



AGENDA

PLANNING COMMISSION

Don Daniels • Connie Coleman-Lacadie • Ryan Pearson
Paul Wagemann • Phillip Combs • Linn Larsen • Brian Parsons

Wednesday, December 1, 2021 at 6:30 pm
Virtual Meeting via ZOOM
6000 Main St. SW, Lakewood WA 98499

Per the Lakewood City Council, the Planning Commission will meet virtually. Residents can virtually attend Planning Commission meetings by watching them live on the City’s YouTube channel @ <https://www.youtube.com/user/cityoflakewoodwa> or by calling in to listen by telephone at +1 (253) 215- 8782 and by entering meeting ID: 92680968444

To Submit in Public Comment and/or Public Hearing Testimony Prior to Meeting: Send comments by mail or email to Karen Devereaux, Planning Commission Clerk, at kdevereaux@cityoflakewood.us or 6000 Main Street SW Lakewood, WA 98499. Comments received up to one hour before the meeting will be provided to the Planning Commission electronically.

Live Public Participation: To provide live Public Comments or Public Hearing Testimony during the meeting, join the Zoom meeting as an attendee by calling by telephone Dial +1(253) 215- 8782 and enter participant ID: 92680968444 or by going online at <https://us06web.zoom.us/j/92680968444>. Each speaker will be allowed (3) three minutes to speak during the Public comment and during each Public Hearing. Outside of Public Comments and Public Hearings, attendees will not be acknowledged and their microphone will remain muted.

By Phone: For those participating by calling in by phone to testify, the Chair will call on you during the Public Comment and/or Public Hearings portions of the agenda. When you are unmuted, please provide your name and city of residence.

Online: For those using the ZOOM link <https://us06web.zoom.us/j/92680968444> to testify, upon entering the meeting, please enter your name or other chosen identifier. Use the “Raise Hand” feature to be called upon by the Chair during the Public Comments and/or Public Hearings portions of the agenda. When you are unmuted, please provide your name and city of residence.

1.	Call to Order
2.	Roll Call
3.	Approval of Minutes from November 17, 2021
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">Gravelly Lake Gardens Proposed Development Agreement
7.	Unfinished Business <ul style="list-style-type: none">Continue discussion on 5-Year Energy & Climate Change Implementation PlanAction on proposed Gravelly Lake Gardens Development Agreement
8.	New Business <ul style="list-style-type: none">Introduction to Tree Preservation Code
9.	Reports from Staff & Commission Members & Council Liaison <ul style="list-style-type: none">City Council Updates/ActionsWritten CommunicationsFuture Agenda Topics<ul style="list-style-type: none">12/15: Meeting Cancelled

Enclosures

- Draft Meeting Minutes from November 17, 2021
- Staff Report: Gravelly Lake Development Agreement Public Hearing
- Staff Report: 5-Year Energy & Climate Change Implementation Plan
- Staff Report: Introduction to Tree Preservation Code

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, November 30, 2021 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
REGULAR MEETING MINUTES
November 17, 2021
Virtual Meeting via ZOOM
6000 Main Street SW, Lakewood, WA 98499**

Call to Order

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

Roll Call

Planning Commission Members Present: Don Daniels, Chair; Connie Coleman-Lacadie, Ryan Pearson, Linn Larsen, Paul Wagemann, Phillip Combs, and Brian Parsons.

Planning Commission Members Excused: None

Commission Members Absent: None

Staff Present: David Bugher, Assistant City Manager, Development Services; Tiffany Speir, Long Range & Strategic Planning Manager; Courtney Brunell, Planning Manager; Ramon Rodriguez, Associate Planner; and Karen Devereaux, Administrative Assistant

Council Liaison: Paul Bocchi

Approval of Minutes

The minutes of the meeting held on November 3, 2021 were approved as written by voice vote M/S/C Wagemann/Larsen. The motion passed unanimously, 7 - 0.

Agenda Updates

None

Public Comments

This meeting was held as a virtual-only meeting. Citizens were encouraged to attend and/or to provide written comments prior to the meeting. No virtual public comments or written comments were received.

Public Hearings

None

Unfinished Business

Continued Discussion on 5-Year Energy & Climate Change Implementation Plan

Mr. David Bugher discussed his analysis of the top action items based on the categories of timeframe, effort and need. Six action items received six votes. Four action items received four votes. Seven action items received three votes. In sum, 17 action items were the commissioner's top choices. 20 action items received only two votes. Commissioners have begun to prioritize the top 17 with the highest number of votes and discussed choices for final selection and category in the work plan matrix.

Mr. Bugher brainstormed new ideas for public outreach and participation with commissioners. A few of the ideas included using natural gas differently, a school district idling-buses policy, and a proactive website offering information on simple things residents can do in their own households.

Opportunity to edit the language and make a detailed work plan will be provided prior to the public hearing. Recommendations would then be forwarded to City Council for consideration.

New Business

Introduction to Development Agreements

Mr. Ramon Rodriguez, Associate Planner, presented information on the Housing Incentives Program, LMC 18A.90 and review of LU-20-00206 Gravelly Lake Gardens Design Review (a 36-unit multifamily housing project.) Mr. Rodriguez explained the program offers inclusionary density bonus, development standards modifications and fee reductions. The project is requesting to utilize the density bonus and development standards modifications. These were discussed with commissioners. Mr. Rodriguez explained the density bonus would allow for 4 units to provide extremely low income families with affordable housing for 20 years (A family of four with an annual income of \$27,250 would be considered as extremely low income.)

Next steps would be a Public Hearing before the Planning Commission and then Commission action on a recommendation to the City Council on December 1. In January 2022, the City Council would review the recommendation and proposed development agreement.

Report from Council Liaison

Councilmember Mr. Paul Bocchi updated commissioners on the following topics:

- On November 15, the City Council passed the 2022 Comprehensive Plan Amendment Docket.
- The City Council awarded Burke Consulting Company the contract to facilitate the work to update the Tree Preservation Code and referred the Commission to the Council agenda packet to review the project's scope and timeline.
- The Colonial Art project has been completed and installation is being scheduled for the summer of 2021.

Reports from Commission Members and Staff

Ms. Tiffany Speir reminded Commissioners with expiring terms on 12/15/2021 to respond to City Clerk's office if they wish to return for another term. Ms. Connie Coleman-Lacadie decided not to make re-application and the next meeting would be her last. Mr. Linn Larsen shared he has sent in his application for the next term. Mr. Phillip Combs did not inform the group of his decision.

Future Planning Commission Agenda Topics

12/01/2021 Public Hearing on Gravelly Lake Gardens Multifamily Housing Project

12/01/2021: Introduction to Tree Preservation Code

12/15/2021: Planning Commission Meeting Cancelled

Next Regular Meeting The next regular meeting would be held on December 1, 2021.

Meeting Adjourned at 7:31 p.m.

Don Daniels, Chair
Planning Commission 12/01/2021

Karen Devereaux, Recording Secretary
Planning Commission 12/01/2021



TO: Lakewood Planning Commission

FROM: Ramon Rodriguez, Associate Planner

SUBJECT: LU-20-00206 Gravelly Lake Gardens Design Review request to utilize Lakewood Municipal Code (LMC) 18A.90 Housing Incentives Program

MEETING DATE: December 1, 2021

Purpose: The purpose of this memo is to provide a project overview of the LU-20-00206 Gravelly Lake Gardens (a 36 unit multifamily project) proposal to utilize Lakewood Municipal Code (LMC) 18A.90 Housing Incentives Program which is set for public hearing this evening.

Background: LMC 18A.90 Housing Incentives Program was most recently revised in 2019 per ordinance 726 § 2 (Exhibit B). The Housing Incentives Program has existed within the Lakewood Municipal Code for at least 20 years and the Gravelly Lake Gardens project is the first project which has requested to utilize its incentives.

Pursuant to LMC 18A.90.050 in order to qualify for the inclusionary density bonus the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the qualified dwellings created pursuant to this section shall remain as such for a period of at least twenty (20) years from the commencement date. The covenant shall form an enduring contractual agreement between the owner/applicant and the City.

The referenced covenant/ enduring contractual agreement is considered a Development Agreement.

Per LMC 18A.20.080 a Development Agreement is considered type V Legislative application. Type V legislative applications are subject to noticing requirements found in LMC 18A.20.310 and require the Community Development Director and Planning Commission to make recommendation to a High Review Authority. City Council will review the Planning Commission's recommendation and approve/deny the covenant via an adopted resolution.

Project Overview:

18A.90 Housing Incentives Program offers inclusionary density bonus, development standards modifications and fee reductions. The Gravelly Lake Gardens Design

Review is requesting to utilize the density bonus, and development standards modifications.

Density Bonus

The project is located at 8933 Gravelly Lake Drive SW within the Multifamily 2 (MF2) zoning district. Per LMC 18.60.030.A the density associated the MF2 zoning district is 35 dwelling units per acre. The sites area is 39,204sf or .9 acres allowing for 31.5 dwelling units outright. The applicant is proposing a total of 36 dwelling units, four (4) of which are extremely-low-income¹ units as part of the development.

Development Standards.

Per LMC 18A.90.060 for multifamily developments containing qualified housing dedicated to extremely-low-income, the number of required parking stalls serving such units shall be reduced by fifty (50) percent. The applicant is proposing 4 extremely-low-income units. Acceptance of the Housing Incentives would allow the development to reduce its required parking stalls by a total of 3² parking stalls. The applicant owns a multifamily development adjacent to the subject site at 8911 Gravelly Lake Drive SW with a surplus of approximately 20 parking stalls which will help fulfil parking compliance. A covenant will be recorded to ensure that this parking is provided in perpetuity.

Application Summary and Status.

The applicant has submitted the following permit applications.

¹ Pursuant to LMC 18A.10.180 “Extremely low income” means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

HUD Income Limits Effective: June 1, 2021

Family Size	30% of Median Income Limit
1	\$19,100
2	21,800
3	24,550
4	27,250
5	29,450
6	31,650
7	33,800
8	36,000

² Equation: $4 \times 1.5 = 6 \times 0.5 = 3$

Permit number	Permit Type	Status
LU-20-00206	Design Review	Under review
LU-20-00229	SEPA	Mitigated Determination of non-significance issued on 3/17/2021
LU-21-00065	Boundary Line Adjustment	Approved and recorded on 7/6/2021
BP-21-00023	New Commercial Building Permit	Pending design review approval
BP-21-00024	Commercial Mechanical	Pending design review approval
BP-21-00025	Commercial Plumbing	Pending design review approval
PW-21-00011	Site Development Permit	Pending design review and building permit approval

LU-20-00206 is currently under review however cannot be approved until the required Housing Incentive Covenant is accepted and recorded subject to LMC 18A.90.050.

Recommendations

The project proposal is in compliance with the requirements outlined in the Lakewood Municipal Code sections 18A.60 *Site Planning and General Development Standards*, 18A.70 *Community Design, Landscaping, and Tree Preservation*, 18A.80 *Parking* and 18A.90 *Housing Incentives Program*. We recommend that the Planning Commission recommend approval of the Housing Incentives Covenant to permit 4 additional extremely low income units via resolution to the City Council.

Next Steps:

1. December 1, 2021- Public Hearing before the Planning Commission
2. Planning Commission submits a recommendation via resolution to the City Council
3. January, 2022- Recommendation is reviewed by City Council

Attachments:

1. Planning Commission Resolution 2021-03
2. Gravelly Lake Gardens Housing Incentives Covenant
3. Project Development Plans
4. Public Hearing Notice

PLANNING COMMISSION RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING LU-20-0206 GRAVELLY LAKE GARDENS AND FORWARDING ITS RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.

WHEREAS, the City of Lakewood Title 18A.90 establishes a Housing Incentives Program; and

WHEREAS, the City Council most recently revised the Housing Incentives program in 2019 per ordinance 726; and

WHEREAS, the City of Lakewood received application LU-20-00206 Gravelly Lake Gardens Design Review on November 24, 2020 and LU-20-00229 on December 22, 2021; and

WHEREAS, The City of Lakewood issued a Determination of Non Significance (DNS), LU-20-00229 on March 17, 2021; and

WHEREAS, the City of Lakewood received 5 revised plan sets, and deemed LU-20-00206 complete in June, 2021; and

WHEREAS, pursuant to LMC 18A.90.050 in order to qualify for an inclusionary density bonus the owner of the affected parcels must executed a covenant on a form approved by the City attorney; and

WHEREAS, the covenant is an enduring contractual agreement between the owner/applicant and the City and processed as a development agreement; and,

WHEREAS, Development Agreements are considered a type V Legislative applications, which are subject to noticing requirements and require the Community Development Director and Planning Commission to make recommendation to a High Review Authority; and,

WHEREAS, the Planning Commission reviewed the proposal on November 17, 2021; and

WHEREAS, a public hearing was noticed pursuant to the Lakewood Municipal Code 18A.20.310 on November 17, 2021 for a public hearing before the Planning Commission; and,

WHEREAS, a public hearing was held before the Planning Commission on December 1, 2021; and,

WHEREAS, the Lakewood Planning Commission finds that the proposed covenant in compliance with the Lakewood Municipal Code Section LMC 18A.90.050;

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

Section 1. LU-21-00206 Gravelly Lake Gardens Housing Incentive Design Covenant to allow 4 additional, extremely-low income units for a total of 36 units located at 8933 Gravelly Lake DR SW and reduce parking for the 4 units by 50% as allowed in LMC 18A90.050.

CEDD Recommendation: Approval

Section 2: The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 1st day of December, 2021, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

CHAIR, PLANNING COMMISSION

ATTEST:

KAREN DEVEREAUX, SECRETARY

WHEN RECORDED, MAIL TO:

City of Lakewood
6000 Main Street SW
Lakewood, WA 98499-5027

ATTN: City Clerk
Assistant City Manager for Development Services

WASHINGTON STATE COUNTY AUDITOR/RECORDER/S INDEXING FORM

Document Title(s) <i>(or transactions contained therein):</i> HOUSING INCENTIVES COVENANT -
Reference Number(s) of Documents assigned or released: <input type="checkbox"/> Additional reference numbers on page ___ of document.
Grantor(s) <i>(Last name first, then first name and initials):</i> 1. <u>Gravelly Lake Gardens, LLC</u> <input type="checkbox"/> Additional names on page ___ of document.
Grantee(s) <i>(Last name first, then first name and initials):</i> 1. <u>CITY OF LAKEWOOD, WASHINGTON</u> <input type="checkbox"/> Additional names on page ___ of document.
Legal Description <i>(abbreviated form; i.e., lot, block, plat name, section-township-range):</i> <input checked="" type="checkbox"/> Additional legal on Exhibit "A" of document.
Assessor's Property Tax Parcel Account Number(s): <u>5130001870, 5130001880</u>

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document.

HOUSING INCENTIVES COVENANT

"GRAVELLY LAKE GARDENS"

THIS HOUSING INCENTIVES COVENANT (the "Covenant") is made and entered into as of this 20th day of July, 2021, by and between the CITY OF LAKEWOOD, a Municipal Corporation of the State of Washington (the "City"); Gravelly Lake Gardens, LLC, a Washington limited liability company (the "Owner").

WHEREAS, the City has an interest in stimulating new construction of multi-family housing in order to reduce development pressure on single-family residential neighborhoods, increase and improve housing opportunities, provide affordable housing opportunities, and encourage development densities supportive of transit use; and

WHEREAS, the City is responsible for establishing regulations that will result in housing opportunities for all of its residents, no matter what their economic means; and

WHEREAS, the City desires to disperse low-income units throughout the City so as to avoid perpetuating existing concentrations of poverty; and

WHEREAS, as a means to promote housing opportunities, the City has established Lakewood Municipal Code (LMC), Chapter 18A.90, Housing Incentives Program, to allow for higher residential densities in exchange for building low-income housing units; and

WHEREAS, the Owner has made application to receive an inclusionary density bonus pursuant to LMC 18A.90.050; and

WHEREAS, the Owner submitted to the City a complete application for inclusionary density bonus outlining the proposed Project to be constructed on property located at 8931 and 8933 Gravelly Lake Dr. SW, Lakewood, WA 98499 in Lakewood, Washington ("Property") and legally described in **Exhibit A** of this Covenant; and

WHEREAS, in consideration of the City's approval of Permit No(s). LU 20-00206, the Owner accepts certain conditions affecting

the use of the Property and the improvements authorized by Permit No(s). LU 20-00206. It is the purpose of this Covenant to set forth those conditions and to impose enforceable restrictions on the use and occupancy of the residential portion of the Property; and

WHEREAS, on June 30, 2021, the assistant city manager for development services determined that the application met all the eligibility and procedural requirements to qualify for an inclusionary density bonus, with the exception of entering in to and recording this Covenant; and

WHEREAS, the City has determined that the improvements will, if completed as proposed, satisfy the requirements of LMC 18A.90, Housing Incentives Program.

NOW, THEREFORE, for and in consideration of the mutual promises aforesaid and made and relied upon by the parties hereto, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City mutually agree as follows:

SECTION 1 – DEFINITIONS

Unless otherwise expressly provided herein, the following terms shall have the respective meanings set forth below. If a term is not defined herein, then it shall be defined as provided in LMC 18A.10.180 or given its usual and customary meaning.

"Affordable Units" means the four (4) units in the Project designated by the Owner and approved by the City, as set forth in **Exhibit B**, and reserved for occupancy by Eligible Households with maximum rents pursuant to Section 3.

"Certificate of Occupancy" means a document issued by the City's Building Official certifying a building's compliance with applicable building codes and other laws, and indicating that the structure(s) are in a condition suitable for occupancy

"City's Designee" mean that individual(s) authorized by the City to administer this Covenant.

"Completion Date" means the date of the first certificate of occupancy issued by the City for the Project.

"Dwelling Unit" means a residential living facility, used, intended or designed to provide physically segregated complete independent living facilities for one or more persons, including living, sleeping, cooking and sanitation facilities.

"Eligible Household" means one or more adults and their dependents who meet the qualifications for eligibility set forth in Section 3.F. or Section 3.I.

"Extremely low income" means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development.

"Household Income" means gross annual income from all household members over the age of 18 residing in the household. Gross annual income consists of all wages, benefits (e.g. military, unemployment, welfare), interest, and other such income. Income of dependents over the age of 18 who reside within a household for less than three (3) months of the year will not be counted toward Household Income.

"Household Size" means all of the persons, related or unrelated, occupying an Affordable Unit. For the purpose of calculating maximum Housing Expenses, the following assumptions apply:

<u>UNIT TYPE</u>	<u>ASSUMED HOUSEHOLD SIZE</u>
Studio	1 Person
Open 1-Bedroom	1.5 Persons
1 Bedroom	1.5 Persons
2 Bedroom	3 Persons
3 Bedroom	4.5 Persons

"Housing Expense" means a tenant's costs for rent, utilities or an equivalent utility allowance, and any recurring expenses required by the Owner as a condition of tenancy. Expenses that the Owner makes optional, such as pet rent, extra storage space or parking, are not considered Housing Expenses for the purpose of this Covenant.

"Median Income" means Pierce County, WA, median household income as determined by the United States Department of Housing

and Urban Development (HUD). In the event that HUD no longer publishes median family income figures, the City may estimate the Median Income applicable to the City in such manner as the City shall determine in its sole discretion.

"Very low-income" means an individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is fifty (50) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development.

"Property" means the real property, together with improvements, legally described in **Exhibit A**.

"Project" means the Owner's multi-family residential building containing thirty six(36) Dwelling Units also known as "Gravelly Lake Gardens."

"Compliance Period" means twenty (20) years from the date of initial occupancy of the Affordable Units.

"LMC" means the Lakewood Municipal Code, as it now exists or hereinafter amended.

"Utility" or "Utilities" means water, electricity, natural gas, sewer, and garbage collection but not including phone, internet service, or cable or satellite television.

"Utility Allowance" means that portion of Housing Expenses that the City determines, from time to time, is adequate for the reasonable Utility costs of Affordable Units in the event the Owner makes tenants responsible for payment for their own Utilities.

SECTION 2 – THE PROJECT

A. General Description. The Owner will construct the Project for purposes of providing multi-family rental housing, and the Owner shall own, manage, and operate (or cause the management and operation of) the Project. The Owner agrees to construct the Project in compliance with all applicable land use regulations and as approved and permitted by the City.

B. Conversion from Renter-Occupied to Owner-Occupied. In the event the Property is proposed for conversion to a condominium,

owner-occupied, or non-rental residential use during the Compliance Period, the Owner must submit to the City for its review a plan for preserving the Affordable Units. The City may consider options which would convert the Affordable Units to owner-occupancy by Eligible Households. The Owner must receive authorization from the City prior to conversion to condominium, owner-occupied, or non-rental residential use. This section does not waive the Owner's obligations to comply with any other law or regulations pertaining to conversion to ownership use.

SECTION 3 – AFFORDABLE UNITS FOR ELIGIBLE HOUSEHOLDS

A. Number of Affordable Units. The Project shall include the number and types of Affordable Units as set forth in the table below.

Dwelling Units in the Project

Unit Type (Bedrooms)	Total Units	Very Low Income Units	Extremely Low Income Units
Studio	0	0	0
Open 1-bedroom	6	0	1
1-bedroom	18	0	2
2-bedroom	12	0	1
Total	36	0	4

B. Similar Quality Construction. All of the Dwelling Units in the Project shall be constructed of similar quality. The finish and quality of flooring, counters, appliances, and other interior features of the Affordable Unit(s) shall be comparable to or better than entry level market rate housing in Lakewood, Washington, as determined by the City and have substantially the same net square footage, equipment, and amenities as other Dwelling Units in the Project with a comparable number of rooms.

C. Designation of Affordable Units. Affordable Units shall be generally distributed throughout the Project. The Owner agrees to designate the Dwelling Units identified in **Exhibit B** as Affordable Units. The Owner, from time to time, may propose to change the specific Dwelling Units designated as Affordable Units herein, in which case the Owner shall notify the City of the proposed change in writing for the City's approval. The City will review the proposed changes and shall approve or deny the proposed changes based upon the criteria that at all times at least four

(4) of all of the Dwelling Units in the Project are designated as Affordable Units, and provided that at all times the same unit mix and affordability mix is retained.

D. Maximum Rents for Affordable Units.

(1) The Housing Expense of an Affordable Unit shall not exceed thirty percent (30%) of the Income Level with adjustments for assumed Household Size. An Affordable Unit's contract rent shall not exceed the tenant's maximum Housing Expense less a Utility Allowance, if applicable, and any other recurring expenses required by the Owner as a condition of rental.

(2) No Affordable Unit's tenant shall have more than one rent increase for the same Unit in any twelve (12)-month period; provided, however, that in the event an Affordable Unit's lease expires and said tenant elects to continue leasing the Affordable Unit on a month-to-month tenancy, and the tenant remains an Eligible Household, the Owner may increase the rent for that Affordable Unit up to once every thirty (30) days but no higher than the maximum contract rent as set forth in this section.

E. Renting Affordable Units to Eligible Households. During the Compliance Period, the Owner shall lease or rent, or make available for lease or rental, to Eligible Households all of the Affordable Units in the Project. Owner's compliance with this obligation may be established by Owner's participation, throughout the Compliance Period, in the HUD funded Housing Assistance Program (HAP) under Section 8 of the United States Housing Act of 1937, administered through the Pierce County Housing Authority. If at any time the Owner is unable to rent or lease an Affordable Unit, then the Affordable Unit shall remain vacant pending rental or lease to Eligible Households.

F. Income Qualifications for Eligible Households.

(1) To qualify as an Eligible Household for initial occupancy of an Affordable Unit, a household's Household Income may not exceed the applicable Percent of Median Income set forth in the table below, adjusted for Household Size.

(2) At time of recertification, as provided in Section I below, a tenant will remain an Eligible Household as long as said tenant's Household Income does not exceed the Maximum Income for Recertification.

G. Occupancy Limits for Affordable Units. The Owner shall utilize the following occupancy standards for Affordable Units:

Unit Type	Minimum Occupants
Studio or 1 bedroom	1 person
2-bedroom	2 persons
3-bedroom	3 persons
4-bedroom	4 persons

H. Completion of Certificate of Household Eligibility. Prior to allowing any household to occupy any Affordable Unit, the Owner shall require the prospective tenant to complete a Certification of Household Eligibility ("COHE") that shall be substantially in the form set forth in **Exhibit C**. The Owner shall also undertake a good faith effort to verify the prospective tenant's Household Income, as reported on the completed COHE. The Owner's obligation to verify the reported Household Income shall be limited to requesting copies of and reviewing the prospective tenant's federal income tax returns, unless the Owner has actual knowledge, or reason to believe, that the information provided by the prospective tenant is materially inaccurate. In the event federal income tax returns are not available, the Owner shall verify Household Income using wage or salary statements, or other income records that the City may consider. Owner's obligations set forth in this Section H. may be satisfied by Owner's participation in the HUD funded Housing Assistance Program (HAP) under Section 8 of the United States Housing Act of 1937, administered through the Pierce County Housing Authority throughout the Compliance Period.

I. Household Eligibility Recertification. At each renewal of a lease for an Affordable Unit, and at least once each calendar year, the Owner shall require all tenants occupying Affordable Units to complete and return to the Owner an updated COHE. The Owner shall undertake a good faith effort to verify the reported Household Income as set forth in Section 3(H). If a tenant's Household Income exceeds the Maximum Income for Recertification set forth below when the tenant's lease expires, then within ninety (90) calendar days either (a) the Owner, after providing timely notice, may charge said tenant the current, applicable market rent for the Dwelling Unit and the Owner must designate and rent the next available comparable market rate Dwelling Unit as an

Affordable Unit, or (b) the tenant must vacate the Dwelling Unit, unless otherwise prohibited by law, so as to make it available for an Eligible Household. Equal Access to Common Facilities. Tenants in the Affordable Units shall have equal access to all amenities and facilities of the Project, such as parking, fitness centers, community rooms, and swimming pools. If a fee is charged for the use of an amenity or facility, then all tenants in the Project must be charged equally for such use.

SECTION 4 – ENFORCEMENT

A. Enforcement Provisions. The Owner shall exercise reasonable diligence to comply with the requirements of this Contract and shall correct any such noncompliance within sixty (60) calendar days after such noncompliance is first discovered by the Owner or would have been discovered by the exercise of reasonable diligence, or within 60 calendar days after the Owner receives notice of such noncompliance from the City, whichever is earliest; provided however, that such period for correction may be extended by the City if the Owner is exercising due diligence to correct the noncompliance. If such noncompliance remains uncured after such period, then the Owner shall be in default and the City on its own behalf may take any one or more of the following actions:

(1) By any suit, action or proceeding at law or in equity, require the Owner to perform its obligations under this Contract, or enjoin any acts or things which may be unlawful or in violation of the rights of the City hereunder; it being recognized that the beneficiaries of the Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of the Owner's default;

(2) Have access to, and inspect, examine and make copies of, all of the books and records of the Owner pertaining to the Project. Provided, however, the City shall not divulge such information to any third party unless required by law or unless the same is necessary to enforce the City's rights hereunder; and

(3) Take such other action at law or in equity as may appear necessary or desirable to enforce the obligations, Covenants, conditions and agreements of the Owner under this Contract.

SECTION 5 – REPORTING REQUIREMENTS

A. Notice of Occupancy Permit. The Owner shall notify the City's Designee of receipt of the first occupancy permit for the Project within thirty (30) calendar days of the permit's issuance.

B. Initial Project Certification. After the Completion Date and until ninety percent (90%) of all rental units in the Project are occupied, the Owner shall file with the City a Project Certification report, substantially in the form of **Exhibit D**, attached with copies of the COHE required under Section 3 of this Contract.

C. Annual Project Certification. The Owner shall file with the City Manager, within thirty (30) days following the first anniversary of the City's filing of the Final Certificate and each year thereafter for the duration of the Compliance Period, a report substantially in the form of **Exhibit D**, attached with copies of the COHE and which includes information from the preceding year providing:

(1) A statement of occupancy and vacancy of the newly constructed or rehabilitated Project during the past twelve (12) months ending with the anniversary date;

(2) A certification by the Owner that the Project has not changed use since the date the City approved the certificate of occupancy and that the Project conforms with affordable housing requirements of Chapter 18A.90 LMC; and

(3) A description of any subsequent changes or improvements constructed after issuance of the certificate of occupancy.

D. Maintain Complete Records. The Owner shall maintain complete and accurate records pertaining to the Affordable Units and shall, during regular business hours, permit any duly authorized representative of the City, including, without limitation, the City's Designee, to inspect the books and records of the Owner pertaining to the Affordable Units, including the Initial and Annual Project Certifications, and if applicable, income documentation of households residing in Affordable Units in the Project. The Owner's failure to maintain such records or failure to allow inspection by the City or any duly authorized representative shall constitute a material default hereunder. The

Owner shall retain all records pertaining to the Affordable Units for at least six (6) years.

E. Form of Certification. Notwithstanding anything in this Section to the contrary, the Owner shall submit all documentation required by this Section on the forms designated herein, which may be modified by the City from time to time. Changes to forms by the City shall not increase the Owner's obligations hereunder.

SECTION 5 – SUBSIDIZED TENANTS

The Owner shall accept as tenants for Affordable Units, on the same basis as all other prospective households, households who receive state or federal rent subsidies, such as Housing Choice Vouchers under Section 8 of the United States Housing Act of 1937, or other rent subsidies. The Owner shall not apply, or permit the application of, management policies or lease provisions with respect to the Project which have the effect of precluding occupancy of any Dwelling Units by rent subsidy recipients.

SECTION 6 – LEASE PROVISIONS

A. It is the Owner's responsibility to screen and select tenants for desirability and credit worthiness. Except as restricted in this Contract and under state and federal law, such selection is within the Owner's discretion. If written management policies exist, or exist in the future, with respect to the Project, the City may review such written policies and may require changes in such policies, if necessary, so that the policies comply with the requirements of this Contract.

B. All leases for Eligible Households shall contain clauses wherein each individual lessee: (i) certifies the accuracy of the statements made in the COHE, (ii) agrees that the Household Income and other eligibility requirements shall be deemed substantial and material obligations of the tenancy, and (iii) agrees that misrepresentation in the COHE is a material breach of the lease, entitling the Owner to immediately terminate tenant's lease for the Affordable Unit.

SECTION 7 – SALE OR TRANSFER OF THE PROJECT

The Owner hereby Covenants and agrees not to sell, transfer or otherwise dispose of the Project or any portion thereof without first providing a written statement executed by the purchaser that

the purchaser understands the Owner's duties and obligations under this Covenant and will enter into an agreement with the City for the continuation of those obligations. Such notice must be received by the City at least ten (10) working days prior to the close of escrow.

SECTION 8 – TERM

This Contract shall become effective upon its execution and shall continue in full force and effect throughout the Compliance Period.

SECTION 9 – NO DISCRIMINATION

The Owner shall not discriminate on the basis of race, creed, religion, color, sex, sexual orientation, age, national origin, marital status, or presence of any mental or physical handicap as set forth in RCW 49.60.030, as now existing and as may be amended, in the lease, use, or occupancy of the Project or in connection with the employment or application for employment of persons for the operation and management of the Project.

SECTION 10 – COVENANTS RUN WITH LAND

A. The City and Owner hereby declare their understanding and intent that the Covenants, conditions and restrictions set forth herein directly benefit the land (i) by enhancing and increasing the enjoyment and use of the Project by certain Eligible Households, and (ii) by furthering the public purposes of providing housing for Eligible Households.

B. The City and the Owner hereby declare that the Covenant and conditions contained herein shall bind and the benefits shall inure to, respectively, the Owner and all subsequent owners of the Project or any interest therein, and the City, all for the Compliance Period. Except as provided in Section 12 of this Contract, each and every contract, deed or other instrument hereafter executed conveying the Project or any portion thereof or interest therein shall contain an express provision making such conveyance subject to the Covenants and conditions of this Contract, provided however, that any such contract, deed or other instrument shall conclusively be held to have been executed, delivered and accepted subject to such Covenants and conditions, regardless of whether or not such Covenants and conditions are set

forth or incorporated by reference in such contract, deed or other instrument.

C. Hold Harmless. The Owner shall defend, indemnify, and hold the City, its officers, officials, employees, volunteers and its Designee and any other party authorized hereunder to enforce the terms of this Contract, harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising out of or resulting from this Contract. This provision shall survive termination or expiration of this Contract.

D. No Third-Party Beneficiaries. The provisions of this Contract and of the documents to be executed and delivered in connection herewith are and will be for the benefit of the Owner and the City only and, are not for the benefit of any third party (including, without limitation, any tenants or tenant organizations), and accordingly, no third party shall have the right to enforce the provisions of this Contract or of the documents to be executed and delivered in connection herewith.

SECTION 11 – FORECLOSURE

In the case of any foreclosure, the immediate successor in interest in the Property pursuant to the foreclosure shall assume such interest subject to the lease(s) between the prior Owner and the tenant(s) and to this Contract for Affordable Units. This provision does not affect any state or local law that provides longer time periods or other additional protections for tenants.

SECTION 12 – ESTOPPEL CERTIFICATE

The City agrees, upon the request of the Owner or its successor in interest, to promptly execute and deliver to the Owner or its successor in interest or to any potential or actual purchaser, mortgagor, or encumbrancer of the Project, a written certificate stating, if such is true, that the City has no knowledge of any violation or default by the Owner of any of the Covenants or conditions of this Contract, or if there are such violations or defaults, the nature of the same.

SECTION 13 – BINDING EFFECT

The provisions, and conditions contained in this Covenant are binding upon the parties hereto and their legal heirs,

representatives, successors, assigns, and subsidiaries and are intended to run with the land.

SECTION 14 – AGREEMENT TO RECORD

The Owner shall cause this Contract to be recorded in the real property records of Pierce County, Washington. The Owner shall pay all fees and charges incurred in connection with such recording and shall provide the City with a copy of the recorded document.

SECTION 15 – RELIANCE

The City and the Owner hereby recognize and agree that the representations and Covenants set forth herein may be relied upon by City and the Owner. In performing its duties and obligations hereunder, the City may rely upon statements and certificates of the Owner and Eligible Households, and upon audits of the books and records of the Owner pertaining to occupancy of the Project. In performing its duties hereunder, the Owner may rely on the Certificates of Household Eligibility unless the Owner has actual knowledge or reason to believe that such Certificates are inaccurate.

SECTION 16 – GOVERNING LAW

This Contract shall be governed by the laws of the State of Washington, except to the extent such laws conflict with the laws of the United States or the regulations of federally insured depository institutions or would restrict activities otherwise permitted in relation to the operation of federally insured depository institutions. Venue for any legal actions shall be in Pierce County Superior Court or, if pertaining to federal laws, the U.S. District Court for Western Washington.

SECTION 17 – NO CONFLICT WITH OTHER DOCUMENTS

The Owner warrants that it has not executed and will not execute, any other agreement with provisions contradictory to, or in opposition to, the provisions hereof, and that in any event the requirements of this Contract are paramount and controlling as to the rights and obligations herein set forth and supersede any other requirements in conflict herewith.

SECTION 18 – AMENDMENTS

This Contract shall be amended only by a written instrument executed by the parties hereto or their respective successors in interest, and duly recorded in the real property records of Pierce County, Washington. Amendments to **Exhibit B** shall be considered approved in writing when the **Revised Exhibit B** is signed by the Owner and the City without the need for a further written document attaching the revised exhibit and striking prior versions of the exhibit. In the event of conflict between versions of **Exhibits B**, the version maintained by the City as the then-current version, signed by Owner and City, shall prevail.

SECTION 19 – NOTICE

A. Any notice or communication hereunder, except legal notices, shall be in writing and may be given by registered or certified mail. The notice or communication shall be deemed to have been given and received when deposited in the United States Mail, properly addressed with postage prepaid. If given otherwise, it shall be deemed to be given when delivered to and received by the party to whom addressed. Such notices and communications shall be given to the Parties' representatives hereto at their following addresses:

If to the City: City of Lakewood
6000 Main Street SW
Lakewood, WA 98499-5027
Attn: City Manager

With a copy to the City's Designee:
Assistant City Manager for Development
Services
6000 Main Street SW
Lakewood, WA 98499-5027

If to the Owner:
Gravelly Lake Gardens LLC
10609 Gravelly Lake Dr SW
Lakewood, WA 98499

Attn: ClaudeA. Remy

With a copy to: Christopher M. Huss
Attorney at Law

4224 Waller Road E.
Tacoma, WA 98443

Attn: Christopher M. Huss

B. Any party may change its identified representative and address for notices upon ten (10) calendar days prior written notice to the other parties. Legal counsel for a party may deliver notices on behalf of the represented party and such notice shall be deemed delivered by such party.

SECTION 20 - SEVERABILITY

If any provision of this Contract shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

SECTION 21 - CONSTRUCTION

Unless the context clearly requires otherwise, words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. All the terms and provisions hereof shall be construed to effectuate the purposes set forth in this Contract and to sustain the validity hereof.

SECTION 22 - TITLES AND HEADINGS

The titles and headings of the sections of this Contract have been inserted for convenience of reference only, are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof or be considered or given any effect in the construing this document or any provision hereof or in ascertaining intent, if any question of intent shall arise.

SECTION 23 - COUNTERPART ORIGINALS

This Agreement may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by a Party shall have the same force and effect as if that Party had signed all other counterparts.

SECTION 24 - AUTHORITY TO EXECUTE

Each person executing this Agreement on behalf of a Party represents and warrants that he or she is fully authorized to execute and deliver this Agreement on behalf of the Party for which he or she is signing. The Parties hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein and that this Agreement is enforceable in accordance with its terms.

IN WITNESS WHEREOF, the Owner and City have each executed the Multi-Family Housing Limited Property Tax Exemption Contract on the Date first above written.[Signature page follows.]

Owner:
Gravelly Lake Gardens LLC

City:

By: _____
Its: Manager _____
Name: ___ Claude A. Remy

John Caulfield
City Manager

Approved as to Form:

Heidi Ann Wachter
City Attorney

STATE OF WASHINGTON }
 } ss.
COUNTY OF PIERCE }

On this _____ day of July, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, known to me to be the _____ of the CITY OF LAKEWOOD, who executed the foregoing document on behalf of said City, and acknowledged the said document to be the free and voluntary act and deed of said City, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said document.

IN WITNESS WHEREOF I have given under my hand and official seal this ___ day of July, 2021.

Notary Public in and for the State of Washington.

Print Name _____

Residing at _____

My commission expires _____

STATE OF WASHINGTON }
 } ss.
COUNTY OF PIERCE }}

On this ___ day of July, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Claude Remy, to me known to be the Manager of Gravelly Lake Gardens LLC, a Washington limited liability company, who executed the foregoing instrument on behalf of the said company, and acknowledged the said document to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said document.

IN WITNESS WHEREOF I have given under my hand and official seal this ____ day of July, 2021.

Notary Public in and for the State
of Washington.

Print Name _____

Residing at _____

My commission expires _____

EXHIBIT A

LEGAL DESCRIPTION

GRAVELLY LAKE GARDENS:

PARCEL A:

LOTS 9 AND 10, BLOCK 43, LAKEWOOD PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGES 11, 12 AND 13, RECORDS OF PIERCE COUNTY, WASHINGTON; SITUATE IN THE CITY OF A LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

DRAFT

EXHIBIT C

FORM OF CERTIFICATE OF HOUSEHOLD ELIGIBILITY

CERTIFICATION OF HOUSEHOLD ELIGIBILITY

I, _____, and I, _____, as applicants for rental of the following Affordable Unit, do hereby represent and warrant that my/our adjusted annual income is \$ _____

Project: _____ Project Address: _____

Unit # _____ No. of Bedrooms: _____ Household size:1* _____ Disabled: Yes / No

The attached computation is \$ _____, and includes all income I/we received for the date I/we execute a rental agreement for an affordable unit, or the date on which I/we will initially occupy such unit, whichever is earlier.

This affidavit is made with the knowledge that it will be relied upon by the City to determine maximum income for eligibility. I/We warrant that all information set forth in this Certification of Household Eligibility is true, correct and complete based upon information I/We deem reliable, and that the estimate contained in the preceding paragraph is reasonable and based upon such investigation as the undersigned deemed necessary. I/we will assist the Owner in obtaining any information or documents required to verify the statements made in this Certification.

I/We acknowledge that I/we have been advised that the making of any misrepresentation or misstatement in this affidavit will constitute a material breach of my/our agreement with the Owner to lease the unit and will entitle the Owner to prevent or terminate my/our occupancy of this unit by institution of an action for eviction or other appropriate proceedings.

I/We do hereby swear under penalty of perjury that the foregoing statements are true and correct.

Applicant	_____	Applicant	_____
Date	_____	Date	_____
Mailing Address	_____	Mailing Address	_____
E-mail Address	_____	E-mail Address	_____
Phone	_____	Phone	_____

1 The number of people who will reside with you at least four (4) months of the year.

EXHIBIT C TO MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION CONTRACT

HOUSEHOLD MEMBERS

Name	Age	Name	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

INCOME COMPUTATION

"Household income" includes all items listed below, from all household members over the age of 18. Income of dependents over 18, who reside in the unit for less than four (4) months of the year will not be counted toward household income.

For the previous 12-month period, indicate income received from the following sources:

- a) The full amount, before any payroll deductions, of wages, salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services, and payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay and any earned income tax credit to the extent that it exceeds tax liability. \$ _____
 - b) Net income from operations of a business or profession or net income of any kind from real or personal property. \$ _____
 - c) Interest and dividends; \$ _____
 - d) The full amount of periodic payments received from Social Security, pensions, retirement funds, annuities, insurance policies, disability or death benefits, alimony, child support, or any similar type of periodical payments, and any regular contributions or gifts from persons not residing in the unit. \$ _____
 - e) Public assistance payments. \$ _____
 - f) Regular and special allowances and pay of a member of the Armed Forces who is a spouse or head of the family. \$ _____
- TOTAL \$ _____

(NOTE: The following are not considered income: occasional, infrequent gifts of money; one-time payments from insurance policies or an inheritance settlement; scholarships or student loans for tuition, fees or books; foster child care payments; the value of Food Stamp coupons;

EXHIBIT C TO MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION
CONTRACT

hazardous duty pay to a member of the Armed Forces; relocation payments; assistance received under the Low-Income Home Energy Assistance Program or any similar program).

EXHIBIT D

FORM OF ANNUAL PROJECT CERTIFICATION

ANNUAL PROJECT CERTIFICATION

Project: _____

Address: _____

The undersigned hereby certifies that as of _____, 20____, _____ units in the Project were utilized as Affordable Units, as required in the Regulatory Agreement, in the following manner:

a) _____ units in the Project were rented to tenants who did not exceed the qualifying income for initial occupancy.

b) _____ units in the Project were rented to tenants who exceeded the qualifying income for initial occupancy but remained qualified under the income for recertification.

c) _____ units in the Project were rented to tenants who now exceed the qualifying income for recertification, and therefore can no longer be considered eligible for Affordable units.

d) _____ units in the Project are being held vacant for Eligible Households.

The above information and that on the attached sheet(s) has been verified as required by the Regulatory Agreement between the City of _____ and:

Owner (Company) Name: _____

Name of Owner (Print)

Signature of Owner

Date: _____, 20____

EXHIBIT D TO MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION CONTRACT

AFFORDABLE UNIT SUMMARY

Count each Affordable Unit in every applicable category. (For example, a unit that was occupied at the beginning of the year, was vacated and refilled by a qualified new occupant should be counted under both “New Occupants” and “Vacated and Re-filled.”)

Affordability	New Occupants	Recertified Occupants (refers to existing tenants who continue to occupy units after recertification)	Vacated and Re-filled Occupants (refers to a unit that has been vacated, and is now occupied by a new tenant)
30% AMI			
50% AMI			
Total			

EXHIBIT D TO MULTIFAMILY HOUSING LIMITED PROPERTY TAX EXEMPTION CONTRACT

ANNUAL PROJECT CERTIFICATION

PROJECT NAME _____

REPORTING PERIOD: _____ through _____.

Does Contract Rent include:										Are residents required to buy:	
Electricity & Gas?	Yes No	Water & Sewer?	Yes No	Garbage?	Yes No	Renter's insurance?	Yes No	One Parking Space?	Yes No	Renter's insurance?	Yes No
For each "No" enter the Allowance or Fee below (except Renter's Insurance, if it's not required).											

Unit #	Tenant Name	Family Size	Move-in Date	Current Lease Date	Current HH Income*	Unit Type (BRs)	Affrd Level	Max Housing Expense**	Electric & Gas Allowance	Water & Sewer Allowance ***	Garbage Allowance (or Fee)	Insurance Allowance	Parking Fee	Max Rent	Current Contract Rent
															\$0
															\$0
															\$0
															\$0
															\$0
															\$0
															\$0
															\$0
															\$0

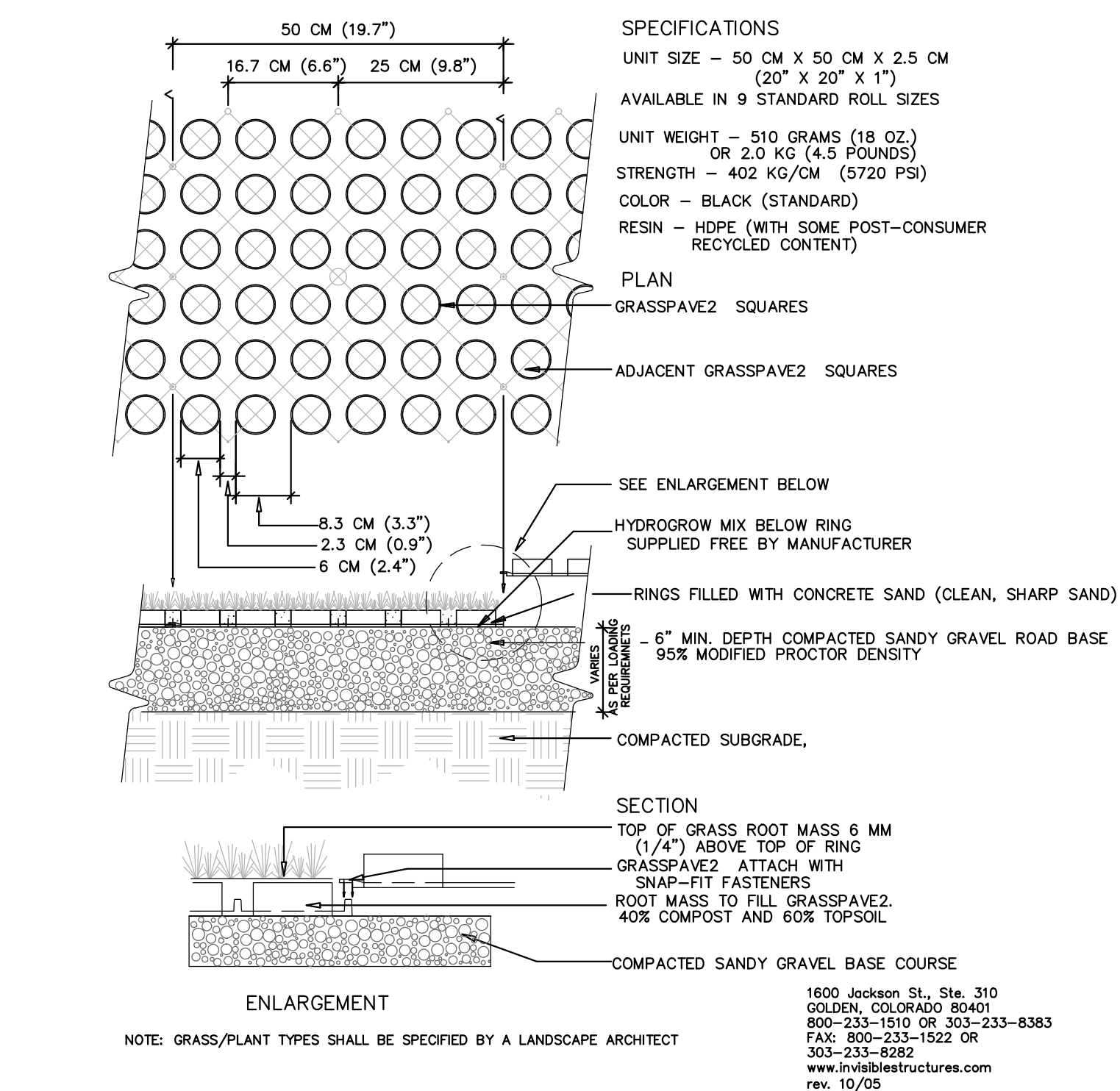
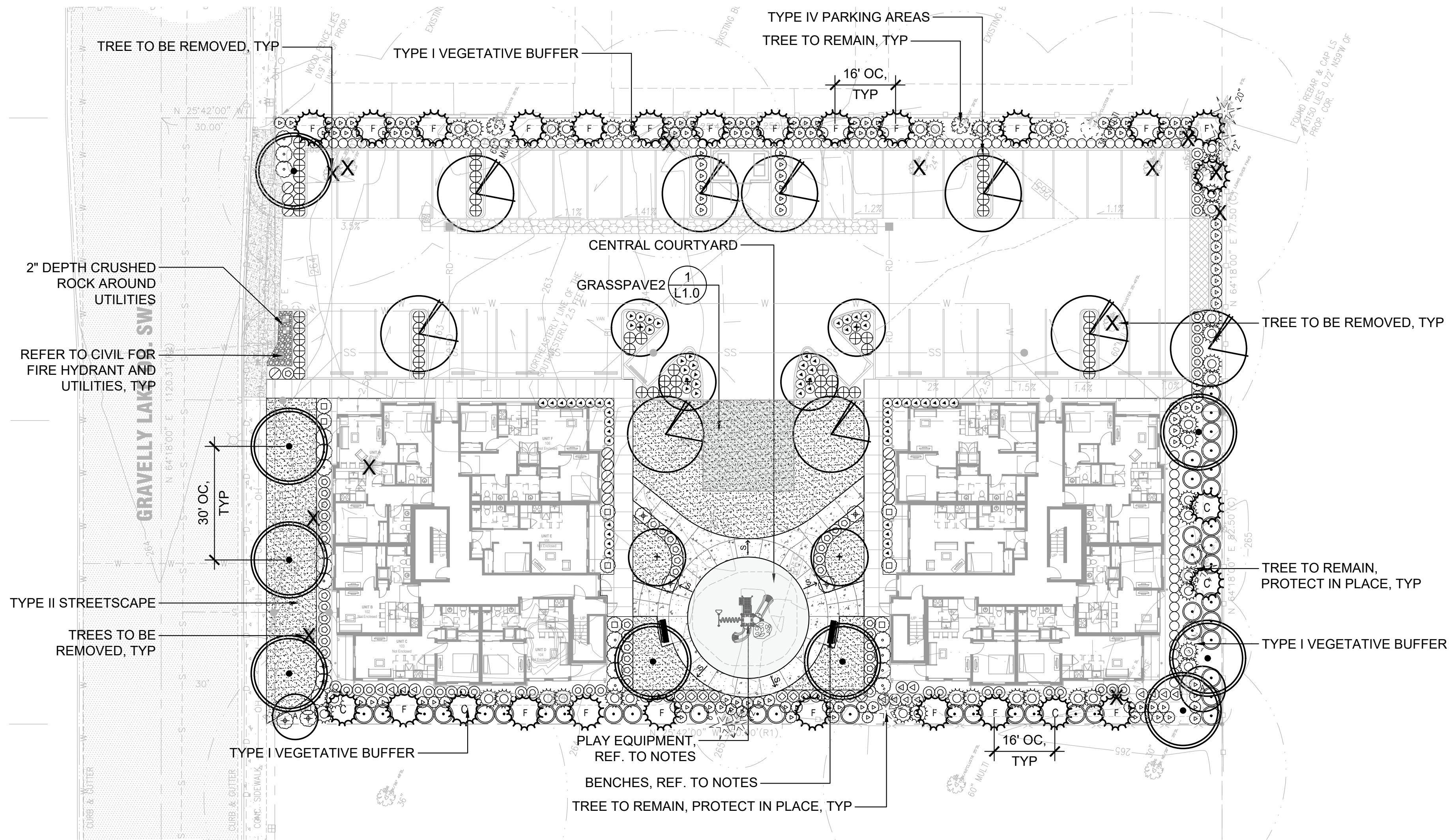
* As of report date or when current lease was signed.

** Find on "Rental and Income Guidelines."

*** Maximum Housing Expenses also include water, sewer, and garbage. If these are paid for directly by the tenant (in addition to rent), the maximum rent must be reduced by the typical costs to the tenant of such utilities, or a set allowance established by the city (or ARCH).

- | | |
|--|--------------------------------------|
| <u>ARCH Electric & Gas Allowances:</u> | <u>Water & Sewer Allowances:</u> |
| Studio | Studio |
| 1-bedroom | 1-bedroom |
| 2-bedroom | 2-bedroom |
| 3-bedroom | 3-bedroom |
| 4-bedroom | 4-bedroom |
| 5-bedroom | 5-bedroom |

Vacancy Status: The following units are vacant as of _____ and are being held vacant for eligible Tenants.



1 GRASSPAVE2 DETAIL
SCALE: 1" = 1'-0"

LANDSCAPE NOTES AND SOIL QUALITY

- LANDSCAPE AREAS SHOULD BE DEEP-TILLED TO A DEPTH OF AT LEAST TWELVE (12) INCHES TO FACILITATE DEEP WATER PENETRATION AND SOIL OXYGENATION. PROVIDE SOIL AMENDMENTS ENCOURAGED TO IMPROVE WATER DRAINAGE, MOISTURE PENETRATION OR WATER-HOLDING CAPACITY. FOR ALL NEWLY LANDSCAPED AREAS ORGANIC MATTER SHOULD BE INCORPORATED TO A DEPTH OF FOUR (4) TO SIX (6) INCHES TO FACILITATE DEEP WATER PENETRATION AND SOIL OXYGENATION.
- CONTRACTOR SHALL PROVIDE 4" DEPTH IMPORTED TOPSOIL AT SEED MIX AREAS AND 9" DEPTH IMPORTED TOPSOIL AT ALL LANDSCAPE PLANTING AREAS.
- COMPACT ALL SEED MIX AREAS IN TWO DIRECTIONS WITH ROLLER PRIOR TO HYDROSEEDING.
- IMPORTED TOPSOIL SHALL BE 3-WAY MIX.
- CONTRACTOR SHALL PROVIDE 2" DEPTH FINE COMPOST MULCH THROUGHOUT LANDSCAPE PLANTING AREAS.
- CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF (1) ONE YEAR AFTER APPROVAL BY OWNER OR OWNER'S REPRESENTATIVE.
- TREES PLANTED FIVE FEET OR LESS FROM PAVED SURFACES SHALL BE PLANTED WITH ROOT CONTROL BARRIER.

OPEN PLAY SPACE CALCULATIONS

18A.70.C.1.p OPEN PLAY SPACE REQUIREMENT	= 50 SF / UNIT
OPEN PLAY SPACE REQUIRED (50 SF) X 36 UNITS	= 1,800 SF OPEN PLAY SPACE REQUIRED*
OPEN PLAY SPACE PROPOSED	= 4,650 SF

THE OPEN PLAY SPACE HAS BEEN PROVIDED AND **EXCEEDS** THE REQUIREMENT AMOUNT.

PLAY SYSTEM: PLAYWORLD SYSTEMS MODEL #350-1000e (AGES 5-12)
FALL SURFACING SHALL BE ENGINEERED WOOD FIBER (EWF), MEETING OR EXCEEDING REQUIRED DEPTH FOR FALL HEIGHTS OF SELECTED EQUIPMENT, OR APPROVED EQUAL BY OWNER

EQUIPMENT ABOVE AVAILABLE FROM NORTHWEST PLAYGROUND EQUIPMENT. CONTACT ERIC ARNESON 206-920-2660 FOR INFORMATION ON PURCHASING OR SUBSTITUTION REQUESTS

TREE LEGEND

- TREES TO REMAIN
- TREES TO BE REMOVED

SITE FURNISHINGS LEGEND

PLAYWORLD SYSTEMS MODEL #350-1000e (AGES 5-12)
FALL SURFACING SHALL BE ENGINEERED WOOD FIBER, MEETING REQUIRED DEPTH FOR FALL HEIGHTS OF SELECTED EQUIPMENT, OR APPROVED EQUAL BY OWNER

AVAILABLE FROM NORTHWEST PLAYGROUND EQUIPMENT. CONTACT ERIC ARNESON 206-920-2660 FOR INFORMATION ON PURCHASING OR SUBSTITUTION REQUESTS

6' BENCH WITH (3) BACKRESTS.
VECTOR SEATING SYSTEM BY FORMS + SURFACES (412-781-9003),
OR APPROVED EQUAL BY OWNER

SEAT MATERIAL: ALUMINUM SLATS. BENCHES: POWDER COATED, SILVER TEXTURE

BENCHES: SURFACE MOUNTED TO CONCRETE PAVING. PROVIDE NEOPRENE GASKETS AT SEPARATION BETWEEN CONCRETE PAVING AND BENCH.

CONFIRM COLOR, MATERIALS AND EXACT LOCATION W/ OWNER PRIOR TO INSTALLATION.

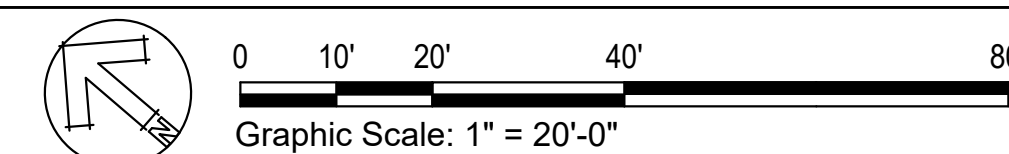
SLOPE = 1/8" / FT. SLOPE AWAY FROM PLAY EQUIPMENT

PLANT SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE / SPACING	COMMENTS
TREES / DECIDUOUS				
9	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	3" cal, spacing per plan	Fully branched and uniform
9	Cercidiphyllum japonicum	Katsura	3" cal, spacing per plan	Fully branched and uniform
6	Cornus x 'Eddies White Wonder'	Eddies White Wonder Dogwood	3" cal, spacing per plan	Fully branched and uniform
2	Acer circinatum	Vine Maple	8-10' ht. , 3 stem mini	Fully branched and uniform
TREES/ EVERGREEN				
5	Thuja plicata	Western Cedar	6'-8' ht. min / 16' OC	Fully branched and uniform
22	Pseudotsuga menziesii	Douglas Fir	6'-8' ht. min / 16' OC	Fully branched and uniform
SHRUBS				
124	Lonicera pileata	Box Honeysuckle	3 gal / 3'OC	min 12" ht. / spread
15	Deutzia gracilis 'Duncan'	Chardonay Pearls Deutzia	3 gal / 3' OC	min 16" ht. / spread
18	Rhododendron 'PJM'	PJM Elite Rhododendron	3 gal / 4' OC	min 16" ht. / spread
9	Hydrangea m. 'Endless Summer'	Endless Summer Mophead Hydrangea	5 gal / 4' OC	min 16" ht. / spread
44	Cornus alba 'Baillhali'	Ivory Halo Dogwood	5 gal / 7' OC	min 24" ht. / spread
44	Viburnum davidii	David's Viburnum	3 gal / 3'OC	min 16" ht. / spread
57	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	3 gal / 3' OC	min 12" ht / spread
41	Myrica californica	Pacific Wax Myrtle	5 gal / 7' OC	min 24" ht / spread
8	Rhododendron 'Christmas Cheer'	Christmas Cheer Rhododendron	3 gal / 4' OC	min 12" ht / spread
14	Gaultheria shallon	Salal	3 gal / 3' OC	min 12" ht / spread
PERENNIALS / GRASSES				
64	Pennisetum orientale	Fountain grass	#1 / 30" OC	
23	Polystichum munitum	Western Sword Fern	#1 / 3'OC	
17	Helictotrichon sempervirens	Blue Oat Grass	#1 / 3' OC	
GROUND COVER				
118	Arctostaphylos uva-ursi	Kinnikinnick	#1 / 30" OC	

- 3,700 sf Lawn
- Turf hydroseed
- Special Sun Mixture
- Country Green Turf Farms specified mix

SEE SHEET L1.1 FOR PLANT IMAGES
SEE SHEET L1.2 FOR PLANTING DETAILS



LU-20-00206
REV #4



BUILDING PERMIT SET



Gravelly Lake Gardens
Gravelly Lake Drive SW
Lakewood, WA

Lyon Landscape Architects
1015 Pacific Avenue, Suite 203
Tacoma, WA 98402
253-678-4173
Eric@LyonLA.com

Landscape Plan

L1.0	OF	6	SHEETS
SCALE: 1" = 20'-0"	DESIGN: ML		
DATE: January 8, 2020	DRAWN: ML		
PROJECT: Gravelly Lake MF	CHECKED: EW		
NO: LLA0227.20	REVISION NUMBER:		

PLANT IMAGES

LU-20-00206
REV #4

RECEIVED
APR 26, 2021
CITY OF LAKEWOOD
COMMUNITY DEVELOPMENT DEPARTMENT

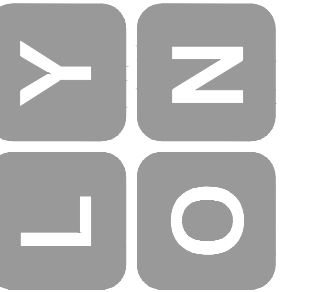


BUILDING PERMIT SET

Gravelly Lake Gardens
Gravelly Lake Drive SW
Lakewood, WA

PROJECT

Lyon Landscape Architects
1015 Pacific Avenue, Suite 203
Tacoma, WA 98402
253-678-4173
Eric@LyonLA.com



TREES / DECIDUOUS



AUTUMN BLAZE MAPLE



KATSURA



EDDIE'S WHITE WONDER
DOGWOOD



VINE MAPLE

TREES / EVERGREEN



WESTERN CEDAR



DOUGLAS FIR

SHRUBS



BOX HONEYSUCKLE



CHARDONNAY PEARLS DEUTZIA



PJM RHODODENDRON



ENDLESS SUMMER HYDRANGEA



IVORY HALO DOGWOOD



DAVID'S VIBURNUM



CRIMSON PYGMY BARBERRY



PACIFIC WAX MYRTLE



CHRISTMAS CHEER
RHODODENDRON



SALAL

PERENNIALS / ORNAMENTAL GRASSES



FOUNTAIN GRASS

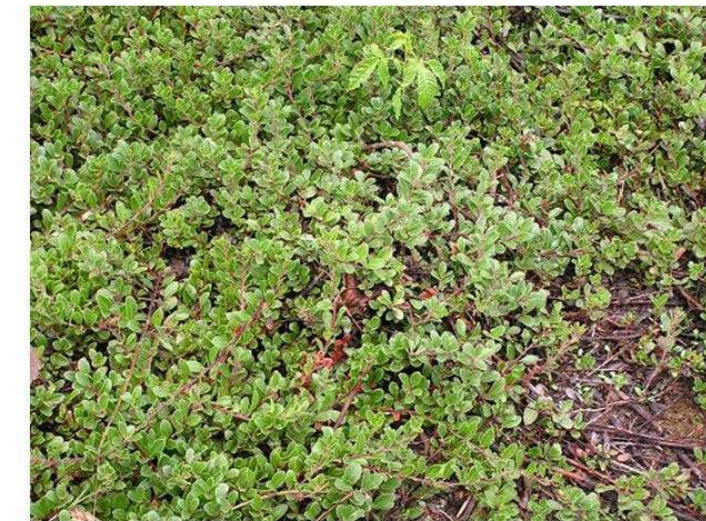


WESTERN SWORD FERN



BLUE OAT GRASS

GROUNDCOVER



KINNIKINNICK

Plant Images

L1.1	OF	6	SHEETS
SCALE: NTS	DESIGN: ML		
DATE: January 8, 2020	DRAWN: ML		
PROJECT: Gravelly Lake MF	CHECKED: EW		
PROJECT NO: LLA0227.20	REVISION NUMBER:		APPD.

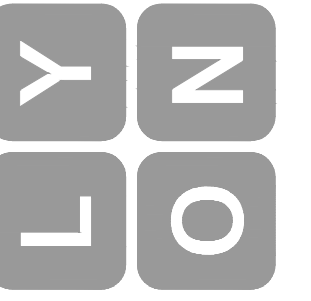
RECEIVED
APR 26 2020
CITY OF TACOMA
COMMUNITY DEVELOPMENT DEPARTMENT



BUILDING PERMIT SET

Gravelly Lake Gardens
Gravelly Lake Drive SW
Lakewood, WA

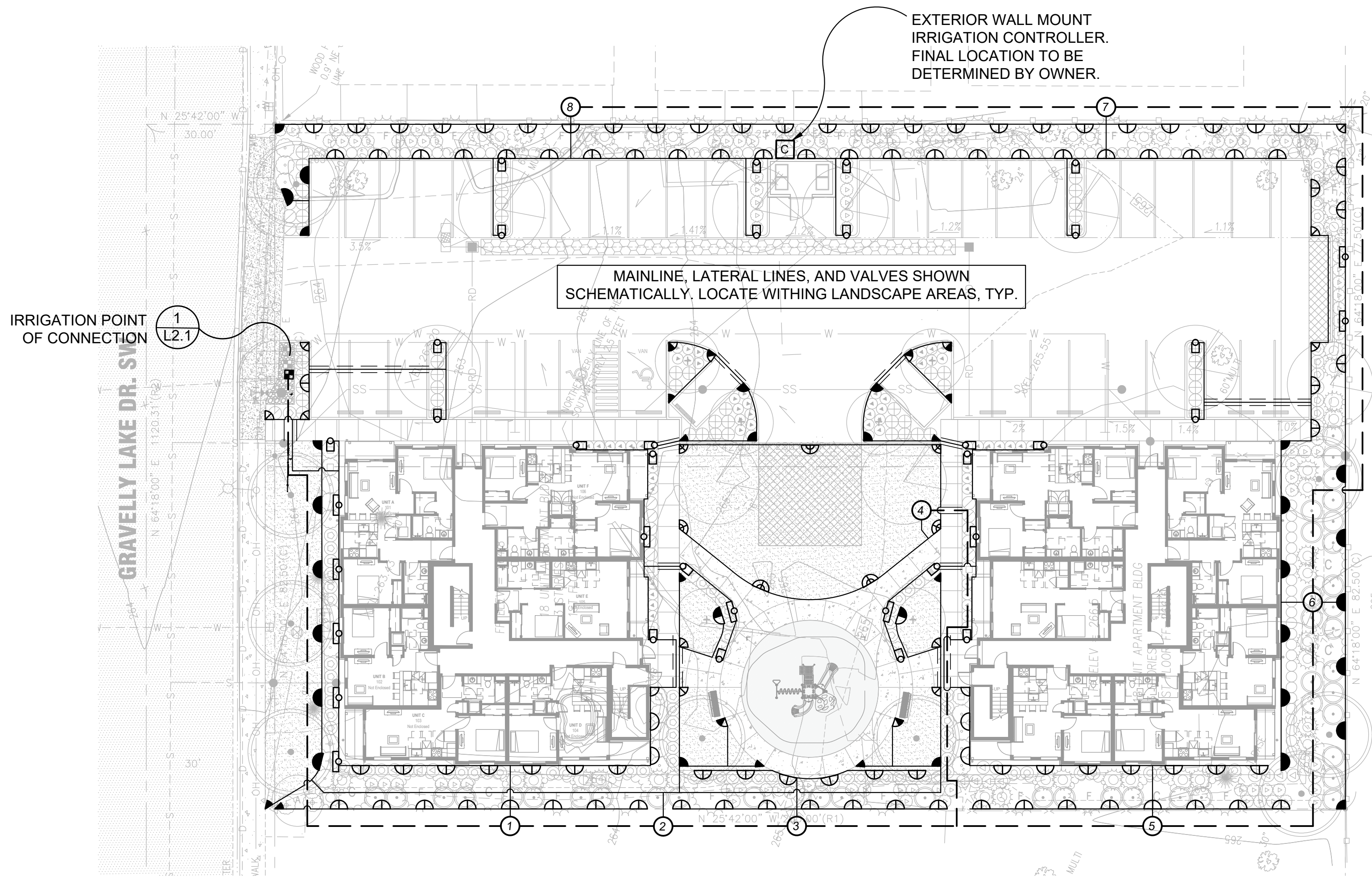
Lyon Landscape Architects
1015 Pacific Avenue, Suite 203
Tacoma, WA 98402
253-678-4173
Eric@LyonLA.com



Irrigation Plan

L2.0	OF	6	SHEETS
SCALE: 1" = 20'-0"	DESIGN:	ML	
DATE: January 8, 2020	DRAWN:	ML	
PROJECT: Gravelly Lake MF	CHECKED:	EW	
PROJECT NO: LLA0227.20	REVISION NUMBER:		

PROJECT



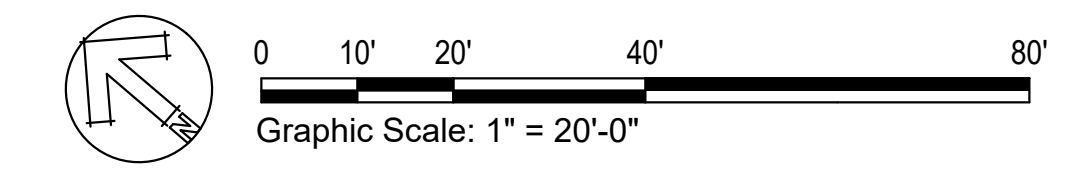
SYMBOL	MFG.	CATALOG NO.	DESCRIPTION
(X)	RAINBIRD	100-PEB-PRS-D	1" GLOBE PLASTIC BODY ELECTRIC REMOTE CONTROL VALVE WITH PRESSURE REGULATING MODULE
◀▶	KENNEDY	8561ASS	2" RESILIENT SEATED GATE VALVE
(A)	RAINBIRD	44-LRC	1" BRASS QUICK COUPLING VALVE (QCV) W/ LOCKING RUBBER COVER, SUPPLY W/ COUPLER KEY & LOCKING COVER KEY
(C)	RAINBIRD	ESP-MC12	12 STATION CONTROLLER, OUTDOOR MODEL, WITH WEATHER STATION, WALL MOUNT AT LOCATION DETERMINED BY OWNER OR OWNER'S REPRESENTATIVE.
(M)	RAINBIRD	200-EFB-CP-R	2" ELECTRIC REMOTE CONTROL MASTER VALVE
+	HUNTER	PASV-101	1" ELECTRIC DRAIN VALVE WITH FLOW CONTROL
NOT SHOWN			STATION & COMMON WIRE SIZE-AWG 14 GAUGE MINIMUM. INSTALL ONE SPARE WIRE FOR ALL IRRIGATION ZONE WIRE RUNS. REVIEW ADDITIONAL REQUIREMENTS FOR FLOW METER & MASTER VALVE IF NECESSARY
—			SCHEDULE 40 PVC MAINLINE (2" SIZE UNLESS NOTED OTHERWISE) @ 18" DEPTH
—			SCHEDULE 200 PVC LATERAL LINES, SIZE TO NOT EXCEED 7 FEET PER SECOND
—			CLASS 200 PVC SLEEVES @ 24" DEPTH, SIZE TO ACCOMMODATE ALL PIPE

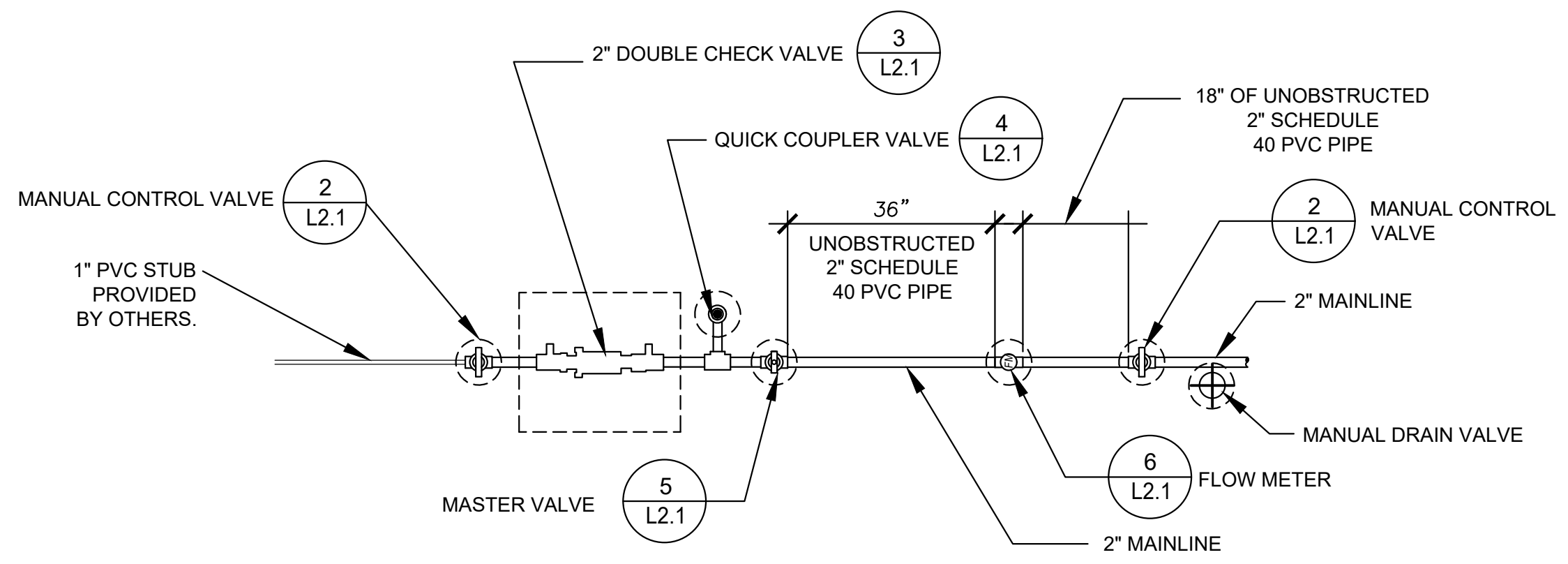
SYM.	CATALOG NUMBER	RADIUS	GPM	PSI
SPRAY HEADS				
D	RAINBIRD 1800-MPR-8Q	8	0.26	30
D	RAINBIRD 1800-MPR-8H	8	0.52	30
D	RAINBIRD 1800-MPR-10Q	10	0.39	30
D	RAINBIRD 1800-MPR-10H	10	0.79	30
D	RAINBIRD 1800-VAR-10-270	10	1.30	30
D	RAINBIRD 1800-MPR-12Q	12	0.65	30
D	RAINBIRD 1800-MPR-12H	12	1.30	30
D	RAINBIRD 1800-VAR-12-270	12	2.78	30
D	RAINBIRD 1800-MPR-15Q	15	0.95	30
D	RAINBIRD 1800-MPR-15H	15	1.85	30
D	RAINBIRD 1800-MPR-15EST	4'X15'	0.61	30
D	RAINBIRD 1800-MPR-15SST	4'X30'	1.21	30
ROTOR HEADS				
D	RAINBIRD 3500-2.0 NOZZLE-27Q	27"	1.69	35
D	RAINBIRD 3500-2.0 NOZZLE-27H	27"	1.69	35
D	RAINBIRD 3500-2.0 NOZZLE-27F	27"	1.69	35

VALVE #	GPM	VALVE SIZE	TYPE
1	32.58	1"	SHRUB
2	21.68	1"	LAWN
3	9.44	1"	SHRUB
4	11.83	1"	LAWN
5	22.63	1"	SHRUB
6	29.02	1"	SHRUB
7	20.06	1"	SHRUB
8	24.53	1"	SHRUB
9-12			ZONES 9-12 ARE FUTURE ZONES

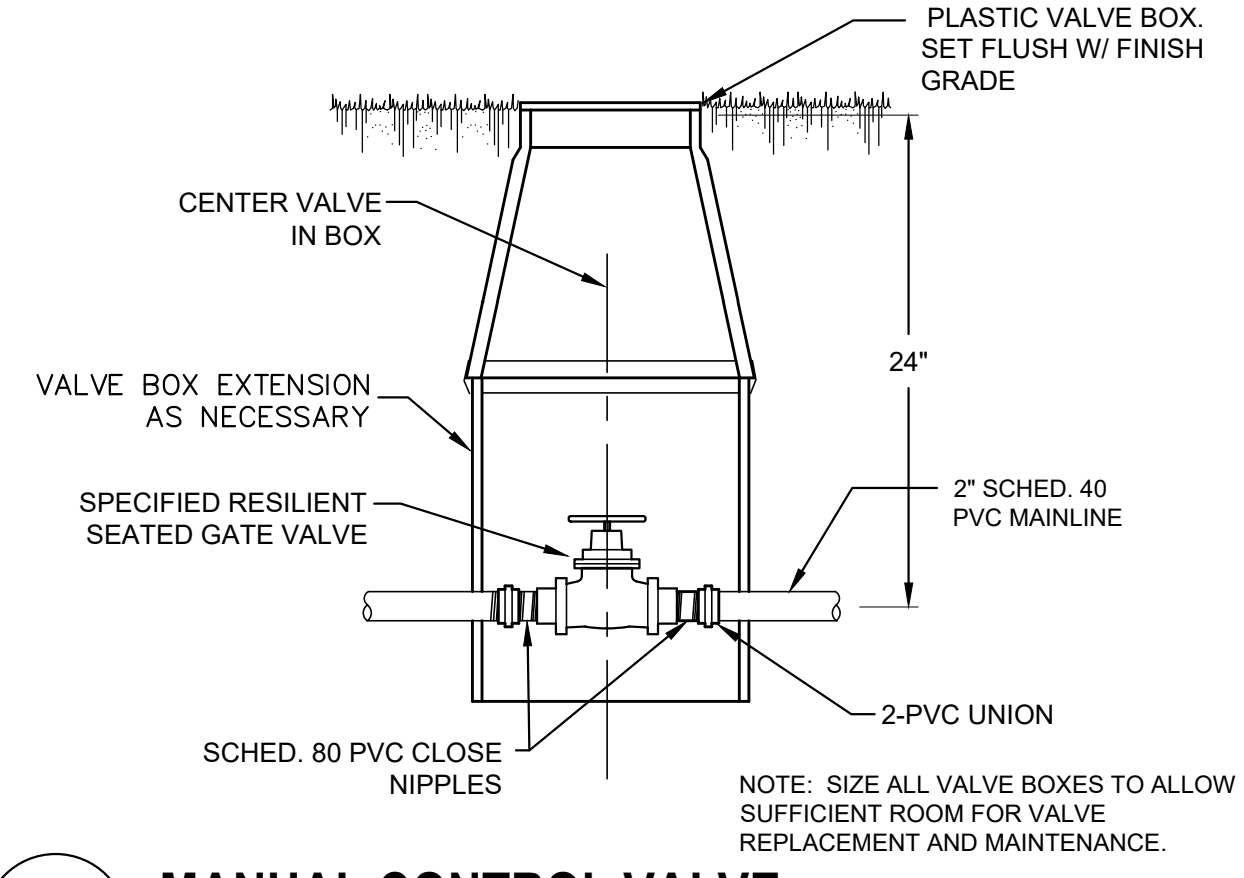
IRRIGATION - GENERAL NOTES

- CONFIRM WATER PRESSURE PRIOR TO STARTING OF WORK.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING THE UNDERGROUND LOCATE LINE AT 1-800-424-5555 A MINIMUM OF 48 HOURS PRIOR TO ANY EXCAVATION.
- CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING IMPROVEMENTS. DAMAGE TO EXISTING IMPROVEMENTS BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AND/OR QUALIFIED INSTALLERS/TRADES ACCEPTABLE TO THE SOLE SATISFACTION OF THE CONSTRUCTION OBSERVER AND AT NO COST TO THE OWNER.
- CONTRACTOR SHALL COORDINATE ALL WORK WITH THE GENERAL CONTRACTOR. ALL CONSTRUCTION CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE GENERAL CONTRACTOR AND CONSTRUCTION OBSERVER IMMEDIATELY UPON RECOGNITION.
- CONTRACTOR IS RESPONSIBLE FOR A THOROUGH CLEAN-UP FOR HIS/HER RESPECTIVE WORK, DAILY AND AT PROJECT CLOSE-OUT.
- ALL PIPING UNDER HARD SURFACES SHALL BE SLEEVED. CONTRACTOR IS REQUIRED TO INSTALL DUCTILE IRON PIPE FOR IRRIGATION PIPE SLEEVES UNDER PAVEMENTS. D.I. SLEEVE SHALL BE FOUR INCHES (4") LARGER THAN THE IRRIGATION MAINLINE PIPE SIZE. END OF SLEEVE SHALL EXTEND FOUR FEET (4') BEYOND EDGE OF PAVEMENT. MINIMUM DEPTH OF BURY FROM FIN. GRADE TO TOP OF SLEEVE SHALL BE ONE FOOT (12").
- ALL CONTROL WIRING NOT IN MAINLINE TRENCH SHALL BE BURIED WITHIN METAL CONDUIT. CONDUIT SHALL BE PLACED 18" BELOW FINISH GRADE. ALL CONDUIT AND FITTINGS SHALL BE INTERMEDIATE METALLIC OR BETTER.
- PIPE SIZE SHALL BE THE SAME ON BOTH SIDES OF VALVES. PIPE SHALL REMAIN CONSTANT BETWEEN PIPE SIZE CALLOUTS. 3/4" CLASS 200 PVC SHALL BE THE SMALLEST LATERAL LINE USED.
- FIELD VERIFY ALL SPRINKLER HEAD LOCATIONS (FLAGGING) BEFORE TRENCHING.
- WHERE TWO OR MORE PIPES SHARE THE SAME TRENCH, MAINTAIN A 4" SEPARATION BETWEEN PIPES. DO NOT CROSS PIPES OVER EACH OTHER UNLESS THEY ARE AT A 90 DEGREE ANGLE.
- IRRIGATION SITE PLAN IS SCHEMATIC. IRRIGATION PLUMBING AND EQUIPMENT SHALL BE INSTALLED IN TURF OR LANDSCAPE BED AREAS AND WITHIN PROPERTY BOUNDARIES. THE CONTRACTOR SHALL CONSIDER ALL SITE FEATURES IN THE INSTALLATION OF IRRIGATION IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING AND INSTALLING ALL IRRIGATION EQUIPMENT NECESSARY FOR A COMPLETE AND FUNCTIONAL IRRIGATION SYSTEM. FIELD VERIFY ALL EXISTING EQUIPMENT LOCATIONS AND REPORT ANY INCONSISTENCIES TO CONSTRUCTION OBSERVER/OWNER'S REPRESENTATIVE.
- SPRINKLER HEAD SYMBOLS SCHEMATICALLY REPRESENT DESIRED SPRAY PATTERNS. FIELD ADJUSTMENTS AND VERIFICATION OF SPRAY PATTERNS WILL BE NECESSARY. ADJUST SPRAY PATTERNS TO WATER LANDSCAPE AREA ONLY AND MINIMIZE OVERSPRAY ONTO PAVEMENT.

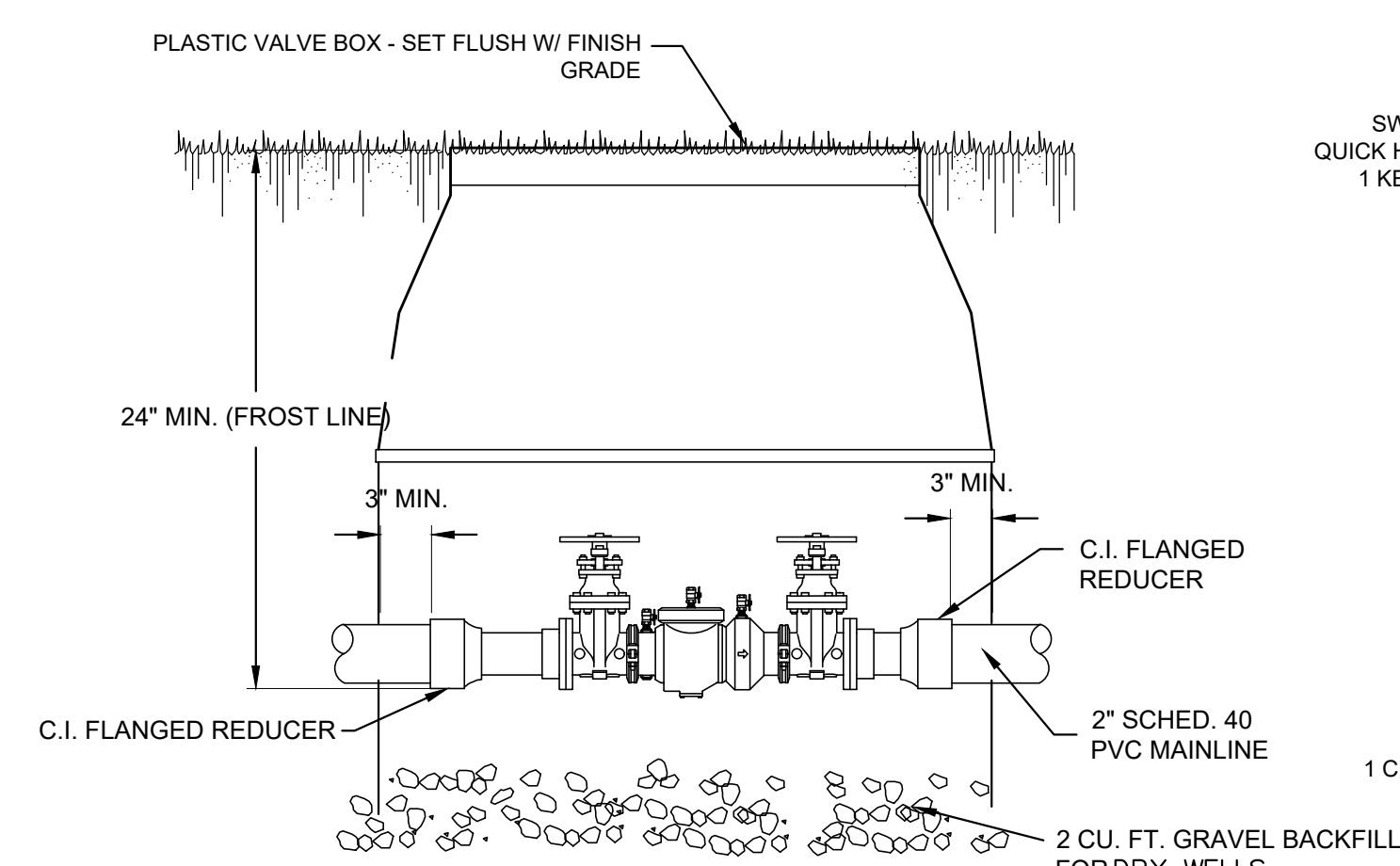




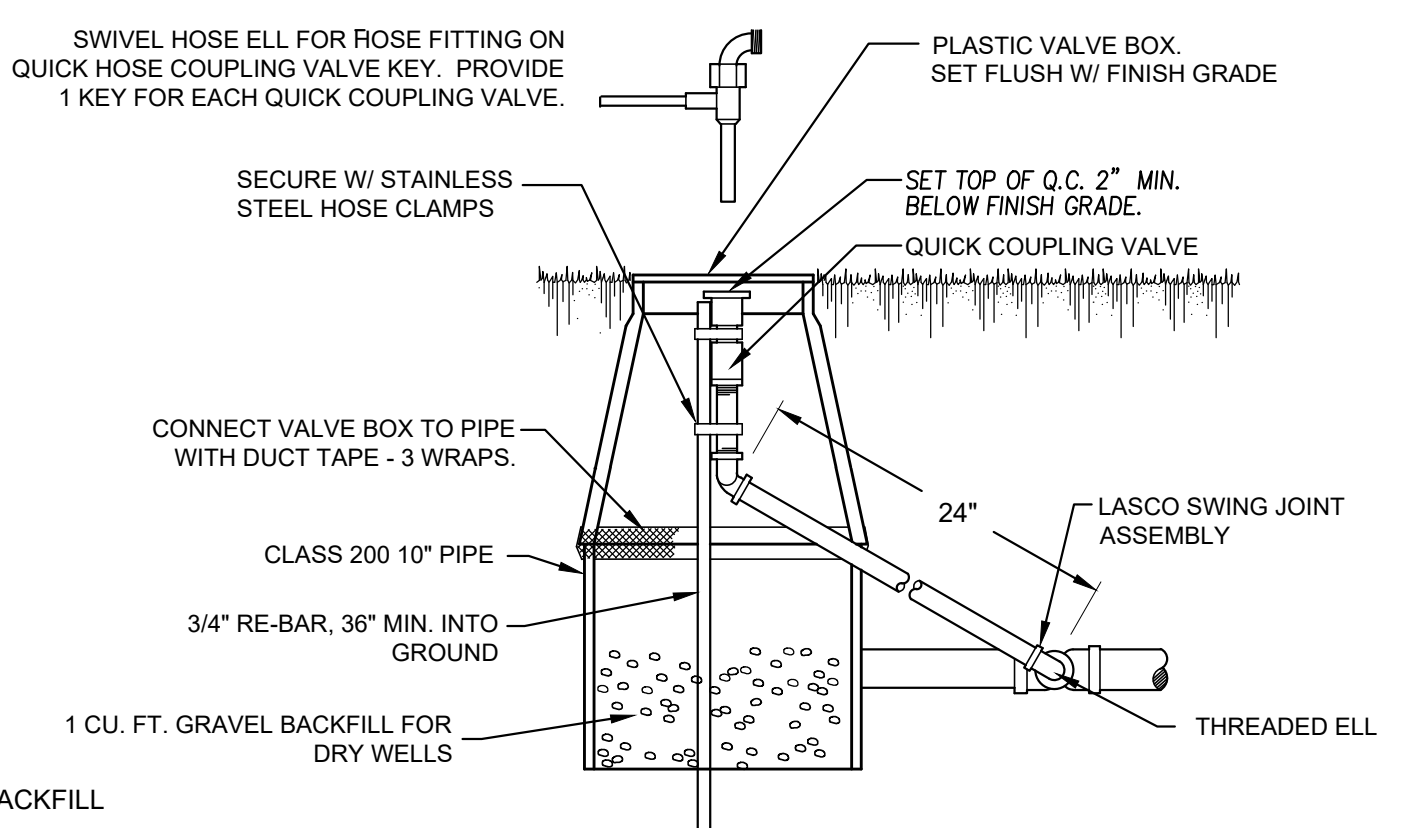
1 POINT OF CONNECTION LAYOUT
NOT TO SCALE



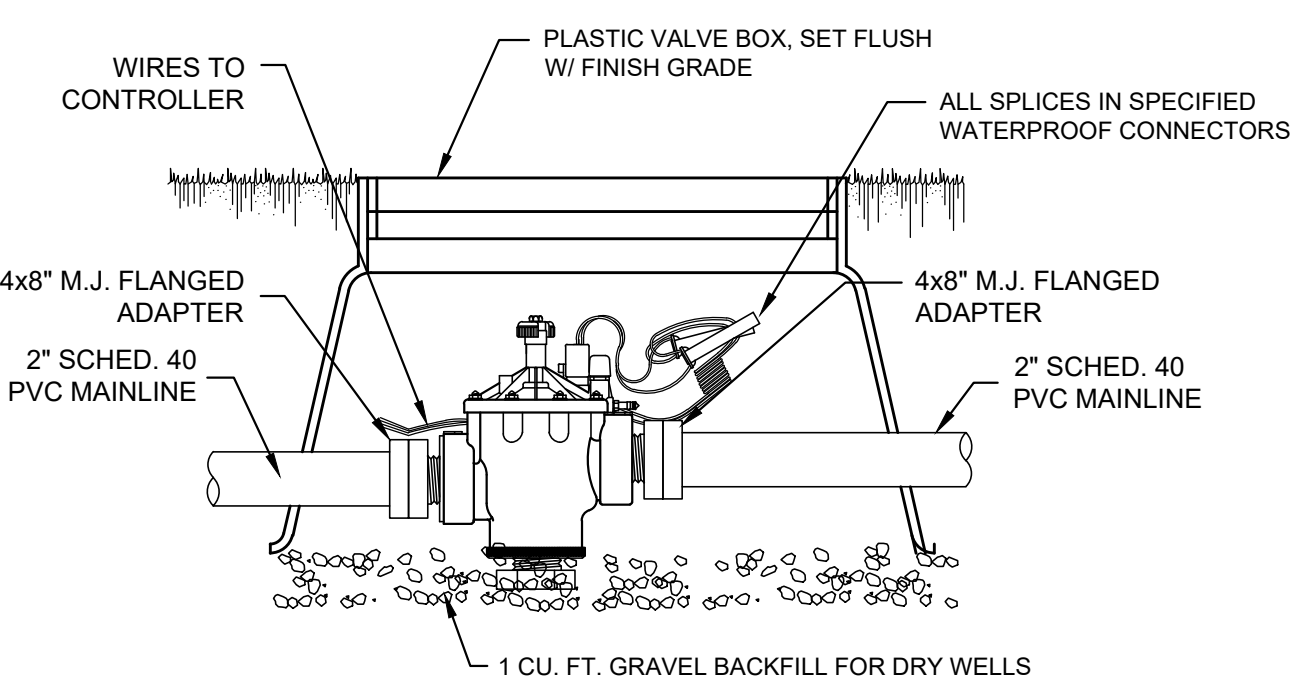
2 MANUAL CONTROL VALVE
NOT TO SCALE



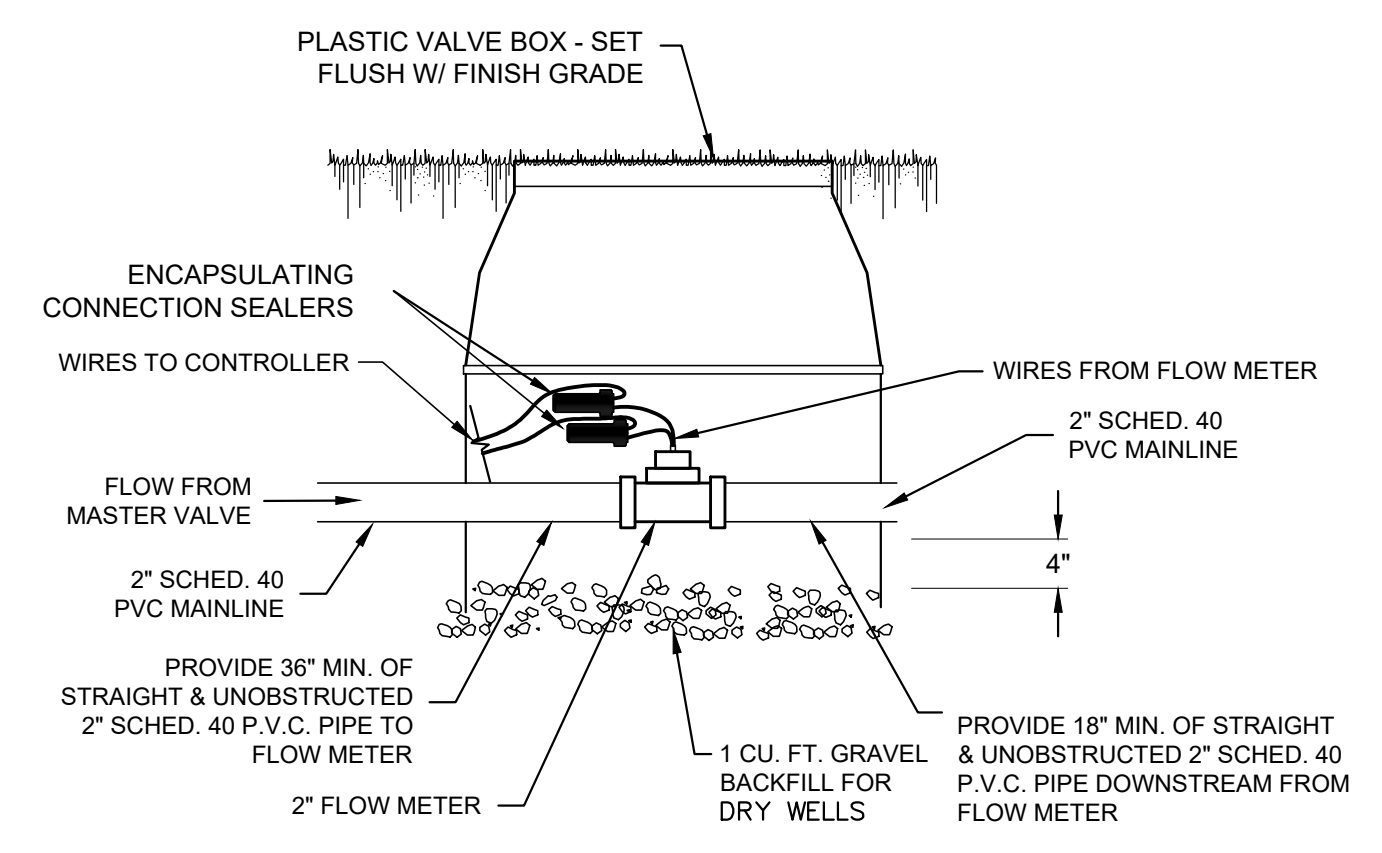
3 DOUBLE CHECK VALVE (DCV) INSTALLATION
NOT TO SCALE



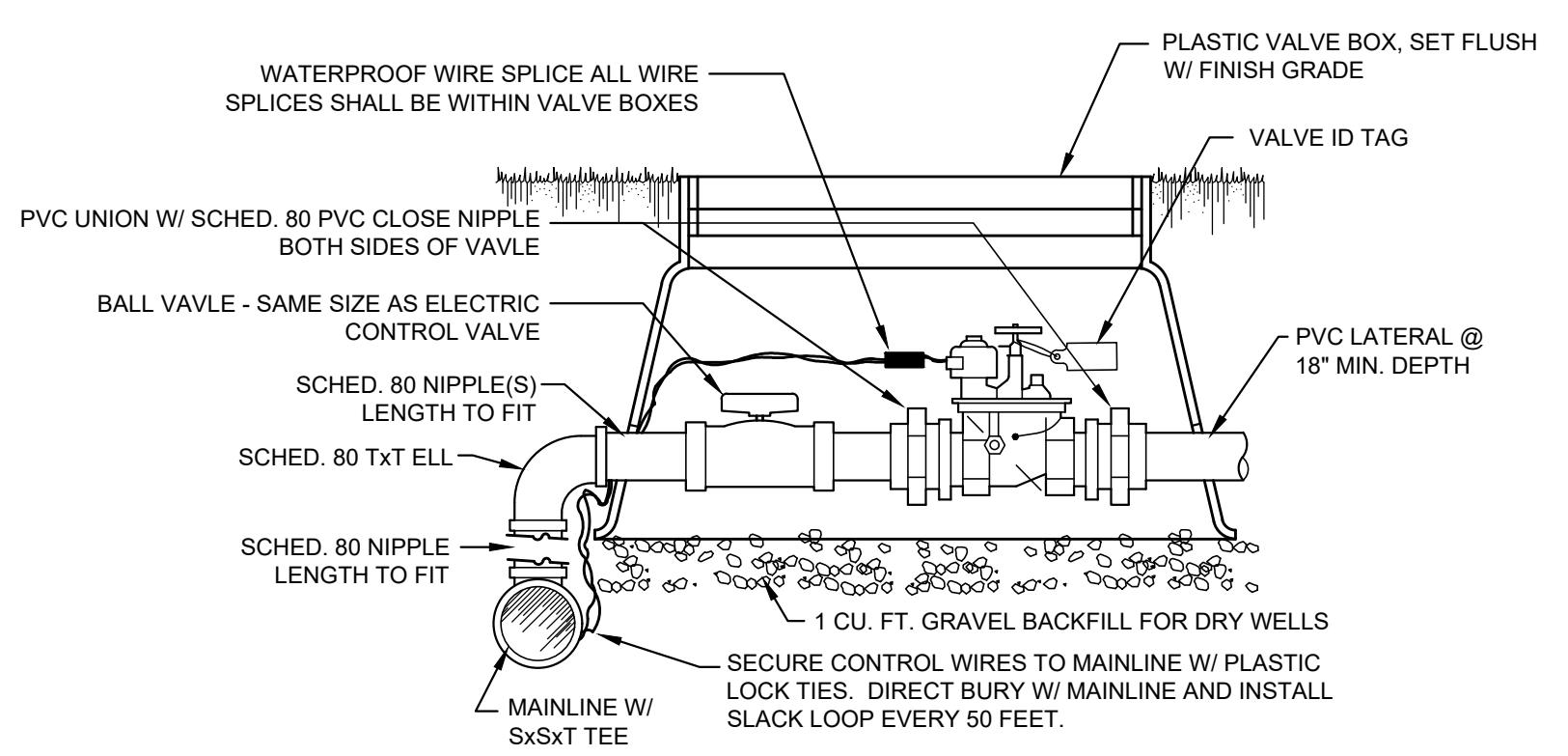
4 QUICK COUPLER VALVE (QCV)
NOT TO SCALE



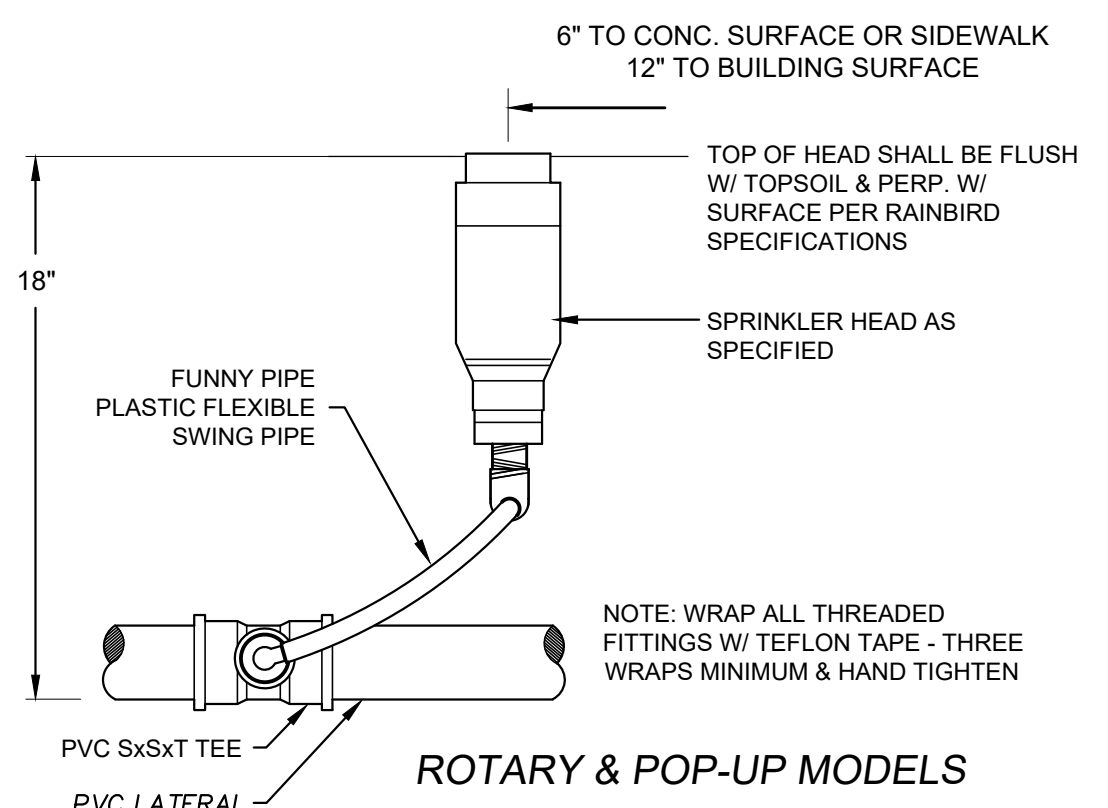
5 MASTER VALVE INSTALLATION TYP.
NOT TO SCALE



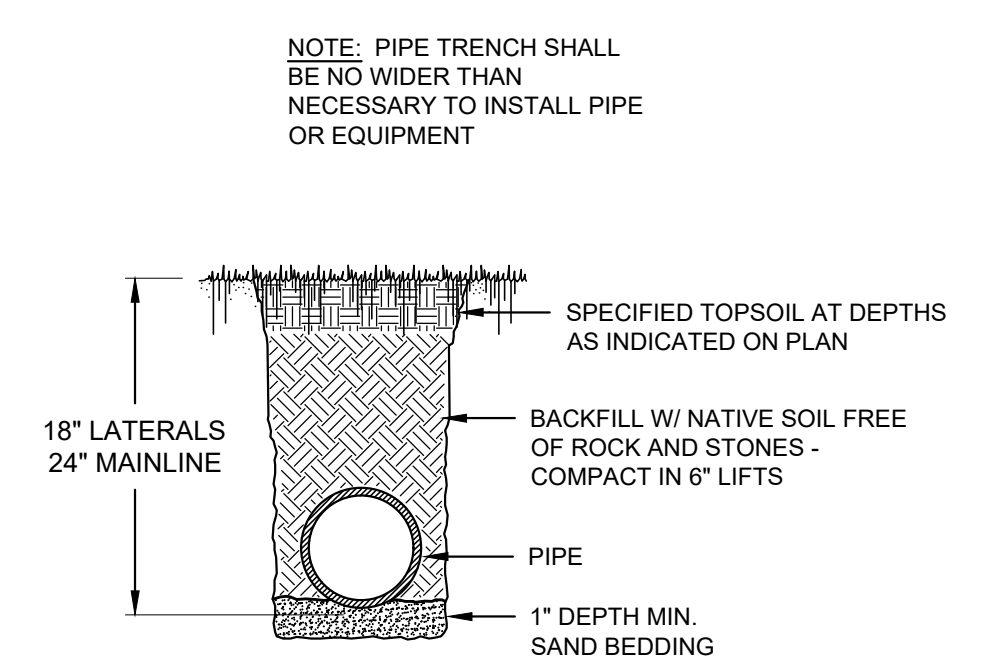
6 FLOW METER
NOT TO SCALE



7 ELECTRIC CONTROL VALVE
NOT TO SCALE



8 SPRINKLER HEAD INSTALLATION - TYPICAL
NOT TO SCALE



9 PIPE TRENCH - LANDSCAPE
NOT TO SCALE

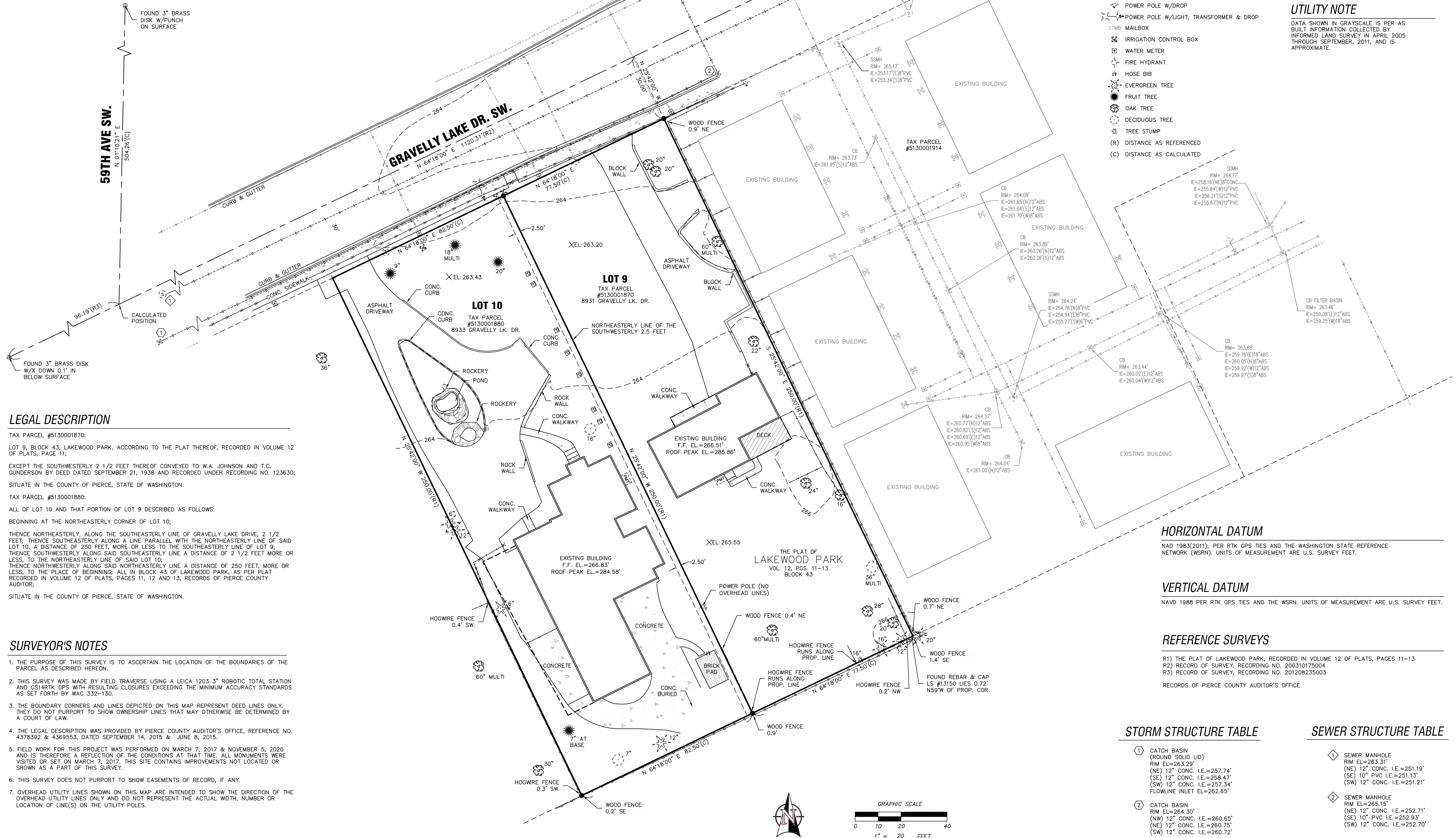
NOTE:
THE EXISTING UTILITIES AS SHOWN
ARE ONLY APPROXIMATE AND ARE
BASED ON THE BEST AVAILABLE
INFORMATION. IT SHALL BE THE
CONTRACTOR'S RESPONSIBILITY TO
VERIFY THE SIZE, TYPE, LOCATION,
AND DEPTH OF ALL EXISTING UTILITIES
PRIOR TO STARTING CONSTRUCTION,
AND INFORM THE DESIGN ENGINEER
OF ANY DISCREPANCIES.

Call Before You Dig
1-800-424-5555

TOPOGRAPHIC SURVEY

LU-20-00206
REV #4

RECEIVED
APR 26, 2021
CITY OF LAKEWOOD
COMMUNITY DEVELOPMENT DEPARTMENT



LEGEND

- SET REBAR & CAP EMW LS #44651
- △ SET NAIL & WASHER EMW LS #44651
- FOUND REBAR & CAP (AS SHOWN)
- FOUND BRASS DISK (AS SHOWN)
- CLEANOUT
- ⊕ SEWER MANHOLE
- ⊕ STORM DRAIN CATCH BASIN
- ⊕ STORM DRAIN MANHOLE
- ⊕ COMMUNICATION MANHOLE
- ⊕ COMMUNICATION PEDESTAL
- ⊕ POWER METER
- ⊕ POWER OUTLET
- ⊕ POWER POLE
- ⊕ POWER POLE W/DROP
- ⊕ POWER POLE W/LIGHT, TRANSFORMER & DROP
- ⊕ MAILBOX
- ⊕ IRRIGATION CONTROL BOX
- ⊕ WATER METER
- ⊕ FIRE HYDRANT
- ⊕ HOSE BIB
- ⊕ EVERGREEN TREE
- ⊕ FRUIT TREE
- ⊕ OAK TREE
- ⊕ DECIDUOUS TREE
- ⊕ TREE STUMP
- (R) DISTANCE AS REFERENCED
- (C) DISTANCE AS CALCULATED

LINE TYPE LEGEND

- STORM DRAIN LINE
- SEWER LINE
- APPROX. WATER LINE
- OVERHEAD POWER LINE
- APPROX. SUB SURFACE POWER LINE
- APPROX. SUB SURFACE COMMUNICATIONS LINE
- WOOD FENCE
- HOGWIRE FENCE
- CHAINLINK FENCE
- BUILDING OVERHANG

UTILITY NOTE

DATA SHOWN IN GRAYSCALE IS PER AS BUILT INFORMATION COLLECTED BY INFORMED LAND SURVEY IN APRIL 2005 THROUGH SEPTEMBER, 2011, AND IS APPROXIMATE.

LEGAL DESCRIPTION

TAX PARCEL #5130001870:
LOT 9, BLOCK 43, LAKEWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 12 OF PLATS, PAGE 11;

EXCEPT THE SOUTHWESTERLY 2 1/2 FEET THEREOF CONVEYED TO W.A. JOHNSON AND T.C. GUNDERSON BY DEED DATED SEPTEMBER 21, 1938 AND RECORDED UNDER RECORDING NO. 123630;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

TAX PARCEL #5130001880:
ALL OF LOT 10 AND THAT PORTION OF LOT 9 DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 10;
THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY LINE OF GRAVELLY LAKE DRIVE, 2 1/2 FEET; THENCE SOUTHEASTERLY ALONG A LINE PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 10, A DISTANCE OF 250 FEET, MORE OR LESS TO THE SOUTHEASTERLY LINE OF LOT 9;
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 2 1/2 FEET MORE OR LESS, TO THE NORTHEASTERLY LINE OF SAID LOT 10;
THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 250 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING; ALL IN BLOCK 43 OF LAKEWOOD PARK, AS PER PLAT RECORDED IN VOLUME 12 OF PLATS, PAGES 11, 12 AND 13, RECORDS OF PIERCE COUNTY AUDITOR;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

SURVEYOR'S NOTES

- THE PURPOSE OF THIS SURVEY IS TO ASCERTAIN THE LOCATION OF THE BOUNDARIES OF THE PARCEL AS DESCRIBED HEREON.
- THIS SURVEY WAS MADE BY FIELD TRAVERSE USING A LEICA 1203 3" ROBOTIC TOTAL STATION AND GS14RTK GPS WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
- THE BOUNDARY CORNERS AND LINES DEPICTED ON THIS MAP REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
- THE LEGAL DESCRIPTION WAS PROVIDED BY PIERCE COUNTY AUDITOR'S OFFICE, REFERENCE NO. 4378392 & 4369553, DATED SEPTEMBER 14, 2015 & JUNE 8, 2015.
- FIELD WORK FOR THIS PROJECT WAS PERFORMED ON MARCH 7, 2017 & NOVEMBER 5, 2020 AND IS THEREFORE A REFLECTION OF THE CONDITIONS AT THAT TIME. ALL MONUMENTS WERE VISITED OR SET ON MARCH 7, 2017. THIS SITE CONTAINS IMPROVEMENTS NOT LOCATED OR SHOWN AS A PART OF THIS SURVEY.
- THIS SURVEY DOES NOT PURPORT TO SHOW EASEMENTS OF RECORD, IF ANY.
- OVERHEAD UTILITY LINES SHOWN ON THIS MAP ARE INTENDED TO SHOW THE DIRECTION OF THE OVERHEAD UTILITY LINES ONLY AND DO NOT REPRESENT THE ACTUAL WIDTH, NUMBER OR LOCATION OF LINE(S) ON THE UTILITY POLES.

HORIZONTAL DATUM

NAD 1983(2011); PER RTK GPS TIES AND THE WASHINGTON STATE REFERENCE NETWORK (WSRN). UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

VERTICAL DATUM

NAVD 1988 PER RTK GPS TIES AND THE WSRN. UNITS OF MEASUREMENT ARE U.S. SURVEY FEET.

REFERENCE SURVEYS

- R1) THE PLAT OF LAKEWOOD PARK, RECORDED IN VOLUME 12 OF PLATS, PAGES 11-13
 - R2) RECORD OF SURVEY, RECORDING NO. 200310175004
 - R3) RECORD OF SURVEY, RECORDING NO. 201208235003
- RECORDS OF PIERCE COUNTY AUDITOR'S OFFICE

STORM STRUCTURE TABLE

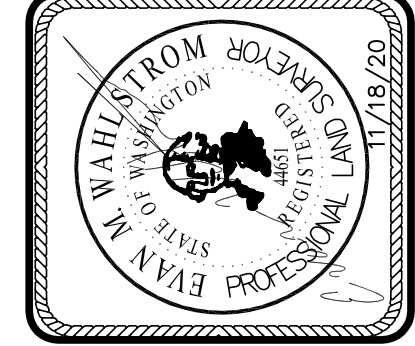
- CATCH BASIN (ROUND SOLID LID)
RIM EL.=263.29'
(NE) 12" CONC. I.E.=257.74'
(SE) 12" CONC. I.E.=258.47'
(SW) 12" CONC. I.E.=257.34'
FLOWLINE INLET EL.=262.65'
- CATCH BASIN
RIM EL.=264.30'
(NW) 12" CONC. I.E.=260.65'
(NE) 12" CONC. I.E.=260.75'
(SW) 12" CONC. I.E.=260.72'

SEWER STRUCTURE TABLE

- SEWER MANHOLE
RIM EL.=263.31'
(NE) 12" CONC. I.E.=251.19'
(SE) 10" PVC I.E.=251.13'
(SW) 12" CONC. I.E.=251.21'
- SEWER MANHOLE
RIM EL.=265.15'
(NE) 12" CONC. I.E.=252.71'
(SE) 10" PVC I.E.=252.93'
(SW) 12" CONC. I.E.=252.70'

SHT. 1 OF 1
LOCATED IN NW 1/4 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 20 N, RANGE 2 E, W.M.
FOR: CLAUDE REMY
CITY OF LAKEWOOD, PIERCE COUNTY, WA

TOPOGRAPHIC SURVEY
CHECKED: EMW
JOB NO.: REMYC-160929
DATE: 11/18/2020
FIELD: GREV, AL, AG
SCALE: 1" = 20'



8931 & 8933
GRAVELLY LAKE DR., WA 98499
TAX PARCEL NO. 5130001870 & 5130001880

informed land survey
PO Box 5137
Tacoma, WA 98415-0137
Phone: 362.627.2070
adam@informedlandsurvey.com
www.informedlandsurvey.com
LAND SURVEYING • MAPPING • CONSTRUCTION LAYOUT



Public Hearing Notice

Wednesday, December 1st, 2021
06:30 PM

COVID-19 Meeting Notice: The state Legislature passed a concurrent Resolution extending the Governor's emergency orders issued via [Proclamation 20-28](#) modifying the Open Public Meetings Act (OPMA) during the COVID-19 pandemic until the end of the emergency; as a result City Hall **will NOT** be open for this public hearing.

The City of Lakewood Planning Commission will be holding a public hearing and decision on December 1st 2021. The applicant Gravelly Lake Townhomes LLC is proposing for LU-20-00206 Gravelly Lake Gardens - Design Review to utilize Lakewood Municipal Code (LMC) 18A.90 Housing Incentives Program. The site is located at 8931 & 8933 Gravelly Lakewood Drive SW parcel number 5130001881.

All persons wishing to submit written comment on this project prior to the public hearing may do by December 1, 2021. Written comments may also be submitted at the hearing and interested parties may testify at the public hearing.

The project files are available upon request. A copy of the staff report will be available for review through the Community Development Department five calendar days prior to the public hearing.

Until further notice, residents can virtually attend the referenced Public Hearing by watching it 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 at +1(253) 215- 8782 and by entering Webinar ID: 926 8096 8444

To participate in Public Comment and/or Public Testimony:

Public Comments and Public Testimony on Public Hearings will be accepted by mail, email or by live virtual comment. Send comments by mail or email to Ramon Rodriguez, Associate Planner, at 6000 Main Street SW Lakewood, WA 98499 or rrodriguez@cityoflakewood.us Comments received up to one hour before the meeting will be provided to the Planning Commission electronically.

Virtual Comments: If you would like to provide live Public Comments or Public Testimony during the meeting, you will need to join the Zoom meeting as an attendee by calling by telephone [Dial +1\(253\) 215- 8782](tel:+12532158782) and enter participant ID: [926 8096 8444](https://us06web.zoom.us/j/92680968444) or by visiting

<https://us06web.zoom.us/j/92680968444>

By Phone: For those participating by calling in by [telephone \(+1\(253\) 215- 8782\)](tel:+12532158782) and enter [participant ID: 926 8096 8444](https://us06web.zoom.us/j/92680968444), the Project Planner will call on you during the Public Comment portion of the Public Hearing. When you are unmuted please provide your name and city of residence. Each speaker will be allowed (3) three minutes to speak during the Public Comment and at each Public Hearing.

By ZOOM: For those using the ZOOM link <https://us06web.zoom.us/j/92680968444> upon entering the meeting, please enter your name or other chosen identifier. Use the “Raise Hand” feature to be called upon by the Project Planner during the Public Comment portion of the Public Hearing. When you are unmuted, please provide your name and city of residence. Each speaker will be allowed (3) three minutes to speak during the Public Comment and at each Public Hearing.

Outside of Public Comments and Public Hearings, all attendees on ZOOM will continue to have the ability to virtually raise your hand for the duration of the meeting. You will not be acknowledged and your microphone will remain muted except for when you are called upon.



MEMORANDUM

TO: Lakewood Planning Commission

FROM: Dave Bugher, Assistant City Manager/Community & Economic Development Director

MEETING DATE: December 1, 2021

SUBJECT: Developing a Three (3)-Year Action Plan on Climate Change, Part 4

Introduction: At your last meeting, November 17th, the commission was provided a decision matrix to define an action plan regarding climate change. Following the meeting, commissioners were provided an Excel spreadsheet of the matrix and the opportunity to create individual analyses. If commissioners want to share their work at the upcoming meeting, December 1, they can.

Further, based on comments at the last meeting, I took the opportunity to draft a staff proposed 3-year action plan. The action plan is divided into two-parts.

The first part lists out new or proposed action plans. There are a total of 17. They cover a range of subjects: environmental justice; GHG emissions and forecasting; a communications plan; proactively working with energy providers to enhance conservation; regionalism; an updated non-motorized transportation plan; pursue grant funding; revised land use codes; promoting/encouraging green development standards; resiliency planning; an urban forest management plan; and monetizing carbon capture and storage.

The second part lists out actions currently underway. There are a total of 15. Topics are wide-ranging. Many of these action items have already been completed or are scheduled for completion in 2022.

The action plan looks like this:

Proposed Three (3) Year Action Plan

New Climate Change Actions

1. Incorporate an environmental justice assessment into the climate change action plan.
2. Annually prepare a comprehensive greenhouse gas emissions inventory and forecast.
3. Establish emissions reduction targets.
4. Develop a communications plan for climate change. Incorporate the following elements into the plan:

- a. Establish a climate change website the purpose of which is to develop and implement a community education, engagement and activation guide.
 - b. Amend/revise the current strategic plan that will help guide and focus city resources and program initiatives to: reduce greenhouse gas production and the carbon footprint of city government and the Lakewood community; and, reduce and minimize the potential risks of climate change.
 - c. Inform city residents and businesses, the city council, planning commission, staff, and other stakeholders of the city's emission reduction targets and overall progress.
 - d. Provide monitoring and implementation reports; add targets and progress to the Lakewood dashboard.
5. Proactively work with energy providers (Puget Sound Energy, Lakeview Light & Power, and city of Tacoma Power) to market existing energy conservation programs with Lakewood property owners. Where appropriate propose new programs to better fit Lakewood's needs. Complement energy provider conservation programs with grants or low interest loans using HUD and/or ARPA funding.
6. Work with Pierce County and Pierce County municipalities to develop a regional approach to address climate change. Strategies include:
- a. Adoption of revised climate change Pierce Countywide Planning Policies.
 - b. Consider an interlocal agreement with surrounding cities to share best practices and implement regional programs to help residents and businesses meet regional demand reduction targets.
7. Update the city's non-motorized transportation plan.
- a. Identify gaps in the transportation network and explore developing potential pedestrian and bicycle priority areas or districts.
 - b. Review and if appropriate, update the city's street design standards so that they support public transit, and non-motorized transportation policies. The updated standards should be consistent with and tailored to street or trail function and adjacent land use type.
 - c. Explore bicycle sharing programs.
 - d. Evaluate the feasibility of reducing the number or width of travel lanes on future, key mixed-use streets that may have excess capacity and using the capacity and/or regained width for wider sidewalks and bicycle lanes.
8. Pursue grant funding to plan and construct missing pedestrian and bicycle connections between major destinations, such as, parks, opens spaces, civic facilities, employment centers, retail, and recreation areas.
9. Develop plans for key commercial corridors in the city to guide redevelopment of these areas into mixed-use, pedestrian and transit-oriented corridors and nodes. Possible corridors include South Tacoma Way, Steilacoom Boulevard SW, Bridgeport Way, and Union Avenue SW. Include development standards and urban design guidelines.

10. Update existing mixed-use and infill development incentives (fee waivers, density bonuses, development impact fee, tax benefits, etc.).
11. Establish a trip reduction policy that includes a remote work strategy, and appropriate technology. Consider incorporation into the city's land use and development code.
12. Promote/encourage green development standards (e.g., LEED and equivalent, and low impact development) in both public and private development and operations.
13. Use a supplemental greenhouse gas/climate change impact worksheet of climate change impacts and potential mitigation when conducting an environmental review process under the State Environmental Policy Act.
14. Review, and as appropriate update the city's hazard mitigation plan to address climate change.
15. Review, and as appropriate, update Lakewood Municipal Code (LMC) Title 14, Environmental Protections. Title 14 provides regulations for geologic hazard areas, flood hazard areas, and critical lands and natural resources. Climate change impacts may require that new regulations be inserted into this chapter.
16. Develop an urban forest management plan (Plan is required if the City wants to measure local carbon sink.)
17. Hire a consultant to explore ways in which the city and property owners can monetize carbon capture and storage.

Climate Change Actions Already Underway

1. Established a new climate change chapter to the city's comprehensive plan.
2. Revise the Lakewood's tree preservation code.
3. Regularly update the Downtown Subarea Plan and the Lakewood Station District as market conditions and climate conditions change.
4. Enforce the Uniform Plumbing Code (IPC), which requires low-flow appliances and fixtures in all new development.
5. Enforce the 2018 International Building Code, Section 429, Electric Vehicle and Charging Infrastructure. This code section includes charging infrastructure for accessible parking spaces.
6. Allow "Occupiable Roofs" and "Vegetative and Landscaped Roofs" pursuant to adopted International Building Codes.
7. Adopt and enforce the 2018 Washington State Energy Code.
8. Encourage use of drought-tolerant and native vegetation, and discourage the use of invasive non-native species in home landscaping.

9. Enforce current code regulations that require non-motorized facilities to install and maintain secured bicycle parking facilities.
10. Support the creation of a South Tacoma Way Bus Rapid Transit System (BRT) that connects Downtown Tacoma, Lakewood, and Joint Base Lewis McChord.
11. Reduce the city hall footprint from three floors to two floors.
12. Continue to support neighborhood events such as clean-up/recycling events.
13. Examine city practices for opportunities to reduce paper consumption in the workplace. Implement a document management information system.
14. Every two years, or as otherwise dictated by Washington State, update LMC Title 15, Buildings and Construction Codes to address hazards resulting from climate change.
15. Develop a city-wide Climate Change Risk and Resilience Public Perception Study.

Requested Commission Actions

- Review individual commissioner's decision matrices. In that process, look for common themes.
- Review the staff-generated climate change action plan draft.
- Review/edit the draft climate change action plan. If amendments are more substantive, re-write the entire draft.

Schedule

If the commission can reach consensus on December 1st, a public hearing will be scheduled for January 5, 2022. If not, the subject will return in January, 2022, with a likely hearing on February 2, 2022.



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.)
5. Amend the term "significant tree" (do not include invasive trees, non-native trees, or exotic tree species).	5. The preservation of Garry oaks is a regional issue and not just confined to Lakewood, although Lakewood appears

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

Attachments:

1. Tree preservation code analysis
2. Tree preservation code

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

18A.70.300 Purpose.

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

18A.70.310 Tree removal applicability/exemptions.

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

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

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

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

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

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

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

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

18A.70.320 Significant tree preservation.

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

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

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

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

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

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

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

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

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

A. 4. g. Provide professional recommendations on:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Tree Retention Plan Required.

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

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

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

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

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

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

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

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

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

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

E. Construction Requirements.

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

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

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

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

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

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

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

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

G. 1. On-Site Replacement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18A.70.330 City Tree Fund.

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

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

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

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



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

CURRENT TREE PRESERVATION CODE

STAFF COMMENTS

Note(s) to the reader –

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

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

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

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

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

This space is intentionally left blank.

This space is intentionally left blank.

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

II. Purpose

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

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

III. Tree removal exemptions

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

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

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

<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>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>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; 	<p><i>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 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><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><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>
--	--

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

Evidence of root rot;

If a tree is leaning;

If the tree top is broken; and

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

IV. Significant tree preservation

A. Significant tree standards:

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

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

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

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

Note(s) to the reader:

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

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

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

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

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

B. Preservation Criteria

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

This section outlines the regulations for staff to administer.

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

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

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

square feet, no specific tree preservation is required.

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

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

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

This section connects local regulations with state environmental protection regulations.

Note(s) to the reader:

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

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.
- H. Trimming. Trimming of tree limbs and branches for purposes of vegetation management is permitted, provided the trimming does not cause the tree to be a safety hazard.

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

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

V. City Tree Fund

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

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

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

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

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

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

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

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

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

Miscellaneous Topics:

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

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

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

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

Summary Review of Lakewood's Tree Preservation Code

LAKEWOOD CITY COUNCIL STUDY SESSION

SEPTEMBER 27, 2021

Starting Points

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

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

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

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

How did we go about analyzing the current tree code?

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

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

Looks like this...



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

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

Several preliminary themes identified...

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

Develop a blueprint for public participation

Before we begin the process of amending regulations...



Council reviews and adopts a public participation plan.

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

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

Relatively easy staff recommendations

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

More challenging staff recommendations

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

Significant policy considerations, part 1

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

Significant policy considerations, part 2

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

Significant policy considerations, part 3

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

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

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

Significant policy considerations, part 4

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

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

Next Steps

Develop a public participation plan.

QUESTIONS?
