A-19>**.
2. I understand that as additional federal guidance becomes available, a contract amendment to the agreement between Commerce and the Local Government may become necessary.
3. I understand Commerce will rely on this certification as a material representation in processing this reimbursement.
4. I certify the use of funds submitted for reimbursement from the Coronavirus Relief Funds under this contract were used only to cover those costs that:
 - a. Are *necessary expenditures* incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020; and
 - c. Were incurred during the period that begins on March 1, 2020, and ends on October 31, 2020.
5. I understand the use of funds pursuant to this certification must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. We have reviewed the guidance established by U.S. Department of the Treasury¹ and certify costs meet the required guidance. Any funds expended by the Local Government or its subcontractor(s) in any manner that does not adhere to official federal guidance shall be returned to the State of Washington.

Footnote:

1 – Guidance available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf> (4/30/2020)

LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

Page 2 of 2

6. I understand the Local Government receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices and/or sales receipts in a manner consistent with §200.333 *Retention requirements for records* of 2 CFR Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Such documentation shall be produced to Commerce upon request and may be subject to audit by the State Auditor.
7. I understand any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
8. I understand funds received pursuant to this certification cannot be used for expenditures for which the Local Government has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

I certify that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

_____
Printed Name_____
Title_____
Signature_____
Date:

CRF A-19 Activity Report
INSTRUCTIONS

INSTRUCTIONS:

A completed CRF A-19 Certification and Activity Report must be submitted with each A-19 reimbursement request. The A-19 Activity Report must be submitted as an Excel spreadsheet, not a PDF. You must also include a detailed breakdown of the individual expenditures reported in **Column F** for each applicable sub-category included on the A-19 Activity Report.

There are 6 primary budget categories;

1. Medical Expenses
2. Public Health Expenses
3. Payroll expenses for public employees dedicated to COVID-19
4. Expenses to facilitate compliance with COVID-19-measures
5. Economic Supports
6. Other COVID-19 Expenses

Each primary budget category includes sub-categories and provides an option to add "other" sub-categories not listed.

Follow the below instructions when completing the A-19 Activity Report:

- 1 **REPORT PERIOD** - Enter the report period into **Cell D1** of the A-19 Activity Report.
 - a This should match the report period entered on the corresponding A-19.
 - b Report period should include MM/YY to MM/YYYY, i.e. 03/20, March 2020, 03/2020, etc.
- 2 **COLUMN E** - Enter the total amount of all previous reimbursement requests submitted to Commerce for each applicable sub-category.
- 3 **COLUMN F** - Enter the total amount being requested in the current reimbursement request for each applicable sub-category.
- 4 **COLUMN H: USE OF FUNDS** - You must include a general description of the use of the funds being requested for each applicable sub-category. Keep descriptions as concise as possible, but include adequate context to demonstrate how these funds helped address the COVID-19 emergency. If applicable, please consider:
 - a Providing a brief description of the specific activities performed.
 - b Identifying specific populations served.
 - c Identifying specific programs created or utilized.
 - d Including any known or intended outcomes, results, or community impacts.
- 5 **OTHER SUB-CATEGORIES** - Budget categories 1-5 include a placeholder to add an additional sub-category if necessary.
 - a Enter a **Title** for other expenses added within the appropriate budget category.
 - b Enter titles into **Cells: D10, D19, D27, D36, and D41**.
 - c There is only one "other" placeholder in each budget category section. Please combine multiple "other" sub-categories added to the same budget category.
- 6 **OTHER BUDGET CATEGORIES** - Budget category 6 is where you should include any eligible expenditures that don't fall under budget categories 1-5.
 - a Enter a **Title** for these "other" expenses within budget category 6.
 - b Enter titles into **Cells D44 - D48**.
 - c There are only 5 entry fields available within Budget Category 6.

Coronavirus Relief Fund
A-19 Activity Report

Report Period:

| Eligible Expenditures | Previously Reported Expenditures | Current Expenditures this Invoice | Total Cumulative Expenditures | Brief Description of Use of Funds |
|--|----------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| 1 Medical Expenses | | | | |
| A. Public hospitals, clinics, and similar facilities | \$ - | \$ - | \$ - | |
| B. Temporary public medical facilities & increased capacity | \$ - | \$ - | \$ - | |
| C. COVID-19 testing, including serological testing | \$ - | \$ - | \$ - | |
| D. Emergency medical response expenses | \$ - | \$ - | \$ - | |
| E. Telemedicine capabilities | \$ - | \$ - | \$ - | |
| F. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| 2 Public Health Expenses | | | | |
| A. Communication and enforcement of public health measures | \$ - | \$ - | \$ - | |
| B. Medical and protective supplies, including sanitation and PPE | \$ - | \$ - | \$ - | |
| C. Disinfecting public areas and other facilities | \$ - | \$ - | \$ - | |
| D. Technical assistance on COVID-19 threat mitigation | \$ - | \$ - | \$ - | |
| E. Public safety measures undertaken | \$ - | \$ - | \$ - | |
| F. Quarantining individuals | \$ - | \$ - | \$ - | |
| G. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| 3 Payroll expenses for public employees dedicated to COVID-19 | | | | |
| A. Public Safety | \$ - | \$ - | \$ - | |
| B. Public Health | \$ - | \$ - | \$ - | |
| C. Health Care | \$ - | \$ - | \$ - | |
| D. Human Services | \$ - | \$ - | \$ - | |
| E. Economic Development | \$ - | \$ - | \$ - | |
| F. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| 4 Expenses to facilitate compliance with COVID-19-measures | | | | |
| A. Food access and delivery to residents | \$ - | \$ - | \$ - | |
| B. Distance learning tied to school closings | \$ - | \$ - | \$ - | |
| C. Telework capabilities of public employees | \$ - | \$ - | \$ - | |
| D. Paid sick and paid family and medical leave to public employees | \$ - | \$ - | \$ - | |
| E. COVID-19-related expenses in county jails | \$ - | \$ - | \$ - | |
| F. Care and mitigation services for homeless populations | \$ - | \$ - | \$ - | |
| G. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| 5 Economic Supports | | | | |
| A. Small Business Grants for business interruptions | \$ - | \$ - | \$ - | |
| B. Payroll Support Programs | \$ - | \$ - | \$ - | |
| C. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| 6 Other COVID-19 Expenses | | | | |
| A. Other: | \$ - | \$ - | \$ - | |
| B. Other: | \$ - | \$ - | \$ - | |
| C. Other: | \$ - | \$ - | \$ - | |
| D. Other: | \$ - | \$ - | \$ - | |
| E. Other: | \$ - | \$ - | \$ - | |
| Sub-Total: | \$ - | \$ - | \$ - | |
| TOTAL: | \$ - | \$ - | \$ - | |

REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:

June 15, 2020

REVIEW:

June 8, 2020

TITLE: Motion authorizing the execution of the Pierce County Force Investigation Memorandum of Understanding

ATTACHMENTS:

Memorandum of Understanding

TYPE OF ACTION:

— ORDINANCE

— RESOLUTION NO.

X MOTION NO. 2020-32

— OTHER

SUBMITTED BY: Heidi Ann Wachter, City Attorney

RECOMMENDATION: It is recommended that the City Council authorize the execution of the Pierce County Force Investigation (PCFIT) memorandum of understanding.

DISCUSSION: In order to comply with recent additions to the Washington Administrative Code Chapter 139-12, Law Enforcement Training and Community Safety Act – Independent Investigation Criteria Pierce County and municipalities throughout the County have entered into a Memorandum of Understanding which creates the Pierce County Force Investigation Team. This agreement addresses roles and responsibilities relative to the investigation of police use of force. Among other things, it ensures departments do not investigate themselves, there is regular communication to the public and representatives of the public are involved to an appropriate degree.

Because the agreement is between jurisdictions, the agreement falls under the [Interlocal Cooperation Act](#) and thus requires ratification by the governing body.

ALTERNATIVE(S): Without the agreement, it is highly unlikely that the City will be able to comply with the WAC given the extensive recommendations and the requirement to have other jurisdictions involved.

FISCAL IMPACT: There is no fiscal impact associated with execution of this Memorandum of Understanding.

Heidi Ann Wachter

Prepared by

Department Director



City Manager Review

Pierce County Force Investigation Team
Memorandum of Understanding

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SECTION 1. STATEMENT OF PURPOSE

The Mission and Purpose of the Pierce County Force Investigation Team (PCFIT) is to conduct independent, thorough, accurate, appropriate, open, and unbiased investigations, in compliance with the Law Enforcement Training and Community Safety Act (LETCSA), RCW 10.114.011, and Chapter 139-12 WAC, for all officer-involved use of deadly force incidents that result in death, substantial bodily harm, or great bodily harm occurring within Pierce County.

The PCFIT will conduct criminal investigations to develop relevant information to allow a determination of the presence or absence of criminal culpability on the part of those involved in the incident. The purpose of investigations shall be to inform any determination of whether the use of deadly force met the “good faith” standard of RCW 9A.16.040 and satisfied other applicable laws and policies.

Once a PCFIT investigation has been completed and submitted to the prosecutor for final review, it shall be made available to the involved agency for their internal use and disclosure.

Investigations shall follow the rules of law established by the state and federal constitutions, statutory and case law which apply to criminal investigations. The investigation shall be performed in a manner that provides both the appearance and the reality of an independent, thorough, fair, complete and professional investigation.

- **Our Goals:** To conduct professional multi-jurisdictional investigations of incidents of deadly force by law enforcement while promoting public trust through transparency and consistency.

SECTION 2. MEMBER AGENCIES

| | |
|--------------------------------------|---|
| Bonney Lake Police Department | Orting Police Department |
| Buckley Police Department | Pacific Police Department |
| Dupont Police Department | Pierce County Sheriff’s Department |
| Eatonville Police Department | Puyallup Police Department |
| Fife Police Department | Roy Police Department |

| | |
|-------------------------------------|---|
| Fircrest Police Department | Ruston Police Department |
| Gig Harbor Police Department | Steilacoom Department of Public Safety |
| Lakewood Police Department | Sumner Police Department |
| Milton Police Department | Tacoma Police Department |
| | Washington State Patrol |

SECTION 3. DEFINITIONS

Good faith: An objective standard under RCW 9A.16.040, which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

Involved Agency: The agency which employed or supervised the officer(s) who used deadly force.

Venue Agency: The agency having geographic jurisdiction of the incident. (This may or may not be the involved agency.)

Member Agency: Signatories to this agreement.

Involved Officer(s): Officer who used deadly force and is the subject of the investigation.

Non-law Enforcement Community Representatives: Civilians chosen by Member Agencies to carry out the duties assigned by WAC 139-12-030(2),(4).

Witness Officer(s): Officer involved in the incident who did not use deadly force.

SECTION 4. EXECUTIVE BOARD

The Executive Board of the PCFIT shall consist of the Sheriff and Chief, or their designee, of each agency with personnel assigned to the Team. Representatives of the Prosecutor's Office and the Medical Examiner's Office will be invited to all Board meetings and their input may be solicited. For voting purposes and for decision making in administering this agreement, it will be the majority rule of the Executive Board.

The Chairperson of the Executive Board will be designated by the Pierce County Police Chiefs Association for a term of two years. The Chairperson of the Executive Board shall schedule a meeting of the Executive Board in January of each year. The purpose of the meeting will be to receive a comprehensive report from the PCFIT Commander(s) concerning activities of the Team over the past year, address issues pertaining to the operation and support of the Team, and address changes to the PCFIT protocol. Special meetings may be called at any time by a member of the Executive Board. Special meetings may also be requested by the PCFIT Commander(s).

SECTION 5. PCFIT COMMANDERS

There will be at least two PCFIT Commanders. They will be the rank of lieutenant or higher and from different departments. The PCFIT Commanders shall have the responsibility to develop Standard Operating Procedure/Guidelines (SOP/G) and manage and coordinate the readiness and training of the Unit. Candidates for the PCFIT Commander position will be nominated by a member agency and selected by the Executive Board and will report directly to the Executive Board. The PCFIT Commanders will serve two years, but the term may be extended or terminated at the discretion of the Executive Board. A Commander must have strong interpersonal and leadership skills, with experience in complex criminal investigations and strong working knowledge of case law relevant to police use of force. A Commander shall not oversee, consult, or participate in any manner on any investigation where the Commander's employer is the involved agency.

SECTION 6. LEAD INVESTIGATORS

There will be at least two Lead Investigators from different departments. The Lead Investigators will be qualified senior investigators with experience in criminal investigations. The Lead Investigators will be nominated by a member agency and selected by the PCFIT Executive Board. The Lead Investigators must have strong leadership and organizational skills and should have a working knowledge of the Incident Command System (ICS) and be prepared to assume command in the absence of the PCFIT Commander. The Lead Investigators will assist the PCFIT in the development of the SOP/G, oversee investigations and assign PCFIT resources as needed. Lead investigators shall not participate in, oversee, or assign resources to investigations involving officers from their employer agencies.

SECTION 7. INVESTIGATORS

Investigators will be experienced officers with a background in criminal investigations. Investigators shall meet state law requirements for officers investigating use of deadly force. They must be adept at working with multiple agencies. The Investigators will be selected by the PCFIT Commanders with input from the non-law enforcement community representatives and the permission of the investigators agency's chief executive or designee.

SECTION 8. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES

Each Member Agency shall appoint at least one civilian to fulfill the duties assigned by WAC 139-12-030, provided that Member Agencies may use Non-Law Enforcement Community Representatives appointed by other Member Agencies upon mutual agreement. The Executive

Board shall create a transparent process for soliciting names and creating a roster of individuals willing to serve in this capacity.

SECTION 9. TRAINING

The Member Agencies will ensure that personnel assigned to PCFIT either have completed or will complete classes in the following core areas:

Criminal Investigations

Crime Scene Investigations

Basic Homicide Investigations

Interview and Interrogation

Officer Involved Shooting Investigations

LETCSA Violence De-escalation and Mental Health training

Assigned personnel are expected to complete all the core classes within two years of being assigned. In addition, member agencies are encouraged to provide their investigators with advanced training courses. These courses may include advanced homicide investigation, blood stain pattern analysis, crime scene photography/videography, and other classes relevant to their assignment with the PCFIT.

SECTION 10. ACTIVATION

Upon request of the involved agency to investigate an officer-involved use of force resulting in substantial bodily harm, great bodily harm or death, the following Protocol shall automatically and immediately take effect:

- A Chief of Police, Sheriff, WSP Commander, or their designee, shall make the request for the PCFIT to South Sound 911 (SS911).
- SS911 shall contact the PCFIT Commander through standard call-out procedures identified on the PCFIT phone tree or contact list.
- The PCFIT Commander shall assign the Lead Investigator. The Lead Investigator shall be responsible for determining how many investigators will be needed during the initial response.
- The Lead Investigator, other investigators and crime scene processors called out shall not be from the involved agency.

SECTION 11. RESPONSIBILITIES

- The involved agency shall make the initial request to activate the PCFIT.
- The involved agency will immediately secure the crime scene(s). This responsibility includes preservation of the integrity of the scene(s) and its/their contents, controlling access to the scene(s), and the identification and separation of witnesses. Use of allied agency resources may be necessary to accomplish this task.
- The venue agency, if not also the involved agency, shall make facilities and equipment available as needed by the PCFIT. No specialized equipment belonging to the involved agency may be used by the investigative team unless no reasonable alternative exists, the equipment is critical to carrying out the independent investigation, and the use is approved by the PFIT commander. If the equipment is used, the nonlaw enforcement community representatives on the PCFIT must be notified about why it needs to be used and steps taken to strictly limit the role of any involved agency personnel in facilitating the use of that equipment.
- The involved agency shall provide a command-level liaison and make appropriate department personnel available to provide information as needed for the investigation.

SECTION 12. AUTHORITY

Once the PCFIT has agreed to investigate an incident as requested by the involved agency's chief executive, the PCFIT shall have sole and exclusive authority concerning the investigation of the incident. The PCFIT Commander(s) or designee will provide limited briefings about the progress of the investigation to the involved agency's designated command level liaison throughout the course of the investigation.

SECTION 13. INVESTIGATIVE PRIORITY

The criminal investigation has investigative priority over the administrative investigation, and shall begin immediately after an incident has occurred. Provided, however, that the criminal investigation shall be conducted in a manner that does not inhibit the Involved Agency from conducting a timely administrative investigation.

SECTION 14. INVESTIGATIVE GOALS – SHARING OF INFORMATION

The goal of the investigation is to develop all available relevant information about the incident. When the investigation is completed, including all forensic testing, toxicology report and autopsy reports, the case will be submitted to the County Prosecutor. The County Prosecutor will make a final determination as to whether the use of deadly force satisfies the statutory "good faith" standard, and on the presence or absence of criminal culpability on the part of the officers involved in the incident.

No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the designated command level liaison of the involved agency about the progress of the investigation.

If the chief or sheriff of the involved agency requests that the PCFIT release the body cam video or other investigation information of urgent public interest, the PCFIT commander should honor the request with the agreement of the prosecutor.

The investigation may incidentally provide factual information to the involved agency's management for its internal use. While the Criminal Investigators do not direct their investigative attention to administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

SECTION 15. INVESTIGATIVE REQUIREMENTS

The investigation is required to follow the rules of law, which apply to all criminal proceedings; these include constitutional, statutory and case law. Investigators will maintain the integrity of the investigation by following the rules of evidence throughout the investigation.

The investigation will be performed in a manner that provides a thorough, fair, complete and professional investigation, free of conflicts of interest.

SECTION 16. COSTS

Each member agency shall be responsible for their employees' wages and associated personnel costs. The involved agency shall be responsible for reasonable or extraordinary investigative expenditures (to include, but not limited to, hospital security). The involved agency shall be advised of all extraordinary costs associated with the investigation, but shall not have the power to veto or prohibit the expenditure of any necessary expenditures.

SECTION 17. EVIDENCE

- Evidence Storage: All evidence shall be stored at a non-involved agency property room as designated by the PCFIT Commander. The PCFIT Commander shall coordinate with the member agency's chief executive or designee to ensure compliance with that agency's policies and procedures. The involved agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

- Evidence Retention: Evidence shall remain in the custody of the designated, non-involved agency property room until the Pierce County Prosecutor has reviewed the case and made a charging determination or has authorized the release of evidence.
 - If no charges are filed, all evidence will be transferred to the involved agency's property room.
 - If charges are filed, all evidence will remain in the custody of the designated, non-involved agency property room until the completion of the criminal prosecution. Once the criminal prosecution is completed all evidence will be transferred to the involved agency's property room.

SECTION 18. CASE FILES

- All original reports, statements and other documentation related to the investigation will be electronically filed with SS911.
- While the investigation is in process and not yet forwarded to the prosecutor, access to the electronic case files will be restricted to personnel conducting the investigation. Under no circumstances will reports or other case material be disseminated without the written consent of the Commander.
- The complete investigation will be sent to the Pierce County Prosecuting Attorney's Office for review.
- Once the investigation is complete, the involved agency will be granted access to the case files to conduct their administrative investigation. The non-law enforcement PCFIT representatives shall also have access to the completed case file. Public dissemination of the case files shall be consistent with state law.

SECTION 19. VEHICLE INCIDENTS

When requested, the PCFIT will investigate incidents in which the use of a vehicle is an intentional use of force that causes substantial bodily harm, great bodily harm or death. In these investigations, the PCFIT may utilize experienced Collision Reconstructionists and other appropriate resources.

This section is not to imply that the PCFIT will be activated in a police involved collision causing great bodily harm or death where the collision was not a result of an intentional use of force.

SECTION 20. COMMAND STAFF BRIEFING

The purpose of this briefing is to advise the Command Staff from the involved agency the status of the incident and to determine what information is appropriate for media releases. In

addition to the Command Staff from the involved agency, the attendees to this meeting typically will consist of the PCFIT Commander and Lead Investigator.

SECTION 21. PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS

Member agencies having the capability to assist PCFIT Investigators in the documentation of the scene(s) and to assist in the collection, preservation, and analysis of physical evidence may do so providing they possess the requisite training and experience, provided that agencies involved in the use of force shall not assist with the collection, preservation, or analysis of physical evidence.

Prior to final relinquishment of the scene, the Lead Investigator, crime scene Investigators/ professionals, and PCFIT Commander will confer to determine if the collection of evidence is complete.

SECTION 22. EMPLOYEE RIGHTS

Law enforcement employees have the same rights and privileges regarding criminal investigative interviews that any other citizen would have, including the right to remain silent, the right to consult with an attorney prior to an interview, and the right to have an attorney present during the interview.

SECTION 23. OFFICER INTERVIEWS

- Witness officers
 - Witness officers will provide a written report and/ or recorded interview as deemed appropriate by the Lead Investigator.
- Involved officers
 - Statements from the officers using force must be completely voluntary. Under no circumstances are investigators to take a compelled statement from the involved officer(s). Any compelled statements obtained in Administrative Investigations shall not be shared with the PCFIT investigative team.

SECTION 24. PUBLIC SAFETY STATEMENT

Public Safety Statements should be taken with consideration of the Involved Agency's policies, procedures and documents. The public safety statement may include:

- Any outstanding suspects
- Location of evidence
- Location of potentially injured people

- Any general public safety concerns

SECTION 25. REPORT WRITING

1. All investigators participating in the criminal investigation will write reports documenting their participation.
2. The Investigators within each investigative team will allocate and divide among themselves the responsibility for documenting interviews and observations.
3. Prompt completion of reports is essential. All involved agencies and investigators will strive for report completion within 7 days of any investigative activity. The Medical Examiner's report may be delayed beyond 30 days pending results of some scientific tests.

SECTION 26. PUBLIC TRANSPARENCY AND MEDIA RELATIONS

The PCFIT Commander shall provide public updates about the investigation a minimum of once per week, even if there is no new progress to report. When an investigation is complete, the information will be made available to the public in a manner consistent with applicable state law.

The PCFIT Executive Board shall ensure that all the following is made available to the public:

- The names of the members, supervisors, commanders, and non-law enforcement community representatives on the PCFIT.
- The PCFIT policies and procedures

During investigations, the PCFIT commander shall insure that all state law requirements for notification of family members and Tribes are followed.

1. PCFIT: Once the PCFIT has initiated an investigation, all media releases related to the investigation shall be made by the PCFIT Public Information Officer (designated by the PCFIT Commander) after consultation with the involved agency's chief executive or designee, and after review by the PCFIT's non-law-enforcement community representatives. The PCFIT may release information typically on the day of the incident, an intermediate news release, and then a release when the complete investigation is sent to the Prosecutor.
2. THE INVOLVED AGENCY: The involved agency's Public Information Officer ("PIO"), or other official designee, will release information in coordination with PCFIT supervisors. It shall be the responsibility of the involved agency to determine when the involved

officer's name will be released to the public, pursuant to their policies and procedures and consistent with the requirements of state laws including the Public Records Act.

SECTION 27. FAMILY AND TRIBAL LIAISONS

The Lead Investigator will assign a liaison to the family of the person against whom deadly force has been used. The liaison will make every effort to keep the family informed of the status of the investigation and provide details that do not compromise the integrity of the investigation. A Tribal liaison shall be assigned if the person against whom deadly force was used is a member of a recognized Indian Tribe.

SECTION 28. PROSECUTOR PROTOCOL

The Lead Investigator will ensure adherence to the Pierce County Prosecutor's Officer Involved Fatal Incident Protocol. Questions regarding the Prosecutor's protocol or legal questions related to the investigation should be referred to the Pierce County Prosecuting Attorney's Office.

SECTION 29. SANCTIONS/REMOVAL OF MEMBER AGENCY

Willful violations of the protocol agreement will be brought to the attention of the Executive Board by the PCFIT Commander or Lead Investigator. The Executive Board, by majority vote, may elect to immediately stop the investigation and turn the investigation over to the involved agency for another independent agency to investigate. A member agency failing to abide by this agreement may also be removed from the PCFIT by a majority vote of the Executive Board.

SECTION 30. TERM OF AGREEMENT

This Agreement shall become effective on the date it is executed by all signing parties, and shall remain in full force and effect and is intended to be indefinite.

SECTION 31. TERMINATION

A party may terminate this Agreement or, alternatively, withdraw its participation in the PCFIT by providing written notice to the chief law enforcement officer for each member agency of its intent to terminate or withdraw from this agreement. A notice of termination or withdrawal shall become effective upon the latter of: a) 30 days after service of the notice on the chief law enforcement officers for all member agencies; or b) at the conclusion of any PCFIT investigation that is pending on the date of the written notice of intent to terminate or withdraw from this Agreement.

SECTION 32. STATUS OF OFFICERS ASSIGNED TO PCFIT

- Pursuant to RCW 10.93.050, each officer assigned to the PCFIT remains the employee of the party who hired the officer, and is not an employee of any other member agency.
- Member agencies shall not allow officers who have been disciplined for dishonesty, bias or improper use of force to be assigned to the PCFIT.

SECTION 33. LIABILITY, HOLD HARMLESS AND INDEMNIFICATION

Pursuant to RCW 10.93.040, it is understood and agreed that each member agency, its agents, employees, and insureds do not, by virtue of these Protocols, assume any responsibility or liability for the actions of another agency's officers.

Each party hereto shall be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers to the fullest extent required by law, and shall save, indemnify, defend and hold harmless all other parties from such liability. In the case of negligence of more than one party to this Agreement, any damages shall be in proportion to the percentage of negligence attributed to each party, and each party shall have the right to contribution from the other party in proportion to the percentage of negligence attributed to the other party. Nothing contained in this section of this Agreement shall be construed to create a liability or a right of indemnification in any third party. The provisions of this section shall survive the termination or expiration of this Agreement.

SECTION 34. DISPUTE RESOLUTION

For the purpose of this Agreement, time is of the essence. Should any dispute arise concerning the enforcement, breach or interpretation of this Agreement, the parties shall first meet in a good faith attempt to resolve the dispute.

SECTION 35. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference to this Agreement shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement. To this end, the provisions of this Agreement are declared to be severable.

SECTION 36. MISCELLANEOUS

Any provision of this Agreement that imposes an obligation that continues after termination or expiration of this Agreement shall survive the term or expiration of the Agreement and shall be binding on the parties to this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

SECTION 37. EXECUTION OF AGREEMENT

This Agreement may be signed in counterparts by the parties. If the Agreement is signed by the parties in counterparts, it will be considered a fully executed Agreement.

PCDFIT

Print Name

Title

Signature

Bonney Lake Police Department

Date

Print Name

Title

Signature

Buckley Police Department

Date

Print Name

Title

Signature

DuPont Police Department

Date

Print Name

Title

Signature

Eatonville Police Department

Date

Print Name

Title

Signature

Fife Police Department

Date

Print Name

Title

Signature

Fircrest Police Department

Date

Print Name

Title

Signature

Orting Police Department

Date

Print Name

Title

Signature

Pacific Police Department

Date

Print Name

Title

Signature

Pierce County Sheriff's Department

Date

Print Name

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Signature

Puyallup Police Department

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Roy Police Department

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Ruston Police Department

Date

PCDFIT

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Gig Harbor Police Department

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Lakewood Police Department

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Milton Police Department

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Washington State Patrol

Print Name Title

Signature Date
Steilacoom Dept of Public Safety

Print Name Title

Signature Date
Sumner Police Department

Print Name Title

Signature Date
Tacoma Police Department



**PLANNING COMMISSION
REGULAR MEETING MINUTES
May 20, 2020
Zoom Meeting
6000 Main Street SW
Lakewood, WA 98499**

Call to Order

Mr. Don Daniels, Chair called the telephone ZOOM meeting to order at 6:30 p.m.

Roll Call

Planning Commission Members Present: Don Daniels, Connie Coleman-Lacadie, Ryan Pearson, Paul Wagemann, Nancy Hudson-Echols and James Guerrero

Planning Commission Members Excused: None

Commission Members Absent: None

Staff Present: David Bugher, Assistant City Manager for Development Services; Tiffany Speir, Long Range & Strategic Planning Manager; Weston Ott, Capital Projects Division Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Mr. Paul Bocchi (present)

Approval of Minutes

The minutes of the meeting held on May 13, 2020 were approved as written by voice vote M/S/P Wagemann/Coleman-Lacadie. The motion passed unanimously, 6-0.

Agenda Updates

None

Public Comments

This meeting was held over the computer as a ZOOM meeting to comply with Governor Inslee's Emergency Proclamations 20-25 and 20-28. Citizens were encouraged to virtually attend and to provide written comments prior to the meeting. No written public comments were received.

Unfinished Business

None

Public Hearings

2020 Annual Development Regulation Amendments

Ms. Tiffany Speir explained that in preparation to provide the Pierce County Assessor with a copy of the City's Comprehensive Plan and development regulations by July 2020, as required, the Commissioners must review proposed amendments to various municipal code titles governing aspects of land use and development in Lakewood. Amendments are being proposed on applicant feedback, staff experience working with the code, legislative updates, and more.

Mr. Don Daniels, Chair, opened the public hearing for comments. It was noted that no written public comments had been received. Chair Daniels closed the public hearing.

Next Steps: Planning Commission was scheduled to take action on June 3rd.

Recommendations would be forwarded to Council for discussion on June 8th. A Council public hearing was scheduled for June 15th and Council action was scheduled for July 6, 2020.

Biennial Review of Downtown Subarea Plan and Hybrid Form-Based Code (DSAP Package)

Ms. Tiffany Speir reviewed the separate pieces of the DSAP Package explaining the SEPA Official is responsible for preparing a SEPA-related Planned Action Ordinance (PAO) review report that is presented separately to City Council, not the Planning Commission. A Commission recommendation would therefore not be sought on the Planned Action Ordinance. Commission recommendations regarding the Plan and LMC Title 18B will be taken to Council.

Ms. Speir explained the DSAP package was adopted in October 2018 and has been in effect less than 18 months. Because of this, CEDD was recommending no changes to any part of the DSAP package in 2020. The next review for any needed changes to the packet will occur in 2022.

Mr. Don Daniels, Chair, opened the public hearing for comments. It was noted that no written public comments had been received. Chair Daniels closed the public hearing.

Next Steps: Planning Commission was scheduled to take action on June 3rd. City Council would review on June 8th, hold a public hearing on June 15th, and take action on July 6, 2020.

New Business

6-Year Transportation Improvement Program (2021 – 2026)

Mr. Weston Ott, Public Works Capital Projects Division Manager, reviewed the TIP projects for commissioners, detailing the amendments to projects suggested by Council. A map was provided showing the planned improvement projects throughout the city.

Mr. Ott explained Council retreat discussions regarding connectivity of streets and funding options for the projects resulted in an amendment adding one project: 302.0151 S. Tacoma Way - 96th St S to S 84th St Road Restoration to include roadway patching and repair, overlay, signage, markings and striping, which is eligible for a Puget Sound Regional Council grant.

Mr. Ryan Pearson made the motion to accept the 6-Year Transportation Improvement Program (2021-2026) with the amended project as presented. Ms. Connie Coleman-Lacadie seconded the motion. Motion passed unanimously, 6-0.

Next Steps: The 6-Yr TIP will progress through a two-week public comment period prior to Council holding a public hearing with final adoption tentatively scheduled for June 9, 2020.

Lakewood Station District Subarea Plan (LSDS) Update

Ms. Tiffany Speir shared that internal work on developing the LSDS continues. The website at www.LakewoodStation.org is being updated regularly. Ms. Speir explained the Public Outreach Plan and the robust details of engagement activity, to include interactive use of the website, on-line surveys, and regular mailings to residents and businesses within and near the LSDS area. The first mailing to area residents would notify them of the LSDS Subarea Plan process and invite their participation in a survey is scheduled to be sent in late May.

VISION 2050 Status Update

Ms. Speir informed the commissioners that due to Covid-19, the PSRC Executive Board and General Assembly meetings to take final action on adopting the VISION 2050 document have been postponed. The draft plan was forwarded to the Executive Board in December 2019. Once adopted VISION 2050 will comprise the region's Multi-County Planning Policies (MPPs); Pierce County must adopt Countywide Planning Policies (CPPs) consistent with the MPPs, and Lakewood is required to have policies consistent with both the MPPs and CPPs.

Report from Council Liaison

Councilmember Mr. Paul Bocchi provided the following updates:

City Council recently approved the Parks Legacy Plan. City Council heard a presentation on the 6 –Year Transportation Improvement Program. Mr. Bocchi noted these two documents really create a future plan for the City but execution of all elements depends on funding sources.

Due to the decisions to cancel the SummerFEST celebration, Friday Night Markets, along with changes to the weekly Farmer's Markets, Mr. Bocchi expects a very large drop in sales tax revenue surrounding the Covid-19 pandemic.

City Council is working with the Pierce County to distribute personal protection equipment (PPE) kits to City of Lakewood small businesses. Federal funds were provided to purchase the kits. Ms. Becky Newton, Economic Development Manager is working with Ms. Linda Smith, Chamber of Commerce to get these out to the businesses in need.

Reports from Commission Members and Staff

City Council Actions

Mr. David Bugher informed the commission of a City Council Emergency Proclamation regarding hearing examiner administrative, quasi-judicial, and legislative proceedings during this Stay Home Order. This proclamation was enacted because the strict timeline requirements cannot be met. City officials are waiting for guidance from the Attorney General's office but haven't received any information thus far. In order to protect the City a decision has been made not to process those hearings until after July 6, 2020.

It was noted that 3 specific cases will be affected: one plat alteration, an expansion project at Pierce College, and an expansion project at Thomas Middle School.

Written Communications

None

Future Agenda Topics

A Joint Council meeting with the Planning Commission is set for Tuesday, May 26th at 7:00 PM. June 17th Shoreline Master Plan Restoration Plan presentation.

Area-Wide Planning / Land Use Updates

None


Commission Member Reports

None

Next Regular Meeting: The next meeting will be held on June 3, 2020 via ZOOM per Emergency Proclamation by the Governor Amending Proclamation 20-05: 20-25 STAY HOME – STAY HEALTHY.

Meeting Adjourned at 7:30 p.m.


Don Daniels, Chair
Planning Commission 06/03/2020


Karen Devereaux, Recording Secretary
Planning Commission 06/03/2020



TO: City Council
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
THROUGH: John Caulfield, City Manager
Dave Bugher, Assistant City Manager for Development Services
DATE: June 15, 2020
SUBJECT: 2020 Annual Development Regulation Amendments and Property
Tax Exemption Amendments
ATTACHMENT: Planning Commission Resolution 2020-02

BACKGROUND

On June 8, 2020 the City Council was presented the Planning Commission's recommendation to the City Council regarding the proposed 2020 Annual Development Regulation (20ADR) Package that includes amendments to LMC Titles 1, 12, 14, 15, 17, and 18A. The Council was also presented proposed amendments to LMC Chapter 3.64 (the proposed new chapter is titled Property Tax Exemptions for MultiFamily Housing) based on a review of current state law and the City of Tacoma's updated municipal code.

A public hearing on both items would be held on June 15.

DISCUSSION

Annual Development Regulation Amendment Package

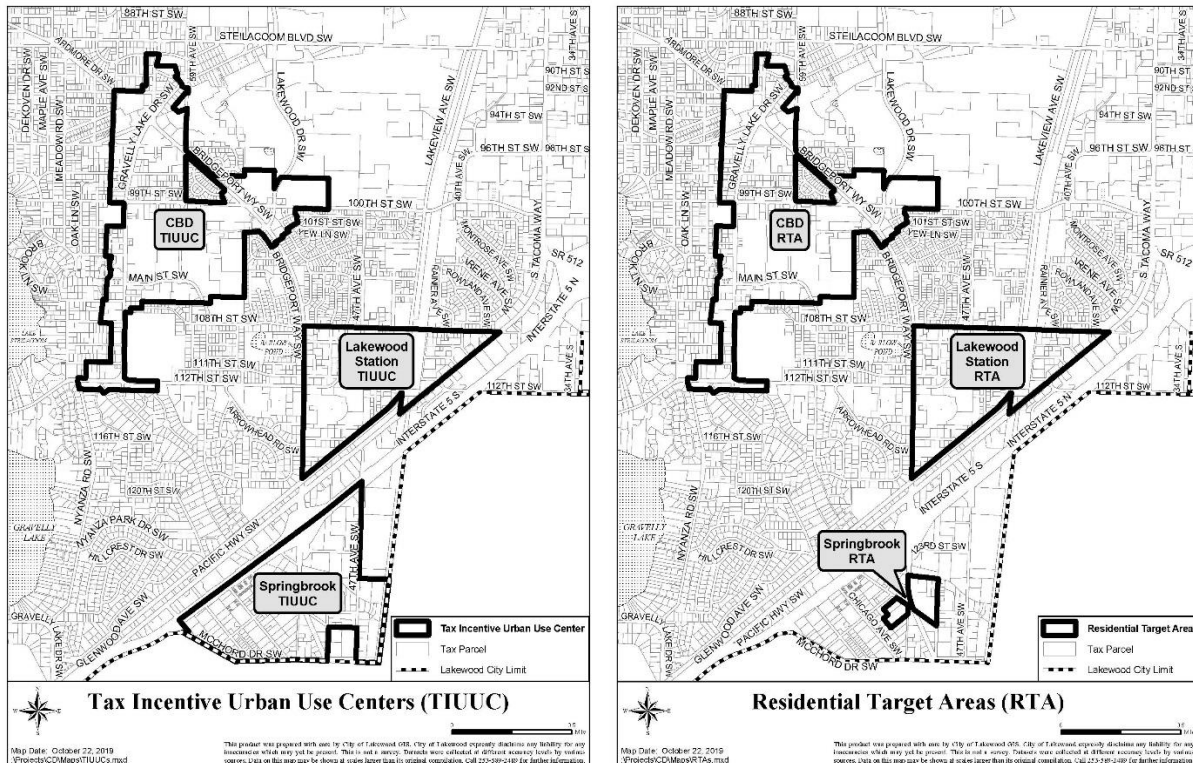
The Planning Commission is recommending updates to several municipal code titles (LMC Titles 1, 12, 14, 15, 17, and 18A) related to land use and development in its 2020 Annual Development Regulation (20 ADR) Package. These amendments stem from identification of scrivener errors, use of the current municipal code by staff and permit applicants, state statutory and regulatory updates, and case law updates affecting land use in Washington State, Pierce County, and the City of Lakewood. A copy of Planning Commission Resolution 2020-02 is attached hereto.

As part of its findings, the Commission requested that the City Council review proposed LMC Chapter 17.17, Plat Alterations, to consider whether it was more restrictive than legally necessary. For the Council's information, the City's Legal Department reviewed the draft Chapter 17.17 prior to it being presented to the Planning Commission, and its language is based on state statutory language at RCW 58.17.215.

MultiFamily Tax Exemption Program Update

An updated municipal code chapter related to the City's MultiFamily Tax Exemption (MFTE) program. The current LMC Chapter 3.64, based on the City of Tacoma's original code language, requires a two-step legislative process to identify first a Tax Incentive Urban Use Center (TIUUC) and then a Residential Target Area (RTA), and the the MFTE is available within the RTA.

Included below are maps of Lakewood's current TIUUCs and RTAs: the Central Business District and the Lakewood Station District TIUUCs and RTAa are coterminous, but the Springbrook RTA is smaller than the Springbrook TIUUC.



State law does not include TIUUCs. In addition, Tacoma has since gone in an entirely different direction with their code and legislative process. Tacoma now defines an RTA as, "... an area within a mixed-use center that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public."

Included below is language for a completely updated LMC Chapter 3.64 to streamline the ability for the City Council to designate where Lakewood's property tax exemption program would apply.

Proposed New LMC Chapter 3.64
PROPERTY TAX EXEMPTIONS FOR MULTI-FAMILY HOUSING

Sections:

3.64.010 Definitions.

3.64.020 Property Tax Exemption – Requirements and Process.

3.64.030 Residential Target Area Designation and Standards.

3.64.040 Tax Exemptions for Multi-Family Housing in Residential Target Areas.

3.64.010 Definitions.

See LMC 18.10.180 for definitions related to this chapter.

3.64.020 Property Tax Exemption – Requirements and Process.

A. Intent. Limited eight (8) or twelve (12)-year exemptions from ad valorem property taxation for multi-family housing are intended to:

1. Encourage increased residential opportunities within mixed-use centers designated by the City Council as residential target areas (RTAs);
2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in residential target areas to increase and improve housing opportunities;
3. Assist in directing future population growth to designated RTAs, thereby reducing development pressure on single-family residential neighborhoods; and
4. Achieve development densities which are more conducive to transit use.

B. Duration of Exemption. The value of improvements qualifying under this chapter will be exempt from ad valorem property taxation for eight (8) or twelve (12) successive years (depending on whether the property includes affordable housing component as described in subsections E and F below) beginning January 1 of the year immediately following the calendar year of issuance of the Final Certificate of Tax Exemption.

C. Limits on Exemption. The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. Rehabilitation Provisions. Per RCW 84.14.030, property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995.

E. Eight (8)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within a residential target area, as designated in Section 3.64.030 (C).
2. Size. The project must include at least four (4) units of multi-family housing within a residential structure or as part of a mixed-use development. A minimum of four (4) new units must be constructed or at least four additional multi-family units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for twelve (12) months or more does not have to provide additional units so long as the project provides at least four (4) units of new, converted, or rehabilitated multi-family housing.
3. Permanent Residential Occupancy. At least fifty percent (50%) of the space designated for multi-family housing must be provided for permanent residential occupancy, as defined in Section 3.64.010.
4. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three (3) years from the date of approval of the application.
5. Compliance with Guidelines and Standards. The project must be designed to comply with the City's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved. Rehabilitation and conversion improvements, and new construction, must comply with LMC Chapter 15.05. The project must also comply with any other standards and guidelines adopted by the City Council for the residential target area (RTA) in which the project will be developed.
6. Vacancy Requirement. Existing dwelling units proposed for rehabilitation must have one or more violations of LMC Chapter 15.05 or 15.25. If the property proposed to be rehabilitated is not vacant or in the case of applications for property to be developed as new construction which currently has residential rental structure on it, an applicant must provide each existing household a ninety (90)-calendar day move notice as well as provide housing of comparable size, quality, and price which meets standards acceptable to the City. If any household being provided a ninety (90)-calendar day move notice is qualified as a low-income household, the applicant will provide the household with moving expenses according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

F. Twelve (12)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a twelve (12) year property tax exemption:

1. All requirements set forth in subsection E above; and

2. The applicant must commit to renting or selling at least twenty percent (20%) of the multifamily housing units as affordable housing units to low and moderate-income households respectively, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the City of Lakewood. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection may be satisfied solely through housing affordable to moderate income households.

G. Application Procedure. A property owner who wishes to propose a project for a tax exemption shall complete the following procedures:

1. File with the Community and Economic Development Department the required application along with the required fees as set in the Lakewood Master Fee Schedule (adopted annually by resolution.) If the application shall result in a denial by the City, the City will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.

2. A complete application shall include:

a. A completed City of Lakewood application form setting forth the grounds for the exemption;

b. Preliminary floor and site plans of the proposed project;

c. A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;

d. For rehabilitation projects and for new development on property upon which an occupied residential rental structure previously stood, the applicant shall also submit an affidavit stating that each existing household was sent a ninety (90)-calendar day move notice and that each household was provided housing of comparable size, quality, and price which meets the Uniform Physical Condition Standards or a similar standard acceptable to the City.

e. For any household being provided a ninety (90)-calendar day move notice that qualifies as a low-income household, the applicant will also submit an affidavit stating that moving expenses have been or will be provided according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

f. In addition, for rehabilitation projects, the applicant shall secure from the City verification of the property's noncompliance with LMC Chapter 15.05.

g. Verification by oath or affirmation of the information submitted.

H. Application Review and Issuance of Conditional Certificate. The Director may certify as eligible an application which is determined to comply with the requirements of this chapter.

A decision to approve or deny an application shall be made within ninety (90)-calendar days of receipt of a complete application.

1. Approval. If an application is approved, the applicant shall enter into a contract with the City, subject to approval by resolution of the City Council regarding the terms and conditions of the project. Upon Council approval of the contract, the Director shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three (3) years from the date of approval unless an extension is granted as provided in this chapter.

2. Denial. The Director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within ten (10)-calendar days of the denial. An applicant may appeal a denial to the City Council within fourteen (14)-calendar days of receipt of notice. On appeal, the Director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the Director's decision. The City Council's decision on appeal will be final.

I. Extension of Conditional Certificate. The Conditional Certificate may be extended by the Director for a period not to exceed twenty four (24) consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee, the amount of which is listed in the City's Master Fee Schedule. An extension may be granted if the Director determines that:

1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

3. All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

J. Application for Final Certificate. Upon completion of the improvements agreed upon in the contract between the applicant and the City and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant must file with the Community and Economic Development Department the following:

1. A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;

2. A description of the completed work and a statement of qualification for the exemption;

3. A statement that the work was completed within the required three-year period or any authorized extension; and

4. If applicable, a statement that the project meets the affordable housing requirements as described in subsection F above.

Within thirty (30)-calendar days of receipt of all materials required for a Final Certificate, the Director shall determine which specific improvements satisfy the requirements of this chapter.

K. Issuance of Final Certificate. If the Director determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period, the City shall, within ten (10)-calendar days, file a Final Certificate of Tax Exemption with the Pierce County Assessor.

1. Denial and Appeal. The Director shall notify the applicant in writing that a Final Certificate will not be filed if the Director determines that:

a. The improvements were not completed within the authenticated time period;

b. The improvements were not completed in accordance with the contract between the applicant and the City; or

c. The owner's property is otherwise not qualified under this chapter.

2. Within ten (10)-calendar days of receipt of the Director's denial of a final certificate, the applicant may file an appeal with the City's Hearing Examiner, as provided in Chapter 1.36 LMC. The applicant may appeal the Hearing Examiner's decision in Pierce County Superior Court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty (30)-calendar days of notification by the City to the owner of the decision being challenged.

L. Annual Compliance Review. Within thirty (30)-calendar days after the first anniversary of the date of filing the Final Certificate of Tax Exemption, and each year thereafter, for a period of eight or twelve years, the property owner shall file a notarized declaration with the Director indicating the following:

1. A statement of occupancy and vacancy of the multi-family units during the previous year;

2. A certification that the property continues to be in compliance with the contract with the City; and, if applicable, a certification of affordability based on documentation that the property is in compliance with the affordable housing requirements as described in RCW 84.14 since the date of the certificate approved by the City; and

3. A description of any subsequent improvements or changes to the property.

City staff shall also conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.

M. Cancellation of Tax Exemption. If the Director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multi-family housing to another use, the owner must notify the Director and the Pierce County Assessor within sixty (60) days of the change in use.

1. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the Pierce County Assessor may impose an additional tax on the property, together with interest and penalty, and a priority lien may be placed on the land, pursuant to State legislative provisions.

2. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the Director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the City Clerk within thirty (30)-calendar days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearing Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. An aggrieved party may appeal the Hearing Examiner's decision to the Pierce County Superior Court.

3.64.030 Residential target area designation and standards.

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more residential target areas (RTAs). Each designated RTA must meet the following criteria, as determined by the City Council:

1. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the mixed-use center if desirable, attractive, and livable places were available; and

2. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:

a. Encourage increased residential opportunities within the target area; or

b. Stimulate the construction of new multi-family housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing.

In designating an RTA, the City Council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain a significant increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions and social liability in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.

The City Council may, by ordinance, amend or rescind the designation of an RTA at any time pursuant to the same procedure as set forth in this chapter for original designation.

B. Target Area Standards and Guidelines. For each designated residential target area (RTA), the City Council shall adopt basic requirements for both new construction and rehabilitation supported by the City's property tax exemption for multi-family housing program, including the application procedures specified in Section 3.64.020 (G). The City Council may also adopt guidelines including the following:

1. Requirements that address demolition of existing structures and site utilization; and

2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Residential Target Areas (RTAs). The boundaries of the RTAs are the RTA boundaries previously established by City Council resolutions at the time of adopting of this Chapter, and as such may be updated by future Council action, as depicted on the Comprehensive Plan Future Land Use and Zoning Maps. The previous RTA resolutions and maps are incorporated herein by reference, and on file in the City's Clerk's office.

PLANNING COMMISSION RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE 2020 ANNUAL DEVELOPMENT REGULATION AMENDMENTS AND FORWARDING ITS RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

Whereas, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

Whereas, the Lakewood Planning Commission has reviewed the Lakewood Development Regulations and made certain modifications to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, and 18A to provide needed revisions, clarifications and updates; and

Whereas, the Lakewood Planning Commission held an open public hearing on May 20, 2020, regarding the proposed amendments to the Lakewood Development Regulations; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on June 2, 2020 under SEPA #202002903; and

WHEREAS, notice was provided to state agencies on June 2, 2020 per City of Lakewood--2020-S-1437--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, the Lakewood Planning Commission determined that the 2020 Annual Development Regulation Amendments are consistent with the Growth Management Act and the provisions of the City's Comprehensive Plan; and

WHEREAS, the Lakewood Planning Commission finds that the proposed amendments further the goals and policies of the Comprehensive Plan and promote the community's overall health, safety, and welfare; and

Whereas, on June 3, 2020, the Planning Commission completed review;

NOW, THEREFORE, THE LAKEWOOD PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, DOES RECOMMEND AS FOLLOWS:

Section 1. Amendments to the City’s land use and development regulations as summarized below and included in full in Exhibit A, attached hereto:

Amendments to Title 1 (General Provision):

- 1.36.020 and .265 related to Hearing Examiner appeals

Amendments to Title 12 (Public Works):

- Addition of definition of “unopened city street”

Amendments to Title 14 (Environmental Protection):

- Updated references to WAC chapters in LMC Chapter 14.02

Amendments to Title 15 (Buildings and Construction):

- Statement added to Chapter 15.05 related to use of IEBC in relation to other codes

Amendments to Title 17 (Subdivisions):

- Updated reference to LMC Title 12 in Chapter 17.02
- Addition of new Chapter 17.17 regarding Plat Alterations

Amendments to Title 18 (Land use and Development Code):

- Correcting scrivener errors
- New definitions added to Section 18A.10.180
- Table at 18A.20.080 replaced with updated table
- Removal of section 18A.20.320
- Update of SEPA appeal deadline in 18A.20.400
- Update of PDD application requirements at 18A.30.540
- Update to density range and minimum lot size in R1 zone at 18A.30.600
- Remove section 18A.30.640
- Addition of section 18A.40.025 re “dangerous and objectional elements”
- Amending allowed uses and related footnotes within LMC Sections 18A.40.040, .060, .080, .110 and .120 use tables, regarding accessory dwelling units, boarding houses, special needs housing and group homes
- Addition of text to 18A.60.090 (B) regulating electric fences
- Amend section 18A.40.110 (B)(1) (d) and (j) regarding allowed size of ADUs
- Deletion of section 18A.40.110 (B)(1)(m) and (n)
- Amending 18A.70.040 (A) and (C) re access to trash enclosures and sidewalks
- Amending parking standards for alleys in Chapter 18A.80

Section 2: The Planning Commission hereby requests that the City Council review the proposed LMC Chapter 17.17 (Plat Alterations) to determine whether it is more restrictive than legally required.

Section 3: The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

Section 4: If any provisions of this Resolution or the amendments to the Development Regulations are found to be illegal, invalid or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 3rd day of June, 2020, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

/s/

Donne Daniels, CHAIR, PLANNING COMMISSION

ATTEST:

/s/

KAREN DEVEREAUX, SECRETARY

EXHIBIT A
2020 ANNUAL DEVELOPMENT REGULATION AMENDMENTS

Where portions of Lakewood Municipal Code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.

Title 1

LMC 1.36.020 Office created.

The office of Hearing Examiner is hereby created to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The Examiner shall also be authorized to act in a decision-making role involving administrative matters and such other quasi-judicial matters as may be granted by ordinance or referred to the Hearing Examiner by the City Manager, including appeals contesting administrative orders which direct a property owner to abate nuisances and/or dangerous conditions.

LMC 1.36.265 Decision on appeals.

- A. In considering appeals, the Hearing Examiner shall do one of the following:
1. Affirm the decision;
 2. Reverse the decision;
 3. Affirm the decision with modifications; or
 4. Remand the decision to the appropriate department director for further consideration. The Hearing Examiner shall include in the order the issues to be reviewed on remand.
- B. Conditions. The Hearing Examiner may include conditions as part of a decision granting, or granting with modifications, an appeal to ensure conformance with this code, the City's comprehensive plan or any other applicable laws or regulations. Conditions included may not direct or burden City resources.

Title 12

12.14 Definitions and Abbreviations.

Except for chapters with identified definition sections or specific definitions provided, the following definitions apply to this title:

* * *

“Unopened city street” means any street or alley dedicated to public use upon which no public funding or in kind support has been expended for purchase or improvement and which has never been systematically used as a public passage afoot, mounted or by vehicle traffic. The street or ally must also not have been recorded as such in the rolls of the Office of the County Engineer, nor identified in the historic minutes of the City Council or its subordinate organizations.

Title 14

14.02.030 Adoption by reference.

The following sections of Chapter ~~173-806~~ 173-802 WAC, together with the sections of Chapter 197-11 WAC adopted by reference therein, as presently existing and as may subsequently be amended, are hereby adopted by reference, as if fully set forth herein:

| | |
|------------------------|---|
| 173-806-010 | Authority. |
| 173-806-020 | Purpose of this part and adoption by reference. |
| 173-806-030 | Additional definitions. |
| 173-806-040 | Designation of responsible official. |
| 173-806-050 | Lead agency determination and responsibilities. |
| 173-806-053 | Transfer of lead agency status to a state agency. |
| 173-806-055 | Additional considerations in time limits applicable to the SEPA process. |
| 173-806-058 | Additional timing considerations. |
| 173-806-065 | Purpose of this part and adoption by reference. |
| 173-806-070 | Flexible thresholds for categorical exemptions. |
| 173-806-080 | Use of exemptions. |
| 173-806-090 | Environmental checklist. |
| 173-806-100 | Mitigated DNS. |
| 173-806-110 | Purpose of this part and adoption by reference. |
| 173-806-120 | Preparation of EIS—Additional considerations. |
| 173-806-125 | Additional elements to be covered in an EIS. |
| 173-806-128 | Adoption by reference. |
| 173-806-132 | Public notice. |
| 173-806-140 | Designation of official to perform consulted agency responsibilities for the City. |
| 173-806-150 | Purpose of this part and adoption by reference. |
| 173-806-155 | Purpose of this part and adoption by reference. |
| 173-806-160 | Substantive authority. |
| 173-806-170 | Appeals. |
| 173-806-173 | Notice/statute of limitations. |
| 173-806-175 | Purpose of this part and adoption by reference. |
| 173-806-180 | Adoption by reference. |
| 173-806-185 | Purpose of this part and adoption by reference. |
| 173-806-205 | Effective date. |
| 173-806-220 | Severability. |
| 173-806-230 | Adoption by reference. |

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| <u>173-802-010</u> | <u>Authority.</u> |
| <u>173-802-020</u> | <u>Adoption by reference.</u> |
| <u>173-802-030</u> | <u>Purpose.</u> |
| <u>173-802-040</u> | <u>Additional definitions.</u> |
| <u>173-802-050</u> | <u>Designation of responsible official.</u> |
| <u>173-802-060</u> | <u>Additional timing considerations.</u> |
| <u>173-802-070</u> | <u>Threshold determination process—Additional considerations.</u> |
| <u>173-802-080</u> | <u>Mitigated DNS.</u> |

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| <u>173-802-090</u> | <u>EIS preparation.</u> |
| <u>173-802-100</u> | <u>Public notice requirements.</u> |
| <u>173-802-110</u> | <u>Policies and procedures for conditioning or denying permits or other approvals.</u> |
| <u>173-802-120</u> | <u>Environmentally sensitive areas.</u> |
| <u>173-802-130</u> | <u>Threshold levels adopted by cities/counties.</u> |
| <u>173-802-140</u> | <u>Responsibilities of individuals and work units within the department.</u> |
| <u>173-802-150</u> | <u>Coordination on combined department—Federal action.</u> |
| <u>173-802-190</u> | <u>Severability.</u> |

14.02.035 Options and additions to provisions adopted by reference.

In addition to the WAC provisions adopted by reference herein, the following options are adopted and incorporated herein by this reference:

A. WAC ~~173-806-050~~ 173-02-050 Lead agency determination and responsibilities. (4) If the City of Lakewood or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC ~~197-11-253~~ or ~~197-11-922~~ through ~~197-11-940~~, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City/county must petition the Department of Ecology for a lead agency determination under WAC ~~197-11-946~~ within the 15-day time period. Any such petition on behalf of the City/county may be initiated by the City's SEPA responsible official.

B. WAC ~~173-806-058~~ 173-802-060 Additional timing considerations. (1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's/county's staff recommendation to any appropriate advisory body, such as the Planning Commission.

C. WAC ~~173-806-100~~ 173-802-080 Mitigated DNS. (1) As provided in this section and in WAC ~~197-11-350~~, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

3. The responsible official should respond to the request for early notice within 15 working days. The response shall:
 - a. Be written;
 - b. State whether the City/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City/county to consider a DS; and
 - c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

6. (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a 14-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application.

14.02.060 Timing of Environmental Review.

* * *

B. At the latest, the City shall begin the environmental review process when a completed application for City approval of a nonexempt action has been received. The official responsible shall make a threshold determination on a completed application within ~~90~~120 days after the application and supporting documentation are complete and received, with the determination being made on the direct and indirect cumulative effects on the elements of the environment set forth in WAC 197-11-444. The applicant may request an additional 30 days for the threshold determination.

Title 15

15.05.020 Codes adopted by reference. The following codes, as herein adopted and further amended, shall be collectively known as the Lakewood Building Code.

A. The 2015 Edition of the International Building Code (IBC), including Appendix Chapters E, G, J and I, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

B. The 2015 Edition of the International Residential Code (IRC) excluding Sections R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, but including Appendices F, Q and V, as published by the International Code Council and as adopted and amended by the Washington State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference and as subsequently amended by this chapter. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

C. The 2015 Edition of the International Mechanical Code (IMC) published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-21 WAC; including the 2015 International Fuel Gas Code, the 2011 Edition

of NFPA 58 and the 2012 Edition of ANSI Z223.1/NFPA 54 as amended by the Washington State Building Code Council, are hereby adopted by reference and as subsequently amended by this chapter.

D. The 2015 Edition of the International Fire Code (IFC), including Appendix Chapters B, C, D (Sections 105 and 106), E, F and G, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-54A WAC, is hereby adopted by reference and as subsequently amended by this chapter.

E. The 2015 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials and amended by the Washington State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

F. The 2015 Edition of the International Energy Conservation Code, as amended by the Washington State Building Code Council in Chapters 51-11C and 51-11R WAC and known as the Washington State Energy Code, is hereby adopted.

G. The 2015 Edition of the International Existing Buildings Code, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

H. The 2015 Edition of the International Performance Code, published by the International Code Council, is hereby adopted.

I. The 2015 Edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted.

J. The current edition of the National Electrical Code, published by the National Fire Protection Association, as adopted in Chapter 296-46B WAC and Chapter 19.28 RCW, except that “Department” shall mean either the State Department of Labor and Industries or Tacoma Public Utilities, depending on geographic service area located within Lakewood’s city limits.

Title 17

17.02.030 Division of land by streets or rights-of-way.

The City declares that the following shall not, of themselves, result in the division of a parcel:

- A. A state or federal road or highway; or
- B. A City street that has been adopted as part of the City street system; or
- C. A City street right-of-way that has been acquired or accepted by the City but is an unopened City street as defined in LMC Section 2.00 in Chapter 12.14 of the City Site Development Regulations, or as amended.

New Chapter 17.17 **PLAT ALTERATIONS**

17.17.010 Filing.

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the City of Lakewood.

17.17.020. Application Submittal.

- A. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- B. A complete application as provided by the Community and Economic Development Department.
- C. A copy of the plat proposed to be altered and all affiliated codes, covenants and restrictions.
- D. A detailed plan of the proposed alteration drawn to the scale of one inch equals 50 feet. The detailed plan shall clearly show the following information:
 - 1. North arrow;
 - 2. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;

3. The location, names and right-of-way widths of all proposed streets and their proposed paved width;
4. Lot layout with lot line dimensions, the area in square feet contained in each lot;
5. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;
6. The use and approximate location of all buildings within 150 feet of the boundaries of the proposed subdivision;
7. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;
8. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision to include any existing easements;
9. Location and disposition of any wells, creeks, drainage courses, drainage ways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;
10. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one acre or less, elevations at each existing and proposed property corner. One-foot or two-foot contours may be required, at the Community Development Director's discretion;
11. Topography and at least 10-foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (USGS), or other survey approved by the Community Development Director;
12. The location of all significant trees (as defined in the Lakewood Zoning Code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets. (Individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown.) For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the Community Development Director, and which do not require the applicant to trespass on adjacent property;

13. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;
14. The location of identified hazards or development limitation areas identified by the City of Lakewood critical areas map;
15. The location of any state shorelines and associated wetlands within the subdivision, as defined by state law and the City of Lakewood Shoreline Master Program.

E. Such additional information as the Community Development Director deems necessary.

17.17.030 Plat Alteration Procedure.

A. Plat alterations are type III permits and shall be processed as outlined in 18A.20.080 and RCW 58.17.215.

B. Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

C. The Hearing Examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. After approval of the alteration, the City of Lakewood shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the City of Lakewood Community and Economic Development Director, shall be filed with the county auditor to become the lawful plat of the property.

Title 18A

18A.10.180 Definitions.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than ~~six~~ eight adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.010 and Chapter 220, Laws of 2020.) Adult family homes shall serve

those with functional limitations and are not intended to serve those with a history of violence, including sex offenses. See also “Group home.”

“Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than thirty percent (30%) of a given monthly household income, adjusted for household size, as follows:

1. Moderate Income. For owner-occupied housing, eighty percent (80%) of the area median income, and for renter-occupied housing, sixty percent (60%) of the area median income.
2. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of affordable housing in this title, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the City.
3. For LMC Chapter 3.64, “Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

"Attached accessory dwelling unit" means an accessory dwelling unit (ADU) located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Cargo containers”, also known as intermodal freight containers or shipping containers, means standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship. When such containers are used as a building or structure, they are subject to the provisions of the building code as adopted and modified by the City of Lakewood. Accordingly, a building permit is required to locate and use such structures. (See 2015 Internal Building Code Sect. 105.1- Permit Required). The site and building construction plans shall be adequate to demonstrate compliance with building, fire and site regulatory standards. Structural calculations are required for altered or structurally connected containers. As with other prefabricated structures such as portables or manufactured homes, building code approval of cargo containers may be obtained through the Washington State, Department of Labor and Industries (L&I), Manufactured Homes & Other Mobile Structures.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a

survey map and plans have been recorded pursuant to Chapter 64.34 (RCW). (RCW 64.34.020 (10).)

“Condominium, detached” means a condominium pursuant to Chapter 64.34 RCW comprising one dwelling unit within one structure that is surrounded by a yard area and has an outward appearance of a detached single-family residence. All legal features of a condominium, including common ownership, declarations, and other provisions, shall be consistent with Chapter 64.34 RCW.

"Detached accessory dwelling unit" means an accessory dwelling unit (ADU) that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Detached single family” means a dwelling unit surrounded on all sides by open space.
“Dwelling unit, one unit per structure, detached” means the same thing as “single-family dwelling unit” and “single-family residence.”

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Efficiency dwelling unit” means a small one-room unit, which includes all living and cooking areas with a separate bathroom.

“Lot, or corner” means a lot at the junction of and having frontage on two or more intersecting streets.

“Major transit stop” means: a stop on certain high capacity transportation systems; commuter rail stops; stops on rail or fixed guideway systems, including transitways; stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing fixed route service at intervals of at least 15 minutes during the peak hours of operation.

“Motion picture studio” means film or video production uses including onsite production facilities and associated non-permanent structures, and/or temporary sets.

~~“Multifamily” means four (4) or more residential units in one (1) building.~~ “Multi-family housing” or “multifamily” means building(s) having four (4) or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

“Permanent residential occupancy” means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

"Rapid re-housing" means housing search and relocation services and short- and medium-term rental assistance to move homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.

"Rehabilitation improvements" means modifications to existing structures that are vacant for twelve (12) months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multi-family housing units.

"Residential target area" ("RTA") means an area that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public. See LMC Chapter 3.64.

"Residential use" means the occupancy of permanent living quarters, as opposed to temporary accommodations for travelers, and certain accessory uses to such living quarters.

"Shipping containers": See "Cargo containers"

"Senior and/or disabled family or household" means one or more persons 62 years of age or older and/or disabled persons, and their domestic partners and/or live-in caregivers who need not be 62 years of age or older and/or disabled, who are domiciled together; provided, that the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, as calculated under the city's adopted building code.

"Space, loading" means a marked off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Space, parking" means an off-street space used temporarily to park a motor vehicle and having access to a public street or alley. This does not include entrance alleyways or access space to a parking lot. This space does not include area for required circulation.

“Specialized senior housing dwelling unit” means a room or rooms located within a senior housing development designed, arranged, occupied or intended to be occupied by not more than one senior and/or disabled family or household as living accommodations separate from other households, except that specialized senior housing dwelling units need not contain food preparation facilities and areas within the room or rooms.

“Stacked duplex” means a small- to medium-sized structure that consists of two stacked dwelling units, one on top of the other, both of which face and are entered from the street.

“Three family residential, attached or detached dwelling units” means three dwelling units located on one property. The term means the same thing as “triplex.”

“Townhouse” means a type of attached multifamily dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“Trailer” means every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle.

“Transit shelter” means a small roofed structure which provides partial protection from the elements for persons waiting for buses, trains or other transit vehicles.

“Transit station” means more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, and which may or may not incorporate accessory convenience retail and service establishments.

“Transitional housing” means housing that provides homeless individuals and families with the interim stability and support to successfully move to and maintain permanent housing. Transitional housing may be used to cover the costs of up to 24 months of housing with accompanying supportive services. Program participants must have a lease (or sublease) or occupancy agreement in place when residing in transitional housing.

“Two family residential structure, attached or detached dwelling units” means two dwelling units located on one property. The term means the same thing as “duplex” or “stacked duplex units.” A single-family dwelling containing an accessory dwelling unit shall not be interpreted as a duplex.

18A.20.080

Replace existing table with table below

| Applications | Public Notice of Application | Director | HE | PC | CC |
|-----------------------|---------------------------------|----------|----|----|----|
| TYPE I ADMINISTRATIVE | | | | | |

| | | | | | |
|--|---|---|----------|---|---|
| Accessory building | N | D | O/Appeal | N | N |
| Accessory dwelling unit | N | D | O/Appeal | N | N |
| Administrative nonconforming determination | N | D | O/Appeal | N | N |
| Boundary line adjustment | N | D | O/Appeal | N | N |
| Business license | N | D | O/Appeal | N | N |
| Certificate of occupancy | N | D | O/Appeal | N | N |
| Commercial addition/remodel | N | D | O/Appeal | N | N |
| Demolition permit | N | D | O/Appeal | N | N |
| Design review | N | D | O/Appeal | N | N |
| Final subdivision plat (10 or more lots) | Y | D | O/Appeal | N | N |
| Home occupation permit | | | O/Appeal | | |
| Land use permit – minor modification | N | D | O/Appeal | N | N |
| Manufactured/mobile home permit | N | D | O/Appeal | N | N |
| New commercial building permit | N | D | O/Appeal | N | N |
| New single-family building permit | N | D | O/Appeal | N | N |
| Pre-application conference permit | N | N | N | N | N |
| Preliminary and final short plats (creating 2 – 9 lots) | N | D | O/Appeal | N | N |
| Reasonable accommodation request | N | D | O/Appeal | N | N |
| Residential addition/remodel | N | D | O/Appeal | N | N |
| Shoreline exemption | N | D | O/Appeal | N | N |
| Sign permit | N | D | O/Appeal | N | N |
| Site development permit | N | D | O/Appeal | N | N |
| Small wireless facility permit | See Chapter 18A.95 LMC | | | | |
| Temporary use permit | N | D | O/Appeal | N | N |
| Transfer of development rights | N/A (Program administered by Pierce County) | | | | |
| Time extension or minor modification to a Type I permit | N | D | O/Appeal | N | N |
| Tree removal permit | N | D | O/Appeal | N | N |
| Zoning certification | N | D | O/Appeal | N | N |
| Zoning (map and/or text) interpretation or determination | N | D | O/Appeal | N | N |
| TYPE II ADMINISTRATIVE | | | | | |
| Binding site plan | Y | D | O/Appeal | N | N |
| Cottage housing | Y | D | O/Appeal | N | N |

| | | | | | |
|---|---|---|----------|---|-----------|
| Environmental review (SEPA) – (SEPA Checklist and Threshold Determination) | Y | D | O/Appeal | N | N |
| Preliminary and final short plats (2 – 9 lots) | Y | D | O/Appeal | N | N |
| Shoreline conditional use permit | Y | D | O/Appeal | N | N |
| Shoreline substantial development permit | Y | D | O/Appeal | N | N |
| Shoreline variance permit | Y | D | O/Appeal | N | N |
| Time extension or minor modification to a Type II permit | Y | D | O/Appeal | N | N |
| Transitory accommodation permit | Y | D | O/Appeal | N | N |
| TYPE III DISCRETIONARY | | | | | |
| Conditional use permit | Y | R | D | N | N |
| Land use permit – major modification | Y | R | D | N | N |
| Major modification to a Type III permit | Y | R | D | N | N |
| Planned development district | Y | R | D | N | N |
| Preliminary plat, long | Y | R | D | N | N |
| Public facilities master plan | Y | R | D | N | N |
| Shoreline conditional use permit when referred by the Shoreline Administrator | Y | R | D | N | N |
| Shoreline substantial development permit when referred by the Shoreline Administrator | Y | R | D | N | N |
| Shoreline variance when referred by the Shoreline Administrator | Y | R | D | N | N |
| Time extension to a Type III permit | Y | R | D | N | N |
| Unusual use(s) permit | Y | R | D | N | N |
| Variance | Y | R | D | N | N |
| Zoning Map amendment, site specific | Y | R | D | N | CC/Appeal |
| TYPE IV OTHER | | | | | |
| Scrivener corrections to CPA map and/or CPA text | Y | R | N | N | D |
| TYPE V LEGISLATIVE | | | | | |
| Annexation | Y | R | N | R | D |
| Comprehensive Plan Map only amendment, Area Wide | Y | R | N | R | D |
| Comprehensive Plan Map only amendment, site specific | Y | R | N | R | D |
| Comprehensive Plan text only amendment | Y | R | N | R | D |
| Development agreement | Y | R | N | R | D |

| | | | | | |
|---|---|---|---|---|---|
| Shoreline Master Program <u>amendment</u> | Y | R | N | R | D |
| <u>Zoning</u> <u>amendment</u> Text only | Y | R | N | R | D |

18A.20.320

~~18A.20.320 Use of Pierce County Assessor's Office taxpayer data.~~

~~The available records of the Pierce County Assessor's Office shall be used for determining the property taxpayer of record. Addresses for mailed notice shall be obtained from the County's real property tax records. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.~~

18A.20.400 Specific Appeal Procedures

* * *

C. SEPA.

1. Environmental appeals are subject to the requirements of LMC 14.02.200, in addition to the requirements found in this subsection.
2. The City establishes the following administrative appeal procedures under RCW 43.21.C.075 and WAC 197-11-680:
 - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to Chapter 197-11 WAC. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
 - b. The following threshold decisions or actions are subject to timely appeal:
 - i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that ten (10) ~~fourteen (14)~~ day period immediately following issuance of such initial determination.

Article VI. Planned Development

* * *

18A.30.540 Application.

* * *

C. All PDD Applications. An applicant for a PDD shall submit the following items to the City, unless the Director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

1. Narrative. A detailed narrative that includes:

- a. Improvement. A description detailing how the proposed development will provide a net benefit to the City ~~be superior to or more innovative than conventional development methods as allowed under the City's land use regulations and how the approval criteria set forth in LMC 18A.30.560 have been satisfied;~~
- b. Public Benefit. A description of how the proposed PDD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
- c. Density Table. A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
- d. Uses. A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
- e. Open Space and Recreation. A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
- f. Landscaping. Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;
- g. Modifications. A description of the specific City standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with Chapter 18A.20 LMC; and
- h. Impacts. A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening buffering and other methods.

2. Site Plan. A site plan with the heading "Planned Development District Site Plan" that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

~~3. Drawings. Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;~~

34. Landscape Plan/Map. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PDD site plan and narrative;

45. Phases. A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

56. Development Agreement. A draft development agreement, if proposed by the applicant or as required by the City; and

67. Conditions. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.

D. An applicant shall provide sufficient facts and evidence to enable the Hearing Examiner to make a decision. The established fee shall be submitted at time of application.

E. Notice of application shall be provided pursuant to LMC 18A.30.330.

18A.30.600 Permitted residential density and lot sizes.

A. The number of dwelling units permitted in a planned development district may exceed the development standards found in LMC 18A.60.030. The permitted density shall be the maximum number of dwelling units allowed per gross acre (DUA) and shall be as follows:

1. R1 zoning district: ~~2 DUA~~ 4 DUA;
2. R2 zoning district: 4 DUA;
3. R3 zoning district: 7 DUA;
4. R4 zoning district: 9 DUA.

B. The minimum lot sizes in gross square feet (GSF) for the residential zoning districts subject to the planned development district overlay shall be as follows:

1. R1 zoning district: 10,000 ~~20,000~~ GSF;
2. R2 zoning district: 10,000 GSF;
3. R3 zoning district: 6,000 GSF;
4. R4 zoning district: 4,800 GSF.

C. The residential density and lot size standards of all other zoning districts are not subject to change.

~~18A.30.640 Required Certificates and Approvals.~~

~~Binding site plans shall include all the required certificates of a final plat. PDDs shall be subject to design review in accordance with LMC 18A.60.010 through 18A.60.050.~~

CHAPTER 18A.40 - LAND USES AND INTERPRETATION TABLES

Sections

| | |
|------------|--|
| 18A.40.005 | Definitions |
| 18A.40.010 | Purpose. |
| 18A.40.020 | Interpretation of Land Use Tables. |
| 18A.40.025 | <u>Restrictions on Dangerous and Objectional Elements.</u> |
| 18A.40.030 | Agricultural Uses. |
| 18A.40.040 | Commercial and Industrial Uses. |
| 18A.40.050 | Eating and Drinking Establishments. |
| 18A.40.060 | Essential Public Facilities. |
| 18A.40.070 | Government Services, General. |
| 18A.40.080 | Health and Social Services. |
| 18A.40.090 | Lodging. |
| 18A.40.100 | Open Space. |
| 18A.40.110 | Residential Uses. |
| 18A.40.120 | Special Needs Housing. |
| 18A.40.130 | Special Regulations in AICUZ Zoning Districts. |
| 18A.40.140 | Transportation. |
| 18A.40.150 | Utilities. |
| 18A.40.160 | Marijuana. |

18A.40.025

Restrictions on Dangerous and Objectional Elements.

A. Noise. The provisions of LMC 8.36, Noise Control, shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility, other than transportation facilities or temporary construction work shall not exceed seventy-five (75) decibels at the property lines. If the Community Development Director determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.

B. Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

C. Odors. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

D. Glare. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted. This restriction shall not apply to signs or lighting of buildings for security protection purposes as permitted by this title.

E. Radioactivity or Electrical Disturbance. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. Fire and Explosion Hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

G. Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.

H. Liquid or Solid Wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.

I. Hazardous substances or wastes. No release of hazardous substances or wastes which could contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

1. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW.

2. Hazardous substance land use facilities shall be located at least:

- a. Two hundred (200) feet from unstable soils or slopes which are delineated in a geo-technical report or on a critical areas hazard area map.
- b. Two hundred (200) feet from the ordinary high-water mark of major or minor streams or lakes which are delineated in a wetland report or on a critical areas wetlands area map, and from shorelines of statewide significance or shorelines of the state.
- c. One-quarter (1/4) mile from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas does not include public trails.
- d. Fifty (50) feet from any property line to create and serve as an onsite hazardous substance land use facility buffer zone. The buffer zone setback line for any hazardous substance land use facility shall apply to all such facilities in all zoning districts.
- e. Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively.
- f. Five hundred (500) feet from a public assembly use or location.

3. Hazardous substance land use facilities shall not be located in the one hundred (100) year floodplain.

4. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a Type V solid screen landscaping buffer in the hazardous substance facility buffer zone as required by LMC 18A.50.400, Landscaping.

5. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements.

6. Underground hazardous substance land use facilities shall meet federal, state and local design and construction requirements.

7. Hazardous substance land uses shall comply with the 1997 Uniform Fire Code and as revised thereafter.

8. Hazardous substance land uses shall provide a Hazardous Materials Inventory Statement for review and approval by the Fire Marshal. A Hazardous Materials Management Plan shall also be provided, if required by the Fire Marshal.

9. Hazardous substance land uses should use traffic routes which do not go through residential zones.

10. Without limiting the application of the Uniform Fire Code, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment, such as electrical power generator systems, in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use by essential governmental facilities for stationary, on-site, oil burning equipment, such as electrical power generator systems, in residential zones shall be exempt from the hazardous substance regulations of this section. However, all above-ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community Development Director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

11. Residential uses are limited to a two hundred (200) gallon tank limit for household fuels that are classified as hazardous substances.

12. The hazardous substance zoning code regulations, except as specifically exempted in this section, shall apply to all hazardous substances as defined in this title.

13. In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

18A.40.040 Commercial and Industrial Uses

A. Commercial and Industrial Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | |
|------------------------------------|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|----------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | M F3 (1) | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I |
| Accessory commercial B(5) | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | - | - | - |
| Accessory Industrial B(6) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | - |
| Accessory retail or services | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | P |
| Artisan shop | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | - |
| Auto and vehicle sales/rental B(8) | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | P | P | - | - | - | - | - |
| Auto parts sales | - | - | - | - | - | - | - | - | - | P | - | P | P | P | P | P | P | - | - | - | - | - |
| Bank, financial services | - | - | - | - | - | - | - | - | - | - | - | C | P | P | P | - | P | - | - | - | - | - |
| Brewery – production B(1)* | - | - | - | - | - | - | - | - | - | P | - | - | C | C | C | P | C | - | P | - | - | - |

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | |
|--|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|----------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | M F3 (1) | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I |
| Building and landscape materials sales | - | - | - | - | - | - | - | - | C | - | - | P | P | - | P | P | P | - | - | - | - | - |
| Building contractor, light | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | - |
| Building contractor, heavy | - | - | - | - | - | - | - | - | - | P | - | - | - | - | - | - | - | - | C | C | C | - |
| Business support service | - | - | - | - | - | - | - | - | - | P | - | P | P | P | P | P | P | - | P | - | - | - |
| Catering service | - | - | - | - | - | - | - | - | - | P | C | P | P | P | P | C | P | - | - | - | - | - |
| Cemetery, mausoleum, columbarium | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - |
| Club, lodge, private meeting hall | - | - | C | - | - | - | - | - | C | C | C | P | P | P | P | - | C | - | - | - | - | - |
| Commercial recreation facility – indoor | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | - | - | - | C | C | - | C |
| Commercial recreation facility – outdoor | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - |
| Community center | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | C |
| Construction/heavy equipment sales and rental | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | P | C | - |
| Convenience store | - | - | - | - | - | - | - | - | - | P | - | P | P | C | C | C | P | - | - | - | - | - |
| Equipment rental | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | - | - | P | - | - |
| Flex Space B(7) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | P | P | - | P | P | - | - |
| Fuel dealer | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | - | - |
| Furniture/fixtures manufacturing, cabinet shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | C | P | P | - |
| Furniture, furnishings, appliance/ equipment store | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | P | - | - | - | - | - |
| Gas station | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | - |
| General retail | - | - | - | - | - | - | - | - | - | P | - | P | P | P | P | - | P | - | P | - | - | - |
| Golf course, country club | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Grocery store, large | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | P | - | - | - | - | - |
| Grocery store, small | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | P | - | - | - | - | - |
| Handcraft industries, small-scale manufacturing | - | - | - | - | - | - | - | - | - | - | - | C | P | P | P | P | C | - | P | P | - | - |
| Health/fitness facility, commercial | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | - | - | P | C | - | - | - |
| Health/fitness facility, quasi-public | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | - | - | - | P |
| Kennel, animal boarding B(3) | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | P | C | - | C | P | - | - |
| Laboratory – Medical/Analytical | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | - | - | P | P | - | P |
| Laundry, dry cleaning plant | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | C | C | - | - |
| Library, museum | - | - | - | - | - | - | - | - | - | - | - | P | P | C | P | - | C | - | - | - | - | - |
| Live/work and work/live units | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | C | C | - | C | C | - | - |
| Maintenance service, client site services | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - |

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|----------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | M F3 (1) | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I |
| Manufacturing, Assembling and Packaging - Light | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | P | - |
| Manufacturing, Assembling and Packaging - Medium | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | P | P | P | - |
| Manufacturing, Assembling and Packaging - Heavy | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | - |
| Metal Products Fabrication, Machine and Welding – American Direct | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | P | - |
| Medical Services - Lab | | | | | | | | | | | | | P | P | P | P | P | | P | | | P |
| Mixed use | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Mobile home, RV, and boat sales | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | - | - | - |
| Mortuary, funeral homes and parlors | - | - | - | - | - | - | - | - | - | P | - | - | P | - | P | - | P | - | - | - | - | - |
| Motion Picture Production Studios | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - |
| Office – business services | - | - | - | - | - | - | - | - | - | P | P | P | P | C | P | P | P | - | P | - | - | - |
| Office – processing | - | - | - | - | - | - | - | - | - | - | - | - | C | - | C | - | - | - | P | - | - | - |
| Office – professional | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | C | P | - | P | - | - | - |
| Outdoor storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | P | P | - |
| Pawn Brokers and Second Hand Dealers | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | - | - | - |
| Personal services | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | P | - | - | - | - | - |
| Personal services – restricted | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | - | - | - |
| Petroleum product storage and distribution | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | - |
| Places of assembly | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | p |
| Printing and publishing | - | - | - | - | - | - | - | - | - | - | - | C | P | P | P | P | P | - | P | P | - | - |
| Produce stand | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | - | - | - | - | - |
| Recycling facility – processing facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | C | C | - |
| Repair service - equipment, large appliances | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | C | - | C | P | P | - |
| Research and development | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - |
| Recycling Facility - Scrap and dismantling yards | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - |
| Second hand store | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | - | - | - |
| Shelter, animal B(3), B(4) | - | - | - | - | - | - | - | - | - | - | - | P | P | - | C | P | C | - | - | P | - | C |
| Shopping center | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | C | P | - | - | - | - | - |
| Social service organization | - | - | - | - | - | - | - | - | - | - | - | - | C | - | C | - | C | - | - | - | - | - |
| Solid waste transfer station | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - | - | - | C | P | P | - |
| Small craft distillery (2) | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | P | - | - | - |
| Sports and active recreation facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - | - | - | - | C |
| Storage - personal storage facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | C | P | - | - |

| | | | | | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|--|--|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|----------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|
| | | | | | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | M F3 (1) | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I |
| Studio - art, dance, martial arts, music, etc. | | | | | - | - | - | - | - | - | - | - | - | - | - | P | P | C | P | - | P | - | - | - | - | - |
| Swap meet | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Theater, auditorium | | | | | - | - | - | - | - | - | - | - | - | - | - | - | P | - | P | - | - | - | - | - | - | - |
| Veterinary clinic B(3) | | | | | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | P | - | - | P | - | C |
| Vehicle services – major repair/body work | | | | | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | P | C | - | C | P | P | - |
| Vehicle services – minor maintenance/repair | | | | | - | - | - | - | - | - | - | - | - | - | - | C | P | P | P | P | P | - | P | P | P | - |
| Vehicle storage | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | P | P | P | - |
| Warehouse | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | P | P | - | - |
| Warehouse retail | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | - | - | P | - | - | - |
| Wholesaling and distribution | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | P | P | - | - |
| Wildlife preserve or sanctuary | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P |
| Wine production facility B(2) | | | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - |
| P: Permitted Use C: Conditional Use “-”: Not allowed | | | | | | | | | | | | | | | | | | | | | | | | | | |
| *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section. | | | | | | | | | | | | | | | | | | | | | | | | | | |

B. Operating and development conditions

* * *

8. Auto and Vehicle Sales/Rental. Establishments or places of business engaged in the sales or leasing of motor vehicles, utility trailers, recreational and/or sporting vehicles, commercial vehicles, construction equipment, and heavy equipment subject to compliance with all applicable federal, state, and/or local licensing requirements. Service of vehicles may be permitted as an incidental, and clearly secondary, accessory use. Proposed motor vehicle sales and rental land use types are subject to the following requirements:

a. The use of trailers, temporary modular homes, and/or manufactured or modular buildings for sales offices or other related activity is prohibited.

b. All vehicle sales and rental areas will provide supplemental customer parking on site, at a ratio of at least one space for every 2,000 square feet of motor vehicle sales and rental area.

c. Any arrangement of motor vehicle sales and rentals is allowed as long as adequate fire access is provided per the Fire Marshal.

d. All loading and unloading of motor vehicles sales and rentals shall occur on site.

e. The public right-of-way shall not be used to display motor vehicles sales and rental land use types.

f. No test drives shall occur on local residential streets found in or adjacent to R1, R2, R3, and R4 zoning districts.

g. Automobile wrecking or motor vehicle wrecking as defined in LMC 18A.90.200 shall not be conducted.

h. Spray booths and spray rooms shall not be permitted.

i. Car washes/detailing shall be located at least 50 feet from any residential zone, use, or structure.

j. Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Such systems shall not be used while service bay or exterior walls entrances or exits are open.

k. The site where the motor vehicle sales or rental land use type is located shall be kept clear of weeds, rubbish, and all types of litter and combustible materials at all times, and consistent with Chapter 8.40 LMC.

18A.40.060 Essential Public Facilities.

Essential Public Facilities Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts.

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|------------------|------------------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I | O S R 1 | O S R 2 |
| Airport (Seaplane) B(1)* | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - |
| Community and technical colleges, colleges and universities B(1), B(2) | - | - | - | - | - | - | - | - | - | - | - | C | - | C | - | - | - | C | - | - | C | - | - |
| Correctional facilities B(1),B(2) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - | - | - |

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | | |
|---|--|-----|-----|-----|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----|-----|-----|-------|-----|-----|-----|---------|---------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I | O S R 1 | O S R 2 |
| Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Electrical transmission lines of higher voltage than 115 kV, in new corridors B(1), B(2) | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Group Home | See Section 18A.40.120 Special needs housing | | | | | | | | | | | | | | | | | | | | | | |
| In-Patient Facility Including but not Limited to Substance Abuse Facility B(1), B(2) | - | - | - | - | - | - | - | - | - | - | - | C | - | C | - | - | C | - | - | - | C | - | - |
| Intercity High-Speed Ground Transportation B(1) | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | - | - | P | - | - | - | C |
| Intercity Passenger Rail Service B(1) | - | - | - | - | - | - | - | - | - | - | - | P | P | - | - | - | - | - | P | - | - | - | C |
| Interstate Highway “I-5” B(1) | - | - | P | - | - | - | P | - | - | - | - | P | P | - | P | P | - | - | - | - | - | P | P |
| Mental Health Facility B(1), B(2), B(4) through B(11) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - | - |
| Military Installation B(1) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Minimum Security Institution B(1), B(2) | - | - | - | C | C | C | C | C | C | C | C | C | C | C | - | - | - | - | - | - | C | - | - |
| Secure Community Transition Facility | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | - | - | - | - | - |

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|------------------------------------|------------------|------------------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I | O S R 1 | O S R 2 |
| (SCTFs) B(1), B(2), B(3) | | | | | | | | | | | | | | | | | | | | | | | |
| Solid Waste Transfer Station B(1), B(2) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | C | C | C | - | - | - |
| Sound Transit Facility B(1) | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | - | - | - | P | - | - | - | C |
| Sound Transit Railroad Right-of-Way B(1) | - | - | - | - | - | - | - | - | - | - | - | P | P | - | P | P | - | - | P | - | - | - | P |
| Transit Bus, Train, or Other High Capacity Vehicle Bases B(1) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - |
| Washington State Highway 512 B(1) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | - | - | P | - | - | - | - |
| Work/Training Release Facility B(1), B(2) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | - | - | - | - | - | - | - |
| P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section. | | | | | | | | | | | | | | | | | | | | | | | |

18A.40.080 Health and Social Services.

* * *

B. Development and operating conditions

- Family day care, ~~adult family homes~~ and other health and social services which are residential in nature are regulated under LMC Section 18A.40.110 Residential Uses. Adult family homes are regulated under LMC Section 18A.40.120 Special Needs Housing.

18A.40.110 Residential Uses.

- Residential Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts.

| | Zoning Classifications | | | | | | | | | | | | | | | | | | | | |
|---|------------------------|--------|--------|--------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|--------|--------|-------------|--------|--------|--------|
| | R 1 | R 2 | R 3 | R 4 | M R 1 | M R 2 | M F 1 | M F 2 | M F 3 | A R C | N C 1 | N C 2 | T O C | C B D | C 1 | C 2 | C 3 | I B P | I 1 | I 2 | P I |
| Accessory caretaker’s unit | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | - | P | P | - |
| Accessory dwelling unit (ADU) B(1)* | P | P | P | P | P | P | P | P | - | - | - | - | P | - | - | - | - | - | - | - | - |
| Babysitting care | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Boarding house B(2) | C | C | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Cottage housing B(23) | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Co-housing (dormitories, fraternities and sororities) B(43) | - | - | - | - | P | P | P | P | P | - | P | P | - | - | - | - | - | - | - | - | - |
| Detached single family B(45) | P | P | P | P | P | P | - | - | - | P | - | - | - | - | - | - | - | - | - | - | - |
| Two family residential, attached or detached dwelling units | - | - | - | C | P | P | P | - | - | P | P | P | - | - | - | - | - | - | - | - | - |
| Three family residential, attached or detached dwelling units | - | - | - | - | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Multifamily, four or more residential units | - | - | - | - | - | - | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Mixed use | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | - | - | - | - | - | - |
| Family daycare B(6) | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - |
| Home agriculture | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - |
| Home occupation B(7) | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Mobile home parks B(8) | - | - | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Mobile and/or manufactured homes, in mobile/ manufactured home parks B(8) | - | - | C | C | C | - | P | P | P | - | - | P | - | - | - | - | - | - | - | - | - |
| Residential accessory building B(9) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - |
| Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Small craft distillery B(6), (12) | - | P | P | P | P | - | - | - | - | - | - | P | P | P | P | P | P | - | P | - | - |
| Specialized senior housing B(10) | - | - | - | - | C | C | C | C | C | - | - | P | C | C | - | - | - | - | - | - | - |
| Accessory residential uses B(11) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - |
| P: Permitted Use C: Conditional Use “-”: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section. | | | | | | | | | | | | | | | | | | | | | |

B. Operating and Development Conditions

1. Accessory Dwelling Units (ADUs) are permitted when added to, created within, or detached from a principle dwelling unit subject to the following restrictions:

- a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing

unit. ADUs shall not be included in the density calculations. A ~~lot single-family residence~~ shall contain no more than one ADU.

b. An ADU may be established by creating the unit within or in addition to the new or existing ~~principle~~ principal dwelling, or as a detached unit from the principal dwelling.

c. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

d. The size of an ADU contained within or attached to an existing single family structure shall be limited by the existing structure's applicable zoning requirements. An attached ADU incorporated into a single-family house shall be limited to ~~forty (40) percent of the living space of the principal unit~~ one thousand (1000) square feet, excluding garage area.

The size of a living space of a detached ADU shall be a maximum of one thousand (1,000) square feet ~~or forty (40) percent of the size of the living space of the principal unit~~, excluding garage, ~~, whichever is smaller.~~

e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

f. ~~The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway. Wherever practicable, a principal dwelling shall have one entrance on the front, with additional entrances permitted on the side and rear. On corner lots, it is permissible to locate the entry door to the accessory dwelling unit on a street side of the structure other than the street side with the entry door for the principal dwelling unit. The entrance to an attached accessory dwelling unit may be on the front of the house only if (a) it is located in such a manner as to be clearly secondary to the main entrance to the principal dwelling unit; or (b) it is screened from the street.~~

g. The design of an attached ADU, including the facade, roof pitch and siding, shall be complementary to the principal dwelling unit, so as not to be obvious from the outside appearance that it is a separate unit from the principal dwelling unit.

h. A minimum of one (1) off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal dwelling, pursuant to LMC Section 18A.80.030 (F). Such parking shall consist of a driveway, carport, garage, or a combination thereof, located on the lot they are intended to serve.

i. For lots located within one-quarter mile of a Pierce Transit bus route, the Sound Transit Lakewood Station, or other major transit stop, and also zoned R1, R2, R3, R4, MR1, MR2, MF1, and MF2, or TOC, off-street parking may not be required provided there is adequate street capacity, and there is curb, gutter, and sidewalk, constructed to city standards, adjoining the lot where an ADU is proposed. Parking may be required if the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons to support that on-street parking is infeasible for the ADU.

j. Any legally constructed accessory building existing prior to the effective date of this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed one-thousand (1,000) square feet, forty (40) percent of the size of the living area of the principal unit, excluding garage area.

k. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet.

l. If a structure containing an ADU was created without a building permit that was finalized, the city shall require a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and meets the requirements of this section and building code. The ADU application fee will cover the building inspection of the ADU.

m. ~~Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:~~

1. ~~One (1) of the dwelling units shall be owner-occupied as the owner's principal residence for at least six (6) months a year, and at no time shall the owner-occupied unit be leased or rented.~~

2. ~~No building permit or zoning certification for an ADU shall be issued until the owner files and records with the Pierce County Auditor a covenant evidencing this use limitation against the property. The covenant shall acknowledge the existence of the ADU and document the owner's agreement to all the ADU requirements as provided in this section.~~

~~The covenant shall be in a form specified by the Community Development Director, and shall include at a minimum: the legal description of the property which has been approved for an ADU; the applicability of the restrictions and limitations contained in this sub~~

~~section; a copy of the floor/site plan approved by the City; and the notarized signature of all property owners.~~

~~n. Discontinuation of an ADU.~~

~~1. An ADU shall be converted to another permitted use or shall be removed if one (1) of the two (2) dwellings is not owner occupied, pursuant to the requirements of this section.~~

~~2. If either the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU shall cease immediately, and the ADU shall be removed or converted to a permitted use.~~

2. Standards – Boarding House

a. Parking requirements. At a minimum, there must be one (1) off-street parking stall per occupant. An owner may reduce the off-street parking requirement if an affidavit is signed that an occupant does not own a vehicle.

b. Solid waste management regulations.

1. All occupied units shall have minimum garbage service as prescribed by the City pursuant to LMC Title 13.

2. The owner is responsible to provide each occupant with the solid waste connection schedule and that schedule is to be posted within the unit as approved by the City.

c. International Property Maintenance Code. Pursuant to Title 15 LMC, International Property Maintenance Code occupancy requirements are applicable to a boarding house regardless of the number of individuals living in the residence.

d. Amortization Schedule. Existing boarding houses have until December 31, 2015 to become compliant with the regulations outlined in this Title and Title 5 as it pertains to boarding house.

e. Additional Standards. The following additional standards are required to be met for any boarding house housing over four (4) unrelated individuals excluding Types 1, 2, 3, 4, and 5 Group Homes in LMC 18A.10.040; hotels and motels as defined in LMC 18A.10.040; and excluding state-licensed foster homes, in addition to the criteria for a conditional use permit under LMC 18A.30, Part II.

1. Adequate living space based on the International Residential Code standards will be taken into account when a request for more than four (4) unrelated individuals is requested.

2. A designated property manager that is available twenty-hour (24) hours a day, seven (7) days a week is required.

3. The request for more than four (4) unrelated individuals will not adversely impact the surrounding community.

4. General Business License Required. A boarding house falling under this subsection is deemed a business activity and is subject to the requirements of LMC Chapter 5.02.

5. The applicant must adhere to the provisions of the City's noise control regulations found in LMC Chapter 8.36.

32. Cottage housing is permitted subject to the LMC 18A.20, Part III.

43. Dormitories, fraternities and sororities shall be permitted as accessory uses to public or private educational institutions or churches.

54. Detached primary dwelling units, or single-family dwelling units, include site-built homes, manufactured homes and modular homes.

a. All detached single-family dwellings (including manufactured homes) located in residential zones shall meet all of the following criteria:

1. May not have previously had a title granted to a retail purchaser and may not be a used mobile home as defined by RCW 82.45.032(2), now or hereafter amended.

2. Be built to meet or exceed the standards established by 42 U.S. Code Chapter 70 – Manufactured Home Construction and Safety Standards, now or hereafter amended.

3. Be thermally equivalent or better to that required by the state energy code for new residential structures, now or hereafter amended.

4. Be set on and securely attached to a permanent foundation as specified by the manufacturer.

5. Proof of title elimination per the Pierce County Auditor identified process is required prior to manufactured housing building occupancy.

6. Be connected to required utilities that include plumbing, heating and electrical systems.

b. All single-family dwellings (including manufactured homes) shall comply with the following siting and design standards unless sited within manufactured/mobile home parks:

1. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended.

2. The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the building official, which may or may not be load-bearing.

3. Modular homes on individual lots shall incorporate design features of typical site-built homes including but not limited to modulation, articulation, sloped roofs, and wood siding or siding of a material which imitates wood.

65. Family day care is a permitted use, subject to obtaining a state license in accordance with Chapter 74.15 RCW and the following:

a. Compliance with all building, fire, safety, health code, and city licensing requirements;

b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located;

c. Certification by the office of child care policy licensor that a safe passenger loading area, if necessary, is provided.

76. Home occupations are permitted subject to the following:

a. The home occupation shall be subordinate to the primary use of the premises as a dwelling unit.

b. All activities of the home occupation shall be conducted indoors.

c. The business shall be conducted by a member of the family residing within the primary residential premises plus no more than one additional person not residing in the dwelling unit.

d. Home occupations may have on-site client contact subject to the following limitations:

1. All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
2. The home occupation shall generate no more than two vehicle trips per hour to the licensed residence; and
3. The home occupation shall not create a public nuisance.

e. The following activities shall be prohibited:

1. Automobile, truck, boat and heavy equipment repair;
2. Auto or truck body work or boat hull and deck work;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Painting or detailing of autos, trucks, boats, or other items;
6. The outside storage of equipment, materials or more than one vehicle related to the business;
7. Vehicles larger than 10,000 pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
8. Taxicab, van shuttle, limousine or other transportation services, except for office activities; provided all other requirements of this subsection concerning home occupations are met.

f. Home occupations shall not be allowed in accessory buildings within the rear yard setback.

g. Home occupations in accessory buildings shall not permit noise to intrude into another residential property at a level at or above 45 decibels outside the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday.

h. Home occupations are required to obtain a city business license.

~~7. Households of more than six persons in which any one person is unrelated to any or all of the others are not permitted, except that the Director may allow larger numbers of unrelated persons to live together through a grant of special of reasonable~~

~~accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35.63.220.~~

~~a. — When necessary to comply with the provisions of the Federal Fair Housing Act amendments, RCW 49.60.222, or RCW 35.63.220, the Director may grant reasonable accommodation to individuals in order for them to live in a household of more than six persons, subject to the following:~~

~~1. — An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.~~

~~2. — The Director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.~~

~~3. — The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.~~

~~4. — A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.~~

~~5. — A decision to grant reasonable accommodation is a Type I action. The decision shall be recorded with the Pierce County auditor.~~

~~6. — Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.~~

8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with LMC 18A.40.110(C).

9. Residential accessory building:

a. The maximum height for residential accessory building shall be twenty-four (24) feet.

b. Detached residential accessory structures which are less than one hundred twenty (120) square feet in size and not higher than ten (10) feet, including garden sheds or greenhouses or combination of both; children's play equipment; arbors; and gazebos, when placed in a rear half of the lot shall have a minimum three (3) foot setback.

Attached accessory structures shall meet the same setbacks as the main building.

c. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.

d. Vehicle covers and other storage structures that are composed of pipes or poles with a fabric, plastic or other type of cover on the top of the framework are required to meet the development standards for the applicable zoning district, including lot coverage limitations and setback requirements. If the covering on such a structure is metal, wood, hard plastic or other rigid material and the structure exceeds 120 square feet in size, a building permit is required for the structure. If the structure is used for recreational, sporting or utility vehicle storage, the storage requirements of LMC 18A.60.160, including a parking pad and screening must be met. Fabric, vinyl, flexible plastic or other membrane material may be utilized to enclose the sides of the structure only if the structure is specifically designed and used for vehicle storage. Such enclosed structures are not exempt from the screening requirements of LMC 18A.60.150. Except as noted above, general storage is prohibited in tents, yurts or other tent-like structures.

e. Railroad cars, shipping containers, and semi-truck trailers shall not be placed or maintained in any single-family residential, mixed residential, or multi-family residential zoning district.

10. See LMC Section 18A.40.120.

11. Residential accessory uses are secondary, subordinate permitted uses and include the following:

- a. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
- b. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
- c. Detached carports or garages are allowed in conjunction with an approved access and driveway.
- d. Other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed.
- e. Outdoor storage of one (1) recreational/sporting/utility vehicles, subject to LMC Section 18A.60.160.
- f. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC Section 18A.50.180.
- g. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis.
- h. “Pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.
- i. On-site underground fuel storage tanks to serve a residential use.
- j. Antennas and satellite dishes for private telecommunication services.
- k. Decks and patios.
- l. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
- m. On-site soil reclamation in accordance with state regulations.
- n. Retaining walls, freestanding walls, and fences.
- o. Yard sales.

p. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

12. Small craft distilleries may contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer's licenses and grower's licenses.

18A.40.120 Special Needs Housing.

* * *

B. Special Needs Housing Table. See 18A.10.120(D) for the Purpose and Applicability of Zoning Districts.

| | | Zoning Classifications | | | | | | | | | |
|--|---------------------------------|------------------------|----------|---------------|---------------|----------|------------------|-------------|------------|----------|------------------|
| Description(s) | Number of residents (size) | R1, R2, R3, R4, | MR1, MR2 | MF1, MF2, MF3 | ARC, NC1, NC2 | TOC, CBD | C1, C2, C3 | IBP, I1, I2 | OSR1, OSR2 | PI | ML, CZ, AC1, AC2 |
| Assisted Living Facility | N/A | - | C | P | P | P | P | - | - | - | - |
| Confidential Shelter (5) | Max. of 15, plus resident staff | P | P | P | P | P | - | - | - | P | - |
| Continuing Care Retirement Community | N/A | - | C | P | P | P | P | - | - | - | - |
| Enhanced Services Facility | Max. of 16, plus resident staff | - | - | - | C | C | C (C2 zone only) | - | - | - | - |
| Hospice Care Center | N/A | C | C | P | - | - | - | - | - | - | - |
| Nursing Home | N/A | - | C | P | P | P | P | - | - | - | - |
| <u>Permanent Supportive Housing</u> | <u>N/A</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>!</u> | <u>!</u> | <u>!</u> | <u>C</u> | <u>!</u> |
| <u>Rapid Re-Housing</u> | <u>N/A</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>!</u> | <u>!</u> | <u>!</u> | <u>C</u> | <u>!</u> |
| <u>Transitional Housing</u> | <u>N/A</u> | <u>P</u> | <u>P</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>!</u> | <u>!</u> | <u>!</u> | <u>C</u> | <u>!</u> |
| Type 1 Group Home – Adult Family Home (C)(1) | Max. of 6 or 8 per (C)(1) | P | P | P | P | P | - | - | - | C | - |
| Type 2 Group Home, Level 1 | Max. of 7, plus resident staff | P | P | P | P | P | - | - | - | C | - |

| | | Zoning Classifications | | | | | | | | | |
|--|-----------------------------------|------------------------|----------|---------------|-------------------|----------|------------------------|-------------|------------|----|------------------|
| Description(s) | Number of residents (size) | R1, R2, R3, R4, | MR1, MR2 | MF1, MF2, MF3 | ARC, NC1, NC2 | TOC, CBD | C1, C2, C3 | IBP, I1, I2 | OSR1, OSR2 | PI | ML, CZ, AC1, AC2 |
| Type 2 Group Home, Level 2 | Max. of 10, plus resident staff | C | C | C | - | - | - | - | - | - | - |
| Type 2 Group Home, Level 3 | More than 10, plus resident staff | - | C | C | C | C | - | - | - | C | - |
| Type 3 Group Home, Level 1 | Max. of 8, plus resident staff | - | C | C | C | C | - | - | - | C | - |
| Type 3 Group Home, Level 2 | Max. of 12, plus resident staff | - | - | C | C | C | - | - | - | C | - |
| Type 3 Group Home, Level 3 | More than 12, plus resident staff | - | C | C | C | C | - | - | - | C | - |
| Type 4 Group Home | N/A | - | - | - | - | - | C (C1 & C2 zones only) | - | - | - | - |
| Type 5 Group Home | N/A | - | - | - | C (NC2 zone only) | C | C(C2 zone only) | - | - | - | - |
| P: Permitted Use C: Conditional Use (2) (3) (4) -: Not allowed Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section. | | | | | | | | | | | |

* * *

C. Operating and development conditions

1. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW and Chapter 220 Laws of 2020 and the following:

- a. Compliance with all building, fire, safety, health code, and city licensing requirements;
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located.

Section 18A.60.090 General Standards.

* * *

B. Setbacks and Lot Lines.

* * *

12. Fences within the required setbacks or located on the property line. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:

- a. Do not obstruct the sight distance of a driveway, private street, or public street.
- b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.
- c. Do not exceed a maximum height of four (4) feet within the front yard;
 1. Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and
 2. Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.
 3. Except as allowed in conjunction with a design review permit application for commercial/industrial development, the maximum height permitted outright shall be six (6) feet. Any fence exceeding six (6) feet in height shall first obtain a variance and building permit.
- d. In residential zoning districts, are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury.
- e. Electric Fences. The construction and use of electric fences shall be allowed pursuant to a Director's Determination in the IBP, I1, I2 and P/I zones, subject to the following standards:
 1. Permit. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed Director's Determination application for review of such fencing as a building permit review to receive approval for the fence and electrical permits for the project. The application shall include:

- a. Site plan showing the location of the protective barrier and the electrified fence on the property in relation to the property lines, walkways, existing buildings, and curb;
 - b. Fence details showing both the electrified fence and protective barrier, including all gates;
 - c. All supporting documentation from the electric fence manufacturer, equipment to be used, and certification of service from the monitoring provider.
- 2. IEC Standard 60335-2-76. Unless otherwise specified herein, electric fences shall be constructed or installed in a conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.
- 3. Electrification.
 - a. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
 - b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.
- 4. Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.
 - a. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.
 - b. Electric fences shall be subject to the screening requirements of LMC 18.70.150 when installed adjacent to, across a street or alley from a non-industrial zone.
 - c. Electric Fences are subject to Street Frontage requirements prescribed in the Lakewood Municipal Code Title 18A or 18B when installed along street frontage that is adjacent to or across the street from a non-industrial zone.
- 5. Location.
 - a. Electric fences shall be permitted on any non-residential outdoor storage areas.

- b. Electric fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence.
 - c. Electric fences shall not be installed within five (5) feet of a sidewalk, trail or other pedestrian connection unless the exterior perimeter non-electrified fence is covered with a solid covering.
- 6. Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.
- 7. Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.
- 8. Electric fence burglar alarms shall be governed and permitted under LMC Chapter 9.13.
- 9. Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.
- 10. Key Box.
 - a. Electric fences shall have installed a key box system in accordance with the West Pierce Fire & Rescue standards.
 - b. The electric fence controller and emergency key safe for the electric fence must be located in a single accessible location for the entire fence.
- 11. Fire Department Registration. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the Fire Department using forms provided by the Fire Chief.
- 12. Indemnification. All applicants issued a permit to install or use an electric fence as provided in this chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the

City of Lakewood and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electric fence.

13. Emergency Access. In the event that access by the West Pierce Fire & Rescue and/or Lakewood Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this section is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property.

As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the West Pierce Fire & Rescue and/or its personnel and the City of Lakewood and/or its personnel under such circumstances.

14. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

18A.70.040 Specific Uses Design Standards.

A. Commercial Uses and Zones. These standards are intended to create an attractive and functional environment for commercial uses, improve vehicular and pedestrian circulation, and upgrade the City's visual appearance in commercial zones.

1. Commercial Site Design Objectives.

h. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

i. ~~h.~~ Service and loading areas shall be designed in accordance with the general criteria outlined in [LMC 18A.70.050\(B\)](#).

j. ~~i.~~ [Grocery stores](#) and large retailers shall provide shopping cart collection areas within the parking areas. The collection areas shall be evenly spaced and shall provide easy [access](#) and safety features.

~~k. j.~~ Weather protection for pedestrians shall be provides as outlined in LMC 18A.70.050(C)

~~l. k.~~ Blank walls shall be treated as described in LMC 18A.70.050(E).

~~m. l.~~ Drive through facilities shall be designed in accordance with LMC 18A.40.050 (B)(3).

* * *

C. Multifamily Residential Uses and Zones. These standards are intended to create an attractive and enjoyable environment for multifamily residential uses, improve vehicular circulation and upgrade the City's visual appearance in high-density residential areas.

1. Required Multifamily Site Design and Building Design Elements. These standards are in addition to other development standards applicable under this article or other chapters of the code. Exterior lighting shall comply with LMC 18A.60.095.

* * *

q. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

18A.80.040 Development Standards.

A. Parking area design shall include:

1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the City Engineer.

2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.

3. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

~~43.~~ Parking Spaces--Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles.

54. Surfacing. All parking areas shall be surfaced with permeable paving surfaces in conformance with the current City of Lakewood Stormwater Design Manual, asphalt, concrete or similar pavement so as to provide a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water.

65. Stormwater management is required and shall comply with the current City of Lakewood Stormwater Design Manual and shall be subject to the city's review and approval.

76. Parking shall be designed and constructed for a minimum of thirty percent and a maximum of fifty percent of the required number of spaces for compact size cars. An applicant must clearly identify all spaces designed and constructed for compact car use. The Director may approve the design and designation of more than fifty percent of the spaces for use by compact cars if the applicant demonstrates that no adverse impact will result.

87. Parking area for land uses located outside the city shall be prohibited.

98. Community design requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part I.

109. Landscaping requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part II.

1110. Marking: The property owner shall identify required parking stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the approving authority. Crosswalk marking shall be provided consistent with the requirements of the public works department. Paint is not permitted as a sole means of marking crosswalks. Display areas which are not required parking areas, such as a car dealership or rental display area, are not required to be marked as individual stalls.

1211. An owner/developer may install parking spaces in phases if a phased schedule has been approved. This schedule must specifically indicate when the parking will be provided. The Director may permit the use of temporary parking areas with appropriate screening as part of a phasing schedule. In addition, the Director may require a performance assurance device to insure conformance with the requirements.

1312. When adequate vehicular access to an approved lot or development is available from a side street, no such access shall be permitted from the front street. Where lots have double frontage, if vehicular access from a side street or a street of lower functional classification is not available, such access shall be from the street anticipated to carry the least amount of traffic or the street that would have the least conflict with pedestrian traffic.

1413. Parking Area and Circulation Design.

a. The city public works and engineering department shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

b. Internal circulation of the lot shall be so designed as to minimize conflicts with pedestrians with priority given to pedestrians considering convenience, comfort, safety and security. In-and-out driving time, idling time and time spent looking for a parking space should be a consideration, but should not influence design parameters that reduce pedestrian functionality.

1514. Parking places for the physically disabled: All parking lots regulated by this chapter shall be modified as necessary to provide parking places for the physically disabled as specified in the building code, including installation of curb ramps, signage and other required improvements.

1615. Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a five percent parking reduction for two uses, ten percent parking reduction for three uses and fifteen percent parking reduction for four or more uses.

1716. All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least five percent of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.

REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:

June 15, 2020

TITLE: Adopting an Ordinance authorizing condemnation of real property for park purposes.

TYPE OF ACTION:

x ORDINANCE NO. 736

REVIEW:

— RESOLUTION NO.

ATTACHMENTS:

— MOTION NO.

Ordinance

— OTHER

Legal Description

SUBMITTED BY: Heidi Ann Wachter, City Attorney

RECOMMENDATION: It is recommended that the City Council adopt an Ordinance providing for the condemnation of the following property adjacent to Springbrook Park – 12614 47th Ave. S, Lakewood, WA 98499, tax parcel #021912-3032.

DISCUSSION: The identified property is the third and final property necessary to complete this side of Springbrook Park between the existing parking lots, surrounding streets and Clover Creek. The other two properties have been cleared leaving this single developed lot in the middle of the block surrounded by park. The City will be enhancing the recently purchased property to accommodate anticipated population growth in this area as well as restoring areas in and around Clover Creek.

Since 2001 the City has purchased parcels in the Springbrook neighborhood and leveraged resources to create a neighborhood park, Springbrook Park. This area of the City had no public gathering spaces, was located in a geographically isolated area and according to the city's parks and recreation master plan, the area was underserved by park land and local residents were economically challenged. The current 6.5 acre park has become the central gathering place for the neighborhood and because of the many partnerships, has helped create a new and vibrant sense of community in this area.

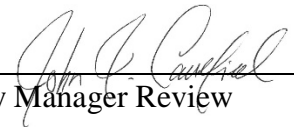
ALTERNATIVE(S): The City could choose to leave the sole remaining property adjacent to the park. This property is the subject of ongoing code concern.

FISCAL IMPACT: Approximately \$175,000.00 from the City's General Fund, which pays for acquisition and professional services.

Heidi Ann Wachter

Prepared by

Department Director


City Manager Review

ORDINANCE NO. 736

AN ORDINANCE of the City Council of the City of Lakewood, Washington, authorizing the acquisition of real property under threat of condemnation or by condemnation for park purposes; authorizing payment thereof from the City's General Fund or from such other monies that the City may have available or attain for the acquisition; providing for severability; and establishing an effective date.

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 authorized to acquire title to real property for public purposes pursuant to RCW Chapter 8.12; and

WHEREAS, in the interest of providing the public adequate park and recreation facilities within the City, the City of Lakewood identified a park project ("Project") in compliance with goals announced in the City's Comprehensive Plan; and

WHEREAS, the Project involves the development of a park to serve the public; and

WHEREAS, the City determined that it must acquire certain property and/or property rights for the Project; and

WHEREAS, for this Project, the City determined that the acquisition of certain rights and interests from the real property located at 12616 47th Avenue SW, Lakewood, Washington, identified as Pierce County Tax Parcel No. 021912-3032 and legally described in Exhibit A, attached hereto and incorporated by reference ("Parcel 0219123032"), is necessary to accomplish and construct the Project, and those rights and interests are hereinafter referred to as the "Real Property Take"; and

WHEREAS, the City appraised the fair market value of the Real Property Take; and

WHEREAS, the City negotiated in good faith with the owner of Parcel 0219123032 for the voluntary acquisition of the Real Property Take; and

WHEREAS, the City was unable to reach a negotiated voluntary resolution with said owner, and

WHEREAS, while this Ordinance authorizes condemnation, the City Council does hereby express its intent that negotiations continue in regard to the Real Property Take; and

WHEREAS, the City complied with the notice requirements set forth in RCW 8.25.290 by providing notice to the owner of Parcel 0219123032 of the planned final action adopting this Ordinance, and through publication once per week for two weeks, prior to the passage of a Motion authorizing condemnation and subsequent enactment of this Ordinance; and

WHEREAS, payment of just compensation and costs of litigation should be made from the City's general fund or from such other monies that the City may have available or attain for the acquisition;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section 2. Public Use and Necessity Declared. The City Council of the City of Lakewood finds and declares that: i) the Project for park purposes is a public use; ii) the acquisition of the rights and interests in the Real Property Take legally described and depicted in Exhibit A is necessary for the construction of the Project; and iii) the acquisition of the Real Property Take and the construction of the Project are in the best interests of the citizens residing within the City of Lakewood.

Section 3. Acquisition. The City Council of the City of Lakewood authorizes the acquisition, condemnation and taking of the Real Property Take as legally described and depicted on Exhibit A. The City Council authorizes the acquisition of the Real Property Take under threat of condemnation or by initiation of legal action for condemnation to acquire the Real Property Take as necessary for the commencement and completion of the Project, subject to the making or paying of just compensation to the owner thereof in the manner provided by law.

Section 4. Reservation of Rights. Nothing in this ordinance limits the City in its identification and acquisition of property and property rights necessary for this public purpose. The City reserves the right to acquire additional or different properties as needed for the Project.

Section 5. Authority of City Manager. The City Manager, by and through his designees, is authorized and directed to continue negotiations for the acquisition of property and property rights and prosecute actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the Real Property Take necessary to carry out the provisions of this ordinance. In conducting said negotiations and condemnation proceedings, the Lakewood City Attorney, by and through her designees, is hereby authorized to enter into stipulations for the Real Property Take. Settlement of any actions by the City Manager shall be made only upon the recommendation of legal counsel.

Section 6. Compensation. The compensation to be paid to the owners of the Real Property Take acquired through this condemnation action shall be paid from the City's General Fund or from such other monies that the City may have available or attain for the acquisition.

Section 7. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Ordinance shall be in full force and effect five days after its passage, approval, and publication as provided by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

ADOPTED by the City Council this 15th day of June, 2020.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Wachter, City Attorney

Exhibit A

BEGINNING 431 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE W.M.,

THENCE WEST 158.6 FEET;

THENCE NORTH 70 FEET;

THENCE EAST 158.6 FEET;

THENCE SOUTH 70 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 30 FEET FOR ROAD.

SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

| Date | Code Enforcement (CSRT) | Springbrook Park (PRCS) |
|--------------------|--|--|
| 2015 | The property, even prior to Mr. Louwien taking ownership, is noted by Code Enforcement. | |
| August 26, 2016 | Mr. Louwien purchases property from the previous owner, Mr. Ajay Garg. | |
| 2016 | | Chatted with Mr. Louwien several times about Springbrook park, changes to area, future expansion and interest in purchasing his property. |
| March 16, 2017 | | Sent letter with a form required by the grant asking if he would be a willing seller. Noted in the letter that he was not obligated to sell. |
| August 31, 2017 | First contact - a written courtesy notice to have property in compliance by 12/31/17. | |
| September 7, 2017 | CEO Mathies made contact with the owner September 7, 2017 regarding his August 31st inspection. | |
| September 26, 2017 | CEO Mathies does walk-through of property and identifies issues. A 90-day timeline was agreed to between CEO Mathies and Mr. Louwien, providing a 30-day requirement to clean the front and side yards, and 60-additional days to have the back yard cleaned up. At the end of the 90-days, progress on the accessory structure was also to occur. Additional photos were taken at that time. A Courtesy Notice was issued the following day, September 27, 2017 regarding the compliance deadline of December 31, 2017. | |
| November 16, 2017 | | Sent a letter informing Mr. Louwien regarding next steps, project timing and work with the County on an appraisal. |
| January 2, 2018 | Code Enforcement suspended for Mr. Louwein to get new permits for a 40 X 40 pole building. (Mr. Louwien received a building permit on December 9, 2016. He was slow to complete the work. In accordance with building codes, Mr. Louwien requested and the building official approved, several extensions.) | |

| | | |
|---------------------|--|---|
| April 19, 2018 | | Received a letter from Mr. Louwien's attorney noting that he didn't think he could find an equivalent property for the appraised value. The attorney asked if we would consider eminent domain if he refused to sell. |
| May 15, 2018 | | Sent a copy of the appraisal and noted in the letter that we would use this document to determine fair market value – a requirement for use of public funds. |
| May 16, 2018 | | Lakewood City Attorney responded to the letter noting the City's current option is to determine fair market value from the appraisal and that we can't pay more than fair market value. |
| June 2018 | | Pierce County conservation futures staff person takes over the conversations regarding purchasing all three properties. He is consistent in his communications and efforts with all the property owners using the appraisal documents to start conversations regarding entering into a purchase and sales agreement with each owner. We meet with the adjacent owners regarding each property. Mr. Louwein does not return calls. |
| August 2018 | | Review and enter into purchase and sales agreements with adjacent property owners. They are concerned that Mr. Louwien has property (abandoned cars and other materials) on and around their property. Ask if his junk will affect their ability to close on their properties? |
| December 27, 2018 | | Letter from Mr. Louwien noting that he hadn't received any updates since last May. |
| January 9, 2019 | | Sent a letter answering a number of questions from Mr. Louwien regarding status of the project and that the City is interested in purchasing his property. |
| January 15, 2019 | | Sent a letter to Mr. Louwien with attachments to be sure he had all the information he requested. |
| February – May 2019 | | Continued many conversation with Louwien regarding purchasing his property. Once the other two properties closed (April, 2019), we started conversations with Mr. Louwein again. |

| | | |
|--------------------|--|--|
| April 2, 2019 | Case re-opened after noticing more junk on property and vehicles stored on the right of way. Property maintenance problems resurfaced. More equipment and an RV had been moved from a neighboring property on to Mr. Louwien's property. CEO Mathies requested a meeting with Mr. Louwien. | |
| April 3, 2019 | Warning to remove vehicles from the right of way by 4/10/19. | |
| April 12, 2019 | Extension granted due to weather conditions until 4/15/19. | |
| April 15, 2019 | Vehicles still in driveway along with material being stored. Issued \$1,000 infraction for violations. | |
| April 22, 2019 | Vehicles removed. Written courtesy notice issued after already verbally telling him earlier. Compliance due date set for 7/3/19 for all conditions to be in compliance. | |
| June 5, 2019 | Judge reduces the fine from \$1,000 to \$750 with an order to comply with the judgement on the violation. | |
| June 13, 2019 | | Sent a letter with final offer which expired on June 28, 2019. |
| July – August 2019 | | Spoke with Mr. Louwein several times (again) regarding purchase options and potential of renting property back from City till year end to help him relocate. Informed him that the grant deadline was coming soon and if we didn't have a signed agreement we would not be able to move forward as the grant was providing the funds for the purchase. Provided another Purchase and Sales Agreement updated for his review. Met on or around August 19, 2019 to review options. He chose not to sign again. |
| July 2, 2019 | | Sent a letter rescinding offer |
| July 9, 2019 | City inspects and issues another infraction with hearing date of September 4, 2019. | |
| September 4, 2019 | Mr. Louwein fails to appear for court hearing then appears later for a different infraction. | |
| October 15, 2019 | Shed completed. | |

| | | |
|-------------------|---|--|
| November 25, 2019 | Property is still not in compliance | |
| November 26, 2019 | Hearing on Abatement held before Hearing Examiner. | |
| January 30, 2020 | Hearing Examiner decision issues – Abatement Order denied, noting that the denial is purely on technicality and that conditions on the property likely do violate Code. | |

During the first quarter of 2020, the City explored the potential of purchasing the property with General Fund money. The City began discussions with Mr. Louwein and obtained an appraisal. Contact with Mr. Louwein was frequent through our acquisition agent.

As we entered the second quarter of 2020, it became clear that the City would not be able to obtain the property for fair market value absent the exercise of Eminent Domain.

CITY OF LAKEWOOD

SPRINGBROOK PARK

MASTER PLAN
JANUARY 14, 2016

COMMUNITY GARDEN
ADA ACCESSIBLE RAISED BEDS
RAISED BEDS
SOIL BINS
COMPOST BINS
HOSE BIBS
8' x 10' STORAGE SHED

NEW PLAY AND
ADULT EXERCISE
EQUIPMENT
AND MISTER

PAINTED PLAY LINES
HOPSCOTCH
FOURSQUARE
INLINE SKATING
(BASKETBALL HOOPS REMOVED)

EXISTING SOCCER AND SOFTBALL FIELD

BIKE RACK

PARKING LOT
14 CARS

GATED LOT ENTRY

ADA-ACCESSIBLE PICNIC
TABLES AND VIEWPOINT

4' LONG CHAIN LINK FENCE

STEEL BRIDGE
60' LONG

PATH TO PARK

REVEGETATED SLOPE
WITH NATIVE VEGETATION

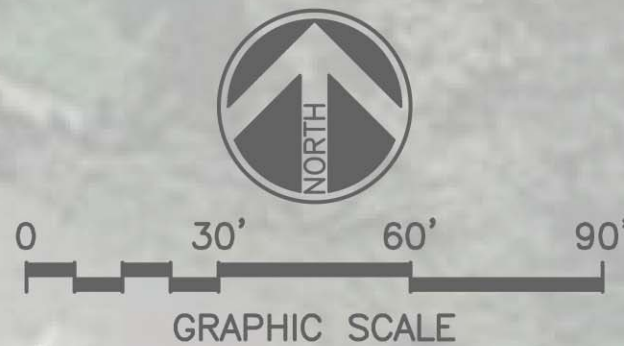
OFF-LEASH ENTRY
WITH BAG DISPOSAL

OFF-LEASH AREA

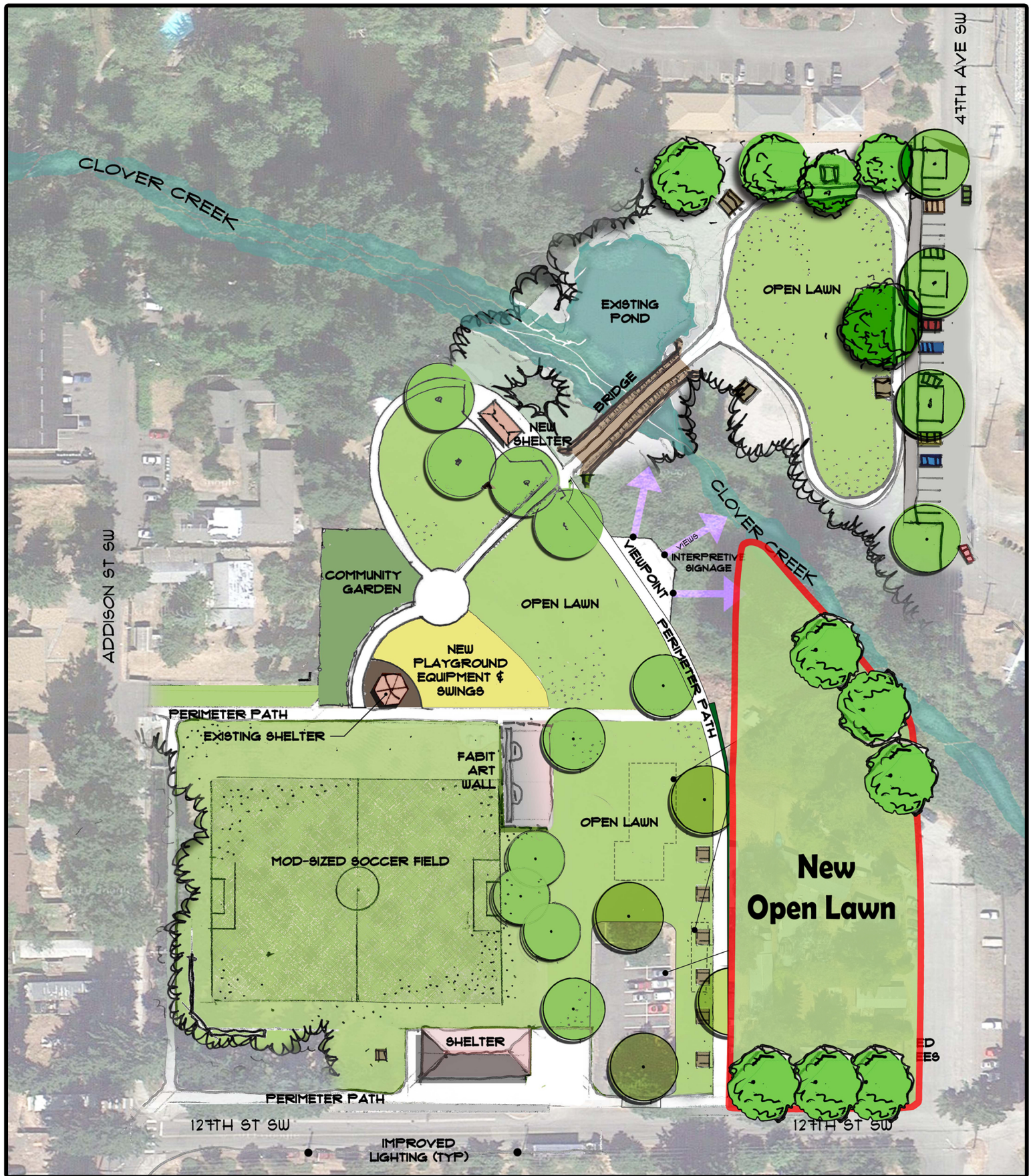
BASKETBALL COURTS

24' x 45' SHELTER
10' WIDE CONTINUOUS CONCRETE APRON
HOSE BIB AND POWER
INFORMATION KIOSK
BARBECUE

CURB/GUTTER SIDEWALK TO PROPERTY LINE



**BRUCE
DEES &
ASSOCIATES**
Landscape Architecture • Urban Design
Site Planning • Recreation Facilities Design
222 E. 26th St., No. 202, Tacoma, WA 98421 (253) 627-7947



City of Lakewood Springbrook Park Expansion Master Plan

— Nominated Parcels



REQUEST FOR COUNCIL ACTION

| | | |
|--|---|--|
| DATE ACTION IS REQUESTED: June 15, 2020 REVIEW: May 26, 2020 Council Study Session June 1, 2020 Council Public Hearing | TITLE: AN ORDINANCE of the City Council of the City of Lakewood, Washington adopting amendments to the Lakewood Comprehensive Plan, including the future land use and zoning maps, and Lakewood Municipal Code Title 18A. ATTACHMENTS: Draft Ordinance 737 | TYPE OF ACTION: <input checked="" type="checkbox"/> <u>X</u> ORDINANCE NO. 737 <input type="checkbox"/> RESOLUTION NO. <input type="checkbox"/> MOTION NO. <input type="checkbox"/> OTHER |
|--|---|--|

SUBMITTED BY: David Bugher, Assistant City Manager for Development Services
 Tiffany Speir, Long Range & Strategic Planning Manager

RECOMMENDATION: It is recommended that the City Council consider the attached Ordinance adopting the 2020 Comprehensive Plan, Future Land use Map and Zoning Map.

DISCUSSION: On June 1, the City Council held a public hearing on the 2020 Comprehensive Plan and Zoning Map Amendment package as included in the Planning Commission's Resolution 2020-01. There are nine (9) proposed amendments (two (2) text amendments and seven (7) map amendments) in the package.

Discussion is continued on the following page and in Attachment A.

ALTERNATIVE(S): The Council could amend the proposed Ordinance to incorporate taking action on the Springbrook application (2020-06) in the 2020 Comprehensive Plan amendment cycle (please see potential language included in the Discussion section); the Council could also not adopt the Ordinance.

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

Prepared by:
Tiffany Speir, Long Range & Strategic Planning Manager

Department Director:
Dave Bugher, Assistant City Manager for Development Services



 City Manager Review

Discussion Continued

In the 2019 Comprehensive Plan amendment cycle, the City Council initiated amendment 2019-06 to redesignate / rezone all parcels to Industrial (I) / Industrial Business Park (IBP) and remove the Lakewood Station District boundary located in the Springbrook Neighborhood. During review, the Planning Commission and City Council was provided information about four zoning options in Springbrook, including IBP. The Council voted to postpone amendment 2019-06 to the 2020 cycle based on the then-ongoing City action to request a new LOMR report.

At its May 26 study session, the City Council discussed taking some affirmative action in 2020 to rezone parcels included in proposed amendment 2020-06, which covers 43.74 acres and 20 parcels in the Springbrook area. After May 26, CED became aware that the City's LOMR application to update the floodplain map for this area had been withdrawn by Public Works Engineering. As a result, the floodplain map currently in place is not being considered for update by FEMA.

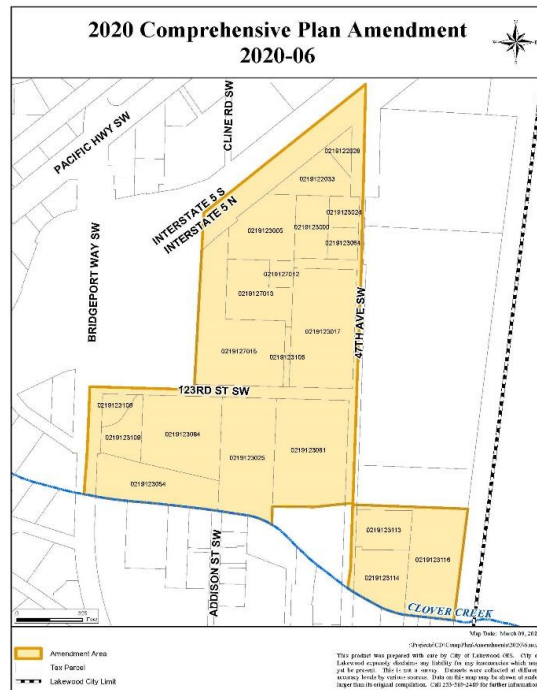
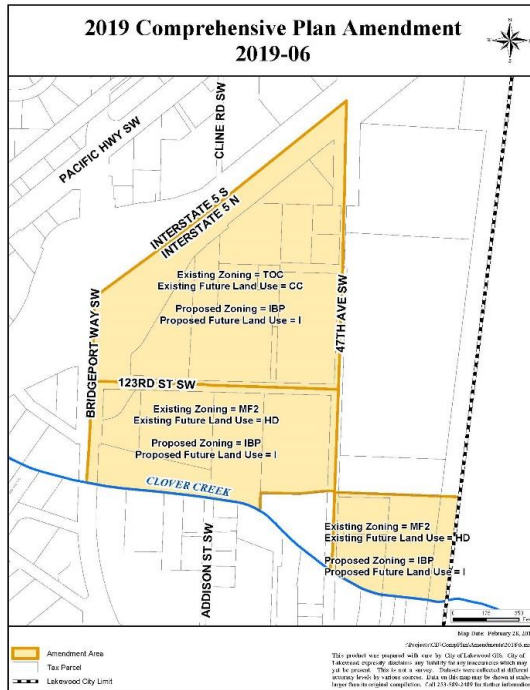
In the 2020 cycle public noticing, proposal 2020-06 was presented as a rezone pending the outcome of the FEMA floodplain mapping update, and CED recommended that the proposal be postponed to the 2021 amendments cycle. The February 19, March 4, March 18, and April 14, 2020 CED reports to the Planning Commission discuss impacts and consequences should the 2020-06 amendment area be rezoned industrial. No formal public comments were received on 2020-06 during the Planning Commission public hearing.

For the Council's review, included in Exhibit A to the Ordinance in Attachment A are excerpts from the 2019 CED analysis completed for the proposed Springbrook amendment (2019-06) that were also provided in the 2020 CED staff reports to the Planning Commission. **Option 4 below analyzes the industrial designation and zoning.**

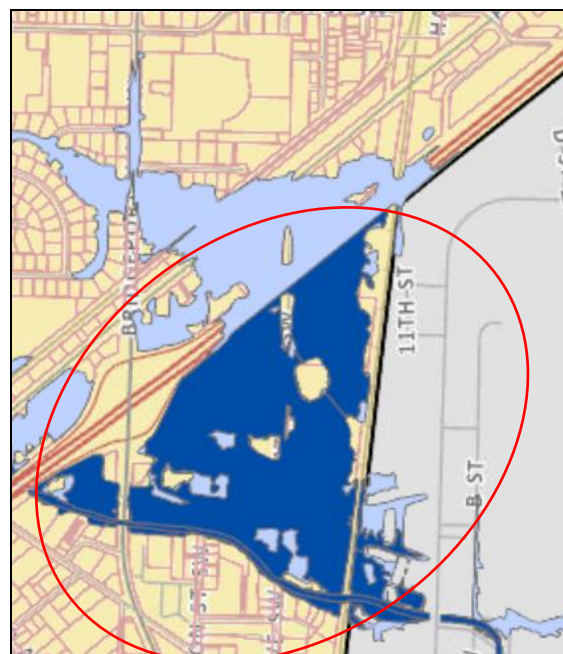
Note: There are two different parcels included in 2020-06 versus 2019-06. Public noticing for both 2019-06 and 2020-06 included parcels within 300 feet of the proposed amendments, so all parcels were notified both years.

2019 parcel list: 0219127015, -3105, -3017, -7013, -7012, -3005, -3000, -3064, -3024, **0219122033, 0219122028**, -3108, -3109, -3084, -3025, -3081, -3116, -3113, & -3114.

2020 parcel list: 0219127015, -3105, -3017, -7013, -7012, -3005, -3000, -3064, -3024, **0219122171**, -3108, -3109, -3084, -3025, -3081, -3116, -3113, -3114, **0219123054**. (2019 parcels 0219122028 and 0219122033 were merged into one parcel, 0219122171.)



In addition to the CED analysis of proposal 2020-06 in Exhibit A, included here is a map of the 2017 regulated floodplain (shown in light and dark blue) in the Springbrook area. The dark blue flood areas are further designated as a Zone A, AE, AO or AH by FEMA. The light blue is for a “Zone X-shaded” which has multiple definitions from being the 500 year floodplain (1% change of flooding in a 5 year period), to uncertain moderate risk, to high risk flooding less than a foot deep or in a small watershed (less than one square mile).



LMC Chapter 18A.50 Article I governs development within the City's Flood Hazard Overlay, including allowable uses with or without a floodplain development agreement.

LMC 18A.50.080 Allowable Activities within the Regulatory Floodplain

A. Activities that do not meet the definition of "development" are allowed in the Regulatory Floodplain without the need for a floodplain development agreement under this title, provided all other federal, state and local requirements are met. Activities include, but are not limited to, the following:

1. Routine maintenance of landscaping that does not involve grading, excavation or filling.
2. Removal of noxious weeds and hazard trees and replacement of nonnative vegetation with native vegetation.
3. Normal maintenance of structures, such as re-roofing and replacing siding; provided, that such work does not qualify as a substantial improvement.
4. Normal maintenance of above ground public utilities and facilities, such as replacing downed power lines.
5. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not expansion of paved areas.
6. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility.
7. Plowing and other normal farm practices (other than structures or filling) on farms in existence as of the effective date of the ordinance codified in this title.

B. The following activities are allowed in the Regulatory Floodplain without the analysis required in LMC 18A.50.070 (B)(6)(a)(v) or the habitat impact assessment required under LMC 14.154.050 (B), providing all other provisions of this title are met, including obtaining a floodplain development agreement:

1. Repairs or remodeling of an existing structure; provided, that the repairs or remodeling are not a substantial improvement or a repair of substantial damage.
2. Expansion of an existing structure that is no greater than ten (10) percent beyond its existing footprint; provided, that the repairs or remodeling are not a substantial improvement or a repair of substantial damage. This measurement is counted cumulatively from the effective date of the ordinance codified in this title or September 22, 2011, whichever is earlier. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow.

3. Activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill or impervious surfaces.
4. Development of open space and recreational facilities, such as parks, trails and hunting grounds, that do not include structures, grading, fill, impervious surfaces or removal of more than five (5) percent of the native vegetation on that portion of the property in the Regulatory Floodplain.

Taking action to rezone Springbrook in 2020:

The attached draft Ordinance No. 737 reflects the Planning Commission's recommendation on all of the proposed amendments. To take action on redesignating and rezoning the parcels included in 2020-06 in 2020, the Council could amend the draft ordinance to include the following language:

CPA/ZOA-2020-06 (Springbrook Neighborhood)

This amendment:

1. Amends the Comprehensive Plan land-use map to designate the subject property in the Springbrook Neighborhood area Industrial (I); and
2. Amends the zoning map to zone the subject property Industrial Business Park (IBP); and
3. Remove the Lakewood Station District Subarea (LSDS) boundary located within Springbrook.

Location: 4901 123rd St SW, XXX 123rd St SW, XXX 47th Av SW, 4800 to 4815 122nd St SW, 4804 121ST St SW, 4801 121ST St SW, 4715 to 4717 121ST SW, 12018 TO 12020 47TH Av SW, 4710 120TH St SW, XXX 120th St SW, XXX 47TH Av SW, XXX 123RD St SW, 12315 Bridgeport Wy W, 4828 123RD St SW, 4828 123RD St SW, 4702 to 4731 124TH SW, XXX 47TH Av SW, 12511 47TH Av SW, 12517 47TH Av SW, 12413 Bridgeport Way SW

Assessor's Tax Parcel Nos.: 0219127015, 0219123105, 0219123017, 0219127013, 0219127012, 0219123005, 0219123000, 0219123064, 0219123024, 0219122171, 0219123108, 0219123109, 0219123084, 0219123025, 0219123081, 0219123116, 0219123113, 0219123114, 0219123054

**SUMMARY OF PROPOSED 2020 COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS AND
PLANNING COMMISSION RECOMMENDATIONS**

| Proposal Title | Originally Proposed Text or Map Amendment Description | Planning Commission Recommendation per Resolution 2020-01 |
|--|--|--|
| CPA-ZOA-2020-01 (Planned Development Districts (PDDs)) City-Initiated | <ol style="list-style-type: none"> 1. Amend Comprehensive Plan language at Sections 1.4.2, 2.3.1, 2.3.6, 3.2, 3.2.5, 3.2.8, 3.2.10, and Goal LU-4 to update references to Planned Development Districts; 2. Amend Comprehensive Plan Table 2.3.14 (Application of Designations and Population Densities) density ranges for the Residential Estate and Single-Family Residential Designations for consistency with LMC 18A.40.580 related to Planned Development Districts (PDDs); and 3. Add a new policy to the Land Use Policy Chapter of the Comprehensive Plan: <u>LU-2.43: Encourage Planned Development District development with higher residential densities provided this type of development incorporates innovative site design, conservation of natural land features, protection of critical area buffers, the use of low-impact development techniques, conservation of energy, and efficient use of open space.</u> <p>The full text of this amendment is included in Attachment A to this document.</p> | Approval |
| CPA/ZOA-2020-02 (Custer & Bridgeport A) Privately initiated | <ol style="list-style-type: none"> 1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Mixed Residential (MR) to High Density MultiFamily (HD); and 2. Amend the zoning map to rezone the subject property from Mixed Residential 2 (MR2) to MultiFamily 3 (MF3). <p><u>Location:</u> 7811 & 7815 Custer Rd. West <u>Assessor's Tax Parcel Nos.:</u> 6940000020, 6940000010, 0220263023</p> | Redesignate the parcels to MultiFamily (MF) and rezone them to MultiFamily 2 (MF2.) |
| CPA/ZOA-2020-03 (Custer & Bridgeport B) City-Initiated | <ol style="list-style-type: none"> 1. Scrivener correction to amend the Comprehensive Plan land-use map to designate the subject property MultiFamily (MF); and 2. No change to zoning is required. <p><u>Location:</u> 8008 to 8248 Bridgeport Way SW <u>Assessor's Tax Parcel Nos.:</u> 0220352151</p> | Approval |

| Proposal Title | Originally Proposed Text or Map Amendment Description | Planning Commission Recommendation per Resolution 2020-01 |
|---|---|--|
| CPA/ZOA-2020-04 (111th & Bridgeport Way West) City-Initiated | <p>1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to MultiFamily (MF); and</p> <p>2. Amend the zoning map to rezone the subject property from Commercial 1 (C1) to MultiFamily 3 (MF3).</p> <p><u>Location:</u> 4808 - 4812 112th St SW, 4718 111th St SW, and 11102 & 11106 47th Av SW <u>Assessor's Tax Parcel Nos.:</u> 5080000396, 5080000420, 5080000431, 5080000432</p> | Approval |
| CPA/ZOA-2020-05 (59th Ave. W & Steilacoom Blvd.) City-Initiated | <p>1. Amend the Comprehensive Plan land-use map to designate the subject property from Neighborhood Business District (NBD) to High Density Multi-Family (HD); and</p> <p>2. Amend the zoning map to rezone the subject property from Neighborhood Commercial 2 (NC2) to MultiFamily 1 (MF1).</p> <p><u>Location:</u> 8801 59TH Av SW, 5515 Steilacoom Blvd SW, 5503 to 5495 Steilacoom Blvd SW, 5495 Steilacoom Blvd SW UNIT A, XXX Steilacoom Blvd SW, 5485 Steilacoom Blvd SW, 5475 Steilacoom Blvd SW, 5473 A to 5473 D Steilacoom Blvd SW, 5471 Steilacoom Blvd SW, 5469 Steilacoom Blvd SW, 5453 Steilacoom Blvd, 5449 Steilacoom Blvd SW, 5437 Steilacoom Blvd SW, 5433 to 5435 Steilacoom Blvd SW, 8920 Gravelly Lk Dr SW, 8933 Gravelly Lk Dr, 8931 Gravelly Lk Dr, 8919 Gravelly Lk Dr, 8911 Gravelly Lk Dr SW, 5408 Steilacoom Blvd SW, 5404 Steilacoom Blvd SW <u>Assessor's Tax Parcel Nos.:</u> 0220354099, 0220354098, 0220354008, 0220354013, 0220354074, 0220354073, 0220354012, 0220354055, 0220354054, 0220354006, 0220354017, 0220354009, 0220354018, 0220354015, 0220354016, 5130001551, 5130001880, 5130001870, 5130001913, 5130001912, 0220354091, 0220354046 & 5130001914</p> | Redesignate the parcels to MultiFamily (MF) and rezone them to MultiFamily 2 (MF2.) |
| CPA/ZOA-2020-06 (Springbrook Neighborhood) City-Initiated | <p>1. Amend the Comprehensive Plan land-use map to designate the subject property in the Springbrook Neighborhood area per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort;</p> <p>2. Amend the zoning map to zone the subject property per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort; and</p> <p>3. Remove the Lakewood Station District boundary located within Springbrook.</p> | <p>Continue CPA/ZOA-2020-06 to the 2021 CPA cycle to allow for completion of FEMA analysis and updates to City's mapped floodplain.</p> <p>The total package of Lakewood's flood study reevaluation was sent to FEMA on January 29, 2020 to review for establishing the new</p> |

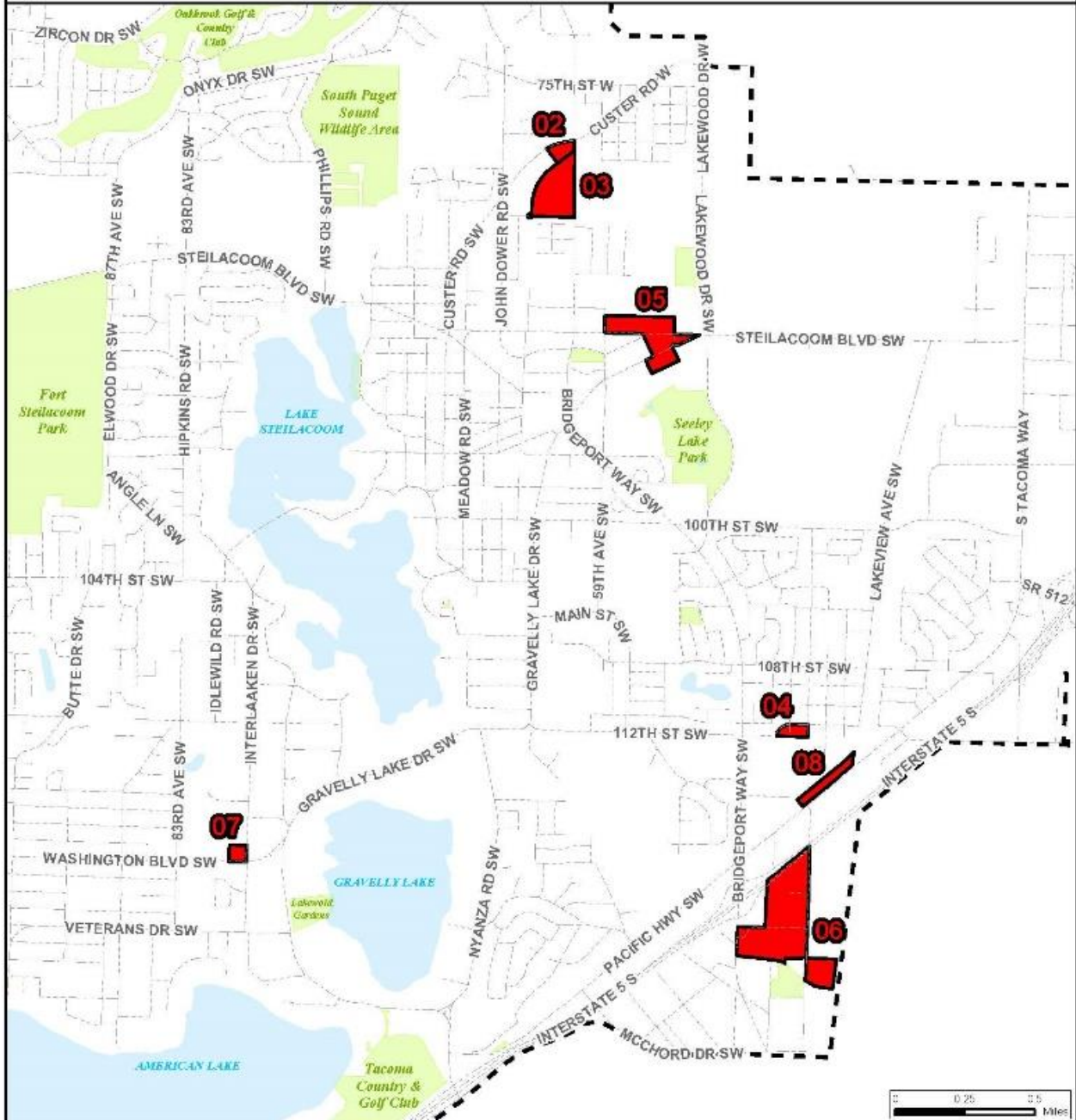
| Proposal Title | Originally Proposed Text or Map Amendment Description | Planning Commission Recommendation per Resolution 2020-01 |
|--|---|---|
| | <p><u>Location:</u> 4901 123rd St SW, XXX 123rd St SW, XXX 47th Av SW, 4800 to 4815 122nd St SW, 4804 121st St SW, 4801 121st St SW, 4715 to 4717 121st SW, 12018 TO 12020 47th Av SW, 4710 120th St SW, XXX 120th St SW, XXX 47th Av SW, XXX 123rd St SW, 12315 Bridgeport Wy W, 4828 123rd St SW, 4828 123rd St SW, 4702 to 4731 124th SW, XXX 47th Av SW, 12511 47th Av SW, 12517 47th Av SW, 12413 Bridgeport Way SW</p> <p><u>Assessor's Tax Parcel Nos.:</u> 0219127015, 0219123105, 0219123017, 0219127013, 0219127012, 0219123005, 0219123000, 0219123064, 0219123024, 0219122171, 0219123108, 0219123109, 0219123084, 0219123025, 0219123081, 0219123116, 0219123113, 0219123114, 0219123054</p> | <p>floodplain along Clover Creek in the Springbrook neighborhood and across I-5 towards City Hall. This is the final step in the flood study reevaluation initiated in 2019.</p> <p>The outcome reveals a significant number of parcels at risk of flooding during the 100-yr flood (1% flood) not previously identified. With flood insurance, those property owners will have the stability of insurance to cover any damages resulting from the 100-yr flood when it comes.</p> <p>Once this analysis is approved by FEMA, it will be a part of the City's flood regulations as the mapped floodplain.</p> |
| <p>CPA/ZOA-2020-07 (Washington Blvd. & Interlaaken Blvd.) City-Initiated</p> | <p>1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Neighborhood Business District (NBD) to Mixed Residential (MR); and</p> <p>2. Amend the zoning map to rezone the subject property from Neighborhood Commercial 1 (NC1) to Mixed Residential 2 (MR2).</p> <p><u>Location:</u> 7907 Washington Blvd SW <u>Assessor's Tax Parcel Nos.:</u> 0219102072</p> | <p>Remove from docket since it is a site-specific rezone subject to LMC 18A.30.680 and .690.</p> |
| <p>CPA/ZOA-2020-08 (Lakewood Transit Station) City-Initiated</p> | <p>1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to Public & Semi-Public Institutional (INST); and</p> <p>2. Amend the zoning map to rezone the subject property from Transit Oriented Commercial (TOC) to Public Institutional (PI).</p> <p><u>Location:</u> XXX Pacific Hwy SW, 11402, 11424 & 11602 Pacific Hwy SW <u>Assessor's Tax Parcel Nos.:</u> 0219122165, 0219122166</p> | <p>Approval</p> |

| Proposal Title | Originally Proposed Text or Map Amendment Description | Planning Commission Recommendation per Resolution 2020-01 |
|---|---|---|
| CPA/ZOA-2020-09 (Rail Policies) City-Initiated | <p>1. Delete a freight mobility policy from the Comprehensive Plan Transportation Chapter:</p> <p>T-18.4: Examine the potential of unused or underutilized rail lines in Lakewood for freight rail.</p> <p>2. Revise an existing freight mobility policy in the Comprehensive Plan Transportation Chapter:</p> <p>T-18.6: Promote the continued operation of existing rail lines to serve the transportation needs of Lakewood businesses <u>and Joint Base Lewis McChord</u>.</p> <p>3. Add a new policy to the Comprehensive Plan Transportation Chapter:</p> <p><u>T-18.10: The City discourages 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.</u></p> | Approval |

VICINITY MAP

Included below is a vicinity map with all of the proposed Zoning Map amendments.

2020 Comprehensive Plan Amendments Vicinity Map



Map Date: March 09, 2020

Project: CD\CompPlan\Amendments\2020\VM.mxd

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

--- Lakewood City Limit

SUMMARY OF PLANNING COMMISSION MEETING COMMENTS

| Amendment No. | Public Comments at Planning Commission | Planning Commission Comments |
|---|---|---|
| CPA/ZOA-2019-01– TEXT AMENDMENT (Planned Development Districts (PDDs)) | | |
| CPA/ZOA-2019-02– MAP AMENDMENT (Custer & Bridgeport A) | | |
| CPA/ZOA-2019-03– MAP AMENDMENT (Custer & Bridgeport B) | | |
| CPA/ZOA-2019-04– MAP AMENDMENT (111th & Bridgeport Way W) | 3/4: Alex Harman (Harman Construction) – supports amendment | |
| CPA/ZOA-2019-05– MAP AMENDMENT (59th Ave. W & Steilacoom Blvd.) | <p>3/4: Khanh Pham, Lakewood – opposes amendment. Wants to develop commercial business on parcel</p> <p>3/4: Mr. Steve George, Lakewood, had a question regarding the business he owns in the CPA-ZOA 2020-05 (59th Ave W & Steilacoom Blvd) inquiring if the zoning map amendment would force him to move his business. Mr. David Bugher explained if a change from NC2 to MF1 was approved his business would become a legal non-conforming use and allow minor alterations but no expansions to the business.</p> <p>3/4: Ms. Nancy Brown, Lakewood, spoke in opposition of CPA-ZOA 2020-05 (59th Ave W & Steilacoom Blvd) inquiring if the zoning change was being initiated for future changes. Mr. Bugher explained there is a Pierce County requirement for the City to provide additional housing and a state legislative requirement to provide higher density developments; the proposed zoning changes would spark</p> | 4/29: James Guerrero asked whether the MF2 zone would better fit the City Council’s intent to reduce strip commercial development than the ARC zone given the residential density allowed in either zone and the types of commercial uses allowed in ARC. Commission members discussed options but did not develop a specific recommendation. |

| Amendment No. | Public Comments at Planning Commission | Planning Commission Comments |
|---|--|------------------------------|
| | <p>development and help to meet those requirements.</p> <p>3/4: Mr. Don Tyler, Lakewood, spoke in opposition of CPA-ZOA 2020-05 (59th Ave W & Steilacoom Blvd) noting his concern with high traffic congestion already in the area due to the Four Heroes School bus traffic and peak hour travel is near gridlock.</p> <p>3/4: Ms. Jackie Wilson, Lakewood, questioned what impact would CPA-ZOA 2020-05 (59th Ave W & Steilacoom Blvd) have on her property taxes. Mr. David Bugher explained the City has nothing to do with how property is taxed within the city as it is an appraisal process function of the Pierce County Assessor's Office. Property taxes have gone up in the last year as a result of increases in property valuations because people are moving into Pierce County and Lakewood. Mr. Bugher expects the housing valuations to rise in Lakewood by 6-7% in 2020 noting the average single family home could sell for as much as \$350,000-\$380,000.</p> <p>3/4: Mr. Cam Carter, University Place, who recently bought the old Lakewood Plumbing site, spoke in opposition of the proposed zoning change of CPA-ZOA 2020-05 (59th Ave W & Steilacoom Blvd) stating he prefers to keep the Neighborhood Commercial 2 (NC2) designation allowing mixed use development with both commercial and residential uses, which would not be allowed if changed to Multi-Family 1 (MF1).</p> | |
| CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook) | 3/4: Mr. Tim Polk, Lakewood, spoke in favor of CPA-ZOA 2020-06 (Springbrook Neighborhood) commenting that the area is ready for redevelopment of housing and commercial and | |

| Amendment No. | Public Comments at Planning Commission | Planning Commission Comments |
|--|--|-------------------------------------|
| Neighborhood) | the zoning amendments would help to create jobs in Lakewood. | |
| CPA/ZOA-2019-07– MAP AMENDMENT (Bridgeport Way & 123rd) | | |
| CPA/ZOA-2019-08– MAP AMENDMENT (Washington Blvd. & Interlaaken Blvd.) | | |
| CPA/ZOA-2019-09– MAP AMENDMENT (Lakewood Transit Station) | | |
| CPA/ZOA-2019-10– TEXT AMENDMENT (PDD Policy) | | |
| CPA/ZOA-2020-11 - TEXT AMENDMENT (Rail Policy A) | | |
| CPA/ZOA-2020-12 - TEXT AMENDMENT (Rail Policy B) | | |
| CPA/ZOA-2020-13 - TEXT AMENDMENT (Rail Policy C) | | |

SUMMARY OF CITY COUNCIL COMMENTS

| Amendment No. | City Council Comments |
|---|--|
| CPA/ZOA-2019-01– TEXT AMENDMENT (Planned Development Districts (PDDs)) | |
| CPA/ZOA-2019-02– MAP AMENDMENT (Custer & Bridgeport A) | |
| CPA/ZOA-2019-03– MAP AMENDMENT (Custer & Bridgeport B) | |
| CPA/ZOA-2019-04– MAP AMENDMENT (111th & Bridgeport Way W) | 5/26: Councilmember Brandstetter requested clarification on the number of parcels affected by this amendment. CED provided the updated number of parcels (4). |
| CPA/ZOA-2019-05– MAP AMENDMENT (59th Ave. W & Steilacoom Blvd.) | |
| CPA/ZOA-2019-06– MAP AMENDMENT (Springbrook Neighborhood) | <p>5/26: Councilmember Bocchi indicated that City already knows the outcome of the federal flood zone application process. He suggested that the City consider interim regulations (prohibiting residential, allowing industrial*). He explained that he was not in favor of the city approving new housing in flood zones while the city waits on the federal government to take action on any amended flood maps. Mr. Bocchi expressed his concern that the land use amendment process causes unnecessary delays. He was not in favor of waiting another year to finalize land use.</p> <p>*An Industrial land use designation with an accompanying IBP zoning classification had been considered in 2019.</p> <p>Mayor Anderson expressed agreement with Councilmember Bocchi's comments.</p> <p>Councilmember Farmer agreed and had a question about the floodplain designation and FEMA insurance requirements.</p> <p>Councilmember Brandstetter shared some of Councilmember Bocchi's concerns. He requested that the CC apply the industrial designation & zoning classification to the Springbrook Neighborhood through the current comprehensive plan amendment cycle. He also addressed residential capacity, indicating that any loss of housing can be addressed through Downtown Plan. He compared this area to the land use changes made in the Woodbrook area.</p> |
| CPA/ZOA-2019-07– MAP AMENDMENT (Bridgeport Way & 123rd) | |
| CPA/ZOA-2019-08– MAP | |

| Amendment No. | City Council Comments |
|--|------------------------------|
| AMENDMENT (Washington Blvd. & Interlaaken Blvd.) | |
| CPA/ZOA-2019-09– MAP AMENDMENT (Lakewood Transit Station) | |
| CPA/ZOA-2019-10– TEXT AMENDMENT (PDD Policy) | |
| CPA/ZOA-2020-11 - TEXT AMENDMENT (Rail Policy A) | |
| CPA/ZOA-2020-12 - TEXT AMENDMENT (Rail Policy B) | |
| CPA/ZOA-2020-13 - TEXT AMENDMENT (Rail Policy C) | |

ATTACHMENT A
Draft ORDINANCE NO. 737

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

FINDINGS

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

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

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

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

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

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

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

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

WHEREAS, the Lakewood Planning Commission, acting as the City’s designated planning agency, has reviewed the proposed amendments to the City of Lakewood Comprehensive Plan, Future Land-Use Map and Zoning Map and related Titles of the Lakewood Municipal Code (“2020 CPA Docket”); and

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

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

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

WHEREAS, following its March 4, 2020 public hearing, on May 13, 2020 the Lakewood Planning Commission forwarded a set of recommendations relative to the 2020 CPA Docket to the Lakewood City Council via Planning Commission Resolution No. 2020-01; and

WHEREAS, following public notice, the Lakewood City Council held a public hearing on June 1, 2020; and

WHEREAS, the Lakewood City Council has reviewed materials relevant to public input and staff and Planning Commission recommendations leading up to the proposed 2020 CPA Docket; and

WHEREAS, the Lakewood City Council has considered the required findings in LMC 18A.30.030 – .050 as related to each independent zoning map amendment, and hereby finds that the requirements of LMC 18A.30.030 – .050 are satisfied; and

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

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

Section 1. Adoption of City Council Findings.

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

Section 2. Adoption of Amendments.

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

CPA-ZOA-2020-01 (Planned Development Districts (PDDs))

This amendment:

1. Amends Comprehensive Plan language at Sections 1.4.2, 2.3.1, 2.3.6, 3.2, 3.2.5, 3.2.8, 3.2.10, and Goal LU-4 to update references to Planned Development Districts;
2. Amends Comprehensive Plan Table 2.3.14 (Application of Designations and Population Densities) density ranges for the Residential Estate and Single-Family Residential Designations for consistency with LMC 18A.40.580 related to Planned Development Districts (PDDs); and
3. Adds a new policy LU 2.43 to the Land Use Policy Chapter of the Comprehensive Plan:

LU-2.43: Encourage Planned Development District development with higher residential densities provided this type of development incorporates innovative site design, conservation of natural land features, protection of critical area buffers, the use of low-impact development techniques, conservation of energy, and efficient use of open space.

CPA/ZOA-2020-02 (Custer & Bridgeport A)

This amendment:

1. Amends the Comprehensive Plan land-use map to redesignate the subject property from Mixed Residential (MR) to High Density MultiFamily (HD); and
2. Amends the zoning map to rezone the subject property from Mixed Residential 2 (MR2) to MultiFamily 3 (MF3).

Location: 7811 & 7815 Custer Rd. West

Assessor's Tax Parcel Nos.: 6940000020, 6940000010, 0220263023

CPA/ZOA-2020-03 (Custer & Bridgeport B)

This amendment:

1. Is a scrivener correction to amend the Comprehensive Plan land-use map to designate the subject property MultiFamily (MF); and
2. No change to zoning is required.

Location: 8008 to 8248 Bridgeport Way SW
Assessor's Tax Parcel Nos.: 0220352151

CPA/ZOA-2020-04 (111th & Bridgeport Way West)

This amendment:

1. Amends the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to MultiFamily (MF); and
2. Amends the zoning map to rezone the subject property from Commercial 1 (C1) to MultiFamily 3 (MF3).

Location: 4808 - 4812 112th St SW, 4718 111th St SW, and 11102 & 11106 47th Av SW
Assessor's Tax Parcel Nos.: 5080000396, 5080000420, 5080000431, 5080000432

CPA/ZOA-2020-05 (59th Ave. W & Steilacoom Blvd.)

This amendment:

1. Amends the Comprehensive Plan land-use map to designate the subject property from Neighborhood Business District (NBD) to High Density Multi-Family (HD); and
2. Amends the zoning map to rezone the subject property from Neighborhood Commercial 2 (NC2) to MultiFamily 1 (MF1).

Location: 8801 59TH Av SW, 5515 Steilacoom Blvd SW, 5503 to 5495 Steilacoom Blvd SW, 5495 Steilacoom Blvd SW UNIT A, XXX Steilacoom Blvd SW, 5485 Steilacoom Blvd SW, 5475 Steilacoom Blvd SW, 5473 A to 5473 D Steilacoom Blvd SW, 5471 Steilacoom Blvd SW, 5469 Steilacoom Blvd SW, 5453 Steilacoom Blvd, 5449 Steilacoom Blvd SW, 5437 Steilacoom Blvd SW, 5433 to 5435 Steilacoom Blvd SW, 8920 Gravelly Lk Dr SW, 8933 Gravelly Lk Dr, 8931 Gravelly Lk Dr, 8919 Gravelly Lk Dr, 8911 Gravelly Lk Dr SW, 5408 Steilacoom Blvd SW, 5404 Steilacoom Blvd SW
Assessor's Tax Parcel Nos.: 0220354099, 0220354098, 0220354008, 0220354013, 0220354074, 0220354073, 0220354012, 0220354055, 0220354054, 0220354006, 0220354017, 0220354009, 0220354018, 0220354015, 0220354016, 5130001551, 5130001880, 5130001870, 5130001913, 5130001912, 0220354091, 0220354046 & 5130001914

CPA/ZOA-2020-06 (Springbrook Neighborhood)

This amendment is continued to the 2021 Comprehensive Plan amendment cycle to allow the FEMA flood mapping process to be completed.

This amendment would:

1. Amend the Comprehensive Plan land-use map to designate the subject property in the Springbrook Neighborhood area per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort;

2. Amend the zoning map to zone the subject property per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort; and

3. Remove the Lakewood Station District boundary located within Springbrook.

Location: 4901 123rd St SW, XXX 123rd St SW, XXX 47th Av SW, 4800 to 4815 122nd St SW, 4804 121st St SW, 4801 121st St SW, 4715 to 4717 121st SW, 12018 TO 12020 47th Av SW, 4710 120th St SW, XXX 120th St SW, XXX 47th Av SW, XXX 123rd St SW, 12315 Bridgeport Wy W, 4828 123rd St SW, 4828 123rd St SW, 4702 to 4731 124th SW, XXX 47th Av SW, 12511 47th Av SW, 12517 47th Av SW, 12413 Bridgeport Way SW

Assessor's Tax Parcel Nos.: 0219127015, 0219123105, 0219123017, 0219127013, 0219127012, 0219123005, 0219123000, 0219123064, 0219123024, 0219122171, 0219123108, 0219123109, 0219123084, 0219123025, 0219123081, 0219123116, 0219123113, 0219123114, 0219123054

CPA/ZOA-2020-07 (Washington Blvd. & Interlaaken Blvd.)

This amendment:

1. Amends the Comprehensive Plan land-use map to redesignate the subject property from Neighborhood Business District (NBD) to Mixed Residential (MR); and
2. Amends the zoning map to rezone the subject property from Neighborhood Commercial 1 (NC1) to Mixed Residential 2 (MR2).

Location: 7907 Washington Blvd SW

Assessor's Tax Parcel Nos.: 0219102072

CPA/ZOA-2020-08 (Lakewood Transit Station)

This amendment:

1. Amends the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to Public & Semi-Public Institutional (INST); and
2. Amends the zoning map to rezone the subject property from Transit Oriented Commercial (TOC) to Public Institutional (PI).

Location: XXX Pacific Hwy SW, 11402, 11424 & 11602 Pacific Hwy SW

Assessor's Tax Parcel Nos.: 0219122165, 0219122166

CPA/ZOA-2020-09 (Rail Policies)

This amendment:

1. Deletes a freight mobility policy from the Comprehensive Plan Transportation Chapter:

~~T 18.4: Examine the potential of unused or underutilized rail lines in Lakewood for freight rail.~~

2. Revises an existing freight mobility policy in the Comprehensive Plan Transportation Chapter:

T-18.6: Promote the continued operation of existing rail lines to serve the transportation needs of Lakewood businesses and Joint Base Lewis McChord.

3. Adds a new policy to the Comprehensive Plan Transportation Chapter:

T-18.10: The City discourages 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.

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

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

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

ADOPTED by the City Council of the City of Lakewood this 15th day of June, 2020.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk

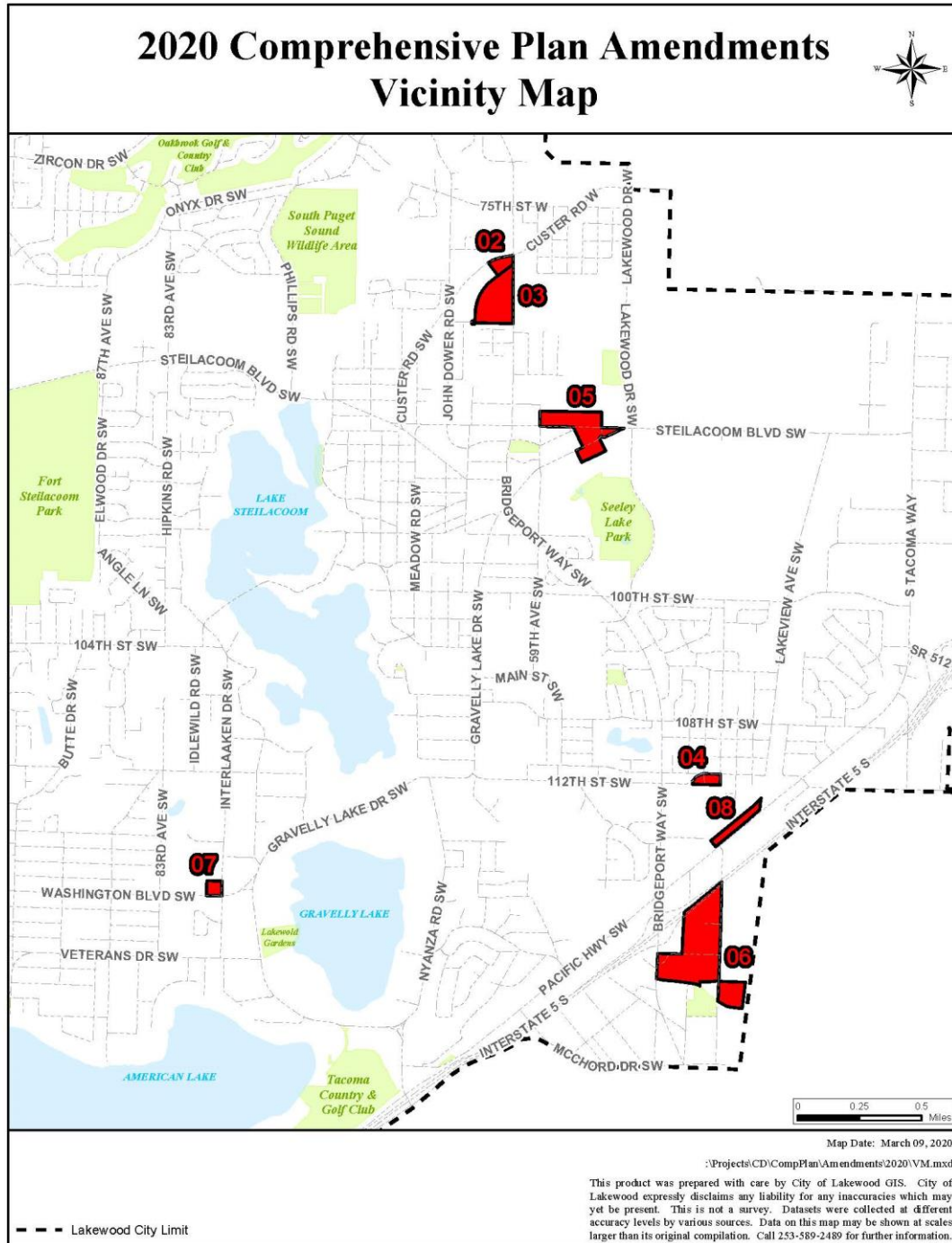
Approved as to Form:

Heidi Ann Wachter, City Attorney

EXHIBIT A

VICINITY MAP

Included below is a vicinity map with all of the proposed Zoning Map amendments and their respective sizes in gross acres; individual maps for amendments 2020-02 through 2020-08 are included with CEDD's analysis for each amendment on the following pages.



ANALYSIS OF AMENDMENTS

CPA-ZOA-2020-01 (Planned Development District (PDD) Policies):

1. Amend Comprehensive Plan language at Sections 1.4.2, 2.3.1, 2.3.6, 3.2, 3.2.5, 3.2.8, 3.2.10, and Goal LU-4 to update references to Planned Development Districts.
2. *Amend Comprehensive Plan Table 2.3.14 (Application of Designations and Population Densities) density ranges for the Residential Estate and Single-Family Residential Designations for consistency with LMC 18A.40.580 related to Planned Development Districts (PDDs.)*
3. Amend the Land Use Policy Chapter of the Comprehensive Plan, adding a new policy:

LU-2.43: Encourage Planned Development District development with higher residential densities provided this type of development incorporates innovative site design, conservation of natural land features, protection of critical area buffers, the use of low-impact development techniques, conservation of energy, and efficient use of open space.

1.4.2 Protecting the Social, Economic, and Natural Environments

While much of the emphasis of this plan is to transform the city, preserving and enhancing its best attributes are also underlying directives. From a broad perspective, Lakewood's environment consists of viable neighborhoods, healthy economic activity, and functioning natural systems. This plan recognizes that to be sustainable, the inter-relationships between these elements must be recognized.

i. • Preserve existing neighborhoods.

One of Lakewood's greatest strengths is its established residential neighborhoods. This plan protects these valuable assets through careful management of growth, provision of adequate services, and stewardship of the physical environment. This protection will be balanced with redevelopment that improves infrastructure as well as provides additional housing stock.

* * *

•2.3.1 Residential Estate

The Residential Estate designation provides for large single-family lots in specific areas where a historic pattern of large residential lots and extensive tree coverage exists. Although retaining these larger sized properties reduces the amount of developable

land in the face of growth, it preserves the historic identity these “residential estates” contribute to the community by providing a range of housing options, preserving significant tree stands, and instilling visual open space into the urban environment. Most importantly, the Residential Estate designation is used to lower densities around lakes and creek corridors in order to prevent additional effects from development upon the lakes, creek habitat and Lakewood Water District wellheads.

Consistent with Planned Development District (PDD) standards, PDD projects within the Residential Estate designation will be required to provide environmental protection and provide transportation improvements designed handle increased traffic due to higher development densities.

Maintenance of these lower land-use densities in certain areas west of the lakes also helps maintain reduced traffic volumes as well as reducing additional traffic safety conflicts in the east-west arterial corridors. These roads are among the most stressed transportation routes in the City, with expansion opportunities highly constrained due to the lakes.

* * *

■ 2.3.6 Downtown

Downtown is the primary retail, office, social, urban residential, and government center of the City. The complementary, interactive mixture of uses and urban design provides for a regional intensity and viability with a local character. The regional focus and vitality of the district are evident in the urban intensity and composition of the uses in the district. Local character is reflected in the district’s design, people-orientation, and connectivity, which foster a sense of community. The CBD Downtown is intended to attract significant numbers of additional office and retail jobs as well as new high-density housing. The plan anticipates that the properties within the CBD Downtown will be developed into commercial and residential mixed uses.

■ 2.3.14 Application of Designations and Population Densities

Lakewood’s plan provides for the following densities under its Comprehensive Plan future land-use designations:

| Land-Use Designation | Major Housing Types Envisioned | Density ¹ | | Acres |
|-------------------------------|--------------------------------|----------------------|---------------|----------|
| | | Low | High | |
| Residential Districts: | | | | |
| Residential Estate | Larger single-family homes | 1 | 24 | 1044.97 |
| Single-Family Residential | Single-family homes | 4 | 96 | 4,080.77 |
| Mixed Residential | Smaller multi-unit housing | 8 | 14 | 344.07 |
| Multi-Family Residential | Moderate multi-unit | 12 | 22 | 313.59 |

| Land-Use Designation | Major Housing Types Envisioned | Density ¹ | | Acres |
|-----------------------------------|--------------------------------|----------------------|--------|-----------------|
| | | Low | High | |
| | housing | | | |
| High Density Multi-Family | Larger apartment complexes | 22 | 40 | 442.82 |
| Mixed Use Districts: | | | | |
| Downtown | High-density urban housing | 30 | 80-100 | 318.69 |
| Neighborhood Business District | Multi-family above commercial | 12 | 40 | 287.30 |
| Arterial Corridor | Live/work units | 6 | 6 | 18.85 |
| Air Corridor 2 | Single-family homes | 2 | 2 | 235.77 |
| Non-Residential Districts: | | | | |
| Corridor Commercial | N/A | -- | -- | 471.48 |
| Industrial | N/A | -- | -- | 752.48 |
| Public/Semi-Public Institutional | N/A | -- | -- | 807.18 |
| Air Corridor 1 | N/A | -- | -- | 376.18 |
| Open Space & Recreation | N/A | -- | -- | 1945.26 |
| Military Lands | N/A | -- | -- | 24.95 |
| Total designated area | N/A | | | 11464.36 |
| Excluded: Water & ROW | N/A | -- | -- | 1172.14 |
| TOTAL: | | | | 12636.5 |

1 As expressed in the Comprehensive Plan for new development; existing densities are unlikely to match and may already exceed maximums in some cases.

* * *

a. 3.2 Residential Lands and Housing

Housing is a central issue in every community, and it plays a major role in Lakewood's comprehensive plan. The community's housing needs must be balanced with maintaining the established quality of certain neighborhoods and with achieving a variety of other goals related to transportation, utilities, and the environment. There are a number of considerations related to housing in Lakewood:

Impact of Military Bases: Historically, the market demand for affordable housing for military personnel stationed at Joint Base Lewis McChord (JBLM) has had a major impact on Lakewood, and appears to be a major factor in understanding the presence of a large number of apartments in the city. Many of the retired homeowners now living in the community were once stationed at JBLM.

Lakefront Property: The opportunity to build higher valued homes in a desirable setting on the shores of the City's lakes has provided Lakewood with its share of

higher-income families, and some of its oldest, most established neighborhoods. As Lakewood's population grows, redevelopment in these areas via Planned Development Districts (PDDs) may occur.

* * *

***i* 3.2.5 Background on Lakewood's Population and Housing Capacity**

GMA requires jurisdictions to show zoned land capacity for their targeted number of new housing units. This capacity includes land that is available for new development, redevelopment, or infill development.

In 1996, Lakewood's incorporation population was established by OFM to be 62,786. With the adoption of Lakewood's Comprehensive Plan in 2000, a residential land capacity analysis was prepared based on the residential densities established in the Official Land Use Map and implementing land use and development regulations. The 20-year capacity analysis provided for a population growth of 17,500, and 7,107 new residential uses. Thus, Lakewood's planning horizon could accommodate 75,711 people and a total of 32,503 housing units.

However, through the 2000 Census, Lakewood was found to have lost population between its incorporation and the 2000 Census. The federal Census Bureau and OFM had overestimated Lakewood's initial population. As is done yearly for the purpose of allocating of certain state revenues, this estimate is adjusted for each jurisdiction in the state based OFM forecasts. Although Lakewood's yearly OFM estimate had grown considerably by 2000, following the 2000 Census and adjustments after the City requested review, Lakewood's 2000 population was established at 58,293 – considerably lower than the incorporation population. The background information upon which Lakewood's initial Comprehensive Plan was based had assumed a higher population than was later established via the Census.

In the last major update to the City's comprehensive plan, Lakewood's April 1, 2004 OFM population was estimated to be 59,010. Capacity analysis of the City's initial Comprehensive Plan designations adopted in 2000 determined the plan to have a build-out capacity of 17,500 new residents. The most significant change to this number came as an outcome of the 2003 amendments to the comprehensive plan, which resulted in 3,962 in lost population capacity due to the redesignations/rezoning. That resulted in an adjusted build-out population of 13,538, or a total population of 72,548 by the year 2020.

In November 2007, OFM published ~~at the latest~~ series of GMA population projections, and thereafter, the Puget Sound Regional Council (PSRC) adopted VISION 2040 in May 2008. A review process of population allocations was initiated by the Pierce County Growth Management Coordinating Committee

(GMCC), and the Pierce County Regional Council (PCRC). Recommendations on changes to population, housing, and employment targets were submitted to the Pierce County Council.

The Pierce County Council has since adopted Ordinance No. ~~2011-36s~~2017-24s, ~~revising establishing~~ target and employment growth for all Pierce County cities. Lakewood's 2030 population was ~~adjusted down to set at~~ 72,000, ~~with corresponding reductions in housing and employment projections.~~ However, the City ~~did~~ has not materially changed its residential density patterns since adoption of the City's first Comprehensive Plan in 2000.

With the adoption of VISION 2050 in May 2020 and subsequent updates to the Countywide Planning Policies and Lakewood's housing and population targets by Pierce County, Lakewood will need to plan for additional housing growth and use tools and techniques such as Planned Development Districts to increase density.

~~iii.~~ 3.2.8 Housing for All Economic Segments

~~i.~~ B. Upper Income Housing

The level of new upper income housing construction was nominal between 2001 and 2010. Structures were single family detached structures. Most of the upper income housing was constructed around the City's lakes on infill properties designated residential estate. As the region becomes more densely populated and the convenience and amenities of urban neighborhoods become increasingly desirable, upper income households could be found in a greater variety of neighborhoods and housing types. Apartment, townhouse, and condominium units may account for a growing share of high-end housing. Planned Development Districts (PDDs) are a tool to provide single-family housing in areas with historically lower densities that can ensure better quality design themes and infrastructure improvements.

* * *

~~iii.~~ 3.2.10 Housing Goals, Objectives, & Policies

* * *

GOAL LU-2: Ensure that housing exists for all economic segments of Lakewood's population.

Objective: Increase housing opportunities for upper income households.

Policies:

LU-2.1: Target ten (10) percent of new housing units annually through 2030 to be affordable to upper income households that earn over 120 percent of county median income.

~~LU-2.2: Provide opportunities for large and medium lot single family development.~~

~~LU-2.3: Utilize low density, single family areas designations to provide opportunities for upper income development.~~

~~LU-2.4: Encourage larger lots on parcels with physical amenity features of the land such as views, significant vegetation, or steep slopes.~~

~~LU-2.5: Encourage construction of upper income homes on larger existing parcels.~~

LU-2.6: Encourage the construction of luxury condominium adjacent to the lakes.

LU-2.7: Support site plans and subdivisions incorporating amenity features such as private recreation facilities, e.g., pools, tennis courts, and private parks to serve luxury developments.

LU-2.8: Increase public awareness of upper income housing opportunities in Lakewood.

Objective: Encourage the private sector to provide market rate housing for the widest potential range of income groups including middle income households.

Policies:

LU-2.9: Target sixty five (65) percent of new housing units annually through 2030 to be affordable to middle income households that earn 80 to 120 percent of county median income.

LU-2.10: Encourage home ownership opportunities affordable to moderate income households.

LU-2.11: Encourage the construction of townhouse, condominium, and rental units affordable to moderate income households in residential and mixed-use developments and redevelopments.

LU-2.12 Continue to provide technical assistance for redevelopment of land in Lake City, Lakeview, Springbrook, Tillicum, and lands located in the City's tax incentive urban use centers and senior overlay.

LU-2.13: Market Lakewood to housing developers.

LU-2.14: Maintain an updated inventory of land available for housing development.

LU-2.15: Pursue public-private partnerships to provide for moderate-income housing.

LU-2.16: Disperse middle-income housing in all areas of the City ~~that have vacant land.~~

LU-2.17: Ensure that a sufficient amount of land in ~~all multi-family and mixed-use areas of~~ the City is zoned to allow attached housing and innovative housing types.

Objective: Provide a fair share of low-and very-low income housing in the future.

Policies:

* * *

LU-2.37: Reduce existing housing need, defined as the number of existing households that earn 80 percent of county median income, and are paying more than 30 percent of their income for housing, or live in inadequate housing by increasing housing supply for all economic segments of the community.

~~1.~~ Create opportunities for higher income households to vacate existing lower cost units, by creating ~~larger houses on larger lots~~ a variety of market rate detached and attached housing types; and

~~2.~~ Prioritize applications to the City for housing rehabilitation grants to homeowners earning 80 percent of county median income or below based on the greatest degree of existing need. With the exception of emergencies, priority should be given to households occupying conventional housing.

Objective: Provide a variety of housing types and revised regulatory measures which increase housing affordability.

Policies:

LU-2.38: Support projects including planned development districts, subdivisions and site plans incorporating innovative lot and housing types, clustered detached houses, clustered semi-attached houses and a variety of lots and housing types within a site.

* * *

GOAL LU-4: Maintain, protect, and enhance the quality of life of Lakewood's

residents.

Objective: Preserve and protect the existing housing stock.

Policies:

LU-4.1: Preserve existing housing stock where residential uses conform to zoning requirements.

LU-4.2: High-density housing projects, with the exception of senior housing, will not be permitted in existing single-family residential neighborhoods. More moderate densities such as planned development districts and cottage housing will be considered.

LU-4.3: Target code enforcement to correct health and safety violations.

LU-4.4: Continue Lakewood's active enforcement of codes aimed at improving property maintenance and building standards in residential neighborhoods to bolster neighborhood quality and the overall quality of life.

LU-4.5: Continue targeted efforts such as the crime-free rental housing program and seek out a variety of funding sources for this and other such outreach programs.

LU-4.6: Develop programs to provide financial assistance to low-income residents to assist them in maintaining their homes.

LU-4.7: Where public actions such as targeted crime reduction programs result in the unexpected displacement of people from their housing, coordinate the availability of social services to assist them in finding other shelter.

LU-4.8: Subject to funding availability, conduct periodic surveys of housing conditions and fund programs, including housing rehabilitation, to ensure that older neighborhoods are not allowed to deteriorate.

LU-4.9: Identify areas in the City for priority funding for rehabilitation by non-profit housing sponsors.

LU-4.10: Continue City funding of housing rehabilitation and repair.

* * *

Objective: Develop and maintain livable neighborhoods with a desirable quality of life.

Policies:

LU-4.15: Promote high quality residential living environments in all types of neighborhoods.

LU-4.16: Promote community identity, pride, and involvement in neighborhoods.

LU-4.17: Continue to support the City's neighborhood program to encourage neighborhood involvement, address local conditions, and provide neighborhood enhancements.

LU-4.18: Protect the character of existing single-family neighborhoods by promoting high quality of development, including through planned development districts (PDDs.)

CEDD ANALYSIS OF 2020-01

Housing Capacity Analysis: Planned Development Districts (PDDs) are tools by which the quality and density of housing developments can be increased; they are a way to incorporate more affordable and “missing middle” housing units within the City's established zones. PDDs are governed by LMC Chapter 18A.30 Part IV. This application would amend Comprehensive Plan language to further support PDDs as a way to densify while also allowing the City to secure higher quality development. The amendments to the Comprehensive Plan will not result in an increase or decrease in planned housing capacity; individual PDD projects may affect capacity as they are approved and constructed.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

This application amends the Comprehensive Plan to reflect the continued and increased use of PDDs that allow for higher density and higher quality residential developments in Lakewood. The application would allow higher residential density PDDs, if individual projects are approved, in the Residential Estate and Single Family land use designations. Through PDDs, the City may permit a variety in type, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A planned development district (PDD) allows for innovations and special features in site development, including the location of structures, conservation of natural land features, protection of critical areas and critical area buffers, the use of low impact development techniques, conservation of energy, and efficient utilization of open space. Each PDD will be evaluated in part on compatibility with surrounding development as well as the criteria included in LMC Chapter 18A.30 Part IV. No amendments to other plan elements or regulations are anticipated at this time.

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

This application amends the Comprehensive Plan to reflect the desire for continued and increased use of PDDs that allow for higher density and higher quality residential developments in Lakewood. Housing shortages in Lakewood and the region continue to artificially inflate housing prices faster than incomes are increasing. PDDs are a tool by which more housing units at varying prices can be developed within the city's boundaries for current and future residents.

3. Is the proposed amendment or revision consistent with the county-wide planning policies (CPPs)?

Yes. The CPPs acknowledge the use of PDDs in sections ENV 15.3.8, UGA 5.4.2 (a)(ii), and UGA 5.4.2 (b)(iii).

All zoning, site development, and subdivision requirements may be modified in a PDD except:

- Permitted uses, and conditional uses;
- Street setbacks on exterior streets in residential zones;
- Surveying standards; and
- Engineering design and construction standards of public improvements but not including street right-of-way width.

The permitted density in a PDD may be changed from 18A.60.030 and shall be the maximum number of dwelling units allowed per gross acre (DUA) as follows:

1. R1 zoning district: 2 DUA;
2. R2 zoning district: 4 DUA;
3. R3 zoning district: 7 DUA;
4. R4 zoning district: 9 DUA.

The minimum lot sizes in gross square feet (GSF) for the residential zoning districts subject to the planned development district overlay shall be as follows:

1. R1 zoning district: 20,000 GSF;
2. R2 zoning district: 10,000 GSF;
3. R3 zoning district: 6,000 GSF;
4. R4 zoning district: 4,800 GSF.

The residential density and lot size standards of all other zoning districts are not subject to change.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Yes. The GMA itself, along with related legislative action in recent years, has continued to require and promote the concept of densification within cities as the expected path to accepting new population and employment growth. Lakewood is the second largest city in Pierce County with a 2019 estimated population of 59,670. Per Pierce County Ordinance No. 2017-24s, Lakewood has a 2030 population target of 72,000, which translates into an increase of 12,300 people over 11 years.

Shortages in housing units at all economic segments continue grow. PDDs are a tool by which higher density and “missing middle housing” can be achieved within existing zoning schemes while also securing higher quality development through the conditional review process.

Through PDDs, the City may permit a variety in type, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. The end result can be higher quality and more development capacity/yield.

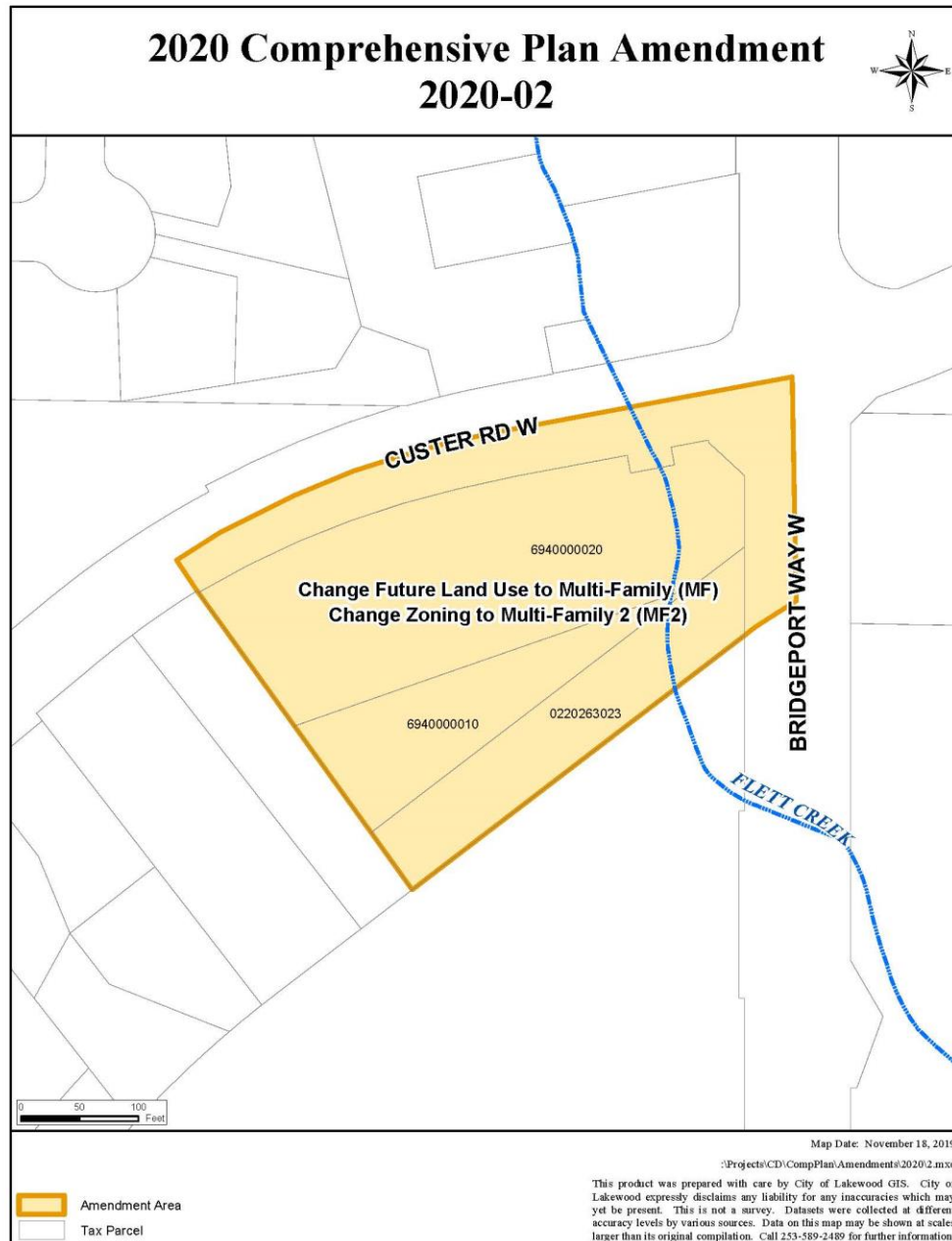
Planning Commission Recommendation: Approval.

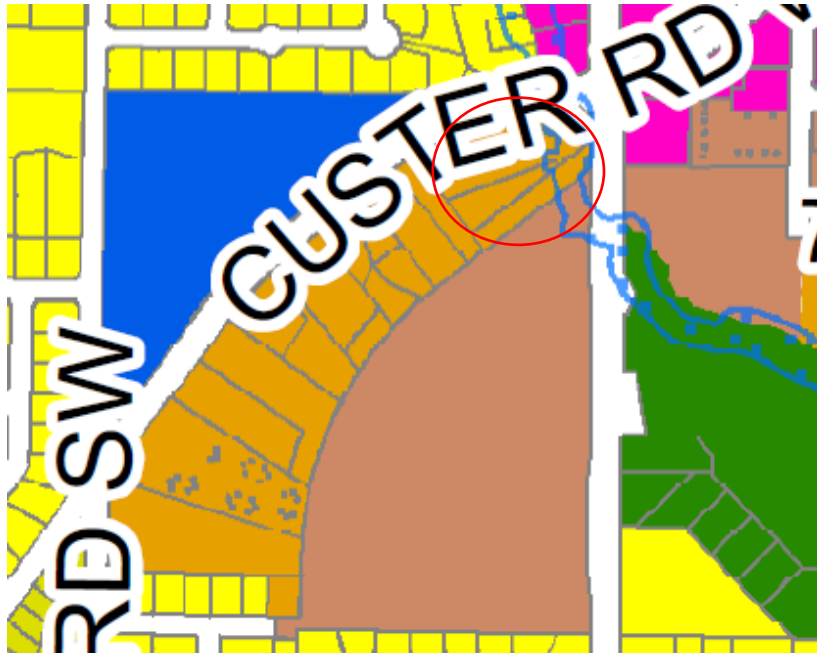
CPA/ZOA 2020-02 (Custer & Bridgeport A)

1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Mixed Residential (MR) to High Density Multi-Family (HD); and
2. Amend the zoning map to rezone the subject property from Mixed Residential 2 (MR2) to Multi-Family 3 (MF3).

Location: 7811 & 7815 Custer Rd. West

Assessor's Tax Parcel Nos.: 6940000020, 6940000010, 0220263023





- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood City Limit
- Tax Parcel
- Riparian Buffer*
- Planned Development District



Housing Capacity Analysis: This application requested rezoning three parcels totaling 2.27 acres from MR2 to MF3, resulting in an increase in potential density from 14.6 du to 35 du. The net resulting change in housing capacity is minimal.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

Existing Comprehensive Plan guidance indicates mixed residential with an off-street trail connecting to open space and parcels zoned Neighborhood Business District (NBD.) The application adds nine (9) apartment units to improve development feasibility while retaining mature tree stands, restoring a large portion of the creek buffer and potentially including a segment of planned off-street trail. Maximum MF3 density is not being sought by the applicant. Surrounding development is urban in nature and within the MR2, PI, MF2 and Arterial Commercial. The parcel immediately south is zoned MF2.

Both the current and proposed zoning allow for multifamily residential development. No other amendments or revisions to the Comprehensive Plan or development regulations are needed.

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Yes. No significant transportation impacts are anticipated on the parcels along Bridgeport Way. Impacts of the proposed zoning change have been reviewed by the applicant's traffic engineer. The City would conduct a site development plan review and address, at a minimum: whether a driveway on Bridgeport Way would be allowed; the placement of any driveway on Custer as far away as possible from the Bridgeport/Custer intersection; and whether any left turn movements out of the property would be allowed. Changes to any impacts to public service would be minimal. The proposed application would allow for about 18 more people to live on the parcels than could under current zoning. Changes to any impacts to public health safety and general welfare would be minimal. The proposed application would allow for about 18 more people to live on the parcels than could under current zoning.

There continues to be increasing pressure for affordable housing in Lakewood and the region.

3. Is the proposed amendment or revision consistent with the county-wide planning policies (CPPs)?

Yes. The CPPs discuss the need for affordable housing for all economic segments within urban areas.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Yes. See RCW 36.70A.020(4). Per the application, development on the site would increase from 30 to 39 units; this would provide more housing within walking distance to shopping, bus service, educational and employment opportunities. The planned off-street trail could ultimately help connect a more dynamic, safe and inviting neighborhood.

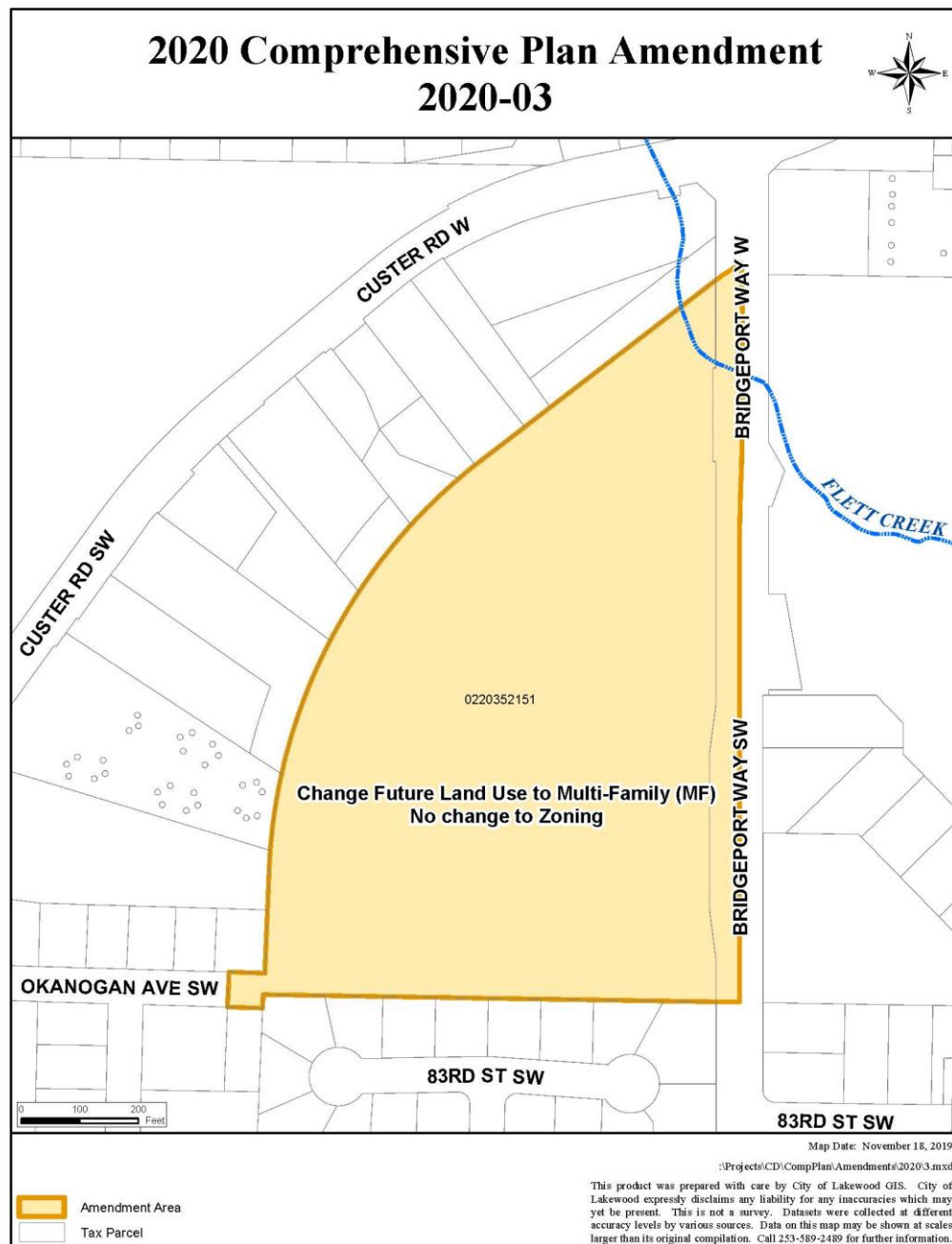
Planning Commission Recommendation: Approval of redesignating the parcels to Multi-Family (MF) and rezoning to Multifamily 2 (MF2.)

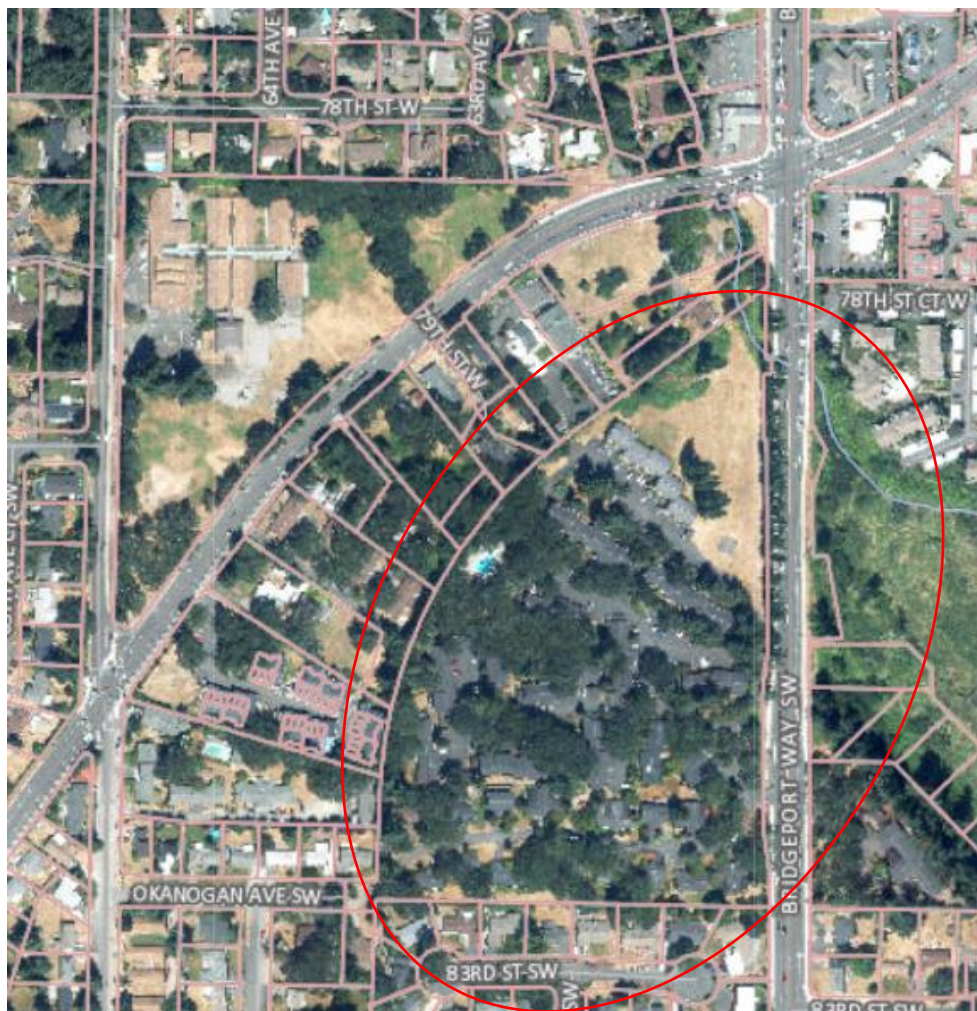
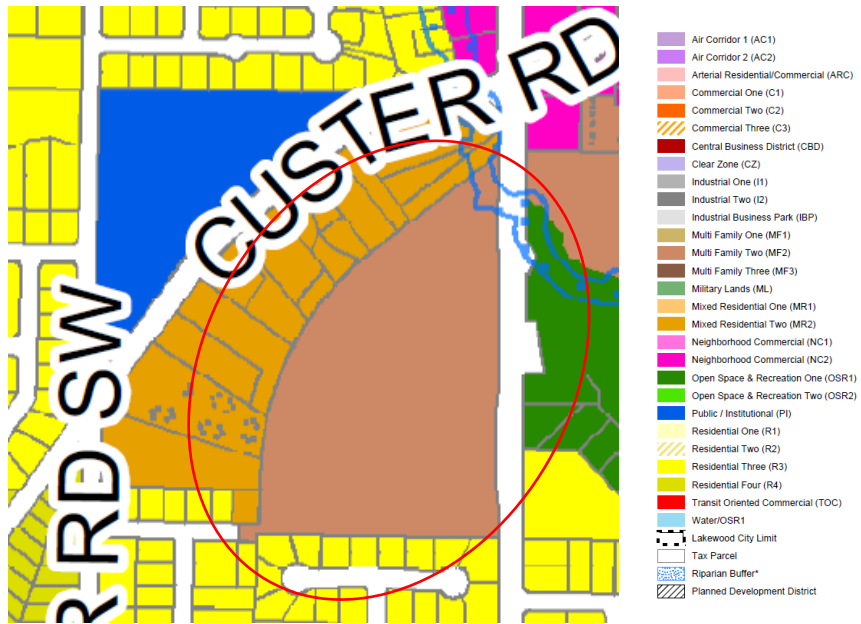
CPA/ZOA-2020-03 (Custer & Bridgeport B)

1. Scrivener correction to amend the Comprehensive Plan land-use map to designate the subject property Multi-Family (MF); and
2. No change to zoning is required.

Location: 8008 to 8248 Bridgeport Way SW

Assessor's Tax Parcel Nos.: 0220352151





CEDD ANALYSIS OF 2020-03

Housing Capacity Analysis: Not applicable

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

Not applicable - scrivener correction.

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Not applicable - scrivener correction.

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Not applicable - scrivener correction.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Not applicable - scrivener correction.

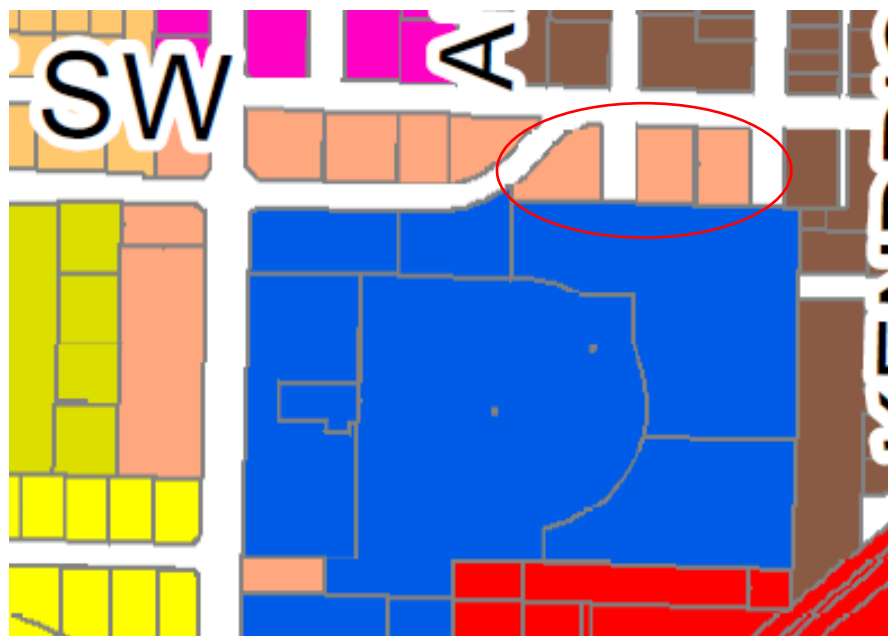
Planning Commission Recommendation: Approval

CPA/ZOA-2020-04 (111th & Bridgeport Way West)

1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to Multi-Family (MF); and
2. Amend the zoning map to rezone the subject property from Commercial 1 (C1) to Multi-Family 3 (MF3).

Location: 4808 - 4812 112th St SW, 4718 111th ST SW, and 11102 & 11106 47th AV SW
Assessor's Tax Parcel Nos.: 5080000396, 5080000420, 5080000431, 5080000432





- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood City Limit
- Tax Parcel
- Riparian Buffer*
- Planned Development District



CEDD ANALYSIS OF 2020-04

Housing Capacity Analysis: Proposed uses and their associated densities within commercial zoning districts, and the applicable community design standards shall be used to establish the minimum lot size for a project. Live/Work and Work/Live units are the only residential permitted uses within the C1 zone. The difference between live/work and work/live units is that the “work” component of a live/work unit is secondary to its

residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary.

The application encompasses a total of 1.62 acres. The rezoning of four (4) parcels from Commercial 1 (C1) to Multifamily 3 (MF3) would provide opportunity for additional multifamily units at a density of up to 54 units per acre should a development project be approved in the future, resulting in an increase in housing capacity.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

Yes, 2020-04 is consistent with the City's Comprehensive Plan elements and development regulations. No other amendments or revisions are needed. The parcels in question are immediately adjacent to MF3 zoned areas to the north and east and to Public Institutional (PI) immediately to the south. The rezone would allow additional multifamily housing units adjacent to multifamily units, resulting in full compatibility.

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Yes. The rezone would change the permitted uses from those in the C1 zone, which promote employment, services, retail, and business uses serving and linking neighborhoods to Lakewood's major transportation networks to uses allowed in MF3, which integrates urban, high-density, multi-story housing in close proximity to a principal or minor arterial with commercial/ residential districts.

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Yes. The need for affordable housing in the City and the region continues to grow. The parcels have not developed with commercial uses. The application provides for additional acreage for needed multifamily housing units.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Yes. The need for affordable housing in the City and the region continues to grow. The parcels have not developed with commercial uses. The application provides for additional acreage for needed multifamily housing units.

Planning Commission Recommendation: Approval.

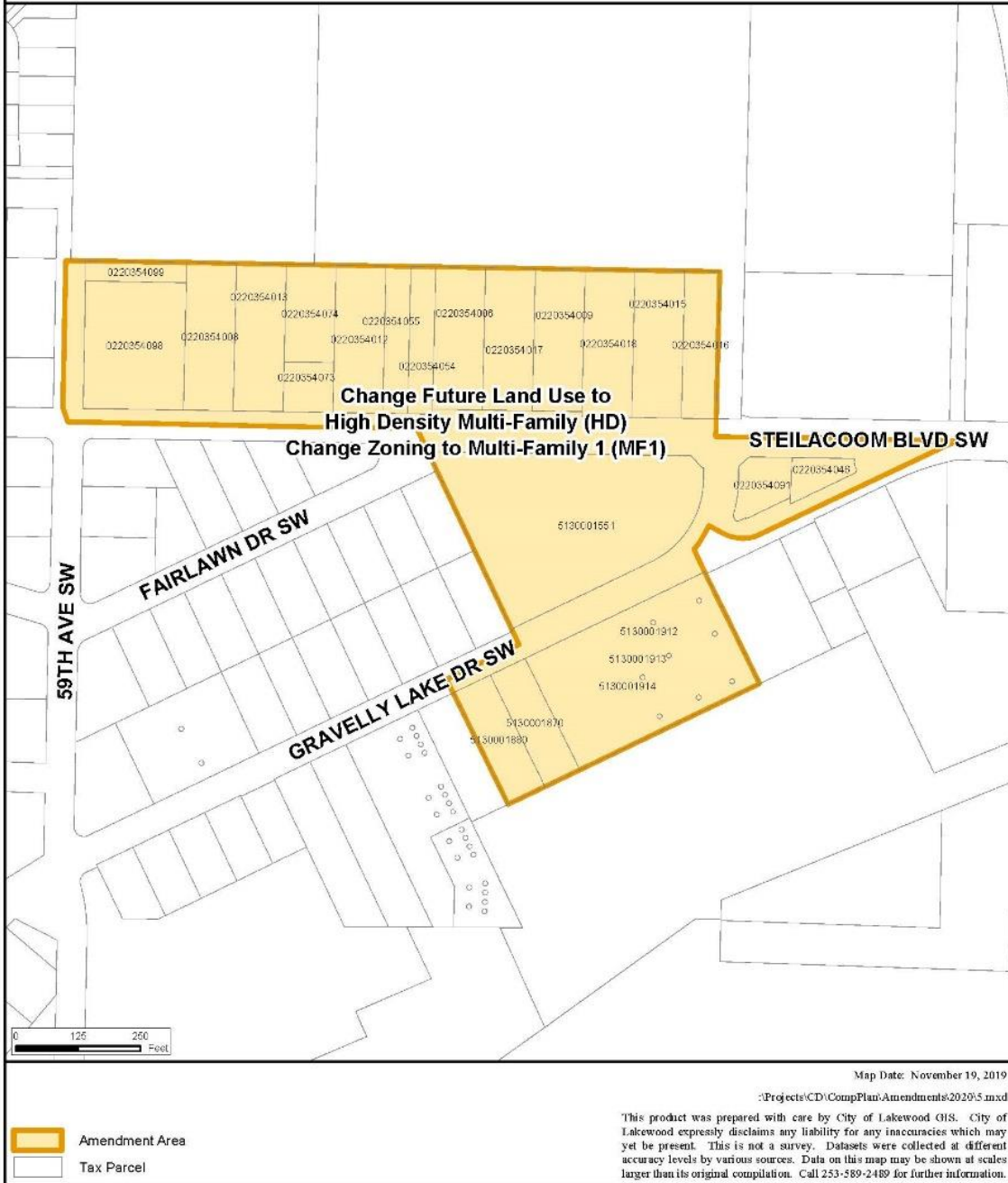
CPA/ZOA-2020-05 (59th Ave. W & Steilacoom Blvd.)

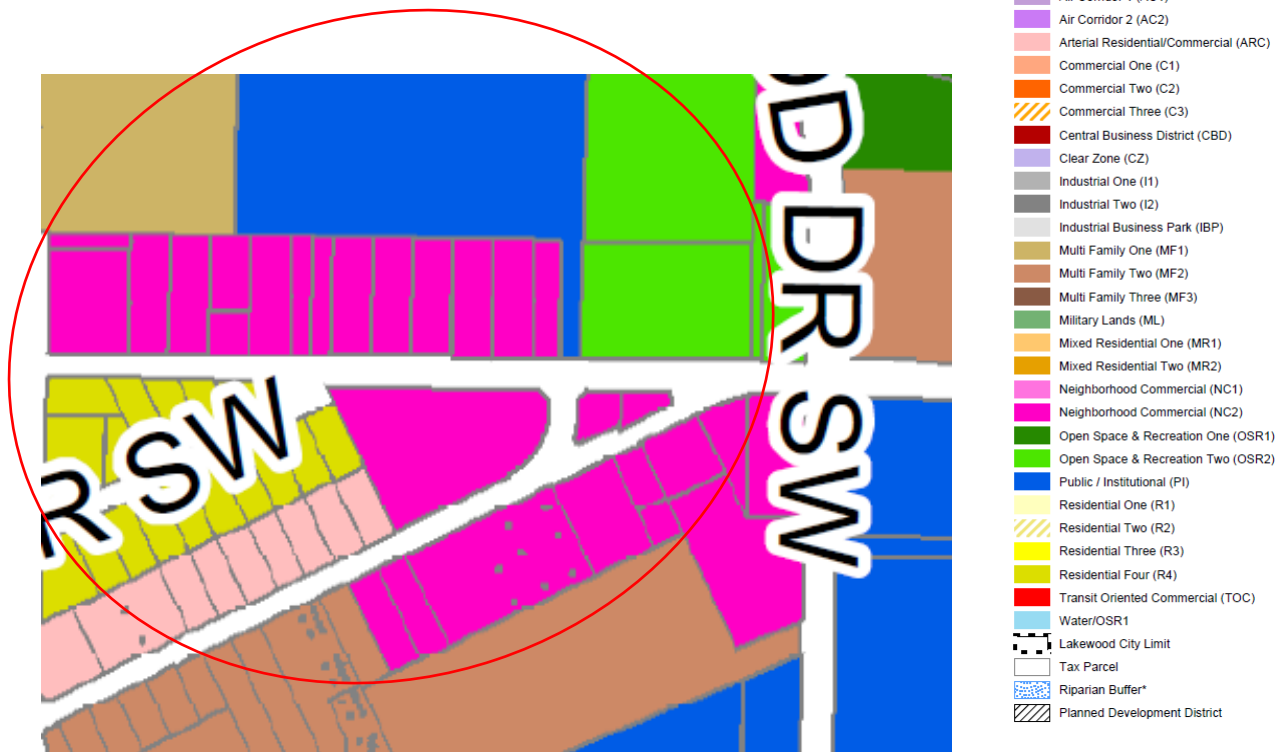
1. Amend the Comprehensive Plan land-use map to designate the subject property from Neighborhood Business District (NBD) to High Density Multi-Family (HD); and
2. Amend the zoning map to rezone the subject property from Neighborhood Commercial 2 (NC2) to Multi-Family 1 (MF1).

Location: 8801 59th Av SW, 5515 Steilacoom Blvd SW, 5503 to 5495 Steilacoom Blvd SW, 5495 Steilacoom Blvd SW UNIT A, XXX Steilacoom Blvd SW, 5485 Steilacoom Blvd SW, 5475 Steilacoom Blvd SW, 5473 A to 5473 D Steilacoom Blvd SW, 5471 Steilacoom Blvd SW, 5469 Steilacoom Blvd SW, 5453 Steilacoom Blvd, 5449 Steilacoom Blvd SW, 5437 Steilacoom Blvd SW, 5433 to 5435 Steilacoom Blvd SW, 8920 Gravelly Lk Dr SW, 8933 Gravelly Lk Dr, 8931 Gravelly Lk Dr, 8919 Gravelly Lk Dr, 8911 Gravelly Lk Dr SW, 5408 Steilacoom Blvd SW, 5404 Steilacoom Blvd SW

Assessor's Tax Parcel Nos.: 0220354099, 0220354098, 0220354008, 0220354013, 0220354074, 0220354073, 0220354012, 0220354055, 0220354054, 0220354006, 0220354017, 0220354009, 0220354018, 0220354015, 0220354016, 5130001551, 5130001880, 5130001870, 5130001913, 5130001912, 0220354091, 0220354046 & 5130001914

2020 Comprehensive Plan Amendment 2020-05





Housing Capacity Analysis: As submitted, this application would rezone 23 parcels along Gravelly Lake Dr. and Steilacoom Blvd. totaling 18.67 acres to MultiFamily 1 (MF1), which allows for up to 22 dua. The current zoning, Neighborhood Commercial 2 (NC2), allows for up to 22 dua as well, but also allows for a range of retail, office, and local commercial services. If no further commercial development were allowed, housing capacity within the area would therefore increase. If rezoned to ARC, the zone would allow for provides for continuance of residential uses, many of which are existing, along Steilacoom Blvd. while permitting the incorporation of low-intensity and low-impact commercial uses into compact areas.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

Yes, the amendment maintains consistency. No other amendments or revisions are needed.

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Yes. If adopted as submitted, this rezone would place MF1 parcels adjacent to MF2 parcels to the south and Arterial Residential/Commercial (ARC) to the west. As recommended, the rezone would place ARC parcels adjacent MF2 parcels to the south and adjacent to other ARC parcels to the west.

The MF1 zoning district provides for a variety of medium-density housing types and designs offering a wide choice of living accommodations for families of diverse composition and lifestyles. The MF2 zoning district provides for high-density housing types and designs, especially of a multiple-story design, that combine urban design elements to enhance the living environment.

The ARC zoning district provides for continuance of residential uses, many of which are existing, along busy City streets while permitting the incorporation of low-intensity and low-impact commercial uses into these compact areas. ARC zoning allows a maximum residential density of 15 dua. The minimum lot size for the ARC zoning district is five thousand (5,000) gross square feet (gsf), plus 2,750 gsf for each dwelling unit over one (1) unit, where applicable.

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Yes. Rezoning the parcels to MF1 would place medium density housing next to high density housing and low-intensity commercial uses. This would allow for a variety of housing choices within walking distance of commercial uses. Rezoning to ARC would allow up to 15 dua.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Yes. There continues to be a growing lack of affordable housing in Lakewood and in the region. The application provides for additional acreage for needed multifamily housing units in the City.

For ease of comparison, Table 1 below lists the permitted and conditionally permitted uses within the MultiFamily 1 (MF1) zone, MultiFamily 2 (MF2) zone, the Arterial Residential/Commercial (ARC) zone, and the Neighborhood Commercial 2 (NC2) zone. Uses that are prohibited in all of the listed zones are not included in the table.

Table 1

| Type of Use | Use | MF1 22 dua | MF2 35 dua | ARC 15 dua | NC2 35 dua |
|----------------------------------|--|---------------|---------------|---------------|---------------|
| Agricultural | Commercial beekeeping | P | P | C | C |
| | Growing and harvesting of crops | P | P | P | P |
| | Plant nurseries and greenhouses | P | P | P | P |
| | Raising and keeping of animals for agricultural purposes | - | - | P | - |
| Commercial and Industrial | Accessory commercial | - | - | P | P |
| | Accessory Industrial | - | - | - | - |
| | Accessory retail or services | - | - | - | P |
| | Artisan shop | - | - | - | P |
| | Auto and vehicle sales/rental | - | - | - | C |
| | Auto parts sales | - | - | - | P |
| | Bank, financial services | - | - | - | P |
| | Brewery – production | - | - | - | C |
| | Building and landscape materials sales | - | - | - | P |
| | Business support service | - | - | - | P |
| | Catering service | - | - | C | P |
| | Club, lodge, private meeting hall | - | - | C | P |
| | Commercial recreation facility – indoor | - | - | - | P |
| | Community center | - | - | - | P |
| | Convenience store | - | - | - | P |
| | Equipment rental | - | - | - | P |

| Type of Use | Use | MF1 22 dua | MF2 35 dua | ARC 15 dua | NC2 35 dua |
|-------------|--|---------------|---------------|---------------|---------------|
| | Furniture, furnishings, appliance/ equipment store | - | - | - | P |
| | Gas station | - | - | - | P |
| | General retail | - | - | - | P |
| | Golf course, country club | - | - | - | - |
| | Grocery store, large | - | - | - | P |
| | Grocery store, small | - | - | - | P |
| | Handcraft industries, small-scale manufacturing | - | - | - | P |
| | Health/fitness facility, commercial | - | - | - | P |
| | Kennel, animal boarding B(3) | - | - | - | C |
| | Laboratory – Medical/ Analytical | - | - | - | P |
| | Laundry, dry cleaning plant | - | - | - | - |
| | Library, museum | - | - | - | P |
| | Live/work and work/live units | - | - | - | C |
| | Medical Services - Lab | | | | P |
| | Mixed use | - | - | P | P |
| | Mortuary, funeral homes and parlors | - | - | - | P |
| | Office – business services | - | - | P | P |
| | Office – processing | - | - | - | C |
| | Office – professional | - | - | P | P |
| | Personal services | - | - | P | P |
| | Places of assembly | P | P | P | P |
| | Printing and publishing | - | - | - | P |
| | Produce stand | - | - | P | P |
| | Shelter, animal B(3), B(4) | - | - | - | P |
| | Shopping center | - | - | - | P |
| | Social service organization | - | - | - | C |
| | Solid waste transfer station | - | - | - | C |
| | Small craft distillery | - | - | - | P |
| | Studio - art, dance, martial arts, music, etc. | - | - | - | P |
| | Theater, auditorium | - | - | - | P |
| | Veterinary clinic B(3) | - | - | - | P |
| | Vehicle services – major repair/body work | - | - | - | C |
| | Vehicle services – minor maintenance/repair | - | - | - | P |

| Type of Use | Use | MF1 22 dua | MF2 35 dua | ARC 15 dua | NC2 35 dua |
|---|---|---------------|---------------|---------------|---------------|
| Eating and Drinking Establishments | Brewery - brew pub | - | - | - | P |
| | Microbrewery | - | - | - | P |
| | Mobile food vending facility | - | - | - | P |
| | Night club | - | - | - | C |
| | Restaurant, café, coffee shop – counter ordering | - | - | - | P |
| | Restaurant, café, coffee shop –drive-through services | - | - | - | C |
| | Restaurant, café, coffee shop –table service | - | - | - | P |
| | Restaurant, café, coffee shop – outdoor dining | - | - | - | P |
| | Restaurant, café, coffee shop – serving alcohol | - | - | - | P |
| | Tasting room | - | - | - | P |
| | Vendor stand | - | - | - | P |
| Essential Public Facilities | Community and technical colleges, colleges and universities | - | - | - | C |
| | Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines | P | P | P | P |
| | Electrical transmission lines of higher voltage than 115 kV, in new corridors | C | C | C | C |
| | Group Home - See special needs housing | | | | |
| | In-Patient Facility Including but not Limited to Substance Abuse Facility B(1), B(2) | - | - | - | C |
| | Intercity Passenger Rail Service | - | - | - | P |
| | Interstate Highway “I-5” | P | - | - | P |
| | Minimum Security Institution | C | C | C | C |
| | Sound Transit Railroad Right-of-Way | - | - | - | P |
| Government Services, General | Fire stations | C | C | - | P |
| | Post offices | - | - | - | P |

| Type of Use | Use | MF1 22 dua | MF2 35 dua | ARC 15 dua | NC2 35 dua |
|-----------------------------------|--|---------------|---------------|---------------|---------------|
| Health and Social Services | Day care center in existing and new schools | - | - | C | - |
| | Day care center in existing or new churches | - | - | - | C |
| | Day care center providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site | P | P | - | C |
| | Day care center, independent | - | - | C | P |
| | Human service agency offices | - | - | C | P |
| | Medical service - clinic, urgent care | - | - | - | P |
| | Medical service - doctor office | - | - | C | P |
| | Medical service - integrated medical health center | - | - | - | P |
| | Medical service – lab | - | - | - | P |
| | Pharmacy | - | - | - | P |
| | Preschool/nursery school | C | C | - | P |
| Lodging | Short term vacation rentals | P | P | P | P |
| Residential Uses | Accessory caretaker's unit | - | - | - | P |
| | Accessory dwelling unit | - | - | - | - |
| | Babysitting care | P | P | P | P |
| | Co-housing (dormitories, fraternities and sororities) | P | P | - | P |
| | Detached single family | - | - | P | - |
| | Two family residential, attached or detached dwelling units | P | - | P | P |
| | Multifamily, four or more residential units | P | P | P | P |
| | Mixed use | - | - | - | P |
| | Family daycare | P | P | P | P |
| | Home agriculture | P | P | P | - |
| | Mobile and/or manufactured homes, in mobile/manufactured home parks | P | P | - | P |
| | Residential accessory building | P | P | P | P |
| | Small craft distillery | - | - | - | P |
| | Specialized senior housing | C | C | - | P |
| | Accessory residential uses | P | P | P | P |
| Special Needs Housing | Assisted Living Facility | P | P | P | P |
| | Confidential Shelter | P | P | P | P |

| Type of Use | Use | MF1 22 dua | MF2 35 dua | ARC 15 dua | NC2 35 dua |
|-------------|---------------------------------------|---------------|---------------|---------------|---------------|
| | Continuing Care Retirement Community | P | P | P | P |
| | Enhanced Services Facility | - | - | C | C |
| | Hospice Care Center | P | P | - | - |
| | Nursing Home | P | P | P | P |
| | Type 1 Group Home – Adult Family Home | P | P | P | P |
| | Type 2 Group Home, Level 1 | P | P | P | P |
| | Type 2 Group Home, Level 2 | C | C | - | - |
| | Type 2 Group Home, Level 3 | C | C | C | C |
| | Type 3 Group Home, Level 1 | C | C | C | C |
| | Type 3 Group Home, Level 2 | C | C | C | C |
| | Type 3 Group Home, Level 3 | C | C | C | C |
| | Type 5 Group Home | - | - | | C |

Testimony received at the March 4 Planning Commission public hearing about this application as submitted was all negative. Individuals expressed their interest in developing commercial or mixed use projects on their parcels. Rezoning the parcels to Arterial Residential/Commercial (ARC) would allow for certain commercial uses while also recognizing the need to and allowing for increased residential density the area.

Planning Commission Recommendation: Recommend redesignating the parcels to MultiFamily (MF) and rezoning them to MultiFamily 2 (NF2.)

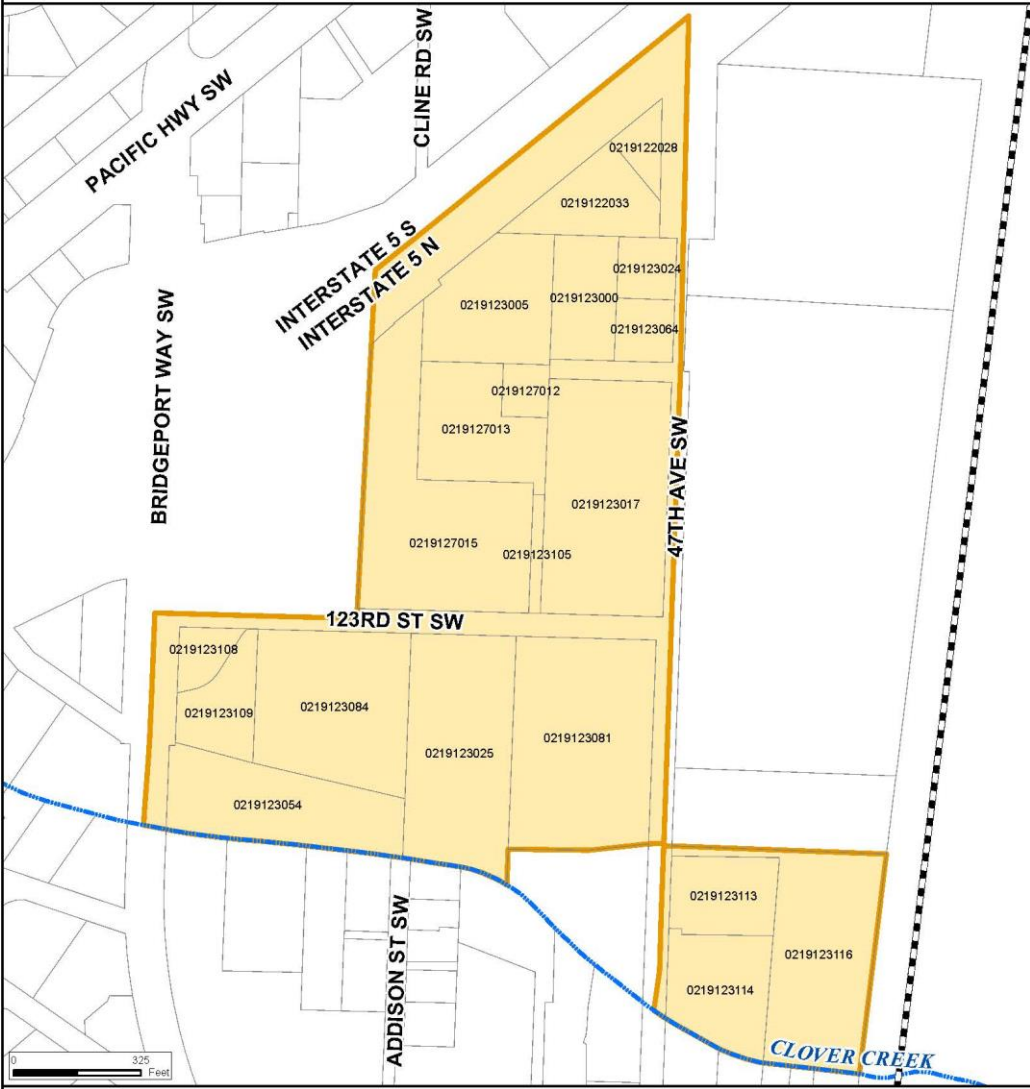
CPA/ZOA-2020-06 (Springbrook Neighborhood)

1. Amend the Comprehensive Plan land-use map to designate the subject property in the Springbrook Neighborhood area per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort; and
2. Amend the zoning map to zone the subject property per the outcome of the 2019 Lakewood/FEMA flood plain mapping update effort; and
3. Remove the Lakewood Station District boundary located within Springbrook.

Location: 4901 123rd St SW, XXX 123rd St SW, XXX 47th Av SW, 4800 to 4815 122nd St SW, 4804 121st St SW, 4801 121st St SW, 4715 to 4717 121st SW, 12018 TO 12020 47th Av SW, 4710 120th St SW, XXX 120th St SW, XXX 47th Av SW, XXX 123rd St SW, 12315 Bridgeport Wy W, 4828 123rd St SW, 4828 123rd St SW, 4702 to 4731 124th SW, XXX 47th Av SW, 12511 47th Av SW, 12517 47th Av SW

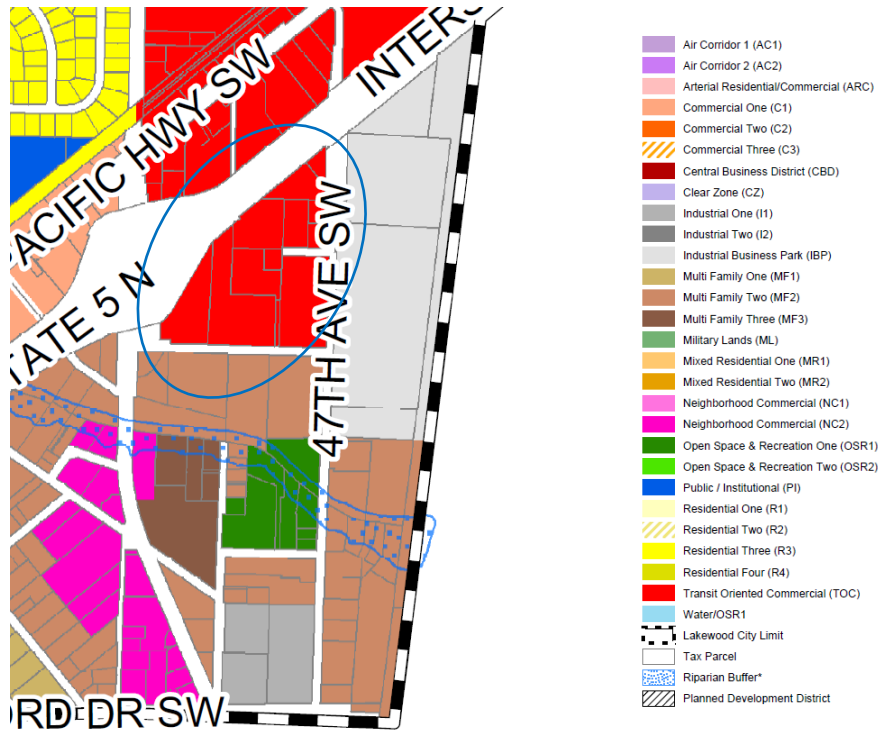
Assessor's Tax Parcel Nos.: 0219127015, 0219123105, 0219123017, 0219127013, 0219127012, 0219123005, 0219123000, 0219123064, 0219123024, 0219122033, 0219122028, 0219123108, 0219123109, 0219123084, 0219123025, 0219123081, 0219123116, 0219123113, 0219123114

2020 Comprehensive Plan Amendment 2020-06



- Amendment Area
- Tax Parcel
- Lakewood City Limit

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.



Aerial Vicinity Map for CPA/ZOA 2019-06



CEDD ANALYSIS OF 2020-06

Because of the complicated nature of analyzing this proposed application, staff is providing the information below rather than working through the eight standard criteria or providing a recommendation.

Housing Capacity Analysis:

Per Pierce County Ordinance 2017-24, Lakewood has a 2030 population allocation of 72,000, or an increase of 13,200 people above its 2008 population estimate of 58,780. This translates into an increase of 8,380 housing units from the 2008 total of 25,904 to reach the City's assigned 2030 target of 34,284 units.

There are two ways of examining the housing capacity. The first is to calculate the impact on *existing development*. At build-out, the proposal could result in the net loss 334 existing residential units (333 multifamily units and one single family residence.)

The second way is to examine the impact on housing based on an examination of the *comprehensive plan land use map*. Under current land use designations, this section of Springbrook is scheduled for medium- and high-density mixed use development with ranges in density of between 35- and 54-units per acre. However, much of the area is located in an existing floodplain. The floodplain poses constraints on maximum density. Based on a recent multifamily development project being proposed in Springbrook ("Cloverbrook"), which is located in the floodplain, it has been calculated that the maximum density cannot exceed 30-units per acre. Therefore, if this area were built-out under current land use designations, the maximum housing count would be 1,150 units. That also means that **if the same area were designated industrial** there would be a net loss of about 1,150 units, but again, this is a 'high-side' number.

Half of the properties in this area are in both the floodplain and the floodway. Development within the floodway is severely limited; housing would be prohibited. It is difficult to make a calculation of housing net loss in the floodway because the floodway meanders across a significant amount of land area and its boundaries cross many property lines. The most likely scenario is that housing net loss is about one-half of 1,150 units, or roughly 600 units.

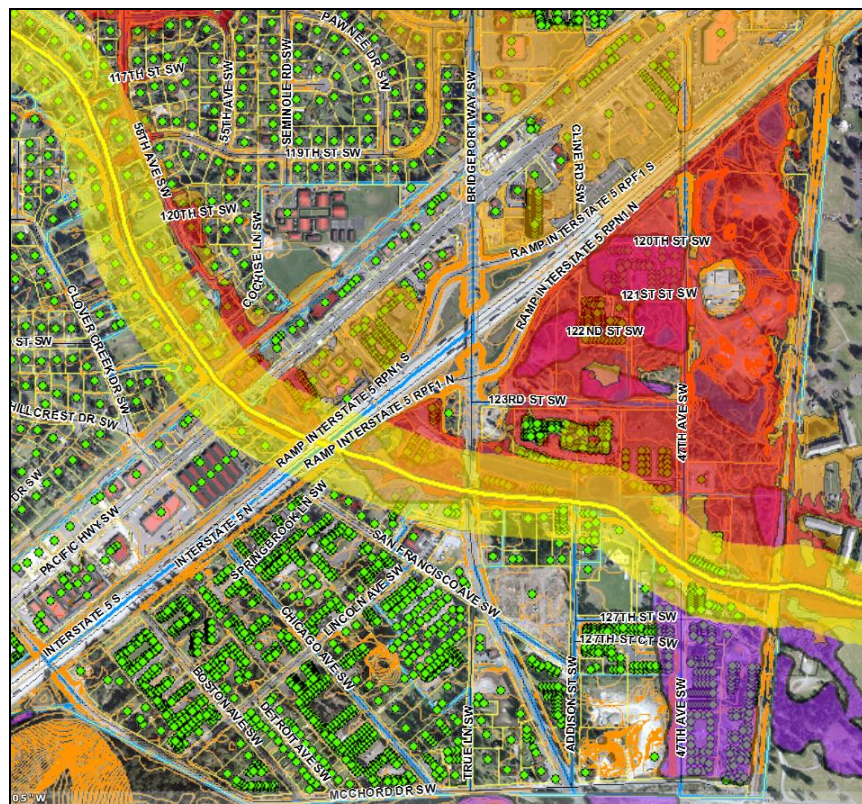
The 2018 Downtown Subarea Plan plans for a 2,257 net housing unit increase within its boundaries. This is an increase of 1,807 units within the Downtown boundaries and thus the City.

Assuming theoretical development at the maximum density allowed under the current zoning, the Springbrook neighborhood has the housing capacity for 1,548 units; again, given environmental constraint, the current real-world estimated maximum capacity is 1,150 units. **By rezoning the area to industrial**, the city-wide net increase in housing units would still be at least 773; using the more likely 600 unit build out for this area, the net citywide housing capacity increase taking the Downtown Subarea Plan increase of 1,807 units into account would be 1,207.

Comprehensive Plan Policy ED-5.13 directs that a subarea plan be developed and implemented in the Springbrook area. To date, this has not occurred, and Springbrook was removed from the boundaries identified by the City Council for the Lakewood Station District Subarea Plan in January 2020.

A map of the Springbrook area with a number of environmental layers applied is provided below.

| | |
|--|---------------------------------------|
| Red | Special Flood Hazard Area (SFHA) |
| Light Orange | 500 year flood zone |
| Thick Orange Lines | Topographic lines |
| Thick Yellow line | Creek(s) |
| Yellow | 250' creek buffer per FEMA BiOp |
| Purple with black outline (looks pink) | Oak grasses (potential oak woodlands) |
| Blue | Potential Wetlands |

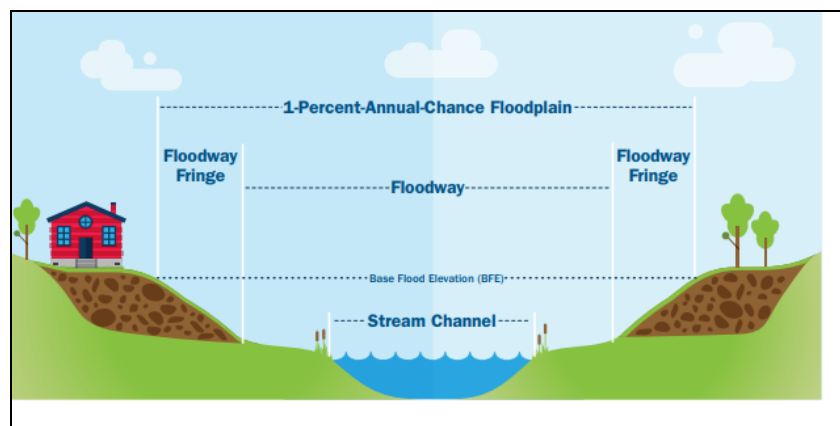


One of the difficulties with this application is the unusual nature of the floodway found within the project site. To explain the situation, it is important to first define “floodplain” and “floodway.”

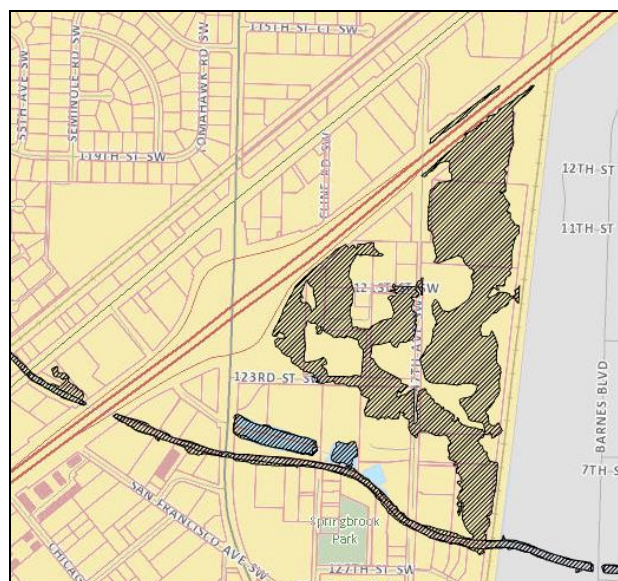
A “floodplain” is comprised of the “floodway” and the “floodway fringe.” The floodway includes the channel and adjacent overbank areas necessary to effectively convey floodwaters. The flood fringe are lands outside the floodway, at or below the Base Flood Elevation, that store but do not effectively convey floodwaters. FEMA regulates the floodplain to represent the 1 percent-annual-chance flood, known as the base flood.

A floodway is the primary conveyance area of a channel’s cross-section that is the natural conduit for flood waters. The floodway must remain open in order to allow flood waters to pass. When the floodway is obstructed by buildings, structures, or debris, flood waters will back up, resulting in greater flooding potential upstream. The distinction between the two is important when considering development and mitigating risk in a community.

Graphically, a floodplain and floodway generally looks like this:



However, the floodway for Clover Creek is much different, probably due to development in the area over the past several hundred years. It does not seem to follow a stream channel:



CPA-ZOA 2019-06 Options

OPTION 1 – Status Quo: Take no action (retain the current land use designations (Comprehensive Plan: Corridor Commercial & Multifamily) and zoning (TOC & MF2), subject to the current flood hazard overlay regulations.) This option would allow for the internal process being undertaken by Lakewood to reanalyze and verify the presence or absence of the floodplain and floodways currently mapped in Springbrook by FEMA. Included below is a description by the Public Works Director of the mapping process:

The mapped floodplain along Clover Creek that includes our 123rd St. SW project extension to 47th Ave SW, was conducted by FEMA using a modeling technique and base topographic information that results in exceedingly inaccurate areal extents and depths of water for the floodplain. In conversation with Pierce County SWM personnel and then an outside consultant who specializes in this field of practice and is very familiar with the FEMA mapping at this location, I am of the opinion that the City and the County would be benefitted by conducting a higher degree of analysis to determine a more accurate floodplain between JBLM extents along Clover Creek to Lake Steilacoom.

The Public GIS (<https://matterhornwab.co.pierce.wa.us/publicgis/>) mapping maintained by Pierce County reflects a floodplain and floodway overlay covering the vast majority of the Springbrook neighborhood as well as many parcels northwest across the freeway. This impacts any development proposed to occur within the Springbrook area including the County's gravel Pit along 47th Ave SW. As currently mapped, the County's property only has a limited area that would be buildable without significant efforts to mitigate or elevate by any proposed development. In conversation with Pierce County staff, the current model reflects upwards of 9 feet of inundation at the lowest point on the County pit site and upwards of 5 feet across our new road. I believe this is a direct result of the model used by FEMA and the much older and inaccurate topological data.

I've asked a firm to estimate the cost of doing a more accurate model using the County's 2010 LIDAR information (ground contours) and a more sophisticated modeling technique. The estimated timing for the work, which includes preparing and defending a Letter of Map Revision (LOMR) submittal to FEMA, 10-12 months, which includes approval by FEMA of a LOMR request. The timeline for the modeling work and LOMR preparation is approximately 4 months to LOMR submittal with the remaining 6-8 months for FEMA review and approval.

Current Conditions:

- Existing developed are already nonconforming with the flood hazard overlay regulations.

- Some properties have wetlands.
- Existing residential densities are low. Existing DUA for developed properties is on average 13.75. Highest DUA count is 33 DUA for one property. By comparison, the maximum DUA for TOC is 54; for MF2 is 35 DUA.
- For new development, under the current constraints, the lot coverage is 24 percent, impervious surface (parking areas), 46 percent, and open space flood protection, another 31 percent.
- Strict limitations/prohibitions to any increase in existing structures' square footage.
- Maximum residential density, 30 DUA with buildings having five levels.

Pros:

- Leaves the current situation as is; no changes.
- Within the region, there appears to be an affordable housing shortage. These lands at this density could help offset demand provided the market remains strong.
- Subject properties are located in the vicinity of the Lakewood Station, a major transit hub.
- With mixed use development permitted in the TOC zone, it improves the potential for better services within the Springbrook Neighborhood.

Cons:

- This area of Lakewood has been slow to redevelop. In part, this is because of a lack of infrastructure. Other reasons include the potential for flooding for properties adjacent to Clover creek, the surrounding conditions of existing properties, its geographical isolation, and lack of services.
- City is placing higher density in a floodplain. Generally, this is not sound public policy.

OPTION 2 – Lower Density: Reduce current residential densities; prohibit mixed use residential development.

Pros:

- Reduces residential density and would prohibit commercial development; lessens the impact of development in the floodplain.

Cons:

- Reduces Lakewood's underlying residential capacity as it relates to GMA; however, it is argued that allowing higher densities in a floodplain is counter to the overall goals of GMA.
- City is still allowing low- to medium-density within the floodplain.

OPTION 3 – Open Space: Change the comprehensive land use designation to Open Space & Recreation (OSR) and the zoning classification Open Space & Recreation 2 (OSR2), respectively. Allow both public and private higher intensity open space uses such as golf

courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, ice-skating rinks, parks, wildlife and nature preserves, bicycle, and hiking trails.

Pros:

- Consistent with FEMA regulations.
- Consistent with the City's Flood Hazard Overlay regulations.
- Consistent with the goals of GMA.
- Expands open space opportunities within the City.
- In the long-term, may improve the biological viability of Clover Creek.

Cons:

- Reduces Lakewood's residential capacity.
- Reduces the City's opportunity for economic redevelopment particularly in a market that is desiring additional industrial lands supporting the current level of activity in the ports of Tacoma and Seattle.
- Existing uses would zoning-wise, become nonconforming (however, existing developed areas are already nonconforming with the flood hazard overlay regulations).

OPTION 4 - Industrial: Amend the land use designations (Corridor Commercial (CC) & Multifamily (MF) and zoning (Transit Oriented Commercial (TOC) and Multifamily 2 (MF2)) to Industrial and Industrial Business Park (IBP), respectively.

Pros:

- Supports the City's goals for economic redevelopment and investment.
- Encourages new infrastructure.
- Properties are located in an Opportunity Zone.

Cons:

- Potential loss of land for housing development.
- Development within the floodplain is subject to the City's Flood Hazard Overlay Zone.
 - All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality and habitat.
 - New construction for any commercial, industrial or other non-residential structure shall be elevated at least one (1) foot above the base flood elevation, with attendant utility and sanitary facilities.
 - No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Regulatory Floodplain. (This prohibition does not apply to small quantities of these materials kept for normal household use.)
- Significant site constraints in relation to typical industrial development: lot

coverage, 24 percent; impervious surface (parking areas), 46 percent; and open space for flood protection, another 31 percent.

Transportation analysis (daily trip generation rates) for Option 4 (analysis subject to change):

Current daily trip generation: 1,512 trips +/- (from current 334 units).

Current designation/zoning build-out trip generation using a constrained analysis based on floodplain problems: 9,197 +/-.

Trip generation with conversion to industrial, also using a constrained analysis because of floodplain: 5,078 +/- . This number is relatively low due to an assumption that only 30% of the land can be covered with structures because the area is in a floodplain.

Total acreage: 42.03 acres

Existing number of residential units: 334

Existing dwelling units per acre (DUA) for the subject area: 13.75 (very low!)

Maximum number of units based on current code: 1,670

Daily trip generation based on existing uses: 1,512 (very low!)

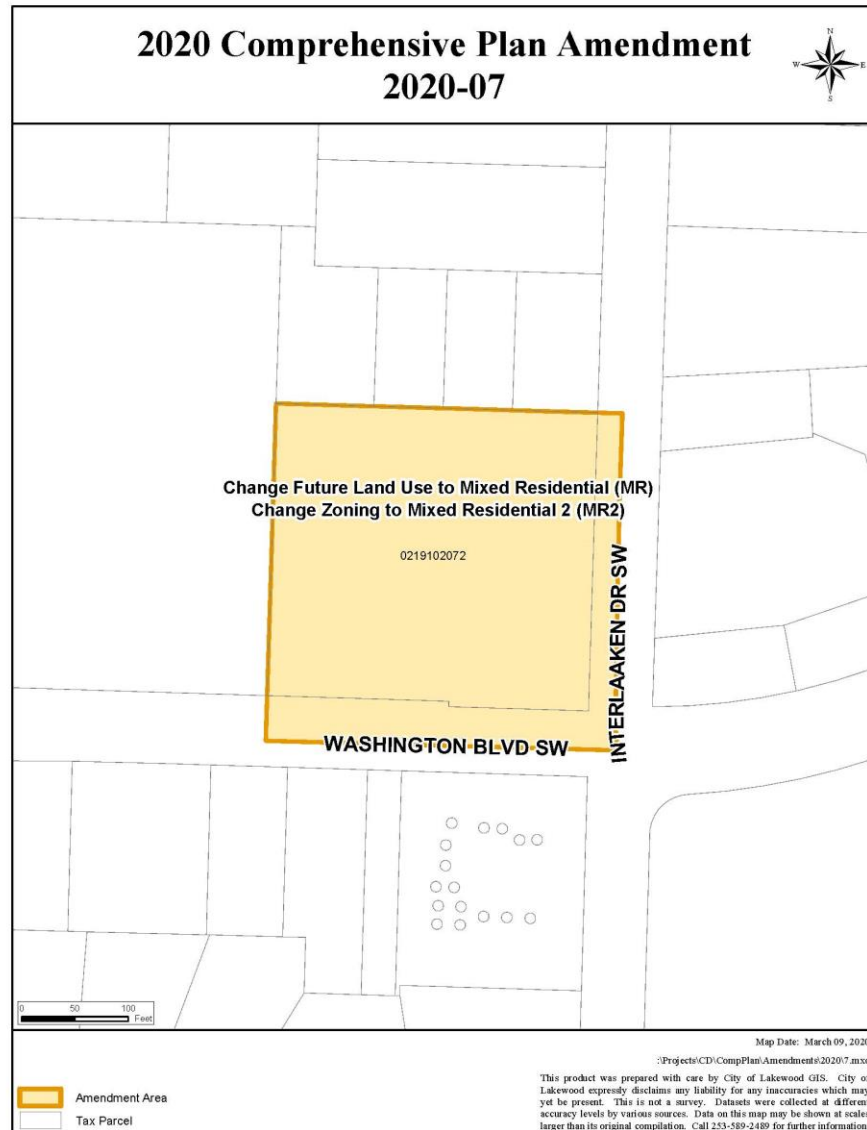
Miscellaneous: Should this Option be pursued, it may require follow-up amendments to the City's Shoreline Master Plan.

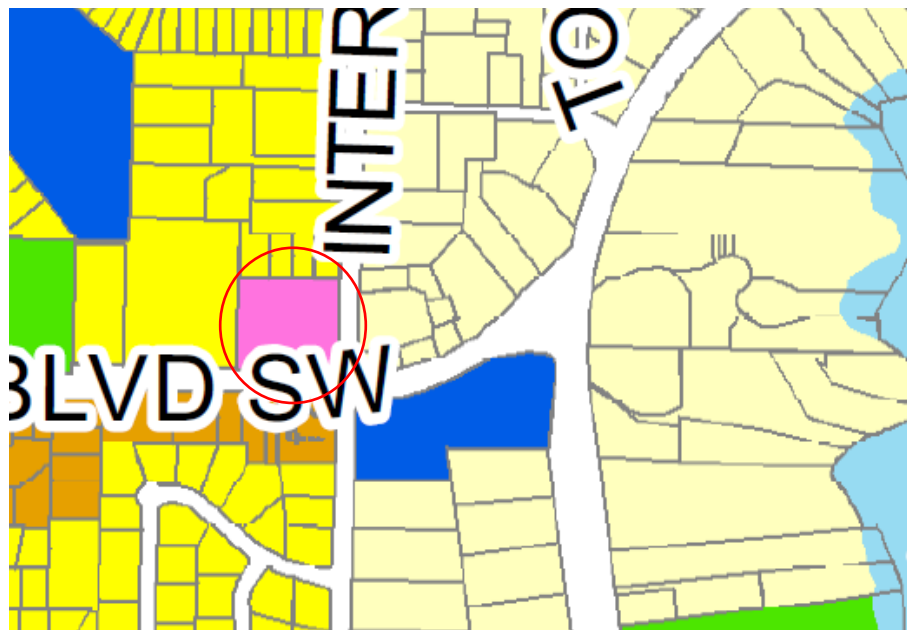
Planning Commission Recommendation (*made without knowledge that Lakewood Public Works had withdrawn the LOMR request from FEMA*): Continue CPA/ZOA-2020-06 to the 2021 CPA cycle to allow for completion of FEMA analysis and updates to City's mapped floodplain.

CPA/ZOA-2020-07 (Washington Blvd. & Interlaaken Blvd.)

1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Neighborhood Business District (NBD) to Mixed Residential (MR); and
2. Amend the zoning map to rezone the subject property from Neighborhood Commercial 1 (NC1) to Mixed Residential 2 (MR2).

Location: 7907 Washington Blvd SW
Assessor's Tax Parcel Nos.: 0219102072





- Air Corridor 1 (AC1)
- Air Corridor 2 (AC2)
- Arterial Residential/Commercial (ARC)
- Commercial One (C1)
- Commercial Two (C2)
- Commercial Three (C3)
- Central Business District (CBD)
- Clear Zone (CZ)
- Industrial One (I1)
- Industrial Two (I2)
- Industrial Business Park (IBP)
- Multi Family One (MF1)
- Multi Family Two (MF2)
- Multi Family Three (MF3)
- Military Lands (ML)
- Mixed Residential One (MR1)
- Mixed Residential Two (MR2)
- Neighborhood Commercial (NC1)
- Neighborhood Commercial (NC2)
- Open Space & Recreation One (OSR1)
- Open Space & Recreation Two (OSR2)
- Public / Institutional (PI)
- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Residential Four (R4)
- Transit Oriented Commercial (TOC)
- Water/OSR1
- Lakewood City Limit
- Tax Parcel
- Riparian Buffer*
- Planned Development District



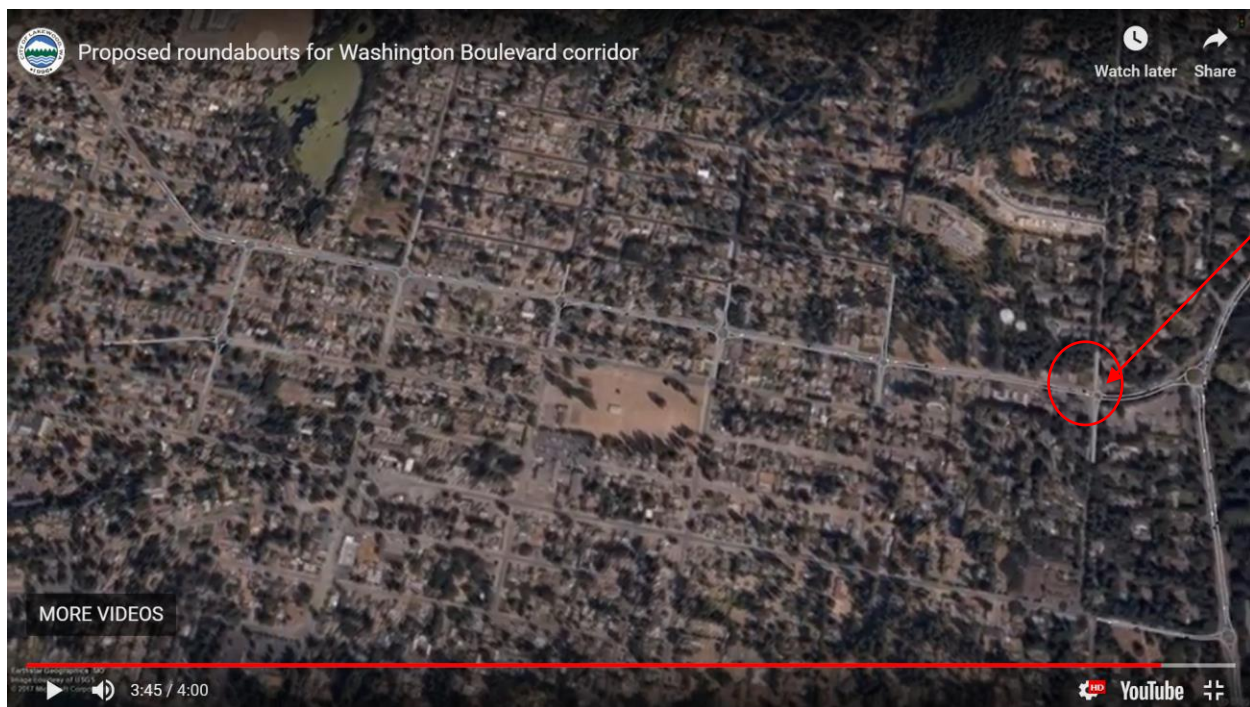
CEDD ANALYSIS OF 2020-07

This application addresses a single parcel and should be analyzed as a site-specific rezone under LMC 18A.30.680 and .690.

As part of the City's plans to improve safety around the Washington Boulevard corridor on the city's western border with Joint Base Lewis-McChord, part of the redesigned road will include the addition of up to 10 roundabouts. The purpose of the roundabouts is to help traffic flow more smoothly, and to decrease speeds through the busy corridor that is traveled not only by residents but also by people accessing Joint Base Lewis-McChord.

In an effort to help residents visualize what the new roadway (as proposed) would look like, the city requested its design contractor create a video showing the traffic flow along Washington Boulevard with the roundabouts, including one at the intersection of Washington Blvd. and Interlaaken Dr. SW. Also shown are proposed improvements at Gravelly Lake Drive, Edgewood Drive and Northgate Road.

Included below is a screen shot from the video with the roundabout at Washington & Interlaaken shown.



Housing Capacity Analysis: Rezoning this 1.82 acre parcel from NC1 to MF2 would provide for up to 35 du on the land, or up to 63 additional units of high density housing.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

This parcel is adjacent to MR2 and R3 parcels and could provide additional affordable housing options within close proximity to retail and commercial uses within mixed use development. The NC1 zone is intended to foster a sense of neighborhood identity and provide limited services within a neighborhood. The district provides for a small-scale mix of activities, including residential, retail, office, and local services, which serve the surrounding neighborhood. However, although it has been zoned NC1 for a number of years, no development at NC1 intensity has occurred.

The MF2 zone provides for high-density housing types and designs, especially of a multiple-story design, that combine urban design elements to enhance the living environment. Urban design elements stress pedestrian orientation and connections, security, transportation, and integration of housing.

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Yes. This parcel is adjacent to MR2 and R3 parcels and could provide additional affordable housing options in close proximity to retail and commercial uses within mixed use development. The affordable housing shortage continues to worsen in Lakewood and the region.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

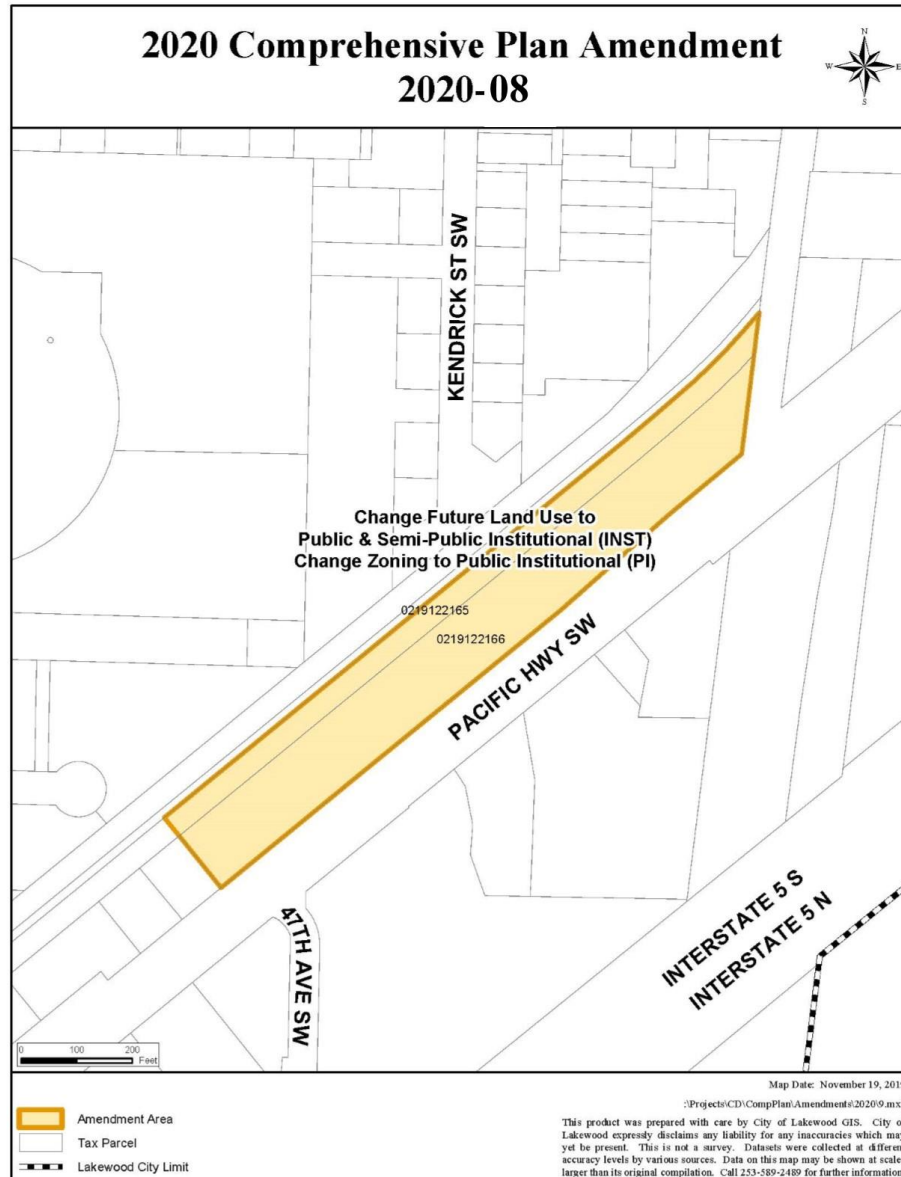
Yes.

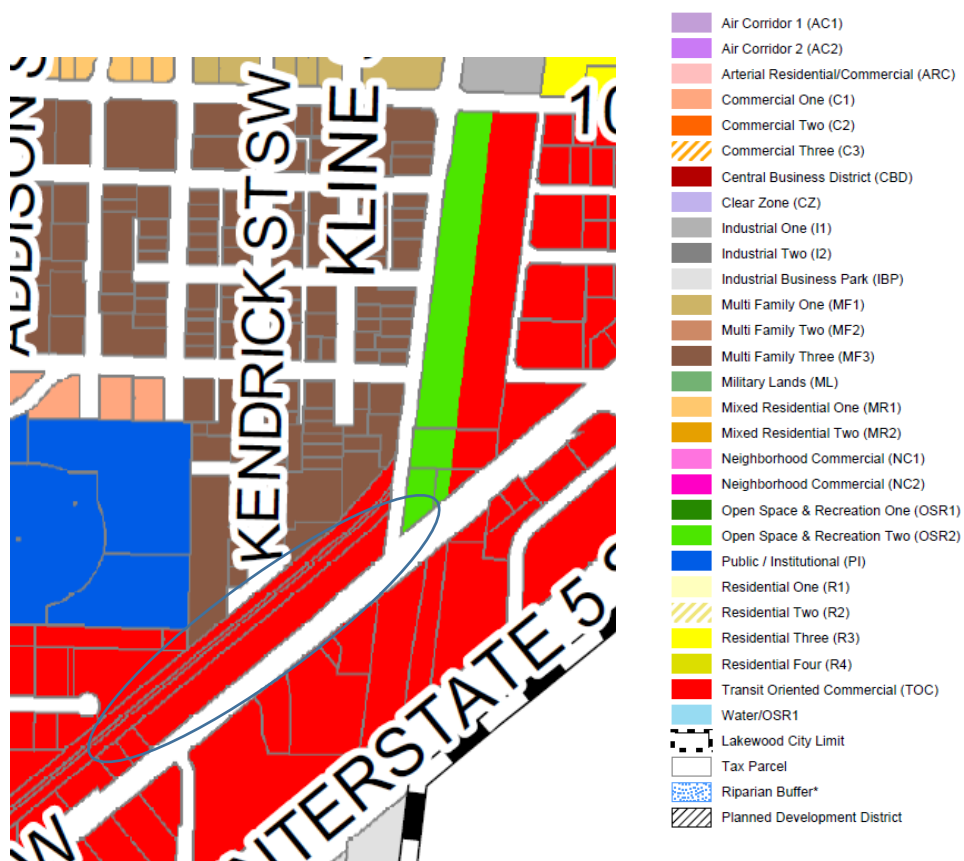
Planning Commission Recommendation: Since this application addresses a single parcel, remove the application from the docket and pursue it as a site-specific rezone per LMC 18A.30.680 and .690.

CPA/ZOA-2020-08 (Lakewood Transit Station)

1. Amend the Comprehensive Plan land-use map to redesignate the subject property from Corridor Commercial (CC) to Public & Semi-Public Institutional (INST); and
2. Amend the zoning map to rezone the subject property from Transit Oriented Commercial (TOC) to Public Institutional (PI).

Location: XXX Pacific Hwy SW, 11402, 11424 & 11602 Pacific Hwy SW
Assessor's Tax Parcel Nos.: 0219122165, 0219122166





CEDD ANALYSIS OF 2020-08

Housing Capacity Analysis: No change to Lakewood's housing capacity.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?

Not applicable; this application is essentially a scrivener correction to zone the parcel on which the Sounder Station is located to Public Institutional (PI.)

2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Not applicable; this application is essentially a scrivener correction to zone the parcel on which the Sounder Station is located to Public Institutional (PI.)

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Not applicable; this application is essentially a scrivener correction to zone the parcel on which the Sounder Station is located to Public Institutional (PI.)

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Not applicable; this application is essentially a scrivener correction to zone the parcel on which the Sounder Station is located to Public Institutional (PI.)

Planning Commission Recommendation: Approval.

CPA/ZOA-2020-09 (Rail Policies)

Delete freight mobility policy T-18.4 from the Comprehensive Plan Transportation Chapter:

~~T-18.4: ——— Examine the potential of unused or underutilized rail lines in Lakewood for freight rail.~~

Revise existing freight mobility policy T-18.6 in the Comprehensive Plan Transportation Chapter:

T-18.6: Promote the continued operation of existing rail lines to serve the transportation needs of Lakewood businesses and Joint Base Lewis McChord.

Amend the Transportation Chapter of the Comprehensive Plan, adding a new policy:

T-18.10: The City discourages 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.

CEDD ANALYSIS OF 2020-09

Housing Capacity Analysis: Not applicable.

1. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency with the current final docket that will be considered by the Planning Commission and the City Council?
2. Is the proposed amendment or rezone consistent with the goals of the Comprehensive Plan?

Lakewood has long advocated for safer rail operations within its boundaries; the City's concerns were confirmed by the December, 2017 Amtrak derailment. This application would amend the Comprehensive Plan to better reflect concerns the City has with public safety and rail traffic in Lakewood.

3. Is the proposed amendment or revision consistent with the county-wide planning policies?

Yes.

4. Does the proposed amendment or rezone comply with the requirements of the GMA?

Yes.

Planning Commission Recommendation: Approval

REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:

June 15, 2020

TITLE: A Resolution
Adopting the City of Lakewood
Six Year (2021-2021)
Comprehensive Transportation
Improvement Program

TYPE OF ACTION:

— ORDINANCE

X RESOLUTION NO. 2020-10

REVIEW:

June 1, 2020 Public Hearing

ATTACHMENTS:
Resolution 2020-10,
Comprehensive Transportation
Improvement Program 2021-
2026

— MOTION

— OTHER

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

RECOMMENDATION: It is recommended that the City Council adopt the City of Lakewood Six Year Comprehensive Transportation Improvement Program (2021-2026) as submitted at the public hearing on June 1, 2020.

DISCUSSION: A public hearing was held on June 1, 2020, and the hearing was advertised in the Tacoma News Tribune and through the City's social media accounts, Staff also placed the draft program on the City's web site. No public comments were received. Chapter 35.77.010 RCW requires that the City annually update its Six Year Comprehensive Transportation Improvement Program (6-Year TIP) and file a copy with the Secretary of the Washington State Department of Transportation within 30 days of adoption.

ALTERNATIVE(S): Because the adoption of a Six Year Comprehensive Transportation Program is required by State statute, there is no practical alternative to its adoption if the City wishes to continue leveraging local dollars with State and Federal grant funds. Council may however modify or prioritize projects within the Program as deemed appropriate and can amend the 6-year TIP at any time following a public hearing.

FISCAL IMPACT: The TIP is not required to be fiscally balanced and decisions on initiating projects comes with the adoption of the City's biennial budget.

Weston Ott

Prepared by

Paul A. Bucich, P.E.

Department Director


City Manager Review

RESOLUTION NO. 2020-10

A RESOLUTION of the City Council of the City of Lakewood, Washington, adopting the Six-Year (2021-2026) Comprehensive Transportation Improvement Program.

WHEREAS, pursuant to Section 35.77.010 of the Revised Code of Washington, cities are required to adopt and annually update a six-year Transportation Improvement Program as part of a coordinated transportation program; and

WHEREAS, a public hearing was held before the Lakewood City Council at a meeting on June 1, 2020, to hear and receive public comment on the proposed, amended six-year program; and

WHEREAS, the 2021-2026 Program was developed under the guidance of the City Council and was made available on the City's website. A request for public comment on the 6-yr TIP was also made on the city's social media accounts and the Tacoma News Tribune soliciting comments prior to the public hearing; and

WHEREAS, after considering all of the information presented the City Council finds that prioritized road and street capital improvement projects are essential to proper planning and the improvement of transportation within the City, and that planning as provided under the RCW is necessary to obtain available state and federal funding.

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

Section 1. That the Six-Year Comprehensive Transportation Improvement Program for 2021 through 2026, a copy of which is attached hereto and incorporated by reference, is adopted, and that the City Council authorizes the City Manager or designee to use the same in applications for grant funding for transportation related projects, and further authorizes the City Manager or designee to apply for such grants based thereon.

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

PASSED by the City Council this 15th day of June, 2020.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney



CITY OF LAKEWOOD

SIX-YEAR COMPREHENSIVE TRANSPORTATION IMPROVEMENT PROGRAM 2021-2026 -- Final: 6/15/2020 --

PREFACE

Chapters 35.77.010 of the Revised Code of Washington (RCW) provide that each city shall annually update its Six-Year Comprehensive Transportation Program (Program) and file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) by July 1 of each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding, it must appear in the agency's current Program.

The Program is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the Program is to integrate the two to produce a comprehensive, realistic program for the orderly development and preservation of our street system. It is also important to note that the adoption of the Program does not irreversibly commit the City of Lakewood to construct the projects. The Program may at any time be revised by a majority of the City Council, but only after a public hearing.

CONSISTENCY WITH LAND USE MANAGEMENT PLAN

The State's Growth Management Act (GMA) requires local governments to develop and adopt comprehensive plans covering land use, housing, capital facilities, utilities, and transportation. These comprehensive plans must balance the demands of growth with the provision of public facilities and services and, in particular, transportation facilities and services. The City of Lakewood was required to develop and adopt a comprehensive plan that is in conformance with the requirements of the GMA.

The City of Lakewood has, as part of its Comprehensive Plan, a Transportation Element with a Master Goal to "Ensure that the transportation and circulation system is safe, efficient and serves all segments of the population and reduces reliance on single-occupant vehicles and increase use of other modes of transportation."

Specific goals include the following.

1. To provide a safe, comfortable and reliable transportation system.
2. To reduce consumption of energy through an efficient and convenient transportation system.
3. To enhance options for future improvements to the transportation system by taking advantage of advances in technology and transportation research.
4. To keep travel times for people and goods as low as possible.

5. To emphasize the movement of people and goods, rather than vehicles, in order to obtain the most efficient use of transportation facilities.
6. To establish a minimum level of adequacy for transportation facilities through the use of consistent and uniform standards.
7. To protect the capital investment in the transportation system through adequate maintenance and preservation of facilities.

The projects in the Six-Year Comprehensive Transportation Program are intended to conform to the goals within the City's Comprehensive Plan.

GRANT APPLICATIONS AND LEVERAGING LOCAL DOLLARS

The need to leverage local dollars through grant applications is very important to the City, especially in light of the decrease in funding available for transportation related capital improvements. The intent of this Program is not only to list and program projects for funding, but to establish City Council approval to submit grant applications on those projects contained in the Program.

FUNDING SOURCES

A. Motor Vehicle Fuel Tax Funds

The Motor Vehicle Fuel Tax Funds have been programmed to provide matching funds for federal aid and urban arterial projects and for projects to be implemented with Motor Vehicle Fuel Tax Funds only.

By law, each city receives a proportionate share of the total state motor vehicle fuel tax. Money received is a monthly allocation based on population. The dollars shown in this year's Program reflect the revenues from this source expected to be received by the City of Lakewood.

B. Federal Aid Funding Programs

Each of the Federal aid programs listed below has specific requirements a project must meet to qualify for funding under the individual program. For a project to receive funding from any of these sources it must compete with other public agency projects.

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation Act (FAST ACT). The Act authorizes \$305 billion over fiscal years 2016 through 2020 for the Department's highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology and statistics programs. The ACT essentially continues on with a number of specific funding programs that were funded under the previous Federal Transportation program (MAP 21). These include the following:

1. STP Surface Transportation Program: This is a regionally competitive program.
2. CMAQ Congestion Mitigation and Air Quality: This is a regionally competitive program intended for projects that significantly improve air quality.
3. HSIP Highway Safety Improvement Program: Statewide competition for federal funds targeted at safety improvements at high accident locations.
4. TAP Transportation Alternatives Program: This is a regionally competitive program and focuses on pedestrian and bicycle facilities (on and off road); safe-routes to schools, etc.; and other non-highway focused programs.

Much of the above said Federal grant funds are funneled thru the regional MPOs which for Lakewood that's Puget Sound Regional Council (PSRC). PSRC will have the next call for projects in 2020 where typically \$200,000,000 in grant funding is available throughout its four county region. Typically Lakewood projects are most competitive at County Wide level where we compete against all other Pierces County agencies for approximately \$15,000,000.

C. Washington State Transportation Improvement Board (TIB)

The TIB has a number of statewide competitive programs which use criteria developed by the TIB for prioritization of projects. The two TIB programs in which the City can compete are as follows:

1. UAP Urban Arterial Program. This program is for arterial street construction with primary emphasis on safety and mobility.
2. SP Sidewalk Program. This program is for the improvement of pedestrian safety, and to address pedestrian system continuity and connectivity.

3. Complete Streets. The Complete Streets Award is a funding opportunity for local governments that have an adopted complete streets ordinance. Board approved nominators may nominate an agency for showing practice of planning and building streets to accommodate all users, including pedestrians, access to transit, cyclists, and motorists of all ages and abilities.

D. Community Development Block Grants (CDBG)

This is a program to provide physical improvements within low-income census tracts or to promote economic development within the City. Through the years 2019-2024 it is anticipated that a minimum of \$250,000 (on average) per year will be made available for pavement preservation, street lighting, and pedestrian improvements in eligible neighborhoods.

E. City Funding Sources

1. Real Estate Excise Tax (REET). This funding source comes from the two ¼% REET's charged by the City on the sale of real estate within the City limits. The City's REET is restricted to funding capital, including transportation and related debt service. Revenue from REET has averaged \$2,000,000 between 2014 and 2018, the REET is estimated at \$1,700,000 annually.
2. General Fund Transfer In. This funding source comes from several different sources that make up the General Fund revenue including: property tax, sales tax, and utility tax and fees. The Street Capital Projects Fund is budgeted to receive approximately \$500,000 annually (on average) over the next 5 years in support of the pavement preservation program.
3. Transportation Benefit District (TBD). In 2014, the TBD Board implemented a \$20 per vehicle tab fee to provide funds toward a specific list of pavement preservation projects to be implemented between 2015 through 2020. The anticipated revenue is approximately \$815,000 per year. However, with the passage of I-976 it is uncertain if these funds will be available in the future.
4. General Obligation bonds: A general obligation bond (GO) is a municipal bond backed by the credit and taxing power of the issuing jurisdiction.
5. Downtown Plan Trip Mitigation Fee Policy: All businesses in the subarea plan that generate new PM Peak Hour trips as determined by the most recent edition of the ITE Trip Generation Manual, will be charged a Transportation Mitigation Fee (TMF).

F. Washington State Department of Transportation

1. Pedestrian and Bicycle Program: This is a statewide competitive program specifically oriented toward the elimination of hazards to the pedestrian and bicyclists. The recent call for projects has expanded the program's scope to emphasize "complete streets" – accommodation of all roadway users from vehicles to bicyclists to pedestrians. The programs focus for "complete streets" is for "main street" urban arterials and corridors. Historically, the city has not received much funding from this program. However, given the change in the grant scope, there may be opportunities from this source in the future.
2. Safe Routes to Schools Program: This is a statewide competitive program specifically oriented toward pedestrian and bicycle safety near schools.
3. Surface Water Management Program:

The City's Surface Water Management (SWM) Program pays for all drainage facilities constructed in conjunction with street improvements. The revenue from SWM is directly related to the amount of capital improvement projects constructed.

PROJECT NUMBERING SYSTEM

Project numbers were revised to match the City's CIP Budget 2020/2021 using City's BARS numbering system for consistency. Most sections of the Program will have non-sequential project numbering, as projects are completed and removed from the list. Projects carried forward from previous year(s) retain the same project numbers from the previous year(s).

BUDGET DOLLARS

Costs shown are planning level estimates and are reflected in each year as FY2020 dollars, with 3% inflation per year to year of anticipated expenditure.

| 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
|-------|-------|-------|-------|-------|-------|-------|
| 1.000 | 1.030 | 1.061 | 1.093 | 1.126 | 1.159 | 1.194 |

Note: Compounded Inflation Multiplier does not apply to grant amounts, these are fixed based upon the grant award.

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|-------------------|---------|--------------|------------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0024 Stellacoom Blvd - Farwest to Phillips <i>Design/ROW funded, \$5,587,000 construction unfunded.</i> <i>Note: project is tied to 302.0137</i> | This project designs and acquires ROW to construct curb, gutter, sidewalks, bike lanes, turn lanes, street lighting, drainage, overlay. | 246 | City | 103 | 155 | | | | | 258 |
| | | 1,197 | Grant | 262 | 935 | | | | | 1,197 |
| | | | Other | | | | | | | 0 |
| | | 7,030 | Total | 365 | 1,090 | 0 | 0 | 0 | 0 | 1,455 |
| 302.0015 112th / 111th - Bridgeport to Kendrick | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. | | City | 200 | | | | | | 200 |
| | | | Grant | 1,000 | | | | | | 1,000 |
| | | | Other | | | | | | | 0 |
| | | 1,300 | Total | 1,200 | 0 | 0 | 0 | 0 | 0 | 1,200 |
| 302.0071 Phillips Road West Side - Agate Dr. SW to Onyx Dr. SW (west side of the road) | Provide for curb and gutter, sidewalk, street lighting, bike facilities, storm drainage, striping, and pavement overlay. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,125 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0072 59th Ave SW Sidewalk - 100th to Bridgeport Wy SW | Sidewalk east side of roadway. Infill behind new curb and gutter constructed in 2015. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 150 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0073 150th Street Corridor Capacity | Provide capacity for Woodbrook Industrial development: widening of 150th Street; bike/pedestrian facilities; structural pavement section improvements | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 2,150 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0074 South Tacoma Way - 88th to North City Limits Design Funds Only <i>ROW Funded, Unfunded Construction: \$4,000,000</i> <i>total corridor cost \$4,507,000</i> | Curb, gutter, sidewalks, bike lanes, street lighting, signal at 84th, drainage, overlay. | 136 | City | 140 | | | | | | 140 |
| | | 375 | Grant | 375 | | | | | | 375 |
| | | | Other | | | | | | | 0 |
| | | 4,507 | Total | 515 | 0 | 0 | 0 | 0 | 0 | 515 |
| 302.0075 Mt. Tacoma Dr. SW/Motor Ave. SW: S 80th St. Road Restoration Improvements | Provide curb and gutter, sidewalk and a shared travel/bike lane on one side of Mt. Tacoma Dr. SW and Motor Ave. SW. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 3,350 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0076 Gravelly Lake Non-Motorized Trail - Phase 2 (Nyanza Rd. SW: GLD to GLD) | Provide non-motorized path around Gravelly Lake along Gravelly Lake Drive and Nyanza Drive. Existing roadway cross section shifted to outside and overlaid. Lighting. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 4,700 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0077 Gravelly Lake Non-Motorized Trail - Phase 3 (GLD - Nyanza Rd. SW to Washington Blvd. SW) | Provide non-motorized path around Gravelly Lake along Gravelly Lake Drive and Nyanza Drive. Existing roadway cross section shifted to outside and overlaid. Lighting. | 4,464 | City | 4,598 | | | | | | 4,598 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 4,464 | Total | 4,598 | 0 | 0 | 0 | 0 | 0 | 4,598 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|--|-------------------|---------|------|------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0083 Hipkins Rd. - 104th to Steilacoom Blvd. | Curb, gutters, sidewalks, street lighting, drainage, traffic calming, and overlay. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 3,750 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0084 Interlaaken Drive SW Non-Motorized Improvements - Short Lane to Holly Hedge Ln. SW | Provide curb and gutter, sidewalk and a shared travel/bike lane on one side of Interlaaken Dr. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 5,400 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0085 Murray Road Corridor Capacity <i>Notes: Assume multiple phases; multiple years</i> | Provide capacity for Woodbrook Industrial development: widening of Murray Road; bike/pedestrian facilities; structural pavement section improvements | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,650 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0090 96th Street - 2-way left turn lane | Widen 96th St. from 500' east of So. Tac. Wy to I-5 underpass to provide 2-way left turn lane. Does not include sidewalks or HMA overlay. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 775 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0092 Steilacoom Blvd. - Custer Rd SW to Lakewood Dr SW | Curbs, gutters, sidewalks, street lighting on both sides from BPW to Fairlawn. Overlay BPW to GLD. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 4,125 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0093 Gravelly Lake Dr. - Pacific Hwy to Nyanza (south) | Curb, gutter, sidewalk, bike way, street lighting, pavement rehab | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,800 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0096 Union Avenue - W. Thorne Ln. to Spruce St. <i>Notes: Limits revised to reflect recent improvements at Berkeley/Union.</i> | Widen to add turn lane, shared bike/travel lane, sidewalks, street lighting. Intersection improvements. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 4,125 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0097 Lakewood Station - Non-Motorized Access Improvements (115th Ct. SW to Pedestrian Crossing at Kendrick St. SW) | Curb, gutters, sidewalks, and street lighting improvements per Lakewood's 2009 Non-Motorized Transportation Plan and Sound Transit Access Improvement Study. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,250 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0109 Phillips Rd. Sidewalks and Bike Lanes Agate to Steilacoom Blvd. (east side of roadway) | Provide for curb and gutter, sidewalk, street lighting, bike facilities, storm drainage, striping, and pavement overlay. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 2,225 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|--|---|----------------|---------|------------|------|------|------|------|------|-------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
| ROADWAY IMPROVEMENTS | | | | | | | | | | |
| 302.0111 Kendrick from 111th St. SW to 108th St. SW Roadway Improvements | Provide for curb and gutter, sidewalk, street lighting, bike facilities, storm drainage, striping, and pavement rebuild. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 925 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0113 Military Rd. SW: Edgewood Dr. SW to Farwest Dr. | curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. This connect Military Rd. to sidewalks constructed as part of development on Military Rd. and far west. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 2,750 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0114 112th Sidewalks: Gravelly Lk. Dr. SW to Bridgeport Way SW | curb, gutter, sidewalks, bike lanes, street lighting, drainage, overlay | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 3,000 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0115 Davisson Rd. SW and Highland Ave SW: 112th St. SW to 108th St. SW | curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,450 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0116 Custer Rd. SW: Bridgeport Way - Lakewood Dr. SW (East City Limits/74th St.) | curb, gutter, sidewalks, bike facilities, street lighting, drainage, road reconstruction, utility relocation | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 3,100 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0117 Round-a-Bout 87th Ave. SW, Dresden Ln., and Ft. Steilacoom Park Entrance and sidewalks 87th Ave. SW Dresden Ln. to Steilacoom Blvd. | round-a-bout, curb, gutter, sidewalks, bike facilities, street lighting, drainage, road reconstruction, and signage | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 1,050 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0118 Lakewood Drive - Custer/74th to N. City Limits | Traffic signal replacement, ADA upgrades, new sidewalk, storm drainage upgrades, and hot mix asphalt paving | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 955 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0119 Lakewood Drive - Steilacoom Blvd. to Flett Creek | curb, gutter, sidewalks, street lighting, drainage, overlay | | City | 450 | | | | | | 450 |
| | | | Grant | 450 | | | | | | 450 |
| | | | Other | | | | | | | 0 |
| | | 1,040 | Total | 900 | 0 | 0 | 0 | 0 | 0 | 900 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|--|--|-------------------|------------------------|-------|-------|-------|------|------|------|---------------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0120 Tyee Park School Sidewalks - Seminole Rd. SW | Intersection upgrades and sidewalks to school | | City Grant Other | | | | | | | 0 0 0 |
| | | 475 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0121 112th Sidewalks: Farwest Dr. SW to Butte Dr. SW | curb, gutter, sidewalks, bike lanes, street lighting, drainage, overlay | | City Grant Other | | | | | | | 0 0 0 |
| | | 3,100 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0122 47th Ave. SW Sidewalks: Clover Creek to Pacific Hwy. SW | curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay | | City Grant Other | | | | | | | 0 0 0 |
| | | 1,100 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0131 Custer Rd. SW: Bridgeport Way SW to Steilacoom Blvd. SW | Curb, gutter, sidewalk, roadway widening, turn pockets, pedestrian ramps, signage, and striping. | | City Grant Other | | | 240 | 600 | | | 840 0 0 |
| | | 2,750 | Total | 0 | 0 | 240 | 600 | 0 | 0 | 840 |
| 302.0134 Veterans Drive SW-Gravelly Lake Dr. to American Lake Park | curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay | 6,495 | City Grant Other | 6,690 | | | | | | 6,690 0 0 |
| | | 6,495 | Total | 6,690 | 0 | 0 | 0 | 0 | 0 | 6,690 |
| 302.0135 Washington Blvd/North Gate Rd/Edgewood Ave SW - North Gate Rd. SW to Gravelly Lake Dr. SW Vernon Ave. SW: Wash. Blvd. SW to Veterans Dr. SW (JBLM North Access Project) | Curb, gutter, sidewalks, bike lanes, street lighting, drainage, overlay. | 2,723 | City Grant Other | | 484 | 1,990 | 502 | | | 2,976 0 0 |
| | | 13,500 | Total | 0 | 484 | 1,990 | 502 | 0 | 0 | 2,976 |
| 302.0136 100th - 59th Ave. to South Tacoma Way | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. | | City Grant Other | | | | | | | 0 0 0 |
| | | 12,400 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0137 Steilacoom Blvd/88th - Weller Road to Custer Rd. | Curb, gutter, sidewalks, bike lanes, street lighting, drainage, overlay. | 4,030 | City Grant Other | 413 | 3,850 | | | | | 4,263 1,197 0 |
| | | 5,227 | Total | 1,160 | 4,300 | 0 | 0 | 0 | 0 | 5,460 |
| 302.0138 Oakbrook Sidewalks & Street Lighting Onyx Dr SW (Garnet to Phillips) | Curb, gutter, sidewalks, bike facilities, turn lanes, street lighting, drainage, overlay. | 485 | City Grant Other | 500 | | | | | | 500 0 0 |
| | | 485 | Total | 500 | 0 | 0 | 0 | 0 | 0 | 500 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|-------------------|------------------------|------|------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0141 104th St. SW - Short Ln. to Lake Louise Dr. | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. | | City Grant Other | | | | | | | 0 0 0 |
| | | 3,605 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0142 Ardmore Dr. SW: Steilacoom Blvd. SW to Whitman Ave. SW - Complete Street Improvements | Curb, gutter, sidewalks, bike lanes, street lighting, drainage, overlay. | | City Grant Other | | | | | | | 0 0 0 |
| | | 2,060 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0144 146th St. SW: Woodbrook Dr. SW to Murray Rd. SW Industrial Road Section | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. | | City Grant Other | | | | | | | |
| | | 2400 | Total | | | | | | | |
| 302.0145 Custer Rd. SW: Bridgeport Way SW to Lakewood Dr. SW - Complete Street | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. | | City Grant Other | | | | | | | |
| | | 5000 | Total | | | | | | | |
| 302.0146 Downtown Plan - Green Street Loop: Gravelly Lake Dr., 59th Ave., Main St., Mt. Tacoma Dr., and Bridgeport Way | Downtown loop with full Green Street Amenities | | City Grant Other | | | | | | | |
| | | 19500 | Total | | | | | | | |
| 302.0147 59th Ave. SW and Towne Center Blvd. SW | Curb, gutter, sidewalks, street lighting, drainage, and paving | | City Grant Other | | | | | | | |
| | | 2500 | Total | | | | | | | |
| 302.0148 100th St. SW / Bridgeport Way SW: add westbound right turn pocket | Curb, gutter, sidewalks, drainage, and paving | | City Grant Other | | | | | | | |
| | | 650 | Total | | | | | | | |
| 302.0150 Lake Louise Loop Patching and Road Restoration Lake Louise Dr. SW and 101st St. SW | Roadway patching and repair, sidewalk, signage, markings, and striping. | | City Grant Other | | | | | | | |
| | | 150 | Total | | | | | | | |
| 302.0152 Oakbrook Non-Motorized Loop - Onyx Dr. SW/97th Ave SW to Zircon Dr. SW Zircon Dr. SW to Onyx Dr. SW/Phillips Rd. SW Coral Ln. SW/Amber Dr. SW: Onyx Dr. SW and Zircon Dr. SW | Curb, gutter, sidewalks, shared use path, turn lanes, street lighting, drainage, overlay. Total length 3.3 miles. | | City Grant Other | | | | | | | |
| | | 12,000 | Total | | | | | | | |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|--|-------------------|------------------------|------|------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0153 Whitman Ave. SW: Ardmore Dr. SW/93rd St. SW to Motor Ave. SW(Colonial Plaza) | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, pavement rebuild and widening. Total length 0.2 miles. | | City Grant Other | | | | | | | |
| | | 775 | Total | | | | | | | |
| 302.0155 Edgewater Dr./Waverly Dr. SW: Steilacoom Blvd. SW to Mt. Tacoma Dr. SW | Curb, gutter, sidewalks, bike facilities, parking, street lighting, drainage, road rebuild. Total length 0.6 miles. | | City Grant Other | | | | | | | |
| | | 2,500 | Total | | | | | | | |
| 302.0156 Elwood Dr. SW and Angle Lane SW - Dresden Ln. SW to Hipkins Rd. SW | Curb, gutter, sidewalk, shared use path, street lighting, drainage, pavement overlay and widening. Total length 1.0 miles. | | City Grant Other | | | | | | | |
| | | 3,500 | Total | | | | | | | |
| 302.0158 Interlaaken Dr. SW: 112th St. SW to Washington Blvd. SW | Curb, gutter, sidewalks, shared use path, street lighting, drainage, pavement overlay and widening. Total length 0.5 miles. | | City Grant Other | | | | | | | |
| | | 1,800 | Total | | | | | | | |
| 302.0159 Idlewild Rd. SW: Idlewild School to 112th St. SW | Curb, gutter, sidewalks, street lighting, drainage, overlay. Total length 0.15 miles. | | City Grant Other | | | | | | | |
| | | 500 | Total | | | | | | | |
| 302.0160 112th St. SW: Idlewild Rd. SW to Interlaaken Dr. SW | Curb, gutter, sidewalks, street lighting, drainage, overlay. Total length 0.15 miles. | | City Grant Other | | | | | | | |
| | | 475 | Total | | | | | | | |
| 302.0161: N. Thorne Ln.: Union Ave. SW to Portland Ave. SW | Curb, gutter, sidewalks, bike lanes, street lighting, drainage, pavement rebuild and widening. Total length 0.3 miles. | | City Grant Other | | | | | | | |
| | | 900 | Total | | | | | | | |
| 302.0162 93rd St. SW: Whitman Ave. SW/Ardmore Dr. SW to Bridgeport Way SW | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, pavement rebuild and widening. Total length 0.15 miles. | | City Grant Other | | | | | | | |
| | | 600 | Total | | | | | | | |
| 302.0163 Butte Dr. SW: 104th St. SW to Washington Blvd. SW | Curb, gutter, sidewalks, bike facilities, street lighting, drainage, overlay. Total length 1.1 miles. | | City Grant Other | | | | | | | |
| | | 3,950 | Total | | | | | | | |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|--|-------------------|------------------------|--------|-------|-------|-------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| <i>NOTE: Bold & Italicized numbers denote grant secured</i> | | | | | | | | | | |
| SECTION 1 ROADWAY IMPROVEMENTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021- 2026 |
| 302.0164 Sidewalk fill-in on Farwest Dr. from 112th to Lakes High School, and 100th St. Ct. SW to Steilacoom Blvd. SW | Fill-in of missing sidewalks. | | City Grant Other | | | | | | | |
| | | 650 | Total | | | | | | | |
| 302.0165 Pine St. SW: 84th St. SW to 80th St. SW(City Limits) | Curb, gutter, sidewalks, street lighting, drainage, overlay. Total length 0.2 miles. | | City Grant Other | | | | | | | |
| | | 800 | Total | | | | | | | |
| TOTALS | | 18,579 | City | 12,894 | 4,489 | 2,230 | 1,102 | 0 | 0 | 20,715 |
| | | 2,769 | Grant | 1,834 | 1,385 | 0 | 0 | 0 | 0 | 3,219 |
| | | - | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 176,693 | Total | 14,728 | 5,874 | 2,230 | 1,102 | 0 | 0 | 23,934 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|----------------|---------|------|------|------|------|------|------|-------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 2 TRAFFIC SIGNALS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
| 302.0059 Steilacoom / Durango New Traffic Signal | Intersection meets warrants for traffic signal. Signal needed with new development in area. Special concern with adjacent train crossing becoming active. | 764 | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 764 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0060 100th Street & Lakewood Drive SW Traffic Signal Replacement | Replace 100th/Lakewood signal, street lighting, drainage, overlay. | 551 | City | 400 | | | | | | 400 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 551 | Total | 400 | 0 | 0 | 0 | 0 | 0 | 400 |
| 302.0078 So. Tacoma Way / 92nd Street | New warranted signal, improvements include associated ADA upgrades and pavement patching. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 670 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0082 City-Wide Traffic Signal Management System | City-hall based Traffic Management Center. Fiber optic interconnect. PTZ major corridors. Active traffic management including web based info. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 309 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0094 Gravelly Lake Drive / Avondale Traffic Signal | Intersection meets warrants for traffic signal. Increased volumes in and around Towne Center. Increase in accidents. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 773 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0098 84th St. Pedestrian Crossing Signal at Pine St | Install pedestrian signal, connection to Pine street intersects Tacoma's Water Ditch Trail and Wards Lake Park. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 258 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0123 Holden/Military Rd. New Traffic Signal S 80th St. Road Restoration | Intersection meets warrants for traffic signal. Increased volumes in and around Mann Middle School. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 541 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 302.0126 Custer Rd. and 88th Traffic Signal Replacement | Replace existing traffic signal with pole and mast arm signal. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 541 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|--|--|----------------|---------|------|------|------|------|------|------|-------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| <i>NOTE: Bold & Italicized numbers denote grant secured</i> | | | | | | | | | | |
| SECTION 2 TRAFFIC SIGNALS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
| 302.0166 Gravelly Lake Dr./112th St. SW Traffic Signal Replacement | Intersection meets warrants for traffic signal. Increased volumes in and around Towne Center. Increase in accidents. | | City | | | | | | | 0 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 773 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | | 764 | City | 400 | 0 | 0 | 0 | 0 | 0 | 400 |
| | | 0 | Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 0 | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 5,178 | Total | 400 | 0 | 0 | 0 | 0 | 0 | 400 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|--|---|----------------------|------------------------|------|------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 3 TRANSPORTATION PLANNING | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2020- 2025 |
| 101.0000 Pavement Management System Pavement Condition Index Rating | Semi-Annual evaluation of pavement condition | 30/5/yr | City Grant Other | 31 | 5 | 33 | 6 | 35 | 6 | 115 0 0 |
| | | 30/yr | Total | 31 | 5 | 33 | 6 | 35 | 6 | 115 |
| 302.0132 Non-Motorized Transportation Plan Update | Update NMTP to include relevant policy updates and capital improvement projects. (original plan adopted June 2009) | 50/yr | City Grant Other | 50 | | | | | | 50 0 0 |
| | | 50/yr | Total | 50 | 0 | 0 | 0 | 0 | 0 | 50 |
| 302.0000 ADA Transition Plan Update | Update ADA transition plan to address ADA deficiencies of existing curb ramps; signal access / operations; etc. | 5/yr | City Grant Other | 5 | 5 | 5 | 6 | 6 | 6 | 33 0 0 |
| | | 5/yr | Total | 5 | 5 | 5 | 6 | 6 | 6 | 33 |
| TOTALS | | 85/yr | City | 86 | 11 | 38 | 11 | 41 | 12 | 199 |
| | | | Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 85 | Total | 86 | 11 | 38 | 11 | 41 | 12 | 199 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|-------------------|---------|------|------|------|------|------|------|---------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| <i>NOTE: Bold & Italicized numbers denote grant secured</i> | | | | | | | | | | |
| SECTION 4 STREET LIGHTING | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2020- 2025 |
| 302.0002 New Street Lighting | Install street lighting in requested areas based on ranking criteria. | 170/yr | City | 170 | 175 | 175 | 180 | 180 | 0 | 880 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 170/yr | Total | 170 | 175 | 175 | 180 | 180 | 0 | 880 |
| TOTALS | | 170/yr | City | 170 | 175 | 175 | 180 | 180 | 0 | 880 |
| | | | Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 170 | Total | 170 | 175 | 175 | 180 | 180 | 0 | 880 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|--|----------------|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| <i>NOTE: Bold & Italicized numbers denote grant secured</i> | | | | | | | | | | |
| SECTION 5 BRIDGES | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2020-2025 |
| 101.0000 Bridge Inspection | On-going biennial bridge inspection. | 5 | City Grant Other | | 5 | | 6 | | 6 | 17 0 0 |
| | | 5 | Total | 0 | 5 | 0 | 6 | 0 | 6 | 17 |
| 302.0130 Structural guardrail replacement Clover Creek Gravelly Lake Drive: 112th to Nyanza Includes structural analysis of the box culvert. | Design and replace the existing guard rail over the south side of the roadway where Gravelly Lake Drive crosses Clover Creek between Nyanza and 112th. | | City Grant Other | | | | | | | 0 0 0 |
| | | 150 | Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | | 5 | City Grant Other | 0 0 0 | 5 0 0 | 0 0 0 | 6 0 0 | 0 0 0 | 6 0 0 | 17 0 0 |
| | | 155 | Total | 0 | 5 | 0 | 6 | 0 | 6 | 17 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|----------------|---------|-------|------|-------|------|------|------|-------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| NOTE: Bold & Italicized numbers denote grant secured | | | | | | | | | | |
| SECTION 6 ROADWAY RESTORATION PROJECTS | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2020-2025 |
| 302.0004 Minor Capital Improvements Total Estimated Cost \$250 One time \$1,250,000 in 2020 | Roadway patching and repair, sidewalk, signage, markings, and striping. | 250 | City | 1,250 | 260 | 260 | 270 | 270 | 270 | 2,580 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 250 | Total | 1,250 | 260 | 260 | 270 | 270 | 270 | 2,580 |
| 302.0005 Chip Seal Resurfacing Program | Projects in various locations may include pavement preservation contribution to planned utility projects to facilitate full roadway overlays. | 360 | City | 360 | 360 | 380 | 380 | 390 | 390 | 2,260 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 360 | Total | 360 | 380 | 380 | 390 | 390 | 390 | 2,260 |
| 302.0068 Pacific Hwy - 108th to SR512 | Roadway patching, overlay, markings, and striping. | 115 | City | | 31 | 94 | | 0 | | 125 |
| | | 612 | Grant | | 26 | 585 | | | | 611 |
| | | | Other | | | | | | | 0 |
| | | 727 | Total | 0 | 57 | 679 | 0 | 0 | 0 | 736 |
| 302.0080 108th - Bridgeport Way to Pacific Hwy | Roadway patching, overlay, markings, and striping. | 786 | City | | 110 | 746 | | | | 856 |
| | | | Grant | | | | | | | 0 |
| | | | Other | | | | | | | 0 |
| | | 786 | Total | 0 | 110 | 746 | 0 | 0 | 0 | 856 |
| 302.0145 150th St. SW: East City Limits to Woodbrook Dr. SW Road Restoration | Roadway patching and repair, sidewalk, signage, markings, and striping. | | City | | | | | | | |
| | | | Grant | | | | | | | |
| | | | Other | | | | | | | |
| | | 350 | Total | | | | | | | |
| 302.0151 S. Tacoma Way: 96th St. S to S 84th St. Road Restoration | Roadway patching and repair, overlay, signage, markings, and striping. | | City | | | | | | | |
| | | | Grant | | | | | | | |
| | | | Other | | | | | | | |
| | | 900 | Total | | | | | | | |
| TOTALS | | 1,511 | City | 1,610 | 761 | 1,480 | 650 | 660 | 660 | 5,821 |
| | | 612 | Grant | 0 | 26 | 585 | 0 | 0 | 0 | 611 |
| | | - | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 3,373 | Total | 1,610 | 807 | 2,065 | 660 | 660 | 660 | 6,432 |

| PROJECT COSTS IN THOUSANDS OF DOLLARS | | | | | | | | | | |
|---|---|----------------|---------|------|------|------|------|------|------|-------------|
| EXPENDITURE PLAN | | | | | | | | | | TOTAL FUNDS |
| <i>NOTE: Bold & Italicized numbers denote grant secured</i> | | | | | | | | | | |
| SECTION 7 NEIGHBORHOOD TRAFFIC MANAGEMENT | Description | Base Cost 2020 | Sources | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2020-2025 |
| 302.0003 Neighborhood Traffic Safety Traffic Calming Various Locations | May include speed humps, traffic circles, signage, radar feedback signs, etc. | 25 | City | 25 | 27 | 27 | 30 | 30 | 30 | 169 |
| | | | Grant | | | | | | | |
| | | | Other | | | | | | | |
| | | 25 | Total | 25 | 27 | 27 | 30 | 30 | 30 | 169 |
| TOTALS | | 25 | City | 25 | 27 | 27 | 30 | 30 | 30 | 169 |
| | | | Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 25 | Total | 25 | 27 | 27 | 30 | 30 | 30 | 169 |

ROADWAY IMPROVEMENTS

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|----------------|---------------|--------------|--------------|--------------|----------|----------|---------------|
| City | 18,579 | 12,894 | 4,489 | 2,230 | 1,102 | 0 | 0 | 20,715 |
| Grant | 2,769 | 1,834 | 1,385 | 0 | 0 | 0 | 0 | 3,219 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 176,693 | 14,728 | 5,874 | 2,230 | 1,102 | 0 | 0 | 23,934 |

Unfunded: 155,345

TRAFFIC SIGNALS

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|--------------|------------|----------|----------|----------|----------|----------|------------|
| City | 764 | 400 | 0 | 0 | 0 | 0 | 0 | 400 |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 5,178 | 400 | 0 | 0 | 0 | 0 | 0 | 400 |

Unfunded: 4,414

TRANSPORTATION PLANNING

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| City | 85 | 86 | 11 | 38 | 11 | 41 | 12 | 199 |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 85 | 86 | 11 | 38 | 11 | 41 | 12 | 199 |

Unfunded: 0

STREET LIGHTS

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|------------|------------|------------|------------|------------|------------|----------|------------|
| City | 170 | 170 | 175 | 175 | 180 | 180 | 0 | 880 |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 170 | 170 | 175 | 175 | 180 | 180 | 0 | 880 |

Unfunded: 0

BRIDGES

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|------------|----------|----------|----------|----------|----------|----------|-----------|
| City | 5 | 0 | 5 | 0 | 6 | 0 | 6 | 17 |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 155 | 0 | 5 | 0 | 6 | 0 | 6 | 17 |

Unfunded: 150

RESTORATION

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|--------------|--------------|------------|--------------|------------|------------|------------|--------------|
| City | 1,511 | 1,610 | 761 | 1,480 | 650 | 660 | 660 | 5,821 |
| Grant | 612 | 0 | 26 | 585 | 0 | 0 | 0 | 611 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 3,373 | 1,610 | 787 | 2,065 | 650 | 660 | 660 | 6,432 |

Unfunded: 1,250

NEIGHBORHOOD TRAFFIC MANAGEMENT

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| City | 25 | 25 | 27 | 27 | 30 | 30 | 30 | 169 |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 25 | 25 | 27 | 27 | 30 | 30 | 30 | 169 |

Unfunded: 0

GRAND TOTAL (2020-2025)

| | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2021-2026 |
|--------------|----------------|---------------|--------------|--------------|--------------|------------|------------|---------------|
| City | 21,139 | 15,185.05 | 5,468 | 3,950 | 1,979 | 911 | 708 | 28,201 |
| Grant | 3,381 | 1,834 | 1,411 | 585 | 0 | 0 | 0 | 3,830 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 185,679 | 17,019 | 6,879 | 4,535 | 1,979 | 911 | 708 | 32,031 |

Unfunded: 161,159

REQUEST FOR COUNCIL ACTION

DATE ACTION IS REQUESTED:

June 15, 2020

REVIEW:

May 26, 2020 Study Session
June 8, 2020 Study Session

TITLE: A Resolution declaring the priorities and establishing a budget for use of Coronavirus Relief Funds (CRF) by the City of Lakewood

ATTACHMENTS: Draft Resolution

TYPE OF ACTION:

- ORDINANCE NO.
- ☒ RESOLUTION NO. 2020-11
- MOTION NO.
- OTHER

SUBMITTED BY: Tiffany Speir, Long Range & Strategic Planning Manager through John Caulfield, City Manager.

RECOMMENDATION: It is recommended that the City Council adopt the Resolution.

DISCUSSION: On May 20, 2020, per the \$30 per capita calculations used by the state, Lakewood was allocated \$1.79 million of CARES Act Coronavirus Relief Fund (CRF) dollars for its estimated population of 59,670. 100% of eligible costs are reimbursable by these CRF dollars for COVID19-related costs between March 1, 2020 and October 31, 2020. The City Council held study sessions on May 26 and June 8 to develop funding priorities and create a budget for CRF use to assist individuals and families, businesses and the City with Coronavirus-related costs and economic hardship. On June 8, the Department of the Treasury announced that CRF dollars could be used as a match for the FEMA PA grant Lakewood secured on May 7.

ALTERNATIVE(S): The Council could take no action on the Resolution or amend it prior to action.

FISCAL IMPACT: The Resolution itself has no fiscal impact it would provide funding priorities and a budget for the use of the \$1,790,100 to be spent on Coronavirus cost relief for businesses (for-profit and non-profit), individuals and families, and the City.

Prepared by
Tiffany Speir, Long Range & Strategic Planning
Manager

Department Director _____



City Manager Review _____

ATTACHMENT A

RESOLUTION NO. 2020-11

A RESOLUTION ESTABLISHING FUNDING PRINCIPLES AND A BUDGET TO GUIDE THE EXPENDITURE OF CORONAVIRUS RELIEF FUNDS DISTRIBUTED TO THE CITY OF LAKEWOOD BY WASHINGTON STATE.

WHEREAS, coronavirus disease 2019 (COVID-19) is a contagious and potentially deadly disease outbreak that has been declared a pandemic event by the World Health Organization; and

WHEREAS, President Trump, Governor Inslee, Pierce County Executive Dammeier and the City of Lakewood have each declared states of emergency within their respective jurisdictions; and

WHEREAS, in response to COVID-19, on March 27, 2020 Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, on April 28, 2020 Governor Jay Inslee announced that nearly \$300 million would be awarded from the state's federal stimulus funding to local governments that did not receive direct distributions under the CARES Act, including Lakewood, and that the State Department of Commerce would administer the grant to the City; and

WHEREAS, per the \$30 per capita calculations used by the State, Lakewood would be allocated \$1.79 million for its estimated population of 59,670 from the federal Coronavirus Relief Fund (CRF), a component of the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, this funding can only be utilized to cover expenses that: (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID19); (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and (3) were incurred during the period that begins on March 1, 2020, and ends on October 31, 2020; and

WHEREAS, these funds are essential to the city’s response to the COVID-19 pandemic and are subject to certain limitations prescribed by law. In order to effectively direct the use of these funds and maintain transparency, a set of funding principles are hereby established as set forth below. These principles shall guide Lakewood in its use of the Coronavirus Relief Fund (CRF) and will serve as a framework for the Lakewood City Council’s monitoring of such expenditures;

NOW, THEREFORE, BE IT RESOLVED BY THE LAKEWOOD CITY COUNCIL AS FOLLOWS:

Section 1. Funding Principles. The following funding priorities as established:

Individual and Family Economic Resilience. Considering recommendations from the City Collaboration Partnership, Lakewood will establish ways to distribute funds and assistance to individuals and families directly and through its partners to help them maintain stable living and working conditions.

Business Assistance. Lakewood will independently, and in collaboration with public and private partners, provide financial assistance and training to current and potential Lakewood for-profit businesses and non-profit entities and their respective owners to ensure their continued viability and/or their ability to pivot to new business models or types.

Vital Government Services. Lakewood will provide support for the City’s COVID19-related response activities and expenditures.

Section 2. Budget. The budget for the CRF allocations is as follows:

| Coronavirus Relief Fund Allocation Budget | | \$1,790,100.00 |
|---|--|----------------|
| Internal (20%) \$358,020 | Overall (Payroll) (2%) \$44,420 | \$358,020.00 |
| | Technology (6%) \$100,000 | |
| | Facilities (6%) \$105,500 | |
| | Personal Protective Equipment (PPE) (6%) \$108,100 | |

| | | |
|----------------------------|--|-----------------------|
| External (80%) \$1,432,080 | Coordination with Public Partners (10%) \$179,010 | |
| | Business Assistance (35%) \$626,535 Includes for-profit and non-profit entities | |
| | Human Services (35%) \$626,535 | |
| | | \$1,432,080.00 |
| | | \$1,790,100.00 |

Section 3. Contract Execution. John J. Caulfield, City Manager is authorized to act as a representative/agent for our organization with full authority to bind the City of Lakewood regarding all matters related to the CRF award, including but not limited to, full authority to: (1) execute the contract for the funds with the Department of Commerce; (2) enter into fund dispersal agreement(s) on behalf of the City, (3) sign any amendments thereto on behalf of the City, (4) designate a project contact(s), (5) to administer the day-to-day management of the grant and (6) authorize property and real estate documents.

Section 4. Effective Date. This Resolution shall take effect immediately upon passage by the City Council.

ADOPTED by the Lakewood City Council in open meeting this 15th day of June, 2020.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk


Approved as to Form:

Heidi Ann Wachter, City Attorney



TO: Mayor and City Council

FROM: Heidi Ann Wachter, City Attorney

THROUGH: John J. Caulfield, City Manager 

DATE: June 15, 2020

SUBJECT: Review of in person or virtual City Council meeting attendance

This is to advise City Council as to how the City Council meetings will work should current Open Public Meetings Act (OPMA) waivers not be extended beyond June 17, 2020.

How the meeting will work

In order to comply with the OPMA, starting Monday, June 22, 2020 City Council meetings will be held in the City Hall Council Chambers. City Council members may continue to attend remotely¹. This complies with the OPMA and Lakewood City Council Rules of Procedure. Remote attendance will continue to be available through Zoom Webinar and Council meetings continue to be live streamed on YouTube, as has been the case since June, 2018. Please advise the City Clerk in advance if you plan to attend remotely.

In anticipation of any live attendance, the Council Chambers will be prepared in accordance with current city policy which includes wiping down surfaces, marking six foot separation between seats and at the dais for public comment. Face masks will also be provided.

How to view the meeting

The meeting will live stream to YouTube so that members of the public do not need to come to City Hall to view the meeting. Through the Zoom platform, when City Councilmembers participate remotely residents can also call in and listen by telephone.

How to provide public comments

- Since March the City Clerk has been accepting public comments on behalf of the City Council via mail and email. This process will continue.
- Members of the public will have the ability to come to City Hall to provide in person public comments.
- The City Council could allow for live public comment through Zoom webinar. The virtual Raise Hand feature can be enabled for attendees. The Mayor and/or Clerk would call upon the attendee, unmute the attendee's mic and allow for the attendee to share comments. The sound quality, background noise and internet quality will be impacted by circumstances beyond the control of the City.

¹ Council Rule 2.1, adopted by [Resolution No. 2017-02](#), provides for remote attendance by Councilmembers.