



LAKEWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, October 25, 2021

7:00 P.M.

City of Lakewood

Due to COVID-19, Lakewood City Council meetings will be **conducted remotely and NOT IN PERSON** at this time.

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:

- (4) 1. Joint Lakewood's Promise Advisory Board meeting. – (Workplan)
- (5) 2. Review of purchase and sale documents regarding Wards Lake Park expansion. – (Memorandum)
- (93) 3. Review of 3rd Quarter (2021) Police Report. – (Memorandum)
- (108) 4. Review of Transportation Capital Project Financing Strategy. – (Memorandum)
- (117) 5. Review of American Rescue Plan Act (ARPA) Program Budget Ordinance. – (Memorandum)
- (129) 6. Review of 2022 Comprehensive Plan amendment docket. – (Memorandum)

ITEMS TENTATIVELY SCHEDULED FOR THE NOVEMBER 1, 2021 REGULAR CITY COUNCIL MEETING:

- 1. Proclamation declaring November 11, 2021 and the month of November 2021 as Veterans Appreciation month.
- 2. Youth Council Report.
- 3. Clover Park School District Report.

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>

4. Authorizing the execution of an agreement with Gordon Thomas Honeywell Government Affairs, in the amount of \$60,120, for state governmental relations services. – (Motion – Consent Agenda)
5. Authorizing the execution of an agreement with Johnston Group, in the amount of \$56,700, for federal governmental relations services. – (Motion – Consent Agenda)
6. Approving the 2022 Federal Legislative Priorities, State Legislative Agenda and Policy Manual and Pierce County Policy Manual. – (Motion – Consent Agenda)
7. Authorizing the execution of agreements related to Wards Lake Park expansion. – (Motion – Consent Agenda)
8. Authorizing the execution of a professional services agreement with Global IT Resources, in the amount of \$75,000, to update the Rental Housing Safety Program software. – (Motion – Consent Agenda)
9. Reappointing Darryl Owens and Phillip Raschke to serve on the Lakewood Arts Commission through October 16, 2024. – (Motion – Consent Agenda)
10. Appointing Megan Dempsey to serve on the Lakewood's Promise Advisory Board through May 21, 2024. – (Motion – Consent Agenda)
11. Amending the City Council Rules of Procedure. – (Resolution – Consent Agenda)
12. This is the date set for a public hearing on the 2021-2022 Mid-Biennial Budget Ordinance. – (Public Hearings and Appeals – Regular Agenda)
13. This is the date set for a public hearing on the 2022 Property Tax Levy Ordinance. – (Public Hearings and Appeals – Regular Agenda)
14. This is the date set for a public hearing on the American Rescue Plan Act (ARPA) Program Budget Ordinance. – (Public Hearings and Appeals – Regular Agenda)
15. This is the date set for a public hearing on the 2022 Comprehensive Plan amendment docket. – (Public Hearings and Appeals – Regular Agenda)
16. Authorizing the execution of an agreement with the Clover Park School District, in the amount of \$68,450, for the 2021 Warriors of Change program. – (New Business – Regular Agenda)

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.

17. Authorizing the execution of an agreement with Habitat for Humanity, in the amount of \$242,000, for the Boat Street project. – (New Business – Regular Agenda)
18. Authorizing the execution of an agreement with Pierce County, in the amount of \$500,000, for the BIPOC Business Accelerator Program. – (New Business – Regular Agenda)
19. Authorizing the execution of an agreement with West Pierce Fire & Rescue, in the amount of \$230,000 for operations improvement and a HAM radio system. – (New Business – Regular Agenda)
20. Review of Tree Preservation Public Participation Plan. – (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.

LAKEWOOD'S PROMISE ADVISORY BOARD

2021 WORK PLAN

Members:

Chair: Ellie Wilson, Community Member & CISL Founder
 Vice-Chair: Dr. Joyce Loveday, Clover Park Technical College
 Ron Banner, Clover Park School District Elise Bodell, Lakewood Library
 Mary Dodsworth, City of Lakewood Kerri Pedrick, Communities in Schools
 Dr. Michele Johnson, Pierce College Beverly Howe, Common Spirit Hospital
 Dr. Wanda Elder, Community Member Kyle Mangloña, Community Member

Council Liaison:

Councilmember: Mary Moss

City Staff Support:

Brian Humphreys

Youth Council Liaisons:

Sarah Wilton Brandon Elliott
 Hank Jones

Meeting Schedule:

First Wednesday of the Month, 7:30am, American Lake Conference Room

Accomplishments:

Date	Topic(s)
1/7	<ul style="list-style-type: none"> Elected 2021 officers Began planning for workforce development and youth mental health initiatives
2/4	<ul style="list-style-type: none"> Progressed plans for a workforce development initiative
3/4	<ul style="list-style-type: none"> Conducted a youth mental health conversation with the Youth Council
4/1	<ul style="list-style-type: none"> Developed a communications plan with Youth Council reps to increase communication to, and about, Lakewood youth
5/6	<ul style="list-style-type: none"> Conducted first and second workforce development resources fairs
6/3	<ul style="list-style-type: none"> Conducted third workforce development fair
9/15	<ul style="list-style-type: none"> Progressed plans for youth mental health initiatives with the Clover Park School District Subcontracted the workforce development efforts and rebranded it as Lakewood Thrives
10/6	<ul style="list-style-type: none"> First joint session with the new Youth Council Youth mental health strategic planning
10/25	<ul style="list-style-type: none"> Joint meeting with City Council
11/4	<ul style="list-style-type: none"> Review feedback from the City Council Identify strategic goals for 2022
12/2	<ul style="list-style-type: none"> Review the 2022 draft work plan Began planning 2022 strategic initiatives

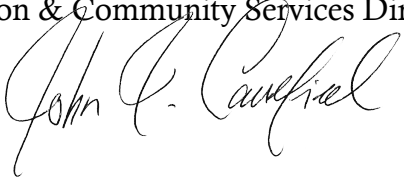
Current Year Work Plan:

1.	Create and execute a plan to collaboratively address the issue of Youth Mental Health
2.	Direct the process of adding a Workforce Development component to the City's work
3.	Create and execute a plan to increase the Lakewood's Promise communications capacity
4.	Coordinate with the Youth Council on a Youth Summit or Mental Health workshop



TO: Mayor and City Councilmembers

FROM: Mary Dodsworth, Parks, Recreation & Community Services Director

THROUGH: John J. Caulfield, City Manager 

DATE: October 25, 2021

SUBJECT: Conservation Futures Grant – Wards Lake Park expansion

ATTACHMENTS: Lakewood Cinema Property Appraisal
Lakewood Cinema Purchase and Sales Agreement
Maps – Park Expansion Map and Acquisitions Area Map

Summary: The City received a 2019 Conservation Futures grant to acquire approximately 10.5 acres of land adjacent to Wards Lake Park. This property, when purchased will include portions of several parcels located in the commercial area known as the Lakewood Cinema Plaza. If approved by Council, Wards Lake Park will expanded to approximately 38.5 acres of open space in the Northeast portion of Lakewood.

Background: Since incorporation, the City has utilized a variety of funding sources to purchase parcels of contiguous land, remove structures, clean up the site and plan for and develop portions of the area now known as Wards Lake Park. The City applied for and received a Conservation Futures grant to acquire approximately 10+ acres of land adjacent to the park. The intended property includes portions of several parcels located in the commercial area known as the Lakewood Cinema Plaza (located at 2410 84th Street S, Lakewood, WA 98499). The property area was determined to help us clean up the park and private property boundaries as well as to enable us to implement future master plan elements. Our goal is to visually and physically open up the park areas and to provide better access to the site, while preserving the open space and natural areas. We are hoping to include new positive activities in the park to discourage continual issues as this site with homelessness, drugs and crime. These activities are typical in heavily vegetated areas located near a commercial area and adjacent to a freeway.

This purchase was a bit more complicated due several parcels needing to be divided along with creating new parcel numbers, legal descriptions and establishing fair market value. The City has a survey, appraisal, appraisal review, signed purchase and sales agreement and title report(s). By purchasing the property with conservation futures funds the City will be required to sign Pierce County Conservations Futures Stewardship Agreement and Declaration of Restrictive Covenants which will protect and provide public access to the site in perpetuity.

Current Status: We are working to meet the upcoming Pierce County funding timelines. Due to the complicated nature of purchasing these parcels as well as Pierce County staff turnover, we have almost met the two year timeline for completion.

The City has completed most of the preliminary work needed to accomplish this purchase. Pre-purchase work, valued at \$39,000, included survey, appraisal, development of new legal descriptions and mapping services to support a future boundary line adjustment.

An appraisal and an appraisal review were completed and the properties are valued at \$55,000. The City's portion (50%) of the purchase prices is \$27,000. Pierce County will pay for the appraisal review, title report and will pay 50% of the purchase price and closing fees out of the Conservations Futures Fund. Funds for this purchase are in the City's 2021 approved Parks CIP budget.

Staff will be at the October 25, 2021 study session to answer questions.



APPRAISAL REPORT

LAKEWOOD PARKS, RECREATION AND COMMUNITY SERVICES
Wards Lake Park Expansion Project
Date of Value: April 15, 2021



PREPARED FOR

Mary Dodsworth, Director
Lakewood Parks, Recreation and Community Services
6000 Main Street SW, Lakewood, WA 98499

PREPARED BY

Christina A. Fagernes
Appraisal Solutions Northwest, Inc.
11613 Langworthy Road SW, Rochester, WA 98579



APPRAISAL SOLUTIONS NORTHWEST

April 30, 2021

Mary Dodsworth, Director
Lakewood Parks, Recreation and Community Services
6000 Main Street SW
Lakewood, WA 98499

Re: Wards Lake Park Expansion Project, Lakewood Cinema Plaza Appraisal Report
Date of Value: April 15, 2021

Dear Mary:

At your request, I have made an inspection and prepared an appraisal of the above referenced property. This appraisal is presented in a summary narrative format and complies with the reporting requirements set forth under the Uniform Standards of Professional Appraisal Practice (USPAP) formulated by the Appraisal Foundation for an appraisal report. This appraisal report has been prepared in compliance with USPAP and the City's regulations, policies and procedures.

Based upon my investigation and analysis of available information, the market value of the subject in fee simple title as of April 15, 2021 was Fifty-Five Thousand Dollars (\$55,000).

The reader's attention is further directed to the Underlying Assumptions and Limiting Conditions, which are included in the accompanying appraisal report.

Respectfully submitted,

Appraisal Solutions Northwest, Inc.

Christina A. Fagernes, *Owner/Appraiser*
WA General Appraisal Certification #1101869

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SALIENT FACTS & VALUE CONCLUSIONS

Acquiring Agency:	Lakewood Parks, Recreation and Community Services
Client:	Cascade Right-of-Way and Lakewood Parks, Recreation and Community Services
Project Parcel No:	n/a
Federal Aid No:	n/a
Project Name:	Wards Lake Park Expansion
Map Sheet:	n/a
Map Date:	n/a
Last Map Revision Date:	n/a
Type of Appraisal:	Appraisal Report
Owners of Record:	Lakewood Cinema Plaza, LLC
Location:	2402 to 2510 S 84 th Street, Lakewood, WA
Tax Parcel Number:	PTN 0320311060; PTN 0320311051; PTN 0320315018
Date of Appraisal (Date of Value):	April 15, 2021
Date of Appraisal Report:	April 30, 2021
Zoning:	Open Space Recreation (OSR1) and Commercial (C2)
Improvements:	None
Highest and Best Use:	Passive Recreation/Open Space
Land Area Before Acquisition:	10.47 ± acres
Land Area to be Acquired:	10.47 ± acres
Land Area After Acquisition:	0 ± acres

SUMMARY OF VALUE CONCLUSIONS

Land To Be Acquired	\$55,000
Damages (None)	\$0
Site Improvements To Be Acquired (None)	\$0
TOTAL VALUE OF ACQUISITION:	\$55,000

CERTIFICATE OF APPRAISER

I certify that, to the best of my knowledge and belief:

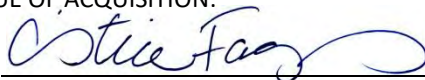
- The statements of fact contained in this report are true and correct;
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment.;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
- My engagement in this assignment was not contingent upon developing or reporting predetermined results;
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, Chapter 4 of the WSDOT Right of Way Manual (M26-01), and the Code of Professional Ethics of the Appraisal Institute;
- I have made a personal inspection of the property that is the subject of this report. I have made a personal inspection of the comparable sales in the Addendum or project data book;
- No one provided significant real property appraisal assistance to the person signing this certification;
- I have afforded the owner or a designated representative of the property that is the subject of this appraisal the opportunity to accompany me on the inspection of the property;
- I have disregarded any increase in market value caused by the proposed public improvement or its likelihood prior to the date of valuation. I have disregarded any decrease in market value caused by the proposed public improvement or its likelihood prior to the date of value, except physical deterioration within the reasonable control of owner;
- This report has been made in conformity with the appropriate State laws and requirements, and complies with the report contract between the agency and the appraiser;
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
- The property has been appraised for its fair market value as though owned in fee simple, or as encumbered only by the existing easements as described in the title report in the addenda;
- The opinion of value expressed below is the result of and is subject to the data and conditions described in detail in this report.

I last made a personal inspection of the property that is the subject of this report on April 15, 2021.

The Date of Value for the property that is the subject of this appraisal is April 15, 2021 per the FAIR MARKET VALUE definition herein, the value estimate for the property that is the subject of this report is on a cash basis and is:

Land To Be Acquired	\$55,000
Damages (None)	\$0
Site Improvements To Be Acquired (None)	\$0
TOTAL VALUE OF ACQUISITION:	\$55,000

Signed: _____



Date Signed: 04/30/2021

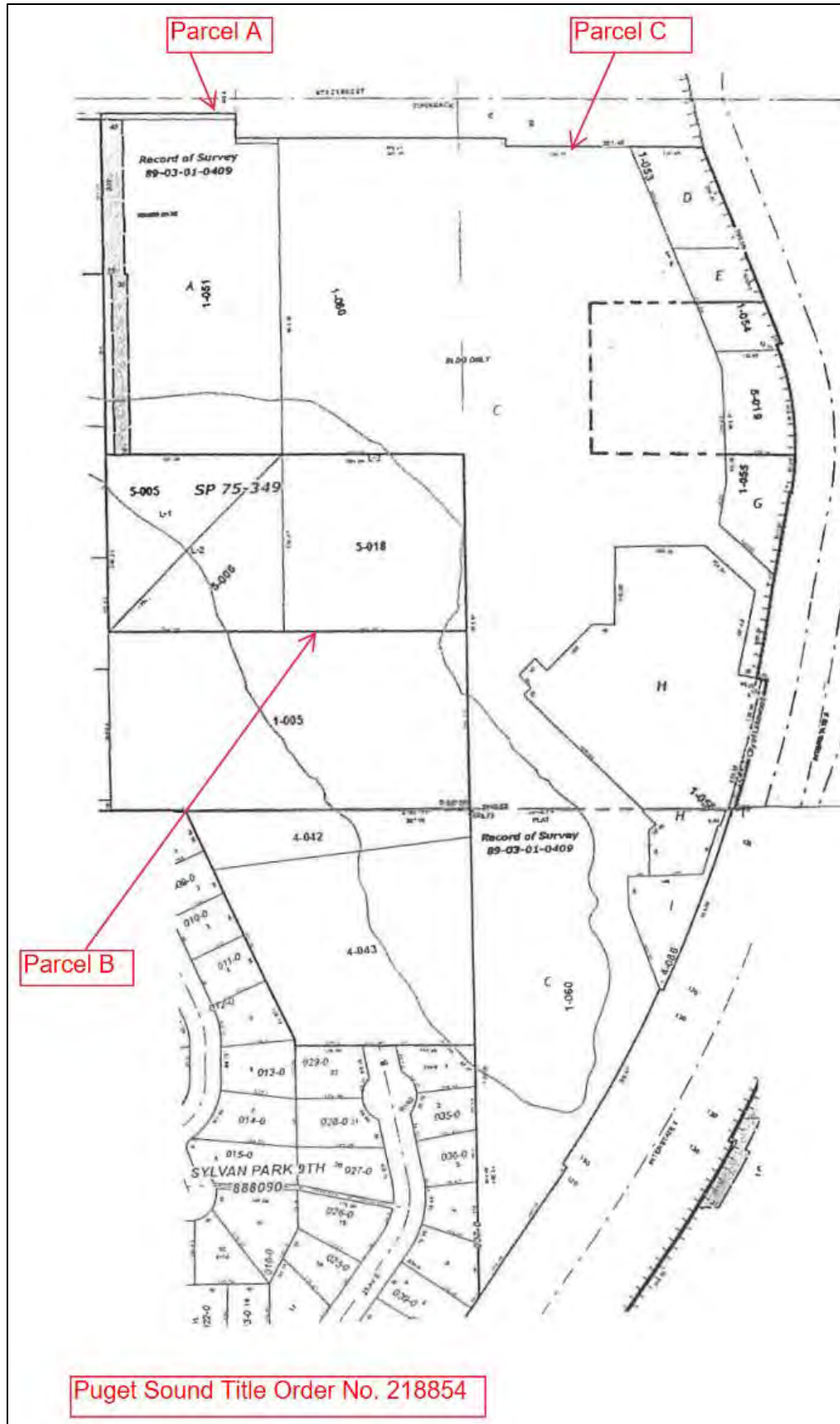
Christina A. Fagernes, State of WA General Certification #1101869

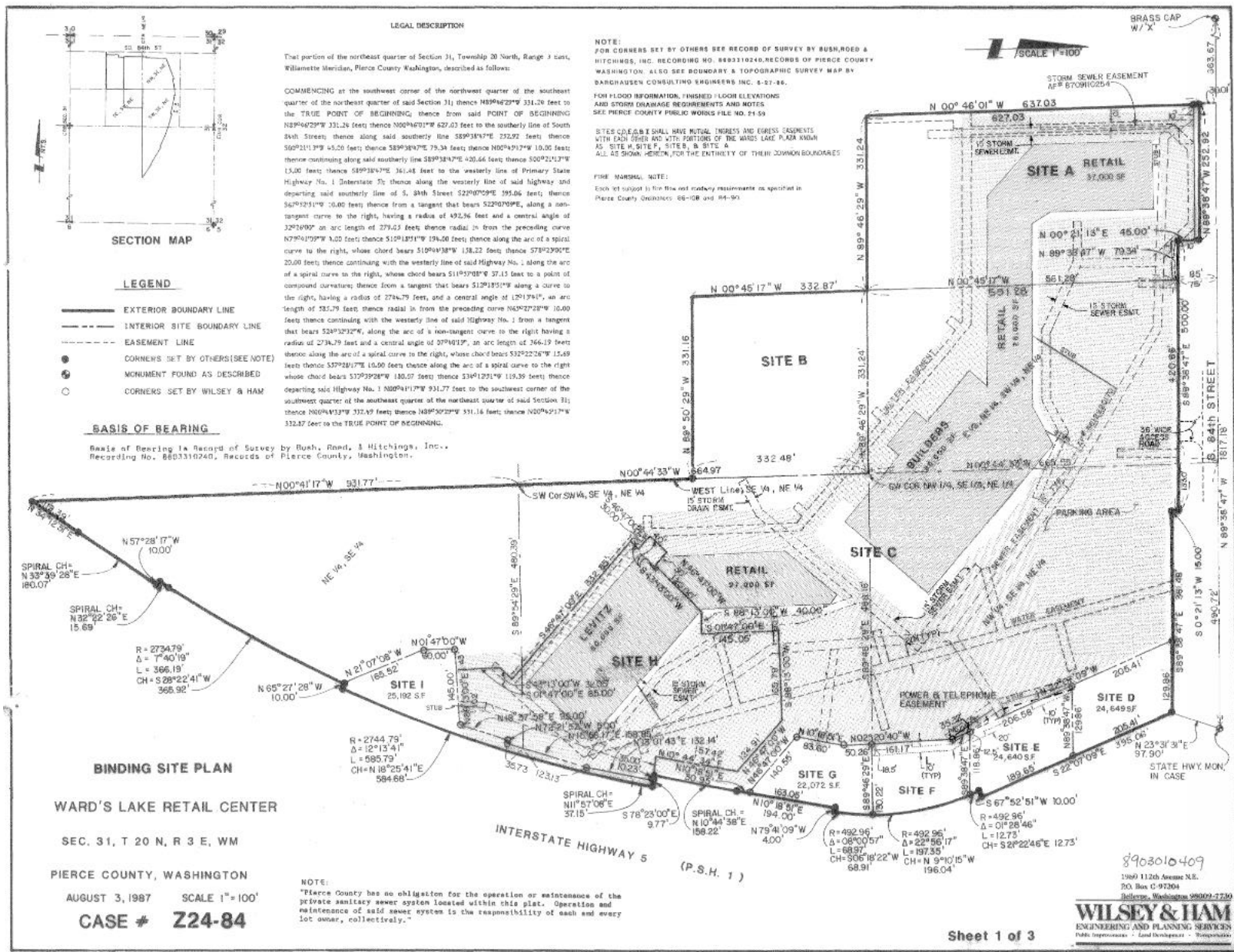
APPRAISAL ASSUMPTIONS AND LIMITING CONDITIONS

1. The property descriptions supplied to the appraiser are assumed to be correct.
2. No survey of the property has been made by the appraiser, and no responsibility is assumed in connection with such matters. Maps in this study are included only to assist the reader in visualizing the property. Property dimensions and sizes should be considered as approximate.
3. No responsibility is assumed for matters of a legal nature affecting title to the property, nor is an opinion of title rendered. The title is assumed to be good and merchantable.
4. Information furnished by others is assumed to be true, correct and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.
5. All mortgages, liens, encumbrances, leases and servitudes have been disregarded unless so specified within the report. The property is assumed to be under responsible ownership and competent management.
6. It is assumed that there are no hidden or un-apparent conditions of the property, subsoil, or structures which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering studies which may be required to discover them.
7. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The employer (client) is urged to retain an expert in this field, if desired.
8. Unless otherwise stated in this report, no environmental impact studies were either requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation.
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
11. It is assumed that all required licenses, consents, or other legislative or administrative authority from any local, state or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
12. The appraiser will not be required to give testimony or appear in court because of having made this appraisal, with reference to the property in question, unless arrangements have been previously made therefore.
13. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with properly written qualification and only in its entirety.
14. Neither all nor any part of the contents of this report, or copy thereof, shall be conveyed to the public through advertising, public relations, news, sales, or any other media without written consent and


approval of the appraiser. Nor shall the appraiser, employer, firm, or professional organization of which the appraiser is a member be identified without written consent of the appraiser.

15. The liability of the appraiser, employees, and subcontractors is limited to the client only. The appraiser has no accountability, obligation or liability to any third party. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser is in no way responsible for any costs incurred to discover or correct any deficiencies of the property.
16. It is assumed that the public project which is the object of this report will be constructed in the manner proposed and in the foreseeable future.
17. Acceptance and/or use of this report constitutes acceptance of the foregoing assumptions and limiting conditions.









VICINITY MAP

APPROVAL: BINDING SITE PLAN SEGREGATION

THE PIERCE COUNTY PLANNING DEPARTMENT HEREBY DETERMINES THAT THIS BINDING SITE PLAN CONFORMS TO SEC. 67.02.010(a) OF THE PIERCE COUNTY SUBDIVISION CODE AND IS HEREBY APPROVED IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL OF CASE Z24-84

EXAMINED AND APPROVED THIS 26th DAY OF January, 1989.

H.S.
 DIRECTOR, PLANNING AND NATURAL RESOURCES MANAGEMENT DEPARTMENT

SURVEYOR'S CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE BY OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF:

ZAREMBA MIDWEST, INC.
W. H. H. H. H. H. 5/4/88
 REGISTERED LAND SURVEYOR DATE

AUDITOR'S CERTIFICATE \$46-

AUDITOR'S FILE NUMBER 8903010409 FILED FOR
 RECORD THIS 26 DAY OF March, 1989 IN VOLUME
 OF SURVEYS ON PAGE 3:54 PM AT THE REQUEST OF
Brian J. J. J. J. S. Kosche
 COUNTY AUDITOR DEPUTY AUDITOR

OWNER'S CERTIFICATES

The use and development of the parcels contained in this Binding Site Plan shall be done in accordance with the Master Site Plan on file with the Pierce County Building Division under Permit No. _____ and shall be binding upon the owners of the parcels until that approval is amended, revoked, or expires.

We, the owners of the properties shown hereon, do agree to this Binding Site Plan.

SITE A, B, C, D, E, G, & I:

OWNER: TACOMA II RETAIL LIMITED PARTNERSHIP, INC.
 BY: R. J. J. J. J. TITLE: VP
 DATE: 6/27/88

SITE H:

OWNER: LOUISE PARTNERS, OF PENNSYLVANIA
 BY: R. J. J. J. J. TITLE: President
 DATE: 6/14/88

SITE F:

OWNER: BALE WIN WOOLSLAND, A MICHIGAN GENERAL PARTNERSHIP
 BY: B. J. J. J. J. Title: General Partner
 Date: July 19, 1988

BINDING SITE PLAN

WARD'S LAKE RETAIL CENTER

SEC. 31, T 20 N, R 3 E, WM

PIERCE COUNTY, WASHINGTON

AUGUST 3, 1987 SCALE 1"=100'

CASE # Z24-84

NOTES

- BOUNDARY INFORMATION FOR THE TOTAL SITE IS AS DESCRIBED BY REPORT OF THE FIRST AMERICAN TITLE COMPANY, ORDER #203740, DATED 3/27/86 AND AS SURVEYED BY GARDNER CONSULTING ENGINEERS, INC. ON THEIR DRAWING TITLED "BOUNDARY AND TOPOGRAPHIC SURVEY, S. 041N AND 1-S TACOMA, PIERCE COUNTY, WASHINGTON, DATED 6/25/86, PREPARED FOR ZAREMBA MIDWEST, INC. (NOT RECORDED)
- ALL LOT CORNERS FOR SITES E, G, & I WERE SURVEYED AND MARKED BY RE-BARS PER SURVEY BY WILSEY AND HAM, INC. (TO BE RECORDED); THIS DOCUMENT
- SITES D, E, G, & I ARE RESTRICTED TO A MAXIMUM BUILDING AREA OF 4,750 SQUARE FEET EACH, OR NOT MORE THAN 15,000 SQUARE FEET IN THE AGGREGATE FOR ALL FOUR LOTS. BUILDING LOCATIONS AND PARKING ARE SUBJECT TO APPROVAL BY THE PIERCE COUNTY PLANNING DIRECTOR.
- SITES C, D, E, G, & I SHALL HAVE MUTUAL INGRESS AND EGRESS EASEMENTS WITH EACH OTHER AND WITH PORTIONS OF THE WARD'S LAKE PLAZA KNOWN AS SITE H, SITE F, SITE B, & SITE A ALL AS SHOWN HEREON, FOR THE ENTIRETY OF THEIR COMMON BOUNDARIES.
- THIS BINDING SITE PLAN IS SUBJECT TO THE CONDITIONS AND RESTRICTIONS OF THE APPROVED M-1 PDD CASE #224-84.
- WARD'S LAKE RETAIL CENTER IS OWNED AND DEVELOPED BY ZAREMBA MIDWEST, INC., 640 PEARSON ST., DES PLAINES, ILLINOIS, 60016.

Examined and approved with the following conditions:

Pierce County has no obligation for the maintenance or repair of the private roads or storm sewer system located in this Binding Site Plan. Each and every lot owner will be responsible for the maintenance of all roads and storm drainage system associated with the plan. They will also be collectively responsible for controlling all storm water runoff that will be created by the development of this plan.

J. J. J. J. 1-10-89
 Director of Public Works Date

APPROVED: PIERCE COUNTY FIRE MARSHAL
 BY: W. J. J. J. DATE: 1-26-89

APPROVED: PIERCE COUNTY UTILITIES DEPARTMENT
 BY: W. J. J. J. DATE: 1-26-89

APPROVED: PIERCE COUNTY ASSESSOR
 BY: W. J. J. J. DATE: 1-26-89

APPROVED: PIERCE COUNTY HEARING EXAMINER
 BY: W. J. J. J. DATE: 1-31-89

ACKNOWLEDGMENTS

This is to certify that on this 27th day of June, 1988, before me, the undersigned, a Notary Public personally appeared R. J. J. J. of Tacoma II Retail Limited Partnership, a Pennsylvania corporation to me known to be the individual who executed the within dedication and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year first above written.

Laurette L. L. L.
 Notary Public in and for the State of Idaho, residing at Idaho

ACKNOWLEDGMENTS

This is to certify that on this 14th day of June, 1988, before me, the undersigned, a Notary Public personally appeared R. J. J. J. of Loise Partners, a Pennsylvania corporation to me known to be the individual who executed the within dedication and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year first above written.

Laurette L. L. L.
 Notary Public in and for the State of Pennsylvania, residing at Pennsylvania

ACKNOWLEDGMENTS

This is to certify that on this 19th day of July, 1988, before me, the undersigned, a Notary Public personally appeared B. J. J. J. of Bale Win Woolsland, a Michigan general partnership to me known to be the individual who executed the within dedication and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year first above written.

Laurette L. L. L.
 Notary Public in and for the State of Arizona, residing at Phoenix, Arizona

My Commission Expires: 12/27/89

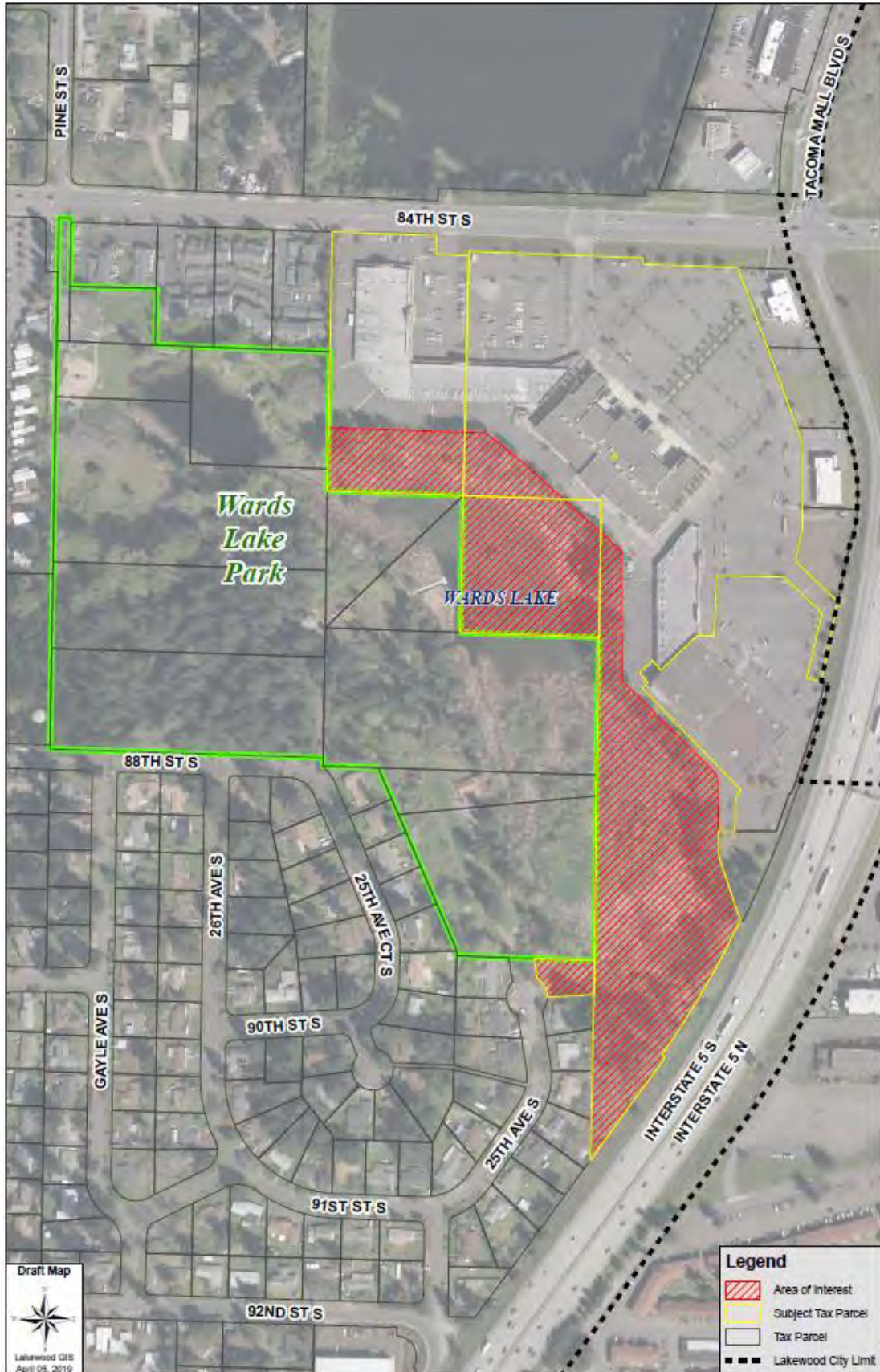
REV 3/8/88

1989 1126 Avenue NE
 P.O. Box 97304
 Bellevue, Washington 98009-7304

WILSEY & HAM
 ENGINEERING AND PLANNING SERVICES
 Public Improvements • Land Development • Transportation

VEL 0532 PAGE 1002

Sheet 3 of 3









DEFINITIONS & PRELIMINARY DISCUSSION

TYPE OF REPORT

This Appraisal Report, as defined by the Uniform Standards of Professional Appraisal Practice (USPAP), has been prepared in compliance with USPAP to meet the requirements of the Scope of Work described herein.

PROPERTY RIGHTS APPRAISED

Unless specified otherwise in this report, the property rights appraised constitute the fee simple interest.

COMPETENCE OF APPRAISER

The appraiser has both the knowledge and experience required to competently perform this appraisal.

PURPOSE OF THE APPRAISAL

The purpose of this appraisal was to estimate the Fair Market Value a buyer would be justified in paying for the subject property, both prior to the proposed acquisition and project, and immediately after the proposed acquisition and project, and to allocate any value difference between the value of the property rights acquired and any damages to the remainder.

INTENDED USE OF THE APPRAISAL

This appraisal report is intended for the sole and exclusive use of the client to evaluate the market value of the subject property for a proposed partial acquisition.

FAIR MARKET VALUE

"Fair Market Value" is the amount in cash which a well-informed buyer, willing but not obliged to buy the property, would pay, and which a well-informed seller, willing but not obligated to sell it would accept, taking into consideration all uses to which the property is adapted and might in reason be applied. (Washington Pattern Instruction 150.08)

THE LARGER PARCEL

In eminent domain appraisal problems, the portion of a property that has unity of ownership, contiguity, and unity of use, the three conditions that establish the larger parcel for the consideration of severance damages. Also known as the "Parent Parcel". The subject's larger parcel will be described and analyzed in the Site Description herein.

CASH EQUIVALENT

A price expressed in terms of cash (money) as distinguished from a price which is expressed all or partly in terms of the face amount of notes or other securities which cannot be sold at their face amount. Market data in this appraisal are compared to the subject on an all cash basis to satisfy the definition of Fair Market Value.

ABBREVIATED LEGAL DESCRIPTION

Please refer to the title commitment contained in the addenda of this report.

DESCRIPTION OF PROPOSED PROJECT

The City of Lakewood currently owns approximately 22 ± acres of land adjoining the subject to the west currently improved with Wards Lake Park. The park includes a fishing pier, playground, picnic shelter

(available for rent), trails and restrooms. The proposed project would acquire approximately 10.47 ± acres of the subject site for inclusion in the existing Wards Lake Park.

DESCRIPTION OF APPRAISAL PROBLEM

The Lakewood Cinema Plaza ownership consists of approximately 24.55 ± acres total and includes three separate tax parcels and two distinct zones of value: (1) approximately 14.08 ± acres of commercially zoned land improved with the Lakewood Cinema Plaza commercial retail development and associated paved parking and circulation areas; and (2) approximately 10.47 ± acres of wetland, all of which is physically segregated by chain link fencing from the commercial site and zoned Open Space and Recreation (OSR1). The appraisal assignment is to estimate the fair market value of the subject land for a proposed acquisition of the wetland area of the site by the client.

CLIENT

The term "Client" is defined in USPAP as "the party or parties (i.e., individual, group, or entity) who engage an appraiser by employment or contract in a specific assignment, whether directly or through an agent." The clients are Lakewood Parks, Recreation and Community Services and Cascade Right-of-Way Services, Inc.

INTENDED USER

The term "Intended User" is defined in USPAP as "the client and any other party as identified, by name or type, as users of the appraisal or appraisal review report by the appraiser, based on communication with the client at the time of the assignment." The intended users are Lakewood Parks, Recreation and Community Services, Pierce County, and Cascade Right-of-Way Services, Inc.

DELINEATION OF TITLE

The subject has not sold in the past ten (10) years and does not appear to have any prior listing or "for sale" status according to the Northwest Multiple Listing Service and the Commercial Brokers Association.

SCOPE OF APPRAISAL

As part of this assignment, the appraiser gathered data from public and private sources. The appraiser reviewed aerial mapping available and performed an onsite physical inspection of the project area and the subject parcel as defined herein.

Once the project area and subject parcel were clearly defined, the appraiser made a number of independent investigations and analyses. In conducting the investigation, various governmental entities were contacted for demographic data, land policies and trends, and growth estimates. Neighborhood data was supplemented by physical inspection of the defined area. Information regarding zoning, utilities, and other limitation on site utilization was obtained. Both the site and the surrounding area were inspected to determine highest and best use. The market was analyzed for past trends and current data.

A diligent search for comparable data was conducted, and comparable information was obtained from both public and private sources. In searching for comparable sales data, the appraiser confined the search to open space, wetland and other low-intensity use sales which have occurred within Pierce County and surrounding market area from January 2015 up to the date of appraisal. Sales sources utilized included the Northwest Multiple Listing Service, Commercial Brokers Association and Pierce County Public Records. The table included within this appraisal report summarizes the comparable sales which were analyzed in estimating the fair market value of the subject parcel. Individual market data sheets for each sale together

with property sketches and photographs are included herein. Confirmation of each sale has been obtained from buyer, seller, broker, or other parties believed to be knowledgeable about the details of the transaction, whenever possible. When direct verification was not possible, public records or similar data sources were relied upon.

A more detailed scope of the investigation and analysis, as well as the geographical area and time span searched for market data, is further described in the valuation section of the body of this report.

The Cost Approach, Income Approach and Sales Comparison Approach are the three basic techniques or approaches to value when appraising real property. Of these, only the Sales Comparison Approach is applicable to solve the appraisal problem herein. There is ample market data available to support a value via the Sales Comparison Approach, and the Cost Approach and Income Approach will not be utilized or discussed herein.

A reconciliation of all data considered was then completed, resulting in the final estimate of value, as set forth herein.

EXPOSURE TIME

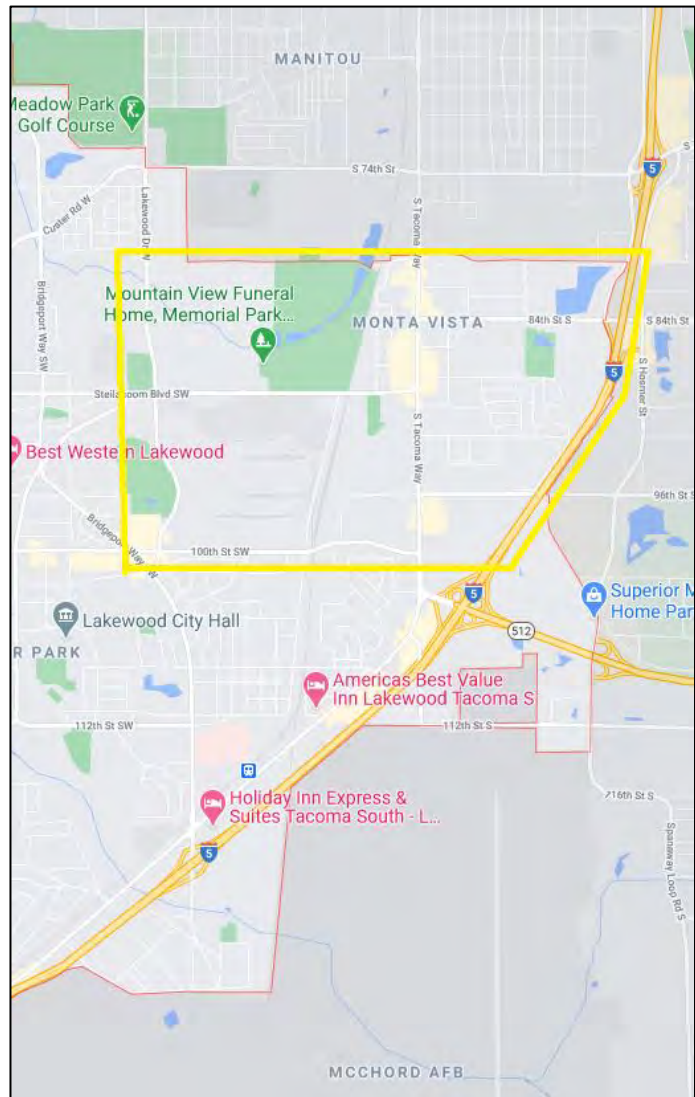
The term "Exposure Time" is defined in USPAP as "an opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal." Exposure time is always presumed to occur prior to the effective date of the appraisal. The exposure time has been estimated at approximately nine months or less, based upon sales, listings, and other data considered within the report.

[illegible]

The subject is located in the northeast city limits of Lakewood in Pierce County, WA. The neighborhood is a mix of single family residential uses with high intensity commercial retail uses along the main transportation corridors. The approximate neighborhood boundaries are summarized below and shown in yellow in the graphic to the right:

NEIGHBORHOOD BOUNDARIES:

North:	Lakewood City Limits
South:	100 th Street SW (extended)
East:	Interstate 5 Corridor
West:	Lakewood Drive W



PHYSICAL PROFILE

<i>Predominate Land Use:</i>	The subject neighborhood is a primarily commercial area which includes a mix of retail, professional and personal services businesses located along the major transportation corridors. The neighborhood also includes a mix of multi-family residential development, single family residential uses and open space areas including Seeley Lake Park, Wards Lake Park, and the Mountain View Funeral Home and Memorial Park.
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Neighborhood Cycle: The neighborhood is presently in a period of stability with some redevelopment of older, under-improved properties. Most of the land within the subject neighborhood has been built-out, though some building improvements have reached the end of their economic lives, leaving opportunities for redevelopment to higher intensity uses.

<i>Property Maintenance:</i>	Most of the properties in the neighborhood are generally maintained in average condition.
<i>Infrastructure:</i>	The main streets within the neighborhood are two to four-lanes, asphalt paved with asphalt shoulders and some areas with concrete sidewalks, curbs and gutters. The transportation infrastructure is generally well maintained.
<i>School:</i>	The subject neighborhood is within the Clover Park School District.
<i>Transportation Routes/ Linkage:</i>	<p>The main north-south route through the neighborhood is S. Tacoma Way which runs centrally within the subject neighborhood. S. Tacoma Way is asphalt paved consisting of two northbound and two southbound lanes of travel with center turn lanes.</p> <p>The main east-west routes that intersect with S. Tacoma Way include Steilacoom Boulevard, 100th Street SW and 84th Street S. All are asphalt paved and link the subject neighborhood with the Lakewood Central Business district to the southwest.</p> <p>The subject neighborhood borders the I-5 corridor and benefits from its exposure along the freeway as well as its convenient linkage for motorists on/off the freeway. The S. Tacoma Way corridor connects directly with the highly traveled I-5/Highway 512 intersection at the south end of the neighborhood. The subject neighborhood also has convenient I-5 access via 84th Street S at the north end of the neighborhood boundaries.</p> <p>The subject neighborhood's transportation and linkage system is adequate to serve the existing development within the neighborhood as well as any future development in the subject neighborhood.</p>

GOVERNMENTAL PROFILE

<i>Zoning & Land Use Policy:</i>	Most of the subject neighborhood is zoned for commercial uses including Air Corridor 1 (AC1 & AC2), Commercial Two (C2) and Transit Oriented Commercial (TOC). A couple pockets within the neighborhood are zoned for residential development (Residential 3) and several parcels of Public/Institutional.
<i>Protective Services:</i>	The neighborhood enjoys police and fire protection.
<i>Utility Services:</i>	The neighborhood is served with power, telephone, public water and sewer.
<i>Environmental Concerns:</i>	There are no environmental concerns noted.
<i>External Obsolescence:</i>	None noted.

NEIGHBORHOOD DEVELOPMENT TRENDS

Most residential applications are located in the area of Wards Lake, in the northeast quadrant of the subject neighborhood and in the southwest quadrant of the neighborhood near Seeley Lake. Residential development includes single family as well as some multi-family (apartments, duplex and four-plex).

The subject neighborhood has a wide variety of commercial applications including professional and medical offices, personal services businesses and a mix of restaurant and retail uses. The main commercial corridors are S. Tacoma Way, which includes an older international district at the north end of the neighborhood; 84th Street S at the northeast quadrant of the neighborhood which includes the Lakewood Cinema Plaza development; and the Clover Park Technical College campus located between Steilacoom Boulevard and 100th Street SW.

The subject neighborhood is also in close proximity to the Lakewood Towne Center, a regional shopping center located roughly between Gravelly Lake Drive and Bridgeport Way south of 100th Street SW and north of 108th Street SW, just west of the neighborhood boundaries. Lakewood Towne Center, built out during the early 2000s, includes a mix of retail stores and entertainment opportunities. Anchor tenants include Target, the AMC Theaters, Burlington Coat Factory, and there are over two dozen in-line retail pad sites which include a variety of beauty/health businesses, department stores, dining and café restaurants, apparel and specialty shops.

In addition, a wide variety of commercial services are conveniently located within approximately four miles to the north of the subject neighborhood at the Tacoma Mall complex.

SUMMARY

The subject neighborhood is a primarily commercial area which includes a mix of retail, professional and personal services businesses. The neighborhood also includes several pockets of single family residential applications on city lots which were built out over the past several decades. The transportation system and linkages provide convenient access from the neighborhood to the adjoining residential neighborhoods, to the city of Tacoma to the north and to I-5 to the east. A very large percentage of the neighborhood has been built out; however, it is anticipated that as demand for more commercial services grows in the future, many of the lower intensity existing uses may be either updated or razed in favor of new development when demand dictates.

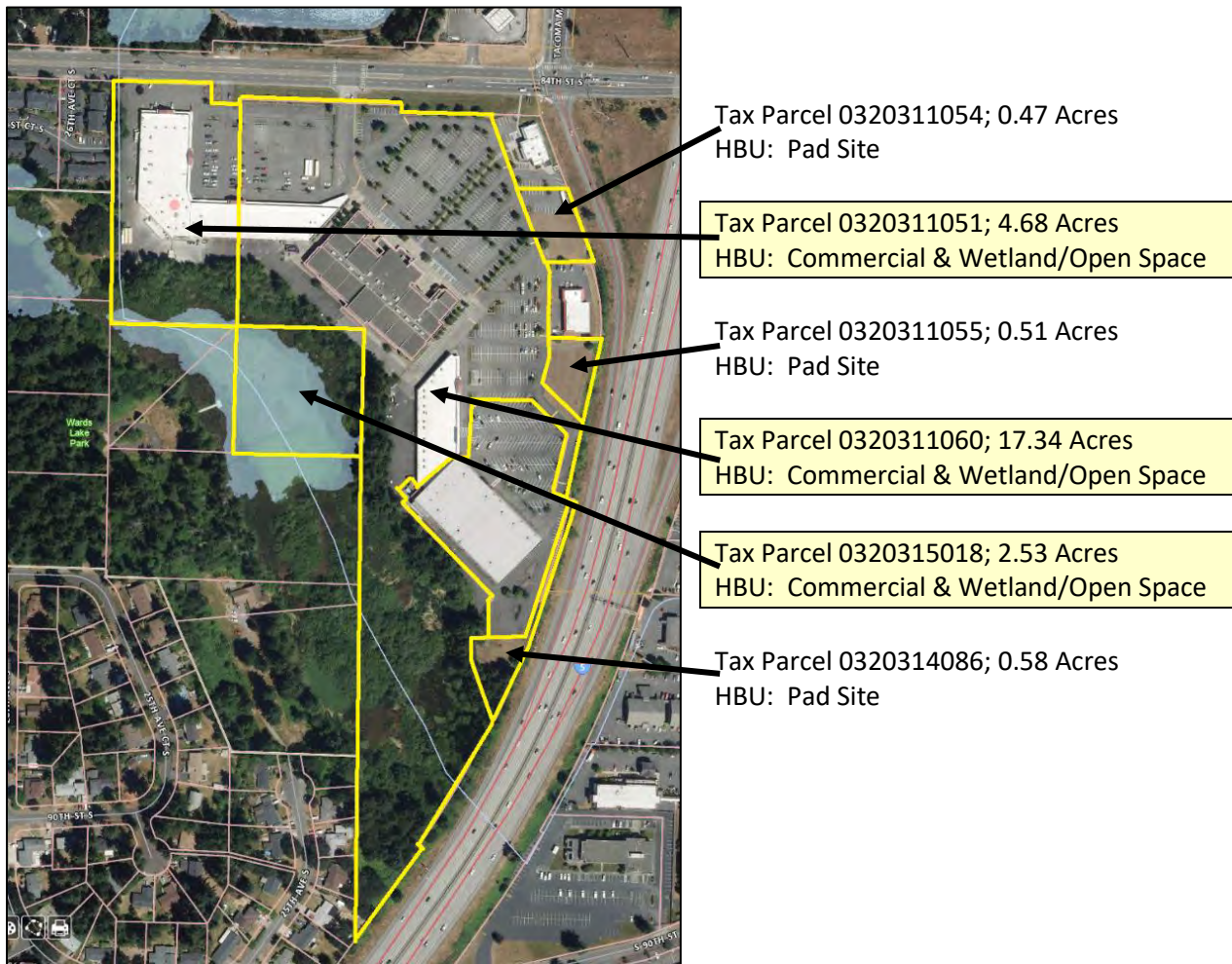
SITE DESCRIPTION

The following is based on public records, verified by physical inspection.

Larger Parcel:

The larger parcel is defined as the portion of a parcel which has unity of ownership, contiguity, and unity of use, with the unity of use test referring to unity of highest and best use, not simply existing use. Lakewood Cinema Plaza currently owns six contiguous parcels at the southwest corner of 84th Street S and Tacoma Mall Boulevard S, depicted as follows:

LAKEWOOD CINEMA PLAZA HOLDINGS



As shown above, three of the parcels are smaller in size and have highest and best use which is independent of the other Lakewood Cinema Plaza holdings (noted above as "pad site" for small scale commercial development, likely by an owner/user). Each of these pad site parcels constitutes a separate "larger parcel" and none is included as part of the subject parcel as described herein.

Three of the Lakewood Cinema Plaza parcels are presently developed with in-line retail uses and are further improved with and anchored by the Lakewood Cinemas and associated shared parking and circulation area (those parcels are highlighted in yellow above). A large area of each parcel is encumbered with extensive wetlands and has been physically segregated by chain link fence from the retail use of the overall site.

The portion of the site improved with commercial development is zoned Commercial (C2) and Air Corridor (AC2) in the City of Lakewood, and most of the wetlands portion of the site is zoned Open Space Recreation (OSR1). The southerly end of the subject site is zoned Commercial (C2).

According to Andrea Bell, Associate Planner at the City of Lakewood, any potential development of the wetland area of the site would require oversight by the Army Corps of Engineers and the WA State Department of Ecology for approvals, and if such approvals were granted, would then be subject to the requirements of the City's Critical Areas Ordinance. An owner/developer would be required to perform a habitat assessment to obtain a biological opinion as to the critical area designation if a development of the subject were proposed. In Ms. Bell's opinion, even if the wetlands could be enhanced, that area of the site likely would not realistically qualify to support any type of permanent building improvements.

Thus far, analysis of the subject larger parcel has narrowed the determination to three separate tax parcels totaling approximately 24.55 ± acres which are currently improved as one site with the Lakewood Cinema Plaza and associated parking and circulation area. The site has two very separate and distinct zones of value: (1) the commercially zoned area which is currently built out with site and building improvements which contribute to the commercial use of the property; and (2) a physically segregated wetland area zoned Open Space Recreation (OSR1). Based on the site's physical and legal characteristics, and after review and analysis of comparable sales data, the commercial area of the site does not contribute any enhanced value to the wetland area of the site, and the wetland area of the site does not contribute any enhanced value to the commercial area of the site.

Therefore, for purposes of this appraisal assignment, the "larger parcel" as defined herein consists of the wetland area of the subject site, which is a portion of Tax Parcel Numbers 0320311060, 0320311051 and 0320315018 consisting of approximately 10.47 ± acres, shown in red on the graphic to the right.



SUBJECT LARGER PARCEL SHOWN IN RED; WHOLE LAKEWOOD CINEMAS PLAZA HOLDINGS OUTLINED IN YELLOW

Location: The subject is located at the southwest quadrant of 84th Street S and Tacoma Mall Boulevard S in Lakewood, which lies on the west side of Interstate 5. The subject is situated southwest of the Lakewood Cinema Plaza commercial development and adjoins Wards Lake Park.

Shape & Size: The subject is irregular in shape, bounded by the existing Wards Lake Park to the southwest and by the Lakewood Cinema Plaza retail development to the northeast. Based on drawings provided by the City of Lakewood, the subject consists of approximately 10.47 ± acres of land.

Topography: The subject site's topography is low lying, sloping steeply from the retail development adjoining to the northeast downward to Wards Lake and the associated wetlands.

<i>Abutting Property:</i>	Description
<i>Northeasterly:</i>	Commercial Retail Development
<i>Southwesterly:</i>	Wards Lake Park

<i>Frontage:</i>	Street	Frontage
	I-5	700 ± feet

Access: As the commercial retail use to the northeast of the subject parcel is under the same ownership, it is reasonable to conclude the subject would be granted an ingress and egress easement for a low intensity recreational or open space use.

Environmental Hazards & Nuisances:

No wetland study was provided as part of this appraisal assignment. The subject is within a FEMA designated Flood Hazard Zone and has low-lying topography which is encumbered by Wards Lake. According to Andrea Bell, Associate Planner at the City of Lakewood, any potential development of the subject would be subject to the City of Lakewood's Critical Areas Ordinance and would require oversight by the Army Corps of Engineers and the WA State Department of Ecology for approvals. The subject would be required to perform a habitat assessment to obtain a biological opinion as to its critical area designation if a development of the subject were proposed. Further, Wards Lake serves as part of the regional stormwater system with its elevation controlled by the City of Tacoma. During peak usage in the wetter months of the year, physical access to the subject site can be limited given its low lying topography.

As of the date of inspection, a relatively small amount of garbage was observed mainly along the fence line of the subject.

No other environmental hazards or nuisances are noted.

Easements: There are no easements which would adversely impact the value of the subject parcel aside from typical utility easements. Please refer to the title

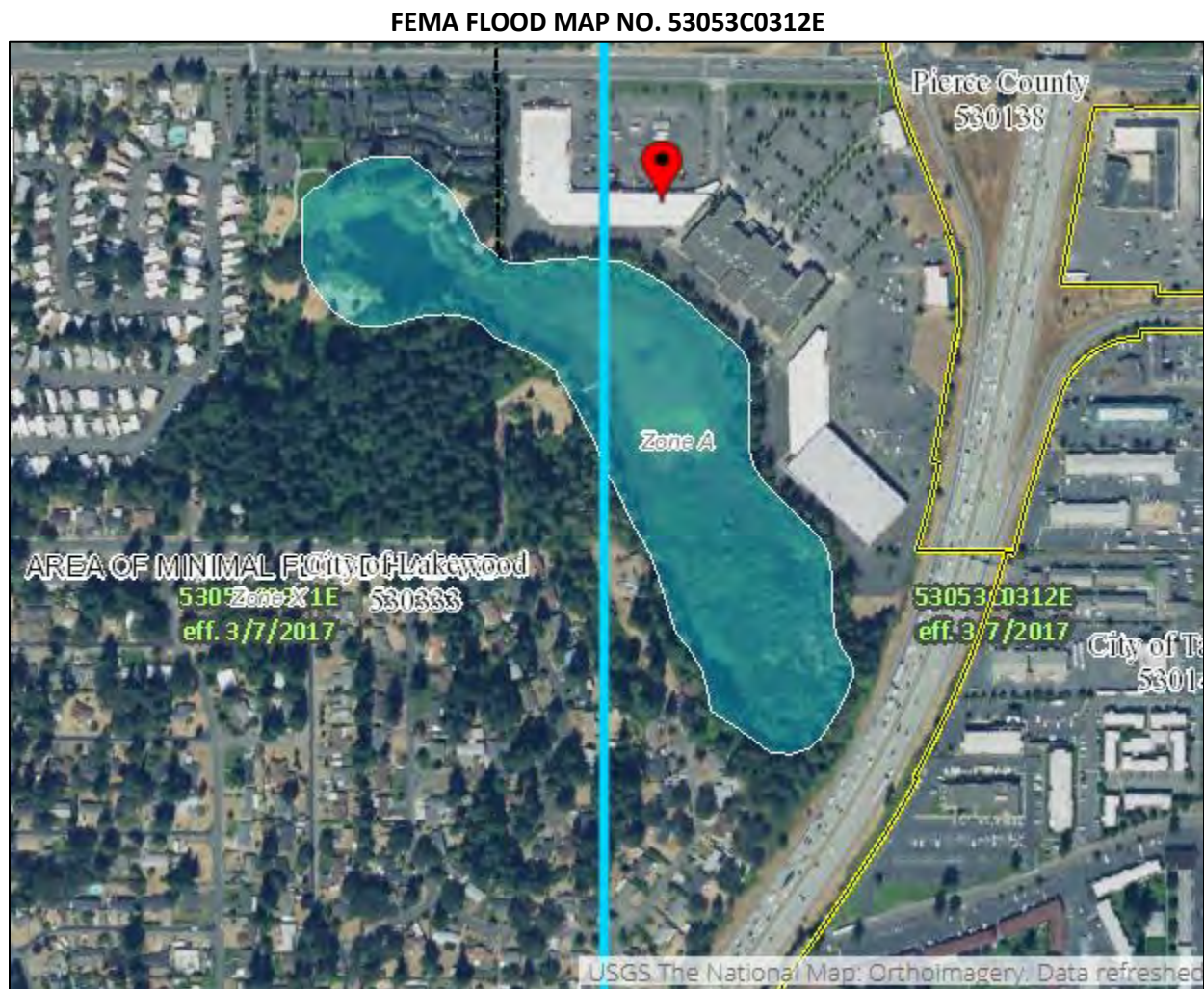
commitment contained in the addenda of this report for a full list of easements and encumbrances.

Site Improvements: The subject is not improved.

Utilities: The subject has all public utilities immediately available.

Soils: No soil tests were provided. No settling or other disturbance noted in immediately surrounding area. It is an assumption of the report that the soil qualities are adequate to support the Highest and Best Use of the subject property.

FEMA Flood Map: As shown on FEMA Flood Map Number 53053C0312E effective March 7, 2017, the subject is mapped as a Special Flood Hazard Area, Zone A, as shown in the following graphic:



ZONING

The majority of the subject is zoned Open Space and Recreation One (OSR1) and a small area fronting the I-5 corridor is zoned Commercial (C2), shown in the graphic to the right. The area surrounding Wards Lake (shown in green) is designated OSR1, and the southeast area of the subject fronting the I-5 corridor (shown in orange) is designated C2.

According to the City of Lakewood Municipal Code, the OSR1 zoning district may be applied to publicly or privately owned or controlled property used for natural open space and passive recreation. Permitted uses include outdoor recreation, residential accessory uses, and civic accessory uses. While a section of the subject is zoned Commercial, it is unlikely this area could be developed independently to a commercial use given its designation as a Special Flood Hazard Area.



SUBJECT ZONING MAP

TAXES

Tax Parcel No.	AV Land	AV Bldg	2021 Taxes
0320311060	\$8,819,900	\$1,967,000	\$156,061.62
0320311051	\$2,380,100	\$0	\$37,018.03
0320315018	\$9,300	\$0	\$128.42
TOTALS:	\$11,200,000	\$1,967,000	\$193,208.07

The subject larger parcel as described herein consists of the wetland portion of the above tax parcels. The assessed value stated above overstates the value of the subject parcel as described herein, which consists of only the wetland portion of the site. The assessed value of the building improvements is attributed to the in-line retail development, paved parking and circulation area of the commercial area of the site. Please refer to the highest and best use section of this appraisal report.

IMPROVEMENTS DESCRIPTION

The subject as described herein is not improved.

HIGHEST AND BEST USE

The Appraisal of Real Estate, 14th Edition, a publication of the Appraisal Institute, defines highest and best use for a property as:

"The reasonably probable use of property that results in the highest value."

To be reasonably probable, a use must meet certain conditions:

- The use must be *legally permissible* (or it is reasonably probable to render it so);
- The use must be *physically possible* (or it is reasonably probable to render it so);
- The use must be *financially feasible*.

Uses that meet the three criteria of reasonably probable uses are tested for economic productivity, and the reasonably probable use with the highest value (i.e. maximally productive use) is the highest and best use.

Data collected concerning the surrounding neighborhood and the subject property is analyzed to provide the evidence upon which the highest and best use conclusion is based. The highest and best use analysis allows an appraiser to gradually narrow the field of possible uses by testing it with the criteria above. The highest and best use of a property is the foundation for the selection and analysis of market data and is the basis upon which a property is valued.

SITE AS VACANT

The Highest and Best Use of land or a site as though vacant assumes that a parcel of land is vacant or can be made vacant by demolishing any improvements. The questions to be answered in this analysis are: If the land is, or were, vacant, what use should be made of it? What type of building or other improvement, if any, should be constructed on the land, and when?

LEGALLY PERMISSIBLE

Legal considerations which impact the subject include governmental restrictions such as zoning and comprehensive plan classifications. The majority of the subject is zoned Open Space and Recreation One (OSR1), and a small section of the southeast quadrant of the subject is zoned Commercial (C2). The City of Lakewood allows a wide variety of commercial uses in the C2 zoning district and only limited low intensity uses including outdoor recreation, residential accessory uses, and civic accessory uses in the OSR1 zoning district.

As the subject consists mainly of a large wetland area, any potential development of the site would require oversight by the Army Corps of Engineers and the WA State Department of Ecology for approvals, and if such approvals were granted, would then be subject to the requirements of the City's Critical Areas Ordinance. An owner/developer would be required to perform a habitat assessment to obtain a biological opinion as to the critical area designation if a development of the subject were proposed.

Analysis of the legal considerations thus effectively limits the subject's development potential to low intensity uses such as a passive recreational use.

PHYSICALLY POSSIBLE

The subject parcel is located in a mixed use area of Lakewood, adjoining the commercial Lakewood Cinema Plaza retail development and the I-5 corridor to the north and east and the Wards Lake Park and single family residential uses to the southwest. Size, shape, soils, and topography affect the uses to which a site may be developed. The utility of a parcel may depend on its frontage and depth. Irregularly shaped parcels may cost more to develop and, when developed, may have less utility than a rectangular parcel.

The subject is irregular in shape with low lying topography heavily encumbered with Wards Lake. Wards Lake serves as part of the regional stormwater system with its elevation controlled by the City of Tacoma. During peak usage in the wetter months of the year, physical access to the subject site can be limited. Overall, the subject's physical characteristics would be conducive to seasonal passive, recreational day use activities even considering the noise nuisance associated with its Interstate 5 frontage.

FINANCIALLY FEASIBLE/MAXIMALLY PRODUCTIVE

Financially feasible uses are subject to the physical and legal limitations of the property. Thus far, analysis of the legal and physical limitations support highest and best use for passive recreation of the subject. Based upon the preceding analysis and observation of the market conditions, the maximally productive and therefore highest and best use of the subject parcel is for passive recreation and continued open space use. The subject has virtually no upside potential to support future commercial use and only limited upside potential to support future single family residential development if a variance could be obtained.

PROPERTY VALUATION

The Cost Approach, Income Approach and Sales Comparison Approach are the three basic techniques or approaches to value when appraising real property.

Cost Approach to Value

In applying the Cost Approach the objective is to estimate the difference in worth to a buyer, between the property being appraised and a newly constructed building having optimal utility. The cost to construct a reproduction of, or replacement for, the existing structure and site improvements is estimated, and a deduction is made for all accrued depreciation present. When the value of the site is added to this figure, the result is an indication of value, under the principle of substitution. Because this approach is not appropriate when valuing raw land and would not produce credible valuation results, it is not applied within this appraisal.

Sales Comparison Approach to Value

In the Sales Comparison Approach, market value is estimated by comparing the subject property to similar properties that have recently sold, are listed for sale, or are under contract to be sold. A major premise of this approach is that the market value of a property is directly related to the prices of comparable, competitive properties. The comparative analysis focuses on similarities and differences among properties and transactions that affect value. These may include differences in the property rights, the motivations of buyers and sellers, financing terms, market conditions at the time of sale, size, location, physical features, and, if the properties produce income, economic characteristics. This approach is applied in estimating the value of the subject parcel.

Income Approach to Value

Income-producing real estate is typically purchased as an investment, and from an investor's point of view earning power is the critical element affecting value. An investor who purchases income-producing real estate is essentially trading present dollars for the right to receive future dollars. The Income Approach to value consists of methods, techniques and mathematical procedures used to analyze a property's capacity to generate future income, and to convert this income into an indication of present value. Because this approach is not appropriate when valuing raw land and would not produce credible valuation results, it is not applied within this appraisal.

Land Value Analysis

In searching for comparable sales data, we confined our search to land sales which have occurred within Pierce County and competing surrounding areas from January 2015 up to the date of this appraisal. Sales sources utilized included Pierce County Public Records, the Northwest Multiple Listing Service and the Commercial Brokers Association.

The comparable sales table included herein summarizes the comparable sales which were analyzed in estimating the fair market value of the subject parcel. Individual market data sheets for each sale together with property sketches and photographs are included herein. Confirmation of each sale has been obtained from buyer, seller, broker, or other parties believed to be knowledgeable about the details of the transaction, whenever possible. When direct verification was not possible, public records or similar data sources were relied upon.

Unit of Comparison

The comparable sales will be analyzed on a price per site basis to be consistent with typical market behavior.

Adjustments

Lack of uniformity within the available comparable sales data prevents the direct extraction of adjustments. General analysis reflecting market behavior is used to determine which comparable sales are superior or inferior to the subject. This analysis establishes value parameters for the subject, allowing for a final conclusion of value. The table on the following pages summarizes the comparable sales which were analyzed in supporting the fair market value of the subject parcel.

COMPARABLE SALES					
Sale No.	Location	HBU	Date Price	Size (acres)	Comments
1	xxx 93rd St E Tacoma	Speculative SFR	Oct-17 \$35,000	3.92	This parcel is rectangular in shape with effectively level topography. Approximately 80% of the site is designated as being in a regulated floodplain with associated wetlands. The listing broker indicated the site had high water table and potentially a buildable area in the southeast quadrant of the site. This parcel was on the market for only 6 days and sold at 88% of its asking price. As of the date of inspection, this parcel remained vacant land.
2	7610 Portland Ave E Tacoma	Speculative Commercial Dev.	Dec-15 \$50,000	4.34	This parcel is rectangular in shape with effectively level topography located in an industrial area of Tacoma. The parcel was mostly cleared with some brush and light areas of tree cover. The listing broker marketed the parcel as "commercial acreage, some wetlands, ROC zoning, retail, office and commercial." This parcel is heavily encumbered with a regulated floodplain and three separate wetland areas. The parcel was on the market for 1,107 days (over three years) and eventually sold at approximately 29% of its original asking price. As of the date of inspection, this parcel remained vacant land.
3	8307 144th Street E Puyallup	Recreational/OS; Speculative Residential Dev	Aug-18 \$50,000	4.98	This parcel is rectangular in shape with effectively level topography located in a residential area of South Hill Puyallup. The parcel consists of low lying cleared areas together with areas of moderate to heavy mature tree cover. The listing broker marketed the site as "lot is a mixture of trees, pasture and wetland, very private setting full of wildlife; property is considered a wetland, but a buyer with a vision and creativity could really capitalize on this opportunity." The listing broker indicated no formal wetland review had been done, though mapping indicates approximately two-thirds of the site is designated as a Flood Zone, the south approximately one-quarter of the site is designated as a Regulated Floodplain, and the Pierce County GIS has the entire site mapped as a wetland. According to the listing broker, the seller financed with \$20K down and a five year balloon, which is not uncommon in the market. In January 2019, the property owner was served with a Notice of Non-Compliance for "un-permitted regulated development (clearing and grading)." This parcel was on the market for 535 days and finally sold at approximately 67% of its original asking price. As of the date of inspection, this parcel remains vacant, undeveloped land.
4	433 43 rd Avenue SW Puyallup	Recreational/OS; Speculative Residential Dev	Jul-18 \$50,000	6.71	This site is rectangular in shape consisting of five separate tax parcels (which have been adjusted to four tax parcels since the sale) with effectively level topography located in a mixed use area of Puyallup. The parcel has a light to moderate tree cover. The listing broker marketed the parcel as having wetlands and indicated no formal wetland determination had been done by the seller. According to the Pierce County GIS mapping, this parcel is heavily encumbered with a regulated floodplain and wetlands, though the southerly two parcels may possibly only be encumbered with wetland buffers. The listing broker indicated the major issue surrounding the sale of the site was that the City of Puyallup had zoned the parcel for high density (apartments) and would not allow for a variance during the due diligence surrounding the sale. Consequently, after several failed sale attempts, the seller decided to "just sell it cheap." The site was on the market for 321 days and sold at approximately 30% of its original asking price of \$165,000. Subsequently, the buyer was able to work through the process to re-zone the site to allow for development of duplexes and in March 2021, the buyer sold the two southerly tax parcels to HC Homes at a reported sales price of \$179,950 each.

COMPARABLE SALES					
Sale No.	Location	HBU	Date Price	Size (acres)	Comments
5	Steele St & 102 nd St Tacoma	Recreational/OS; Speculative Commercial Dev	Jan-21 \$55,000 (adjusted)	10.17	This sale consisted of two adjoining tax parcels located at the northeast corner of Steele Street and 102 nd Street in Tacoma. The site has effectively level, low lying topography and a heavy covering of mature trees. The listing broker indicated the site is heavily encumbered with wetlands and trees that make it nearly impossible to develop. According to Pierce County GIS mapping, approximately two-thirds of the site is designated as regulated floodplain and the entire site is mapped as a wetland. The reported sales price for this site is \$5,000; however, the listing broker indicated the buyer forgave \$50,000 of seller's debt related to the rent of a billboard (the billboard is situated on a separate parcel located at the northwest corner of Steele and 102 nd). This site was under contract for almost two years prior to closing. This sale price is adjusted upwards by \$50,000 to account for the debt forgiven by the buyer.

MARKET DATA – SALE NO. 1**PROPERTY IDENTIFICATION**

Location: xxx 93rd Street E
Tacoma, WA
Parcel No: 5825000040 & 0131
Legal Desc: Section 35 Township 20 Range
03 Quarter 33 MIDLAND
GARDENS ANNEX

LAND CHARACTERISTICS

Area: 3.915 ± acres
Zoning: Residential RSEP
Present Use: Vacant land at time of sale
H&BU: Speculative Single Fam. Res.
Access: 93rd Street E

SALE DATA

Date: Oct-17
Price: \$35,000
Grantor: ABD Properties
Grantee: Kimcheng Lim LLC
Term: Cash Equivalent
Rec'd No: ETN 4446866



Confirmation: Nathan Peppin, Listing
Broker with Capital
Realty via NWMLS Listing
Flyer #1181554

UNIT INDICATORS

<i>Size</i>	<i>Price</i>	<i>Unit Value</i>
3.915 acres	\$35,000	\$35,000/site

COMMENTS & PHOTO

This parcel is rectangular in shape with effectively level topography. Approximately 80% of the site is designated as being in a regulated floodplain with associated wetlands. The listing broker indicated the site had high water table and potentially a buildable area in the southeast quadrant of the site. This parcel was on the market for only 6 days and sold at 88% of its asking price. As of the date of inspection, this parcel remained vacant land.



MARKET DATA – SALE NO. 2**PROPERTY IDENTIFICATION**

Location: 7610 Portland Ave. E
Tacoma, WA
Parcel No: 0320274114
Legal Desc: Section 27 Township 20 Range
03 Quarter 43

LAND CHARACTERISTICS

Area: 4.34 ± acres
Zoning: Commercial ROC
Present Use: Vacant land at time of sale
H&BU: Speculative Commercial Dev
Access: Portland Ave.

SALE DATA

Date: Dec-15
Price: \$50,000
Grantor: O'Neill Estate
Grantee: Andrew Ballatan
Term: Cash Equivalent
Rec'd No: ETN 4385022

Confirmation: Kenneth Freed, Listing
Broker with Windermere
Real Estate via NWMLS
Listing Flyer #662594

**UNIT INDICATORS**

Size	Price	Unit Value
4.34 acres	\$50,000	\$50,000/site

COMMENTS & PHOTO

This parcel is rectangular in shape with effectively level topography located in an industrial area of Tacoma. The parcel was mostly cleared with some brush and light areas of tree cover. The listing broker marketed the parcel as “commercial acreage, some wetlands, ROC zoning, retail, office and commercial.” This parcel is heavily encumbered with a regulated floodplain and three separate wetland areas. The parcel was on the market for 1,107 days (over three years) and eventually sold at approximately 29% of its original asking price. As of the date of inspection, this parcel remained vacant land.



MARKET DATA – SALE NO. 3**PROPERTY IDENTIFICATION**

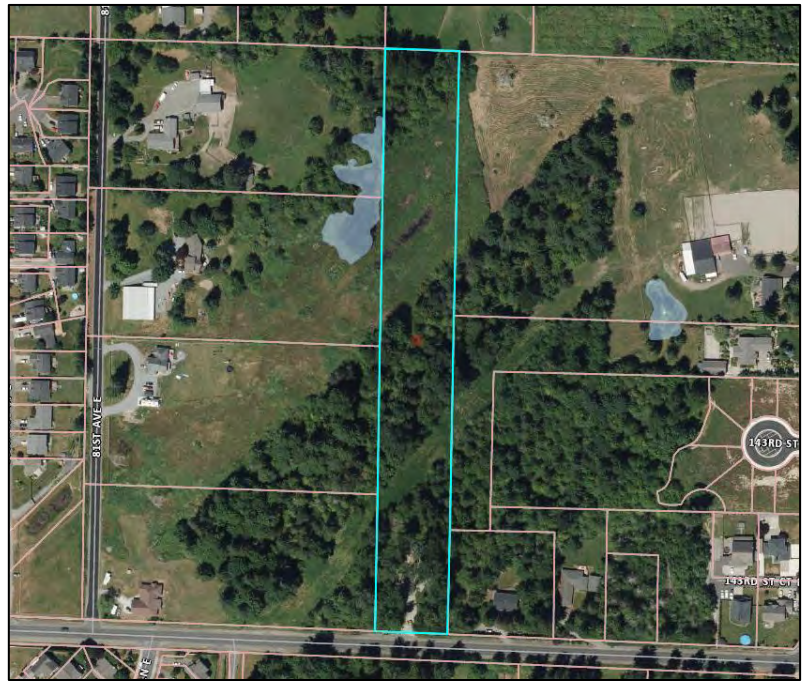
Location: 8307 144th Street E
Puyallup, WA
Parcel No: 0419174009
Legal Desc: Section 17 Township 19 Range
04 Quarter 44

LAND CHARACTERISTICS

Area: 4.98 ± acres
Zoning: Residential Resource
Present Use: Vacant land at time of sale
H&BU: Recreational/Open Space;
Speculative Residential Dev
Access: 144th Street E

SALE DATA

Date: Aug-2018
Price: \$50,000
Grantor: Larry Scott McMillan
Grantee: Terry Calloway
Term: Cash Equivalent
Rec'd No: SWD 201808290476



Confirmation: Drew Staudt, Listing
Broker with Windermere
RE Puyallup NWMLS
Listing Flyer #1072195
c.fagernes 4/13/21

UNIT INDICATORS

Size	Price	Unit Value
4.98 acres	\$50,000	\$50,000/site

COMMENTS & PHOTO

This parcel is rectangular in shape with effectively level topography located in a residential area of South Hill Puyallup. The parcel consists of low lying cleared areas together with areas of moderate to heavy mature tree cover. The listing broker marketed the site as “lot is a mixture of trees, pasture and wetland, very private setting full of wildlife; property is considered a wetland, but a buyer with a vision and creativity could really capitalize on this opportunity.” The listing broker indicated no formal wetland review had been done, though mapping indicates approximately two-thirds of the site is designated as a Flood Zone, the south approximately one-quarter of the site is designated as a Regulated Floodplain, and the Pierce County GIS has the entire site mapped as a wetland. According to the listing broker, the seller financed with \$20K down and a five year balloon, which is not uncommon in the market. In January 2019, the property owner was served with a Notice of Non-Compliance for “un-permitted regulated development (clearing and grading).” This parcel was on the market for 535 days and finally sold at approximately 67% of its original asking price. As of the date of inspection, this parcel remains vacant, undeveloped land.



MARKET DATA – SALE NO. 4**PROPERTY IDENTIFICATION**

Location: 433 43rd Avenue SW
Puyallup, WA
Parcel No: 0419095003; 0419095001;
0419095002; 0419095003;
0419095004
Legal Desc: Section 09 Township 19 Range
04 Quarter 11

LAND CHARACTERISTICS

Area: 6.71 ± acres
Zoning: Multi-Family RM10
Present Use: Vacant land at time of sale
H&BU: Recreational/Open Space;
Speculative Residential Dev
Access: 43rd Avenue SW

SALE DATA

Date: Jul-2018
Price: \$50,000
Grantor: Looney Estate
Grantee: David and Carlene Artz
Term: Cash Equivalent
Rec'd No: Personal Representative's
Deed 201807310719

Confirmation: Dan Olague, Listing
Broker with John L. Scott
NWMLS Listing Flyer
#1233143
c.fagernes 4/13/21

COMMENTS & PHOTO

This site is rectangular in shape consisting of five separate tax parcels (which have been adjusted to four tax parcels since the sale) with effectively level topography located in a mixed use area of Puyallup. The parcel has a light to moderate tree cover. The listing broker marketed the parcel as having wetlands and indicated no formal wetland determination had been done by the seller. According to the Pierce County GIS mapping, this parcel is heavily encumbered with a regulated floodplain and wetlands, though the southerly two parcels may possibly only be encumbered with wetland buffers. The listing broker indicated the major issue surrounding the sale of the site was that the City of Puyallup had zoned the parcel for high density (apartments) and would not allow for a variance during the due diligence surrounding the sale. Consequently, after several failed sale attempts, the seller decided to "just sell it cheap." The site was on the market for 321 days and sold at approximately 30% of its original asking price of \$165,000. Subsequently, the buyer was able to work through the process to re-zone the site to allow for development of duplexes and in March 2021, the buyer sold the two southerly tax parcels to HC Homes at a reported sales price of \$179,950 each.

**UNIT INDICATORS**

Size	Price	Unit Value
6.71 acres	\$50,000	\$50,000/site



MARKET DATA – SALE NO. 5**PROPERTY IDENTIFICATION**

Location: 102nd Street S
Tacoma, WA
Parcel No: 0319061002
Legal Desc: Section 06 Township 19 Range
03 Quarter 14

LAND CHARACTERISTICS

Area: 10.17 ± acres
Zoning: Commercial CE
Present Use: Vacant land at time of sale
H&BU: Recreational/Open Space;
Speculative Commercial Dev
Access: 102nd St S and Steele St

SALE DATA

Date: Jan-2021
Price: \$5,000
+ \$50,000 in forgiven debt
Grantor: Juddville II, LLC
Grantee: Andrew Ballatan
Term: Cash Equivalent
Rec'd No: ETN 4385022

Confirmation: Joe Bauman, Listing
Broker with John L. Scott
Real Estate NWMLS
Listing Flyer #1422504
c.fagernes 4/13/21

COMMENTS & PHOTO

This sale consisted of two adjoining tax parcels located at the northeast corner of Steele Street and 102nd Street in Tacoma. The site has effectively level, low lying topography and a heavy covering of mature trees. The listing broker indicated the site is heavily encumbered with wetlands and trees that make it nearly impossible to develop. According to Pierce County GIS mapping, approximately two-thirds of the site is designated as regulated floodplain and the entire site is mapped as a wetland. The reported sales price for this site is \$5,000; however, the listing broker indicated the buyer forgave \$50,000 of seller's debt related to the rent of a billboard (the billboard is situated on a separate parcel located at the northwest corner of Steele and 102nd). This site was under contract for almost two years prior to closing. This sale price is adjusted upwards by \$50,000 to account for the debt forgiven by the buyer.

**UNIT INDICATORS**

Size	Price	Unit Value
10.17 acres	\$55,000 (adjusted)	\$55,000/site



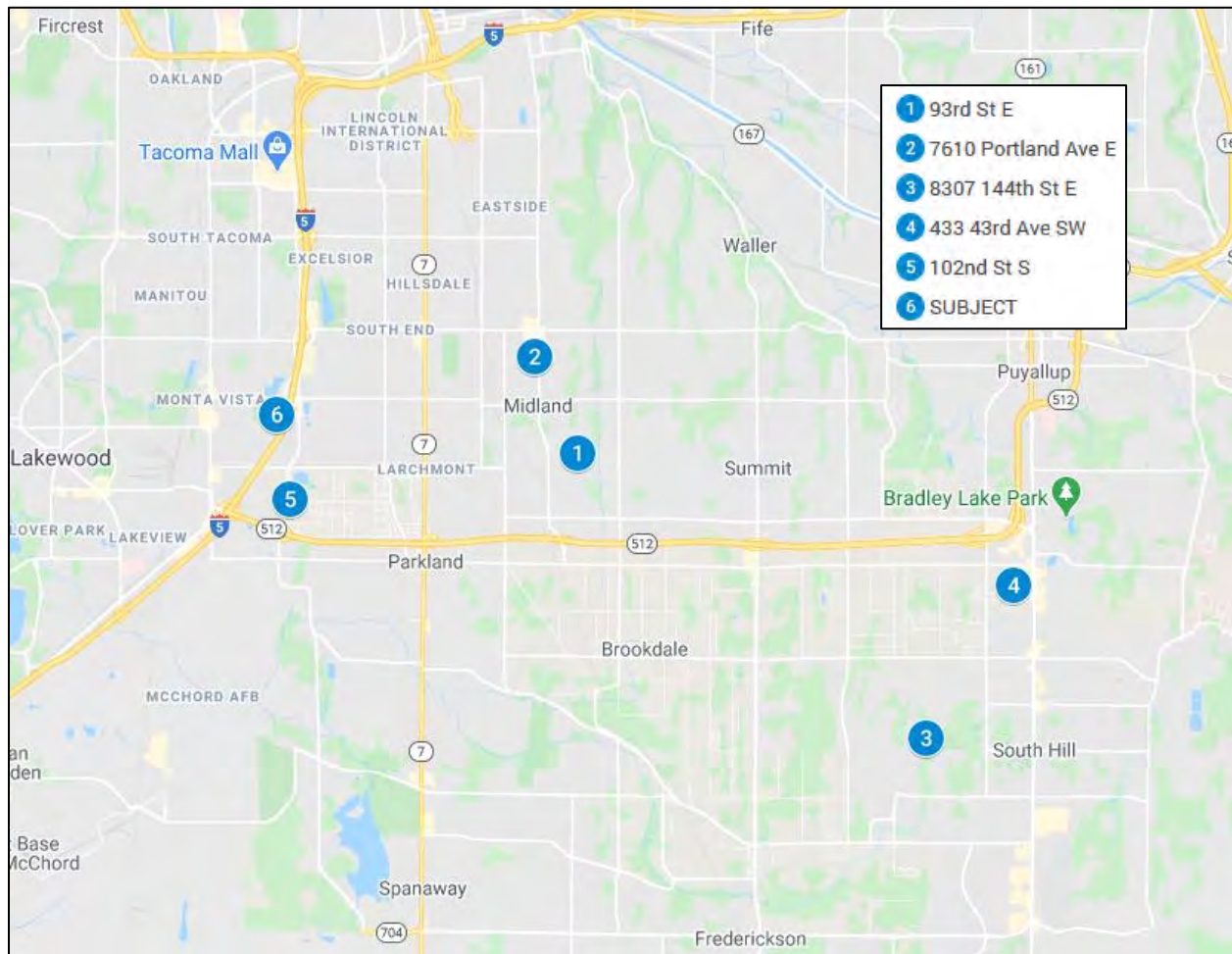
SUMMARY OF COMPARABLE SALES DATA

Five comparable sales were analyzed to support the subject parcel's value. The dates of sale range from December 2015 through January 2021. The comparable sales range in size from approximately four to ten acres in size. The comparable sales are all located in Pierce County, generally in competing market areas of South Tacoma and Puyallup. All comparable sales consisted of vacant land and range in highest and best use from speculative development to parcels with likely only passive recreational and open space use. The comparable sales data was exhaustive enough to provide a well-supported value range for the subject parcel.

ANALYSIS & EXPLANATION OF ADJUSTMENTS

Location: Sales One, Two and Five are all within five miles of the subject and are most similar for location. Sales Three and Four are both approximately eight miles southeast of the subject and are less similar but roughly equal for location. All are generally comparable to the subject for location requiring no adjustment.

LOCATION OF COMPARABLE SALES RELATIVE TO SUBJECT PARCEL



Market Conditions: Given in part the subject's highest and best use for passive recreation, there is an insufficient amount of sales history in the subject's market area with which to accurately support a quantitative adjustment for market conditions. Within the comparative analysis, Sales Three, Four and Five are given most weight considering their July 2018 through January 2021 dates of sale. Sales One and Two are given less weight considering their December 2015 and October 2017 dates of sale.

Highest & Best Use: Parcels having more utility or potentially a higher intensity use generally are considered to be superior to parcels having lower intensity uses. The subject's critical area designations and physical characteristics limit its highest and best use to passive recreation with virtually no upside potential for speculative development. Sale One likely had a small buildable area with which to support development of one single family residence and therefore is slightly superior to the subject for its utility. The buyers of Sale Four believed they could obtain a re-zone of the southerly area of the site to accommodate development of duplexes (which ultimately was approved subsequent to the sale); and therefore Sale Four is slightly superior to the subject for utility. The remaining comparable sales all had virtually no upside potential for development or only highly speculative development potential and are therefore roughly equal to the subject for utility.

Size: The comparable sales are analyzed on a price per site basis to be consistent with typical market behavior. Generally, all things being equal, a larger parcel will sell for more than a smaller parcel. Sales One, Two and Three are smaller than the subject, ranging from four to five ± acres in size, and therefore are inferior to the subject for size. Sales Four and Five are roughly equal to the subject for size, ranging from approximately seven to ten acres.

Market Appeal: The subject has a moderate covering of trees and low bank, easily accessible Wards Lake frontage and would make a nice day-use area, even considering the noise associated with its proximity to the commercial development and I-5 to the north and east. None of the comparable sales had direct exposure along as heavily traveled a corridor as the subject. Sale One had no water amenity and therefore is slightly inferior to the subject for market appeal. Sale Two would have low market appeal as a recreational site given its lack of tree cover and therefore is inferior to the subject for market appeal. Sales Three and Four had no water amenity and therefore are slightly inferior to the subject for market appeal. Sale Five is roughly equal to the subject for its freeway noise and marshy, treed area.

CORRELATION & CONCLUSION OF VALUE

The following chart summarizes the individual adjustments made to each of the sales used for comparison to the subject parcel:

Summary Adjustment Chart

Sale	Price	Location	Market Cond. (Date of Sale)	H&BU/Utility	Size	Market Appeal	Cumulative Indication & Weighting
Subject	--	84 th Street S	Apr-21 DOV	Rec/OS; Spec Dev	10.47 ± acres	Wards Lake Park	--
One	\$35,000	93 rd St E, Tacoma Roughly Equal Most Similar	Oct-17 Inferior	Spec Dev S. Superior	3.92 acres Inferior	No Water Amenity S. Inferior	Low Less Weight
Two	\$50,000	Portland Ave, Tacoma Roughly Equal Most Similar	Dec-15 Inferior	Rec/OS; Spec Dev Roughly Equal	4.34 acres Inferior	Stream S. Inferior	Reasonable Less Weight
Three	\$50,000	144 th St E Tacoma Roughly Equal	Aug-18 Roughly Equal	Rec/OS; Spec Dev Roughly Equal	4.98 acres Inferior	No Water Amenity S. Inferior	Reasonable More Weight
Four	\$50,000	43 rd Ave SW Puyallup Roughly Equal	Jul-18 Roughly Equal	Spec Dev S. Superior	6.71 acres Roughly Equal	No Water Amenity S. Inferior	Reasonable More Weight
Five	\$55,000	Steele St & 102 nd Tacoma Roughly Equal Most Similar	Jan-21 Roughly Equal Most Similar	Rec/OS; Spec Dev Roughly Equal	10.17 acres Roughly Equal Most Similar	Low-lying marshy area Roughly Equal	Reasonable Most Weight

The comparable sales support a value range for the subject of \$35,000 to \$55,000. Sale One supports the low end of the value range at \$35,000 and is a low indicator of the subject's value due mainly to its much smaller size and inferior market appeal. The remaining comparable sales all support a more refined value range of \$50,000 to \$55,000 for the subject parcel. Sale Five is the best indicator of the subject's value at \$55,000 (adjusted) given its location, its January 2021 date of sale, its highest and best use which is most likely limited to recreation/open space, its ten acre size and its market appeal as a recreational site with freeway noise and low-lying marshy, treed areas. After considering all available market data, and placing most weight on Sale Five, the market would place the subject at the high end of the refined value range at \$55,000.

REPORT OF CONTACT WITH OWNER

DATE(S) OF CONTACT:

April 12, 2021

METHOD OF CONTACT:

☐ Telephone ☐ Personal ☒ Email

PERSON(S) CONTACTED:

Richard Leider, Managing Partner
Trinity Real Estate

PHONE:

(206) 900-9761

EMAIL:

Rleider@trinityre.com

TYPE OF PROPERTY INTEREST:

☒ Record owner ☐ Contract purchaser

DATE(S) OF JOINT PROPERTY INSPECTION:

none

PERSON(S) JOINING IN INSPECTION:

Christina Fagernes, Appraiser

Brian Fagernes, Right of Way Agent, Cascade Right of Way Services

COMMENTS:

The appraiser exchanged email messages with Mr. Leider on April 12, 2021. Mr. Leider indicated he represented the property owner, Lakewood Cinema Plaza, and gave the appraiser permission to inspect the subject. Mr. Leider declined a joint site inspection and asked that the appraiser notify him of the intended inspection date/time so he could advise his security patrol. Mr. Leider was cordial and cooperative.

QUALIFICATIONS & EXPERIENCE

CHRISTINA A. FAGERNES

EXPERIENCE

Since August of 2004, Christina (Chris) Fagnernes has primarily focused on eminent domain valuation and consulting services. She has prepared hundreds of appraisals and project funding estimates for a variety of consultants and governmental agencies all over Washington State. She is certified as a General Real Estate Appraiser through the State of Washington and is on the Washington State Department of Transportation's approved appraiser and review appraiser list. Over the past several years, her project experience has ranged from single parcel partial acquisitions to 50 ± parcels with partial and total acquisitions. Chris' understanding and adherence to the Uniform Standards of Professional Appraisal Practice (USPAP), the Uniform Appraisal Standards for Federal Land Acquisitions (the "Yellow Book"), and the WSDOT Right-of-Way Manual ensures funding compliance regardless of the source.

PROFESSIONAL LICENSES & AFFILIATIONS

- Washington State Certified General Real Estate Appraiser #1101869
- Candidate for Designation, Appraisal Institute
- WSDOT Approved Appraiser & Review Appraiser List

EDUCATION

Bachelors of Science in Real Estate Studies with a Concentration in Appraisal & Finance
Marylhurst University, Marylhurst, Oregon, 2009

Academic Focus

- | | |
|-------------------------------------|----------------------------------|
| • Real Estate Investment Strategies | • Building Construction & Design |
| • Real Estate Finance | • Real Estate Law |
| • Environmental Issues & Hazards | • Land Use Planning & Zoning |

THE APPRAISAL INSTITUTE

- | | |
|--|---|
| • Advanced Applications | • The Appraiser as an Expert Witness: Preparation & Testimony |
| • Advanced Sales Comparison & Cost Approaches | • Highest & Best Use and Market Analysis |
| • Report Writing & Valuation Analysis | • Uniform Standards of Professional Appraisal Practice |
| • Condemnation Appraising: Advanced Topics & Applications | • Business Practices and Ethics |
| • Condemnation Appraising: Basic Principles & Applications | • Advanced Income Capitalization |
| | • Eminent Domain and Condemnation |

CONTINUING EDUCATION COURSES & SEMINARS

- ROW: Temporary Construction Easements (WSDOT Local Programs)
- Corridor Valuation (The Appraisal Institute)
- Appraisal Review Under The Uniform Standards for Federal Land Acquisitions (DNR)
- Uniform Standards for Federal Land Acquisitions (The Appraisal Institute)
- Forestland Road Cost Obligation Seminar (DNR)

TYPES OF APPRAISAL ASSIGNMENTS

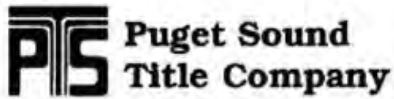
- Eminent Domain & Right-of-Way Acquisition
- Easements (Permanent, Temporary, Conservation)
- Wetlands/Open Space
- Vacant Land
- Commercial Appraisals
 - Professional Office Buildings
 - Medical Facilities
 - Multi-Family Residential (5+ units)
 - Retail Buildings
 - Warehouses
- Project Funding Estimates
- Appraisal Review

PARTIAL CLIENT LIST

- | | |
|------------------------------------|--|
| • City of Aberdeen | • Mason County Public Works |
| • City of Bonney Lake | • City of Olympia Parks, Arts & Recreation |
| • Capitol Land Trust | • City of Olympia Public Works |
| • Cascade Right of Way Services | • Otak |
| • City of Castle Rock | • Pierce County |
| • Cowlitz County Public Works | • City of Poulsbo |
| • David Evans and Associates | • City of Puyallup |
| • Town of Eatonville | • City of Ridgefield |
| • Forterra NW | • City of Sammamish |
| • Gibbs & Olson | • SCJ Alliance |
| • Gray & Osborne | • Skillings Connolly |
| • Grays Harbor County Public Works | • City of Spokane Valley Public Works |
| • Grays Harbor PUD | • Summit Power Group, Inc. |
| • City of Hoquiam | • Thurston County Public Works |
| • Island County Public Works | • City of Tumwater Public Works |
| • Jamestown S'Klallam Tribe | • WA State Dept. of Fish & Wildlife |
| • Klickitat County Public Works | • WA State Dept. of Natural Resources |
| • KPFF | • WA State Dept. of Transportation |
| • KPG | • West Thurston Regional Fire Authority |
| • City of Lakewood Public Works | • City of Winlock |
| • City of Longview Public Works | • City of Woodland |
| • Mason Conservation District | |

ADDENDA

Title Commitment dated January 14, 2021



Puget Sound Title Company
 5350 Orchard Street W.
 University Place, WA 98467
 (253)474-4747 Phone
 (253)474-9757 Fax

Puget Sound Title Company
 6302 112th Street E., Suite 100
 Puyallup, WA 98373
 (253)474-4747 Phone
 (253)446-0482 Fax

Commitment For Title Insurance

Order Number: 218854
 Customer Ref/Loan No:

Buyer/Borrower: City of Lakewood
 Seller: Lakewood Cinema Plaza, LLC

Property Address: 2510 S 84th St., Lakewood, WA 98499

Title Officers

Meagen Johnson	m.johnson@pstitle.com	Eve Dorsey	eved@pstitle.com
Julia Butler	julia@pstitle.com	Britany Avila	britanya@pstitle.com
Ashley Norris	ashley@pstitle.com	Victor Melton	victor@pstitle.com

THANK YOU FOR CHOOSING PUGET SOUND TITLE COMPANY

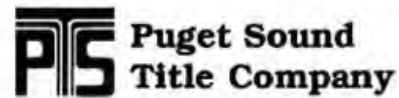
*Consistently exceeding expectations
for over 30 years!*

**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY

Puget Sound Title Company

As Agent for Stewart Title Guaranty Company

**Phone (253) 474-4747****Transaction Identification Data for reference only:**

Issuing Agent: Puget Sound Title - Tacoma
 Issuing Office: 5350 Orchard Street W., Suite 100, University Place, WA 98467
 Issuing Office's ALTA® Registry ID: 1058425
 Loan ID Number:
 Commitment Number: 218854
 Associated File Number:
 Property Address: 2510 S 84th St., Lakewood, WA 98499
 Report Number:

1. Commitment Date: January 14, 2021 at 8:00 A.M.**2. Policy to be issued:****Proposed Policy Amount**

ALTA Owner's Policy	Standard		1,000.00
Standard Owners Rate and		Premium:	\$500.00
Work Charge		Tax:	\$49.50
		Total:	\$549.50

Proposed Insured: City of Lakewood

3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Lakewood Cinema Plaza, LLC, a Washington Limited Liability Company (See Requirement No. 5)

5. The Land is described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule A 8-1-16 (4-2-18) PS2



EXHIBIT "A"**Legal Description:**

Parcels A, B, and C, WARD'S LAKE RETAIL CENTER, BINDING SITE PLAN, according to Survey recorded March 01, 1989 under Recording No. 8903010409, records of Pierce County Auditor.

Situate in the City of Lakewood, County of Pierce, State of Washington.

[Assessor Map](#)

Abbreviated Legal: Parcels A, B, and C, Wards Lake Retail Center, BSP, Rec. 8903010409

Parcel No(s): 032031-1051, 032031-5018, and 032031-1060

Purported Address: 2510 S 84th St., Lakewood, WA 98499

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule A Legal PS2 8-1-16 (4-2-18)

ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART I

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

Requirements

File No.: 218854

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Proof of the authority of the members and or managers of Lakewood Cinema Plaza, LLC, a Washington Limited Liability Company, to execute the forthcoming instrument(s). The Company requires submission of a copy of the certificate of formation and the limited liability company agreement, together with any amendments thereto, and a copy of the latest annual report. Further requirements may be necessary after the requested submissions are made.
6. The amount of insurance of the proposed Policy is limited to \$1,000.00. The total liability of the Company under this commitment shall not exceed that amount unless and until another amount of policy coverage is agreed upon.

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B I 8-1-16 (4-2-18) PS2



ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

Exceptions

File No.: 218854

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

GENERAL EXCEPTIONS

- B. Taxes or assessments which are not shown as existing liens by the public records.
- C. (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights, claims or title to water; whether or not the matters described (i), (ii) & (iii) are shown in the public records; (iv) Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- D. Rights or claims of parties in possession not shown by the public records.
- E. Easements, claims of easement or encumbrances which are not shown by the public records.
- F. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises and which are not shown by the public records.
- G. Any lien, or right to a lien, for contributions to Employee Benefit funds, or for State Workers' Compensation, or for services, labor or materials or medical assistance heretofore or hereafter furnished, imposed by law and not shown by the public records.
- H. Any service, installation, connection, maintenance, tap, capacity, construction or reimbursement charges/costs for sewer, water, electricity or other utilities, or for garbage collection and disposal.
- I. Any titles or rights asserted by anyone, including but not limited to persons, corporations, governments, or other entities, to tidelands, or lands comprising the shores or bottoms of navigable rivers, lakes, bays, ocean or gulf, or lands beyond the line of the harbor or bulkhead lines as established or changed by the United States Government, or riparian rights, if any.

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)

ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

- J. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

SPECIAL EXCEPTIONS FOLLOW

1. Relinquishment of access to state highway and of light, view and air by deed to the State of Washington:

Recorded: May 20, 1957

Recording No.: [1787544](#)

Affects: Parcel C and other property

2. Easement and the terms and conditions thereof:

Grantee: City of Tacoma

Purpose: Sewer or Sewers

Affects: Parcel A

Recorded: September 11, 1967

Recording No.: [2205792](#)

3. Covenants, Conditions, Restrictions, Easements and liability, if any, for Assessments, Liens or Charges, but omitting any covenant or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained in instrument,

Recorded: October 06, 1986

Recording No.: [8610060276](#)

NOTE: Said covenants, conditions and restrictions have been modified by instrument

Recording No.: [8802160213](#), [9001110173](#), and [9905110310](#)

Assignment of Declarant's Rights, and the terms and conditions thereof:

Recorded: June 1, 1989

Recording No.: [8906010412](#)

4. Reciprocal Easement and Mutual Maintenance Agreement, and the terms and conditions thereof:

Recorded: November 22, 1986

Recording No.: [8612220170](#)

Affects: Parcels A and C

5. Memorandum of Agreement and Covenant to run with the Land, and the terms and conditions thereof:

Recorded: January 8, 1987

Recording No.: [8701080270](#)

6. Easement and Covenant, and the terms and conditions thereof:

Recorded: April 28, 1987

Recording No.: [8704280392](#)

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)



ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

7. Easement and the terms and conditions thereof:

Grantee: City of Tacoma
Purpose: Storm sewer line
Affects: Parcel A
Recorded: September 11, 1987
Recording No.: [8709110254](#)

8. Common Foundation Agreement, and the terms and conditions thereof:

Recorded: October 20, 1987
Recording No.: [8710200057](#)

9. Covenants, Conditions, Restrictions, Easements and liability, if any, for Assessments, Liens or Charges, but omitting any covenant or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as contained on Ward's Lake Retail Center, Binding Site Plan, recorded under Recording No [8903010409](#).

10. Water System Easement Agreement, and the terms and conditions thereof:

Recorded: May 31, 1989
Recording No.: [8905310495](#)

11. Memorandum of Option and Agreement to Grant Easement, and the terms and conditions thereof:

Recorded: February 09, 1995
Recording No.: [9502090177](#)

Notice to Exercise Option, and the terms and conditions thereof:

Recorded: March 11, 1996
Recording No.: [9603110199](#)
Affects: Parcel C

12. Notice of Agreement, and the terms and conditions thereof:

Recorded: March 21, 1996
Recording No.: [9603210386](#)
Affects: Parcel C

13. Lakewood Water District Easement for Water Main, and the terms and conditions thereof:

Recorded: March 03, 1999
Recording No.: [9903030325](#)

14. Easement Agreement, and the terms and conditions thereof:

Recorded: October 29, 1999
Recording No.: [9910290433](#)
Affects: Parcel A

15. Declaration of Restrictive Covenant, and the terms and conditions thereof:

Recorded: July 12, 2002
Recording No.: [200207120045](#)

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)



ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

Affects: Parcels A and C

16. Matters disclosed by Survey;

Recorded: January 03, 2003

Recording No.: [200301035006](#)

Affects: Parcel A

17. Memorandum of Sublease, and the terms and conditions thereof:

Recorded: August 15, 2000

Recording No.: [200008150684](#)

18. Unrecorded Leaseholds, if any, rights of vendors and security agreement on personal property and rights of tenants, and secured parties to remove trade fixtures at the expiration of the term.

19. 2021 Property Taxes became a Lien January 1, 2021. They are not yet ascertainable or payable until February 15, 2021.

Levy Code: 760

Tax Account No.: **032031-1051**

Land: \$2,380,100.00

Improvements: \$0.00

Note: Taxes and Charges for 2020 were paid in full in the amount of \$37,927.38.

Affects: Parcel A

20. 2021 Property Taxes became a Lien January 1, 2021. They are not yet ascertainable or payable until February 15, 2021.

Levy Code: 760

Tax Account No.: 032031-5018

Land: \$9,300.00

Improvements: \$0.00

Note: Taxes and Charges for 2020 were paid in full in the amount of \$132.00.

Affects: Parcel B

21. 2021 Property Taxes became a Lien January 1, 2021. They are not yet ascertainable or payable until February 15, 2021.

Levy Code: 760

Tax Account No.: 032031-1060

Land: \$8,819,900.00

Improvements: \$1,967,000.00

Note: Taxes and Charges for 2020 were paid in full in the amount of \$180,039.32.

Affects: Parcel C

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)

ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

22. Payment of the Real Estate Excise Tax, if required.

Effective January 1, 2020, the State of Washington has switched to a graduated Excise Tax scale based on the selling price of the property as well as the use of the property. An explanation of the changes and a link to a state excise tax calculator can be found [here](#).

In addition, the required local excise tax rates can be found [here](#).

According to Assessor's records said property is located in: City of Lakewood

End of Special Exceptions

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)



ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY

Puget Sound Title - Tacoma

As Agent for Stewart Title Guaranty Company

NOTES

- A. The legal description contained herein has been derived from information submitted with the application and as available from the record title. Said description should be carefully reviewed to assure it meets the intentions of the parties to this transaction.
- B. Any maps, plats or surveys attached to this commitment are provided solely for informational purposes and to assist in locating the property with reference to streets and other parcels. While it is believed to be correct, Puget Sound Title - Tacoma assumes no liability for any loss occurring by reason of reliance thereon.
- C. This office conforms to the Federal Privacy Laws. Please see attached Privacy Policy Notice.
- D. Recording fees charged by the county are as follows:
Deeds of Trust: \$104.50 for the first page and \$1 each additional page
Deeds: 103.50 for the first page and \$1 each additional page

For your added convenience, we electronically record our Refinance and Equity files with the Auditor.

****Please add \$5.00 per document for electronic recording.**

Documents should be sent to our University Place office at:
5350 Orchard Street W Suite 100
University Place, WA 98467

- E. A search of the public records for Pierce County discloses no judgments against Lakewood Cinema Plaza, LLC
- F. which would constitute liens upon the premises described herein other than the following: NONE
- G. NOTE: There are no deeds affecting said land recorded within 24 months of the date of this report, EXCEPT: [202012221317](#) and [202012230279](#)
- H. NOTE: For Informational Purposes, the common street address for said premises is:

2510 S 84th St.
Lakewood, WA 98499

Copies to:
Puget Sound Title Company - Sara K. Graves
Cascade Right-of-Way Services, Inc. - Brian Fagemess

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File No. 218854

WA ALTA Commitment For Title Insurance Schedule B II 8-1-16 (4-2-18)





ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:

Meagen C. Johnson

Puget Sound Title - Tacoma
5350 Orchard Street W., Suite 100
University Place, WA 98467
(253) 474-4747



Frederick H. Eppinger
Frederick H. Eppinger
President and CEO

Denise Carraux
Denise Carraux
Secretary

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ALTA Commitment For Title Insurance 8-1-16 (4-2-18)
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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I - Requirements;
- (f) Schedule B, Part II - Exceptions; and
- (g) a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

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ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

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STG Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> ▪ request insurance-related services ▪ provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056

Effective Date: January 1, 2020

Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

Category A: Identifiers
 Category B: California Customer Records personal information categories
 Category C: Protected classification characteristics under California or federal law
 Category D: Commercial Information
 Category E: Biometric Information
 Category F: Internet or other similar network activity
 Category G: Geolocation data
 Category H: Sensory data
 Category I: Professional or employment-related information
 Category J: Non-public education information
 Category K: Inferences

Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at Privacyrequest@stewart.com
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Deputy Chief Compliance Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

STG Privacy Notice 2 (Rev 01/26/09) Independent Agencies and Unaffiliated Escrow Agents

WHAT DO/DOES THE Puget Sound Title - Tacoma DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Puget Sound Title - Tacoma, and its affiliates ("N/A"), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as Puget Sound Title - Tacoma, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies.	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

Sharing practices

How often do/does Puget Sound Title - Tacoma notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do/does Puget Sound Title - Tacoma protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do/does Puget Sound Title - Tacoma collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> request insurance-related services provide such information to us <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact Us

If you have any questions about this privacy notice, please contact us at: Puget Sound Title - Tacoma, 5350 Orchard Street W., Suite 100, University Place, WA 98467

CITY OF LAKEWOOD PURCHASE AND SALE AGREEMENT

THIS CITY OF LAKEWOOD PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into as of the Effective Date (defined in Section 32 below) by and between Lakewood Cinema Plaza, LLC, ("Seller") and CITY OF LAKEWOOD, a municipal corporation and political subdivision of the state of Washington (hereinafter "Purchaser"). Seller and Purchaser may hereinafter be collectively referred to as "Parties" or individually as a "Party."

RECITALS

WHEREAS Seller is sole owner in fee simple of that certain parcels of real property in the City of Lakewood, Pierce County, Washington, legally described in attached **Exhibit A** ("Legal Descriptions and map"); and

WHEREAS the Protected Property contains features consistent with the purposes and values described in chapter 84.34 of the Revised Code of Washington (hereinafter "RCW") and chapters 2.96 and 2.97 of the Pierce County Code (hereinafter "PCC") including, without limitation: (a) open spaces; (b) wildlife habitat areas; (c) streams; (d) wetlands; and (e) aquifer recharge and flood control areas ("Conservation Characteristics"); and

WHEREAS Seller desires to sell and convey the Protected Property to Purchaser and Purchaser desires to purchase and accept the same from Seller upon the terms, covenants and conditions set forth in this Agreement; and

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, Seller and Purchaser agree as follows:

AGREEMENT

1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference as if fully set forth.

2. **Purchase and Sale**

2.1 **Purchase and Sale.** Seller shall sell and convey to Purchaser, and Purchaser shall purchase and accept from Seller, all of Seller's right, title and interest in and to the Protected Property.

3. **Purchase Price and Payment.** The total purchase price for the Protected Property shall be \$55,000.00 and shall be paid by Purchaser to Seller through escrow at Closing (defined in Section 15 below) by cashier's check, certified check or wire transfer of immediately available funds to Closing Agent (defined in Section 6 below).

4. Due Diligence.

4.1 Due Diligence Review. Purchaser's obligation to complete the transaction contemplated by this Agreement is subject to and conditioned upon Purchaser determining in its sole and absolute judgment and discretion it is satisfied with its due diligence review ("Due Diligence Review") of the Protected Property including, without limitation, the fair market value of the Protected Property and the environmental, geotechnical, land use and physical aspects thereof.

4.2 Due Diligence Period. Purchaser shall have THIRTY (30) calendar days after the Effective Date ("Due Diligence Period") within which to conduct its Due Diligence Review and to notify Seller in writing of its intention to proceed with its purchase of the Protected Property ("Notice to Proceed"). If Purchaser fails to timely deliver to Seller its Notice to Proceed, this Agreement shall automatically terminate, and the Parties shall thereafter have no further right or remedies under this Agreement except those that expressly survive termination hereof.

4.3 Due Diligence Materials. Seller shall provide to Purchaser, or make available to Purchaser for inspection, as soon as possible (but in any event no later than TEN (10) business days after the Effective Date) all materials specified below that are in Seller's possession or control ("Due Diligence Materials"). If Seller thereafter discovers any additional items that should have been included among the Due Diligence Materials, Seller shall promptly deliver them to Purchaser. The Due Diligence materials shall include: (a) copies of any existing and proposed easements, covenants, restrictions, agreements, or other documents that affect title to, or Seller's possession and/or use of, the Protected Property that are not disclosed in the Preliminary Commitment; (b) all reports, surveys, plats or plans that affect or relate to the Protected Property; (c) notice of any existing or threatened litigation that affect or relate to the Protected Property and copies of any pleadings with respect to that litigation; (d) all environmental assessment reports with respect to the Protected Property performed during the FIVE (5) years preceding the Effective Date or that are currently being performed by or for Seller; (e) any governmental correspondence, orders, requests for information or action and other legal documents that relate to the presence of hazardous materials (as defined under state and/or federal law) in, on, under or about the Protected Property and any other written information relating to the environmental condition or potential contamination thereof; and (f) any preliminary titleinsurance reports that affect or relate to the Protected Property.

4.4 Right of Access. During the Due Diligence Period, Purchaser and its agents, employees, appraisers, contractors and consultants shall be afforded reasonable access and entry onto the Protected Property to conduct such studies, tests, appraisals, investigations and inspections as are reasonably necessary to complete the Due Diligence Review. All such studies, tests, appraisals, investigations and inspections shall occur at Purchaser's sole cost and expense and shall be performed in a manner not unreasonably disruptive to Seller's possession, use or occupancy of the Protected Property. Purchaser shall repair any and all damage to the Protected Property caused by its studies, tests, appraisals, investigations and inspections and shall indemnify and hold Seller harmless from any claim, liability, loss or expense of any kind, type or nature whatsoever including, without

limitation, reasonable costs and attorney fees, asserted against Seller or the Protected Property arising out of or relating in any way to Purchaser's entry thereon; provided, however, that such repair and indemnification shall not cover any claims, demands, liabilities, liens, judgments, costs or expenses, including, without limitation, reasonable costs and attorney fees, attributable to pre-existing adverse conditions affecting the Protected Property or to Seller's sole conduct. Purchaser shall keep confidential all matters it may discover during its investigation and inspection of the Protected Property and, except as required by law, shall not disclose such matters to any third party, other than those assisting Purchaser in its Due Diligence Review, without Seller's prior written consent (and with written notice to Seller prior to any legally compelled disclosure). Unless expressly provided to the contrary elsewhere in this Agreement, Seller shall be under no obligation to correct any deficiency in the Protected Property identified by Purchaser during the Due Diligence Review.

5. Seller's Disclosures. The Protected Property constitutes "improved commercial real property" within the meaning of RCW 64.06.005(1). Accordingly, within TEN (10) business days from the Effective Date, Seller shall deliver to Purchaser the disclosure statement contained in RCW 64.06.020 and Purchaser shall acknowledge receipt thereof in writing within FIVE (5) business days thereafter.

6. Commitment for Title Insurance. *Puget Sound Title-* The Parties have received from Puget Sound Title, 5350 Orchard St W., Ste 100 University Place, WA 98467 ("Closing Agent") a commitment for an ALTA standard owner's policy of title insurance covering the Protected Property issued by Stewart Title Guarantee Company, a Texas corporation, under Commitment No. XXXXXXXX-PC ("Commitment"). Within FIVE (5) business days after the Effective Date, Seller shall order from Closing Agent an update to the Commitment, together with complete and legible copies (to the extent they are available) of any recorded exceptions identified in Schedule B thereof, and shall request of Closing Agent that the update to the Commitment be completed and delivered to purchaser within FIVE (5) business days after Seller's request.

7. Approval of Title. Seller and Purchaser shall conduct their review and approval of title to the Protected Property in accordance with the procedures set forth in Sections 7.1 through 7.4 below.

7.1 Purchaser's Title Cure Notice. Purchaser shall have TEN (10) business days after receipt of the update to the Commitment within which to notify Seller in writing whether, in its sole and absolute judgment and discretion, Purchaser disapproves of any exception in Schedule B thereof ("Purchaser's Title Cure Notice"). All monetary liens, encumbrances or defects, if any, shall automatically be deemed disapproved. Purchaser's failure to deliver Purchaser's Title Cure Notice shall, subject to Section 7.4 below, constitute its unconditional approval of all exceptions in Schedule B except monetary liens, encumbrances and defects. Exceptions not disapproved by Purchaser shall be deemed "Permitted Exceptions."

7.2 Seller's Title Cure Notice. Seller shall have FIVE (5) business

days after receipt of Purchaser's Title Cure Notice within which to notify Purchaser in writing whether, in his sole and absolute judgment and discretion, Seller will cure or remove any exceptions disapproved by Purchaser pursuant to Section 7.1 above ("Seller's Title Cure Notice"). Notwithstanding Seller's discretion in the foregoing sentence, Seller shall remove on or before Closing all monetary liens, encumbrances or defects affecting the Protected Property. Except for monetary liens, encumbrances and defects, Seller's failure to deliver Seller's Title Cure Notice shall constitute Seller's election not to remove any such exceptions. Seller shall remove all exceptions it elects to remove on or before Closing.

7.3 Purchaser's Title Termination Notice. If Seller elects not to remove all exceptions disapproved by Purchaser pursuant to Section 7.1 above, Purchaser may, in its sole and absolute judgment and discretion, and not later than the expiration of the Due Diligence Period, elect to terminate this Agreement by written notice to Seller ("Purchaser's Title Termination Notice"), in which case this Agreement shall automatically terminate and neither Party shall have any further rights or remedies under this Agreement except those that expressly survive the termination hereof. If Purchaser fails to timely deliver Purchaser's Title Termination Notice, disapproved exceptions (except monetary liens, encumbrances and defects) that Seller has elected not to remove shall be deemed Permitted Exceptions.

7.4 Supplemental Commitments. If any supplement to the Commitment issued after the date of Purchaser's Title Cure Notice contains a lien, encumbrance or defect affecting the Protected Property not disclosed in the Commitment or any supplement thereto, or materially modifies a lien, encumbrance or defect contained in the Commitment or any supplement thereto, Purchaser shall be entitled to disapprove any such matter by written notice to Seller delivered within FIVE (5) business days after Purchaser's receipt of any such supplement. If Purchaser timely disapproves, the provisions of Sections 7.2 and 7.3 above shall apply, except Seller shall have only TWO (2) business days to deliver their notice to Purchaser and Purchaser shall have only TWO (2) business days following receipt of Seller's notice to make its election.

8. Conveyance of Title. Seller shall convey fee simple title to the Protected Property to Purchaser at Closing by statutory warranty deed ("Statutory Warranty Deed") substantially in the form set forth in attached **Exhibit B**, free and clear of all liens, encumbrances and defects except the Permitted Exceptions.

9. Title Insurance Policy. At Closing, or as soon thereafter as permitted by Closing Agent, Seller shall cause Closing Agent to issue to Purchaser an ALTA owner's standard coverage policy of title insurance covering the Protected Property ("Title Policy") in the full amount of the Purchase Price insuring, as of Closing, fee simple title to the Protected Property in Purchaser or Purchaser's assignee identified in Section 10 below, free and clear of all liens, encumbrances and defects except the Permitted Exceptions.

10. Assignment of Contract Rights. Purchaser intends to assign, upon terms and conditions acceptable to Purchaser in its sole and absolute judgment and discretion, some or all or of its rights, duties and/or liabilities under this Agreement to the City of Lakewood, a Washington municipal corporation ("Lakewood"), including, without limitation, the

obligation to pay all or a portion of the Purchase Price and the right to receive title to the Protected Property at Closing as grantee under the Statutory Warranty Deed. Upon Purchaser's election to make any such assignment to Lakewood, Purchaser's obligation to complete the transaction contemplated by this Agreement shall be subject to and conditioned upon Lakewood accepting said assignment from Purchaser; provided, that any termination by Purchaser of this Agreement pursuant to this Section 10 shall be conditioned on Purchaser paying the cost of cancelling the Commitment. Purchaser shall provide written notice to Seller of any such assignment and thereupon Seller shall: (a) deal directly with Lakewood with respect to the contract rights and duties assigned; and (b) be conclusively deemed to have released Purchaser from any obligation, liability, claim or demand of any kind, type or nature whatsoever arising out of or relating in any way to the contract rights and duties assigned. The foregoing sentence is not intended to relieve Purchaser of any obligations hereunder not assigned to Lakewood or to release Purchaser from its representations in Section 12.2 below, which shall survive termination, expiration or assignment of this Agreement.

11. Conduct of Business. From the Effective Date until Closing or earlier termination of this Agreement, Seller shall: (a) keep and maintain the Protected Property in a neat, clean, safe and sanitary order, condition and repair; (b) not materially violate or breach any applicable current and future zoning or land use laws, ordinances, rules or regulations applicable to the Protected Property, nor commit any waste or nuisance thereupon; (c) not enter into any new leases, contracts or other agreements relating to the Protected Property that have terms extending beyond Closing without Purchaser's prior written consent, which consent may be granted, withheld, conditioned or delayed by Purchaser in its sole and absolute judgment and discretion.

12. Representations and Warranties.

12.1 By Seller. Seller represents and warrants to Purchaser as follows:

12.1.1 Authority. Seller has full right, title, authority and capacity to execute and perform this Agreement and to consummate the transaction contemplated hereby;

12.1.2 Litigation. There are no actions, suits or proceedings pending or threatened against Seller in any court or before any administrative agency that might result in Seller being unable to consummate the transaction contemplated by this Agreement;

12.1.3 Condemnation. This Agreement is not made or entered into under the threat of condemnation of the Protected Property;

12.1.4 Possessory Rights. The Protected Property is not subject to any encroachments, leases, tenancies, or rights of persons in possession;

12.1.5 Personal Property. Seller shall remove, at Seller's sole cost and expense, prior to Closing, all personal property located in, on, under or about the Protected Property, any vehicles and/or other debris on the property.

12.1.6 Unrecorded Encumbrances. The Protected Property is not the subject of any unrecorded deeds of trust, real estate contracts or options, or any other encumbrances that are to remain unpaid after Closing;

12.1.7 Hazardous Materials. Seller has not received notification from any governmental agency that the Protected Property is, or may be, in violation of any environmental law or is, or may be, targeted for a Superfund cleanup site. To the best of Seller's knowledge, the Protected Property has not been used for dumping, as a landfill, waste storage, or disposal site, or for the storage or disposal of any chemicals, petroleum products, or hazardous or dangerous wastes or substances;

12.1.8 Underground Storage Tanks. Seller is unaware of any underground storage tanks; and

12.1.9 Real Estate Brokers. Seller has not had any contact or dealing regarding the Protected Property or the subject matter of this Agreement through any licensed real estate broker or other person who can claim a right to a commission or finder's fee as a procuring cause of the purchase and sale contemplated by this Agreement. If Seller has had any dealings or communications with a broker or finder through which a claim for a commission or finder's fee is perfected, Seller shall be solely liable for payment of that commission or fee and shall indemnify, defend and hold Purchaser harmless from and against any liability, cost or damage (including costs and attorney fees), arising out of or in any way relating to that claim.

12.1.10 Change in Circumstances. If, prior to Closing, Seller becomes aware of any fact or circumstance that would change a representation or warranty made in this Agreement by Seller, then Seller shall promptly give written notice thereof to Purchaser. If Seller gives written notice of any such change, or if Purchaser otherwise has actual notice of any such change, Purchaser shall have the option to terminate this Agreement within TEN (10) business days from the date Purchaser receives written notice of the changed fact or circumstance (or the end of the Due Diligence Period, if later) and all of Seller's and Purchaser's obligations under Agreement shall terminate, except those that expressly survive a termination hereof.

12.2 By Purchaser. Purchaser represents and warrants to Seller as follows:

12.2.1 Authority. Purchaser has full right, title, authority and capacity to execute and perform this Agreement and to consummate the transaction contemplated hereby and the individual(s) who on Purchaser's behalf execute and deliver this Agreement and all documents to be delivered to Seller hereunder are and shall be authorized to do so;

12.2.2 Litigation. There is no litigation pending or, to Purchaser's knowledge, threatened, against Purchaser before any court or administrative agency which might result in Purchaser being unable to consummate the transactions contemplated by this Agreement;

12.2.3 Condemnation. This Agreement is not made or entered into under the threat of condemnation of the Protected Property;

12.2.4 Council Approval. Purchaser has received all necessary governmental approvals and funding authorizations to purchase the Protected Property. The foregoing notwithstanding, Seller acknowledges Purchaser may, in its sole and absolute judgment and discretion, terminate this Agreement if, prior to Closing, the Lakewood City Council withdraws its approval and/or funding authorization for the purchase of the Protected Property.

12.2.5 Conservation Purposes. Purchaser is acquiring the Protected Property solely for conservation and open space purposes consistent with chapter 84.34 of the Revised Code of Washington and chapters 2.96 and 2.97 of the Pierce County Code.

12.2.6 Receiving Agency Affidavit. Lakewood is a Public Receiving Agency as defined in Section 2.97.020 of the Pierce County Code and has executed and delivered to Purchaser a Receiving Agency Affidavit declaring its willingness to take and hold title to the Protected Property in perpetuity as open space land for and on behalf of the public.

12.2.7 Real Estate Brokers. Purchaser has not had any contact or dealing regarding the Protected Property or the subject matter of this Agreement through any licensed real estate broker or other person who can claim a right to a commission or finder's fee as a procuring cause of the purchase and sale contemplated by this Agreement. If Purchaser has had any dealing or communication with a broker or finder through which a claim for a commission or finder's fee is perfected, Purchaser shall be solely liable for payment of that commission or fee and shall indemnify, defend and hold Seller harmless from and against any liability, cost or damage (including costs and attorney fees), arising out of or in any way relating to that claim.

12.2.8 Change in Circumstances. If, prior to Closing, Purchaser becomes aware of any fact or circumstance that would change a representation or warranty made in this Agreement by Purchaser, then Purchaser shall promptly give written notice thereof to Seller. If Purchaser gives written notice of any such change, or if Seller otherwise has actual notice of any such change, Seller shall have the option to terminate Purchase & Sale Agreement

this Agreement within TEN (10) business days from the date Seller receives written notice of the changed fact or circumstance (or the end of the Due Diligence Period, if later) and all of Seller's and Purchaser's obligations under this Agreement shall terminate, except those that expressly survive a termination hereof.

12.3 Other Representations and Warranties. Seller and Purchaser acknowledge and agree, except as may be expressly provided to the contrary elsewhere in this Agreement or in the Disclosure Statement described in Section 5 above, neither Party has made any statement, representation, warranty or agreement as to any matter concerning the Protected Property or the suitability thereof for Purchaser's intended uses and that Purchaser has made or will make its own independent inspection and investigation of the Protected Property and is acquiring the same in their present, "AS-IS" condition.

13. Foreign Investment in Real Property Tax Act. If requested by Closing Agent, the Parties agree to comply in all respects with the Foreign Investment in Real Property Tax Act (hereinafter "FIRPTA"), as set forth in Section 1445 of the Internal Revenue Code and the regulations issued thereunder.

14. Conditions Precedent to Closing.

Purchaser's Conditions. Purchaser's obligation to complete the transaction contemplated by this Agreement is subject to and conditioned upon satisfaction or waiver of each of the following conditions precedent:

14.1.1 Due Diligence Review. Purchaser's timely issuance of the Notice to Proceed pursuant to Section 4 above;

14.1.2 Title Policy. Closing Agent's commitment to issue the Title Policy described in Section 9 above;

14.1.3. Closing Deliveries. Seller delivery to Closing Agent, on or before Closing, of the instruments, documents and monies described in Sections 16.1 and 16.2 below;

14.1.4 Receiving Agency Agreement. Purchaser having entered into an agreement with Lakewood acceptable to Purchaser in its sole and absolute judgment and discretion outlining the terms, covenants, conditions and restrictions upon which Lakewood shall: (a) accept Purchaser's assignment of some or all of Purchaser's rights, duties and/or liabilities under this Agreement including, without limitation, payment of all or a portion of the Purchase Price; and (b) take and hold title to the Protected Property in perpetuity as open space land for and on behalf of the general public; and

14.1.5 Other Conditions. Satisfaction or waiver, on or before Closing of all other conditions to Closing for the benefit of Purchaser as set forth in this Agreement.

14.2 Seller's Conditions. Seller's obligation to complete the transaction contemplated by this Agreement is subject to and conditioned upon satisfaction or waiver of each of the following conditions precedent:

14.2.1 Closing Deliveries. Purchaser's delivery to Closing Agent, on or before Closing, of the instruments, documents and monies described in Section 16.3 below;

14.2.2 Other Conditions. Satisfaction or waiver, on or before the Closing, of all other conditions to Closing for the benefit of Seller as set forth in this Agreement.

14.3 Failure or Waiver of Conditions Precedent. If any of the conditions precedent set forth in this Section 14 are not satisfied or waived by the Party intended to be benefited thereby, this Agreement shall automatically terminate and neither Party shall have any further rights or remedies against the other, except those that expressly survive termination hereof. The foregoing notwithstanding, either Party may, in its or his sole and absolute judgment and discretion, at any time or times on or before the date (and, if indicated, the time) specified for the satisfaction of the condition, waive in writing the benefit of any condition precedent.

15. Closing; Possession. "Closing" shall mean the date upon which the Statutory Warranty Deed is recorded by Closing Agent and the proceeds of sale are legally available for disbursement to Seller. Closing shall take place at the offices of Closing Agent, or at such other place as Seller and Purchaser may mutually agree in writing, within THIRTY (30) calendar days after Purchaser's waiver or satisfaction of the Due Diligence Review, but in no event later than November 30, 2021 ("Outside Closing Date"). Seller and Purchaser agree to execute and deliver to Closing Agent such closing escrow instructions as may be necessary to implement and coordinate Closing. Purchaser shall be entitled to possession of the Protected Property at Closing. If this transaction fails to close by the Outside Closing Date, the non-defaulting Party (or in the event the failure to close is not due to the default of a party, then either Party) may terminate this Agreement by giving written notice of the same to the other Party, and neither Party shall have any further rights or remedies under this Agreement except those that expressly survive termination hereof.

16. Closing Deliveries. On or before closing the following shall be delivered to Closing Agent: Sara Graves

16.1 By Seller. (a) the Statutory Warranty Deed, duly executed and acknowledged; (b) a Real Estate Excise Tax Affidavit relating to the Statutory Warranty Deed, duly executed; (c) a FIRPTA no foreign affidavit (if required by Closing Agent), duly executed and acknowledged; and (d) all other instruments, documents and monies required by this Agreement and/or Closing Agent on or following Closing to consummate the transaction contemplated hereby.

16.2 By Purchaser. (a) a Real Estate Excise Tax Affidavit relating to the Statutory Warranty Deed, duly executed; (b) the Purchase Price; and (c) all other instruments, documents and monies required by this Agreement and/or Closing Agent on or following Closing to complete the transaction contemplated hereby.

17. Closing Costs; Prorations.

17.1 Seller's Closing Costs. Seller shall pay: (a) the Real Estate Excise Tax due at Closing; (b) his own attorney fees; and (c) all other costs and expenses allocated to Seller under this Agreement.

17.2 Purchaser's Closing Costs. Purchaser shall pay: (a) the cost of recording the Statutory Warranty Deed; (b) escrow fees; (c) the premium for the Title Policy (d) its own attorney fees; and (e) all other costs and expenses allocated to Purchaser under this Agreement.

17.3 Prorations; Adjustments. Any liens, assessments or charges imposed by law upon the Protected Property shall be prorated as of Closing, with such prorations to be a final settlement between the Parties. Seller and Purchaser agree, to the extent items are prorated or adjusted at Closing on the basis of estimates, or are not prorated

or adjusted at Closing pending actual receipt of funds or a compilation of information upon which such prorations or adjustments are to be based, each of them will, upon a proper accounting, pay to the other such amounts as may be necessary such that Seller shall receive the benefit of all income and shall pay all expenses of the Protected Property prior to Closing and Purchaser shall receive all income and shall pay all expenses of the Protected Property after Closing. If Purchaser receives any bill or invoice which relates to periods prior to Closing, Purchaser shall refer such bill to Seller and Seller shall pay, promptly upon receipt, such portion of the bill or invoice as relates to the period prior to Closing. If Seller does not pay such bill in a timely manner, Purchaser may, at its option, pay such bill or invoice and Seller shall become and remain liable to Purchaser for the full amount thereof until paid.

18. Risk of Loss; Change in Condition. Risk of loss of or damage to the Protected Property shall be borne by Seller until Closing and risk of loss of or damage to the Protected Property shall be borne by Purchaser thereafter. In the event of a material loss of or damage to the Protected Property prior to Closing, or in the event of a material adverse change in the condition thereof prior to Closing, Seller shall promptly notify Purchaser in writing. Purchaser may elect in its sole and absolute judgment and discretion, by notice in writing to Seller within TEN (10) calendar days after receipt of Seller's notice or, if Seller does not notify Purchaser, within TEN (10) calendar days after the time Purchaser otherwise has actual notice of the material loss or damage or material adverse change, either to terminate this Agreement or to purchase the Protected Property in the condition existing at Closing. If Purchaser does not give such notice, Purchaser shall be deemed to have elected to proceed with the purchase.

19. Condemnation. If, prior to Closing all, or any portion of, the Protected Property is taken by, or made subject to, condemnation, eminent domain or other governmental acquisition proceedings, then Purchaser, in its sole and absolute judgment and discretion, may elect either: (a) to terminate this Agreement by written notice to Seller given within FIVE (5) calendar days after Seller's receipt of written notice of such action, whereupon neither Party shall have any further rights or duties under this Agreement except those which expressly survive termination hereof; or (b) to agree to close and deduct from the Purchase Price an amount equal to any sum paid to Seller for such governmental acquisition.

20. Notices. Notices shall be in writing and sent by either: (a) United States mail, return receipt requested; (b) recognized overnight courier; or (c) facsimile. Notices shall be deemed delivered on the earlier of: (a) three (3) business days after deposit in the United States mail; (b) the delivery date as shown in the delivery records of the overnight courier; or (c) the date of confirmed receipt by the recipient's fax:

To Seller: Lakewood Cinema Plaza, LLC

To Lakewood: City of Lakewood
ATTN: Mary Dodsworth, Parks & Recreation
6000 Main Street SW
Lakewood, WA 98499
Telephone: 253-983-7741
Facsimile: 253-589-3774
Email: mdodsworth@cityoflakewood.us

Copy to: Lakewood City Attorney
ATTN: Heidi Ann Wachter
6000 Main Street SW
Lakewood, WA 98499
Telephone: 253-983-7704
Facsimile: 253-589-3774

To Closing Agent: Puget Sound Title Company
(Title) ATTN: Meagen Johnson
5350 Orchard Street W
University Place, WA 98467
Telephone: (253) 474-4747

To Closing Agent: Puget Sound Title Company
(Escrow) ATTN: Sara Graves
5350 Orchard Street W
University Place, WA 98467
Telephone: (253) 474-4747

Any Party, by written notice to the other in the manner herein provided, may designate an address different from that set forth above. Any notices sent by a party's attorney on behalf of such Party shall be deemed delivered by such Party. **NOTICE: Electronic mail addresses provided above are for convenience only and do not constitute a valid method for providing notice pursuant to this Agreement.**

21. Default; Remedies. If either Seller or Purchaser defaults in the performance of any material term, covenant and/or condition of this Agreement, the non-defaulting Party may seek: (a) specific performance of this Agreement and/or damages; or (b) rescission of this Agreement; or (c) all other remedies available at law and equity.

22. Attorney Fees; Venue. The substantially prevailing Party in any action or proceeding between the Parties for the construction, interpretation or enforcement of this Agreement shall be entitled to recover reasonable costs and attorney fees (including, without limitation, reasonable costs and attorney fees incurred in appellate proceedings, or in any action or participation in, or in connection with, any case or proceeding under the Bankruptcy Code, and expenses for witnesses, including expert witnesses), in addition to all other relief to which the substantially prevailing Party may be entitled. The venue of any action arising out of or relating to this Agreement shall be in the Superior Court of Pierce County, Washington.

23. Negotiation and Construction. This Agreement was negotiated by the Parties with the assistance of their own legal counsel and shall be construed and interpreted according to its fair meaning and not strictly for or against either Party. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington.

24. Title/Escrow Cancellation. If this Agreement is terminated for any reason other than the default of Seller, Purchaser shall pay the cost (if any) charged by Closing Agent to cancel the Commitment and/or close the escrow.

25. Time. Time is of the essence of this Agreement and of every term and provision hereof.

26. Entire Agreement; Modification. This Agreement constitutes the entire agreement of the Parties with respect to the Protected Property and supersedes all written or oral agreements or understandings, if any. This Agreement may be modified only in writing signed by all Parties.

27. Date of Performance. If the date for any performance under this Agreement falls on a weekend or holiday, the time shall be extended to the next business day.

28. Cost of Performance. Except as otherwise expressly provided in this Agreement, all covenants, agreements and undertakings of a Party shall be performed at

the sole cost and expense of that Party without a right of reimbursement or contribution from the other Party.

29. Survival of Provisions; Binding Effect. The covenants, representations, agreements, terms and provisions contained in this Agreement shall survive Closing and shall not be deemed to have merged with or into the Statutory Warranty Deed. This Agreement shall be binding upon and shall inure to the benefit of the Parties and upon their heirs, successors and assigns.

30. Invalid Provision. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such illegal, invalid or unenforceable provision or by its severance from this Agreement.

31. Exhibits. The following exhibits are attached to this Agreement and by this reference incorporated herein as if fully set forth:

Exhibit A	--	Legal Description of Protected Property
Exhibit B	--	Statutory Warranty Deed

32. Effective Date. The "Effective Date" of this Agreement shall be the date upon which Purchaser's County Executive (who shall be the last person to sign) shall have executed this Agreement as indicated opposite his name below.

[SIGNATURES & ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGES]

SELLER'S SIGNATURE PAGE

Date _____

[illegible]

THIS IS TO CERTIFY that on this _____ day of _____, 2021, before me personally appeared _____, to me known to be the individual described in _____ and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Notary Signature _____
 Printed Name: _____
 Notary Public in and for the State of Washington
 Washington, residing at: _____
 My Appointment Expires: _____

PURCHASER'S SIGNATURE PAGE

CITY OF LAKEWOOD, a municipal corporation and political subdivision of the state of Washington:

Approved as to legal form only:

By: _____
City Manager
John J. Caulfield Date _____

Approved for final action only:

By: _____
City Attorney
Heidi Ann Wachter Date _____

By: _____
City Clerk
Briana Schumacher Date

[illegible]

THIS IS TO CERTIFY that on this _____ day of _____, 2021, before me personally appeared _____, to me known to be the _____ a municipal corporation and political subdivision of the state of Washington, described in and that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument on behalf of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Signature _____
 Printed Name: _____
 Notary Public in and for the State of Washington
 Washington, residing at: _____
 My Appointment Expires: _____

Purchase & Sale Agreement

EXHIBIT A
PARCEL NO. 0320311051

ALL THAT PORTION OF SITE A, WARDS LAKE RETAIL CENTER BINDING SITE PLAN, ACCORDING TO A SURVEY RECORDED MARCH 1, 1989 UNDER RECORDING NUMBER 8903010409, RECORDS OF PIERCE COUNTY WASHINGTON AUDITOR, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE SOUTHWEST CORNER OF SITE A OF SAID BINDING SITE PLAN;

THENCE ALONG THE WEST LINE THEREOF, NORTH 01° 00' 07" EAST, 157.14 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 87° 52' 00" EAST, 382.29 FEET;

THENCE SOUTH 45° 08' 00" EAST, 439.00 FEET;

THENCE SOUTH 00° 09' 00" EAST, 307.43 FEET;

THENCE SOUTH 45° 08' 00" EAST, 300.00 FEET;

THENCE SOUTH 26° 06' 00" EAST, 44.00 FEET;

THENCE SOUTH 00° 35' 00" EAST, 118.00 FEET TO A POINT ON THE LINE BETWEEN SITES C AND I OF SAID BINDING SITE PLAN AND THE TERMINUS OF SAID LINE, SAID TERMINUS BEING SOUTH 89° 59' 08" WEST, 32.37 FEET ALONG SAID COMMON LINE, FROM THE SOUTHWEST CORNER OF SITE H OF SAID BINDING SITE PLAN.

CONTAINING 51,913 SQUARE FEET, MORE OR LESS.

09/10/2021



EXHIBIT A
PARCEL NO. 0320315018

ALL THAT PORTION OF SITE B, WARDS LAKE RETAIL CENTER BINDING SITE PLAN, ACCORDING TO A SURVEY RECORDED MARCH 1, 1989 UNDER RECORDING NUMBER 8903010409, RECORDS OF PIERCE COUNTY WASHINGTON AUDITOR, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE SOUTHWEST CORNER OF SITE A OF SAID BINDING SITE PLAN;

THENCE ALONG THE WEST LINE THEREOF, NORTH 01° 00' 07" EAST, 157.14 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 87° 52' 00" EAST, 382.29 FEET;

THENCE SOUTH 45° 08' 00" EAST, 439.00 FEET;

THENCE SOUTH 00° 09' 00" EAST, 307.43 FEET;

THENCE SOUTH 45° 08' 00" EAST, 300.00 FEET;

THENCE SOUTH 26° 06' 00" EAST, 44.00 FEET;

THENCE SOUTH 00° 35' 00" EAST, 118.00 FEET TO A POINT ON THE LINE BETWEEN SITES C AND I OF SAID BINDING SITE PLAN AND THE TERMINUS OF SAID LINE, SAID TERMINUS BEING SOUTH 89° 59' 08" WEST, 32.37 FEET ALONG SAID COMMON LINE, FROM THE SOUTHWEST CORNER OF SITE H OF SAID BINDING SITE PLAN.

CONTAINING 106,471 SQUARE FEET, MORE OR LESS.

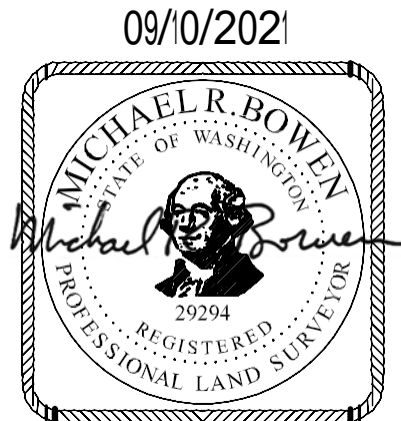


EXHIBIT A
PARCEL NO. 0320311060

ALL THAT PORTION OF SITE C, WARDS LAKE RETAIL CENTER BINDING SITE PLAN, ACCORDING TO A SURVEY RECORDED MARCH 1, 1989 UNDER RECORDING NUMBER 8903010409, RECORDS OF PIERCE COUNTY WASHINGTON AUDITOR, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE SOUTHWEST CORNER OF SITE A OF SAID BINDING SITE PLAN;

THENCE ALONG THE WEST LINE THEREOF, NORTH 01° 00' 07" EAST, 157.14 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 87° 52' 00" EAST, 382.29 FEET;

THENCE SOUTH 45° 08' 00" EAST, 439.00 FEET;

THENCE SOUTH 00° 09' 00" EAST, 307.43 FEET;

THENCE SOUTH 45° 08' 00" EAST, 300.00 FEET;

THENCE SOUTH 26° 06' 00" EAST, 44.00 FEET;

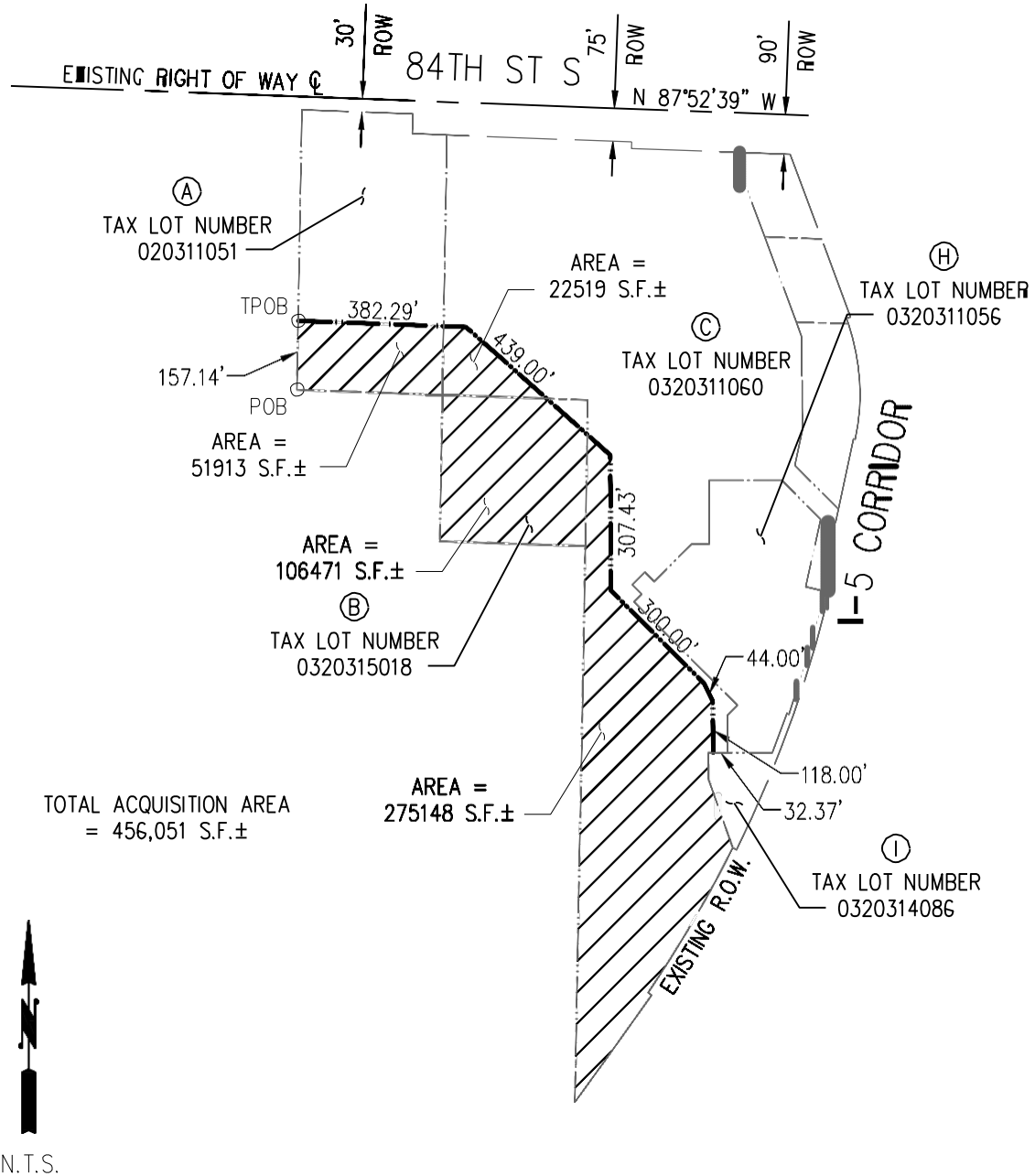
THENCE SOUTH 00° 35' 00" EAST, 118.00 FEET TO A POINT ON THE LINE BETWEEN SITES C AND I OF SAID BINDING SITE PLAN AND THE TERMINUS OF SAID LINE, SAID TERMINUS BEING SOUTH 89° 59' 08" WEST, 32.37 FEET ALONG SAID COMMON LINE, FROM THE SOUTHWEST CORNER OF SITE H OF SAID BINDING SITE PLAN.

CONTAINING 297,667 SQUARE FEET, MORE OR LESS.

09/10/2021



NE 1/4 AND SE 1/4, SEC. 31, T. 20 N., R. 3 E., W.M.



DATE: AUGUST 31, 2021

FILE: ACQUISITION.DWG

KPG

Interdisciplinary Design

3131 Elliott Ave
Suite 400
Seattle, WA 98121
(206) 286-1640

2502 Jefferson Ave
Tacoma, WA 98402
(253) 627-0720
www.kpg.com

EXHIBIT A
PARCELS 0320311051, 0320315018, AND 0320311060
ACQUISITION AREA

**EXHIBIT B Statutory
Warranty Deed
(FORM ONLY -- DO NOT SIGN)**

WHEN RECORDED RETURN TO:

City of Lakewood
Briana Schumacher, City Clerk
6000 Main Street SW
Lakewood, WA 98499

**WASHINGTON COUNTY AUDITOR/RECORDER
INDEXING FORM**

Document Title: STATUTORY WARRANTY DEED

Grantor: Lakewood Cinema Plaza, LLC

Grantee: CITY OF LAKEWOOD, a Washington municipal
corporation

Abbreviated Legal:

Parcel Number(s): 0320311051, 0320315018, 0320311060

STATUTORY WARRANTY DEED

GRANTOR, _____, , for and inconsideration of
_____ in hand paid, and other good and valuable consideration the receipt
and adequacy of which are hereby acknowledged, conveys and warrants to
GRANTEE, CITY OF LAKEWOOD, a Washington municipal corporation, in fee
simple absolute, the real property in Pierce County, Washington, legally described
in **Exhibit A** attached hereto and by this reference incorporated herein, subject only
to the Permitted Exceptions set forth in **Exhibit B** attached hereto and by this
reference incorporated herein.

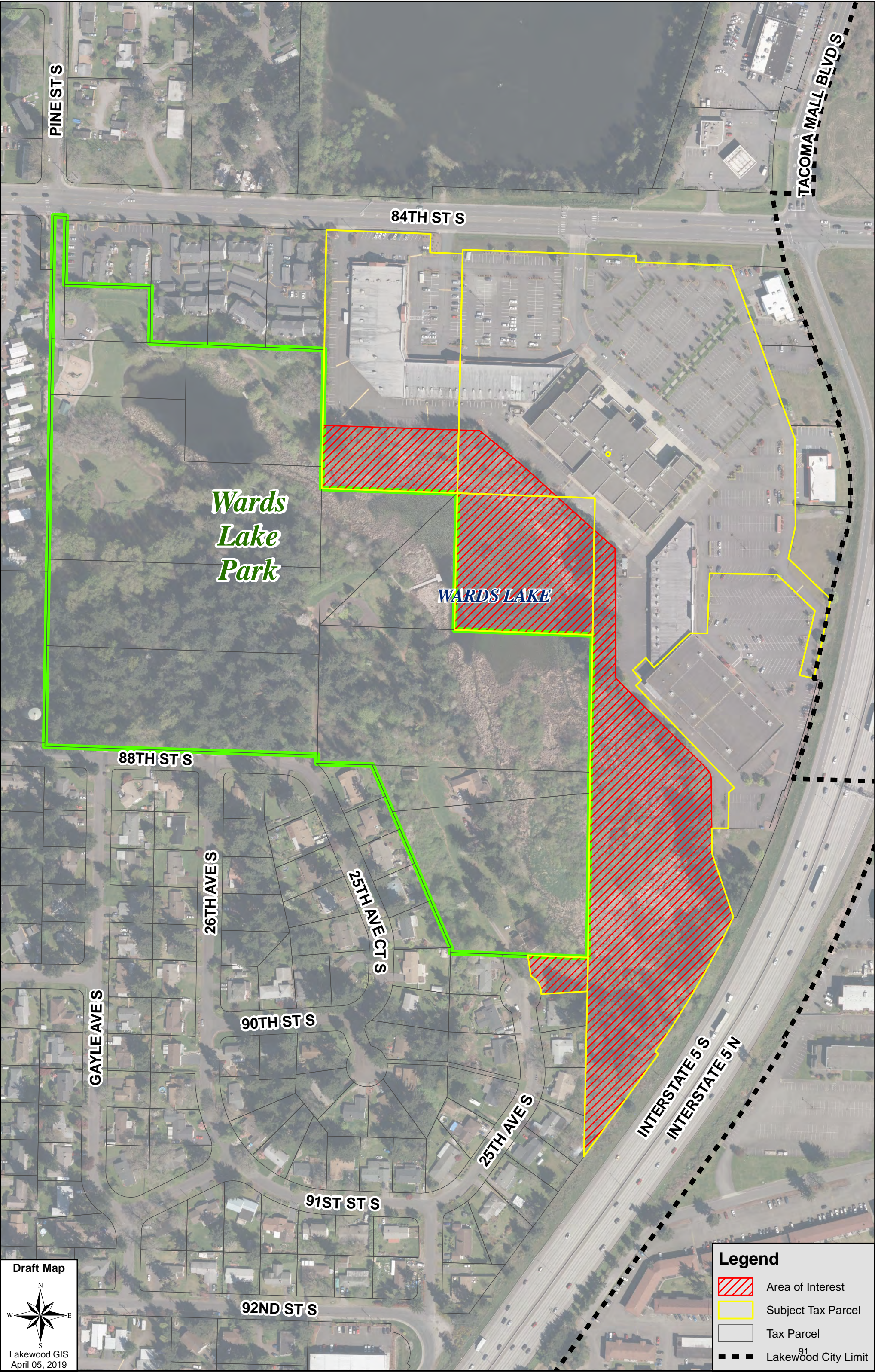
Dated this day of _____, 2021.

[illegible]

THIS IS TO CERTIFY that on this_____day of_____, 2021, before me personally appeared_____to me known to be the individual described _____in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Signature _____
 Printed Name: _____
 Notary Public in and for the State of _____
 Washington, residing at: _____
 My Appointment Expires: _____



*Wards
Lake
Park*

WARDS LAKE

Draft Map

Lakewood GIS
April 05, 2019

Legend

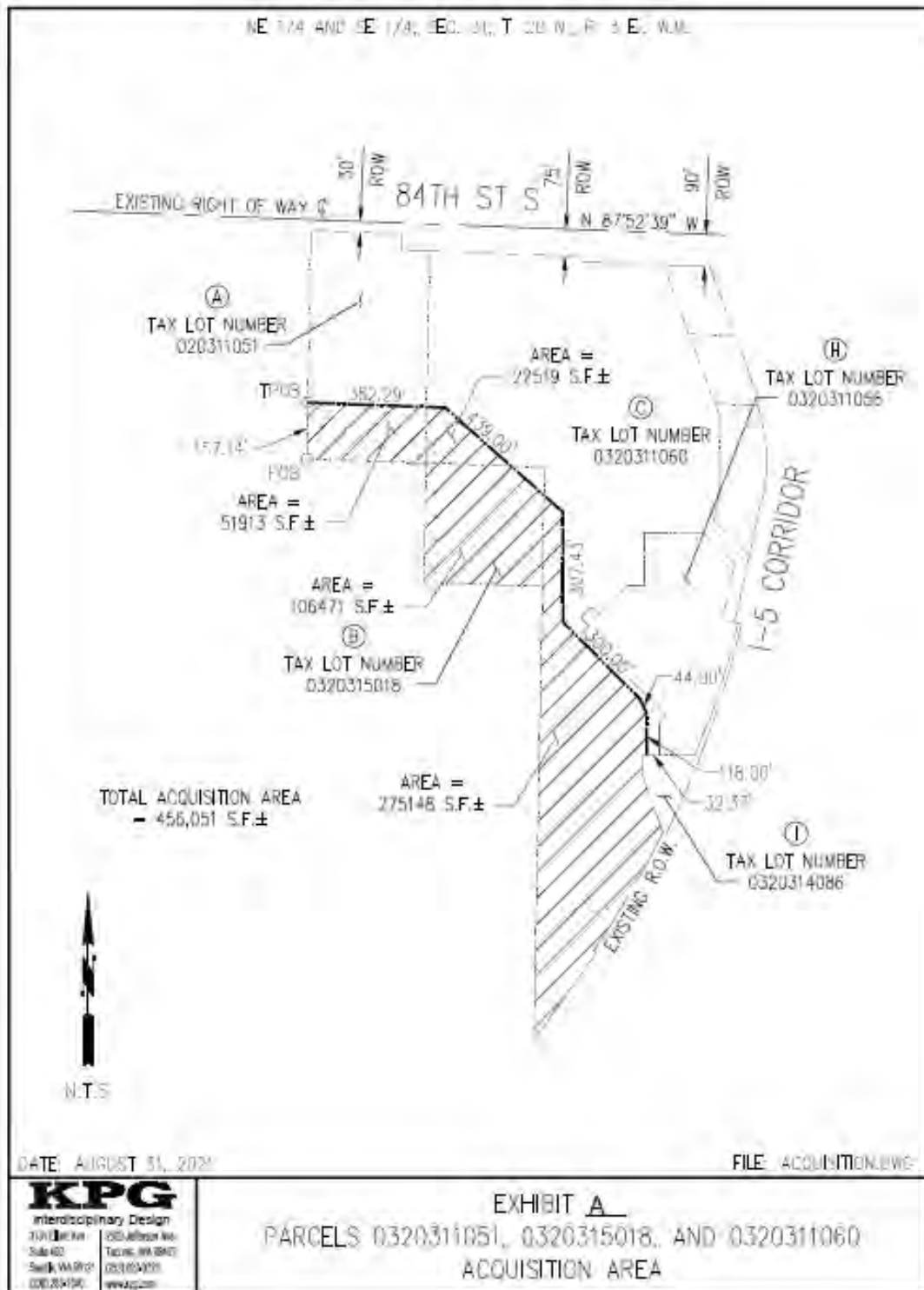
Area of Interest

Subject Tax Parcel

Tax Parcel

Lakewood City Limit

Acquisition Area Map



Lakewood Police Department Quarterly Crime Report

- NIBRS Incidents
- 2021 Comparison Charts
- Significant Event Synopsis
- Vehicle Theft Case Arrests



3rd Quarter 2021



Lakewood Police Department

3rd Quarter 2021 Calls For Service: 12,786 (2Q 2021- 11,933)

Lakewood PD Arrests (Felony): 74 (2Q 2021- 71)

Lakewood PD Arrests (Misdemeanor): 173 (2Q 2021 - 223)

3rd Quarter 2021





City of Lakewood

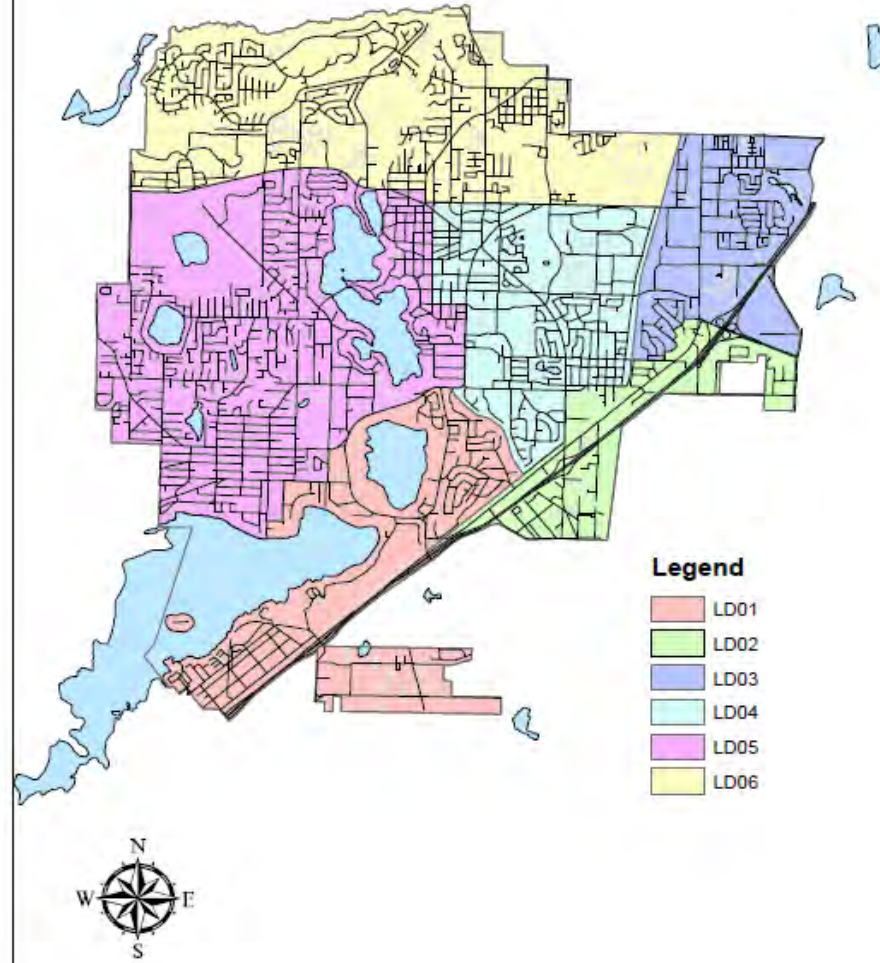


District Map


This product was prepared with care by the Lakewood Police Department Crime Analyst Unit.
City of Lakewood expressly disclaims
any liability for any inaccuracies which may yet be present. This is not a survey.
Call 253-650-6004 for further information.

15 July 2016

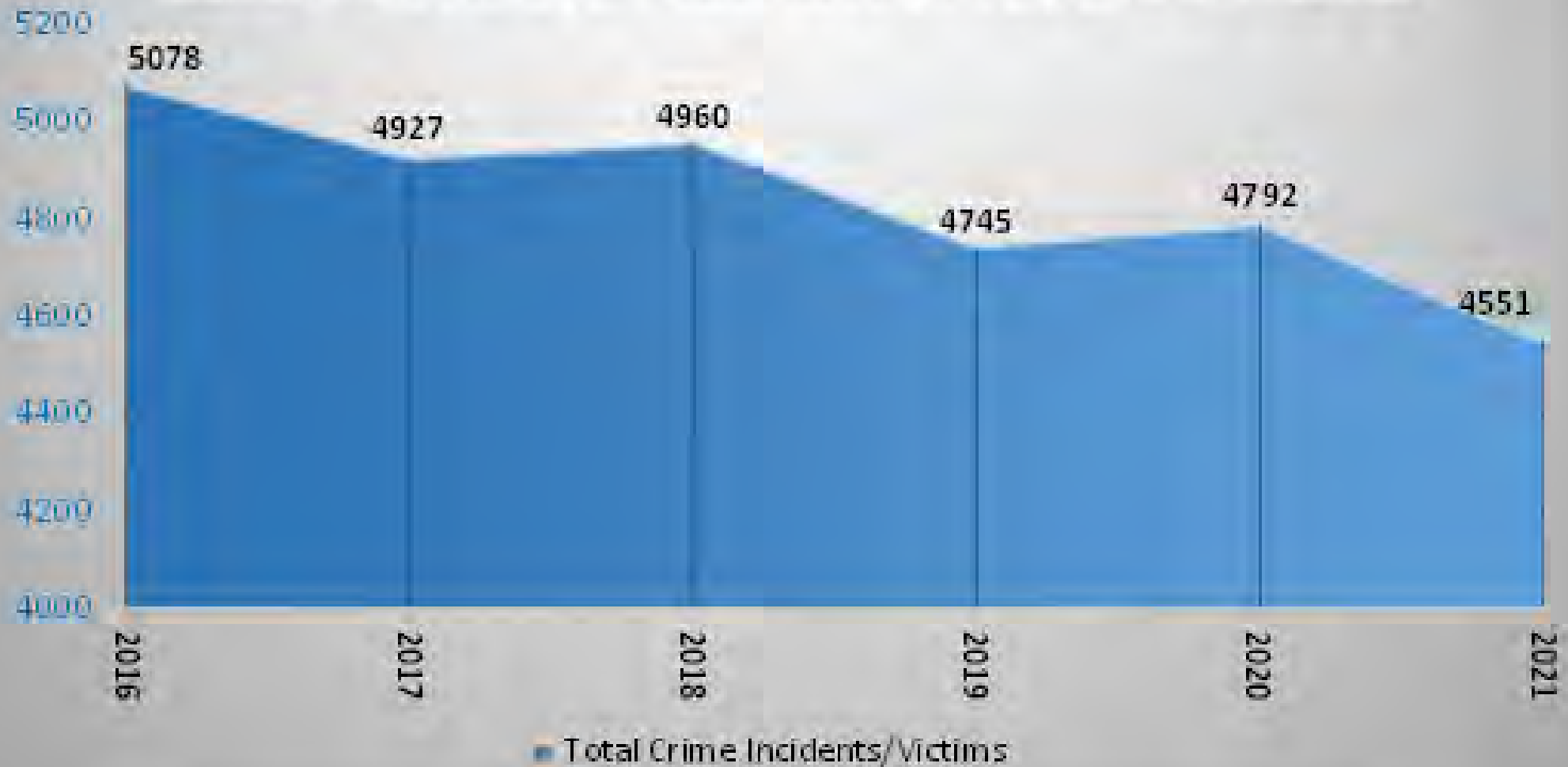
\\CU\Crime Analyst\Working Folder\GIS Work\GroupMap\4020100\Station11\X17_pcu.mxd



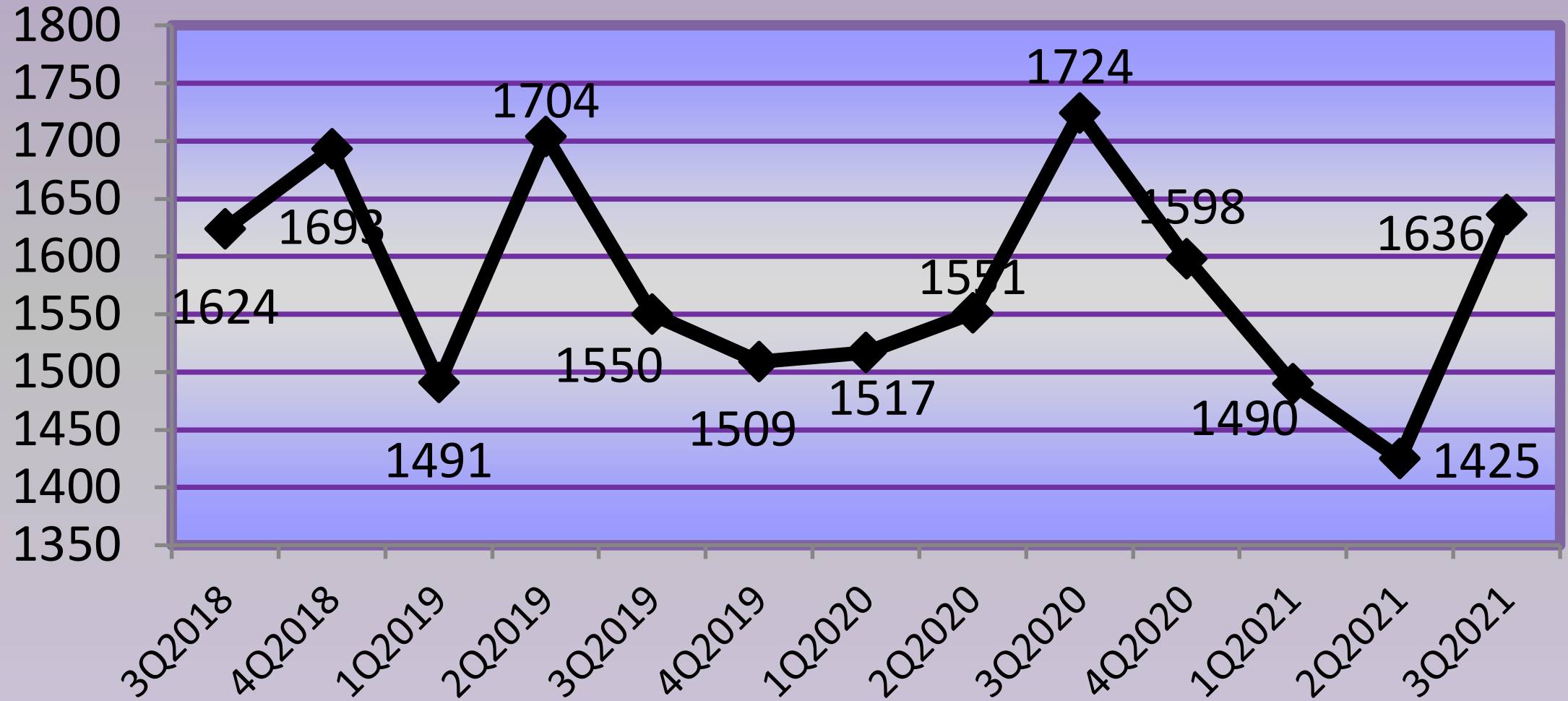
City of Lakewood Incident Report 3Q 2021

												
	3rd Quarter 2021 By District						3Q City		Quarterly Percent Change	YTD City		YTD Percent Change
	LD01	LD02	LD03	LD04	LD05	LD06	2Q2021	3Q2021	2Q21-3Q21	YTD2020	YTD2021	3Q2020-2021
Person Crimes												
Aggravated Assault	11	40	14	22	11	25	99	123	24.24%	318	277	-12.89%
Simple Assault	38	69	41	49	92	84	260	373	43.46%	832	884	6.25%
Homicide	0	0	2	0	0	0	2	2	0.00%	7	5	-28.57%
Kidnapping	1	2	2	1	0	1	3	7	133.33%	28	18	-35.71%
Sex (Forcible)	0	5	1	2	1	0	4	9	125.00%	26	21	-19.23%
Sex (NonForcible)	0	2	0	3	3	2	12	10	-16.67%	64	45	-29.69%
Totals and Averages	50	118	60	77	107	112	380	524	37.89%	1275	1250	-1.96%
Property Crimes												
Arson	0	3	1	0	2	2	5	8	60.00%	6	20	233.33%
Bribery	0	0	0	0	0	0	0	0	NA	0	0	NA
Burglary	7	12	22	32	14	12	95	99	4.21%	374	303	-18.98%
Counterfeiting	0	0	2	4	1	0	11	7	-36.36%	36	28	-22.22%
Vandalism	25	41	46	90	45	55	287	302	5.23%	860	869	1.05%
Embezzlement	0	0	0	0	0	0	0	0	NA	0	0	NA
Extortion	0	0	0	1	0	0	4	1	-75.00%	9	7	-22.22%
Fraud	1	4	1	3	1	5	41	15	-63.41%	175	114	-34.86%
Larceny	48	51	63	183	45	75	434	465	7.14%	1332	1337	0.38%
Motor Vehicle Theft	12	37	36	30	10	17	123	142	15.45%	364	395	8.52%
Robbery	0	10	3	9	2	6	19	30	57.89%	50	74	48.00%
Stolen Property	0	0	0	0	0	0	0	0	NA	0	0	NA
Totals and Averages	93	158	174	352	120	172	1019	1069	4.91%	3206	3147	-1.84%
Society Crimes												
Drug	0	1	5	3	0	0	13	9	-30.77%	224	75	-66.52%
Pornography	0	0	0	0	0	0	1	0	-100.00%	5	1	-80.00%
Prostitution	0	0	0	0	0	0	2	0	-100.00%	13	6	-53.85%
Weapon Law Violations	5	5	12	7	2	2	23	33	43.48%	69	85	23.19%
Totals and Averages	5	6	17	10	2	2	39	42	7.69%	311	167	-46.30%
Grand Totals and Averages	148	282	251	439	229	286	1438	1635	13.70%	4792	4564	-4.76%

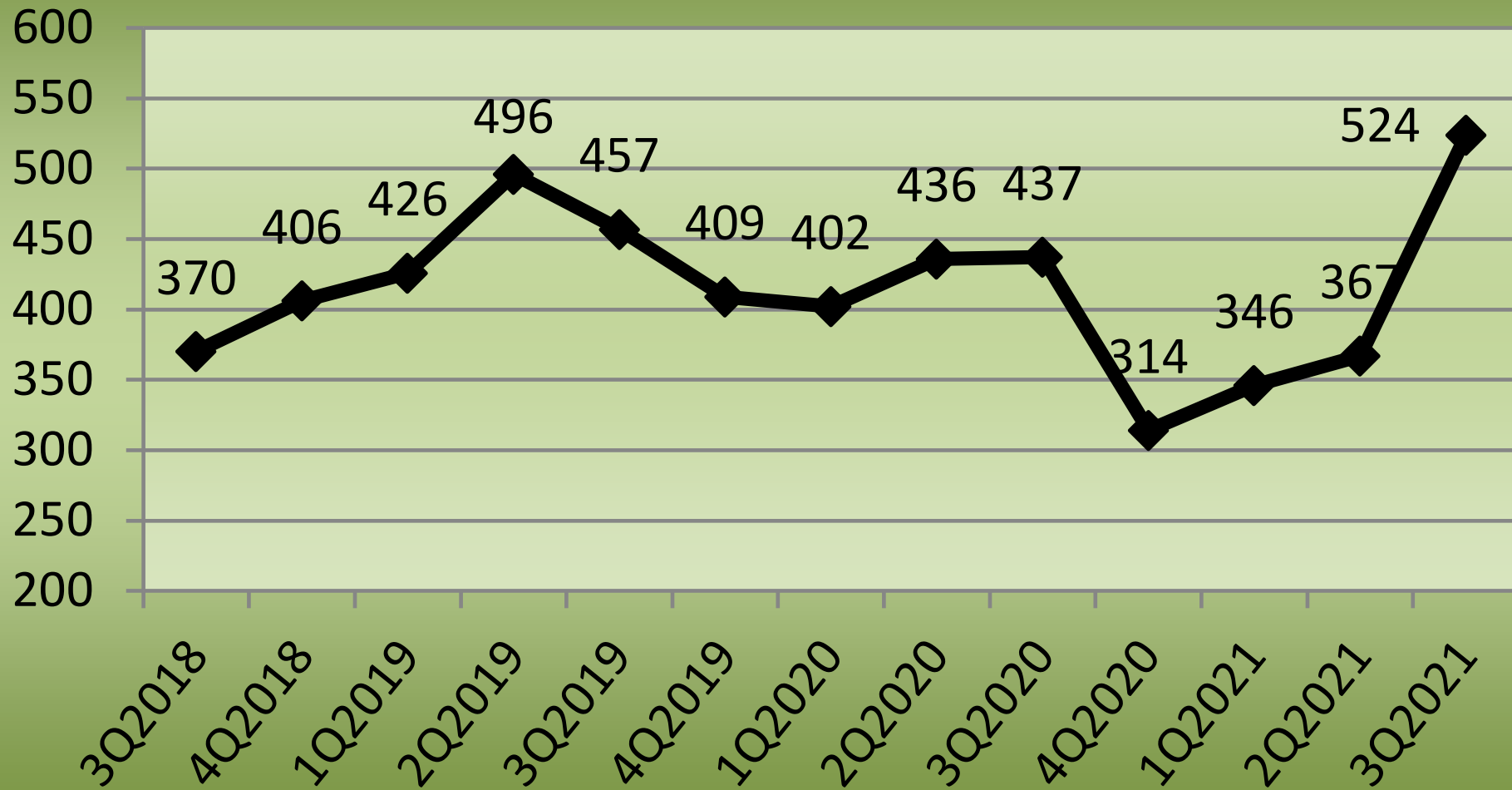
Total Crime 3rd Quarters (YTD) 2016-2021



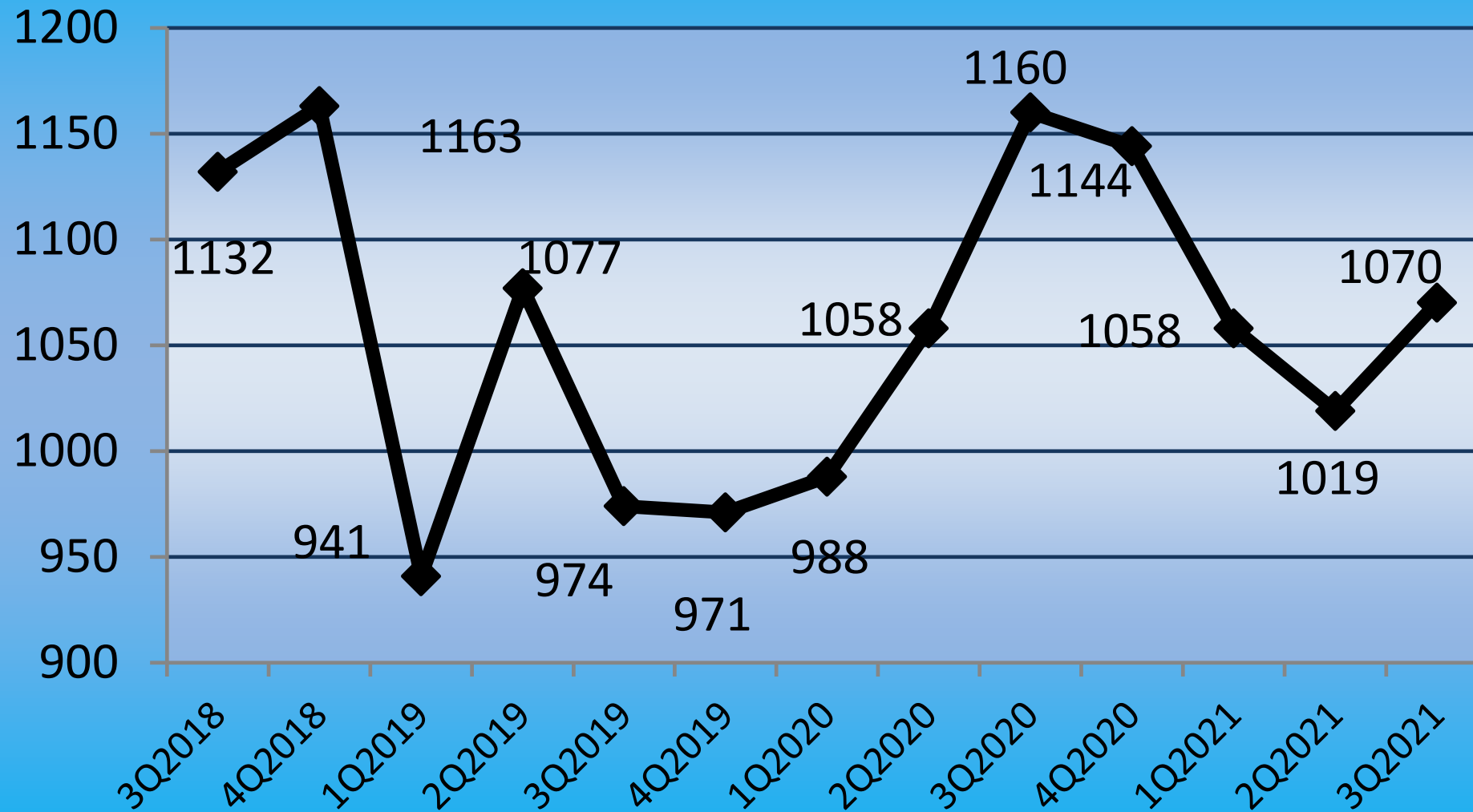
NIBRS Total Crime By Quarter 2018-2021



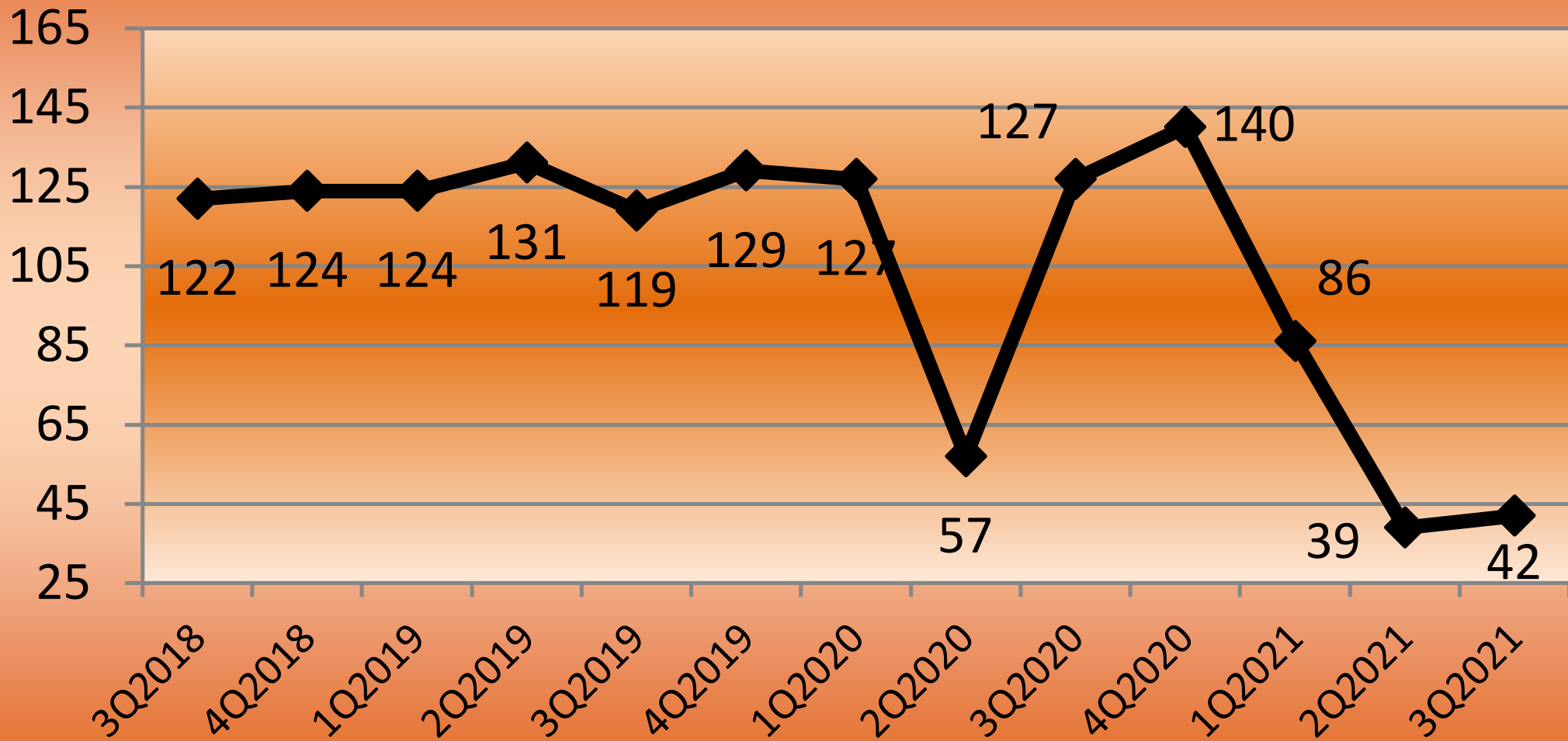
NIBRS Person Crime By Quarter 2018-2021



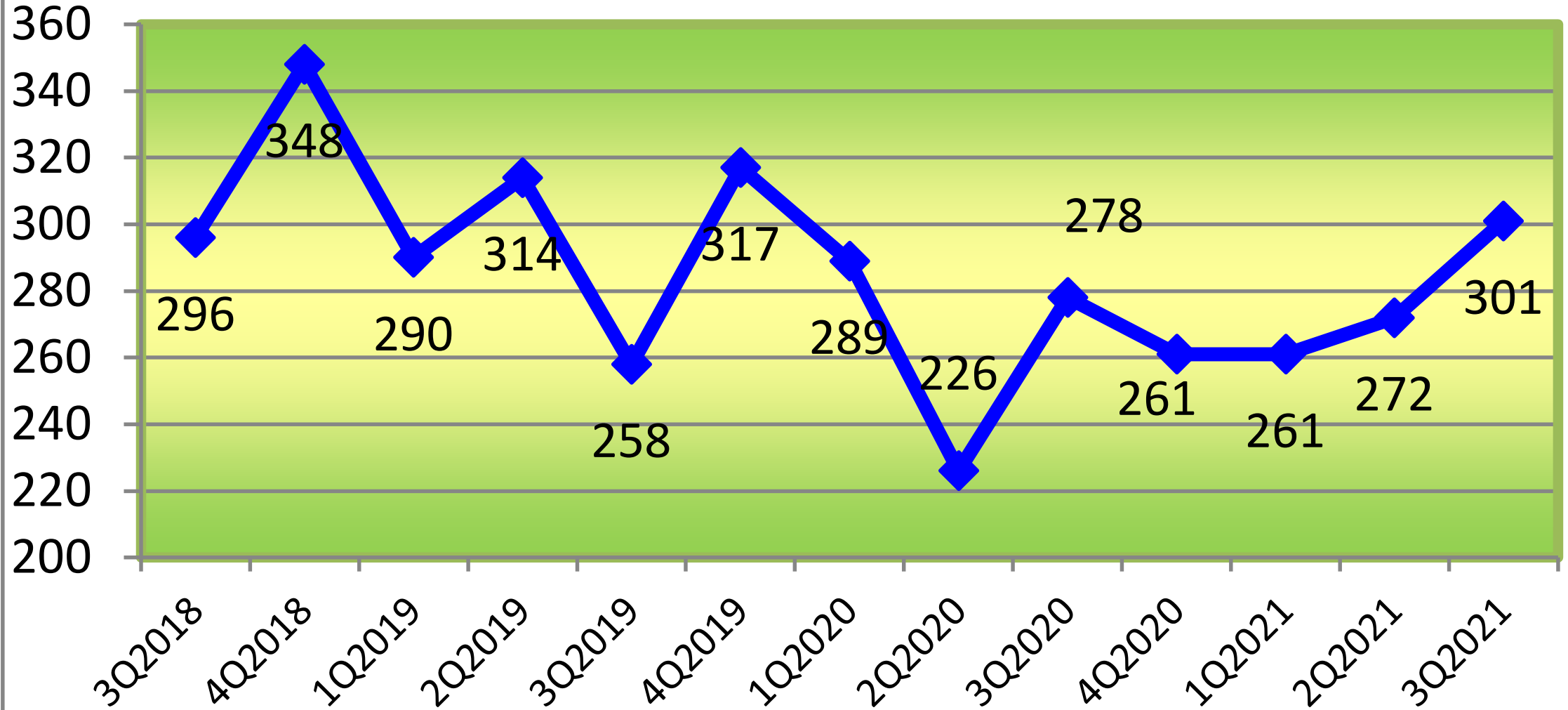
NIBRS Property Crime By Quarter 2018-2021



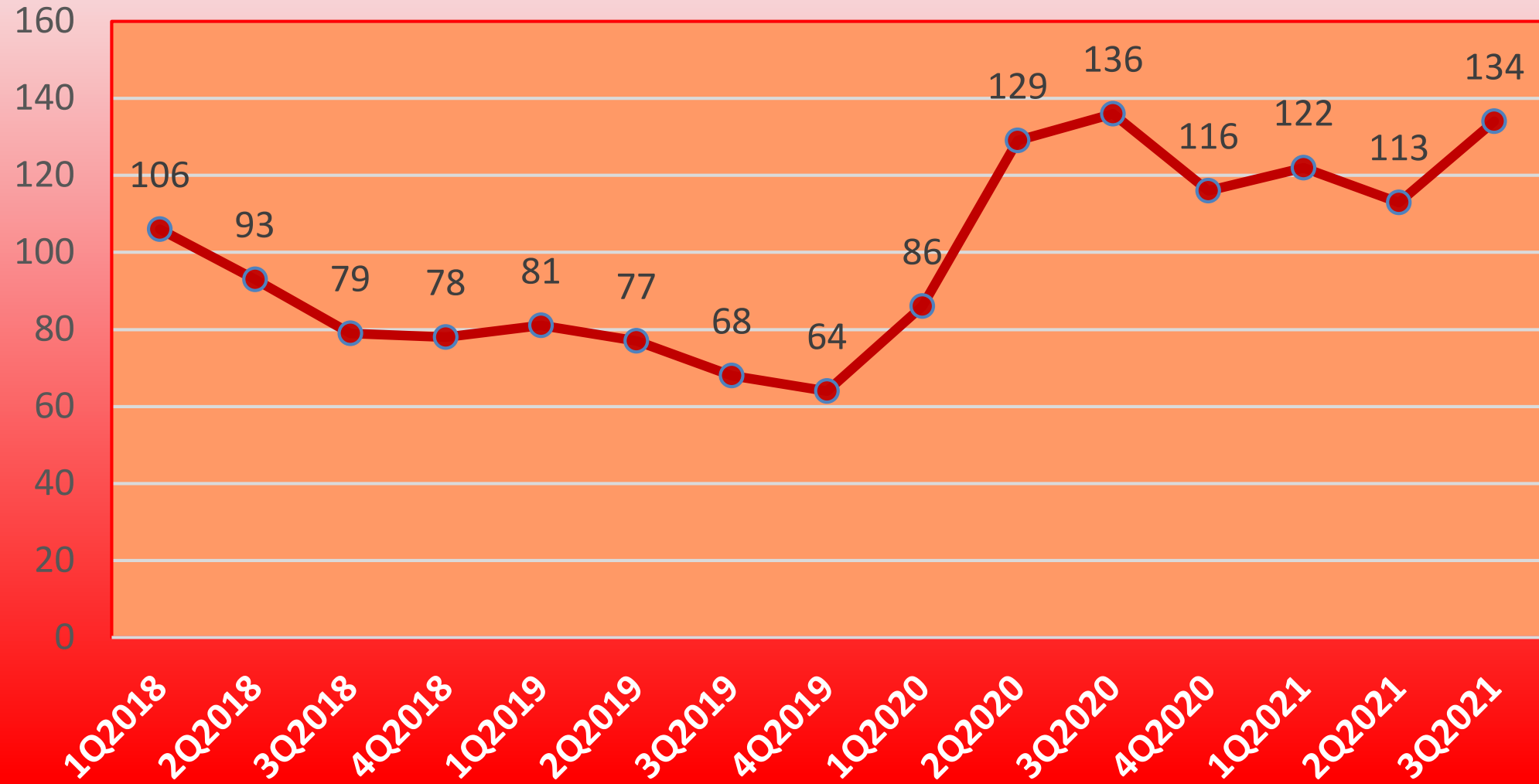
NIBRS Society Crimes By Quarter 2018-2021



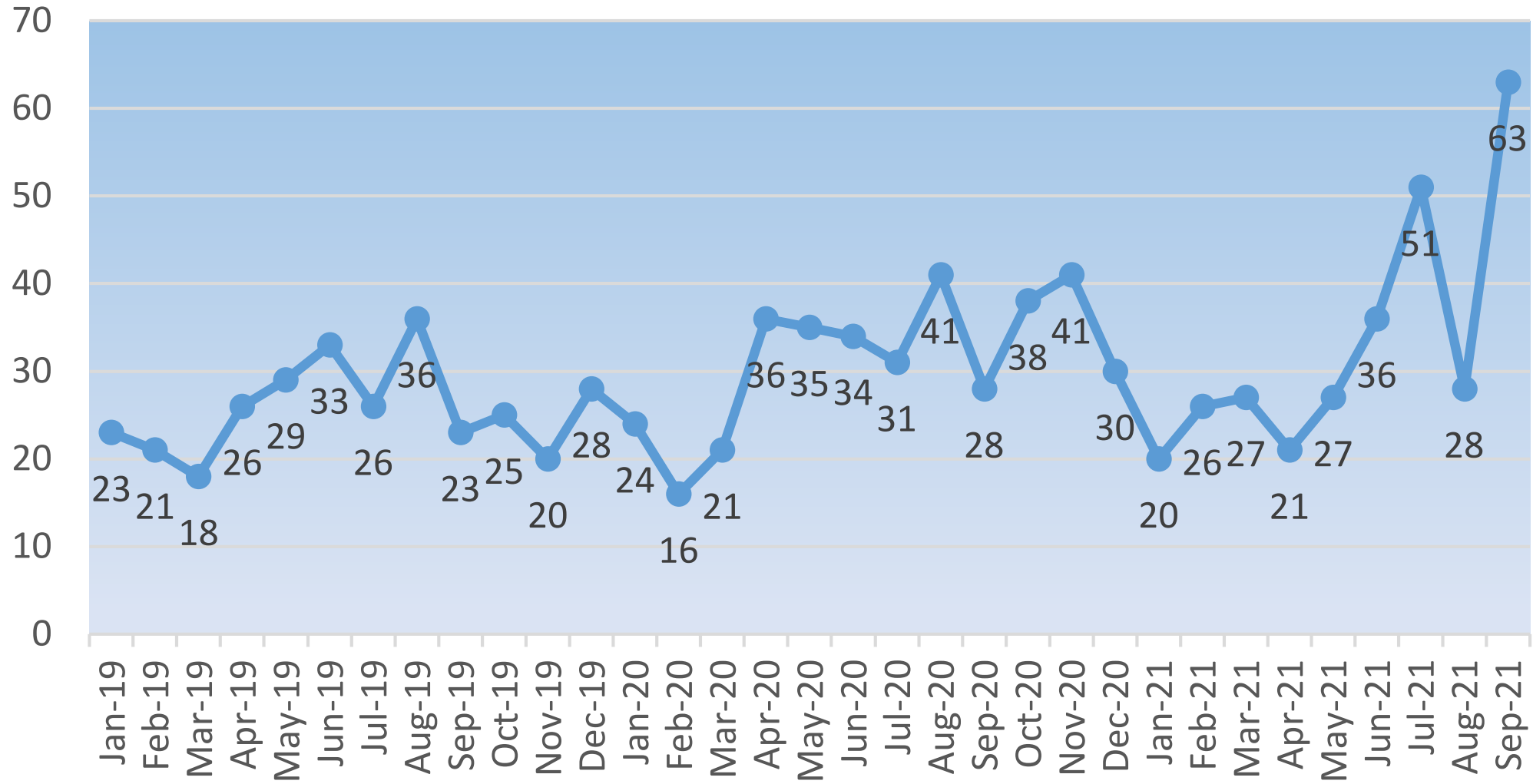
Total Accidents By Quarter (Reports) 2018-2021



Motor Vehicle Theft 1Q2018-3Q2021



CAD Shots/Shootings 2019 - YTD



3rd Quarter 2021 Significant Incident Recap

- Shooting Investigation – July 25th: Lakewood officers responded to a shooting at the Lakewood Village Apartments and discovered 19 casings and two rounds that passed through a wall; one lodging in a 3 year old's headboard and one bullet coming to a stop against the 3 year old's shoulder causing a burn.
- Shooting – July 30th: Officers responded to the area of Steilacoom Blvd and John Dower a shooting where an older Lakewood Hustler Crip was having a party that was engaged by some Eastside Pirus. Eight 9mm, seven .223 and one .40 caliber casings were located.
- Homicide – August 14th: Detectives from Lakewood Major Crimes responded to Karwan Village, 2621 84th St S to a badly decomposed, deceased male with a suspicious wound (ME confirmed as a gunshot) to the chest. The mobile unit was condemned and boarded up but apparently used by transients. Identification of the deceased was difficult. Detectives had located an EBT card and specific tattoos led to an identification of a transient male. The investigation is ongoing.
- Homicide (self defense) – September 2nd: Lakewood units responded to Stay Fresh Tattoo studio at 10241 Bridgeport Way for a shooting. Upon arrival, officers found one victim with multiple gunshot wounds (later pronounced dead) and a second victim shot in the hip. The investigation indicates two people (brother and sister) arriving at the studio, confronting a tattoo artist which resulted in guns being produced and fired. The male who had confronted the tattoo artist was subsequently shot and killed. That person's sister then picked up her brother's gun and shot a person otherwise uninvolved. The female was arrested.
- Officer Involved Shooting- On Sept. 5th Officers from multiple jurisdictions responded to the 7300 block of 150th ST SW for reports of a male shooting off numerous rounds in an apartment complex parking lot. An arriving Lakewood officer advised SS911 dispatch that officers were being shot at and an officer involved shooting was called out moments later. PCFIT is conducting the ongoing investigation.
- Shooting- September 12th: Officers responded to the Woodspring Estates Hotel at 11329 Pacific Hwy and located a male victim with a gunshot wound to his leg. Subsequent investigation shows what started as a cell phone sale and attempted robbery. Apparently, the robbery went badly so the suspect pulled a gun and shot the victim. That suspect is known and remains at large.
- Drive by Shooting– September 24th: Lakewood officers responded to 12825 Pacific Hwy for a drive by shooting. The victim had already been taken to St Clare Hospital. Investigations shows the suspect fired 42 rounds at a group of people standing outside a local business. One person was struck in the chest by gunfire and subsequently paralyzed. Detectives identified the shooter and he was arrested in Tucson, Arizona, on October 13th. The motive appears to be drug related.

Increase In Assaults On Officers

- Assaults on officers trending upwards
 - 2019: 14
 - 2020: 15
 - 2021 through 3rd quarter: 18
 - On pace to have 24 for the year (60% increase from 2020)
 - Assaults include everything from being punched and spit on to being shot at

Staffing

- 9 departures since June 30th with two more pending
 - 7 retirements
 - 2 officers moving out of state
- 8 people on extended leave status
 - 1 military
 - 1 maternity
 - 1 FMLA
 - 5 medical
- 5 people hired
 - 3 lateral
 - 2 entry level
- Most of Special Ops has been reassigned to patrol
 - The Sergeant and one Detective were reassigned to work strictly on backgrounds
 - This is the unit responsible for vice and human trafficking investigations
- All of Property Proac has been reassigned to patrol
 - Light duty personnel are assigned to conduct follow up as their medical directions allow
 - This is the unit responsible for investigation of property crimes (including robbery)



To: Mayor and City Councilmembers
From: Tho Kraus, Deputy City Manager
Through: John J. Caulfield, City Manager
Date: October 25, 2021
Subject: Transportation Capital Project Financing Strategy

BACKGROUND

As requested by the City Council, the proposed TBD bond funded capital projects was presented to the City Council on August 9, 2021. The intent of the discussion was to establish a City Council approved priority list of projects for the City to pursue over the next 5-10 years. The City Council agreed on the top 17 transportation projects and requested a follow-up discussion on the financing strategy. This memo provides the City Council with the proposed financing plan.

Below is a history of past discussions.

- September 2019. The City Council reviewed financing options and recommendations for funding transportation improvement projects at their September 28, 2019 retreat. There were four potential financing options included: leveraging Transportation Benefit District vehicle license fees; property tax levy Lid Lift; property tax excess levy; and business and occupation tax. Detailed information on each option was provided in this packet.
- October 2020. In November 2019, voters approved I-976 (known as the “\$30 car tab initiative”) effective December 5, 2019. The initiative made significant changes to many other aspects of the State’s transportation system, including repeal of the authority for transportation benefit districts to impose fees.

On October 15, 2020, the Washington State Supreme Court ruled on the constitutionality of I-976 and struck down the initiative because it contained multiple subjects and a misleading ballot title.

The 2021-2022 biennial budget outlines several options for City Council consideration now that the Washington State Supreme Court has ruled on I-976:

Option 1: Rescind the \$20 vehicle license fee in Lakewood;

Option 2: Move forward using the monies collected by the \$20 vehicle licensing fee to continue investing in transportation infrastructure projects in Lakewood via pay-as-you-go; or

Option 3: Use the \$20 vehicle license fee to leverage the issuance of bonds in support of transportation projects totaling approximately \$11.3 million. These bonds would then be repaid over a period of 20 years. This option was presented to the Lakewood City Council at its September 28, 2019 retreat.

In advance of this, as part of the 2021/2022 adopted biennial budget, the estimated 2020 TBD \$20 vehicle license fees was allocated as follows: \$380,000 to the 2022 chip seal program; \$260,000 to the minor capital/major maintenance/pavement patching program; and \$195,000 to swap out REET funds for the JBLM North Access Project Phase I (Gravelly Lake Drive between Washington Blvd and Nyanza) since that project is eligible for these funds and was previously funded with this revenue source. This provides greater flexibility since REET can be used for a number of other potential park or transportation improvement projects.

The 2021/2022 adopted budget also recommended that the City Council review and consider these three option in February 2021, when the City is expected to know the outcome of most of most outstanding grant applications that in turn will provide for additional options on how to best leverage the vehicle license fee. Though Option 1, rescinding the \$20 vehicle license fee, can occur at any time; the same is true of Option 2, the full pay-as-you-go option.

- February 2021. An update on Lakewood's Transportation Benefit District was provided to the City Council on February 22, 2021. This update included detailed information on proposed TBD funded projects and financing options related to the TBD vehicle license fee as follows: 1) Rescind the \$20 vehicle license fee in Lakewood; 2) Move forward using the monies collected by the \$20 vehicle licensing fee to continue investing in transportation infrastructure projects in Lakewood via pay-as-you-go; or 3) Use the \$20 vehicle license fee to leverage the issuance of bonds in support of transportation projects totaling approximately \$11.3 million. Option 3 was recommended to the City Council with bonds to be repaid over 20 years. Following the discussion, the City Council requested an additional study session to review and discuss projects proposed to be funded with TBD bonds. The complete memo can be found by following the link below:
<https://cityoflakewood.us/wp-content/uploads/2021/02/2021-02-22-Council-Agenda.pdf>
- August 2021. The proposed TBD bond funded capital projects was presented to the City Council on August 9, 2021. The intent of the discussion was to establish a City Council approved priority list of projects for the City to pursue over the next 5-10 years. The City Council agreed on the top 17 transportation projects and requested a follow-up discussion on the financing strategy. The complete memo can be found by following the link below:
<https://cityoflakewood.us/wp-content/uploads/2021/08/2021-08-09-Council-Agenda.pdf>

RECOMMENDED FINANCING STRATEGY & PROPOSED TBD FUNDED PROJECTS

The recommended financing strategy is to use the \$20 vehicle license fee to leverage the issuance of bonds in support of transportation projects totaling approximately \$11.6 million. These bonds would then be repaid over a period of 20 years. Estimated annual debt service based is \$835,000.

Per the City's Bond Counsel: If a tax is authorized to be levied at the time and is specifically pledged to the repayment of debt, if an initiative or legislation subsequently repeals the tax the City can still continue to levy the tax while the debt is outstanding. The City may have to get a court to authorize it, but under Washington law the court should be willing to authorize the continued levying of the tax.

The following table lists seven (7) transportation projects in priority order, totaling \$18,325,000 that are recommended as the next round of projects to be financed primarily using the vehicle license fee.

Exhibit A provides detailed information on the proposed TBD Bond projects.

Sources & Uses Proposed TBD Funded Projects City Funded Projects (in priority order)		2022	2023	2024	2025	2026	Total
TBD \$20 Vehicle License Fee (year-end estimate rounded to nearest \$1,000)		\$ 1,718,000	\$ -	\$ -	\$ -	\$ -	\$ 1,718,000
Real Estate Excise Tax (year-end estimate rounded to nearest \$1,000)		2,690,000	-	-	-	-	2,690,000
Real Estate Excise Tax (Increase revenue estimates to \$2,000,000 per year)		-	242,000	242,000	-	-	484,000
Surface Water Management (estimated 10% of project cost)		71,000	640,000	155,000	611,000	356,000	1,833,000
General Obligation Bonds		-	2,000,000	9,600,000	-	-	11,600,000
Map ID	Total Sources	4,479,000	2,882,000	9,997,000	611,000	356,000	18,325,000
3	302.0076 Nyanza Rd SW	-	-	450,000	4,000,000	-	4,450,000
	Design	-	-	450,000	-	-	450,000
	Construction	-	-	-	4,000,000	-	4,000,000
17	302.0075 Mt Tacoma Dr SW (Interlaaken to Whitman Ave SW)	-	-	-	395,000	3,555,000	3,950,000
	Design	-	-	-	395,000	-	395,000
	Construction	-	-	-	-	3,555,000	3,555,000
10	302.0142/0153/0162 Ardmore/Whitman/93rd St	348,000	3,027,000	-	-	-	3,375,000
	Design	348,000	-	-	-	-	348,000
	Construction	-	3,027,000	-	-	-	3,027,000
13	302.0083 Hipkins Rd SW from Steilacoom Blvd to 104th St SW	364,000	3,276,000	-	-	-	3,640,000
	Design	364,000	-	-	-	-	364,000
	Construction	-	3,276,000	-	-	-	3,276,000
159	302.0159 Idlewild Rd SW: Idlewild School to 112th SW	-	52,000	468,000	-	-	520,000
	Design	-	52,000	-	-	-	52,000
	Construction	-	-	468,000	-	-	468,000
15	302.0160 112th St SW: Idlewild Rd SW to Interlaaken Dr SW	-	49,000	441,000	-	-	490,000
	Design	-	49,000	-	-	-	49,000
	Construction	-	-	441,000	-	-	441,000
16	302.0158 Interlaaken from 112th to WA Blvd	-	-	190,000	1,710,000	-	1,900,000
	Design	-	-	190,000	-	-	190,000
	Construction	-	-	-	1,710,000	-	1,710,000
	Total Uses	\$ 712,000	\$ 6,404,000	\$ 1,549,000	\$ 6,105,000	\$ 3,555,000	\$ 18,325,000

In addition to the proposed TBD bond funded projects, the following tables provide a list of projects identified as grant eligible and projects potentially funded by Sound Transit.

Map ID	Grant Viable Projects	2022	2023	2024	2025	2026	Total
1	302.0135 JBLM North Access Improvement	\$ 3,400,000	\$ 1,700,000	\$ -	\$ -	\$ -	\$ 5,100,000
	Design	-	-	-	-	-	-
	Construction	3,400,000	1,700,000	-	-	-	5,100,000
4	302.0096 Union Ave	-	430,000	3,880,000	-	-	4,310,000
	Design	-	430,000	-	-	-	430,000
	Construction	-	-	3,880,000	-	-	3,880,000
7	302.0136 100th St & 40th Ave SW	-	423,000	3,800,000	-	-	4,223,000
	Design	-	423,000	-	-	-	423,000
	Construction	-	-	3,800,000	-	-	3,800,000
8	302.0078 South Tacoma Way & 92nd St Signal	-	-	-	80,000	720,000	800,000
	Design	-	-	-	80,000	-	80,000
	Construction	-	-	-	-	720,000	720,000
9	302.0024 Steilacoom Blvd (Weller to 83rd)	-	500,000	-	-	-	500,000
	Design	-	49,000	-	-	-	49,000
	Construction	-	451,000	-	-	-	451,000
9	302.0024 Steilacoom Blvd (87th to Farwest Drive)	-	-	1,800,000	-	-	1,800,000
	Design	-	-	174,000	-	-	174,000
	Construction	-	-	1,626,000	-	-	1,626,000
11	302.0116 Custer from Bridgeport to 75th St W	-	-	-	320,000	2,880,000	3,200,000
	Design	-	-	-	320,000	2,880,000	3,200,000
	Construction	-	-	-	-	-	-
12	302.0113 Military Rd SW: Edgewood Dr SW to Farwest Dr SW	-	-	280,000	2,520,000	-	2,800,000
	Design	-	-	280,000	-	-	280,000
	Construction	-	-	-	2,520,000	-	2,520,000
	Total - Grant Viable Projects	\$ 3,400,000	\$ 3,053,000	\$ 9,760,000	\$ 2,920,000	\$ 3,600,000	\$ 22,733,000

Sound Transit Projects	2023 - 2030	Note: In the past, Sound Transit has covered 100% of Sound Transit projects. However, discussion of funding has not occurred since City is waiting to hear from ST on what project they will even fund. Project timeline is not available other than project start in 2023 and project completion in 2030.
302.0014 112th St SW Sidewalks	\$ 2,300,000	
302.0169 McChord Dr SW	1,500,000	
302.0122 47th Ave SW	1,100,000	
Total - Sound Transit Projects	\$ 4,900,000	

NEXT STEPS & CONSIDERATIONS

To be determined per City Council direction with the following considerations:

- The Lakewood Transportation Benefit District is set to expire at 12:01 AM on July 16, 2032 unless dissolved sooner. If the City Council wishes to proceed with issuance of 20 year bonds, the City would need to extend the TBD through 2044 assuming the bonds were to be issued in 2023/2024.
- Update the TBD project list to reflect TBD projects completed and eligible for TBD funding. The last time this was updated was on May 6, 2019 via Ordinance 708. As noted in the 2021/2022 biennial budget, the City will update this list following City Council discussion in early 2021 (delayed due to discussions currently in progress). This can be done by December 20, 2022.
- Incorporate the TBD funded projects into the 2022 Budget. This can be done as part of the 2022 Carry Forward Budget Adjustment in April/May 2022 or earlier.
- Prepare bond ordinance for City Council approval. This can be done in early 2022.

EXHIBITS

- Exhibit A– Proposed Projects for TBD Bonds
- Exhibit B – Current List of TBD Eligible Projects
- Exhibit C – Current CIP Projects 2022-2024
- Exhibit D – Existing Sidewalks and Proposed Projects

EXHIBIT A – PROPOSED PROJECTS FOR TBD BONDS

302.0076 Nyanza Road SW: Gravelly Lake Drive to Gravelly Lake Drive

\$4.5M Funding Needed

This project will finish the Gravelly Lake loop with approximately 5,400 lineal feet (lf) of new road surface, curb, gutter, sidewalks, shared use path, illumination, stormwater, and associated signal improvements for the north end of Nyanza. The improvements may include elimination of the signal and construction of a roundabout at Nyanza and Gravelly Lake Drive. This project finishes the sidewalk and shared use paths around Gravelly Lake and closes the loop from I-5 to the Lakewood Towne Center. The existing roadway is in fair condition but is a constant maintenance challenge with potholes and surface cracking with increasing costs annually. One traffic signal will be evaluated for replacement with either a mast arm signal system or a complete reconstruction into a roundabout with signal elimination.

302.0075 Mt Tacoma Drive SW (Interlaaken to Whitman Ave SW)

\$3.95M Funding Needed

This project provides for curb, gutter, sidewalks (one side), street lighting, associated storm drainage and pavement reconstruction.

302.0142/0153/0162 Ardmore/Whitman/93rd St

\$3.38M Funding Needed

This project will complete Ardmore/Whitman/93rd Streets with curb, gutter, and sidewalks and a new driving surface where appropriate. This will connect the Steilacoom Boulevard corridor to the new Colonial Plaza and Towne Center shopping complex. This will improve pedestrian and non-motorized access through the corridor and improve the ride quality. The reconstruction of this roadway will be accomplished by bringing the infrastructure up to current standards by completing the street lighting system along the corridor, curb, gutter and sidewalks, pavement milling of the existing roadway and an overlay to improve mobility and ride quality and remove the alligator cracking and asphalt spalling that is apparent throughout the project limits. Existing traffic signals will be upgraded with cameras for vehicle detection, and improved storm drain facilities will be installed.

302.0083 Hipkins Road SW from Steilacoom Blvd to 104th St SW

\$3.64M Funding Needed

This project will complete Hipkins Road SW with curb, gutter, and sidewalks. This will complete the roadway improvements between Steilacoom Blvd SW and 104th St SW initiated over 20 years ago as a means to slow traffic on Hipkins Road SW. This will improve pedestrian and non-motorized access through the corridor by connecting to existing and recently built sidewalks.

302.0159 Idlewild Road SW: Idlewild School to 112th SW

\$520K Funding Needed

This project will complete the sidewalk on the west side of Idlewild Road SW from the school south to 112th St SW. Curb/gutter/sidewalk, overlay, drainage, streetlights. This is recommended as a part of supporting the connection across the City from Steilacoom Boulevard to Washington Boulevard using Hipkins/Idlewild/112th/Interlaaken. This will also include intersection improvements on two legs of the Idlewild/112th Street intersection.

302.0160 112th St SW: Idlewild Road SW to Interlaaken Drive SW

\$490K Funding Needed

This project will construct sidewalks along 112th Street SW between Idlewild and Interlaaken. Curb/gutter/sidewalk, overlay (full), street lights, raised crosswalk at Idlewild/112th, and drainage. This is recommended as a part of supporting the connection across the City from Steilacoom Blvd to Washington Blvd using Hipkins/Idlewild/112th/Interlaaken.

302.0158 Interlaaken from 112th to WA Blvd

\$1.9M Funding Needed

This project will construct sidewalks on Interlaaken from 112th Street SW to the new roundabout at Washington Boulevard. Curb/gutter/sidewalk, drainage, overlay, street lights. Coupled with the Hipkins/Idlewild/112th street improvements, this project will complete the mid-city north-south non-motorized corridor. This is recommended as a part of supporting the connection across the City from Steilacoom Blvd to Washington Blvd using Hipkins/Idlewild/112th/Interlaaken.

EXHIBIT B - CURRENT TBD ELIGIBLE PROJECT LIST

The following is a list of completed and eligible projects, the latter as of May 6, 2019, which was the last time the City Council updated the Transportation Benefit District (TBD) project list via Ordinance 708:

Completed Projects

- Steilacoom Boulevard – Lakewood Drive to West of South Tacoma Way
- Lakewood Drive – 100th to Steilacoom Boulevard
- Main Street – Gravelly Lake Drive to 108th St
- 59th – Main Street to 100th
- 108th – Bridgeport to Pacific Highway
- 108th – Main Street to Bridgeport

Current Eligible Projects

- Pacific Highway – 108th to SR 512
- 100th – Lakeview to South Tacoma Way
- New LED Street Lights ⁽¹⁾
- Signal Projects ⁽¹⁾
- Minor Capital Projects ⁽¹⁾
- Neighborhood Traffic Safety ⁽¹⁾
- Personnel, Engineering, Professional Services ⁽¹⁾
- Chip Seal Program – Local Access Roads ⁽¹⁾
- Lakewood Drive – Flett Creek to North City Limits ⁽²⁾
- 59th – 100th to Bridgeport
- Custer – Steilacoom to John Dower
- 88th – Steilacoom to Custer
- 100th – 59th to Lakeview
- Non-Motorized Trail: Gravelly Lake Drive – Washington Blvd to Nyanza Road SW (added 5/6/2019)
- Overlay & Sidewalk Fill-In: Custer Road – John Dower to 500' West of Bridgeport Way (added 5/6/2019)

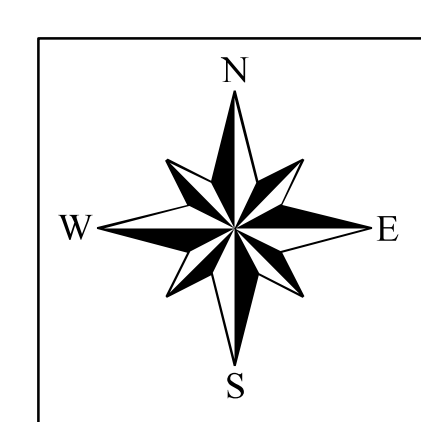
⁽¹⁾ *Annual Programs*

⁽²⁾ *Completed and will be moved to Completed Projects on next ordinance update.*

EXHIBIT C - CURRENT CIP PROJECTS 2022-2024

The addition of the TBD Bond funded projects has been evaluated and factored into the mix of already authorized Capital Projects planned for the 2022-2024 cycle. Projects beyond that timeframe are not funded and as such, would be planned in accordance with the bond funded projects when funding was available from grant applications and awards. Design is typically established at 10% of the total project cost and expended in the first year of a two year project schedule.

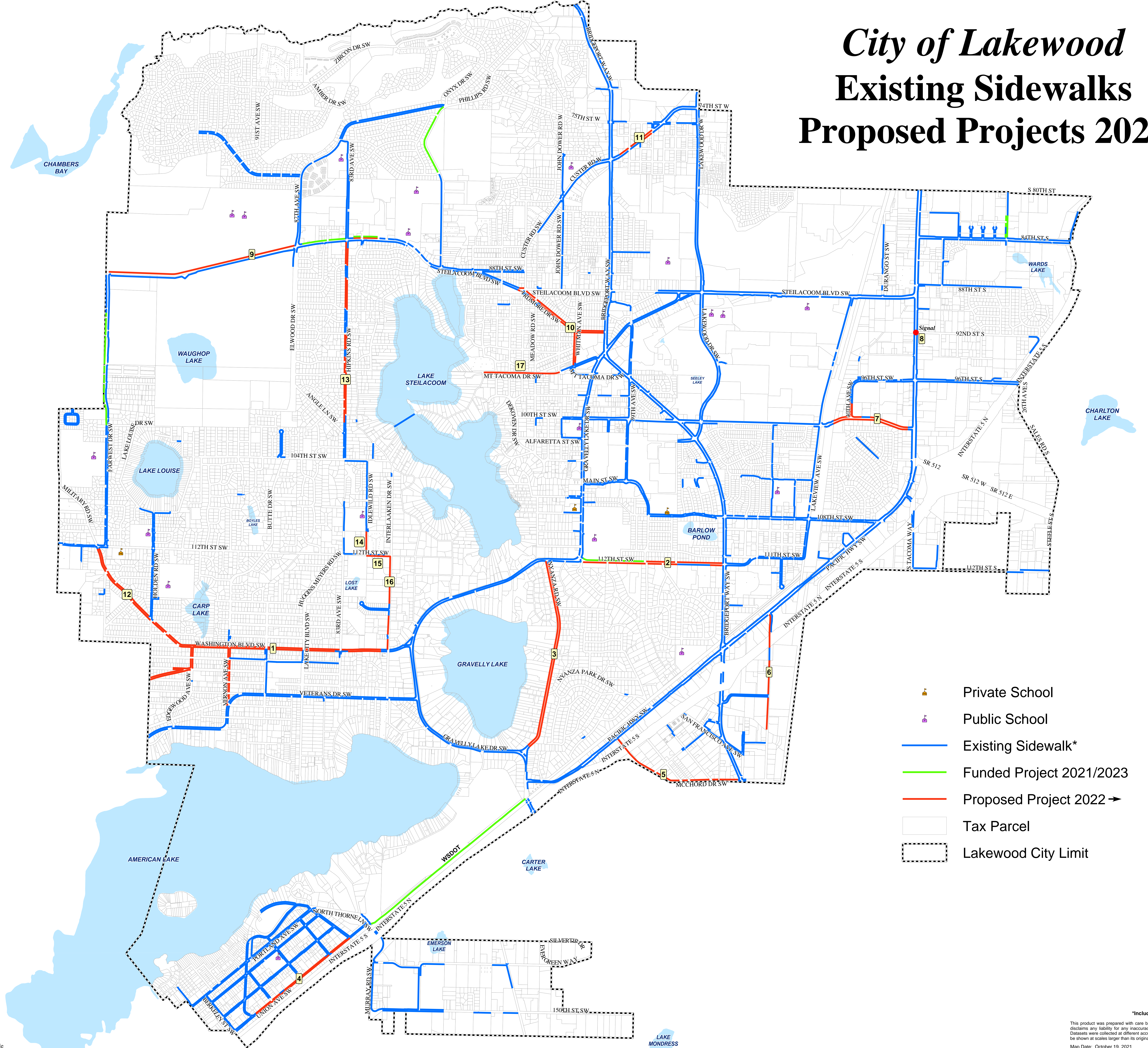
Project #	Project Name	Project Cost	Stage	Timeframe	Funding Source
302.0005	Annual Chip Seal Program	\$360,000	Design/Construction	Annual	City
302.0004	Pavement Patch Program	\$160,000	Design/Construction	Annual	City
302.0002	Annual Street light Program	\$175,000	Design/Construction	Annual	City
302.0135	JBLM North - Phase 1 Construction	\$6,800,000	Construction	2021/2022	City/TIB
302.0024	Steilacoom Blvd - Safe Routes to Schools Weller to Phillips	\$520,000	Construction	2022	SRTS/City
302.0137	Steilacoom Blvd - Sidewalks, Weller to Custer (south side to Phillips, both sides to Custer)	\$2,100,000	Construction	2022	City
302.0024	Steilacoom Blvd - Weller to 87th Improvements	\$5,400,000	Design/Construction	2022/2023	PSRC/HSIP/City
302.0024	Steilacoom Blv - 87th to Farwest	\$1,100,000	Design/Construction	2022/2024	Grant/City
302.0074	South Tacoma Way - 84th - 80th	\$450,000	Design	2022	PSRC/City
302.0068	Pacific Highway Overlay	\$738,000	Design/Construction	2021/2022	PSRC/City
302.0098	84th and Pine Intersection and sidewalks	\$969,000	Design/Construction	2022/2023	Ped,Bike,Safety/City
302.0164	Farwest Drive sidewalks	\$1,475,000	Design/Construction	2022/2023	SRTS/City
302.0114	112th Street sidewalks	\$743,000	Design/Construction	2022/2023	SRTS/City
302.0071	Phillips Road sidewalks	\$451,000	Design/Construction	2022	CDBG/City
302.0144	146th St.: Murray to Woodbrook	\$105,000	Design	2022	Port of Tacoma/City
401.0020	Annual Stormwater Repair Program	\$315,000	Construction	2022	City
401.0014	Water Quality Improvements	\$200,000	Construction	2022	City
311.0006	Rose Road SW Sanitary Sewer	\$1,250,000	Design/Construction	2022/2023	City
301.0039	ALP Overflow Parking	\$250,000	Construction	2022	City
Total		\$23,561,000			



City of Lakewood

Existing Sidewalks

Proposed Projects 2022 →



- Private School
- Public School
- Existing Sidewalk*
- Funded Project 2021/2023
- Proposed Project 2022 →
- Tax Parcel
- Lakewood City Limit

0 0.25 0.5
Mile

*Includes sidewalks currently under construction.
This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.
Map Date: October 19, 2021 [\\Projects\Eng\Sidewalks\Proposed-2022.mxd](#)



To: Mayor and City Councilmembers
From: Tho Kraus, Deputy City Manager
Through: John J. Caulfield, City Manager *John J. Caulfield*
Date: October 25, 2021
Subject: Review of American Rescue Plan Act (ARPA) Program Budget Ordinance

BACKGROUND

The proposed mid-biennium budget adjustment presented to the City Council at the October 11, 2021 City Council Study Session incorporated the American Rescue Plan Act (ARPA) Fund. These adjustments included programs the City Council adopted on September 20, 2021 via Ordinance 759 as well as proposed new programs that were presented to the City Council on September 13, 2021 that the City Council had not approved. During the review process, City Council noted there were two programs that were listed in Ordinance 759 that the City Council had not actually approved (YMCA and Boys & Girls Club). The City Attorney confirmed the approved program list in the ordinance had not been updated to reflect City Council action and that it would be corrected. The City Council then requested that the proposed budget adjustments be treated as two separate budget adjustments.

This proposed budget adjustment includes only ARPA Funded Programs the City Council intended to adopt via Ordinance 759.

PROPOSED BUDGET ADJUSTMENT DETAILS

The City received the first half of ARPA funds totaling \$6,883,118 in August 2021 and will received the second half in 2022 for a total of \$13,766,236. For tracking purposes, the entire program funds as approved by the City Council is accounted for in 2021 even through the program may span over multiple years. The rationale for this is to account for the programs on a project length basis. Unspent funds will be carried over to the following (2022) and unspent funds after that will roll over into the next year through 2026, when all ARPA funds must be spent or returned to Treasury. Per Treasury, the funds may accumulate interest which the City may keep and use at its discretion. The plan is to bring forward the accumulated interest earned for City Council consideration and action (for example, to use on other ARPA related programs or transfer to General Fund).

The total proposed budget as approved by the City Council via Ordinance 759 totals \$4,192,719. The balance available for future allocation is \$9,573,517.

196.3001 Comfort Inn – Total \$1,050,000

(Program Cost \$1,000,000 + 5% Direct Admin Cost \$50,000)

This provides for the City's conditional funding of \$1 million in capital needs, to be used in combination with funds from the City of Tacoma and Pierce County, by Low Income housing Institute (LIHI) to purchase the building and pay associated costs of closing. \$700,000 will be conditionally committed as an acquisition bridge loan, and \$300,000 will be committed as a deferred loan as permanent financing. The City understands that LIHI is seeking to leverage State Department of Commerce Funding through their Rapid Capital Housing Acquisition program in the amount of \$7,000,000. A portion of these funds will be used to repay the City's bridge loan. The City's funding amount is subject to changed based on final project capital and operating costs. If there are decreases in development costs or increases in other projected capital revenue sources, the City and other public funders explicitly reserve the right to decrease the final subsidy award to the minimum level needed. The conditional funding is subject to: the reservation of 12 emergency shelter beds for Lakewood individuals; approval of the final project development and operations budget; consistency with the City of Lakewood 5-Year 2020-2024 Consolidated Plan and FY2021 Consolidated Annual Action Plan (approved); Income and Affordability levels of the Multi-Family Lending term sheet; and additional City of Lakewood requirements will be identified as further details become available regarding the project's construction costs, operational costs, and timelines for conversion from an enhanced shelter to permanent supportive housing. The conditional commitment does not cover all federal, state, and local requirements, nor all the terms that will be included in loan documents including legal rights and obligations.

196.3002 Lakewood Community Services Advisory Board (CSAB) 1% Funds – Total \$144,545

(Program Cost \$137,662 + 5% Direct Admin Fee \$6,883)

Allocate 1% per year in 2022 and 2023 to support human service needs. CASB 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 changes that have been exacerbated by COVID-19 pandemic. CASB 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. The City will work with the Clover Park School District, Communities in Schools, Lakewood's Promise, and the Lakewood Youth Council. The youth mental health recommendation is scheduled to be reviewed at the CSAB joint study session with the City Council on November 8, 2021.

196.3003 Warriors of Change – Total \$71,873

(Program Cost \$68,450 + 5% Direct Admin Cost \$3,423)

The Clover Park School District (CPSD) is providing funding for school – staff and teachers, facilitator costs, and the contract with Quantum Learning. CPSD requesting funding from the City of Lakewood for Communities in Schools of Lakewood portion of the Warriors Change Program and cash incentives for student participants.

ARPA program funds total \$68,450 and will provide:

- \$40,000 Student end-of-program incentives (80 students @ \$500/each)
- \$8,000 Cohort-Mentor stipends (8 college age students @ \$1,000/each)
- \$4,800 Administration costs for managing students and mentors (10%)
- \$9,150 summer Program Coordinator costs (2 months -> 2 weeks planning + 6 week program)
- \$6,500 Summer Site Coordinator costs (2 months)
- \$68,450 Total Program Costs**

Note: The Warriors of Change 2021 is the pilot program of a 6-week leadership development project-based learning experience for Clover Park High School rising seniors, with the hope that the program can grow to expand and serve more students for futures year.

196.2001 Pierce County BIPOC Business Accelerator Contribution – Total \$525,000

(Program Cost \$500,000 + 5% Direct Admin Cost \$25,000)

Partnership opportunity -- Entrepreneurial & Technical Assistance with focus Opportunities. The County Council has set aside \$5M of their ARPA funds toward this initiative with the caveat that they receive matching funds from cities, non-profits and the business community. During the CARES process the County with thousands of businesses and saw some gaps and opportunities to grow entrepreneurship and help Black, Indigenous and People of color (BIPOC) communities and small and micro businesses grow their companies. Programs will have a county-wide focus to include: growing entrepreneurship; BIPOC; structured cohort opportunities; and tailored individual opportunities. Resources will go to training, technical resources needed by businesses, innovation grants to help with seed money funding, financial reporting programs and mentors/navigators to help the businesses learn to use the tools. Success measures include the number of businesses launched and growing wealth in our communities.

196.6001 LPD Body Cameras Purchase of Cameras & Video Storage – Total \$102,944

(Program Cost \$98,044 + 5% Direct Admin Cost \$4,900)

Purchase of 80 body cameras (includes cameras, docking stations, software with training and 5-year service plan). Total estimated 1-time cost for cameras and video storage of \$336,304 is funded in part with State police reform funding of \$238,260.

196.6002 LPD Body Cameras Operations – \$298,247

(Program Cost \$284,045+ 5% Direct Admin Cost \$14,202)

Funds to support Year 2021 and 2022 operations. Includes Records Specialist 1.0 FTE beginning August 2021 and Associate Attorney 1.0 FTE beginning in January 2022.

196.7001 ARPA Administration –Finance 1.0 FTE and ARPA Coordinator 1.0 FTE – Total \$688,312

(Program Cost \$688,312 + 5% Direct Admin Cost \$0)

Limited Term Positions ending 12/31/2026 or sooner – TBD

Positions in support of ARPA Program. Add grant accountant position to ensure compliance with financial accounting, auditing and interim/annual reporting. Grant requirements, including accounting and reporting, have become increasing complex, as well as accessing/utilizing the various specific granting agency systems and portals. Add ARPA coordinator position to assist ARPA Program Manager in various ARPA program requirements, serve as Lakewood ARPA Resident Navigator and point of contact for Lakewood businesses seeking ARPA assistance available from County, State and Federal levels. The City's Resident Navigator program referral assistance to city residents seeking ARPA rent/mortgage and utility funds, child care services, workforce training, medical and behavioral health services, and/or emergency shelter,

196.3005 Habitat for Humanity Boat Street Project – Total \$254,100

(Program Cost \$242,000 + 5% Direct Admin Cost \$12,100)

Provide for off-site construction costs including sanitary sewer extension, water main extension and hydrants, storm drainage, joint utility trench, and public street work (paving sidewalk, traffic control, etc.)

196.3006 Rebuilding Together South Sound - Total \$341,250

(Program Cost \$325,000 + 5% Direct Admin Cost \$16,250)

Provide funds to operate a Rebuilding a Healthy Neighborhood (RaHN) Program for 1 to 2 years in each of the 4 neighborhoods that the City of Lakewood has identified as specific neighborhoods in need of attention with regards to safe and healthy housing (Tillicum/Woodbrook, Springbrook, Lakeview, and Monte Vista areas). Some Rebuilding Together Affiliates have had a much better success rate when they focus on one neighborhood for two consecutive years. Other affiliates have had good results with a single year focus in neighborhoods. The cost per neighborhood is \$65,000. The \$325,000 would provide for \$65,000/year for 5 years. A 5-year span would allow for a RaHN event in either each of the 4 neighborhoods plus an additional neighborhood or select 2 neighborhoods for 2-year programs and 1 neighborhood for a single year program.

196.6003 Emergency Services Alert & Warning System - Total \$13,998

(Program Cost \$13,331 + 5% Direct Admin Cost \$667)

Funds for annual subscription. Lakewood is a part of a coalition that provides emergency management services to Lakewood, University place, West Pierce Fire and Rescue and Steilacoom (joining coalition in January 2022). The coalition is evaluating its own alert and warning system. The system would allow the coalition to send emergency messages via reverse 911 to landlines and/or to any cell phone within the alert boundary. It would also allow for residents to subscribe for routine messages from the City.

196.6004 West Pierce Fire & Rescue - Total \$241,500

(Program Cost \$230,000 + 5% Direct Admin Cost \$11,500)

Funds to improve 2 items of the emergency management program. They are: 1) update WPFR's Department Operations Center (DOC) and backup DOCS to better communicate with the City and stakeholders during times of emergency or disaster, including technology to hold virtual meetings. Cost of technology upgrades at 4 fire stations total \$200,000. Also, \$10,000 for HAM radios for similar level of capabilities as the City to be able to communicate seamlessly if phone and internet fail during an emergency; and 2) Translation of basic emergency messages into additional languages to better serve the community. WPFR would serve as lead on this project for the Emergency Management Coalition. Cost to translate emergency messages into the top 4 languages utilized in the fire district is approximately \$20,000.

196.6005 City Website and Multilingual Services – Total \$36,750

(Program Cost \$35,000 + 5% Direct Admin Cost \$1,750)

Implementation of transition software and comprehensive overhaul of the City's website for usability improvements.

196.6006 Youth Employment Program – Total \$88,200

(Program Cost \$84,000 + 5% Direct Admin Cost \$4,200)

To provide a more traditional Youth Corp work crew program for the 2022 summer season. The 12 week program would include hands on work throughout the City as well as leadership and employment readiness training. The program including estimated costs involves: 2 recreation leaders \$25,000; 8 youth workers \$57,000; and fuel and program supplies \$1,000.

196.6007 City Reader Boards - Total \$336,000

(Program Cost \$320,000 + 5% Direct Admin Cost \$16,000)

Funds to purchase 2 reader boards at \$160,000 each. Considerations for locations of the reader boards include: average daily traffic count; whether location is at a stop light; competition for attention (are there too many other signs in the area?); access to right-of-way for installation; and zoning.

**American Rescue Plan Act (ARPA) Program
Summary of Proposed Requests**

1-Time Programs	ARPA Category	FTE	Year 2021		Year 2022	
			Revenue	Expenditure	Revenue	Expenditure
ARPA Expenditures - Total \$2,933,285						
Comfort Inn Purchase & Emergency Shelter Operation for 2 Year + 5% Direct Admin Cost	2. Negative Economic Impacts	-	1,050,000	1,050,000	-	-
Lakewood Community Services Advisory Board 1% of Funds in 2022 and 2023 + 5% Direct Admin Cost	3. Services to Disproportionately Impacted Communities	-	144,545	144,545	-	-
2021 Warriors of Change (Clover Park High School) 2021 Program + 5% Direct Admin Costs	3. Services to Disproportionately Impacted Communities	-	71,873	71,873	-	-
Pierce County BIPOC Business Accelerator Contribution Program + 5% Direct Admin Cost	3. Services to Disproportionately Impacted Communities	-	525,000	525,000	-	-
LPD Body Cameras Cameras & Video Storage + 5% Direct Admin Cost (State Police Reform Funds \$238,260 + ARPA \$98,044 = \$336,304 Total)	6. Revenue Replacement	-	102,944	102,944	-	-
LPD Body Cameras 2021/2022 Operations + 5% Direct Admin Cost	6. Revenue Replacement	2.00	298,247	298,247	-	-
ARPA Program Administration Indirect Costs Limited Term Positions Ending 12/31/2026 or Earlier - TBD Finance 1.0 FTE & ARPA Coordinator 1.0 FTE	7. Administrative	2.00	688,312	688,312	-	-
Community Engagement External Requests - Total \$595,350						
Habitat for Humanity Boat Street Project Utilities and Road Improvements for 12 Unit project.	3. Services to Disproportionately Impacted Communities	-	254,100	254,100	-	-
Rebuilding Together South Sound 5 Year Program	3. Services to Disproportionately Impacted Communities	-	341,250	341,250	-	-
Identified Revenue Replacement Expenditures - Total \$716,448						
Emergency Services Alert & Warning System Partnership with University Place, Steilacoom, West Pierce Fire & Rescue	6. Revenue Replacement	-	13,998	13,998	-	-
West Pierce Fire & Rescue Emergency Management Programs	6. Revenue Replacement	-	241,500	241,500	-	-
City Website Multilingual Services Initial Start-Up Cost	6. Revenue Replacement	-	36,750	36,750	-	-
Youth Employment Program Funding for 1 Year Program	6. Revenue Replacement	-	88,200	88,200	-	-
City Reader Boards Purchase of 2 at \$160,000/Each	6. Revenue Replacement	-	336,000	336,000	-	-
Total		4.00	\$ 4,192,719	\$ 4,192,719	\$ -	\$ -

NEXT STEPS AS IT RELATES TO BUDGET ADJUSTMENTS

For 2021/2022 Mid-Biennium Budget Adjustment:

- Public Hearing on November 1, 2021 Regular Meeting
- Adoption on November 15, 2021 Regular Meeting

For ARPA Programs Approved Via Ordinance 759:

- Public Hearing on November 1, 2021 Regular Meeting
- Adoption on November 15, 2021 Regular Meeting

For New ARPA Funded Recommended Programs:

- Review ARPA Program Recommendations on November 22, 2021
- Public Hearing on December 6, 2021 (tentative)
- Adopt ARPA Program Recommendations on December 20, 2021 (tentative)

ATTACHMENTS

- Draft Budget Adjustment Ordinance & Exhibits

ORDINANCE NO.

AN ORDINANCE of the City Council of the City of Lakewood, Washington, adopting the 2021/2022 Biennial Budget.

WHEREAS, the tax estimates and budget for the City of Lakewood, Washington, for the 2021/2022 fiscal biennium have been prepared and filed on October 5, 2020 as provided by Titles 35A.34 and 84.55 of the Revised Code of Washington; and

WHEREAS, the budget was printed for distribution and notice published in the official paper of the City of Lakewood setting the time and place for hearing on the budget and said notice stating copies of the budget can be obtained on-line and at the Office of the City Clerk; and

WHEREAS, the City Council of the City of Lakewood having held a public hearing on November 2, 2020, and having considered the public testimony presented; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance No. 746 on November 16, 2020 implementing the 2021/2022 Biennial Budget; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 754 on May 17, 2021 implementing the 2020 Carry Forward Budget Adjustment; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance ____ on November 15, 2021 implementing the 2021/2022 Mid-Biennium Budget Adjustment; and

WHEREAS, the City Council of the City of Lakewood finds it necessary to revise the 2021/2022 Biennial Budget to incorporate the American Rescue Plan Act (ARPA) funded programs as adopted by the City Council on September 20, 2021 via Ordinance 759; and

WHEREAS, the City Council of the City of Lakewood having held a public hearing on the 2021/2022 ARPA Funds Budget Adjustment on November 1, 2021.

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

Section 1. Budget Amendment. The budget for the 2021/2022 biennium, as set forth in Ordinance ____, Section 1 and as shown in Exhibit A (Current Revised Budget by Fund – Year 2021) and Exhibit B (Current Revised Budget by Fund – Year 2022) is amended to adopt the revised budget for the 2021/2022 biennium in the amounts and for the purposes as shown on Exhibits C (Revised Budget by Fund – Year 2021) and Exhibit D (Revised Budget by Fund – Year 2022).

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3. Copies of the Budget to Be Filed. A complete copy of the final budget as adopted herein shall be transmitted to the Office of the State Auditor, the Association of Washington Cities and to the Municipal Research and Services Center of Washington. Copies of the final budget as adopted herein shall be filed with the City Clerk and shall be made available for use by the public.

Section 4. Effective Date. This Ordinance shall be in full force and effect for the fiscal years 2021 and 2022 five (5) days after publication as required by law.

ADOPTED by the City Council this 15th day of November, 2021.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

EXHIBIT A
CURRENT REVISED BUDGET BY FUND - YEAR 2021
Per Ordinance ___ Adopted November 15, 2021

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
General Government Funds:	19,791,935	157,680	19,949,615	58,657,749	4,874,883	63,532,632	63,378,855	5,911,095	69,289,950	14,192,297
001 General	\$ 13,573,122	\$ 157,680	\$ 13,730,802	\$ 38,684,153	\$ 2,906,288	\$ 41,590,442	\$ 41,225,890	\$ 4,263,124	\$ 45,489,014	\$ 9,832,230
101 Street	-	-	-	2,420,169	95,304	2,515,473	2,420,169	95,304	2,515,473	-
103 Transportation Benefit District	687,753	-	687,753	835,000	-	835,000	-	-	-	1,522,753
104 Hotel/Motel Lodging Tax Fund	1,659,033	-	1,659,033	800,000	200,000	1,000,000	813,191	-	813,191	1,845,842
105 Property Abatement/RHSP/1406	658,414	-	658,414	494,287	75,300	569,587	1,152,701	75,300	1,228,001	-
106 Public Art	135,500	-	135,500	30,000	-	30,000	165,500	-	165,500	-
180 Narcotics Seizure	226,196	-	226,196	-	14,500	14,500	226,196	14,500	240,696	-
181 Felony Seizure	47,837	-	47,837	-	-	-	47,837	-	47,837	-
182 Federal Seizure	160,906	-	160,906	-	-	-	160,906	-	160,906	-
190 CDBG	1,381,724	-	1,381,724	4,328,614	36,294	4,364,908	5,710,338	36,294	5,746,632	-
191 Neighborhood Stabilization Prog	255,114	-	255,114	42,000	-	42,000	297,114	-	297,114	-
192 SSMCP	18,017	-	18,017	7,745,228	1,400,000	9,145,228	7,763,073	1,400,000	9,163,073	172
195 Public Safety Grants	-	-	-	518,076	161,527	679,603	518,076	161,527	679,603	-
196 ARPA (American Rescue Plan Act)	-	-	-	-	-	-	-	-	-	-
201 GO Bond Debt Service	-	-	-	1,690,821	-	1,690,821	1,690,821	-	1,690,821	-
202 LID Debt Service	248,038	-	248,038	268,920	(14,330)	254,590	516,958	(134,954)	382,004	120,624
204 Sewer Project Debt	607,313	-	607,313	800,481	-	800,481	670,086	-	670,086	737,708
251 LID Guaranty	132,968	-	132,968	-	-	-	-	-	-	132,968
Capital Project Funds:	11,278,846	-	11,278,846	27,853,702	10,174,883	38,028,585	36,563,777	8,056,123	44,619,900	4,687,531
301 Parks CIP	2,605,500	-	2,605,500	3,768,517	6,892,190	10,660,707	6,349,899	6,892,190	13,242,089	24,118
302 Transportation CIP	4,869,918	-	4,869,918	21,855,185	1,163,933	23,019,118	26,253,222	1,163,933	27,417,155	471,881
303 Real Estate Excise Tax	2,271,510	-	2,271,510	1,800,000	1,700,000	3,500,000	2,217,195	-	2,217,195	3,554,315
311 Sewer Project CIP	1,531,918	-	1,531,918	430,000	418,760	848,760	1,743,461	-	1,743,461	637,217
Enterprise Fund:	5,821,018	-	5,821,018	5,453,820	50,000	5,503,820	8,506,432	(8,443)	8,497,989	2,826,849
401 Surface Water Management	5,821,018	-	5,821,018	5,453,820	50,000	5,503,820	8,506,432	(8,443)	8,497,989	2,826,849
Internal Service Funds:	5,051,130	-	5,051,130	5,539,357	1,392,487	6,931,844	6,517,009	538,000	7,055,009	4,927,965
501 Fleet & Equipment	4,261,307	-	4,261,307	780,620	1,002,987	1,783,607	1,443,272	148,500	1,591,772	4,453,142
502 Property Management	584,300	-	584,300	735,603	86,500	822,103	1,050,603	86,500	1,137,103	269,300
503 Information Technology	205,523	-	205,523	2,416,784	303,000	2,719,784	2,416,784	303,000	2,719,784	205,523
504 Risk Management	-	-	-	1,606,350	-	1,606,350	1,606,350	-	1,606,350	-
Total All Funds	41,942,929	\$ 157,680	\$42,100,609	\$ 97,504,628	\$ 16,492,253	\$113,996,882	\$ 114,966,073	\$ 14,496,775	\$129,462,848	\$ 26,634,642

EXHIBIT B
CURRENT REVISED BUDGET BY FUND - YEAR 2022
Per Ordinance ____ Adopted November 15, 2021

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
General Government Funds:	\$ 15,070,828	\$ (878,532)	\$ 14,192,297	\$ 48,653,878	\$ 908,952	\$ 49,562,830	\$ 48,183,688	\$ 1,926,938	\$ 50,110,626	\$ 13,644,501
001 General	11,031,385	(1,199,156)	9,832,230	40,226,201	864,065	41,090,266	40,457,651	1,840,162	42,297,813	8,624,683
101 Street	-	-	-	2,399,379	16,720	2,416,099	2,399,379	16,720	2,416,099	(0)
103 Transportation Benefit District	1,522,753	-	1,522,753	835,000	-	835,000	640,000	-	640,000	1,717,753
104 Hotel/Motel Lodging Tax Fund	1,645,842	200,000	1,845,842	1,000,000	-	1,000,000	800,000	-	800,000	2,045,842
105 Property Abatement/RHSP/1406	-	-	-	409,500	300	409,800	409,500	300	409,800	-
106 Public Art	-	-	-	15,000	30,000	45,000	15,000	30,000	45,000	-
180 Narcotics Seizure	-	-	-	-	-	-	-	-	-	-
181 Felony Seizure	-	-	-	-	-	-	-	-	-	-
182 Federal Seizure	-	-	-	-	-	-	-	-	-	-
190 CDBG	-	-	-	595,000	-	595,000	595,000	-	595,000	-
191 Neighborhood Stabilization Prog	-	-	-	42,000	-	42,000	42,000	-	42,000	-
192 SSMCP	172	-	172	227,500	-	227,500	227,500	-	227,500	172
195 Public Safety Grants	-	-	-	132,328	-	132,328	132,328	-	132,328	-
196 ARPA (American Rescue Plan Act)	-	-	-	-	-	-	-	-	-	-
201 GO Bond Debt Service	-	-	-	1,689,938	-	1,689,938	1,689,938	-	1,689,938	-
202 LID Debt Service	-	120,624	120,624	247,774	(2,133)	245,641	247,774	39,756	287,530	78,735
204 Sewer Project Debt	737,708	-	737,708	834,258	-	834,258	527,618	-	527,618	1,044,348
251 LID Guaranty	132,968	-	132,968	-	-	-	-	-	-	132,968
Capital Project Funds:	\$ 2,568,771	\$ 2,118,760	\$ 4,687,531	\$ 15,516,198	\$ (550,980)	\$ 14,965,218	\$ 15,763,098	\$ (563,000)	\$ 15,200,098	\$ 4,452,651
301 Parks CIP	24,118	-	24,118	3,430,000	(2,448,000)	982,000	3,430,000	(2,448,000)	982,000	24,118
302 Transportation CIP	471,881	-	471,881	10,036,198	1,712,000	11,748,198	9,711,998	1,712,000	11,423,998	796,081
303 Real Estate Excise Tax	1,854,315	1,700,000	3,554,315	1,800,000	-	1,800,000	2,491,100	173,000	2,664,100	2,690,215
311 Sewer Project CIP	218,457	418,760	637,217	250,000	185,020	435,020	130,000	-	130,000	942,237
Enterprise Fund:	\$ 2,768,406	\$ 58,443	\$ 2,826,849	\$ 7,565,476	\$ 50,000	\$ 7,615,476	\$ 7,601,032	\$ (341,991)	\$ 7,259,041	\$ 3,183,284
401 Surface Water Management	2,768,406	58,443	2,826,849	7,565,476	50,000	7,615,476	7,601,032	(341,991)	7,259,041	3,183,284
Internal Service Funds:	\$ 4,073,478	\$ 854,487	\$ 4,927,965	\$ 5,338,526	\$ 193,900	\$ 5,532,426	\$ 5,428,770	\$ 193,900	\$ 5,622,670	\$ 4,837,721
501 Fleet & Equipment	3,598,655	854,487	4,453,142	755,720	-	755,720	1,007,720	-	1,007,720	4,201,142
502 Property Management	269,300	-	269,300	798,917	-	798,917	703,917	-	703,917	364,300
503 Information Technology	205,523	-	205,523	2,177,539	97,800	2,275,339	2,110,783	97,800	2,208,583	272,279
504 Risk Management	-	-	-	1,606,350	96,100	1,702,450	1,606,350	96,100	1,702,450	-
Total All Funds	24,481,483	\$ 2,153,158	\$26,634,642	\$ 77,074,078	\$ 601,872	\$77,675,950	\$ 76,976,588	\$ 1,215,847	\$78,192,435	\$ 26,118,157

EXHIBIT C
PROPOSED REVISED BUDGET BY FUND - YEAR 2021

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
General Government Funds:	19,949,615	-	19,949,615	63,532,633	4,192,719	67,725,352	69,289,951	4,192,719	73,482,670	14,192,297
001 General	\$ 13,730,802	\$ -	\$ 13,730,802	\$ 41,590,442	\$ -	\$ 41,590,442	\$ 45,489,014	\$ -	\$ 45,489,014	\$ 9,832,230
101 Street	-	-	-	2,515,473	-	2,515,473	2,515,473	-	2,515,473	-
103 Transportation Benefit District	687,753	-	687,753	835,000	-	835,000	-	-	-	1,522,753
104 Hotel/Motel Lodging Tax Fund	1,659,033	-	1,659,033	1,000,000	-	1,000,000	813,191	-	813,191	1,845,842
105 Property Abatement/RHSP/1406	658,414	-	658,414	569,587	-	569,587	1,228,001	-	1,228,001	-
106 Public Art	135,500	-	135,500	30,000	-	30,000	165,500	-	165,500	-
180 Narcotics Seizure	226,196	-	226,196	14,500	-	14,500	240,696	-	240,696	-
181 Felony Seizure	47,837	-	47,837	-	-	-	47,837	-	47,837	-
182 Federal Seizure	160,906	-	160,906	-	-	-	160,906	-	160,906	-
190 CDBG	1,381,724	-	1,381,724	4,364,908	-	4,364,908	5,746,632	-	5,746,632	-
191 Neighborhood Stabilization Prog	255,114	-	255,114	42,000	-	42,000	297,114	-	297,114	-
192 SSMCP	18,017	-	18,017	9,145,228	-	9,145,228	9,163,073	-	9,163,073	172
195 Public Safety Grants	-	-	-	679,603	-	679,603	679,603	-	679,603	-
196 ARPA (American Rescue Plan Act)	-	-	-	-	4,192,719	4,192,719	-	4,192,719	4,192,719	0
201 GO Bond Debt Service	-	-	-	1,690,821	-	1,690,821	1,690,821	-	1,690,821	-
202 LID Debt Service	248,038	-	248,038	254,590	-	254,590	382,004	-	382,004	120,624
204 Sewer Project Debt	607,313	-	607,313	800,481	-	800,481	670,086	-	670,086	737,708
251 LID Guaranty	132,968	-	132,968	-	-	-	-	-	-	132,968
Capital Project Funds:	11,278,846	-	11,278,846	38,028,585	-	38,028,585	44,619,900	-	44,619,900	4,687,531
301 Parks CIP	2,605,500	-	2,605,500	10,660,707	-	10,660,707	13,242,089	-	13,242,089	24,118
302 Transportation CIP	4,869,918	-	4,869,918	23,019,118	-	23,019,118	27,417,155	-	27,417,155	471,881
303 Real Estate Excise Tax	2,271,510	-	2,271,510	3,500,000	-	3,500,000	2,217,195	-	2,217,195	3,554,315
311 Sewer Project CIP	1,531,918	-	1,531,918	848,760	-	848,760	1,743,461	-	1,743,461	637,217
Enterprise Fund:	5,821,018	-	5,821,018	5,503,820	-	5,503,820	8,497,989	-	8,497,989	2,826,849
401 Surface Water Management	5,821,018	-	5,821,018	5,503,820	-	5,503,820	8,497,989	-	8,497,989	2,826,849
Internal Service Funds:	5,051,130	-	5,051,130	6,931,844	-	6,931,844	7,055,009	-	7,055,009	4,927,965
501 Fleet & Equipment	4,261,307	-	4,261,307	1,783,607	-	1,783,607	1,591,772	-	1,591,772	4,453,142
502 Property Management	584,300	-	584,300	822,103	-	822,103	1,137,103	-	1,137,103	269,300
503 Information Technology	205,523	-	205,523	2,719,784	-	2,719,784	2,719,784	-	2,719,784	205,523
504 Risk Management	-	-	-	1,606,350	-	1,606,350	1,606,350	-	1,606,350	-
Total All Funds	42,100,609	\$ -	\$42,100,609	\$ 113,996,882	\$ 4,192,719	\$118,189,601	\$ 129,462,849	\$ 4,192,719	\$133,655,568	\$ 26,634,642

EXHIBIT D
PROPOSED REVISED BUDGET BY FUND - YEAR 2022

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
General Government Funds:	\$ 14,192,297	\$ -	\$ 14,192,297	\$ 49,562,830	\$ -	\$ 49,562,830	\$ 50,110,626	\$ -	\$ 50,110,626	\$ 13,644,501
001 General	9,832,230	-	9,832,230	41,090,266	-	41,090,266	42,297,813	-	42,297,813	8,624,683
101 Street	-	-	-	2,416,099	-	2,416,099	2,416,099	-	2,416,099	-
103 Transportation Benefit District	1,522,753	-	1,522,753	835,000	-	835,000	640,000	-	640,000	1,717,753
104 Hotel/Motel Lodging Tax Fund	1,845,842	-	1,845,842	1,000,000	-	1,000,000	800,000	-	800,000	2,045,842
105 Property Abatement/RHSP/1406	-	-	-	409,800	-	409,800	409,800	-	409,800	-
106 Public Art	-	-	-	45,000	-	45,000	45,000	-	45,000	-
180 Narcotics Seizure	-	-	-	-	-	-	-	-	-	-
181 Felony Seizure	-	-	-	-	-	-	-	-	-	-
182 Federal Seizure	-	-	-	-	-	-	-	-	-	-
190 CDBG	-	-	-	595,000	-	595,000	595,000	-	595,000	-
191 Neighborhood Stabilization Prog	-	-	-	42,000	-	42,000	42,000	-	42,000	-
192 SSMCP	172	-	172	227,500	-	227,500	227,500	-	227,500	172
195 Public Safety Grants	-	-	-	132,328	-	132,328	132,328	-	132,328	-
196 ARPA (American Rescue Plan Act)	-	-	-	-	-	-	-	-	-	-
201 GO Bond Debt Service	-	-	-	1,689,938	-	1,689,938	1,689,938	-	1,689,938	-
202 LID Debt Service	120,624	-	120,624	245,641	-	245,641	287,530	-	287,530	78,735
204 Sewer Project Debt	737,708	-	737,708	834,258	-	834,258	527,618	-	527,618	1,044,348
251 LID Guaranty	132,968	-	132,968	-	-	-	-	-	-	132,968
Capital Project Funds:	\$ 4,687,531	\$ -	\$ 4,687,531	\$ 14,965,218	\$ -	\$ 14,965,218	\$ 15,200,098	\$ -	\$ 15,200,098	\$ 4,452,651
301 Parks CIP	24,118	-	24,118	982,000	-	982,000	982,000	-	982,000	24,118
302 Transportation CIP	471,881	-	471,881	11,748,198	-	11,748,198	11,423,998	-	11,423,998	796,081
303 Real Estate Excise Tax	3,554,315	-	3,554,315	1,800,000	-	1,800,000	2,664,100	-	2,664,100	2,690,215
311 Sewer Project CIP	637,217	-	637,217	435,020	-	435,020	130,000	-	130,000	942,237
Enterprise Fund:	\$ 2,826,849	\$ -	\$ 2,826,849	\$ 7,615,476	\$ -	\$ 7,615,476	\$ 7,259,041	\$ -	\$ 7,259,041	\$ 3,183,284
401 Surface Water Management	2,826,849	-	2,826,849	7,615,476	-	7,615,476	7,259,041	-	7,259,041	3,183,284
Internal Service Funds:	\$ 4,927,965	\$ -	\$ 4,927,965	\$ 5,532,426	\$ -	\$ 5,532,426	\$ 5,622,670	\$ -	\$ 5,622,670	\$ 4,837,721
501 Fleet & Equipment	4,453,142	-	4,453,142	755,720	-	755,720	1,007,720	-	1,007,720	4,201,142
502 Property Management	269,300	-	269,300	798,917	-	798,917	703,917	-	703,917	364,300
503 Information Technology	205,523	-	205,523	2,275,339	-	2,275,339	2,208,583	-	2,208,583	272,279
504 Risk Management	-	-	-	1,702,450	-	1,702,450	1,702,450	-	1,702,450	-
Total All Funds	26,634,642	\$ -	\$ 26,634,642	\$ 77,675,950	\$ -	\$ 77,675,950	\$ 78,192,435	\$ -	\$ 78,192,435	\$ 26,118,157



TO: City Council

FROM: Tiffany Speir, Long Range & Strategic Planning Manager

THROUGH: Dave Bugher, Community Development Director
John Caulfield, City Manager

DATE: October 25, 2021

SUBJECT: 2022 Comprehensive Plan Amendment Cycle Docket List

ATTACHMENTS: Planning Commission Resolution 2021-04 (Attachment A); Public Comments submitted to Planning Commission (Attachment B)

BACKGROUND

On October 6, the Planning Commission approved by motion its recommendation on the docket list of 2022 Comprehensive Plan Text and Map amendments (22CPAs.) A copy of Planning Commission Resolution 2021-04 is attached hereto as **Attachment A**. During its public hearing, the Commission received several written public comments; these are attached hereto as **Attachment B**.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission's recommendation includes seven proposed amendments, summarized as follows:

- 2022-01** Review and update of Zoning, Policies and Code related to Tree Preservation, including the redesignation and rezoning zone of acreage hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1)

The materials presented by CED Director Dave Bugher to the City Council on September 27, 2021 regarding the City's Tree Preservation program have been added to the Planning Commission's public comment record. In 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.	

Supplemental Information 1 -

It is anticipated that the amendments to the tree preservation regulations will receive significant public comment and intensive review. That means it will take a longer period of time before the City Council will be in a position to make decisions on the entire slate of the remaining 2022 amendments. Recognizing upfront that tree preservation code changes will take more time, a preferred approach would be to separate out tree preservation from the 2022 comprehensive plan docket. It is likely that when the tree preservation amendments are presented to the city council at some future date, it may

include proposed additions/changes in current comprehensive plan policies. If that holds true, then these amendments will be added in subsequent comprehensive plan dockets.

2022-02 Update of Tillicum Neighborhood Plan and Tillicum Center of Local Importance (CoLI)

The City adopted the Tillicum Neighborhood Plan in June 2011. Since at least 2014, Tillicum has been designated as a Center of Local Importance (CoLI) based on its characteristics as a compact, walkable community with its own unique identity and character. The area is geographically isolated from the rest of Lakewood because of inadequate street connections. The only practical access to the area is provided by I-5. This center provides a sense of place and serves as a gathering point for both neighborhood residents and the larger region with regard to the resources it provides for Camp Murray, JBLM, and access to American Lake. The Tillicum area is subject to specific treatment in the Comprehensive Plan (Section 3.10, Goal LU-52, LU-53 and Policies LU-53.1 through LU-53.4.)

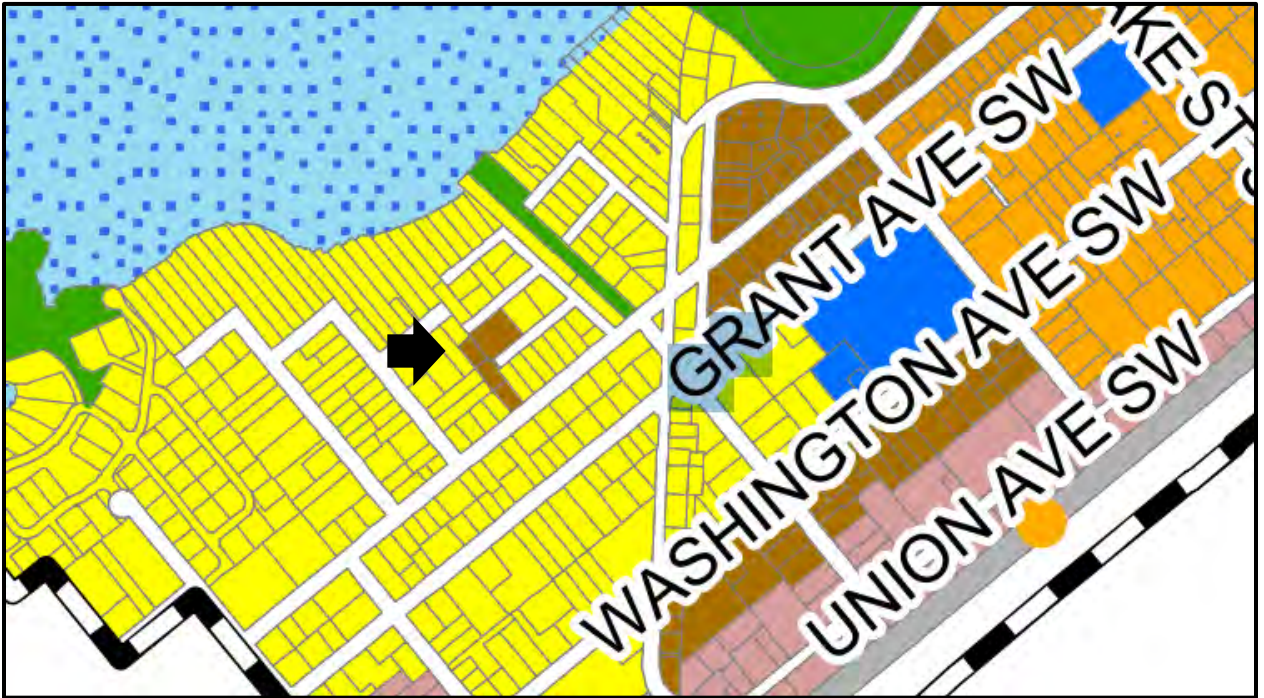
The amendment will allow for a review and update of the Neighborhood Plan to reflect actions taken since its adoption; the amendment will also allow for a review of the CoLI description and, potentially, its boundaries. Please see the next page for a map showing existing Tillicum CoLI.



Supplemental Information 2:

In addition to CoLI boundary review, it is proposed to review residential densities with any CoLI adjustments. Density review is being triggered by current and proposed Habitat for Humanity residential development projects. What follows is a series of maps which show the existing situation as well potential future changes.

In previous comprehensive plan cycles, Habitat for Humanity obtained amendments to comprehensive plan land use designations and zoning code classifications to allow for increased density to construct affordable housing. The *first map* shows where Habitat properties were up zoned from Single Family (R3) to Mixed Residential (MR2).



Recently, Habitat acquired another lot adjacent to the properties that were recently up-zoned. Please review the *second map* below. The lots outlined in **red** are owned by Habitat with an underlying zoning of MR2. The lot which was recently purchased is outlined in **blue**. The underlying zoning is R3.



This summer, Habitat submitted an application for a comprehensive plan/zoning code amendment to change land use designations from Single Family/R3 to Mixed residential/MR2. Since this proposal was a singular parcel, the application was rejected. It was explained to Habitat that what they had proposed was technically a “site-specific rezone” (spot zone); a site specific rezone has its own set of procedures different from a comprehensive plan/zoning code amendment.

Site specific rezones are inherently difficult to approve. It is not a preferred option in amending land use. A better approach is an area-wide land use amendment. Thus, it was proposed to add the Habitat proposal as part of the Tillicum CoLI review where the CoLI boundaries and density would be subject to adjustment.

Two staff proposals have surfaced. The *third map* shows Staff Proposal 1.



The “red dots” identified on the map show Habitat of Humanity property ownership. Under this proposal, the properties found within the confines of the red boundary, the underlying land use and zoning for this area would be proposed to be modified from Single Family/R3 to Mixed Residential/MR2. Current density within this area matches MR2 standards.

Another proposal, to expand the area even further, would be to extend increased density further north, northwest. The proposed land use/zoning would change from Single Family/R3 to Mixed Residential/MR2. This *fourth map* shows what this could look like. Please see next page.



This proposal needs further study, but is worthy of consideration. Also note that the two areas ARE NOT connected. There is a sliver of several properties that are designated/classified as Open Space/OSR2. These properties are affiliated with Bill's Boathouse, Silcox Island residents, a boat ramp, and parking area. The Open Space/OSR2 designation/zoning was part of a compromise with area residents when it was established in 2001. There is no proposal to amend land use/zoning for the open space area, unless specifically requested by underlying property ownership.

Again, **2022-02** will include an analysis of land use amendments to these two areas as part of the CoLI examination.

2022-03 Review and update of Housing Chapter and related amendments to LMC Title 18A development regulations

Effort will include review for compliance with VISION 2050, Countywide Planning Policies, HB 1220, Lakewood City Council DEI policies, and more.

2022-04 Review of Zoning, Policies and Code related to Adult Family Homes (AFHs)

Focus on potential allowance of AFHs in Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use zones

2022-05 Update sections of the Comprehensive Plan to reflect the adoption of VISION 2050 by the Puget Sound Regional Council (see, e.g., Section 1.6.7.1)

Technical update to reflect VISION 2050 versus VISION 2040

2022-06 Update Comprehensive Plan Figures 3-5, 3-6, and 3-8 to reflect adoption of the 2020 Parks Legacy Plan; update Figure 4.1 with an updated Urban Focus Area map depicting the Downtown and Lakewood Station District Subareas, the Tillicum Neighborhood, and the City Landmarks listed in Section 4.4 text.

Technical update to Comprehensive Plan Maps

2022-07 Parking requirements in LMC Chapters 18A.80 and in 18C.600 (Lakewood Station District Subarea Plan)

Review of current city-wide and subarea-wide parking requirements directed by City Council.

- 18A.80 Parking requirements adopted via Ordinance 726 in December 2019
- 18C.600 Parking requirements adopted via Ordinance 751 in May 2021

The Planning Commission Resolution 2021-04 (Attachment A) and public comments, including CED Director Dave Bugher's September 27 presentation to the City Council regarding Tree Preservation, Ms. Christina Manetti's written public comments, and Mr. John Ficker's written public comments (Attachment B) are attached hereto.

ATTACHMENT A
PLANNING COMMISSION RESOLUTION NO. 2021-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD,
WASHINGTON, ESTABLISHING THE 2022 DOCKET OF COMPREHENSIVE
PLAN LAND USE/ ZONING MAP AND POLICY AMENDMENTS**

WHEREAS, under RCW 36.70A.130(2), Comprehensive Plan policy or map amendments may be initiated by the City or by other entities, organizations, or individuals through petitions filed with the City on or before the last business day of July of each year; and

WHEREAS, the City of Lakewood received the following timely applications to amend the Comprehensive Plan and Land Use & Development Regulations in 2022:

CITY-INITIATED 2022 TEXT AND DESIGNATION/ZONE APPLICATIONS

(Amendatory language and maps for each will be prepared once City Council approves Docket)

2022-01 Review and update of Zoning, Policies and Code related to Tree Preservation, including the redesignation and rezoning zone of acreage hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1)

2022-02 Update of Tillicum Neighborhood Plan and Tillicum Center of Local Importance (CoLI)

2022-03 Review and update of Housing Chapter and related amendments to LMC Title 18A development regulations

2022-04 Review of Zoning, Policies and Code related to Adult Family Homes (AFHs) (Focus on potential allowance of AFHs in Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use zones)

2022-05 Update sections of the Comprehensive Plan to reflect the adoption of VISION 2050 by the Puget Sound Regional Council (see, e.g., Section 1.6.7.1)

2022-06 Update Comprehensive Plan Figures 3-5, 3-6, and 3-8 to reflect adoption of the 2020 Parks Legacy Plan; update Figure 4.1 with an updated Urban Focus Area map depicting the Downtown and Lakewood Station District Subareas, the Tillicum Neighborhood, and the City Landmarks listed in Section 4.4 text.

2022-07 Parking requirements in LMC Chapters 18A.80 and in 18C.600 (Lakewood Station District Subarea Plan)

PRIVATELY-INITIATED MAP AND TEXT AMENDMENT APPLICATIONS

- None

WHEREAS, on July 16, 2021, the Community and Economic Development Department published a Notice of Application Availability on the City’s website and in the City Manager’s Bulletin; and

WHEREAS, on August 26, 2021, the Community and Economic Development Department published a Notice of Public Hearing in The News Tribune; and

WHEREAS, On September 15, 2021 the Lakewood Planning Commission held a duly noticed public hearing on the proposed 2022 Comprehensive Plan Zoning Map and Text Amendment docket; and

WHEREAS, on October 6, 2021, the Lakewood Planning Commission reviewed the applications, docketing recommendations, and public comment; and

WHEREAS, also on October 6, 2021, the Lakewood Planning Commission adopted a motion approving docketing recommendations to the Lakewood City Council as included herein; and

WHEREAS, amendment proposals placed on the docket will undergo further public, agency, and environmental review, consideration by the Planning Commission, and final consideration by the Lakewood City Council; in addition, placing a proposal on the docket does not guarantee or imply its ultimate approval.

NOW, THEREFORE BE IT RESOLVED by the Lakewood Planning Commission:

The Planning Commission finds that each of the following applications sufficiently meet the docketing criteria and are hereby recommended to the City Council for inclusion in the 2022 Lakewood Comprehensive Plan and Land Use & Development Code docket (see **EXHIBIT A.**)

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 6th day of October, 2021, by the following vote:

AYES: 4 BOARDMEMBERS: Daniels, Pearson, Coleman-Lacadie,
 Larsen

ABSTENTIONS: _0_ BOARDMEMBERS:

NOES: _0_ BOARDMEMBERS:

ABSENT: _2_ BOARDMEMBERS: Combs, Wagemann

/s/

DON DANIELS, CHAIR

ATTEST:

/s/

KAREN DEVEREAUX, SECRETARY

EXHIBIT A

2022-01 Review and update of Zoning, Policies and Code related to Tree Preservation, including the redesignation and rezoning zone of acreage hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1)

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.

2.1.1 Residential Estate

The Residential Estate designation provides for large single-family lots in specific areas where a historic pattern of large residential lots and extensive tree coverage exists. Although retaining these larger sized properties reduces the amount of developable land in the face of growth, it preserves the historic identity these “residential estates” contribute to the community by providing a range of housing options, preserving significant tree stands, and instilling visual open space into the urban environment. Most importantly, the Residential Estate designation is used to lower densities around lakes and creek corridors in order to prevent additional effects from development upon the lakes, creek habitat and Lakewood Water District wellheads.

Consistent with Planned Development District (PDD) standards, PDD projects within the Residential Estate designation will be required to provide environmental protection and provide transportation improvements designed handle increased traffic due to higher development densities.

Maintenance of these lower land-use densities in certain areas west of the lakes also helps maintain reduced traffic volumes as well as reducing additional traffic safety conflicts in the east-west arterial corridors. These roads are among the most stressed transportation routes in the City, with expansion opportunities highly constrained due to the lakes.

* * *

3.8 Public and Semi-Public Institutional Land Uses

Lakewood is home to numerous large institutions including public and private colleges and hospitals, as well as a large number of school district properties. These resources offer citizens from Lakewood and surrounding areas vital medical and educational services, adding to the quality of life for the community. In addition, the facilities maintained by these institutions contribute to the public landscape, offering visual and usable open space, significant tree stands, educational historic resources, and a substantial architectural presence. The unique physical scale and public purpose of these institutions warrant a unique land-use designation and policy framework.

* * *

3.10.3 Urban Forestry

GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree coverage throughout the City.

Policies:

LU-60.1: Establish an urban forestry program for the City.

LU-60.2: Promote planting and maintenance of street trees.

LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.

3.10.3 Air Quality

GOAL LU-63: Meet federal, state, regional, and local air quality standards through coordinated, long-term strategies that address the many contributors to air pollution.

Policies:

LU-63.1: Promote land use and transportation practices and strategies that reduce the levels of air-polluting emissions.

LU-63.2: Ensure the retention and planting of trees and other vegetation to promote air quality.

LU-63.3: Limit wood burning generated air pollution through restrictions of wood burning fireplaces in new and replacement construction.

3.10.3 Urban Forestry

GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree coverage throughout the City.

Policies:

LU-60.1: Establish an urban forestry program for the City.

LU-60.2: Promote planting and maintenance of street trees.

LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.

Chapter 10 Energy & Climate Change (Adopted in 2021 per Ordinance 756)

Lakewood Climate Change Advantages and Challenges

[Advantage -] Tree preservation: Since 2001, the city has had in place a tree preservation ordinance. The city is also proactive in regard to removal of trees without permits; over the years, the city has substantially fined property owners.

Fines that are collected go into a tree preservation fund which was informally established through the city's master fee schedule. In 2019, with the adoption of Ordinance 726, the city established a city tree fund, Section 18A.70.330. City uses agreed upon restoration payments or settlements in lieu of penalties for removing trees without permits, donations/grants, and other funds allocated by the Council 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.

* * *

State Environmental Policy Act (SEPA): As circumstances warrant, the city uses SEPA and LMC Title 14 to mitigate for the loss of trees associated with urban development. In many situations, not all, city requires open space areas to be set aside from development.

* * *

City's regulating controls: City has enacted several regulations designed to protect or preserve and enhance the preservation of trees. Examples include the planned_development district, cottage housing, and the city's tree preservation code, in addition to LMC Title 14.

* * *

Carbon Sequestration

In addition to reducing GHG emissions, the city of Lakewood has the ability to remove carbon emissions from the atmosphere.

Locally forested areas and tree canopy found in the city's designated open space areas, lawns/fields and wetlands remove carbon emissions from the atmosphere through the process of photosynthesis and store them back into the earth. This process is referred to as carbon sequestration or carbon sinking. The work these natural resources do to support an ecological balance have been largely ignored. Lakewood's inventory estimates of the amount of carbon removed from the atmosphere are unknown as of this writing. Wetlands in particular, specifically the Flett Creek Complex, can store a significant amount of carbon.

Today, all of the city's forested areas and freshwater inland wetlands are currently protected or conserved through the city's open space policies, the shoreline master program, and development regulations, including a tree preservation ordinance. The city has not typically taken in consideration the carbon sequestration benefit of these resources, however, in its decision-making process.

* * *

Finding 4: Restoring and protecting the natural environment will help to mitigate impacts of climate change.

Climate change will have impacts on human and environmental health. A healthy natural environment will help enable the community to respond to future climate change-related events. Lakewood can address these challenges by:

- Restoring and expanding ecological systems to support the natural functions of soil, water, tree canopies, creeks, open space and other natural resources; and
- Conserving and protecting wetlands, uplands and natural resources.

Policy EC 4.3 Encourage Green Buildings and Landscaping:

Encourage the use of green and sustainable development standards and practices in planning, design, construction and renovation of facilities; promote the use of green streets that incorporate extensive

landscaping, pervious surfaces and native planting; encourage new development and redevelopment projects to be LEED-certified green buildings; and promote ecologically-sensitive approaches to landscaping.

Actions	Who	When	Recommended Priority
Ensure that roadway medians include native plants and trees and are wide enough to support their long-term viability with the least demand for irrigation and maintenance.	CC, CM, PC, CED, PWE, O&M	Near-term (2021-2025)	High (unfunded)
Continue to prioritize the use of locally propagated native drought-tolerant vegetation and discourage the use of invasive non-native species in home landscaping.	CC, CM, PC, CED, PWE, O&M	Near-term (ongoing)	High
Develop and promote an urban forest management/ master reforestation plan.	CED, PARKS, PC, PRAD, CC, CM	Near-term (2012-2025)	High (unfunded)
Evaluate the feasibility of expanding tree planting within the city, including an evaluation of potential carbon sequestration as well as GHG emissions. Specific tasks include: Provide information to the public, including landscape companies, gardeners, and nurseries, on carbon sequestration rates, drought tolerance, and fire resistance of different tree species.	CC, CM, CCOMM, PC, CED, PARKS, PWE,	Near-term (2021-2025)	High (unfunded)

11.3.1 City Run Programs

Table 11.1: City-Run Programs and Goal Implementation.

PRINCIPAL IMPLEMENTATION MECHANISMS	PRIMARY GOAL AREAS
Significant Tree Ordinance	3.10 Isolated Areas 3.11 Environmental Quality 4.5 Focus Area Urban Design Plans

* * *

Land-Use Implementation Strategies

11.3.2 Recognize existing programs and regulatory mechanisms such as the City’s street lighting program, street tree program, sign ordinance, sidewalk program, significant tree ordinance as ongoing means of achieving land-use goals.

LMC 18A.70 Article III Tree Preservation

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:

1. The City is notified the following business day of the unpermitted action;
2. Visual documentation (i.e., photographs, video, etc.) is made available; and
3. The felled tree remains on site for City inspection.
4. Replacement required.
 - a. Nonsingle-family use: The property owner will be required to provide replacement trees as established in LMC 18A.70.320(G), Replacement.
 - b. Single-family use: The property owner will not be required to provide replacement trees.
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.

1. A significant tree is an existing tree which:
 - 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;
 - 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
 - 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.
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.
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. 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 tree: Avoid disturbing the tree at all unless it represents a hazard as determined by an arborist;

- 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;
- 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;
- 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;
- e. Steep slopes: Removal of tree roots on steep slopes may require a geotechnical evaluation;
- f. Creeks and lakes: Trees fallen into creeks and lakes are to remain in place unless they create a hazard; and
- g. Provide professional recommendations on:
 - 1. The necessity of removal, including alternative measures to removal;
 - 2. The lowest-impact approach to removal;
 - 3. A replacement tree plan, if required.

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

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.

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.

- 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 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.
- 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.
- 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](#).

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.

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.

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.

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 three (3) inches in diameter at four and one-half (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 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.

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.

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.

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:

1. On-Site Replacement.

- 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.
- Replacement trees shall be no smaller than three (3) inches in diameter at six (6) inches above ground;
- 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:
 - The tree does not present a safety hazard; and
 - The tree is between three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.

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.

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:

- 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.
- b. The tree is located in a grouping of at least five (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 twenty-five (25) feet of any critical area or required critical area buffers.
- f. The tree is eighteen (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. [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:

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.

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. [Ord. 726 § 2 (Exh. B), 2019.]

2022-02 Update of Tillicum Neighborhood Plan and Tillicum Center of Local Importance (CoLI)

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.

1.4.1 Controlling Sprawl

* * *

- Targeted residential growth in specific neighborhoods.

A number of residential areas will be rejuvenated as high-density neighborhoods supported by public open space, neighborhood commercial centers, and other amenities, including the portions of the Springbrook neighborhood shown in Figure 2.9, the Custer neighborhood in north central Lakewood, the northern portion of Tillicum, the Downtown Subarea, and the Lakewood Station District Subarea.

- Focused investment.

Public investment will be focused on the areas of the city where major change is desired such as the City's Downtown Subarea, coterminous with the designated Regional Growth Center. Spending will be prioritized to achieve the coherent set of goals established in this plan. As required by law, capital expenditure will be consistent with the comprehensive plan, providing a rational basis for fiscal decision-making. Specifically, public investment will be tied to growth; thus, areas targeted for increased housing and employment density will have top priority for City spending. The City has spent over \$24 million on projects in the Springbrook, Woodbrook and Tillicum areas since 2004, including extension of sanitary sewer service to Tillicum and Woodbrook, extension of water service to Springbrook, and substantial roadway improvements in these areas.

* * *

1.5 How Will this Plan Be Used?

Following adoption in 2000, this Comprehensive Plan was implemented in large part through adoption of a number of programs, plans, and codes. Some of these additional documents include:

- A zoning code that is consistent with the Comprehensive Plan land use designations;
- Sub-area, corridor, and gateway plans for specific portions of Lakewood. Sub-area plans have been prepared for Tillicum and the Woodbrook Industrial Park;

* * *

1.6.7 Regional Planning Policies

In addition to the GMA, this plan is required to comply with VISION 2050, the multi-county policies, and Pierce County's County-Wide Planning Policies (CWPP). This plan shares many of the VISION 2050 goals, especially expanding housing choice and increasing job opportunities for community residents. Urban scale neighborhood redevelopment proposed for: the Downtown Subarea; the Lakewood Station District Subarea; portions of Springbrook; Tillicum; and elsewhere exemplifies the type of urban growth envisioned by these regional policies. Numerous other features, including

improved pedestrian and bicycle networks, compact urban design types, and balanced employment and housing, further demonstrate this consistency. The goals and policies comprising Lakewood's Comprehensive Plan also reflect the emphasis of each of the major CWPP issue areas. In particular, the Future Land-Use Map is based on the CWPP's land-use principles. This is reiterated in the corresponding goals and policies associated with the map, which comprise the land-use chapter.

* * *

1.7 2015 Update

* * *

In 2014 the City designated eight (8) Centers of Local Importance (COLIs). These COLIs were adopted in Section 2.5 (Land Use Maps chapter) of this comprehensive plan. Centers of Local Importance are designated in order to focus development and funding to areas that are important to the local community. Residential COLIs are intended to promote compact, pedestrian oriented development with a mix of uses, proximity to diverse services, and a variety of appropriate housing options. COLIs may also be used to identify established industrial areas. The Centers of Local Importance identified for the City of Lakewood include:

- A. Tillicum
- B. Fort Steilacoom/Oakbrook
- C. Custer Road
- D. Lakewood Industrial Park/CPTC
- E. South Tacoma Way
- F. Springbrook
- G. Woodbrook
- H. Lake City West

* * *

2.5 Centers of Local Importance

* * *

2.5.1 Tillicum

The community of Tillicum, Figure 2.4, is designated as a CoLI based on its characteristics as a compact, walkable community with its own unique identity and character. The area is located just outside the main gates of both Joint Base Lewis-McChord (JBLM) and Camp Murray National Guard Base ("Camp Murray"). The area is geographically isolated from the rest of Lakewood because of inadequate street connections. The only practical access to the area is provided by I-5. This center provides a sense of place and serves as a gathering point for both neighborhood residents and the larger region with regard to the resources it provides for Camp Murray, JBLM, and access to American Lake.

The Tillicum area includes many of the design features for a Center of Local Importance (CoLI) as described in CWPP UGA-50, including:

- Civic services including the Tillicum Community Center, Tillicum Elementary School, a fire station, JBLM and Camp Murray, the Tillicum Youth and Family Center, and several veterans

service providers;

- Commercial properties along Union Ave. SW that serve highway traffic from I-5, personnel from JBLM and Camp Murray, and local residents;
- Recreational facilities including Harry Todd Park, Bills Boathouse Marina, the Commencement Bay Rowing Club, and a WDFW boat launch facility that attracts boaters from around the region;
- Historic resources including Thornewood Castle. Much of the area was developed between 1908 and the 1940s. The street pattern around Harry Todd Park reflects the alignment of a trolley line that served the area in the early 1900's;
- Approximately 62 acres partially developed with, and zoned for, multi-family residential uses; and
- The Tillicum area is subject to specific treatment in the Comprehensive Plan (Section 3.10, Goal LU-52, LU-53 and Policies LU-53.1 through LU-53.4.) Additionally, the City adopted the Tillicum Neighborhood Plan in June 2011.

* * *

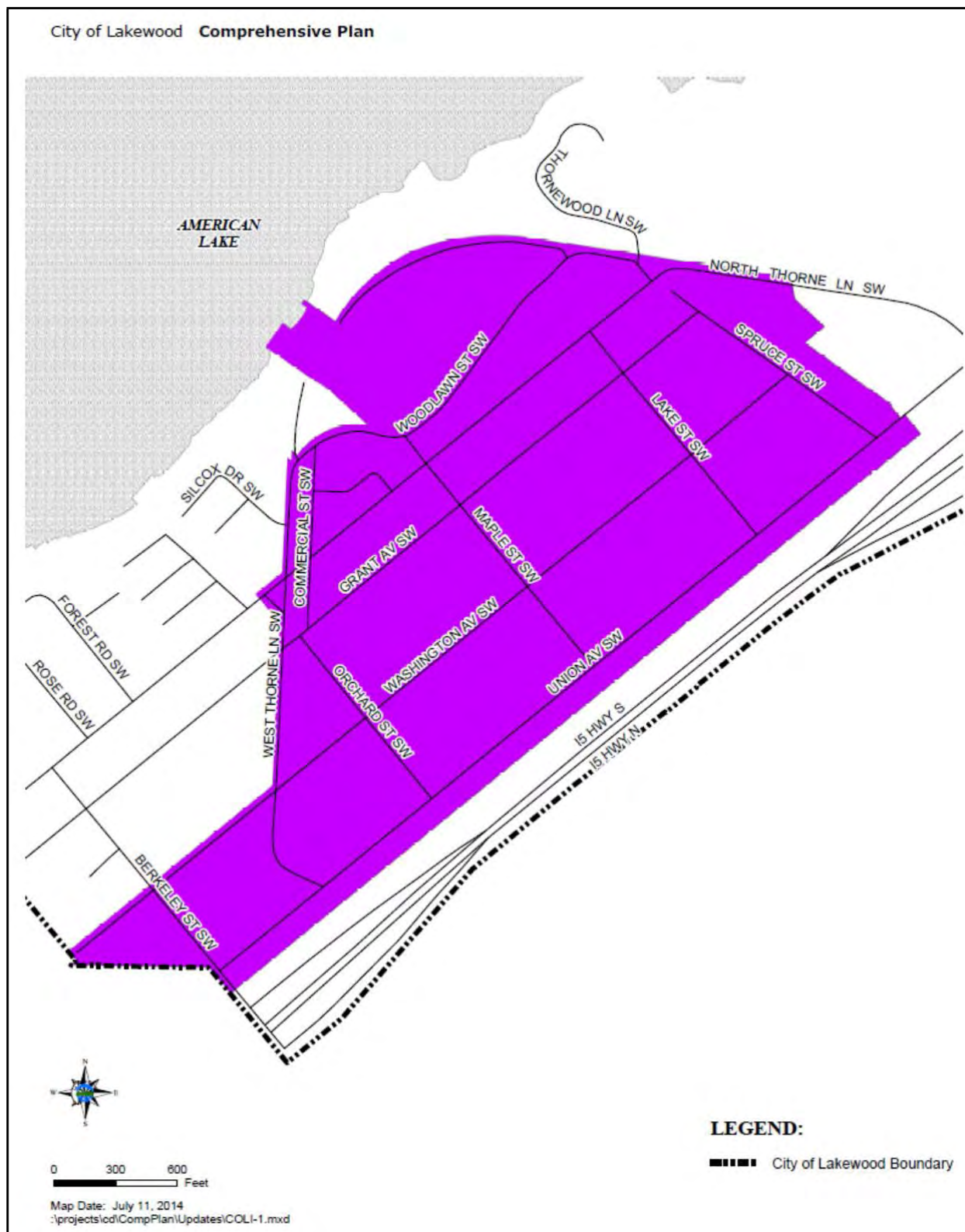


Figure 2.4
Tillicum Center of Local Importance

* * *

3.2.9 Housing Resources

* * *

B. Other Lakewood Support for Housing

Lakewood continues to partner with many organizations providing and improving housing. Lakewood's partnership with Tacoma-Pierce County Habitat for Humanity has increased homeownership opportunities for low-income households through new construction and housing rehabilitation. Partners with Habitat, including the City of Lakewood and Rebuilding Together South Sound, work together with limited funding and broad community support, including student volunteers, to provide much-needed housing. In the Tillicum neighborhood alone, Habitat is in the process of constructing 31 new affordable single family residences. The addition of these units constitutes a 21% increase in owner-occupied residences in census tract 72000. Lakewood has also provided financial support for rehabilitation and improvements of properties through various non-profit organizations such as Rebuilding Together South Sound, in addition to properties owned by Network Tacoma, Living Access Support Alliance, and the Pierce County Housing Authority.

* * *

- LU-2.8** Continue to provide technical assistance for redevelopment of land in Lake City, Lakeview, Springbrook, Tillicum, and lands located in the City's residential target areas (RTAs) and senior overlay.

* * *

3.10 Isolated Areas

Lakewood has three significant areas that are geographically isolated from the rest of the City: Springbrook, Woodbrook, and Tillicum. The first two are separated from the rest of the City by I-5 and are bordered on several sides by fenced military installations. The third is geographically contiguous to other parts of the City, but there are no direct road connections between Tillicum and other Lakewood neighborhoods.

As a result of this isolation, all three neighborhoods exhibit signs of neglect. Historically, both Woodbrook and Tillicum lack sewer systems. Beginning in June 2009, sewer trunk lines were installed in parts of both communities. Figure 3.12 shows the locations of major trunk lines in Lakewood-proper. Figure 3.13 shows the recently constructed sewer lines in Tillicum and Woodbrook. A small percentage of the Woodbrook properties and about one half of the Tillicum properties are connected, respectively, to sewers. It is the City's policy to connect all properties located within these neighborhoods to sewers based on available funding.

Most property is old, run down, and undervalued. Springbrook is dominated by a chaotic assortment of land uses arranged according to a dysfunctional street pattern. Despite relatively high-density housing, Springbrook's residents lack schools, or even basic commercial services. Given the multitude of crime and health problems plaguing these areas, unique approaches are needed for each neighborhood and are presented in the goals and policies below. Springbrook has a designated residential Center of Local Importance (CoLI), discussed in Section 2.5.6 and shown in Figure 2.9. The City Council also rezoned a number of Springbrook parcels outside of the CoLI to Industrial Business Park in 2020.

Additional recommendations for Tillicum are included in Chapter 4, while Chapter 5 addresses economic development in Woodbrook.

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

Policies:

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

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

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

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

Policies:

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

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

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

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

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

4.0 URBAN DESIGN AND COMMUNITY CHARACTER

4.1 Introduction

* * *

The three urban design focus areas that are singled out for special attention are: the Downtown Subarea, Lakewood Station District Subarea, and Tillicum. These three focus areas are crucial to the city's image and are parts of the city where substantial change is planned that will create a rich mixture of land uses in a pedestrian oriented environment. To achieve this level of change, substantial public investment and standards for private development will be needed.

* * *

4.4 Citywide Urban Design Framework Plan

* * *

Activity Nodes: Activity nodes are key destinations that attract human activity such as employment, shopping, civic functions, and public open spaces such as parks. These areas are usually memorable places in the minds of residents. No attempt was made to identify activity nodes in the framework plan, as they are widespread and varied in nature. However, among the most prominent are the

three identified as urban design focus areas (the Central Business District, Lakewood Station, and Tillicum) which are shown on Figure 4.1, and discussed in depth in Section 4.5. Activity nodes should be distributed to provide residents with access to personal services and groceries within reasonable walking/biking distance in their own neighborhoods.

* * *

4.5 Focus Area Urban Design Plans

Three areas of the city were selected for a focused review of urban design needs: the Downtown, the Lakewood Station District, and Tillicum. These areas were singled out for their prominence, for the degree of anticipated change, and for the rich mixture of land uses within a limited space, calling for a higher level of urban design treatment. Each area is discussed in terms of a vision for that area, its needs, and proposed actions to fulfill those needs and realize the vision. A graphic that places those identified needs and proposed actions in context accompanies the discussion.

* * *

4.5.2 Tillicum

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

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

Because of recent extension of sewer service to the area, the development of multi-family housing in Tillicum is now possible. In addition to sewer development, there are other actions the City can take in support of the development of multi-family housing in Tillicum including: development of a long-range plan for Harry Todd Park and implementation of specific improvements to expand sewer capacity;

- development of a pedestrian connection between the park and commercial district along Maple Street, with sidewalks, curb ramps, crosswalks, lighting, and other improvements;
- improvements at the I-5 interchanges to create attractive, welcoming gateways; and
- a pedestrian/bikeway easement north along the railroad or through the country club to other portions of Lakewood.

The proposal by Amtrak to locate high-speed passenger rail service through the area (the Point Defiance Bypass project) will result in significant modifications to the freeway interchanges in

Tillicum. These modifications should be designed in conjunction with improvements to I-5 to address congestion.

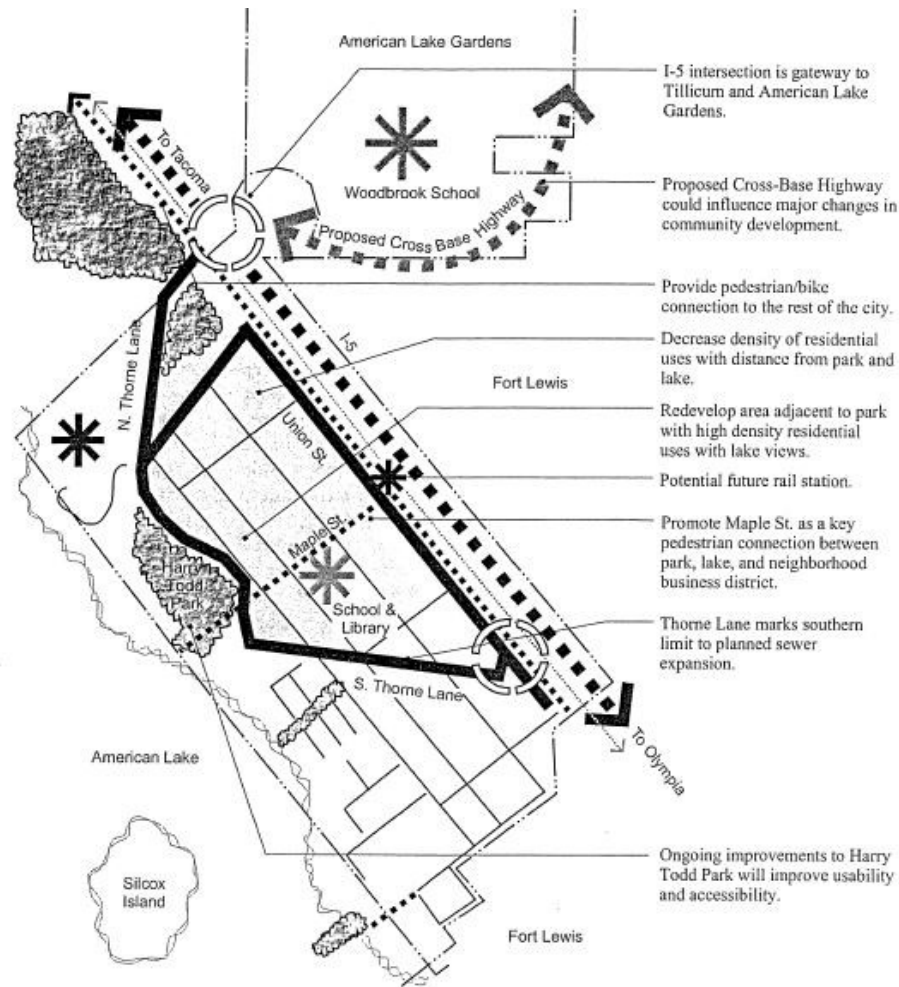
The urban design framework plan for Tillicum is shown in Figure 4.4. Some of the specific urban design actions which could be undertaken in Tillicum include:

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

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

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

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



LEGEND:

- | | | | |
|--|-------------------------|--|---|
| | Landmarks/Activity Node | | Potential for Intensification of Residential Uses |
| | Gateway | | Open Space/Park/Buffer |
| | Transit Center | | Framework Plan Boundary |
| | Civic Boulevard | | Shoreline |
| | Green Streets | | |
| | Local Collector | | |



Figure 4.4
Urban Design Framework
for Tillicum

SOURCE: EDAW, Inc. 1999.

* * *

GOAL UD-10: Promote the evolution of Tillicum into a vital higher density pedestrian-oriented neighborhood through application of urban design principles.

Policies:

UD-10.1: Identify opportunities for additional public/semi-public green space in Tillicum.

UD-10.2: Provide opportunities for pedestrian and bicycle connections from Tillicum to other portions of Lakewood.

UD-10.3: Improve identified civic boulevards, gateways, and green streets within Tillicum to provide a unifying and distinctive character.

GOAL UD-11: Reduce crime and improve public safety through site design and urban design.

Policies:

UD-11.1: Reduce crime opportunities through the application of crime prevention through environmental design (CPTED) principles.

UD-11.2: Consolidate parking lot access onto major arterials where appropriate to promote public safety.

GOAL UD-12: Facilitate implementation of gateway enhancement programs in Tillicum, Springbrook, and Woodbrook .

Policies:

UD-12.1: Establish a program to design and implement a gateway enhancement plan at the entrances to each neighborhood.

UD-12.2: Work with private and public property owners and organizations to create and implement the gateway plans.

UD-12.3: Work with the WSDOT or successor agency to facilitate the future incorporation of sound barriers adjacent to these communities along I-5 to reduce noise impacts to residential areas.

* * *

GOAL ED-5: Promote the revitalization/redevelopment of the following areas within Lakewood:

- 1) the Downtown Subarea;
- 2) the South Tacoma Way & Pacific Highway Corridors;
- 3) Springbrook;
- 4) Tillicum/Woodbrook;
- 5) the Lakewood Station District Subarea; and
- 6) Lake City.

Policies:

ED-5.1: Where appropriate, develop and maintain public-private partnerships for revitalization.

ED-5.2: Pursue regional capital improvement opportunities within these specific areas.

* * *

ED-5.5: Continue existing programs to expand sewers throughout Tillicum and Woodbrook.

* * *

ED-5.12: Promote single family development in Lake City and Tillicum.

* * *

GOAL U-8: Ensure that new growth is served by sewers, and pursue a citywide system to eliminate current service deficits.

Policies:

U-8.1: Ensure that public sewage treatment and collection systems are installed and available for use coincident with new development.

U-8.2: Continue current efforts to extend sewers throughout all of Woodbrook and Tillicum.

U-8.3: Encourage extension of sewer service to Woodbrook and portions of Tillicum slated for density increases or changes in use consistent with the adopted Comprehensive Plan Future Land Use Map (see Policy LU-62.5).

U-8.4 Enforce Ordinance No. 530, requiring sewer mandatory sewer connections throughout the city.

* * *

8.2 Library Services

GOAL PS-13: Ensure that high quality library services are available to Lakewood residents.

* * *

PS-13-8: Continue and expand bookmobile services to underserved and/or isolated areas such as Springbrook, Tillicum, and Woodbrook.

* * *

Land-Use Implementation Strategies

* * *

11.3.12 Continue with redevelopment efforts in Tillicum and the preparation of development regulations and design standards as described in the Tillicum Neighborhood Plan originally adopted in June 2011 and updated thereafter.

* * *

Transportation Implementation Strategies

* * *

- Provide local support for the construction of a Sounder Station in Tillicum. The station could also serve as an Amtrak station if Amtrak service is added to the Sound Transit rail line.

2011 Tillicum Neighborhood Plan

The Plan is available online at:

https://cityoflakewood.us/wp-content/uploads/2018/06/tillicum_plan_smaller.pdf

2022-03 Review and update of Housing Chapter and related amendments to LMC Title 18A development regulations

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.

3.2 Residential Lands and Housing

Housing is a central issue in every community, and it plays a major role in Lakewood's comprehensive plan. The community's housing needs must be balanced with maintaining the established quality of certain neighborhoods and with achieving a variety of other goals related to transportation, utilities, and the environment. There are a number of considerations related to housing in Lakewood:

Impact of Military Bases: Historically, the market demand for affordable housing for military personnel stationed at Joint Base Lewis McChord (JBLM) has had a major impact on Lakewood, and appears to be a major factor in understanding the presence of a large number of apartments in the city. Many of the retired homeowners now living in the community were once stationed at JBLM.

Lakefront Property: The opportunity to build higher valued homes in a desirable setting on the shores of the City's lakes has provided Lakewood with its share of higher-income families, and some of its oldest, most established neighborhoods. As Lakewood's population grows, redevelopment in these areas via Planned Development Districts (PDDs) may occur.

City of Tacoma: Lakewood has been a bedroom community for Tacoma. The City's proximity to Tacoma has positioned it as a primary location for post-World War II tract housing.

Rental Housing: Forty-four percent of Lakewood's occupied housing units are now rentals. Two trends are at work that combine to make rental housing predominant. First, an abundance of apartment construction prior to incorporation, and, again, the presence of JBLM.

Land Availability: In preparing the comprehensive plan, the City analyzed the development capacity of residential land based on the official land-use map. The capacity analysis considered present use, development limitations, market factors, and current land valuations.

Only undeveloped (vacant) or very underdeveloped properties were considered. If actual buildout matches this analysis, the added units will meet the growth forecast level adopted by the City. There is adequate land currently planned for multi-family use. To achieve growth targets, infill development on vacant or underutilized properties will be required. In areas well-served by transportation, public transit, and neighborhood business centers, new housing at higher densities will be encouraged to expand housing choices to a variety of income levels and meet growth targets.

Housing Affordability: The GMA calls for jurisdictions to provide opportunities for the provision of affordable housing to all economic segments of the population. Pierce County has established "fair share" allocations for affordable housing based on the 2010 census. Each city within the County is expected to accommodate a certain portion of the County's affordable housing needs. The City has developed and possesses a number of tools and programs that help provide housing resources to low-income residents.

Residential lands and housing are addressed in the following sections.

3.2.1 Housing Overview

Lakewood possesses diverse incomes and housing stock with a wide range of unit types and prices. This includes large residential estate properties, single-family homes of all sizes, older single-family homes and flats, some townhouses, semi-attached houses, low- and mid-rise apartments and high-density apartments scattered throughout the City.

The Housing Element is based on an assessment of Lakewood's current demographics and existing housing stock. It also responds to the State's Growth Management Act (GMA), to the Pierce County Countywide Planning Policies (CWPP), and to other elements of the Comprehensive Plan. Along with the residential sections of the Land Use Element, the Housing Element considers how Lakewood will accommodate its share of projected regional growth and how it will provide housing for all economic segments of its population. It provides a framework for addressing the housing needs of current and future residents. Finally, it serves as a guide for protecting and enhancing the quality of life in residential areas.

3.2.2 State and Regional Planning Context

Housing is one of the 13 major goals of the Washington State Growth Management Act (GMA). The GMA housing goal is to:

"Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities, and housing types, and encourage preservation of existing housing stock."

By GMA mandate, the Housing Element must include:

1. An inventory and analysis of existing and projected housing needs.
2. A statement of goals, policies, and objectives for the preservation, improvement and development of housing.
3. An analysis that identifies sufficient land for housing, including, but not limited to government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and special needs housing.
4. An analysis that makes adequate provisions for existing and projected needs of all economic segments of the community.

GMA directs that the "plan shall be an internally consistent document." The policies of one element cannot conflict with those of another element. The policy decisions made in each element may either be affected by or direct the other elements. The various elements address housing issues in the following ways.

Land Use Element

Directs where housing locates, its density, and the purpose and character of various land use designations.

Housing Element

Define the types of housing, provide a strategy for addressing the affordability of housing, and a policy foundation for reaching citywide housing objectives.

Utilities Element	Influences the location of housing, costs, timing of development.
Transportation Element	Influences access to housing, jobs, and services.
Capital Facilities Element	Influences services, quality of life, timing of development

Amendments to the GMA in 1991 require cities and counties to jointly develop countywide housing policies. Pierce County's Countywide Planning Policies, developed by the Growth Management Coordinating Committee, responded to this by establishing a policy that at a minimum of 25% of the growth population allocation be satisfied through the provision for affordable housing. Affordable housing is defined as housing affordable to households earning up to 80 percent of the countywide median income. The current CPP does not set low-income and affordable housing unit growth targets.

3.2.3 Countywide Policies

The CWPPs, required by GMA, both confirm and supplement the GMA. The CWPPs for affordable housing promote a "rational and equitable" distribution of affordable housing. They require that jurisdictions do the following regarding housing:

- Determine the extent of the need for housing for all economic segments of the population, both existing and projected for each jurisdiction within the planning period.
- Explore and identify opportunities to reutilize and redevelop existing parcels where rehabilitation of the buildings is not cost-effective, provided the same is consistent with the countywide policy on historic, archaeological, and cultural preservation.
- Encourage the availability of affordable housing to all economic segments of the population for each jurisdiction with a goal that at a minimum of 25% of the growth population allocation is satisfied through affordable housing.
- Establish an organization within Pierce County that would coordinate the long-term housing needs of the region. This organization would focus its efforts on planning, design, development, funding, and housing management.
- Jurisdictions should plan to meet their affordable and moderate-income housing needs goal by utilizing a range of strategies that will result in the preservation of existing, and production of new, affordable and moderate-income housing that is safe and healthy.
- Maximize available local, state, and federal funding opportunities and private resources in the development of affordable housing for households.
- Explore and identify opportunities to reduce land costs for non-profit and for-profit developers to build affordable housing.
- Periodically monitor and assess Lakewood's housing needs to accommodate its 20-year population allocation.

The CWPPs also suggest local actions to encourage development of affordable housing. These may include, but are not limited to, providing sufficient land zoned for higher housing densities, revision of development standards and permitting procedures, reviewing codes for redundancies and inconsistencies, and providing opportunities for a range of housing types.

3.2.4 Goals Summary

The Housing Element includes five broad goals. Each goal is explained below, along with related information on Lakewood's population, housing stock, and housing growth capacity. Following the discussion is a list of Housing Element objectives and policies. The objectives provide a framework for guiding city actions and housing unit growth, and each objective responds to several goals. The policies that follow each objective further shape and guide City actions and development regulations.

Lakewood's Housing Element goals are:

- 3.2.4.1** Ensure sufficient land capacity to accommodate the existing and future housing needs of the community, including Lakewood's share of forecasted regional growth.
- 3.2.4.2** Ensure that housing exists for all economic segments of Lakewood's population.
- 3.2.4.3** Ensure that there are housing opportunities for people with special needs, such as seniors, people with chronic disabilities, and the homeless.
- 3.2.4.4** Maintain, protect, and enhance the quality of life of Lakewood's residents.
- 3.2.4.5** Recognize relocation issues brought about by demolition or conversion to another use.

3.2.5 Background on Lakewood's Population and Housing Capacity

GMA requires jurisdictions to show zoned land capacity for their targeted number of new housing units. This capacity includes land that is available for new development, redevelopment, or infill development.

In 1996, Lakewood's incorporation population was established by OFM to be 62,786. With the adoption of Lakewood's Comprehensive Plan in 2000, a residential land capacity analysis was prepared based on the residential densities established in the Official Land Use Map and implementing land use and development regulations. The 20-year capacity analysis provided for a population growth of 17,500, and 7,107 new residential uses. Thus, Lakewood's planning horizon could accommodate 75,711 people and a total of 32,503 housing units.

However, through the 2000 Census, Lakewood was found to have lost population between its incorporation and the 2000 Census. The federal Census Bureau and OFM had overestimated Lakewood's initial population. As is done yearly for the purpose of allocating of certain state revenues, this estimate is adjusted for each jurisdiction in the state based OFM forecasts. Although Lakewood's yearly OFM estimate had grown considerably by 2000, following the 2000 Census and adjustments after the City requested review, Lakewood's 2000 population was established at 58,293 – considerably lower than the incorporation population. The background information upon which Lakewood's initial Comprehensive Plan was based had assumed a higher population than was later established via the Census.

In the last major update to the City's comprehensive plan, Lakewood's April 1, 2004 OFM population was estimated to be 59,010. Capacity analysis of the City's initial Comprehensive Plan designations adopted in 2000 determined the plan to have a build-out capacity of 17,500 new residents. The most significant change to this number came as an outcome of the 2003 amendments to the comprehensive plan, which resulted in 3,962 in lost population capacity due to the redesignations/rezoning. That resulted in an adjusted build-out population of 13,538, or a total population of 72,548 by the year 2020.

In November 2007, OFM published a series of GMA population projections, and thereafter, the Puget Sound Regional Council (PSRC) adopted VISION 2040 in May 2008. A review process of population allocations was initiated by the Pierce County Growth Management Coordinating Committee (GMCC), and the Pierce County Regional Council (PCRC). Recommendations on changes to population, housing, and employment targets were submitted to the Pierce County Council.

The Pierce County Council has since adopted Ordinance No. 2017-24s, establishing target and employment growth for all Pierce County cities. Lakewood's 2030 population was set at 72,000. However, the City has not materially changed its residential density patterns since adoption of the City's first Comprehensive Plan in 2000.

With the adoption of VISION 2050 in May 2020 and subsequent updates to the Countywide Planning Policies and Lakewood's housing and population targets by Pierce County, Lakewood will need to plan for additional housing growth and use tools and techniques such as Planned Development Districts to increase density.

3.2.6 Lakewood's 2030 Housing Capacity

In 2014, Pierce County Planning and Land Services prepared a capacity analysis for Lakewood based on their buildable lands methodology. That model is based on existing land inventories, and a calculation of underutilized parcels based on transportation and land use demand. The accompanying map, Figure 3.1, which originates from the Pierce County 2014 Buildable Lands Report, identifies vacant, vacant single family, and underutilized properties. The analysis shows that by 2030, Lakewood would need to provide 9,565 new housing units. The data is described in Table 3.1. Current "built-in" capacity based on existing zoning densities and shown in Table 3.2 shows a new housing unit capacity of 12,563.

Table 3.1 City of Lakewood: Housing Unit Needs				
2010 Housing Units	2030 Housing Units Needed	Additional Housing Needed ('10-'30)	Plus Displaced Units	Total Housing Units Needed
26,548	34,284	7,736	1,829	9,543

2010 Census; Pierce County Ordinance No. 2011-36s

Table 3.2 City of Lakewood: Housing Unit Capacity

Zoning District	Adjusted Net Acres	Assumed Density	Unit Capacity	Plus 1 Dwelling Unit per Vacant (single-unit) Lot	Housing Capacity
R-1	47.97	1.45	70	3	73

R-2	132.76	2.2	292	12	304
R-3	376.08	4.8	1,805	43	1,848
R-4	71.28	6.4	456	5	461
MR-1	21.65	8.7	188	0	188
MR-2	60.65	14.6	885	3	888
MF-1	46.54	22	1,024	0	1,024
MF-2	67.44	35	2,360	0	2,360
MF-3	31.44	54	1,698	0	1,698
ARC	13.23	15	198	0	198
NC-1	1.59	22	35	2	37
NC-2	15.02	35	526	7	533
TOC	12.78	54	690	0	690
CBD	17.46	54	943	0	2,257 ¹
Total Housing Capacity					12,563 ¹

¹The total is about four units higher than adding absolute values due to rounding in the Pierce County Buildable Lands Report 2014, upon which much of this analysis is based.

Total population was calculated using data from the 2010 Census. Total population was divided by the number of housing units (58,163/26,548) to calculate persons per unit. That number, 2.19, is then multiplied by housing unit capacity, 10,915 (2.19 x 10,915), to arrive at a population of 23,904. This number is then added to Lakewood's 2010 Census population determination, 58,163 (23,904 + 58,163), to arrive at 82,067 by 2030.

The 2014 analysis demonstrates that the City has sufficient capacity for housing. The capacity of 10,915 units is 1,350 more than the need of 9,565 units. Lakewood, therefore, has adequate residential land available for development to meet the 2030 housing target.

3.2.7 Housing Characteristics

A. Mix of Unit Types

Table 3.3 describes the number and types of housing units in Lakewood. A substantial share (44%) of the housing in Lakewood is multi-family. This is a larger percentage than in Pierce County (26% multi-family) and Tacoma (36% multi-family). See Table 3.4 for a comparison of multifamily units in other Pierce County communities. Since most multi-family units are rentals, this contributes to a slightly higher share of the population renting in Lakewood than in Tacoma. Still, the majority of housing units were single family (51%), mostly detached units. A small, though important, percentage of units in Lakewood were mobile homes.

Table 3.3 Composition of Housing Units in Lakewood: 2010			
Unit Type	No. of Units	% of Units	% of County's
Single Family	13,488	51%	4.1%
Multi-family	11,600	44%	3.6%
Mobile Homes & Other	1,460	5%	< 1%
	26,548	100%	8.2%

Source: 2010 US Census

Table 3.4 Comparison of Multifamily Units among Pierce County Cities: 2010	
City	% Multifamily Units
Lakewood	44%
Puyallup	40%
Gig Harbor	39%
University Place	37%
Sumner	36%
Tacoma	35%
Steilacoom	29%
DuPont	26%
Bonney Lake	8%
Incorporated Pierce County	35%
Unincorporated Pierce County	11%
Total Pierce County	25%

Source: 2010 US Census

1. Mobile Homes

The number of mobile homes in Lakewood has declined in recent years. Mobile homes can be an affordable housing option for low income households, both as rentals and as owner-occupied units. However, if not maintained, the condition of the units can easily deteriorate even to the point of being unsafe. Many of Lakewood's mobile homes are in need of substantial repair or are unsuitable for rehabilitation.

The deteriorating condition of mobile homes in Lakewood remains an ongoing concern. Several of the parks are in areas zoned commercial, such as those along Pacific Highway Southwest have been demolished. As property values increase, there will be corresponding pressure to consolidate properties and redevelop. The antiquated condition of many mobile homes will prevent relocation, in addition to the scarcity of available property.

Washington State requires that manufactured homes be allowed in all residential neighborhoods. Rather than centering in mobile home parks, manufactured homes

may be placed on lots in any neighborhood, allowing for an infill of affordable housing, or in new small “mobile home” subdivisions. The units must meet building codes and residential development standards. The City permits manufactured homes in all residential areas (Lakewood Municipal Code 18A.50.180), although many of these areas will still be out of financial reach of current mobile home residents. Still, manufactured housing is a strategy for providing affordable housing as well as preserving existing neighborhood character.

B. Owner Occupied Housing Values

Lakewood’s owner occupied housing stock remains affordable. In 2010, the median value for owner occupied housing was \$234,800. This number is slightly higher than Tacoma (\$230,100) and lower than Pierce County (\$251,400) or Washington State (\$272,900).

Lakewood has also enjoyed a lower price growth rate. Between 2000 and 2010, Lakewood’s price growth rate was 59%. Pierce County’s and Tacoma’s price growth rates were 68% and 87%, respectively.

C. Housing Age

Lakewood has grown steadily until recently. The fastest growing decades were the 1960s, and the 1970s. This is consistent with Lakewood being a bedroom community and recreational area for those commuting to and from Tacoma. Housing production in the area prior to 1940 was focused in Tacoma and then, as with typical suburban growth patterns, moved to the edges of the city (Tacoma) and areas in the county where land and development costs were lower. A good share (43%) of the current housing in Lakewood was built between 1960 and 1979. Growth was steady through the 1980s and 1990s, but significantly declined in the last 10 years. The decline in growth is representative of Lakewood’s built-out nature and a transition from suburban to urban growth. New development will occur through infill and redevelopment of older properties. The median age of housing in Lakewood is 1973.

1. Condition of Housing

There is no current data available on housing condition in Lakewood. However, the City also is active in funding two programs through the Community Development Block Grants designed to prevent deterioration of housing in Lakewood. The City also inspects for building code violations both pro-actively and based on complaints.

2. Demolitions

Over the past 13 years, a surprising number of demolitions and mobile home park closures have taken place. A total of 576 units have been demolished. The level of demolition shows that redevelopment is occurring, and that slowly, development is aligning with Lakewood’s Comprehensive Plan land use policies. Many of the housing units that were removed were located in Air Corridor zones (the flight path of McChord Field), “I” lands converting into industrial use, or along the I-5 Corridor commercial or industrial zoning districts. In some cases, houses were removed through dangerous building abatement actions.

D. Housing Tenure

A large share (49%) of Lakewood housing was rented. Some of this is due to the greater percentage of multi-family housing in Lakewood than the county as a whole (44% multi-family in Lakewood compared to 25% in Pierce County). Tenure in Lakewood is consistent with other cities along the I-5 corridor, which ranged from 42% (Renton) to 50.5% (Everett) renter-occupied units. Other cities renter-occupancy rates were: Lacey 39%, Olympia 48%, Kent 46%, and Federal Way 41%.

E. Household Size in Relation to Ownership

Demographic trends provide an indication of future demand for various unit types. According to the 2010 U.S. Census, average household size in Lakewood is 2.36 persons. Lakewood's household size is much smaller than Pierce County (2.59) and similar to nearby Tacoma (2.31). Average household size for owner-occupied housing units in 2010 was 2.40 persons. For renters it was 2.33 persons. This shows no material increase in renter-occupied household size of 2.34 in 2000, and in owner-occupied household size, which was 2.43 in 2000.

F. Age of Residents

The 2010 Census estimated that the median age of the population in Washington was 37.3 years. The median age of the population in Lakewood was a little higher at 36.6. Table 3.5 compares median age for Lakewood, Tacoma, Pierce County, and Washington State.

Table 3. Median Age			
Location	Year		
	1990	2000	2010
<i>Lakewood</i>		35.0	36.6
Tacoma	31.8	33.9	35.1
Pierce County	31.3	34.1	35.9
Washington State	33.1	35.3	37.3

Source: 2010 US Census

The 2010 Census also found that: 14% of Lakewood's population was of retirement age, a larger percentage than of Tacoma, Pierce County, or Washington State; 61% of the population was working age (20 to 64); and 25% of the population was under the age of 20. Beyond the "Boomer" phenomena, Lakewood has a slightly higher elderly population since it has been a choice retirement community for military retirees.

G. Race/Ethnicity

Lakewood has a very diverse population. Over one-third of residents as of the 2010 census identified themselves as some race other than white alone; and 15% identified themselves as Hispanic.

In recent decades, the census has provided more opportunities for people to describe themselves in terms of race and ethnicity. People are now able to consider the complexity of

their racial or ethnic ancestry which results in a more accurate picture. However, it makes comparison of race and ethnicity from census year to census year problematic. Table 3.6 below provides a breakdown on race and ethnicity in comparison to Tacoma, Pierce County, and Washington.

Table 3.6 Race & Ethnicity 2010				
Race	Location			
	Lakewood	Tacoma	Pierce County	Washington
White	59%	65%	74%	77%
Black/African American	12%	12%	7%	4%
Native (American Indian, Alaska Native, Native Hawaiian/Pacific Islander, etc.)	4%	3%	3%	2%
Asian	9%	8%	6%	7%
One race, other	7%	5%	4%	5%
Two or more Races	9%	8%	7%	5%
Hispanic	15%	11%	9%	11%

Source: 2010 U.S. Census

H. Households

There were 24,069 households living in Lakewood at the time of the 2010 census. While the majority (60%) of households in Lakewood consisted of family households, this percentage was lower than in Pierce County and Washington (67% and 64% family households respectively). Lakewood has a greater percentage of non-family households than the county and state. Almost one-third (32%) of all households in Lakewood consisted of people living alone, and 10% of all households consisted of single people aged 65 and over.

Twenty seven percent of all Lakewood households had minor children (under the age of 18) living at home. Almost half (44%) of all family households had minor children living at home. This varied, however, by type of family:

- 36% of married couples had minor children living at home.
- 63% of female family householders with no husband present had minor children living at home.
- 51% of male family householders with no wife present had minor children living at home.

The average size of households in Lakewood was 2.36, a little lower than Tacoma, Pierce County and the state, and consistent with the greater percentage of people living alone in Lakewood than in the county and the state. The declining average household size is a trend experienced nationally. Households are getting smaller for several reasons, including smaller families, childless couples, single parent households, and an increased number of “empty-nesters” as baby boomers age.

I. Group Quarters

There were 1,544 people living in group quarters in Lakewood at the time of the 2010 census, the most recent data available. This was equal to 2.7% of the total population in Lakewood. Group quarters includes Western State Hospital which is a regional facility serving 19 counties in Washington. There were 794 people counted residing at the psychiatric hospital.

3.2.8 Housing for All Economic Segments

GMA requires all jurisdictions to encourage the availability of housing for all economic segments of the population. These economic segments are defined by the State of Washington and the U.S. Department of Housing and Urban Development (HUD) as follows:

- Upper Income Households at 121% of Median Income and above
- Middle Income Households at 80-120% of Median Income
- Low Income Households at 80% or less of Median Income
- Very Low Income Households at 50% or less of Median Income
- Extremely Low Income Households at 30% or below Median Income

HUD also defines the maximum amount that households should have to pay for housing as 30% of total household income. The CPP consider households that earn less than 80% of county median income, to be in need of less expensive housing. The CPP ask all cities to take action to address existing housing needs, and to create affordable housing for expected population growth.

Housing costs are related to development costs, but are also a function of supply and demand, interest rates, and policies at many levels of government. As the vast majority of housing is supplied by the private sector, local governments use regulatory means to influence the supply, unit types, and affordability of new housing. Local regulations with an impact on the cost of housing include subdivision and road requirements, utility policies, development and mitigation fees, building and energy code requirements, and zoning regulations. In addition, overall permit processing time also affects new home prices.

A. Affordability of Housing in Lakewood

Housing is considered affordable when the cost of housing plus utilities equals no more than 30% of household income. Escalating housing and utilities costs have forced many households to pay considerably more for housing than is affordable or even feasible. While housing costs have increased regionally, income has not increased at the same rate in recent decades.

Increasing housing costs are especially burdensome for low and moderate income households, many of whom are paying more than 30% of household income for housing and utilities. Even when low income households are able to secure housing meeting the 30% of income affordability guideline, they are strapped to meet other expenses that are also increasing in this economy, such as health care, transportation, education, food, and clothing.

Table 3.7 provides a glimpse of household costs for houses with and without a mortgage and for apartment rentals.

Table 3.7 Housing Costs as a Percentage of Household Income		
Description	Estimate	Percent
<i>Housing Units with a mortgage</i>	6,732	N/A
Less than 20.0 percent	2,161	32.1%
20.0 to 24.9 percent	938	13.9%
25.0 to 29.9 percent	987	14.7%
30.0 to 34.9 percent	672	10.0%
35.0 percent or more	1,974	29.3%
<i>Housing Units without a mortgage</i>	3,970	N/A
Less than 10.0 percent	1,586	39.9%
10.0 to 14.9 percent	761	19.2%
15.0 to 19.9 percent	635	16.0%
20.0 to 24.9 percent	284	7.2%
25.0 to 29.9 percent	174	4.4%
30.0 to 34.9 percent	189	4.8%
35.0 percent or more	341	8.6%
<i>Gross Rent</i>		
Occupied units paying rent	13,207	N/A
Less than \$200	126	1.0%
\$200 to \$299	76	0.6%
\$300 to \$499	505	3.8%
\$500 to \$749	4,854	36.8%
\$750 to \$999	4,484	34.0%
\$1,000 to \$1,499	2,305	17.5%
\$1,500 or more	857	6.5%
<i>Gross Rent as a Percentage of Household Income</i>		
Occupied units paying rent	12,813	N/A
Less than 15.0 percent	1,263	9.9%
15.0 to 19.9 percent	1,433	11.2%
20.0 to 24.9 percent	1,530	11.9%
25.0 to 29.9 percent	1,707	13.3%
30.0 to 34.9 percent	1,028	8.0%
35.0 percent or more	5,853	45.7%

Source: US Census, 2007-2011 American Community Survey

Households with a mortgage, 2,646 or 39.3%, are paying more than 30% for housing. For households without a mortgage, 530 or 13.4% are above the 30% bracket. For renters, the numbers are significantly higher - almost 7,000 households or 53.7% of all renters are paying more than 30% of household income for housing. Taken as a whole, 44.7% of all Lakewood

households pay above 30% for housing costs.

Table 3.8 estimates housing units by HUD income categories. When compared with the percent of housing affordable to the income categories in 2010, this data indicates that Lakewood has a shortage of housing for middle and upper income households, and a large surplus of very low and low-income housing.

Table 3.8 Estimate of Lakewood Housing by HUD Income Categories			
	Percent		Approximate No. of Housing Units
Extremely low & very low income	50% of median & below	28%	7,377
Low income	51 to 80% of median	36%	9,353
Middle Income	81 to 120% of median	11%	2,874
Upper Income	Over 120% of median	25%	6,534
	Totals	100%	26,138

Source: 2010 US Census

B. Upper Income Housing

The level of new upper income housing construction was nominal between 2001 and 2010. Structures were single family detached structures. Most of the upper income housing was constructed around the City's lakes on infill properties designated residential estate. As the region becomes more densely populated and the convenience and amenities of urban neighborhoods become increasingly desirable, upper income households could be found in a greater variety of neighborhoods and housing types. Apartment, townhouse, and condominium units may account for a growing share of high-end housing. Planned Development Districts (PDDs) are a tool to provide single-family housing in areas with historically lower densities that can ensure better quality design themes and infrastructure improvements.

C. Middle Income Housing

The middle segment has limited choices for housing in Lakewood. This in part is a function of land availability and limited housing stock for this group. However, estimates of income and housing suggest that an increase in housing for this segment would be readily absorbed. New single-family homes on infill sites will provide housing for this income segment, while innovative housing types such as small lot detached houses and semi-attached houses, may also be a part of the growth in housing at this income level.

D. Low Income Housing

Data would suggest that Lakewood exceeds the CPP targets within this income segment. Much of the housing is made up of older tract homes and apartment complexes. Also, rising apartment vacancies has meant more availability of rental stock affordable to this category. Low interest rates have also helped low-income households, mostly those at the high end of

this category, to purchase a home. The City values opportunities for home ownership at this income level, particularly the opportunity to buy a first home.

E. Extremely Low- and Very Low-Income Housing

Within the region, Lakewood exceeds its share of housing within this category. The majority of housing for extremely low- and very low-income households has historically been older housing stock. Some of the community's housing needs that cannot be met by the market are met by the Pierce County Housing Authority (PCHA), and by private non-profit housing providers. These organizations are generally subject to the same land use regulations as for-profit developers; however, they can access an array of federal, local, and charitable funding to make their products affordable to households in the lower income segments.

3.2.9 Housing Resources

Pierce County Housing Authority (PCHA) owns and operates five apartment complexes with a total of 285 units in Lakewood. PCHA manages these properties. Most of the tenants have low to very low incomes. Some tenants receive Section 8 vouchers. In total, as of early 2010, there were 551 PCHA Section 8 certificates or vouchers in use in Lakewood.

In addition to PCHA, there are four low-income housing tax credit apartment complexes totaling 388 units.

There are two small HUD contract housing apartments, 28 units located in Lakewood.

Network Tacoma operates 15 units of affordable housing at the Venture II Apartments located at 5311 Chicago Avenue SW.

The Metropolitan Development Council (MDC) operates four affordable housing units in Tillicum.

The Pierce County Affordable Housing Association (PCAHA) owns a 20 unit, permanent low-income housing apartment complex at 5532 Boston Avenue SW (Manresa Apartments). The property is managed by the Catholic Housing Services.

The Living Access Support Alliance (LASA) operates several programs in Lakewood providing a variety of housing types. LASA operates six units in Lakewood in a partnership with Sound Families, PCHA and social service agencies. Families are provided an apartment along with case management services. A limited number of Section 8 certificates are available to graduates of this program. Ainsworth House is a group house serving 3 to 4 young mothers and their young children. Each mother and child can stay up to 24 months based on program participation. Case management services are provided including parenting, financial education, landlord-tenant rights/laws and other life skills.

Total assisted housing in Lakewood comes to 1,298 residential units. This number represents 10% of the City's rental housing stock.

A. City of Lakewood Housing Assistance

The City of Lakewood provides housing assistance in several programs, including home repair, down payment assistance and blight removal. The City also supports housing indirectly with General Fund dollars in collaboration with community partners. This assistance is primarily for low income families, the elderly, and people with disabilities.

1. Major Home Repair Program

Administered by the City of Lakewood, this program provides up to \$25,000 for major home repairs to qualifying low-income homeowners in the form of a 0% interest loan with small monthly payments depending upon income level. Loans in excess of program limitations may be authorized on a case-by-case basis under extenuating circumstances, to address health, safety and emergent situations. The outstanding principal balance may be deferred for up to 20 years as long as the house remains owner-occupied. Since the program's inception in 2000, the City of Lakewood has allocated \$1,690,917.10 to make repairs to 72 separate households throughout Lakewood. Figure 3.2 shows the general locations of homes using the major home repair program.

2. Housing Rehabilitation Program (HOME)

The Housing Rehabilitation Program provides up to \$65,000 to qualified low-income homeowners in the form of a 0% interest loan with small monthly payments depending upon income level. Loans in excess of program limitations, up to \$75,000, may be authorized to make necessary alterations required to make a home ADA accessible. Any outstanding principal balance may be deferred for up to 20 years as long as the house remains owner-occupied. This program is jointly administered with the City of Tacoma. The Tacoma Community Redevelopment Authority is the governing body for the financing of the Housing Rehabilitation Program. Since 2000, the City of Lakewood has allocated \$4,257,244.78 to make necessary code improvements to 67 homes, bringing them into compliance with current building codes. Figure 3.3 shows the general locations of homes using the housing rehabilitation program.

3. Down Payment Assistance

Loans up to \$10,000 with 0% interest and small monthly payments, depending on income level, are available to qualified low-income applicants to be used for down payment and closing costs in buying a home. The borrower must invest at least one-half of the required down payment (one-half of the difference between the sales price and the first mortgage loan amount). Outstanding principal balance may be deferred for up to 20 years as long as the house remains owner-occupied. A condition of the down payment assistance program is participation in homeownership counseling classes. These classes assist homebuyers with evaluating financing options, establishing or repairing credit histories, and learning basic home maintenance.

4. Neighborhood Stabilization

Lakewood received two HUD grants, Neighborhood Stabilization Program 1 (NSP1) and Neighborhood Stabilization Program 3 (NSP3), through the State of Washington Department of Commerce, to assist with the demolition and or redevelopment of foreclosed, vacant, or abandoned properties. Through these programs, properties are acquired and rehabilitated or redeveloped with the intent of stabilizing and revitalizing communities that have suffered from foreclosures and abandonment by mitigating the negative impacts of recent economic decline and housing market collapse. By targeting Lakewood's most distressed communities the city hopes to stem declining housing values by maintaining the quality of properties (land or units) and reducing the incidence of blight caused by abandoned and vacant properties.

Toward this end, the City has removed blighted structures from 7 properties and has been able to acquire 8 properties, on which 17 new affordable single family residences are to be constructed. Additionally, the City has established a blight abatement fund to reuse any recaptured funds for future blight abatement activities.

B. Other Lakewood Support for Housing

Lakewood continues to partner with many organizations providing and improving housing. Lakewood's partnership with Tacoma-Pierce County Habitat for Humanity has increased homeownership opportunities for low-income households through new construction and housing rehabilitation. Partners with Habitat, including the City of Lakewood and Rebuilding Together South Sound, work together with limited funding and broad community support, including student volunteers, to provide much-needed housing. In the Tillicum neighborhood alone, Habitat is in the process of constructing 31 new affordable single family residences. The addition of these units constitutes a 21% increase in owner-occupied residences in census tract 72000. Lakewood has also provided financial support for rehabilitation and improvements of properties through various non-profit organizations such as Rebuilding Together South Sound, in addition to properties owned by Network Tacoma, Living Access Support Alliance, and the Pierce County Housing Authority.

The Paint Tacoma-Pierce Beautiful Program, administered by Associated Ministries, organizes community volunteers to paint the homes of low-income elderly and low-income people with disabilities in Lakewood and other locations in Pierce County. Since 2000, 97 homes have been painted in Lakewood under this program. The program is important in helping with home maintenance, but also helps owner-occupants maintain insurance coverage. Some insurance companies base ongoing coverage on the condition of the exterior of the residence, including the condition of the exterior paint, with the assumption that the paint is a barometer for overall condition of the unit. If insurance is cancelled, owners would not be in compliance with their mortgage requirements and could be subject to losing their homes.

Human services funding provides added support for outreach and transitional housing programs provided by organizations such as Living Access Support Alliance, the Tacoma Rescue Mission, Good Samaritan Health, Catholic Community Services, and the YMCA. Funding is also provided to assist individuals with disabilities and emergency respite shelter, as well as shelters for victims of domestic violence.

The City of Lakewood works with public and private landlords to improve their rental properties – through code enforcement and crime-free multi-housing program – and to open blighted properties to new ownership and development. As an incentive, a certification of the Crime-Free Multi-Housing program is provided to managers who successfully complete the program, which are in turn placed on a national registry of properties designated as “crime free” certified units. The city also provides education to landlords and tenants regarding rights and responsibilities under landlord/tenant laws and fair housing laws through the Fair Housing Center of Washington and city staff.

3.2.10 Housing Goals, Objectives, & Policies

GOAL LU-1: Ensure sufficient land capacity to accommodate the existing and future housing needs of the community, including Lakewood's share of forecasted regional growth.

Objective: Maintain a balance in the number of single-family and multi-family housing units, through adequately zoned capacity.

Policies:

LU-1.1: Count new unit types as follows when monitoring the single-family/multifamily balance:

- Count cottages as single-family houses;
- Count semi-attached houses as single-family houses; and
- Count the primary unit in a house with an ADU as a single-family unit.

LU-1.2: Ensure that sufficient capacity is provided within the City boundaries in order to accommodate housing demand, provide adequate housing options, meet urban center criteria under the Growth Management Act and Countywide Planning Policies, and prevent unnecessary increases in housing costs.

Objective: Ensure that City fees and permitting time are set at reasonable levels so they do not adversely affect the cost of housing.

Policies:

LU-1.3: Ensure predictable and efficient permit processing.

LU-1.4: Establish and periodically review utility standards that encourage infill development.

LU-1.5: Establish and periodically review development standards that reduce the overall cost of housing as long as health and safety can be maintained.

GOAL LU-2: Ensure that housing exists for all economic segments of Lakewood's population.

Objective: Increase housing opportunities for upper income households.

Policies:

LU-2.1: Target ten (10) percent of new housing units annually through 2030 to be affordable to upper income households that earn over 120 percent of county median income.

LU-2.2: Encourage the construction of luxury condominium adjacent to the lakes.

LU-2.3: Support site plans and subdivisions incorporating amenity features such as private recreation facilities, e.g., pools, tennis courts, and private parks to serve luxury developments.

LU-2.4: Increase public awareness of upper income housing opportunities in Lakewood.

Objective: Encourage the private sector to provide market rate housing for the widest potential range of income groups including middle income households.

Policies:

- LU-2.5: Target sixty five (65) percent of new housing units annually through 2030 to be affordable to middle income households that earn 80 to 120 percent of county median income.
- LU-2.6: Encourage home ownership opportunities affordable to moderate income households.
- LU-2.7: Encourage the construction of townhouse, condominium, and rental units affordable to moderate income households in residential and mixed-use developments and redevelopments.
- LU-2.8 Continue to provide technical assistance for redevelopment of land in Lake City, Lakeview, Springbrook, Tillicum, and lands located in the City's residential target areas (RTAs) and senior overlay.
- LU-2.9: Market Lakewood to housing developers.
- LU-2.10: Maintain an updated inventory of land available for housing development.
- LU-2.11: Pursue public-private partnerships to provide for moderate-income housing.
- LU-2.12: Disperse middle-income housing in all areas of the City.
- LU-2.13: Ensure that a sufficient amount of land in the City is zoned to allow attached housing and innovative housing types.

Objective: Provide a fair share of low-and very-low income housing in the future.

Policies:

- LU-2.14: Maintain a sufficient land supply and adequate zoning within the City to accommodate 25 percent of the City's projected net household growth for those making less than or equal to 80 percent of county median income.
- LU-2.15: Establish the following sub-targets for affordability to households earning 50 percent or less of county median income, to be counted to toward the 25 percent target:
- Fifteen (15) percent of new housing units constructed in the City;
 - A number equal to five (5) percent of new housing units, to be met by existing units that are given long-term affordability; and
 - A number equal to five (5) percent of new housing units, to be met by existing units that are purchased by low-income households through home-buyer assistance programs.
- LU-2.16: Pursue public-private partnerships to provide and manage affordable housing.
- Support non-profit agencies that construct and manage projects within the City;
 - Support the role of the Pierce County Housing Authority in providing additional housing;
 - Before City surplus property is sold, evaluate its suitability for development of affordable housing; and
 - Use federal funds including Community Development Block Grants and

HOME funds to support low and moderate income affordable housing.

LU-2.17: Work with other Pierce County cities to address regional housing issues.

LU-2.18: Disperse low-income housing in all mixed-use and multi-family land use designations that allow attached dwelling units.

LU-2.19: Except for parts of the Woodbrook neighborhood which is slated to be redeveloped as Industrial, and existing mobile home parks located in commercially designated zones or in Air Corridors, encourage preservation, maintenance, and improvements to existing subsidized housing and to market-rate housing that is affordable to low and moderate-income households.

LU-2.20: Reduce existing housing need, defined as the number of existing households that earn 80 percent of county median income, and are paying more than 30 percent of their income for housing, or live in inadequate housing by increasing housing supply for all economic segments of the community.

- Create opportunities for higher income households to vacate existing lower cost units, by creating a variety of market rate detached and attached housing types; and
- Prioritize applications to the City for housing rehabilitation grants to homeowners earning 80 percent of county median income or below based on the greatest degree of existing need. With the exception of emergencies, priority should be given to households occupying conventional housing.

Objective: Provide a variety of housing types and revised regulatory measures which increase housing affordability.

Policies:

LU-2.21: Support projects including planned development districts, subdivisions and site plans incorporating innovative lot and housing types, clustered detached houses, clustered semi-attached houses and a variety of lots and housing types within a site.

LU-2.22: Support projects that incorporate quality features, such as additional window details, consistent architectural features on all facades, above average roofing and siding entry porches or trellises where innovative site or subdivision designs are permitted.

LU-2.23: Encourage the construction of cottages on small lots through incentives such as density bonuses.

LU-2.24: Support standards that allow cottage housing developments with the following features in residential zones, provided the cottages are limited by size or bulk:

- Allow increased density over the zoned density;
- Allow reduced minimum lot size, lot dimensions, and setbacks;
- Allow both clustered and non-clustered cottages;
- Allowing clustered parking; and
- Base the required number of parking spaces on unit size, or number of bedrooms.

LU-2.25: Support accessory dwelling units as strategies for providing a variety of housing types and as a strategy for providing affordable housing, with the following criteria:

- Ensure owner occupancy of either the primary or secondary unit;
- Allow both attached and detached accessory dwelling units and detached carriage units, at a maximum of one per single-family house, exempt from the maximum density requirement of the applicable zone;
- Require an additional parking space for each accessory dwelling unit, with the ability to waive this requirement for extenuating circumstances; and
- Allow a variety of entry locations and treatments while ensuring compatibility with existing neighborhoods.

LU-2.26: Encourage Planned Development District development with higher residential densities provided this type of development incorporates innovative site design, conservation of natural land features, protection of critical area buffers, the use of low-impact development techniques, conservation of energy, and efficient use of open space.

Objective: Continue to allow manufactured home parks and manufactured home subdivisions on land that is specifically zoned for these uses.

Policy:

LU-2.27: Maintain existing manufactured home developments that meet the following criteria:

- The development provides market rate housing alternatives for moderate and low-income households;
- The housing is maintained and certified as built to the International Building Code and Federal Department of Housing and Urban Development standards; and
- Site planning includes pedestrian amenities, landscaping, and a community facility.

Objective: Allow the use of quality modular or factory-built homes on permanent foundations.

Policy:

LU-2.28: Allow and encourage the use of “gold seal” modular homes built to the standards of the International Building Code, and “red seal” manufactured homes built to the standards of the Federal Department of Housing and Urban Development in any zone allowing residential uses, as long as the housing meets all applicable City codes, looks similar to site-built housing, and is placed on a permanent foundation.

GOAL LU-3: Ensure that there are housing opportunities for people with special needs, such as seniors, people with disabilities, and the homeless.

Objective: Increase the supply of special needs housing.

Policies:

LU-3.1: Periodically review the City’s land use and development regulations and remove any regulatory barriers to locating special needs housing and emergency and transitional housing throughout the City as required by the federal Fair Housing Act, to avoid over-concentration, and to ensure uniform distribution throughout all residential and mixed-use zones.

LU-3.2: Support the housing programs of social service organizations that provide

opportunities for special needs populations.

- LU-3.3: Support opportunities for older adults and people with disabilities to remain in the community as their housing needs change, by encouraging universal design in residential construction, or through the retrofitting of homes.
- LU-3.4 Support the establishment and operation of emergency shelters.
- LU-3.5: Support proposals for special needs housing that:
- Offer a high level of access to shopping, services, and other facilities needed by the residents;
 - Demonstrate that it meets the transportation needs of residents;
 - Helps to preserve low-income and special needs housing opportunities in a neighborhood where those opportunities are being lost; and
 - Disperse special needs housing throughout the residential areas of the City.
- LU-3.6: Support development proposals by sponsors of assisted housing when applicants document efforts to establish and maintain positive relationships with neighbors.
- LU-3.7: Allow a broad range of housing to accommodate persons with special needs (such as neighborhood-scale congregate care, group or assisted living facilities, or transitional housing) in all residential areas and in certain appropriate non- residential areas.
- LU-3.8: Continue allowing accessory dwelling units (ADUs) to assist people in remaining independent or in retaining a single-family lifestyle on a limited income, subject to specific regulatory standards.
- LU-3.9: Establish an administrative review process to enable detached ADUs in order to expand ADU capacity.
- LU-3.10: To support mobility for those with special needs, locate special needs housing in areas accessible to public transportation.
- LU-3.11: Utilize design standards to make special needs housing compatible with the character of the surrounding area.
- LU-3.12: Where appropriate, provide density bonuses and modified height restrictions to encourage the development of senior and disabled housing.
- LU-3.13: Continue to promulgate the senior housing overlay district created under an earlier version of the Comprehensive Plan in order to encourage the concentration of senior housing proximate to shopping and services.
- LU-3.14: Support the provision of emergency shelters and ancillary services that address homelessness and domestic violence and intervene with those at risk.
- LU-3.145: Maintain cooperative working relationships with appropriate local and regional agencies to develop and implement policies and programs relating to homelessness, domestic violence, and those at risk.

GOAL LU-4: Maintain, protect, and enhance the quality of life of Lakewood's residents.

Objective: Preserve and protect the existing housing stock.

Policies:

- LU-4.1: Preserve existing housing stock where residential uses conform to zoning requirements.
- LU-4.2: High-density housing projects, with the exception of senior housing, will not be permitted in existing single-family residential neighborhoods. More moderate densities such as planned development districts and cottage housing will be considered.
- LU-4.3: Target code enforcement to correct health and safety violations.
- LU-4.4: Continue Lakewood's active enforcement of codes aimed at improving property maintenance and building standards in residential neighborhoods to bolster neighborhood quality and the overall quality of life.
- LU-4.5: Continue targeted efforts such as the crime-free rental housing program and seek out a variety of funding sources for this and other such outreach programs.
- LU-4.6: Develop programs to provide financial assistance to low-income residents to assist them in maintaining their homes.
- LU-4.7: Where public actions such as targeted crime reduction programs result in the unexpected displacement of people from their housing, coordinate the availability of social services to assist them in finding other shelter.
- LU-4.8: Subject to funding availability, conduct periodic surveys of housing conditions and fund programs, including housing rehabilitation, to ensure that older neighborhoods are not allowed to deteriorate.
- LU-4.9: Identify areas in the City for priority funding for rehabilitation by non-profit housing sponsors.
- LU-4.10: Continue City funding of housing rehabilitation and repair.

Objective: Improve the quality of multifamily housing choices.

Policies:

- LU-4.11: Develop regulations guiding appearance, scale, and location of new development to enable a range of dwelling types and amenities.
- LU-4.12: Improve the existing multi-family housing stock by encouraging, through public-private partnerships, revitalization and replacement of existing apartment complexes in appropriate locations throughout the city.
- LU-4.12: Direct multi-family housing to locations that support residents by providing direct access to public transportation, employment, services, open space, and other supporting amenities.

LU-4.13: Encourage a high quality pedestrian environment around multifamily housing sites through the provision of walkways, lighting, outdoor furniture, bicycle parking, open space, landscaping, and other amenities.

LU-4.14: Require that on-site amenities such as walkways, trails, or bike paths be connected to adjacent public facilities.

Objective: Develop and maintain livable neighborhoods with a desirable quality of life.

Policies:

LU-4.15: Promote high quality residential living environments in all types of neighborhoods.

LU-4.16: Promote community identity, pride, and involvement in neighborhoods.

LU-4.17: Continue to support the City's neighborhood program to encourage neighborhood involvement, address local conditions, and provide neighborhood enhancements.

LU-4.18: Protect the character of existing single-family neighborhoods by promoting high quality of development, including through planned development districts (PDDs.)

LU-4.19: Use design standards to encourage housing types that protect privacy, provide landscaping or other buffering features between structures of different scale, and/or promote investments that increase property values where housing that is more dense is allowed in existing single-family neighborhoods.

LU-4.20: Development standards for flats and triplex developments should encourage design at the scale of single-family developments by limiting building length and heights.

LU-4.21: Relate the size of structures to the size of lots in order to create development that fits into a neighborhood.

LU-4.22: New single-family subdivisions should provide pedestrian and vehicular connections to adjoining residential development unless a determination is made that a physical features of the site, such as a ravine, wetland or pre-existing developed property prevents practical implementation of this provision.

Objective: Recognize the unique requirements of residences located on busy arterials and other heavily used corridors.

Policies:

LU-4.23: Allow greater flexibility with regard to development standards for residential properties located on busy road corridors.

LU-4.24: Examine where transportation design tools, attractive fences or walls, and landscaping may be used to buffer homes from adjacent traffic.

Objective: Support those who wish to work from home while preserving the residential character of the residentially designated areas.

Policies:

LU-4.25: Continue allowing home-based businesses that do not conflict with typical neighborhood functions.

LU-4.26: Provide opportunities for "invisible" home businesses and support appropriate independent business and trades people and service providers to use their homes as a business base.

LU-4.27: Incorporate emergent business trends and state licensure requirements into use standards for home-based businesses.

Objective: Relate development of public amenities such as parks, recreation centers, libraries, and other services to residential neighborhoods.

Policy:

LU-4.28: Coordinate capital improvements with targeted growth and expected redevelopment.

Objective: Increase the percentage of homeownership in the City.

Policies:

LU-4.29: Allow zero lot line developments and flats with common wall construction on separately platted lots in designations that permit attached unit types.

- Encourage condominium and fee simple townhouse developments with ground access and small yards.
- Encourage the development of small-detached houses on platted lots or condominium developments where lot areas with yards are established without platting.

LU-4.30: Support first time homebuyer programs such as those available through the Washington State Housing Finance Commission and other similar private or not-for-profit programs with similar or better program elements and rates.

GOAL LU-5: Recognize relocation issues brought about by demolition or conversion to another use.

Policies:

LU-5.1: On an annual basis, provide a report to policy makers on the loss of affordable housing due to demolition or conversion.

LU-5.2: Identify affordable housing resources that may be lost due to area-wide redevelopment or deteriorating housing conditions.

LU-5.3: Enforce the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended by the *Uniform Relocation Act Amendments of 1987* and any subsequent amendments, to provide financial and relocation assistance for people displaced as a result of construction and development projects using federal funds. Lakewood shall also enforce Section 104(d) of the *Housing and Community Development Act of 1974*, as amended, requiring the replacement of low- and moderate-income housing units that are demolished or converted to another use in connection with a CDBG project.

LU-5.4: Consider the use of CDBG funds for relocation payments and other relocation assistance

to persons displaced as a result of demolition, conversion to another use, or public actions such as targeted crime reduction programs.

2022-04 Review of Zoning, Policies and Code related to Adult Family Homes (focus on potential allowance of AFHs in Air Corridor 1 (AC1) & Air Corridor 2 (AC2) zones)

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.

2.1.1 Air Corridor 1 and 2

The Air Corridor areas are affected by Joint Base Lewis McChord (JBLM) McChord Field aircraft operations. The potential risk to life and property from hazards associated with military aircraft operations within the Air Corridor necessitate control of the intensity, type, and design of land uses within the designation, with uses tailored to limiting the number of persons placed at risk.

* * *

2.1.1 Application of Designations and Population Densities

Lakewood's plan provides for the following densities under its Comprehensive Plan future land-use designations:

Land-Use Designation	Major Housing Types Envisioned	Density ¹		Acres
		Low	High	
Residential Districts:				
Residential Estate	Larger single-family homes	1	4	1044.97
Single-Family Residential	Single-family homes	4	9	4,080.77
Mixed Residential	Smaller multi-unit housing	8	14	344.07
Multi-Family Residential	Moderate multi-unit housing	12	22	313.59
High Density Multi-Family	Larger apartment complexes	22	40	442.82
Mixed Use Districts:				
Downtown	High-density urban housing	30	80-100	318.69
Neighborhood Business District	Multi-family above commercial	12	40	287.30
Arterial Corridor	Live/work units	6	6	18.85
Air Corridor 2	Single-family homes	2	2	235.77
Non-Residential Districts:				
Corridor Commercial	N/A	--	--	471.48
Industrial	N/A	--	--	752.48
Public/Semi-Public Institutional	N/A	--	--	807.18
Air Corridor 1	N/A	--	--	376.18
Open Space & Recreation	N/A	--	--	1945.26
Military Lands	N/A	--	--	24.95
Total designated area	N/A			11464.36
Excluded: Water & ROW	N/A	--	--	1172.14
TOTAL:				12636.5

¹ As expressed in the Comprehensive Plan for new development; existing densities are unlikely to match and may already exceed maximums in some cases.

As may be derived from this information, over 82% of that portion of Lakewood allowing

residential uses is dedicated to clearly urban densities, with about 17.5% of residentially designated densities constrained by environmental or unique air corridor considerations. This equates to an overall average density of more than 15.5 du/ac throughout those areas designated for residential and mixed uses.

These figures do not capture existing residential densities in areas currently designated for no new residential development, such as, but not limited to, the air corridor. Owing to pre-incorporation zoning practices, the existing land-use patterns in Lakewood are jumbled. Despite being designated for redirection away from residential uses, it is likely that newer or sounder housing stock within non-residentially zoned areas will perpetuate beyond the life of this plan.

* * *

LU-2.19: Except for parts of the Woodbrook neighborhood which is slated to be redeveloped as Industrial, and existing mobile home parks located in commercially designated zones or in Air Corridors, encourage preservation, maintenance, and improvements to existing subsidized housing and to market-rate housing that is affordable to low and moderate-income households.

* * *

Policies:

LU-34.1: Air Corridors Established. (Figure 3.14)

The two air corridor areas (Air Corridor 1 and 2) extend northward from the McChord Field runway and are subject to noise and safety impacts of military flight operations. Figure 3.14 shows the Air Corridor boundaries. The potential risk to life and property from hazards that may be associated with military aircraft operations, as distinguished from general/commercial aviation corridors necessitates control of the intensity, type, and design of land uses within the designation.

A. Air Corridor 1 (AC1) comprises the Clear Zone (CZ) and the Accident Potential Zone Designation I (APZ I) as identified through the Air Installation Compatible Use Zone (AICUZ) program. The CZ is a 3,000 by 3,000 foot zone at the end of the runway where there is the highest statistical possibility of aircraft accidents. Any existing or future development in the CZ is of concern. USAF analysis indicates that 28% of all air accidents occur within the CZs. Development in the CZ increases the likelihood of flight obstructions such as physical structures, smoke, and glare, and challenges the military's ability to safely carry out missions. Development should be prohibited in this zone. Any use other than airfield infrastructure (e.g., approach lighting) is incompatible in the CZ. The APZ I designation has somewhat lower accident potential than the CZ, but it is high enough that most types of development in this zone are discouraged, including residential uses.

B. Air Corridor 2 (AC2) comprises the Accident Potential Zone Designation II (APZ II), again, as identified through the Air Installation Compatible Use Zone (AICUZ) program. The APZ II designation has a lower accident potential, and some compatible uses are appropriate; however, uses that concentrate people in the APZ II, including residential uses at densities greater than two dwelling units per acre, are considered incompatible per federal guidance.

C. Special Note on Air Corridor 1 and 2 boundaries: There are minor discrepancies in boundary locations between the Air Corridors and the CZ, APZ I and APZ II. The Air Corridor boundaries follow property lines whereas the CZ, APZ I and APZ II are based in imaginary surface areas. The

CZ is 3,000 feet by 3,000 feet, measured along the extended runway centerline beginning at the end of the runway; APZ I is 3,000 feet wide by 5,000 feet long; APZ II is 3,000 feet wide by 7,000 feet long.

LU-34.2: Compatible Land Use Policies.

Regulate land uses and/or activities that could adversely impact present and/or future base operations and protect JBLM and McChord Field from further incompatible encroachment. Regulate land use within the AC1 and AC2 zones to protect public health and safety, ensure a compatible mix of land uses, and support ongoing McChord Field operations, consistent with the GMA, CPPs, JBLM Joint Land Use Study (JLUS) recommendations.

- A. Land use decisions regarding proposals located in the AC1 and AC2 zones shall consider regional and national needs as well as local concerns.
- B. Review proposed Comprehensive Plan and zoning amendments for compatibility with the JBLM Air Installation Compatible Use Zone (AICUZ) program and Joint Land Use Study. Identify priority areas in which to resolve inconsistencies with AICUZ regulations.
- C. Comprehensive Plan amendments and zone reclassifications within AC1 and AC2 that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial designation to a residential designation, or allow residential uses in commercial or industrial zones are prohibited.
- D. Sensitive uses that have a high concentration of people such as, but not limited to, schools, religious institutions, theaters, public assembly facilities and day care facilities are prohibited from locating near McChord Field and/or within the AC1 and AC2 zones.
- E. Existing Industrial uses in the AC1 (but outside of the Clear Zone) and AC2 zones are to be preserved and industrial uses that complement aviation facilities are encouraged. The siting of warehousing, storage, open space, and other appropriate land uses within the air corridor areas are encouraged.

* * *

LU-64.2: Work with JBLM to minimize noise exposure at McChord Field and development of noise attenuation programs within the air corridors.

LU-64.3: Require new development along arterial streets, I-5, SR 512, and within the air corridors to include noise attenuation design and materials where necessary to minimize noise impacts from roadways and aircraft.

2022-05 Update of Comprehensive Plan text regarding Western State Hospital to reflect adoption of new Master Plan (continued from 2021 cycle)

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.

3.2.7 Housing Characteristics

* * *

I. Group Quarters

There were 1,544 people living in group quarters in Lakewood at the time of the 2010 census, the most recent data available. This was equal to 2.7% of the total population in Lakewood. Group quarters includes Western State Hospital which is a regional facility serving 19 counties in Washington. There were 794 people counted residing at the psychiatric hospital.

* * *

3.9 Western State Hospital (WSH)

Shortly after the City's incorporation in 1996, the state Department of Social and Health Services (DSHS) completed a master plan for the WSH campus. In 1998, DSHS applied for and received a public facilities permit from the City to formally acknowledge the proposed improvement projects within the master plan. The scope of work under the public facilities permit formed a basis upon which DSHS could then seek capital appropriations for projects upon the WSH Campus. The WSH public facilities permit (LU98059) was approved by the Hearing Examiner on September 22, 1998, and formally ratified by the City after adoption of an interlocal agreement in March 30, 1999. This action permitted DSHS to implement a six year capital facilities plan including the construction of a 163,000 square foot replacement legal offender unit. The plan, in part, was to include the demolition of a women's work release building which in past years was operated by the state Department of Corrections (DOC); demolition was to take place in 2004.

However, the women's work release building was not demolished. In February 2005, the City became aware of a plan by DOC to relocate the Tacoma-based Progress House, a work release facility to the WSH campus, in place of the women's pre-release facility which had been closed. Media surrounding the action made it appear that DOC was not going to pursue a siting process, as required by law, or potentially, City permits to undertake the move. The City, unsure of the actions of DOC, imposed a moratorium on the WSH Campus. The City also instituted revised land use regulations for essential public facilities. Legal action ensued. Both the moratorium and the revised land use amendments were eventually upheld. To-date, the current master plan adopted in 1999 for WSH has never been updated. Only minor additions/alterations have been permitted on the WSH campus.

GOAL LU-40: Recognize the unique nature of federal patent lands at Western State Hospital and Fort Steilacoom Golf Course.

Policies:

LU-40.1: Work with DSHS to update the Western State Hospital Campus Master Plan.

LU-40.2: Enforce the City's public facilities master plan process confirming that: 1) appropriate provisions are made for infrastructure and/or services; 2) approval criteria and

mitigation measures are incorporated into project approvals; and 3) the safety of the general public, as well as workers at, and visitors to, Western State Hospital is ensured.

- LU-40.3: Avoid as much as possible incompatible uses on the WSH campus which could adversely impact existing uses, adjoining properties, or adversely impact at-risk or special needs populations, including but not limited to children and the physically or mentally disabled.

* * *

7.1 Sanitary Sewers

Sewer service in the City of Lakewood is almost entirely provided by Pierce County Public Works and Utilities. Sewer service was recently expanded to serve the Tillicum and Woodbrook communities. The Town of Steilacoom provides sewer service to Western State Hospital. Steilacoom has indicated that its facilities serving the Western State Hospital currently have additional growth capacity. The City of Tacoma provides sewer service to the Flett subdivision, and to commercial and residential users located in northeast Lakewood (80th Street and 84th Streets). Figure 7.2 describes the locations of all major sewer trunk lines within Lakewood.

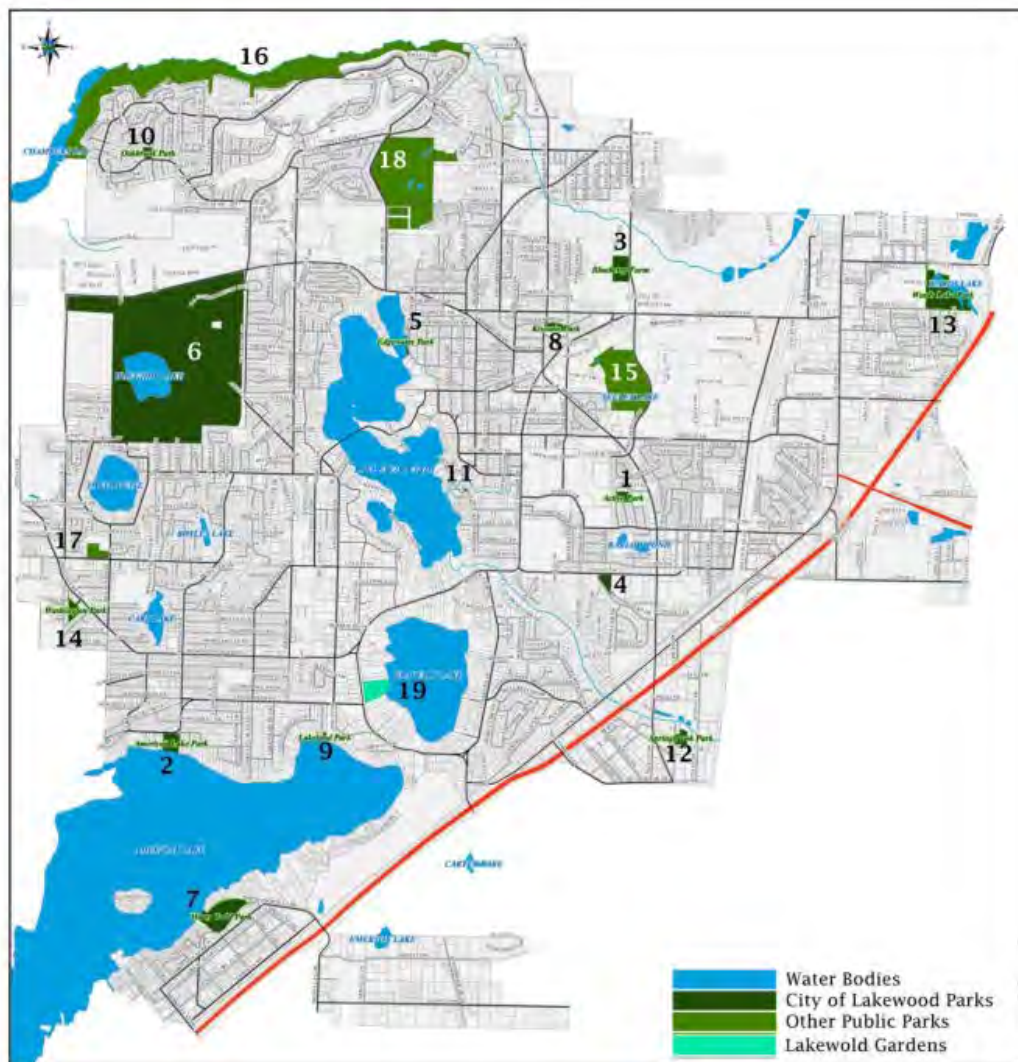
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7.1.1 Other Water Purveyors

Minor portions of the city are served by the Southeast Tacoma Mutual Water Company, and the City of Tacoma. Continued service to these areas is expected to be adequate for the 20-year planning period. Western State Hospital provides its own water service. There are also private wells servicing existing mobile home parks scattered throughout Lakewood.

2022-06 Update Comprehensive Plan Figures 3-5, 3-6, and 3-8 to reflect adoption of the 2020 Parks Legacy Plan; update Figure 4.1 with an updated Urban Focus Area map depicting the Downtown and Lakewood Station District Subareas, the Tillicum Neighborhood, and the City Landmarks listed in Section 4.4 text.

Amendments to the following Comprehensive Plan and related LMC text and maps will be presented to the Planning Commission after the City Council takes action to include it in the approved 2022 Comprehensive Plan amendment docket.



Public parks

City of Lakewood

- 1 Active Park
- 2 American Lake Park
- 3 Blueberry Park
- 4 Community Garden
- 5 Edgewater Park
- 6 Fort Steilacoom Park
- 7 Harry Todd Park

- 8 Kiwanis Park
- 9 Lakeland Park
- 10 Oakbrook Park
- 11 Primley Park
- 12 Springbrook Park
- 13 Wards Lake Park
- 14 Washington Park

Pierce County

- 15 Seeley Lake Park
- 16 Chambers Creek Regional Park

Other public parks

- 17 Lake Louise School Park
- 18 S Puget Sound Urban Wildlife Area
- 19 Lakewold Gardens

Figure 3.5

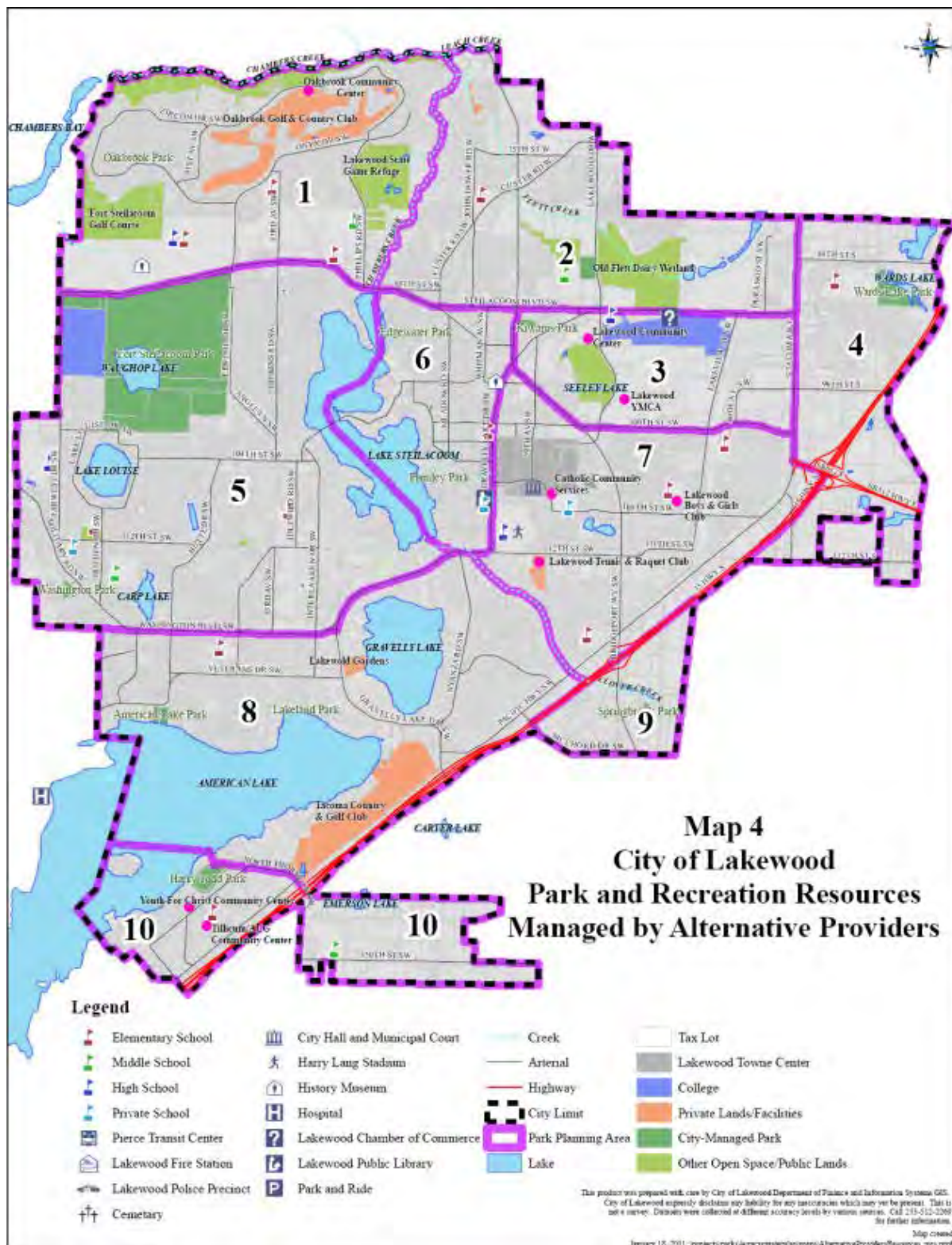
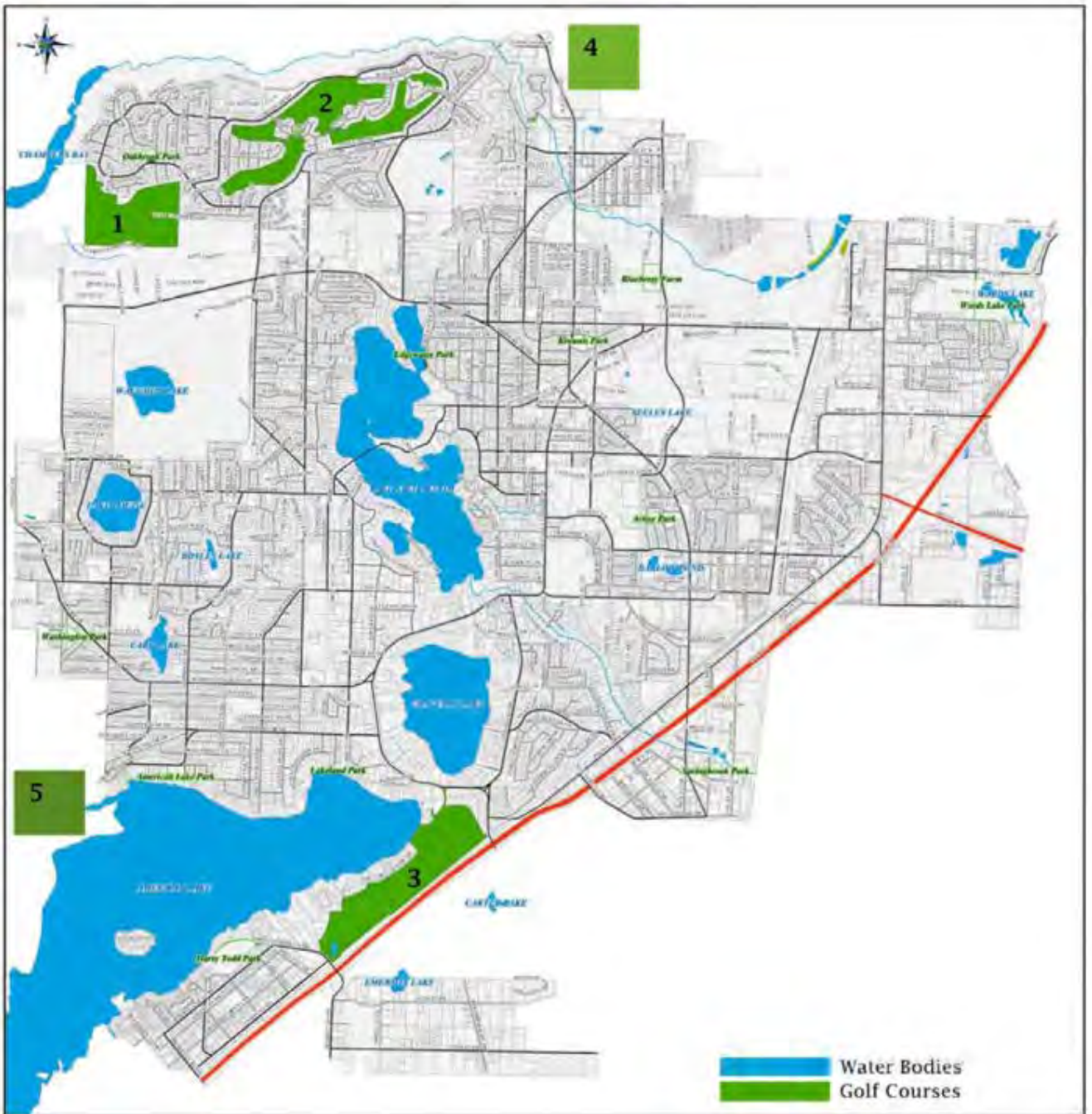


Figure 3.6



Golf Courses

- 1 Fort Steilacoom Golf Course
- 2 Oakbrook Golf & Country Club

- 3 Tacoma Country & Golf Club
- 4 Meadow Park Golf Course

- 5 VA Golf Course

Figure 3.8

* * *

Figure 4.1

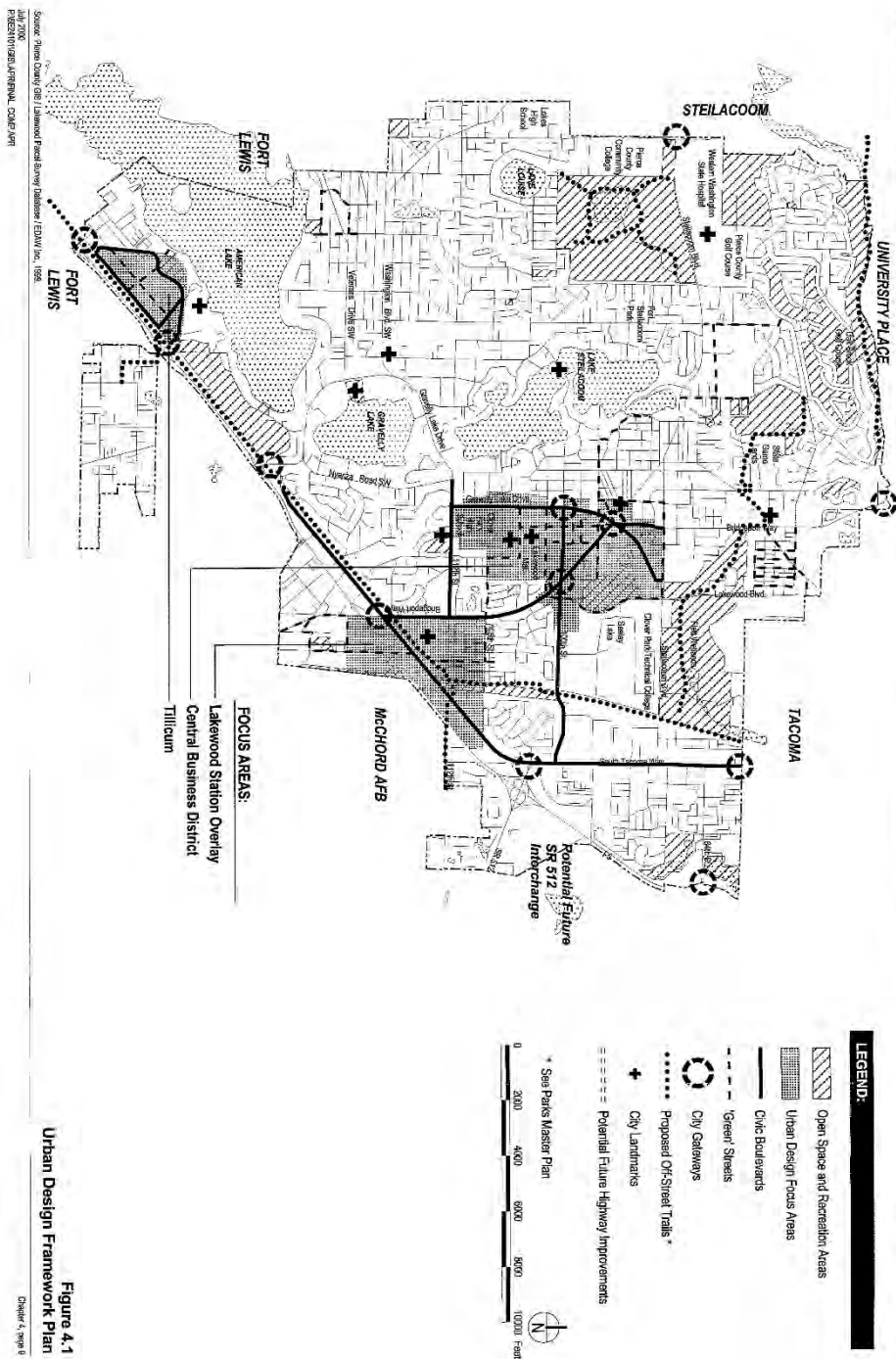


Figure 4.1
Urban Design Framework Plan

October 1, 2018

**2022-07 Review Parking requirements in LMC Chapters 18A.80 and in 18C.600
(Lakewood Station District Subarea Plan)**

18A.80.020 General requirements

G. Location. Off-street parking facilities shall be located on the same property as the use they are required to serve and within three hundred (300) feet of the use, except as provided below. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

1. For a nursing home, assisted living facility, convalescent home, or group home, the parking facilities shall be located within one hundred (100) feet of the building they are required to serve.
2. For multifamily dwellings where the lot cannot accommodate all the required parking on site for its needs, up to forty (40) percent of the required parking may be located on a lot adjacent to the development; provided, that the lot is legally encumbered pursuant to LMC 18A.80.060.
3. For all nonresidential uses where the lot cannot accommodate all the required parking on-site for its needs, parking facilities shall be located not farther than seven hundred fifty (750) feet from the facility; provided, that the lot is legally encumbered pursuant to LMC 18A.80.060. Parking shall not be permitted on properties zoned single-family residential (R1, R2, R3, R4), mixed-residential (MR1, MR2), multi-family (MF1, MF2, MF3), or open space (OSR1 and OSR2) unless the parking is being provided for a use that is permitted in said district.

TABLE 18C.600-1. OFF-STREET PARKING REQUIREMENTS

Land Use	Vehicular Parking Requirement	Bicycle Parking Requirement
Residential	Single-family: 2 per dwelling unit Accessory dwelling: 1 per dwelling unit; provided, that no additional parking is required when located within one-quarter mile of the Sounder Station. (RCW 36.70A.698) Senior citizen apartments: 1 per 3 dwelling units* Multifamily housing: 1.25 spaces per dwelling unit* *See process in subsection (B) of this section to prepare parking study to reduce further near station.	Meet rates and standards of: Chapter 18A.80 LMC
Retail. Services, Restaurants	2 per 1,000 GSF minimum; 3 per 1,000 GSF maximum	Meet rates and standards of: Chapter 18A.80 LMC
Office	2 per 1,000 GSF minimum; 3 per 1,000 GSF maximum	Meet rates and standards of: Chapter 18A.80 LMC
Street-Level Retail 3,000 sq. ft. or less per business	None where there is available public parking within 500' or abutting on-street parking designed to serve street level retail	Meet rates and standards of: Chapter 18A.80 LMC

B. **Parking Reductions or Increases.** The amount of required parking may be reduced or eliminated, or increased above the maximum, based on a site-specific parking study that demonstrates one (1) or more of the following:

1. **Reduction Due to Shared Parking at Mixed-Use Sites and Buildings.** A shared use parking analysis for mixed-use buildings and sites that demonstrates that the anticipated peak parking demand will be less than the sum of the off-street parking requirements for specific land uses.
2. **Reduction Due to Public Parking Availability.** The availability of public parking to accommodate the parking demand generated by the site or building. The City may approve a reduction in the amount of required parking by up to fifty (50) percent for any parking stalls that will be open and available to the public. On-street parking may be considered for the reduction; any new on-street parking provided will be counted toward the required parking availability.
3. **Reduction Due to Lower Parking Demand or Increase Based on Greater Parking Demand.** Demonstrating that anticipated parking demand will be less than the minimum parking required, or greater than the maximum allowed, shall be based on collecting local parking data for similar land uses on a typical day for a minimum of eight (8) hours.
4. **Reduction for Housing in Proximity to Sounder Station (RCW 36.70A.620).** When located within one-quarter (0.25) mile of the Sounder Station, an applicant may apply for an exception allowing minimum parking requirements to be reduced at least to one (1) parking space per bedroom or three-quarters (0.75) space per unit, as justified through a parking study prepared to the satisfaction of the Community Development Director or their designee:
 - a. Housing units that are affordable to very low-income or extremely low-income individuals;
 - b. Housing units that are specifically for seniors or people with disabilities;
 - c. Market rate multifamily housing.

In determining whether to grant a parking reduction, the Community Development Director may also consider if the project is proposed in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

C. **Parking Location and Design.** Parking shall be located behind the building or in a structure except in locations where the parking frontage type is permitted.

D. **Shared Parking.** Shared parking is encouraged to support a walkable and pedestrian-oriented Station District where people can park once and visit multiple destinations. Off-site shared parking may be authorized per the standards in Chapter 18A.80 LMC.

E. **Public Parking.** Public parking is permitted as a principal or accessory use in the Station District subject to the frontage and design standards.

F. **Dimensional Standards.** Parking stall and circulation design shall meet the standards of Chapter 18A.80 LMC. [Ord. 751 § 2 (Exh. B), 2021.]

ATTACHMENT B
Planning Commission Public Comments



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

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.)

Suggested staff recommendations & other related follow-up assignments	Important policy considerations
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 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



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
<p><i>This space is intentionally left blank.</i></p>	<p><i>Note(s) to the reader –</i></p> <p>1. <i>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.</i></p> <p><i>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.</i></p> <p>2. <i>Tree preservation administration & regulations are not just covered by the City’s current code, LMC, Chapter 18A.70, but also by:</i></p> <ul style="list-style-type: none">▪ <i>SEPA for nonexempt projects;</i>▪ <i>the City’s Critical Areas Ordinance, Title 14;</i>▪ <i>the City’s Shoreline Master Program (SMP);</i>▪ <i>Written guidelines by state agencies; and</i>▪ <i>mapping tools also provided by state</i>

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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.

- 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?*

<p>II. Purpose</p> <p>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.</p>	<p><i>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.)</i></p>
<p>III. Tree removal exemptions</p> <p>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.</p> <p>B. Industrially zoned properties are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA.</p>	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Again, the exemption is not inviolable. Industrially zoned</i></p>

	<p><i>property is still subject to requirements listed under III. (A.).</i></p> <p><i>Currently, all new industrial developments undergo design review and SEPA, which require tree retention plans.</i></p>
<p>C. Removal of nonsignificant trees that are not protected by any other means is exempt.</p>	
<p>D. Removal of trees in association with right-of-way and easements.</p> <ol style="list-style-type: none"> 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 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. 	<p><i>This type of exemption is fairly common in many tree preservation codes.</i></p> <p><i>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.</i></p>
<p>E. Emergency removal.</p> <ol style="list-style-type: none"> 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. 2. Emergency removal may occur and all the following conditions shall be met: <ol style="list-style-type: none"> a. The city is notified the following business day of the unpermitted action; b. Visual documentation (i.e., photographs, video, etc.) is made available; and 	<p><i>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,</i></p> <p><i>Whether the tree is dead, diseased, dying, burned, or otherwise damaged;</i></p> <p><i>Whether the tree has multiple weak branches;</i></p> <p><i>Whether the foliage is sparse;</i></p>

<ul style="list-style-type: none"> c. The felled tree remains on site for City inspection. d. Replacement required. <ul style="list-style-type: none"> 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. 	<p><i>Evidence of root rot;</i></p> <p><i>If a tree is leaning;</i></p> <p><i>If the tree top is broken; and</i></p> <p><i>If there are “targets” such as buildings, parking, or traffic/pedestrian facilities below the tree.</i></p>
<p>IV. Significant tree preservation</p> <p>A. Significant tree standards:</p> <ul style="list-style-type: none"> 1. A significant tree is an existing tree which: <ul style="list-style-type: none"> 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. 	<p><i>A significant tree is <u>any tree</u> 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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>

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;

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:

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.

- e. Steep slopes;
- f. Creeks and lakes;
- g. Provide professional recommendations on:
 - i. The necessity of removal, including alternative measures to removal;
 - 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.

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,

<p>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 square feet, no specific tree preservation is required.</p> <p>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.</p> <p>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.</p>	<p><i>and opposition from adjoining neighbors.)</i></p> <p><i>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.</i></p>
<p>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.</p>	<p><i>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.</i></p> <p><i>The term sensitive is not defined. Recommend striking “sensitive” and instead listing “critical areas” as defined in Chapter 14 of the Lakewood Municipal Code.</i></p>
<p>4. Additional or specific tree retention may be required as SEPA mitigation in addition to the requirements of this section.</p>	<p><i>This section connects local regulations with state environmental protection regulations.</i></p> <p><i>Note(s) to the reader:</i></p> <p><i>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</i></p>

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.

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.
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.

There is no fee for a significant tree permit.

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 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.

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.

<p>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.</p>	<p><i>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.</i></p>
<p>V. City Tree Fund</p> <p>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:</p> <ol style="list-style-type: none"> 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. 	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>A third project was the planting of native vegetation in and around the Fort Steilacoom Park entrance on Angle Lane. Total expenditure, \$20,000.</i></p> <p><i>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.</i></p> <p><i>Other uses of the funds are outlined under the City's Tree Fund.</i></p>

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.

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.]