



LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, September 27, 2021

7:00 P.M.

City of Lakewood
Council Chambers
6000 Main Street SW
Lakewood, WA 98499

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 meeting ID: 868 7263 2373

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (3) 1. Joint Landmarks and Heritage Advisory Board meeting. – (Workplan)
- (5) 2. Review of 2022 Human Services Funding Recommendations. – (Memorandum)
- (9) 3. Review of Tree Preservation Code. – (Memorandum)
- (47) 4. Review of City Council Rules of Procedure and City Council Virtual Meetings.

ITEMS TENTATIVELY SCHEDULED FOR THE OCTOBER 4, 2021 REGULAR CITY COUNCIL MEETING:

1. Proclamation declaring the month of October 2021 as Healthcare Heroes month.
2. Proclamation recognizing National Hispanic Heritage month.
3. Proclamation declaring the month of October 2021 as Domestic Violence Awareness month. – *Samantha Johnson, City Prosecutor*
4. Youth Council Report.
5. Clover Park School District Report.
6. Point Defiance Bypass Route Update. – *Mr. Andrew Austin, Sound Transit*

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>

7. Authorizing the execution of an amendment to the agreement with Pierce County for road and traffic maintenance services. – (Motion – Consent Agenda)
8. Authorizing the execution of an agreement with D.A. Hogan and Associates, in the amount of \$259,365, for design and engineering services for turf infield at Fort Steilacoom Park. – (Motion – Consent Agenda)
9. Review of interlocal agreement for Emergency Management services. – (Reports by the City Manager)
10. Review of Youth and Teen Programs. – (Reports by the City Manager)

REPORTS BY THE CITY MANAGER

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.

Landmarks and Heritage Advisory Board (LHAB)

WORK PLAN AND SIGNIFICANT ACCOMPLISHMENTS

Members

Glen Spieth, Chairperson (elected January 2021)
 Joan Cooley (elected January 2021)
 Beth Campbell
 Christina Manetti

Council Liaison

Patti Belle

Staff Support

Planning Manager, Courtney Brunell

Administrative Support

Community Development Administrative Assistant, Karen Devereaux

Meeting Schedule

Fourth Thursday of every month at 6:00 PM in City Hall, American Lake Room

2020 Accomplishments

- Awarded the 2020 Pierce County Historic Preservation Grant totaling \$2,425 to complete 50% of the identified historic street sign recognition program. Street signs have been ordered and are currently being stored by the City of Lakewood. An additional grant will be applied for in 2020-2021 to fund the installation of the street signs.
- In January 2020 the Board connected with Clover Park School district to express interest in developing a pop up museum for the current school year. This project is on hold due to COVID-19.

2021 Accomplishments

- Explore options to increase youth engagement including: website update, launching the update of Lakewood touring map.
- Implemented the first round of the historic streets recognition program. The final street signs were installed on August 5, 2021. We would like to give thanks to the City's operation and maintenance crew who installed all 73 street signs across 7 streets:

Current Street Name Displayed	Historic Street Name Installed
Bridgeport Way SW	Bridgeport Way SW
Gravelly Lake Drive SW	Old Tacoma Speedway & Gravelly Lake Dr SW
Hipkins Rd SW	Prairie Rd
Lakeview Avenue SW	Old Tacoma Speedway
Motor Avenue SW	Motor Ave SW
Pacific Hwy SW	Historic HWY 99
Steilacoom Blvd SW	Byrd Mill Rd

2021 Work Plan

Ongoing Projects

The Landmarks and Heritage Advisory Board has provided no specific timelines for the completion of the following work plan items since this Board is often dependent on the follow-through of other public agencies or private property owners.

- Implement a historic streets recognition program.
- Continue to work with Clover Park School District to incorporate local Lakewood History into the Curriculum.
- Research grant opportunities to fund additional historic markers throughout the City of Lakewood.
- Update the Lakewood Touring map to include historic streets identified through the recognition program
- Work with Pretty Gritty Tours to develop a walking tour program for the City of Lakewood.
- Develop frequently asked questions (FAQ's) to be included on the LHAB website.
- Explore the use of the Community Landmark designation for the Colonial Center; Western State Hospital; Rhodesleigh House; Villa Carman (Madera); the Flett House; Little Church on the Prairie; Thornewood Castle; Mueller-Harkins Hangar; Tacoma Country and Golf Club; the "H" barn at Fort Steilacoom Park; Bowlero Lanes, Dennys, House of Donuts, and the Alan Liddle House.
- Work on recruitment of new members to serve on the LHAB.
- Actively engage with the City of Lakewood Youth Council.
- NEW PROPOSED ITEM: Create short, "History of Lakewood" videos to post online to engage with youth and online viewers. Consider a partnership with Clover Park School District to create the videos or offer them as a resource for students to learn more about local history.



To: Mayor and City Councilmembers

From: Brian Humphreys, Human Services Coordinator

Through: John J. Caulfield, City Manager *John J. Caulfield*

Date: September 27th, 2021

Subject: 2022 Human Services General Funding and ARPA Recommendations

Attachments: A. 2022 Human Services General Funds Recommendation
B. 2021 Q2 Human Services Contract Performance

Summary

The Community Services Advisory Board is forwarding two recommendations to the City Council for consideration:

1. To approve the attached funding recommendations for the 2022 general fund human services contracts
2. To approve investing the 1% of the ARPA stimulus funding to support human services that align with Council goals and Lakewood's Promise strategic initiatives: Lakewood Thrives Workforce Development and Youth Mental Health

FIRST RECOMMENDATION – 2022 Human Services Funding Allocation

In 2020 the City Council updated and approved five funding strategies for determining use of the 1% of the general fund budget allocated for human services as well as two strategic initiatives that were recommended by both the Community Services Advisory Board (CSAB) and Lakewood's Promise Advisory Board (LPAB) after reviewing census data, and feedback from the Community Collaboration and a community listening process.

2021 Human Services Funding Strategies:

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

2021 Lakewood's Promise Strategic Initiatives:

- Workforce Development
- Youth Mental Health

Since 2015, Council has approved two-year funding for human services contracts because of the time and effort needed to implement the rigorous process of reviewing, rating, and deliberating applications in order for the CSAB to make recommendations to City Council. However, because it was unclear whether community needs would change due to COVID-19, it was decided the 2021 human services contracts would be for only one year and the City would reassess whether to continue funding current contracts, determine if new strategies were needed or if Council wanted to implement another grant application and review process.

In June 2021, CSAB recommend to the City Council that, because existing human services needs have been exacerbated by the pandemic rather than new ones emerging, the 2021 human services contracts be extended for the same amounts for 2022 on two conditions:

1. Contractors complete their site visits with “Good” ratings in each of the four review categories.
2. Programs are on pace to meet contract deliverables.

As of September 2021, all contractors have met both conditions with two exceptions:

- Making a Difference Foundation: MDF has not yet submitted any output reports on invoices yet this year. However, they performed well during their site visit and the Human Services Coordinator was able to verify meals are being delivered to Lakewood families. This organization suffers from a lack of administrative capacity, but the work is being done as contracted and the required reports and invoices are expected soon.
- Asian Pacific Cultural Center: APCC has not submitted reports or invoices, and the City has attempted to schedule the required site visit multiple times, but there has been little follow through. However, the Promising Leaders initiative has been active throughout the community and they are a good partner. This organization also seems to have good programs but lacks administrative capacity.

Human services funding is anticipated to increase by \$10,000 to \$390,000 for 2022. CSAB members discussed how important the issue of youth mental health is, and all the contractors identified this need during the site visits. Many human services contractors address this issue directly or indirectly, but the five partners providing Emotional Programming for Youth are the City’s primary investments in youth mental health. Therefore, CSAB recommends dividing the additional \$10,000 equally between the four contractors currently in good standing (Boys and Girls Club, YMCA, Oasis Youth Center, and Communities in Schools). This recommended increase is reflected in Attachment A.

Since MDF and APCC are both known to be doing the work in Lakewood for which they are contracted, CSAB recommends allocating the 2022 human services funding the same as 2021 (detailed in Attachment A below) on the condition those two organizations meet the contract requirements before the CSAB joint session with City Council on November 8th, 2021.

SECOND RECOMMENDATION – ARPA Human Services Allocation

The City Council will allocate 1% of the ARPA stimulus funding (\$68,830 per year) to support human services needs for 2022 and 2023. CSAB members concur with the Lakewood’s Promise Advisory Board that the two human services strategic initiatives (workforce development and youth mental health) are critical investments to address challenges that have been exacerbated by COVID.

Therefore, CSAB recommends allocating half of the 1% allocation to the Lakewood Thrives workforce development initiative that is now being managed by Career TEAM, and half towards youth mental health. The CSAB board will need additional time working with partners to form a

recommendation for a youth mental health investment. We anticipate working with the Clover Park School District, Communities in Schools, Lakewood’s Promise, and the Lakewood Youth Council. The youth mental health recommendation will be ready for the CSAB joint session with the City Council on November 8th, 2021.

ATTACHMENT A: 2022 Human Services Funding Recommendations

2022 City of Lakewood Human Services Funding Recommendations		
EMOTIONAL SUPPORTS AND YOUTH PROGRAMMING		\$ 135,000.00
Asian Pacific Cultural Center	Promised Leaders of Tomorrow	\$ 20,000.00
Boys & Girls Club	LIFT: Support for Youth	\$ 22,500.00
Communities in Schools of Lakewood	Integrated Student Supports	\$ 27,500.00
Oasis Youth Center	Support for Lakewood LGBTQ Youth	\$ 17,500.00
YMCA	Teen Outreach Initiative	\$ 22,500.00
Lakewood's Promise	Thriving Families and Youth Mental Health	\$ 25,000.00
HOUSING ASSISTANCE AND HOMELESSNESS PREVENTION		\$ 40,000.00
Catholic Community Services	Family Housing Network	\$ 14,000.00
Rebuilding Together South Sound	House Rehabilitation and Volunteer Day	\$ 14,000.00
Tacoma Rescue Mission	Shelter Services	\$ 12,000.00
CRISIS STABILIZATION AND ADVOCACY		\$ 68,000.00
Greater Lakes Mental Healthcare	LPD Behavioral Health Contact Team	\$ 25,000.00
Rebuilding Hope: Sexual Assault	Advocacy & Therapy	\$ 12,500.00
YWCA	Domestic Violence Services	\$ 18,000.00
Springbrook Connections	Direct Services & Resource Connections	\$ 12,500.00
ACCESS TO HEALTH AND BEHAVIORAL	TOTAL	\$ 41,500.00
Community Health Care	Behavioral Health Services	\$ 14,000.00
Lindquist Dental Clinic for Children	Uncompensated Care Fund	\$ 15,000.00
Pierce County Project Access	Donated Care	\$ 12,500.00
ACCESS TO FOOD	TOTAL	\$ 105,500.00
Emergency Food Network	Co-op Food Purchasing Program	\$ 25,000.00
St. Leo Food Connection	Mobile Food and Backpack Programs	\$ 25,000.00
Nourish Pierce County	Nutritious Food for Families in Need	\$ 25,000.00
Tillicum Community Center	Emergency Services - Food	\$ 15,000.00
Making a Difference Foundation	Eloise's Cooking Pot Food Delivery	\$ 15,500.00
	TOTAL	\$ 390,000.00

ATTACHMENT B: 2021 Q2 Human Services Contract Performance

City of Lakewood 2021 Human Services Funded Programs Q2						
Agency	Program	Contract Outputs LR = Lakewood Residents	2021 Goal	2021 Outputs	%	Site Visit Results (Good, Fair, Poor)
Asian Pacific Cultural Center	Promised Leaders of Tomorrow	LR Served	50		0%	Incomplete*
		Tutoring/Mentoring hours	Tracking		N/A	
*The Promised Leaders program is active in Lakewood so the work is being done. APCC is struggling with administrative capacity and has not yet completed the site visit or submitted reports and invoices. CSAB is confident the work is being done as contracted, and recommends giving them until November 8, 2021 to complete paperwork and visits.						
Boys & Girls Club	Lakewood Teen Program	LR Served	60	36	60%	Good
		Average attendance	2500	1757	70%	
YMCA	Y on the Fly	LR Served	150	116	77%	Good
		Mentoring/Coaching hours	5000	1543	31%	
PC AIDS Foundation	Oasis Center for LGBTQ Youth	LR Served	27	16	59%	Good
		Program days offered	225	70	31%	
Communities in Schools of Lakewood	School-wide supports	LR Served	300	180	104%	Good
		Students receiving case management	300	180	60%	
		Bags of food delivered/distributed	6000	5643	94%	
EMOTIONAL SUPPORTS TOTAL		TOTAL LR SERVED		348		
Emergency Food Network	Co-op Food Purchasing	LR Served	20,000	7,121	36%	Good
		Visits at Lakewood locations	160,000	47,779	30%	
		Lbs of food distributed	1,600,000	1,042,487	65%	
Making a Difference Foundation	Lakewood Food Delivery Program	LR Served	1,800		0%	Good*
		Meals delivered	1,800		0%	
*MDF has not submitted quarterly invoices/reports in 2021, but the human services coordinator confirmed they work is happening during the site visit. The organization is overly dependent on the executive director for administrative tasks. CSAB recommends giving them until November 8, 2021 to submit invoices and reporting documents.						
Tillicum Community Center	Food Bank	LR Served	3,552	1,178	33%	Good
		LR reporting increased food security	Tracking	118	N/A	
Nourish PC	Nutritious food for families	LR Served	8,000	2,712	34%	Good
		Meals provided to LR	300,000	238,779	80%	
St. Leo Food Connection	Children's Program	LR Served	2,900	777	27%	Good
	Springbrook Mobile	Meals provided to LR	166,700	32,841	20%	
FOOD TOTAL		TOTAL LR SERVED		4,667		
Lindquist Dental	Uncompensated Care	LR Served	153	66	43%	Good
		Cost of care per visit	Tracking	\$88.67	N/A	
Community Health Care	Lakewood Prompt Care	LR Served	450	2,347	522%	Good
		Prompt care visits	300	13,474	4491%	
PC Project Access	Donated Care	LR Served	75	89	119%	Good
		Value of care	\$450,000	\$302,575	67%	
HEALTH & BEHAVIORAL HEALTH TOTAL		TOTAL LR SERVED		2,502		
The Rescue Mission	Shelter Services	LR Served	180	181	101%	Good
		LR departing into housing or job	210	46	22%	
		LR enrolled in Coordinated Entry	Tracking	42	N/A	
Catholic Community Services	Family Housing Network	LR Served	200	225	113%	Good
		Bed nights provided	15,000	19,454	130%	
Rebuilding Together	Rebuilding Day/Year-round Services	LR Served	8	2	25%	Good
		Home repair projects	5	2	40%	
		Value of repair projects	\$24,000	\$5,774	24%	
HOUSING ASSISTANCE TOTAL		TOTAL LR SERVED		408		
Greater Lakes Mental Health	Behavioral Health Contact Team	LR Served	300	111	37%	Good
		Calls for service	450	106	24%	
		Referrals to community services	75	43	57%	
YWCA	Domestic Violence Survivor Services	LR Served	Tracking	40	N/A	Good
		Advocacy and Legal Hours	Tracking	473	N/A	
Springbrook Connections	Direct Services & Resource Connections	LR Served	200	84	42%	Good
		Support services provided	650	172	26%	
REBUILDING HOPE	Advocacy and Therapy Program	LR Served	39	47	121%	Good
		Advocacy and Therapy hours	269	234	87%	
STABILIZATION TOTAL		TOTAL LR SERVED		282		
Total Requests		TOTAL LR SERVED		8,207		



TO: Mayor and Lakewood City Council

FROM: Dave Bugher, Assistant City Manager, Community & Economic Development Department and Courtney Brunell, Planning Manager

THROUGH: John Caulfield, City Manager *John E. Caulfield*

SUBJECT: Tree Preservation Code Review

DATE: September 27, 2021

The City Council has requested information on the City's current tree preservation code. Accompanying this introductory memorandum is a review and analysis of the city's tree preservation regulations found in Title 18A, Chapter 18A.70, Article III. This review/analysis uses a different format. On the left-hand side is an outline of the current tree preservation code. On the right-hand side is commentary. After reviewing the analysis, preliminary themes do appear. Please see the table below for a quick summary.

Suggested staff recommendations & other related follow-up assignments	Important policy considerations
1. Add new tree preservation definitions section.	1. Require a tree removal permit fee? Is it to be full cost recovery, or is the City subsidizing this function, and if so, to what extent?
2. Amend/revised the tree preservation purpose section.	2. How does the Council want to address "heritage trees," "landmark trees," "historic trees," or "protected trees?"
3. Delete the residential 17,000 square foot lot exemption, and require a tree removal permit for all significant trees.	3. Are Garry oak trees called out separately for protection and preservation?
4. Provide determinants on what constitutes emergency removal.	4. For those persons who remove trees without permits, does the City continue with the current policy allowing for "retroactive" permitting? Or, does the City move forward with a more aggressive approach? (See Miscellaneous Topics, at the bottom of the attached report, Item No. 2.)
5. Amend the term "significant tree" (do not include invasive trees, non-native trees, or exotic tree species).	5. The preservation of Garry oaks is a regional issue and not just confined to Lakewood, although Lakewood appears

Suggested staff recommendations & other related follow-up assignments	Important policy considerations
	to be a focal point because of increasing urbanization. Garry oaks are found in Tacoma, University Place, DuPont, Parkland/Spanaway, Pierce County, Lacey, and Thurston County. Does the City want to take a position on regional conservation efforts outside the city's boundaries?
6. Delete the term "sensitive" and replace with critical areas.	
7. Review tree preservation standards for subdivisions.	
8. Review/add/amend comprehensive plan policies, and Title 14, Critical Areas.	
9. Incorporate new climate change standards into proposed regulations.	
10. Develop a City Council approved public participation plan, and a projected timeline.	

Attachments:

1. Tree preservation code analysis
2. Tree preservation code

LMC Title 18A
Chapter 18A.70
Community Design, Landscaping, & Tree Preservation
Article III

18A.70.300 Purpose.

This article promotes tree preservation by protecting the treed environment of the City of Lakewood by regulating the removal of significant trees and providing incentives to preserve trees that, because of their size, species, or location, provide special benefits. Tree preservation protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and storm water runoff, and helps to define public and private open spaces. [Ord. 726 § 2 (Exh. B), 2019.]

18A.70.310 Tree removal applicability/exemptions.

The requirements for tree preservation shall be provided in accordance with the development standards of each individual zoning district and the provisions of this section, and are applicable to all zoning districts.

A. Lots of less than seventeen thousand (17,000) square feet in single-family residential zones are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

B. Industrially zoned properties are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA.

C. Removal of nonsignificant trees that are not protected by any other means is exempt from this chapter.

D. Removal of Trees in Association with Right-of-Way and Easements. Tree removal by a public agency or a franchised utility within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sewer, power, gas or communication lines, or motorized or nonmotorized streets or paths is exempt from this chapter. Notification to the City by the public agency or franchised utility is required prior to tree maintenance or removal within City rights-of-way.

E. Emergency Removal. Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property, including the presence of a target. Emergency removal may occur and all the following conditions shall be met:

E. 1. The City is notified the following business day of the unpermitted action;

- E. 2. Visual documentation (i.e., photographs, video, etc.) is made available; and
- E. 3. The felled tree remains on site for City inspection.
- E. 4. Replacement required.
 - E. 4. a. Nonsingle-family use: The property owner will be required to provide replacement trees as established in LMC 18A.70.320 (G), Replacement.
 - E. 4. b. Single-family use: The property owner will not be required to provide replacement trees.
- E. 5. Should the City determine that the tree(s) did not pose an emergency condition, the owner shall be cited for a violation of the terms of this chapter. [Ord. 726 § 2 (Exh. B), 2019.]

18A.70.320 Significant tree preservation.

- A. Standards. Significant tree preservation shall be required for any project permit.
 - A. 1. A significant tree is an existing tree which:
 - A. 1. a. When measured at four and one-half (4.5) feet above ground, has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;
 - A. 1. b. When measured at four and one-half (4.5) feet above ground, has a minimum diameter of six (6) inches for Garry Oaks (also known as Oregon White Oaks); and
 - A. 1. c. Regardless of the tree diameter, is determined to be significant by the Director due to the uniqueness of the species or provision of important wildlife habitat.
 - A. 2. For the purposes of this section, existing trees are measured by diameter at four and one-half (4.5) feet above ground level, which is the usual and customary forest standard. Replacement trees are measured by diameter at six (6) inches above ground level, which is the usual and customary nursery standard.
 - A. 3. Damaged or Diseased Trees. Trees will not be considered "significant" if, following inspection and a written report by a registered landscape architect, certified nursery professional or certified arborist, and upon review of the report and concurrence by the City, they are determined to be:
 - A. 3. a. Safety hazards due to root, trunk or primary limb failure;
 - A. 3. b. Damaged or diseased, and do not constitute an important wildlife habitat. At the discretion of the City, damaged or diseased or standing dead trees may be

retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as a safety hazard.

A. 4. Preventive Measure Evaluation. An evaluation of preventive measures by an arborist in lieu of removing the tree and potential impacts of tree removal may be required. If required, this evaluation shall include the following measures:

A. 4. a. Avoid disturbing tree: Avoid disturbing the tree at all unless it represents a hazard as determined by an arborist;

A. 4. b. Stabilize tree: Stabilize the tree, if possible, using approved arboricultural methods such as cable and bracing in conjunction with other practices to rejuvenate the tree such as repairing damaged bark and trunk wounds, mulching, application of fertilizer, and improving aeration of the tree root zones;

A. 4. c. Pruning: Remove limbs from the tree, such as removing dead or broken branches, or by reducing branch end weights. If needed, remove up to one-quarter (1/4) of the branches from the canopy and main trunk only in small amounts, unless greater pruning is needed by approval of the arborist;

A. 4. d. Wildlife tree: Create a wildlife tree or snag, or cut the tree down to a safe condition, without disturbing the roots, where the tree no longer poses a hazard. To create snags, remove all branches from the canopy, girdle deciduous trees, and leave the main trunk standing. Wildlife trees or snags are most appropriate in City parks, greenbelts, vacant property, and environmentally critical areas;

A. 4. e. Steep slopes: Removal of tree roots on steep slopes may require a geotechnical evaluation;

A. 4. f. Creeks and lakes: Trees fallen into creeks and lakes are to remain in place unless they create a hazard; and

A. 4. g. Provide professional recommendations on:

A. 4. g. 1. The necessity of removal, including alternative measures to removal;

A. 4. g. 2. The lowest-impact approach to removal;

A. 4. g. 3. A replacement tree plan, if required.

B. Preservation Criteria. All significant trees shall be preserved according to the following criteria:

B. 1. Perimeter Trees. All significant trees within twenty (20) feet of the lot perimeter or required buffer, whichever is greater, shall be preserved; except that significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or

pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Director.

This requirement shall not apply to single-family residential lots less than seventeen thousand (17,000) square feet in size, where no specific tree preservation is required.

B. 2. Interior Trees. A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.

B. 2. a. For new single-family residential development including a single-family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.

B. 2. b. For new residential subdivisions where the proposed lot size is greater than seventeen thousand (17,000) square feet, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than seventeen thousand (17,000) square feet, no specific tree preservation is required.

B. 2. c. For commercial development, ten (10) percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.

B. 2. d. In Open Space and Recreation zones, ninety-five (95) percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Director.

B. 3. Buffers and Sensitive/Critical Areas. Tree preservation criteria listed above shall exclude sensitive/critical areas and their buffers, and open space areas and tracts. All trees within such areas shall be retained except as may be specifically approved and indicated in the written findings of a discretionary land use permit or a tree removal permit.

B. 4. SEPA Requirements. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

C. Tree Retention Plan Required.

C. 1. A significant tree retention plan shall be submitted to the Community Economic and Development Department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the Community Economic and Development Department.

C. 2. The Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.

C. 3. A significant tree permit is required for the removal of any significant tree unless specifically exempted within this section.

D. Permit/Plan Requirements. Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:

D. 1. Submit a tree retention plan that consists of a tree survey that identifies the location, size and species of all significant trees on a site and any trees over three (3) inches in diameter at four and one-half (4.5) feet above ground level that will be retained on the site.

D. 1. a. The tree survey may be conducted by a method that locates individual significant trees, or

D. 1. b. Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.

D. 2. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.

D. 3. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continued healthy life of retained significant trees.

D. 4. If tree retention and/or landscape plans are required, no clearing, grading or disturbance of vegetation shall be allowed on the site until approval of such plans by the City.

E. Construction Requirements.

E. 1. An area free of disturbance, corresponding to the dripline of the significant tree's canopy, shall be identified and protected during the construction stage with a temporary three (3) foot high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, or parking of vehicles shall be permitted within the area defined by such fencing.

E. 2. At Director's sole discretion, a protective tree well may be required to be constructed if the grade level within ten (10) feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to

the diameter of the tree spread dripline, plus at least five (5) feet of additional diameter.

E. 3. The Director may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.

E. 4. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies or is removed within five (5) years of the development of the site, then the significant tree shall be replaced pursuant to subsection (G) of this section.

F. Maximum Tree Removal on Developed Properties. Existing single-family lots: Single-family homeowners may remove significant trees without a permit based on the following:

Maximum Tree Removal on Existing Single-Family Lots without a Permit		
Lot Size	Maximum number of significant trees allowed to be removed in 1 year without a permit	Maximum number of significant trees allowed to be removed in 5 years without a permit
Lots up to 17,000 sq. ft.	N/A	N/A
Lots 17,001 to 30,000 sq. ft.	2	4
Lots 30,001 sq. ft. or greater	4	8

G. Replacement. When a significant tree subject to this section cannot be retained, the tree shall be replaced as a condition for the removal of the significant tree, in accordance with the following:

G. 1. On-Site Replacement.

G. 1. a. Significant trees shall be replaced at a ratio of two to one (2:1) of the total diameter inches of all replacement trees to the diameter inches of all the significant trees removed.

G. 1. b. Replacement trees shall be no smaller than three (3) inches in diameter at six (6) inches above ground;

G. 1. c. Existing healthy trees anywhere on the site which are retained to support the remaining significant trees can be counted against the on-site replacement requirements on a one to one (1:1) basis of the total diameter inches of all replacement trees removed, provided it meets the following criteria:

G. 1. c. i. The tree does not present a safety hazard; and

G. 1. c. ii. The tree is between three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.

G. 2. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a one and one-half to one (1.5:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between nine (9) inches and twenty-four (24) inches in diameter for evergreen trees, or between nine (9) inches and thirty (30) inches in diameter for deciduous trees.

G. 3. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:

G. 3. a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.

G. 3. b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.

G. 3. c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.

G. 3. d. The tree belongs to a unique or unusual species.

G. 3. e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.

G. 3. f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.

G. 4. Off-Site Replacement. When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:

G. 4. a. The planting of the required replacement trees at locations approved by the Director throughout the City. Plantings shall be completed prior to completion of the project permit requiring tree replacement.

G. 4. b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the

issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

H. Trimming. Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard. [Ord. 726 § 2 (Exh. B), 2019.]

18A.70.330 City Tree Fund.

A. Funding Sources. All civil penalties received under this chapter and all money received pursuant to Chapter 14.02 LMC, Environmental Rules and Procedures, shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:

- A. 1. Agreed-upon restoration payments or settlements in lieu of penalties;
- A. 2. Donations and grants for tree purposes;
- A. 3. Other moneys allocated by the City Council.

B. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:

- B. 1. Acquiring, maintaining, and preserving wooded areas within the City;
- B. 2. Planting and maintaining trees within the City;
- B. 3. Establishment of a holding public tree nursery;
- B. 4. Urban forestry education;
- B. 5. Implementation of a tree canopy monitoring program;
- B. 6. Scientific research; or
- B. 7. Other purposes relating to trees as determined by the City Council. [Ord. 726 § 2 (Exh. B), 2019.]



The following document provides information on the regulation and administration of tree preservation. On the left-hand side is the current tree preservation code. On the right-hand side is important commentary as to how "it works" and intertwines with other land use regulation. Also included are "cues" should the city propose to amend regulations.

CURRENT TREE PRESERVATION CODE

STAFF COMMENTS

Note(s) to the reader –

1. *Tree ordinances are highly individualistic. They will vary from community to community. As far as complexity, tree ordinances are similar to sign codes, which means Council can expect extensive community input. Approving a revised tree preservation code will require balancing the often-competing interests of environmental protection, private property rights, and economic development.*

Developing a tree ordinance also takes time. To be successful, it requires broad community support and a patient, thorough approach. There is concern that a new or revised tree preservation code will not align itself within the timeframes of the 2022 Comprehensive Plan Docket.

2. *Tree preservation administration & regulations are not just covered by the City's current code, LMC, Chapter 18A.70, but also by:*

- *SEPA for nonexempt projects;*
- *the City's Critical Areas Ordinance, Title 14;*
- *the City's Shoreline Master Program (SMP);*
- *Written guidelines by state agencies; and*
- *mapping tools also provided by state agencies, some of which are out-of-date.*

Often there is an interplay where an aspect of tree preservation is not required in some code sections, but is required in other code sections. A good example, is the proposed nine-lot short plat proposed by Habitat for Humanity in Tillicum. Short plats are exempt from SEPA requirements, and, thus tree preservation, but because the site is zoned MR2 (and not R1, R2, R3 & R4 which provides for exemptions) tree preservation is required prior to building permit issuance.

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3. *The current tree code lacks a definition section. New definitions should be added to any revised code.*
4. *In addition to amendments to the tree preservation code, a review of comprehensive plan policies and Title 14, Critical Areas, is recommended.*
5. *A review of the City's current tree preservation code was identified as a work item under the City's Energy & Climate Change Implementation Plan. The purpose was to propose ways to reduce greenhouse gases and promote carbon sequestration. To-date, public comments have focused primarily on one topic, the preservation of Garry oaks. Council policy is sought. Is the purpose of amending the code to: Address greenhouse gases and carbon sequestration? Protect and preserve Garry oaks? Or, is it both?*

II. Purpose

- A. To protect the treed environment of the city by regulating the removal of significant trees and providing incentives to preserve trees that, because of their size, species, or location, provide special benefits. Tree preservation protects and enhances critical areas, facilitates aquifer recharge, reduces erosion and storm water runoff, and helps to define public and private open spaces.

Many other municipal organizations that have tree codes have expanded their purpose sections. If the City were to amend its regulations, the City may want to list the benefits of trees in the community (Examples: Reduces air pollution & noise pollution; provides energy-saving shade & cooling; provides wildlife habitat; enhances aesthetics, etc.)

III. Tree removal exemptions

- A. Lots of less than 17,000 square feet in single-family residential zones (R1, R2, R3, & R4) are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.

The 17,000 square foot exemption is not sacrosanct. If the lot is located on property designated priority habitat, a critical area, adjacent to a water body, or within the floodplain, the exemption may not apply. Specific to Garry oaks, the City currently uses the Sound Oaks Initiative mapping program to identify priority habitat for all residential lots.

Should the Council choose to amend this section, it is recommended to require a tree removal permit for all trees, regardless of lot size and establish criteria to exempt certain species subject to staff review. Many members of the public cannot identify

different tree species. Thus, to ensure compliance, we may consider reviewing all tree removal permits for significant trees (defined below). There is a fiscal impact with this proposal.

Related to this issue of a tree removal permit, the Council should determine if it wants to require a fee for a tree permit. Currently, there is no fee.

Again, the exemption is not inviolable. Industrially zoned property is still subject to requirements listed under III. (A.).

Currently, all new industrial developments undergo design review and SEPA, which require tree retention plans.

B. Industrially zoned properties are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA.

C. Removal of nonsignificant trees that are not protected by any other means is exempt.

D. Removal of trees in association with right-of-way and easements.

1. Tree removal by a public agency or a franchised utility within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sewer, power, gas or communication lines, or motorized or nonmotorized streets or paths is exempt

This type of exemption is fairly common in many tree preservation codes.

2. Notification to the city by the public agency or franchised utility is required prior to tree maintenance or removal within city rights-of-way.

City has three different power purveyors: Tacoma Power; Lakeview Light & Power; & PSE. Pierce County provides sewers. Lakewood Water District, a special service district, provides water. There also a variety of telecommunication businesses that serve Lakewood. Receiving notification prior to tree removal has proved to be challenging.

E. Emergency removal.

1. Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property.

This type of exemption is fairly common in many tree preservation codes, although some codes provide determinants for what constitutes a safety risk. For example,

Whether the tree is dead, diseased, dying, burned, or otherwise damaged;

2. Emergency removal may occur and all the following conditions shall be met:

Whether the tree has multiple weak branches;

a. The city is notified the following business day of the unpermitted action;

Whether the foliage is sparse;

- b. Visual documentation (i.e., photographs, video, etc.) is made available; and
- c. The felled tree remains on site for City inspection.
- d. Replacement required.
 - i. Non-single-family use: The property owner will be required to provide replacement trees pursuant to current code.
 - ii. Single-family use: The property owner will not be required to provide replacement trees.
 - iii. Should the City determine that the tree(s) did not pose an emergency condition, the owner shall be cited.

Evidence of root rot;

If a tree is leaning;

If the tree top is broken; and

If there are "targets" such as buildings, parking, or traffic/pedestrian facilities below the tree.

IV. Significant tree preservation

A. Significant tree standards:

1. A significant tree is an existing tree which:
 - a. When measured at four 4.5 feet above ground, has a minimum diameter of 9 inches for evergreen trees and deciduous trees;
 - b. When measured at 4.5 feet above ground, has a minimum diameter of 6 inches for Garry Oaks (also known as Oregon White Oaks); and
 - c. Regardless of the tree diameter, if it is determined to be significant by the Director due to the uniqueness of the species or provision of important wildlife habitat.

A significant tree is any tree in Lakewood that meets certain diameter requirements for evergreen and deciduous trees. This definition is problematic since it includes invasive trees introduced by humans. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession. Invasive trees should not be categorized as significant.

Council is also likely to receive a request to incorporate standards specific for Garry oak protections. This proposal would add another layer to code administration, and constitutes a fiscal impact.

In the current code, Garry oaks, are significant if they are of a certain size. Because Garry oaks are relatively slow growing, the diameter of a significant Garry oak tree is 6 inches instead of 9 inches. If a Garry oak is less than 6 inches it is not considered significant unless the Director imposes the terms in IV. (1.) (c.).

Note(s) to the reader:

2. Existing trees are measured by diameter at 4.5 feet above ground level, which is the usual and customary forest standard. Replacement trees are measured by diameter at 6 inches above ground level, which is the usual and customary nursery standard.
3. Damaged or diseased trees will not be considered "significant" if, following inspection and a written report by a registered landscape architect, certified nursery professional or certified arborist, and upon review of the report and concurrence by the City, they are determined to be:
 - a. Safety hazards due to root, trunk or primary limb failure;
 - b. Damaged or diseased, and do not constitute an important wildlife habitat. At the discretion of the City, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement, if demonstrated that such trees will provide important wildlife habitat and are not classified as a safety hazard.
4. Preventive Measure Evaluation. An evaluation of preventive measures by an arborist in lieu of removing the tree and potential impacts of tree removal may be required. If required, this evaluation shall include the following measures:
 - a. Avoid disturbing the tree;
 - b. Stabilize tree;
 - c. Pruning;
 - d. Wildlife tree;
 - e. Steep slopes;
 - f. Creeks and lakes;
 - g. Provide professional recommendations on:
 - i. The necessity of removal, including alternative measures to removal;

6. *There are sections of Lakewood where there are stands of Garry oaks, but they do not meet the size criterion.*

City has had difficulty with some property owners not wanting to hire a professional to prepare reports on damaged/diseased trees. The report preparation costs money and takes time. Further, once the report is submitted, the expectation is that the city will review the report immediately. Applications are reviewed on a first come, first served basis.

This section is primarily used for SEPA nonexempt permits usually associated with a Mitigated Determination of Significance (MDNS), and shoreline development permits.

- ii. The lowest-impact approach to removal;
- iii. A replacement tree plan, if required.

B. Preservation Criteria

1. All significant trees within 20 feet of the lot perimeter or required buffer, whichever is greater, shall be preserved.
 - a. Exceptions: Significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Director.
 - b. This requirement does not apply to single-family residential lots less than 17,000 square feet in size, where no specific tree preservation is required.
2. A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.
 - a. For new single-family residential development including a single-family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.
 - b. For new residential subdivisions where the proposed lot size is greater than 17,000 square feet, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than 17,000

This section outlines the regulations for staff to administer.

The provisions listed in this section are reflected in a tree removal permit and reviewed by City staff. Applicants are required to comply with these listed regulations in order to avoid tree replacement or fee-in-lieu. When an applicant removes trees in excess of these provisions, mitigation is required.

There have been some occasions where vacant, heavily treed residential lots adjacent to the lakes remain undevelopable because of the number of trees associated with the property. The only way to develop the lot is to apply for a variance and obtain hearing examiner approval. (Lots adjacent to a water body are always difficult to develop with many requirements, and opposition from adjoining neighbors.)

Should the Council choose to amend the exemptions related to lots under 17,000 gsf or on industrially zoned properties, this section would also be amended.

square feet, no specific tree preservation is required.

- c. For commercial development, 10 percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.
 - d. In Open Space and Recreation zones, 95 percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Director.
3. Tree preservation criteria listed above shall exclude sensitive/critical areas and their buffers, and open space areas and tracts. All trees within such areas shall be retained except as may be specifically approved and indicated in the written findings of a discretionary land use permit or a tree removal permit.
 4. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.

C. Tree Retention Plan Required

1. A significant tree retention plan shall be submitted to the Community Economic and Development Department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the Community Economic and Development Department.

This section has caused some confusion for developers, due to its placement in the code. Specifically for industrially zoned lands, which are listed under "exempt." It is recommended that this section be moved to section III to clarify that it applies to all zones, including industrially zoned properties.

The term sensitive is not defined. Recommend striking "sensitive" and instead listing "critical areas" as defined in Chapter 14 of the Lakewood Municipal Code.

This section connects local regulations with state environmental protection regulations.

Note(s) to the reader:

7. **IMPORTANT!** *The current code does not DEFINE "heritage trees," "landmark trees," "historic trees," or "protected trees." It is likely the City will receive proposed legislation requesting the City include protections for these defined types of trees. Special fines usually go with such proposals (e.g., \$25,000 fine for illegal removal/damage per tree). There is an associated fiscal impact if the City chooses to enact such legislation.*

2. The Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.

3. A significant tree permit is required for the removal of any significant tree unless specifically exempted within this section.

D. Permit/Plan Requirements. Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:

1. Submit a tree retention plan that consists of a tree survey that identifies the location, size and species of all significant trees on a site and any trees over 3 inches in diameter at 4.5 feet above ground level that will be retained on the site.

a. The tree survey may be conducted by a method that locates individual significant trees, or

b. Where site conditions prohibit physical survey of the property, standard timber cruising methods may be used to reflect general locations, numbers and groupings of significant trees.

2. The tree retention plan shall also show the location, species, and dripline of each significant tree that is intended to qualify for retention credit, and identify the significant trees that are proposed to be retained, and those that are designated to be removed.

3. The applicant shall demonstrate on the tree retention plan those tree protection techniques intended to be utilized during land alteration and construction in order to provide for the continued healthy life of retained significant trees.

4. If tree retention and/or landscape plans are required, no clearing, grading or disturbance of vegetation shall be allowed on the site until approval of such plans by the City.

E. Construction Requirements.

1. An area free of disturbance, corresponding to the dripline of the significant tree's canopy, shall be identified and protected during the construction stage with a

There is no fee for a significant tree permit.

temporary 3 foot high chain-link or plastic net fence. No impervious surfaces, fill, excavation, storage of construction materials, or parking of vehicles shall be permitted within the area defined by such fencing.

2. At Director's sole discretion, a protective tree well may be required to be constructed if the grade level within 10 feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least 5 feet of additional diameter.
3. The Director may approve use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than by the techniques listed above. Alternative techniques must be approved by a registered landscape architect, certified nursery professional or certified arborist, with review and concurrence by the City.

F. Maximum Tree Removal on Developed Properties. Existing single-family lots: Single-family homeowners may remove significant trees without a permit based on the following:

Maximum Tree Removal on Existing Single-Family Lots without a Permit		
Lot Size	Maximum number of significant trees allowed to be removed in 1 year without a permit	Maximum number of significant trees allowed to be removed in 5 years without a permit
Lots up to 17,000 sq. ft.	N/A	N/A
Lots 17,001 to 30,000 sq. ft.	2	4
Lots 30,001 sq. ft. or greater	4	8

G. Replacement. When a significant tree subject to this section cannot be retained, the tree shall be replaced as a condition for the removal of the significant tree, in accordance with the following:

1. On-Site Replacement.
 - a. Significant trees shall be replaced at a ratio of two to one (2:1) of the total diameter inches of all replacement trees to the diameter inches of all the significant trees removed.
 - b. Replacement trees shall be no smaller than three (3) inches in diameter at six (6) inches above ground;

- c. Existing healthy trees anywhere on the site which are retained to support the remaining significant trees can be counted against the on-site replacement requirements on a one to one (1:1) basis of the total diameter inches of all replacement trees removed, provided it meets the following criteria:
 - i. The tree does not present a safety hazard; and
 - ii. The tree is between 3 and 9 inches in diameter at 4.5 feet above ground.
2. Each significant tree that is located interior to the 20 foot perimeter area, and which is in excess of the 50 percent of significant trees that are required to be retained, may be credited towards replacement on a 1.5:1 basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between 9 inches and 24 inches in diameter for evergreen trees, or between 9 inches and 30 inches in diameter for deciduous trees.
3. Each significant tree that is located interior to the 20 foot perimeter area, and which is in excess of the 50 percent of significant trees that are required to be retained, may be credited towards replacement on a 2:1 basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:
 - a. The tree exceeds 60 feet in height, or 24 inches in diameter for evergreen trees, or 30 inches in diameter for deciduous trees.
 - b. The tree is located in a grouping of at least 5 other significant trees with canopies that touch or overlap.
 - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
 - d. The tree belongs to a unique or unusual species.
 - e. The tree is located within 25 feet of any critical area or required critical area buffers.

- f. The tree is 18 inches in diameter or greater and is identified as providing valuable wildlife habitat.
4. Off-Site Replacement. When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:
- a. The planting of the required replacement trees at locations approved by the Director throughout the City. Plantings shall be completed prior to completion of the project permit requiring tree replacement.
 - b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.
- H. Trimming. Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard.

Off-site tree replacement; \$400 for each replacement tree (see 2021 fee schedule, page 7). CED is reviewing the current fee; a proposal may be submitted to Council to adjust the fee later this year. The actual amount of the adjustment has not been determined.

City could prepare and distribute educational materials on best pruning practices, policies, techniques, and procedures for any tree requirements continued in the existing code or future code amendments.

V. City Tree Fund

- A. Funding Sources. All civil penalties received under this chapter and all money received pursuant to Chapter 14.02 LMC, Environmental Rules and Procedures, shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
- 1. Agreed-upon restoration payments or settlements in lieu of penalties;
 - 2. Donations and grants for tree purposes;
 - 3. Other moneys allocated by the City Council.

The current balance in the City Tree Fund/ mitigation account is \$55,446.37. In the past, the City has used these funds to install native landscaping and remove invasive and non-native species at City-owned parks. Several projects have occurred at Fort Steilacoom Park. Non-native trees around Waughop Lake were removed and replaced with native plants. Total expenditure, \$15,365.

The tree fund was also used to remove dead and dying poplars in an area north of the barns. The poplar trees were replaced with new trees. Total expenditure, \$24,000.

A third project was the planting of native vegetation in and around the Fort Steilacoom

Park entrance on Angle Lane. Total expenditure, \$20,000.

Another project, was the use of funds to assist Pierce College in establishing Garry oak tree plantings on Pierce College property. The college staff and students also developed a process to remove invasive plants species prior to planting Garry oaks. Total expenditure, \$2,000.

Other uses of the funds are outlined under the City's Tree Fund.

B. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:

1. Acquiring, maintaining, and preserving wooded areas within the City;
2. Planting and maintaining trees within the City;
3. Establishment of a holding public tree nursery;
4. Urban forestry education;
5. Implementation of a tree canopy monitoring program;
6. Scientific research; or
7. Other purposes relating to trees as determined by the City Council.

Miscellaneous Topics:

1. *Tree preservation is only one element of a successful program to protect trees, preserve green space, and promote healthy, managed urban forests. To Lakewood's credit, this city has in place street tree ordinances, landscape ordinances, and buffer ordinances, in addition to tree preservation. And, its tree regulations are all located in one place, Title 18A, Chapter 18A.70.*
2. *One section that is not found in the tree preservation code are subsection specific enforcement measures. The tree preservation is enforced under standard enforcement listed in 18A.20.105. Certain sections of the code, including: sign regulations, outdoor lighting and home occupations, include enforcement sections that are specific to the regulations found in the subsection.*

For illegal tree removals, the City has followed best-practice of Department of Fish and Wildlife and permitted voluntary compliance from individuals whom remove trees without permits. This includes requiring that individuals submit a tree removal permit illustrating the location of the removed trees, and estimating their size. These permits are reviewed as if the trees had not yet been removed, and mitigation is assessed appropriately or the trees are permitted to be removed. Given that the trees are no longer standing 4.5' above ground, the City relies on the circumference of the stump to estimate fee mitigation. Should an individual not make application, fees are assessed based on the stump

circumference using the replacement ratio of 2:1, with a charge of \$400 per 3" replacement tree. The \$400 per replacement tree is also listed in the City's fee schedule. Should the Council want to impose additional enforcement measures, or not allow for "retroactive" permitting, it would be appropriate to include those regulations in this subsection for staff to administer.

- 3. Also, under the enforcement category, are recalcitrant property owners who remove trees without permits, who receive significant fines, often totaling over \$50,000, and who use the court system to delay payment, request a payment schedule, or negotiate a lesser penalty fee.*
- 4. With any proposed amendments there will be a need to publish informational handouts and brochures. These kinds of publications potentially reduce code enforcement actions, but in addition, promote positive actions specific to climate change. For example, two large trees planted on the west side of a home, and one on the east side, can provide enough shade to reduce energy costs associated with air conditioning by 30 percent.*

Summary Review of Lakewood's Tree Preservation Code

LAKEWOOD CITY COUNCIL STUDY SESSION

SEPTEMBER 27, 2021

Starting Points

- Tree ordinances are highly individualistic; they vary from community to community.
- This will be a challenging assignment, similar to amending a city's sign code regulations. Expect significant public comment.
- Proposal significantly modifies the department's work plan.
- Requires balancing the often-competing interests of environmental protection, private property rights, and economic development.
- Process takes time; requires broad community support and a patient, thorough approach.

It's more than the tree preservation code, & it can get complicated!

There is an interplay amongst the state's and city's codes regarding tree preservation administration & regulations:

- State Environmental Policy Act (SEPA);
- City's Critical Areas Ordinance, Title 14;
- City's Shoreline Master Program (SMP);
- Written guidelines by state agencies; &
- Mapping tools also provided by state agencies (some of which are out-of-date).

How did we go about analyzing the current tree code?

Created a document having a side-by-side review & analysis.

- On left side, an outline of the current tree code.
- On the right-side, staff commentary, what works, what doesn't, and areas where we think changes or amendments are necessary, some of which are straightforward.

Looks like this...



The following document provides information on the regulation and administration of tree preservation. On the left-hand side is the current tree preservation code. On the right-hand side is important commentary as to how "it works" and intertwines with other land use regulation. Also included are "cues" should the city propose to amend regulations.

CURRENT TREE PRESERVATION CODE	<i>STAFF COMMENTS</i>

Several preliminary themes identified...

1. Blueprint for “how to” propose code changes
2. Two categories of initial staff recommendations
 - Some are relatively easy
 - Others not so easy
3. Also, important policy considerations that impact the environment, private property rights, economic development, and fiscal impact.

Develop a blueprint for public participation

Before we begin the process of amending regulations...



Council reviews and adopts a public participation plan.

This plan describes the City's strategies and techniques to inform and engage the public in tree preservation code development with the purpose of maximizing participation and effectiveness.

Successful public participation has five elements: sets the stage for establishing clear purpose and goals; defines structure and process; establishes commitment amongst stakeholders to the process; and provides inclusive and effective representation.

Relatively easy staff recommendations

1. Amend/revised the tree preservation purpose section.
2. Provide better determinants on what constitutes emergency removal.
3. Delete the term “sensitive” and replace with “critical areas.”
4. Review tree preservation standards for subdivisions.
5. Add new tree preservation definitions section, *although expect significant dialogue on how types of trees are defined.*

More challenging staff recommendations

1. Delete the residential 17,000 square foot lot exemption, and require a tree removal permit for all significant trees as they would be defined in the revised code.
2. Amend the definition of significant tree to NOT INCLUDE invasive or non-native trees.
3. If necessary, review/add/amend comprehensive plan policies, and Title 14, Critical Areas.
4. Incorporate new climate change standards into proposed regulations.
5. Items 1, 2, & 4 have related fiscal impacts on department operations.

Significant policy considerations, part 1

1. Does the City require a fee for all tree removal permits? Is it to be full cost recovery, or is the City subsidizing this function, and if so, to what extent?
2. How does the City address “heritage trees,” “landmark trees,” “historic trees,” or “protected trees?”
3. Are Garry oak trees called out separately for protection and preservation?
4. For those persons who remove trees without permits, does the City continue with the current policy allowing for “retroactive” permitting? Or, does the City move forward with a more aggressive approach? (*See Miscellaneous Topics, at the bottom of the attached report, Item No. 2.*)

Significant policy considerations, part 2

5. The preservation of Garry oaks is a regional issue and not just confined to Lakewood, although Lakewood appears to be a focal point because of increasing urbanization. Garry oaks are found in Tacoma, University Place, DuPont, Parkland/Spanaway, Pierce County, Lacey, and Thurston County. Does the City want to take a position on regional conservation efforts outside the city's boundaries?

Significant policy considerations, part 3

6. A review of the City's current tree preservation code was identified as a work item under the City's Energy & Climate Change Implementation Plan. The purpose was to propose ways to reduce greenhouse gases and promote carbon sequestration.

To-date, public comments have focused primarily on one topic, the preservation of Garry oaks. Council direction is sought. Is the purpose of amending the code to:

- Address greenhouse gases and carbon sequestration?
- Protect and preserve Garry oaks?
- Or, is it both?

Significant policy considerations, part 4

7. Increasing tree regulation requirements (complexity) increases the amount of bureaucratic specificity. If this direction is sought, it is likely going to frustrate property owners. Once adopted an outreach program strongly recommended.

Also, avoid “kludges” when developing new code. A “kludge” is a quick fix regarding a policy problem. Kludges tend to pile up over time, making regulation cumbersome and inefficient. ‘

Next Steps

Develop a public participation plan.

QUESTIONS?



CITY COUNCIL RULES OF PROCEDURE

Adopted December 18, 1995
Amended July 15, 1996
Amended October 4, 2004
Amended March 5, 2007
Amended February 19, 2008
Amended July 16, 2012
Amended March 2, 2015
Amended January 17, 2017

**CITY OF LAKEWOOD
COUNCIL RULES OF PROCEDURE**

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RULES OF PROCEDURE

CITY COUNCIL OF LAKEWOOD

SECTION 1 - AUTHORITY

The Lakewood City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by resolution of Council and until such time as they are amended or new rules are adopted in the manner provided by these rules.

SECTION 2 - COUNCIL MEETINGS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting of this body, except as provided in RCW Chapter 42.30.¹

The City Clerk shall be responsible for preparing agendas for all City Council meetings.

The City Clerk shall cause to be prepared action minutes of all of the Council meetings, which minutes shall contain an account of all official actions of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.1 Regular Meetings

The regular meetings of the City Council shall be held on the first and third Mondays of every month at sites designated by action of the City Council, in Lakewood, Washington. Regular meetings are the formal meeting of the City Council held for the purpose of conducting business, passing legislation and authorizing action by the City.

2.2 Study Sessions

Study Sessions shall constitute regular meetings pursuant to the Open Meetings Act, but shall not be considered regular meetings for the purposes of RCW 35A.12.060. Study Sessions shall be held on the second and fourth Mondays of every month at sites designated by action of the City Council. Study Sessions will be informal meetings for the purpose of discussing, investigating, reviewing or studying matters of City business with City staff for informational purposes.

Regular Council meetings and Study Sessions will begin at the hour of 7:00 p.m.

1. RCW 42.30.140 sets out four situations where a governing body may meet and not be subject to the OPMA. The most common is 42.30.140(a) Collective Bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the implementation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

If any Monday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 7:00 p.m. on the first business day following the holiday.

Four or more Councilmembers present for the transaction of business shall constitute a quorum. Attendance and/or voting by telephone or video conference may be allowed by request in extenuating circumstances including but not limited to physical incapacity or travel.

No final action can be conducted at a Study Session.² Decisions on those issues requiring a vote will be scheduled for a Regular or Special Council meeting. The Council can, in a Study Session, provide feedback and direction to the City Manager, as needed for staff to implement properly the will of the Council. Matters requiring a vote after consideration at a Study Session may be placed on the Consent Agenda.

The seating arrangement for the Council shall be by position number beginning with the lowest number from right to left as viewed from behind the dais except for the positions of Mayor and Deputy Mayor. The Mayor will be seated in the center with the Deputy Mayor seated to the Mayor's left.

Verbatim transcripts of any part or portion of the proceedings shall be made a part of the written minutes only when authorized by a majority vote of the entire Council made at the meeting or study session wherein such request for a verbatim report is made.

2.3 Special Meetings

A Special Meeting is any Council meeting other than the Regular Council meetings or Study Sessions. A Special Council meeting may be scheduled by the City Manager or Mayor at the request of a majority of the Councilmembers upon notification to the City Manager or City Clerk. Notice of special meetings shall comply with the law of the State of Washington in effect at the time of the meeting.

2.4 Emergency Meetings

An emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Manager or the Mayor without the minimum 24 hours advance notice that would otherwise apply.

2. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. 'The Open Public Meetings Act- How it Applies to Washington Cities, Counties, and Special Purpose Districts', citing RCW 42.30.020 (3) at page 6, MRSC Report No. 60, revised, June 2014.

2.5 **Executive Sessions**

An Executive Session is that part of a Council meeting that is closed except to the City Council, City Manager, and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive sessions may be held during Regular, Study Sessions, or Special Council meetings and will be announced by the Mayor. Executive session subjects are limited to those identified in State law.

Before convening an Executive Session, the Mayor or Chair shall announce the purpose of the meeting, cite and announce the exemption to which the purpose applies and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended.³

All matters discussed in an Executive Session are strictly confidential. RCW 42.23.070 prohibits disclosure of confidential information learned by reason of the official position of a City officer.

2.6 **Cancellation of Meetings**

Meetings may be canceled by the Mayor or a majority vote of the Council and proper notice given by the City Clerk.

SECTION 3 - ORDER OF BUSINESS OF REGULAR MEETING COUNCIL AGENDA

All items to be included on the Council's agenda for consideration should be submitted to the City Clerk, in full by 3:00 p.m. on the Tuesday preceding each regular Council meeting. The City Clerk and City Manager shall then prepare a proposed agenda according to the order of business, for approval by the Mayor, or his/her designee. A final agenda will then be prepared by the City Clerk and distributed to Councilmembers as the official agenda for the meeting.

An item may be placed on a Council meeting agenda by any of the following methods:

1. Council consensus is defined to be general agreement as determined by the Mayor.
2. By the City Manager.
3. By the Mayor.
4. By any two (2) Councilmembers.

The agenda format of the Regular City Council meeting shall be as follows except that if an agenda section contains no scheduled items, that section will be deleted from a particular agenda.

3. RCW 42.30.110 Executive Sessions.

3.1 **Call to order**

The Mayor shall call the meeting to order. Councilmembers may request to be excused from a meeting for bonafide reasons, by requesting the same of the Mayor and so notifying the City Clerk.

3.2 **Roll call**

The City Clerk will call the roll.

3.3 **Pledge of Allegiance**

Councilmembers and, at times, invited guests will lead the Pledge of Allegiance to the Flag.

3.4 **Proclamations and Presentations**

A proclamation is defined as an official announcement made by the Mayor or the City Council.

City Council proclamations are made for the purpose of recognition of an individual, group or event. City Council Proclamations shall be publicly read at a City Council meeting and presented to a representative(s) of the event during the Council meeting.

Mayor's Proclamations are made for the purpose of recognition of an individual, group or event and which are typically requested by and for a special interest group within the City. Mayor's Proclamations are signed by the Mayor and forwarded to a representative of the event.

The Mayor and City Manager shall determine if the Proclamation request is for a City Council Proclamation or a Mayor's Proclamation.

A presentation is defined as an official report presented by an individual(s) and/ or special interest group at a City Council meeting. This may also include specific items brought forward at the request of the City Manager in order to properly brief the City Council and public about City business and/or matters of public concern.

3.5 **Public Comments**

Members of the audience may comment on items relating to any matter related to City business under the "Public Comments" period. Comments are limited to three (3) minutes per person. Groups who have at least three members present at the meeting may designate a speaker who may have a total of ten (10) minutes to speak on behalf of the group. The Mayor shall determine the overall amount of time set for "Public Comments." Public comments sign-up forms will be available at the City Clerk's desk at each meeting for use of those citizens wishing to address the Council. The City Clerk shall serve as timekeeper.

In addressing the Council, each person should stand, and after recognition, move to the podium, give his/her name and address, and unless further time is given by the presiding officer, shall limit his/her comments to three minutes. All remarks shall be made to the Council as a body and not to any individual member.

No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

3.6 Consent Agenda

Approval of the Consent Agenda is considered to be routine and non-controversial, may be approved by a majority vote after a motion and a second. Items on the Consent Agenda include but are not limited to the following:

- a. Approval of minutes.
- b. Fixing dates for public hearings, when such is required by law.
- c. Fixing dates for hearings on appeals.
- d. Approval of claims and vouchers, bid awards and contracts.
- e. Approval of final plats.
- f. Passage of resolutions and/or ordinances which the City Council has given direction to place on the consent agenda.
- g. Items Filed in the Office of the City Clerk (minutes and/or reports of Committees, Boards and Commissions).
- h. Appointments of individuals to committees, boards and commissions.
- i. Other items designated by the City Council.

Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

3.7 Regular Agenda

3.8 Public Hearings and Appeals

Public hearings shall be held as required by law and shall follow the legally proscribed process. Public hearings may also be held at the request of the Council even though not legally required. In such instance, the process shall be as proscribed for that hearing by Council.

3.9 Ordinances

All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council, unless requested by a majority of the Council, or requested by the City Manager or City Attorney.

Ordinances will be introduced and enacted by an Ordinance Number.

The City Clerk or designee shall read the title of the ordinance prior to voting unless the ordinance is on the Consent Agenda.

Upon enactment of the ordinance, the City Clerk shall obtain the signature of the City Attorney and the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.

Ordinances, or ordinance summaries, shall be published in the official newspaper as provided by law.

3.10 Resolutions

Introduction, reading by agenda title and voting upon resolutions. A resolution is adoption of a City policy or decision.

3.11 Unfinished Business

Motions and other unfinished business of a general nature.

3.12 New Business

Motions and business which has not previously been before the City Council.

3.13 Reports by the City Manager

The City Manager may update Councilmembers on current issues or items of Council interest.

3.14 City Council Comments

The Mayor and Councilmembers may take this opportunity to make comments, extend compliments, express concerns, report to the Council as Board, Committee and Commission liaisons, or make announcements concerning any topic they wish to share.

3.15 Adjournment

Recess - The foregoing agenda may be interrupted for a stated time as called by the Presiding Officer to recess for any reason, including executive sessions.

SECTION 4 – ORDER OF BUSINESS OF COUNCIL STUDY SESSION AGENDA

- 4.1 Call to Order**
- 4.2 Items for Discussion**
- 4.3 Reports by the City Manager**
- 4.4 City Council Comments**
- 4.5 Adjournment**

SECTION 5 - COUNCILMEMBER ATTENDANCE AT MEETINGS

Councilmembers will inform the Mayor, City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence. Attendance at Council Study Sessions are not mandatory and will not be considered for purposes of RCW 35A.12.060.

SECTION 6 - PRESIDING OFFICER - DUTIES

6.1 Conduct of Meetings

The Presiding Officer at all meetings of the Council shall be the Mayor and in the absence of the Mayor, the Deputy Mayor will act in that capacity. In the absence of the Mayor appointing a temporary Presiding Officer, if both the Mayor and Deputy Mayor are absent and a quorum is present, the Council shall elect one of its members to serve as Presiding Officer until the return of the Mayor or Deputy Mayor.

6.2 The Presiding Officer:

- a. Shall preserve order and decorum at all meetings of the Council and to cause the removal of any person from any meeting for disorderly conduct;
- b. Shall observe and enforce all rules adopted by the Council;
- c. Shall decide all questions on order, in accordance with Roberts Rules of Order or, if not applicable, with these rules, subject to appeal by any Councilmember;
- d. Shall recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers;
- e. May affix approximate time limit for each agenda item;

- f. When matters on the agenda are placed under more than one classification, as defined by “Order of Business,” and involve or are closely related to the same subject matter, then and in that event, the Presiding Officer may, within the presiding officer’s discretion, without the necessity of any vote thereon, consider and vote on all of such matters, notwithstanding their different places on the agenda.

SECTION 7 - COUNCILMEMBERS

7.1 Speaking

Councilmembers desiring to speak shall address the presiding officer, and when recognized, shall confine him/herself to the question under debate and avoid repetitive discussion or arguments.

7.2 Questioning

Any member of the Council, including the Presiding Officer, shall have the right to question an individual, including members of the staff, on matters germane to the issue properly before the Council for discussion. Under no circumstances shall such questioning be conducted in a manner to the extent that such would constitute a cross-examination of or an attempt to ridicule or degrade the individual.

7.3 Conflict of Interest

Councilmembers are subject to the provisions of the City of Lakewood’s Code of Ethics and should refer to that document in questions of Conflict of Interest.

SECTION 8 - DEBATES

8.1 Interruption

No member of the Council, including the Presiding Officer, shall interrupt or argue with any other member while such member has the floor, other than the Presiding Officer’s duty to preserve order during meetings as provided in Section 6.2a of these rules.

8.2 Courtesy

All speakers, including members of the Council, which includes the Presiding Officer, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Presiding Officer, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in insinuations with respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.

8.3 Transgression

If a member of the Council shall transgress these rules on debates, the Presiding Officer shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Presiding Officer shall transgress these rules on debate or fail to call such member to order, any other member of the Council may, under a point of order, call the Presiding Officer or such other member to order, in which case the Presiding Officer or such member, as the case may be, shall be silent except to explain or continue in order.

8.4 Challenge to Ruling

Any member of the Council, including the Presiding Officer, shall have the right to challenge any action or ruling of the Presiding Officer, or member, as the case may be, in which case the decision of the majority of the members of the Council present, including the Presiding Officer, shall govern.

8.5 City Manager

The City Manager shall have the right to enter into a discussion of any matter coming before the City Council.

SECTION 9 - PARLIAMENTARY PROCEDURES AND MOTIONS

Questions of parliamentary procedure, not covered by these rules, shall be governed by Robert's Rules of Order.

SECTION 10 - VOTING

10.1 Voice Vote

A generalized verbal indication by the Council as a whole of "yea" or "nay" vote on a matter, the outcome of which vote shall be recorded in the official minutes of the Council. Silence of a Councilmember during a voice vote shall be recorded as a vote with the prevailing side. Each member present must vote on all questions before the Council and may abstain only for reasons acceptable to a majority of the Council such as stated conflict of interest of an issue of appearance of fairness.

SECTION 11 - MAYOR/DEPUTY MAYOR/COUNCILMEMBER PRO TEMPORE SELECTION PROCESS

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose by majority vote, a chairperson from among themselves, and such person shall be titled Mayor. The Mayor shall continue to have all rights, privileges and immunities of a member of the Council and shall serve for a two-year term.

Biennially at the first regularly scheduled meeting in January, the Councilmembers shall choose a Deputy Mayor from the members thereof, by

majority vote. The Deputy Mayor shall serve in the absence or temporary disability of the Mayor.

In the event of extended excused absences or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

SECTION 12 - COUNCIL POSITION VACANCY

In the event that an unexpired Council position becomes vacant, the City Council has ninety (90) days from the occurrence of the vacancy to appoint, by majority vote of a quorum of the Council, a qualified person to fill the vacancy pursuant to State law. The Council may make such appointment at its next regular meeting, or at a special meeting called for that purpose. If the Council does not appoint a person within the ninety day period, the Mayor may make the appointment from among the persons nominated by members of the Council.

SECTION 13 - COUNCIL MEETING STAFFING

13.1 City Manager

The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting. The City Manager shall notify Council who will be the Acting City Manager in his/her absence.

13.2 City Attorney

The City Attorney shall attend all meetings of the Council unless excused, and shall upon request; give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian. The Acting City Attorney shall attend meetings when the City Attorney has been excused.

13.3 City Clerk

The City Clerk, or designee, shall attend all meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

SECTION 14 - COUNCIL RELATIONS WITH STAFF⁴

There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

4. RCW 35A.13.120 City Manager – Interference by councilmembers.

All written informational material requested by individual Councilmembers shall be transmitted after approval of the City Manager, to all Councilmembers. RCW 35A.13.120 prohibits any Councilmember from directing staff in any way.

Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

Councilmembers shall not attempt to change or interfere with the operating rules and practices of any City department.

No Councilmember shall direct the City Manager to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.

Individual requests for information can be made to the City Manager with a copy to the appropriate Department Director. If the request has any potential to create a change in work assignments or City staffing levels, the City Manager may refer the individual Councilmember to the full Council.

Council shall direct citizen inquiries to the City Manager for referral to the appropriate department(s) for a response. The City Manager shall keep the Council informed on the disposition of citizen inquiries.

SECTION 15 - COUNCIL REPRESENTATION

If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember must state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position.

Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another government agency or community organization.

SECTION 16 - CONFIDENTIALITY

Councilmembers must keep confidential information provided to them during Executive Sessions, to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington. Any and all requests for public disclosure must be reviewed by the City Attorney.

SECTION 17 –ELECTRONIC MEDIA AND COMMUNICATION

Councilmembers shall use their assigned City email address/account for receiving and sending email on City business matters and use their personal email address for personal mail.

Councilmembers shall not use their email accounts to deliberate, discuss, consider, review, evaluate and take final actions, as amongst themselves, on any official business of the City.

Emails which request a Councilmember's attendance at a public event, or which may be potentially deliberative shall be forwarded to the City Manager's Office for distribution to the Council and/or placed on the Council's agenda, as appropriate.

City Council Rules of Procedure:

Adopted December 18, 1995	Resolution No. 1995-26
Amended July 15, 1996	Resolution No. 1996-24
Amended October 4, 2004	Resolution No. 2004-22
Amended March 5, 2007	Resolution No. 2007-04
Amended February 19, 2008	Resolution No. 2008-06
Amended July 16, 2012	Resolution No. 2012-24
Amended March 2, 2015	Resolution No. 2015-07
Amended January 17, 2017	Resolution No. 2017-02