



# AGENDA

## PLANNING COMMISSION

Don Daniels • Ryan Pearson • Paul Wagemann  
Phillip Combs • Linn Larsen • Brian Parsons • Robert Estrada

**Wednesday, June 1, 2022 at 6:30 pm**

**Hybrid Meeting: In-Person & Virtual via ZOOM**

**Council Chambers 6000 Main St. SW, Lakewood WA 98499**

**Per the Lakewood City Council, the Planning Commission will meet in a hybrid in-person and virtual format.**

Residents can attend in person at the Lakewood City Council Chambers; they can also attend virtually 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: 864 2883 6136

**To Submit 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](mailto: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 Virtual Public Participation: To provide live virtual 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: 864 2883 6136 or by going online at <https://us06web.zoom.us/j/86428836136>.** 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/86428836136> 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.

<b>1.</b>	<b>Call to Order</b>
<b>2.</b>	<b>Roll Call</b>
<b>3.</b>	<b>Approval of Minutes from May 18, 2022</b>
<b>4.</b>	<b>Agenda Updates</b>
<b>5.</b>	<b>Public Comments</b>
<b>6.</b>	<b>Public Hearings</b> <ul style="list-style-type: none"><li>• None</li></ul>
<b>7.</b>	<b>Unfinished Business</b> <ul style="list-style-type: none"><li>• Action on Meadow Park 55 Project</li><li>• Discussion re 2022 Comprehensive Plan Amendments</li><li>• Discussion re Tree Preservation Code Review (presentation of ad hoc committee's Recommendations 1-7)</li></ul>
<b>8.</b>	<b>New Business</b> <ul style="list-style-type: none"><li>• Planning Commission schedule in June &amp; July 2022 (adding 3<sup>rd</sup> meetings on June 8 and July 13)</li></ul>
<b>9.</b>	<b>Reports from Council Liaison, City Staff &amp; Commission Members</b> <ul style="list-style-type: none"><li>• City Council Updates/Actions</li><li>• City Staff Updates</li><li>• Future Agenda Topics</li></ul>

### Enclosures

1. Draft Meeting Minutes from May 18, 2022
2. Staff Report: Meadow Park 55
3. Staff Report: 2022 Comprehensive Plan Amendments
4. Staff Report: Tree Preservation Code

### Members Only

Please email [kdevereaux@cityoflakewood.us](mailto:kdevereaux@cityoflakewood.us) or call Karen Devereaux at 253.983.7767 no later than Tuesday, May 31, 2022 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
May 18, 2022  
Hybrid In-Person/Virtual Meeting via ZOOM  
6000 Main Street SW, Lakewood, WA 98499**

### **Call to Order**

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

### **Roll Call**

Planning Commission Members Present: Don Daniels, Chair; Ryan Pearson, Vice Chair; Phillip Combs, Brian Parsons, Linn Larsen, Robert Estrada, and Paul Wagemann

Planning Commission Members Excused: None

Commission Members Absent: None

Staff Present: David Bugher, ACM, Director of Community and Economic Development; Tiffany Speir, Long Range & Strategic Planning Manager; Courtney Brunell, Planning Manager; Ramon Rodriguez, Associate Planner; and Karen Devereaux, Administrative Assistant

Council Liaison: Paul Bocchi (present)

### **Approval of Minutes**

**The minutes of the meeting held on May 4, 2022 were approved as amended by voice vote M/S/C Larsen/Parsons. The motion carried, 7 - 0.**

### **Agenda Updates**

Commission agreed to the staff request that the Tree Preservation Update be moved to immediately after the completion of the public hearings.

### **Public Comments**

This meeting was held in a hybrid format, allowing both in-person and virtual testimony. No public comments were received.

### **Public Hearings**

#### Meadow Park Project Public Hearing

Mr. Ramon Rodriguez explained that permit number 1622 Meadow Park 55 design review requested to utilize LMC 18A.90 Housing Incentive Program, which offers inclusionary density bonus, development standards and fee reductions. The applicant has submitted all required permit applications and is currently under review however cannot be approved until the required Housing Incentive Covenant is accepted and recorded subject to LMC 18A.90.050.

Staff Recommendation is that the project proposal is in compliance with 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. The Community Development Department recommends that the Planning commission recommend approval of the Housing Incentives Covenant to permit six additional extremely low-income units via resolution to the City Council.

No public comments were received.

#### 2022 Comprehensive Plan Amendments 2022-01 through 2022-07 Public Hearing

Ms. Speir provided brief details on each of the seven proposed Comprehensive Plan Amendments:

- 01 Redesignate and rezone parcel hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1) *CEDD recommendation = Approve*
- 02 Update Tillicum 2011 Neighborhood Plan and Tillicum Center of Local Importance (CoLI) *CEDD recommendation = Approval, provided that the Planning Commission identifies which parcels to rezone. Per Comprehensive Plan Policy LU-52.5, incorporate an update of the Tillicum Neighborhood Plan, including consideration of whether to adopt accompanying development regulations, into the 2024 Comprehensive Plan periodic update process.*
- 03 Review and update of Housing Chapter and related amendments to LMC Title 18A development regulations *CEDD recommendation = Continue to 2023 and/or 2024 CPA cycle*
- 04 Review Comprehensive Plan Zoning and Policies and Municipal Code related to Adult Family Homes (AFHs) to determine whether to allow AFHs in Air Corridor 1 (AC1) and Air Corridor 2 (AC2) zones) *CEDD recommendation = Approve*
- 05 Update text of the Comprehensive Plan to reflect the adoption of VISION 2050 and renaming Centers of Local Importance per the 2018 Regional Centers Framework and the 2019 Countywide Planning Policies *CEDD recommendation = Approve*
- 06 Update Comprehensive Plan Figures 3-5, 3-6, and 3-8 to reflect adoption of the 2020 Parks Legacy Plan; update Figure 4.1 with an updated Urban Focus Area map depicting the Downtown and Lakewood Station District Subareas, the Tillicum Neighborhood, and the City Landmarks listed in Section 4.4 text *CEDD recommendation = Approve*
- 07 Parking requirements in LMC Chapters 18A.80 (Citywide) and in 18C.600 (Lakewood Station District Subarea Plan) *CEDD recommendation = Approve*

Mr. Don Daniels, Chair opened the floor for the public hearing comments.

Written comments were received from Mr. John Ficker, Adult Family Home Council, regarding amendment 2022-04 expressing concerns for the existing operators and those applications made and denied approval for adult family homes within the City Air Corridor land use zones.

Mr. Vicker also spoke via virtual attendance during the meeting of the same concerns.

Written comments were received from Ms. Mellani McAleenan, Tillicum resident, with concerns over proposed Comprehensive Plan Amendment 2022-02. Dave Bugher explained that the staff would provide the Commission the City's responses to her comments for the June 1 meeting.

No other public comments were received. Mr. Don Daniels, Chair, closed the public hearing.

**New Business**

*Tree Preservation Code Introduction and Update*

Ms. Courtney Brunell, Ms. Lisa Grueter (BERK Consultants) Mr. Chris Peiffer (PlanIT GEO), and Ms. Alex Hancock (PlanIT GEO) presented an overview of the Tree Preservation Code Ad hoc Committee's recommendations to the Commissioners. The Commission would discuss the Tree Code updates at multiple future meetings; a public hearing was scheduled for July 6.

**Unfinished Business**

Updates to Climate Change Implementation Plan

Mr. Bugher provided a brief update on the Climate Change Implementation Plan. Commissioners were given the 1) Adopted Implementation Measures, 2) Planning Commission’s January 5, 2022 Work Plan Recommendations; 3) Revised Excel Work Plan with Notes; and 4) Draft Resolution.

Discussions would continue through the final review; action was scheduled for July 20, 2022.

**Report from Council Liaison**

Councilmember Mr. Paul Bocchi did not provide any additional updates.

**Reports from Commission Members and Staff**

Ms. Tiffany Speir reviewed the following topics slated for discussion at future meetings:

Future Planning Commission Agenda Topics

**06/01/2022:** Action on Meadow Park 55 Project; Discussion of 2022 Comprehensive Plan Amendments; Review of Tree Preservation Code Updates

**06/15/2022:** Action on 2022 Comprehensive Plan Amendments; Public Hearing on Tree Preservation Code Updates; Downtown Subarea Plan Biennial Review Introduction

**07/06/2022:** Public Hearings on Downtown Subarea Plan Biennial Review; Discussion re Tree Preservation Code Updates

**07/20/2022:** Action on DSAP Biennial Review; Action on Tree Preservation Code; Review and Action on Climate Change Implementation Plan

**Next Regular Meeting** would be held as a hybrid in-person/ZOOM meeting on June 1, 2022.

**Meeting Adjourned** at 8:36 p.m.

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Don Daniels, Chair  
Planning Commission                      06/01/2022

\_\_\_\_\_  
Karen Devereaux, Recording Secretary  
Planning Commission                      06/01/2022



TO: Lakewood Planning Commission

FROM: Ramon Rodriguez, Associate Planner

SUBJECT: Permit number 1622 Meadow Park 55 Design Review request to utilize Lakewood Municipal Code (LMC) 18A.90 Housing Incentives Program

MEETING DATE: May 25, 2021

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**Purpose:** The purpose of this memo is to provide an update on permit number 1622, Meadow Park 55 Design Review (a 21 dwelling unit multifamily building) proposal to utilize Lakewood Municipal Code (LMC) 18A.90 Housing Incentive Program which is recommended for action this evening

**Background:** On November 24, 2020 the applicant submitted a design review application (LU-20-00207) for a 63 dwelling unit multifamily development. Due to timing constraints required to attain the density bonus pursuant to LMC 18A.90. the applicant modified the design review application to only include 42 dwelling units (proposed buildings 1 & 3). The modified design review approval would allow the applicant to receive the associated building permits for buildings 1 & 3. Meadow Park 55 received design review approval under permit number LU-20-00207 on November 19, 2021. The LU-20-00207 design review approval authorized the site design of a 42 dwelling unit multifamily development separated into 2 buildings consisting of 21 dwelling units per building, with 63 parking stalls perimeter landscaping and associated infrastructure improvements. The applicant, Meadow Park Brownstones LLC, has requested city staff to amend LU-20-00207 design review approval to include the third building for a total of 63 units, all fifty-five and over with an inclusionary density bonus.

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. A type V legislative application is subject to noticing requirements

found in LMC 18A.20.310 and requires the Community Development Director and Planning Commission to make Recommendation to a High Review Authority. City Council will have final decision on the proposed development agreement.

The commission has been requested to review the subject, and forward recommendation(s) to the city council.

The Planning Commission held a public hearing on May 18<sup>th</sup>, no comments were received during the public hearing.

**Project Overview:**

Housing Incentives Program

18A.90 Housing Incentives Program offers inclusionary density bonus, development standards modifications and fee reductions. The Meadow Park 55 design review is requesting to utilize the density bonus.

Density Bonus

The subject project is located at 7721, 7731 Dean Street West and 5402 77<sup>th</sup> Street West and is proposing a fifty-five and older 63 unit multifamily development. The subject property is located 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. LMC 18A.90.050 allows for a maximum density increase of twenty (20) percent of the MF2 base density. The site’s area is 66,703 or 1.53 acres.  $1.53 \times 35 = 53.55$  or 54 units allowed under the base density.  $54 \times 0.2$  (18A.90.050) = 10.8 + 54 (allowed per base density) = 64.8 or 65 max density under LMC 18A.90.050.

Per LMC 18A.90.050.A 1.5 additional, on-site market rate dwelling units are permitted as a bonus for each qualified extremely-low-income<sup>1</sup> dwelling units

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<sup>1</sup> 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**

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

provided. The applicant is proposing to provide six (6) extremely-low-income units as part of the development.  $6 \times 1.5 = 9$  unit density bonus.  $54$  (allowed per base density) +  $9$  (density bonus) =  $63$  total allowed density. The extremely-low-income qualified units are proposed to be provided within the entire development.

Parking

Pursuant to LMC 18A.80.030.F. there are no parking regulations associated with senior housing or fifty-five and over multifamily developments.

Senior Citizen Apartments (55 and over) are listed in the parking table found in 18C, which regulates the Lakewood Station District. In the Lakewood Station District 1 parking space is required per 3 Senior Citizen Dwelling Units. Given that this property is not located in the station district, this standard does not directly apply. In the absence of city-wide fifty-five and over parking regulations, per LMC 18A.80.060(H), the applicant has provided a parking study to support a one parking stall per dwelling unit development standard. The applicant is proposing 63 dwelling units and will provide 63 off-street parking stalls. The director has approved the parking ratio as permitted in LMC 18A.80.060. The applicant is not proposing a further reduction as part of this request.

Application Summary and Status.

The applicant has submitted the following permit applications.

<b>Permit number</b>	<b>Permit Type</b>	<b>Status</b>
LU-20-00207  1622	Design Review	Approved on 11/19/2021 for 42 dwelling units (buildings number 1 & 3)  Pending- under review for 21 dwelling units (building number 2)
LU-20-00230	SEPA	Mitigated Determination of non-significance issued on 11/19/2021
LU-21-00066	Boundary Line Adjustment	Approved and recorded on 9/9/2021
BP-21-00047	New Commercial Building Permit	Approved on 4/04/2022 (building number 1)
BP-21-00048	New Commercial Building Permit	Pending design review approval (permit number 1622)
BP-21-00049	New Commercial Building Permit	Approved on 4/04/2022 (building number 3)

8	36,000
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PW-21-00027	Site Development Permit	Approved and issued on 12/27/2021
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Permit number 1622 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*. The Community Development Department recommends that the Planning Commission recommend approval of the Housing Incentives Covenant to permit 6 additional extremely low income units via resolution to the City Council.

### **Next Steps:**

June 1, 2022 – Planning Commission action

June-July, 2022- City Council Review

### **Attachments:**

1. Resolution
2. Meadow Park 55 Housing Incentives Covenant
3. Project Development Plans



**PLANNING COMMISSION RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING PERMIT NUMBER 1622 MEADOW PARK 55 DESIGN REVIEW 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-20-000207 on November 24, 2022 and revised application number 1622 on April 12, 2022 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 May 4, 2022; and

WHEREAS, a public hearing was noticed pursuant to the Lakewood Municipal Code 18A.20.310 on May 4, 2022 for a public hearing before the Planning Commission; and,

WHEREAS, a public hearing was held before the Planning Commission on May 18, 2022; 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.** Permit Number 1622, Meadow Park 55 Design Review Covenant to allow 9 additional, extremely-low income units for a total of 63 units located at 7721, 7731 Dean Street West and 5402 77<sup>th</sup> Street West 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 1<sup>st</sup> day of June, 2022, by the following vote:

AYES: 0 BOARDMEMBERS: DON DANIELS, CONNIE COLEMAN-LACADIE, PAUL WAGEMANN, RYAN PEARSON, PHILLIP COMBS, LINN LARSEN, AND BRIAN PARSONS

NOES: 0 BOARDMEMBERS: NONE

ABSTAIN: 0 BOARDMEMBERS: NONE

\_\_\_\_\_  
DON DANIELS, 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**

<b>Document Title(s)</b> <i>(or transactions contained therein):</i> <b>HOUSING INCENTIVES COVENANT</b>
<b>Reference Number(s) of Documents assigned or released:</b>  <input type="checkbox"/> Additional reference numbers on page ____ of document.
<b>Grantor(s)</b> <i>(Last name first, then first name and initials):</i> 1. <u>Meadow Park Brownstones, LLC</u> <input type="checkbox"/> Additional names on page __ of document.
<b>Grantee(s)</b> <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.
<b>Legal Description</b> <i>(abbreviated form; i.e., lot, block, plat name, section-township-range):</i>  <input checked="" type="checkbox"/> Additional legal on Exhibit "A" of document.
<b>Assessor's Property Tax Parcel Account Number(s):</b> 3905000677

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

**HOUSING INCENTIVES COVENANT**

**"MEADOW PARK GARDENS"**

THIS HOUSING INCENTIVES COVENANT (the "Covenant") is made and entered into as of this \_\_\_\_\_ day of July, 2021, by and between the CITY OF LAKEWOOD, a Municipal Corporation of the State of Washington (the "City"); Meadow Park Brownstones, 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 Lakewood Drive West & 77<sup>th</sup> Street West 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 20-00207, the Owner accepts certain conditions affecting the use of the Property and the improvements authorized by Permit

No(s). LU 20-00207. 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 six (6) 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 sixty three(63) Dwelling Units also known as "Meadow Park 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**

<b>Unit Type (Bedrooms)</b>	<b>Total Units</b>	<b>Very Low Income Units</b>	<b>Extremely Low Income Units</b>
Studio	0	0	0
Open 1-bedroom	18	0	2
1-bedroom	27	0	2
2-bedroom	18	0	2
Total	63	0	6

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 six



(6)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:  
Meadow Park Brownstones LLC  
10609 Gravelly Lake Dr SW  
Lakewood, WA 98499  
  
Attn: Claude 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 this Housing Incentives Covenant on the Date first above written.

Owner:

City:

Meadow Park Brownstones LLC

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

Its:

Manager \_\_\_\_\_

Name: Claude 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 Meadow Park Brownstones 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

PARCEL A:

LOTS 1 THROUGH 12, BLOCK 36, AND LOTS 9 THROUGH 12 BLOCK 37, FLETT, ACCORDING TO PLAT RECORDED IN VOLUME 5 OF PLATS AT PAGE 17, RECORDS OF PIERCE COUNTY AUDITOR;  
TOGETHER WITH THAT PORTION OF VACATED ALLEY ADJOINING OR ABUTTING THEREON, VACATED BY PIERCE COUNTY RESOLUTION NO. 14555, RECORDED UNDER RECORDING NO. 2364668, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;  
ALSO TOGETHER WITH THAT PORTION OF VACATED 78TH STREET WEST ADJOINING OR ABUTTING BLOCK 36 AND BLOCK 37, VACATED BY PIERCE COUNTY RESOLUTION NO. 20023, RECORDED UNDER RECORDING NO. 2763127, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;  
ALSO TOGETHER WITH THAT PORTION OF VACATED 78TH STREET WEST ADJOINING AND ABUTTING BLOCK 62 AND BLOCK 63 OF SAID PLAT OF FLETT, VACATED BY PIERCE COUNTY RESOLUTION NO. 20023, RECORDED UNDER RECORDING NO. 2763127, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;  
AND ALSO TOGETHER WITH THAT PORTION COMMON TO VACATED B STREET AS VACATED BY JUDGMENT ENTERED NOVEMBER 8, 2000 IN PIERCE COUNTY SUPERIOR COURT CASE NO. 00-2-13030-4 AND VACATED 78TH STREET WEST AS VACATED BY PIERCE COUNTY RESOLUTION NO. 20023, RECORDED UNDER RECORDING NO. 2763127, LYING NORTHERLY OF THE NORTH LINE OF LOT 1 OF SAID BLOCK 62 EXTENDED WESTERLY TO THE CENTERLINE OF SAID B STREET.  
EXCEPT THE EAST 5 FEET OF SAID BLOCK 36 CONVEYED TO PIERCE COUNTY UNDER RECORDING NO. 2349401;  
SITUATE IN THE CITY OF LAKEWOOD, COUNTY OF PIERCE, STATE OF WASHINGTON.

**EXHIBIT B**

DESIGNATION OF AFFORDABLE UNITS

<b>Unit Number</b>	<b>Unit Type</b>	<b>Unit Size (Square feet)</b>
101	Unit A	818
201	Unit A	818
104	Unit D	467
204	Unit D	467
206	Unit E	500
306	Unit E	500

**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
<b>For each "No" enter the Allowance or Fee below (except Renter's Insurance, if it's not required).</b>											

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

\* 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).

ARCH Electric & Gas Allowances:

- Studio
- 1-bedroom
- 2-bedroom
- 3-bedroom
- 4-bedroom
- 5-bedroom

Water & Sewer Allowances:

- Studio
- 1-bedroom
- 2-bedroom
- 3-bedroom
- 4-bedroom
- 5-bedroom

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



TO: Planning Commission  
FROM: Tiffany Speir, Long Range & Strategic Planning Manager  
DATE: June 1, 2022  
SUBJECT: 2022 Comprehensive Plan Amendments  
ATTACHMENT: Draft Planning Commission Resolution 2022-03 (Attachment A)

**BACKGROUND**

Through Resolution 2021-14, the Lakewood City Council set the docket list for the 2022 Comprehensive Plan amendment (22CPA) cycle to be seven potential amendments. The Planning Commission has reviewed portions of the docket over a number of meetings in 2022, including:

- January 19: CPA 2022-02 (Tillicum Neighborhood Plan and Center of Local Importance)
- March 2: CPA 2022-07 (LMC Titles 18A and 18C Parking Requirements)
- April 6: CPAs 2022-01 (Redesignation and rezoning of parcel hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1));  
2022-03 (Review and update of Housing Chapter and related amendments to LMC Title 18A development regulations);  
2022-05 (Update text of the Comprehensive Plan to reflect the adoption of VISION 2050 and renaming Centers of Local Importance per the 2018 Regional Centers Framework and the 2019 Countywide Planning Policies); and  
2022-06 (Update Comprehensive Plan Figures 3-5, 3-6, and 3-8 to reflect adoption of the 2020 Parks Legacy Plan; update Figure 4.1 with an updated Urban Focus Area map depicting the Downtown and Lakewood Station District Subareas, the Tillicum Neighborhood, and the City Landmarks listed in Section 4.4 text.)
- May 4: CPAs 2022-02 (Tillicum Neighborhood Plan & Center of Local Importance);  
2022-04 (Adult Family Homes in Air Corridor 1 & 2 Zones); and  
2022-07 (Parking Regulations in LMC Titles 18A & 18C.)

The materials for these meetings are available under the 2022 link at <https://cityoflakewood.us/city-clerk/planning-commission-agenda/>; video recordings of the meetings are available at <https://www.youtube.com/user/cityoflakewoodwa/videos>.

The Planning Commission held a public hearing on May 18; two people commented. City responses to those comments are included herein.

**Attachment A** to this memorandum includes draft Resolution 2022-03 recommending action on the various proposed amendments; the draft text and map amendments are included as Exhibit A to the resolution. The draft amendments were provided to the Department of Commerce on May 15; SEPA analyses of these amendments were provided to the Department of Ecology and the City of Lakewood's SEPA notification list on May 15 and 16 and to the Planning Commission in its May 18 meeting materials.

On June 1, the Planning Commission will consider whether to make changes to any of the proposed amendments; the Commission is scheduled to take action on Resolution 2022-03 on June 15.

**SUMMARY OF CEDD RECOMMENDATIONS**

**2022-01** Approval.

**2022-02** Approval, provided that the Planning Commission identifies which parcels to rezone. The Planning Commission is also requested to recommend incorporating an update of the Tillicum Neighborhood Plan, including consideration of whether to adopt accompanying development regulations, into the 2024 Comprehensive Plan periodic update process.

**2022-03** Continue Amendment 2022-03 to the 2023 and/or 2024 Comprehensive Plan amendment cycle.

**2022-04** Approval.

**2022-05** Approval.

**2022-06** Approval.

**2022-07** Approval.

**DISCUSSION**

Included below are public comments received at the May 18 Planning Commission public hearing and the City’s responses to them.

<i>Commenter</i>	<i>Comment to Planning Commission</i>	<i>City Response</i>
<b>John Ficker, Executive Director, Adult Family Home Council of WA State re 2022-04</b>	5/18/22 Oral Comments: Thank you for proposed changes to 2202-04 between 5/4/22 and 5/18/22. Supportive of new version of amendment 2022-04. Concerned with rights of current Adult Family Home owners and those currently developing AFHs in the City’s Air Corridor Zones.	Current residential uses within the AC1 and AC2 zones are nonconforming. <sup>1</sup> This is to comply with not only DoD and FAA air safety guidance, but also with Washington State law and multi-county planning policy in VISION 2050:  - RCW 36.70A.530 (3) (“A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation’s ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation’s ability to carry out its mission requirements”);  - RCW Chapter 43.330.515 and .520 regarding military installation incompatible development; and

<sup>1</sup> (Under LMC 18A.10.180, “Nonconforming use” means a use of land or a structure which was lawful when established and which does not now conform to the use regulations of the zone in which it is located. A use shall be considered established if it conformed to applicable zoning regulations at any time, or when it has commenced under permit, a permit for the use has been granted and has not expired, or a structure to be occupied by the use is substantially underway as defined in the International Building Code.

		<p>- VISION 2050 Policy MPP-DP-49 (“Protect military lands from encroachment by incompatible uses and development on adjacent land”.)</p> <p>RCW 71.128.140 (2) states that “An adult family home must be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.”</p> <p>The 1,832 nonconforming housing units in the AC1, AC2 and ML zones will eventually be phased out of the areas. With the exception of detached single-family units on lots greater than 20,000 square feet in the AC2 zone, new residential development in these three land use zones is prohibited. Future residential units in Lakewood will be built outside of the North McChord Field accident potential zones.</p> <p>The State Legislature has adopted all of the RCW sections cited above, and the Puget Sound Regional Council (PSRC) has adopted multicounty planning policy MPP-DP-49. Analysis of applicable statutes and case law concludes that adult family homes must be allowed within the AC1 and AC2 zones in Lakewood as any other residential use may be allowed. The resulting policy misalignment is being addressed as much as possible locally through the proposed amendments to LMC 18A.40.130.</p>
<p><i>Mellani McAleenan, Tillicum Homeowner re 2022-02</i></p>	<p>Ample off-street parking must be required for any increased density. Cars are a necessity in Tillicum. I strongly encourage you to increase off-street parking requirements for multifamily housing in this neighborhood, not reduce them. The lack of ample off-street parking is already a problem in the neighborhood. Many of the newer residences don’t have enough parking.</p>	<p>Proposed 22CPA 2022-07 would change citywide multifamily parking requirements in LMC 18A.80.030 as follows:</p> <p style="text-align: center;"><u>Studio- 1</u> <u>1 bedroom- 1.25</u> <u>2+ bedroom- 1.5</u></p> <p><u>(at least 10% of the total parking spaces must be set aside for unreserved guest parking)1-5</u></p> <p>These proposed changes to the City’s parking requirements are the result of public comment, City Council direction to review the current code, and a review of other governments’ parking codes in the region.</p>
	<p>The 4<sup>th</sup> largest military base in the nation, all the new warehouses across I-5, and the newly raised intersections combine to create horrible traffic congestion even without the consideration of new residents. These on-ramps</p>	<p>The South Sound Military Communities Partnership (SSMCP), which Lakewood is an active participant, continues to work with its partners to improve the flow of traffic from Lakewood through Lacey, Olympia, and Tumwater. The SSMCP is a partnership of more than 50 member cities, counties, the Nisqually Indian Tribe, Joint Base Lewis-McChord, State, regional, corporate, and</p>



<p>should not be celebrated; instead, the City should attempt to work with the state Department of Transportation to improve traffic flow over and onto I-5, with or without additional residences.</p>	<p>non-profit organizations dedicated to fostering outcomes that are mutually beneficial to the South Sound region.</p> <p>Priority strategies for 2022/2023:</p> <ol style="list-style-type: none"> <li>1. Continue a leading role in advocating for improvements to I-5 across the Nisqually River delta, as it has done in the past for previous I-5 corridor improvement funding, and identify the best forum for supporting funding for I-5 expansion at the federal level.</li> <li>2. Support and monitor progress of the I-5 JBLM Corridor Improvements and advocate that WSDOT extend the recently constructed HOV lanes through JBLM, north to connect to the regional HOV system at their present terminus at S 38th Street in Tacoma.</li> <li>3. Continue leading legislative advocacy for transportation funding at the state level and expand advocacy efforts to the federal level, to take advantage of other funding opportunities.</li> </ol>
<p>While Goal 3 of the Tillicum Neighborhood Plan is to reduce crime and neglect through stepped-up property maintenance enforcement, the concerns I mentioned previously regarding parking are, in fact, unenforced ordinance and statutory violations. Not once have I seen a police or City tag on any car that indicated it needed to be moved.</p> <p>Additionally, once upon a time, there appeared to be an increased police presence in the neighborhood, but that is no longer the case. A visible police presence is critical to the overall safety of this community.</p> <p>More people will amount to more crime. Construction sites are rife with opportunities for theft and property damage. We already have juveniles who do not hesitate to enter and steal from garages in broad daylight. Car break-ins are commonplace. Graffiti tags fences. It does not</p>	<p>Comment noted. Ms. McAleenan's correspondence was forwarded to the City Manager and will also be forwarded to the City Council.</p>

	<p>always feel safe to take a walk through Tillicum.</p> <p>The City must recommit to a robust police presence in the neighborhood.</p>	
	<p>Strong enforcement of public health ordinances is necessary to achieve the alleged goals of the Tillicum Neighborhood Plan and keep the neighborhood clean and safe from both pests and pestilence.</p> <p>Additional housing without proper code enforcement will only drag the neighborhood further away from those goals.</p>	<p>CED operates three programs: dangerous building and public nuisance abatement; Rental Safety Housing Program (RHSP) registration &amp; inspections; and expansion/connection to Pierce County sewers.</p> <p>Because of the pandemic, dangerous building &amp; public nuisance actions, and RHSP inspections have slowed. Before the pandemic, the city had between 8 to 12 abatement/nuisance actions per year in Tillicum. During the pandemic, the number of Tillicum actions was reduced to about 4 per year. For 2022, over 30 abatements/nuisances are in process, however, as of this writing, none of which are located in Tillicum.</p> <p>Again, in Tillicum, RHSP is currently ramping up. This year, 88 parcels have registered representing 285-units. Staff have been involved in enforcement actions on three multifamily properties, totaling 48-units. Two of the properties are anticipated to be closed and a significant number of tenants relocated. In actions such as these, the landlords are responsible for tenant relocation. If the landlords fail to provide relocation per state standards, the city steps in, performs the work, and seeks legal action against the landlord to include repayment, plus penalties.</p> <p>City continues to require property owners to connect to sewer upon sale of property if a sewer line is adjacent to said property. City also subsidizes sewer connection through an existing loan program. City is beginning to see slight reductions in American Lake nutrient levels.</p>
	<p>In the case of the Bill's Boathouse parcel and the adjacent parcels, what's intended is especially unclear. As mentioned, traffic and parking on Silcox are already dangerous. That problem continues as the street curves and turns into the Bill's road.</p> <p>It appears that Bill's is seeking a change from single-family residential, despite running an</p>	<p>Comment noted.</p> <p>To date, Bill's Boathouse has not sought a change in zoning to allow for multifamily residential development. The owner's agent has had informal discussions about changing zoning to allow for mixed use development, but again, no applications, and no preliminary site plans, have been filed. A mixed use classification would also trigger a comprehensive plan amendment, which if submitted would be processed in 2023, provided the city council approved the 2023 docket to include such a request.</p>

<p>active business from the property, to multifamily. It also appears that the property that would remain unchanged as “open space/recreational” is the unnamed road that runs parallel to Wadsworth, but neither is this entirely clear. As far as I can tell, that road is not owned or maintained by the City.</p> <p>Bill's appears to have special privileges that were “negotiated” in 2001 without current indication of with whom and for what purpose. With all the changes to this area, the burning of Bill's in April, and the need for the residents of Silcox Island to have boating access, it is likely time to reevaluate this entire scheme holistically rather than increasing the parcel's use without further consideration.</p>	<p>Mention is made of the road that runs parallel to Wadsworth. City confirms It is a private, unnamed street.</p> <p>As to the special privileges that were negotiated in 2021, at the time, the city had difficulty in assigning the appropriate zoning classification to the property given the underlying uses and the unusual shape. The planning commission recommended and the city council adopted Open Space 2 zoning (OSR2). However, classifying private property open space is unusual since it can limit the number &amp; types of allowable uses. In recognizing the situation, the city agreed to allow some forms of limited commercial development related to water-side uses or activities, but no residential.</p>
<p>The need for affordable housing should not override the other legitimate impacts on the neighborhood. With its former CoLI and now CoMI designation, Lakewood has made considerable effort to improve Tillicum, but there is much to be done. The City should not lose sight of its overall goals in a hurried attempt to provide needed housing. All should be done with consideration and respect for a balanced neighborhood plan.</p>	<p>Comment noted.</p>

**ATTACHMENT A  
PLANNING COMMISSION RESOLUTION NO. 2022-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS  
REGARDING THE 2022 COMPREHENSIVE PLAN/ZONING MAP  
AMENDMENTS AND FORWARDING ITS RECOMMENDATIONS TO THE  
LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.**

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

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

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

WHEREAS, it is appropriate for the Lakewood City Council to consider and adopt amendments needed to ensure that the Plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

WHEREAS, the Lakewood City Council established a docket of proposed 2022 Comprehensive Plan and Zoning Map amendments through Resolution No. 2021-14; and

WHEREAS, the docket consists of seven amendments (CPA/ZOA 2022-01 through 2020-07); and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on May 16, 2022 under SEPA # 202202380; and

WHEREAS, notice was provided to state agencies on May 15, 2022 per City of Lakewood--2022-S-3802A--60-day Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, notice has been provided to Joint Base Lewis-McChord (JBLM) prior to the adoption of this Resolution, and JBLM has been afforded the opportunity to comment per RCW 36.70A.530 (5); and

WHEREAS, the Lakewood Planning Commission held an open record public hearing on May 18, 2022; and

WHEREAS, the Lakewood Planning Commission determined that the 2022 Comprehensive Plan amendments are consistent with the Growth Management Act and the other provisions of the City's Comprehensive Plan, and that proposed text amendments meet the criteria for approval found in LMC 18A.30.050; and

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

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

**Section 1.** Amendments to the City's Comprehensive Plan, Zoning Map, and land use and development regulations as contained in Exhibit A hereto, summarized as follows:

**2022-01** Redesignate and rezone parcel hosting Garry Oaks near St. Clare Hospital from Public Institutional (PI) to Open Space & Recreation 1 (OSR1.)

Recommendation: Approval.

**2022-02** Update Tillicum 2011 Neighborhood Plan and Tillicum Center of Local Importance (CoLI.)

Recommendation: Approval with the rezoning of the following parcels:

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The Planning Commission also recommends incorporating an update of the Tillicum Neighborhood Plan, including consideration of whether to adopt accompanying development regulations, into the 2024 Comprehensive Plan periodic update process.

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

Recommendation: Continue Amendment 2022-03 to the 2023 and/or 2024 Comprehensive Plan amendment cycle.

**2022-04** Review Comprehensive Plan Zoning and Policies and Municipal Code related to Adult Family Homes (AFHs) to determine whether to allow AFHs in Air Corridor 1 (AC1) and Air Corridor 2 (AC2) zones.

Recommendation: Approval.

**2022-05** Update text of the Comprehensive Plan to reflect the adoption of VISION 2050 and renaming Centers of Local Importance per the 2018 Regional Centers Framework and the 2019 Countywide Planning Policies.

Recommendation: Approval.

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

Recommendation: Approval.

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

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 15<sup>th</sup> day of June, 2022, by the following vote:

AYES:            BOARDMEMBERS:

NOES:            BOARDMEMBERS:

ABSENT:        BOARDMEMBERS:

\_\_\_\_\_  
CHAIR, PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
KAREN DEVEREAUX, SECRETARY

**EXHIBIT A**

**2022-01 Redesignate and rezone parcel(s) hosting Garry Oaks near St. Clare Hospital from Public Institutional to Open Space & Recreation**

This amendment:

- redesignates parcel 0219126009 from Public & Semi-Public Institutional (PI) to Open Space & Recreation (OSR); and
- rezones the parcel from Public Institutional (PI) to Open Space & Recreation 1 (OSR1.)

**2022-02 Update of 2011 Tillicum Neighborhood Plan (TNP) and Tillicum Center of Local Importance (CoLI)**

This recommended amendment is divided into subsections:

- A. 2022 Addendum to 2011 Tillicum Neighborhood Plan
- B. 2022 Rezoning in Tillicum Area;
- C. Centers of Local Importance (CoLIs) / Centers of Municipal Importance (CoMIs);
- D. Comprehensive Plan Text Amendments; and
- E. Development Regulation Text Amendments.

The City of Lakewood will be conducting a full “periodic review” of its Comprehensive Plan per the GMA that must be completed by December 31, 2024. It is recommended to conduct a fuller update of the Tillicum Neighborhood Plan, developing updated implementation strategies and considering the adoption of development regulations specific to the subarea, during the 2024 periodic review.

A. New language to be added to the 2011 Tillicum Neighborhood Plan:

**2022 Addendum to the 2011 Tillicum Neighborhood Plan**

The 2011 Tillicum Neighborhood Plan (TNP) is 11 years old, and in 2022 the City conducted a review of its implementation as part of the annual Comprehensive Plan amendment cycle. While much has been accomplished to realize the visions and priorities discussed in the TNP, many of the plan’s Action Items are not yet complete. In addition, significant changes to the transportation systems near and adjacent to the subarea have occurred that will influence future development and travel patterns.

Included below are summary tables that identify the status as of Spring 2022 of the 68 the Action Items as well as the 12 Long Term Strategies (which were not assigned priority rankings or timeframes) adopted in the TNP.

One item not included in the TNP is the City’s Rental Housing Safety Program, which was launched 2016 and recognized by the Association of WA Cities in 2019 with a Municipal Excellence Award. This program will continue to operate and improve rental housing safety and quality in Tillicum.

<b>TNP ACTION ITEMS DONE (12) OR ONGOING (26): Total = 38</b>					
<b>No.</b>	<b>WHAT</b>	<b>WHO</b>	<b>WHEN</b>	<b>Priority</b>	<b>2022 STATUS: (DONE, ONGOING)</b>
<b>B-1</b>	<u>Install major sewer trunk line &amp; side sewers in selected parts in Tillicum.</u>	PW	Near-term	High	<b>DONE</b>
<b>B-3</b>	<u>In conjunction with the sewer project, coordinate installation of new gas &amp; water mains with utility companies.</u>	PW, LWD, & PSE	Near-term	High	<b>DONE</b> The water main improvements in TNP Figure 22 were completed in 2010. LWD has coordinated with the County on several water main replacements in the Tillicum area as sewer replacement



					projects have occurred and will continue to do so as projects develop.
<b>B-8</b>	Make minor improvements to Harry Todd Park: <ul style="list-style-type: none"> <li>Install trash enclosures with gates</li> <li>Install new playground border (wood chips)</li> <li>Install paved walking path around the park</li> <li>Resurface tennis/skate park area</li> <li>Remove perimeter fence at the park once a Park Watch team has been established &amp; is in operation</li> </ul>	REC	Near-term	Medium	<b>DONE</b>
<b>B-10</b>	Make major improvements to Harry Todd Park: <ul style="list-style-type: none"> <li>Repair existing docks</li> <li>Install new docks</li> <li>Install ADA improvements at Harry Todd Park</li> <li>Redesign Harry Todd park with realignment of Maple Street SW</li> </ul>	REC & CD	Long-term	Low	<b>DONE</b>
<b>C-5</b>	Use the community service & code enforcement officer positions to proactively ensure all Tillicum businesses & rental housing are properly licensed.	CD & LPD	Near-term	High	<b>DONE</b>
<b>D-1</b>	Prepare a traffic congestion report for the I-5 Corridor from Highway 512 to Mounts Road.	CD	Near-term	High	<b>DONE</b>
<b>D-3</b>	Initiate formal discussions with other agencies regarding improvements to the I-5, Union Avenue SW, & Berkeley Street SW road intersections.	CM, CD, PW, MD, FL, WSDOT & COMM	Near-term	High	<b>DONE</b>
<b>D-4</b>	Establish street design guidelines for Union Avenue SW	CC, CD, PW, COMM	Near-term	High	<b>DONE BUT MAY NEED REVISION</b>
<b>D-12</b>	Monitor the Point Defiance Rail project	CD & PW	Near- & long-term	Low	<b>DONE</b>
<b>E-5</b>	Update the City's current subdivision regulations, including the establishment of new regulations for condominiums & townhouses, & new design standards for small lots. Consider automatic consolidation of outdated "skinny-mini" lots.	CD, COMM, PAB, & CC	Near-term	High	<b>DONE</b>
<b>E-9</b>	Amend the City's sign regulations to allow larger pole signs for properties adjacent to the I-5 corridor.	CD, COMM, PAB, & CC	Near-term	Medium	<b>DONE</b>
<b>H-1</b>	Complete statutorily required shoreline master program update.	CD, CC	Near-term	High	<b>DONE</b>
<b>B-2</b>	As part of the sewer project, replace & upgrade existing stormwater system.	PW	Near-term (2009 & 2010)	High	<b>ONGOING</b> The majority of the area shown in TNP Figure 21 has been constructed to the final roadway buildout, including all stormwater system elements. The

					exception is a section of Union Ave. that is shown in the 2023-2028 6-yr TIP under project 302.0096.
<b>B-4</b>	<u>Determine &amp; work toward outcome for Tillicum Elementary School.</u>	<u>CPSD, CD, CPTC, &amp; PC</u>	<u>Long-term</u>	<u>High</u>	<u>ONGOING</u>
<b>B-6</b>	<u>Monitor &amp; pursue concurrency with outside agency (such as utilities, fire, schools, etc.) capital improvement projects &amp; programs.</u>	<u>FIN, PW, CD (as appropriate)</u>	<u>Near- &amp; long-term</u>	<u>High</u>	<u>ONGOING</u>
<b>B-7</b>	<u>Participate in PCLS master planning process &amp; monitor its impact on the Tillicum branch, if any.</u>	<u>PCLS, CPSD, GSD, &amp; CDD</u>	<u>Near-term ('09-'13)</u>	<u>Medium</u>	<u>ONGOING</u>
<b>B-9</b>	<u>Require commercial, institutional and multi-family developments to provide protected &amp; secure bicycle parking.</u>	<u>CDD</u>	<u>Near-term</u>	<u>Medium</u>	<u>ONGOING</u>
<b>B-11</b>	<u>Develop/expand gateways that mark the entrances to Tillicum.</u>	<u>CD &amp; PW</u>	<u>Near-term (2013)</u>	<u>Low</u>	<u>ONGOING</u>
<b>C-2</b>	<u>Maintain funding for public nuisance abatement aimed at improving property maintenance &amp; building standards.</u>	<u>CM &amp; CC</u>	<u>Near-term (2009-2013)</u>	<u>High</u>	<u>ONGOING</u>
<b>C-3</b>	<u>Finalize development of &amp; carry out a Neighborhood Stabilization Program to address neighborhood blight, which may include purchasing &amp; rehabilitating residential properties for sale to the Lakewood Area Shelter Association.</u>	<u>CD &amp; GS</u>	<u>Near-term (2009-2013)</u>	<u>High</u>	<u>ONGOING</u>
<b>D-5</b>	<u>Use existing &amp; seek additional funding to upgrade the following streets/intersections:</u> <ul style="list-style-type: none"> <li>▪ <u>Union Avenue SW from Berkeley Street SW to West Thorne Lane SW</u></li> <li>▪ <u>Berkeley Street SW/Union Avenue SW intersection</u></li> <li>▪ <u>Realignment of Maple St SW at Harry Todd Park</u></li> <li>▪ <u>Maple Street SW from Union Ave SW to Harry Todd Park</u></li> </ul>	<u>CD &amp; PW</u>	<u>Near- &amp; long-term</u>	<u>-</u> <u>High</u> <u>High</u> <u>Low</u> <u>Low</u>	<u>ONGOING</u>
<b>D-7</b>	<u>Work with the Tacoma Country &amp; Golf Club establish a preliminary pedestrian pathway design to connect Tillicum with the main body of Lakewood.</u>	<u>CD &amp; PW</u>	<u>Long-term</u>	<u>Medium</u>	<u>ONGOING – partnering w WSDOT and Sound Transit</u>
<b>D-9</b>	<u>As properties redevelop along Union Avenue SW, explore opportunities to create adequate street frontage to provide new on-street parking.</u>	<u>CD &amp; PW</u>	<u>Near-term (2009–2013)</u>	<u>Medium</u>	<u>ONGOING</u>
<b>E-3</b>	<u>Amend the City's development regulations to enable innovative layouts, designs &amp; configurations such as Z-lots, great house design, &amp; cottage housing.</u>	<u>CD, COMM, PAB, &amp; CC</u>	<u>Near-term (2010)</u>	<u>High</u>	<u>ONGOING</u>
<b>E-8</b>	<u>Support driveway consolidation &amp; shared use of parking lots by Tillicum businesses.</u>	<u>CD, PW &amp; COMM</u>	<u>Near- &amp; long-term</u>	<u>High</u>	<u>ONGOING</u>
<b>E-10</b>	<u>Prepare a utility plan for Union Avenue SW.</u>	<u>CD, PW, PSE, LWD &amp; COMM</u>	<u>Near-term (2011-2012)</u>	<u>Medium</u>	<u>POWER DONE; WATER NOT DONE LWD unaware of any</u>

	<ul style="list-style-type: none"> <li>▪ <u>Determine the desirability &amp; cost of placing utilities underground</u></li> <li>▪ <u>Work with utility purveyors to underground existing utilities</u></li> <li>▪ <u>Survey property owners to determine willingness to participate in a local improvement district (LID)</u></li> <li>▪ <u>Form an LID if property owners are in favor</u></li> <li>▪ <u>Work with present and future developers to ensure conformance with this action</u></li> </ul>				<u>LIDs in the area.</u>
<b>E-11</b>	<u>Monitor development activity to identify regulatory &amp;/or cost barriers that discourage investment in Tillicum.</u>	<u>CD &amp; ED</u>	<u>Near- &amp; long-term</u>	<b>Medium</b>	<b>ONGOING</b>
<b>F-1</b>	<u>Where feasible, use CDBG funding to enable owner-occupied residences to connect to the City's sewer system.</u>	<u>GS &amp; PW</u>	<u>Near-term (2009- 2010)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-3</b>	<u>Identify &amp; take action against landlords who violate City codes, particularly building standards &amp; garbage removal requirements.</u>	<u>CD, PW &amp; LPD</u>	<u>Near-term (2009-2010)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-4</b>	<u>Where appropriate, apply revised zoning regulations which remove impediments to urban infill and rehabilitation of existing housing stock.</u>	<u>CD, PAB, COMM &amp; CC</u>	<u>Near-term (2009-2013)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-6</b>	<u>Prepare a housing report for the Lakewood market which evaluates the feasibility &amp; "break-even" point of offering density bonuses or other incentives. Utilize findings to review &amp; adjust, as appropriate, the City's adopted Housing Incentives Program.</u>	<u>CD</u>	<u>Near-term (2010)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-7</b>	<u>Vigorously enforce the 1997 Uniform Code for the Abatement of Dangerous Buildings (or subsequent code as may be adopted in the future).</u>	<u>CD, FIRE, CA, &amp; LPD</u>	<u>Near-term (2009-2013)</u>	<b>High</b>	<b>ONGOING WITH CURRENT CODES</b>
<b>F-8</b>	<u>Vigorously enforce the 2006 International Property Maintenance Code. [Consider establishment of a pilot program that requires inspections of all rental housing. Where units do not meet minimum requirements, deny occupancy until repairs are made in a manner satisfactory to the City and Fire Marshal. This action item represents a significant expansion over existing levels of service &amp; would require amendments to the City's business licensing regulations.]</u>	<u>CD, FIRE, CA &amp; LPD</u>	<u>Near-term (2009-2013)</u>	<b>High</b>	<b>ONGOING WITH CURRENT CODE</b> <u>(2018 Int'l Property Maintenance Code)</u> <u>Pilot Program will not be done</u>
<b>F-9</b>	<u>Provide sufficient funds to relocate eligible individuals &amp; families who are forced to move from their residences because of serious health &amp; safety violations.</u>	<u>GS &amp; CD</u>	<u>Near-term (2009-2013)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-10</b>	<u>Aggressively seek compensation from property owners where the City is forced to close housing units for health and safety reasons.</u>	<u>CD &amp; CA</u>	<u>Near-term (2009-2013)</u>	<b>High</b>	<b>ONGOING</b>
<b>F-11</b>	<u>Build at least one Habitat for Humanity home in Tillicum per year.</u>	<u>GS, CD &amp; COMM</u>	<u>Near-term (2009-2013)</u>	<b>Medium</b>	<b>ONGOING</b>
<b>F-12</b>	<u>Seek new sources of housing subsidies for affordable housing. Work with non-profit corporations, investors, &amp; financial brokers to</u>	<u>ED &amp; GS</u>	<u>Near- &amp; long-term</u>	<b>Medium</b>	<b>ONGOING</b>

	<u>secure funds which can be used to expand opportunities for lower-cost home ownership &amp; affordable rental housing.</u>				
<b>F-17</b>	<u>Seek to increase the amount of transitional housing for homeless families &amp; domestic violence victims.</u>	<u>GS &amp; CD</u>	<u>Near- &amp; long-term</u>	<u>Low</u>	<u>ONGOING</u>

<b>TNP ACTION ITEMS <i>NOT DONE</i> (30)</b>				
<b>NO.</b>	<b>WHAT</b>	<b>WHO</b>	<b>WHEN</b>	<b>PRIORITY</b>
<b>A-1</b>	<u>Establish a community leadership team (CLT) comprised of City Council &amp; school board members, residents, property owners, Tillicum businesses, &amp; selected public agencies that serve Tillicum. Explore whether the existing merchants' &amp; neighborhood associations could be rechanneled into the community leadership team, or if those associations wish to continue to exist independently.</u>	<u>CC, CM, CPSD, CPTC, PC &amp; COMM</u>	<u>Near-term (2009)</u>	<u>High</u>
<b>A-2</b>	<u>Identify &amp; appropriate funding to support the development of community outreach &amp; life skills program for youth utilizing existing community resources such as the Tillicum/American Lake Gardens Community Service Center, PCLS Library, &amp;/or new Youth for Christ center.</u>	<u>CC, CM &amp; GS</u>	<u>Near- &amp; long-term (2009-2013)</u>	<u>High</u>
<b>B-5</b>	<u>Fund one FTE to prepare &amp; maintain an ongoing capital facilities plan to prioritize &amp; direct City capital investment.</u>	<u>FIN, CM, CC</u>	<u>Near- &amp; long-term</u>	<u>High (lack of funding)</u>
<b>B-12</b>	<u>Improve facilities in community centers, school &amp; parks to provide facilities for after-school &amp; weekend activities for youth.</u>	<u>REC, CPSD &amp; COMM</u>	<u>Long-term (date unknown)</u>	<u>Low (lack of funding)</u>
<b>C-1</b>	<u>Maintain funding for the neighborhood patrol program in Tillicum to support neighborhood watch groups &amp; provide regular communication with neighborhood &amp; civic organizations.</u>	<u>CM &amp; CC</u>	<u>Near-term (2009-2013)</u>	<u>High</u>
<b>C-4</b>	<u>Provide development preapplication packets to the Police Department &amp; include their feedback on design from a CPTED perspective.</u>	<u>CD &amp; LPD</u>	<u>Near-term (2009-2013)</u>	<u>High</u>
<b>D-2</b>	<u>Establish bicycle &amp; pedestrian connections between residential areas, Union Avenue SW, &amp; Harry Todd Park</u>	<u>CC, PAB, CTAC, CD, PW</u>	<u>Near-term (2009)</u>	<u>High</u>
<b>D-6</b>	<u>Identify bus stops with inadequate lighting &amp; improve lighting at these stops. Examine the need for more shelters &amp; posted schedules. Provide the telephone number of Pierce Transit's community liaison at bus stops.</u>	<u>PW &amp; PT</u>	<u>Near- &amp; long-term</u>	<u>Medium</u>
<b>D-8</b>	<u>Periodically review &amp; update routes &amp; frequency of transit bus lines with community input. Provide timely notification of route &amp; service changes.</u>	<u>PW &amp; PT</u>	<u>Near- &amp; long-term</u>	<u>Medium</u>
<b>D-10</b>	<u>Address the need for on-street parking by small businesses.</u>	<u>CD &amp; PW</u>	<u>Near-term (2010)</u>	<u>Medium</u>
<b>D-11</b>	<u>Establish street design guidelines for other streets including North Thorne Lane SW, Woodlawn Avenue SW, Maple Street SW, West Thorne Lane SW, &amp; portions of Portland Avenue SW and Berkeley Street SW</u>	<u>CC, CD, PW &amp; COMM</u>	<u>Near-term (2013)</u>	<u>Medium</u>
<b>D-13</b>	<u>Monitor &amp; support funding for the Cross-Base Highway project</u>	<u>PW &amp; CC</u>	<u>Near- &amp; long-term</u>	<u>Low</u>

<b>D-14</b>	<u>Establish "green street" designations &amp; associated improvements, including sidewalks, landscaping, bike lanes, crosswalks, &amp; lighting, for Union Avenue SW, North Thorne Lane SW, Woodlawn Avenue SW, &amp; West Thorne Lane SW. Seek compatibility between the provision of bicycle lanes &amp; vehicular parking.</u>	<u>CC, PAB, CD, &amp; COMM</u>	<u>Long-term</u>	<u>Low (lack of funding)</u>
<b>D-15</b>	<u>Install pedestrian signals on streets with high traffic volumes.</u>	<u>PW</u>	<u>Near-term (2013)</u>	<u>Low</u>
<b>D-16</b>	<u>Require commercial, institutional &amp; multi-family developments to provide protected &amp; secure bicycle parking.</u>	<u>CD</u>	<u>Near- &amp; long-term</u>	<u>Low</u>
<b>E-1</b>	<u>Develop a marketing program to improve perceptions of the Tillicum neighborhood &amp; promote the neighborhood as a desirable &amp; affordable place to live.</u>	<u>ED &amp; COMM</u>	<u>Near-term (2009)</u>	<u>High</u>
<b>E-2</b>	<u>Develop &amp; adopt new zoning classifications to implement freeway-oriented commercial on the I-5 side of Union Avenue SW &amp; tailored neighborhood commercial on the opposite side.</u>	<u>CD, COMM, PAB, &amp; CC</u>	<u>Near-term (2009-2010)</u>	<u>High</u>
<b>E-3</b>	<u>Amend the City's development regulations to enable innovative layouts, designs &amp; configurations such as Z-lots, great house design, &amp; cottage housing.</u>	<u>CD, COMM, PAB, &amp; CC</u>	<u>Near-term (2010)</u>	<u>High</u>
<b>E-4</b>	<u>Amend the City's development regulations to require a greater level of design for small lot residential development &amp; for commercial development located along Union Avenue SW.</u>	<u>CDD, EDD &amp; COMM</u>	<u>Near-term (2009-2010)</u>	<u>High</u>
<b>E-6</b>	<u>Establish a contract post office on Union Avenue SW</u>	<u>CD, ED, USPS</u>	<u>Near-term (2011)</u>	<u>High</u>
<b>E-7</b>	<u>Allow a reduction in the amount of off-street parking based on a parking study prepared by a registered professional engineer.</u>	<u>CD, COMM, PAB, &amp; CC</u>	<u>Near-term (2009-2010)</u>	<u>High</u>
<b>E-10</b>	<u>Prepare a utility plan for Union Avenue SW.</u> <ul style="list-style-type: none"> <li>▪ <u>Determine the desirability &amp; cost of placing utilities underground</u></li> <li>▪ <u>Work with utility purveyors to underground existing utilities</u></li> <li>▪ <u>Survey property owners to determine willingness to participate in a local improvement district (LID)</u></li> <li>▪ <u>Form an LID if property owners are in favor of doing so</u></li> <li>▪ <u>Work with present and future developers to ensure conformance with this action</u></li> </ul>	<u>CD, PW, PSE, LWD &amp; COMM</u>	<u>Near-term (2011-2012)</u>	<u>Medium</u>
<b>E-11</b>	<u>Monitor development activity to identify regulatory &amp;/or cost barriers that discourage investment in Tillicum.</u>	<u>CD &amp; ED</u>	<u>Near- &amp; long-term</u>	<u>Medium</u>
<b>F-2</b>	<u>Initiate discussions with other agencies to consider a program of reducing/waiving development &amp;/or capacity fees as a means of promoting housing affordability.</u>	<u>CC, PW, CM &amp; CD</u>	<u>Near-term (2009-2010)</u>	<u>High</u>
<b>F-5</b>	<u>Provide the news media with information about potential apartment closures.</u>	<u>CM</u>	<u>Near-term (2009-2010)</u>	<u>High</u>
<b>F-13</b>	<u>Establish an incentive awards program for well-maintained &amp; trouble-free rentals.</u>	<u>CLT &amp; CD</u>	<u>Near-term (2010)</u>	<u>Medium</u>
<b>F-14</b>	<u>Promote community awareness of financial subsidies available from public agencies for property &amp; home improvement.</u>	<u>GS &amp; ED</u>	<u>Near-term (2010)</u>	<u>Medium</u>
<b>F-15</b>	<u>Once sewers have been installed, consider use of the</u>	<u>CD, COMM,</u>	<u>Near-term</u>	<u>Medium</u>

	<u>multi-family tax incentive program to target multi-family growth into selected parts of Tillicum.</u>	<u>PAB &amp; CC</u>	<u>(2010 – 2011)</u>	
<b>F-16</b>	<u>Hold joint landlord training sessions with the Tillicum and American Lake Gardens neighborhoods.</u>	<u>GS &amp; LPD</u>	<u>Near-term (2010)</u>	<b>Low (lack of funding)</b>
<b>I-1</b>	<u>Produce a brochure on Tillicum's history.</u>	<u>CD, LHAB</u>	<u>2009</u>	<b>High</b>

<b>LONG-RANGE STRATEGIES</b>		
<u>These are included here in unranked order as potential later-phase items, once more immediate priorities have been addressed.</u>		
<b>STRATEGY</b>	<b>DEPT</b>	<b>STATUS</b>
<u>• Consider realignment of the main entrance to Harry Todd Park in a manner that better relates to residential areas and creates more favorable access, in order to encourage its use by the community.</u>	<u>PRCS / PWE if road alignment is needed</u>	<b>NOT DONE</b>
<u>• Expand the children's play area within Harry Todd Park.</u>	<u>PRCS</u>	<b>DONE</b> – new playground, restroom, access paths and picnic shelter built
<u>• Develop a regional model, based on Harry Todd Park, for sustainable park development and maintenance.</u>	<u>PRCS</u>	<b>ONGOING</b> – interested in new models, practices, products and options
<u>• Support the use of green roofs, green walls, vegetated swales, and other such strategies to replace traditional detention techniques where appropriate to slow and cleanse stormwater.</u>	-	<b>NOT DONE</b>
<u>• Implement low-impact development, "green streets," and targeted urban design strategies.</u>	-	-
<u>• Implement stronger design standards for commercial and multifamily development, including such items as location, materials, facade treatments, roof forms, pedestrian connectivity, landscaping, awnings, and signage.</u>	-	-
<u>• Examine where incentives may be used to encourage sustainable development employing such standards as LEED® Silver for commercial structures and BuiltGreen™ 4-star or better for multifamily development.</u>	-	-
<u>• Encourage street designs and plantings to increase canopy coverage, landscaping, and use of native species to beautify and enhance ecological value.</u>	<u>PWE/CED</u>	<b>NOT DONE</b> - Challenge is funding of transportation projects.
<u>• Improve regional transit connectivity with Tillicum. If Sound Transit service is extended southward, seek placement of an additional station in Tillicum.</u>	<u>PWE/CM</u>	<b>ONGOING</b>
<u>• Identify and encourage other community-based services that support neighborhoods and families, such as low-cost medical care providers.</u>	<u>PRCS</u>	<b>ONGOING</b> – City supports Tillicum community center and other service providers in the neighborhood. 2 year grant funding cycle for 2023-24 begins mid-year
<u>• Develop a program for acquiring additional right of way along portions of Union Avenue SW in order to facilitate further improvements. In the future, expand "civic boulevard" design standards to include Portland Avenue SW between North Thorne Lane SW and West Thorne Lane SW, Union Avenue SW from Berkeley Avenue SW to Spruce Street SW, and Spruce Street SW from Union Avenue SW to Portland Avenue SW.</u>	<u>PWE</u>	<b>ONGOING</b> - Design to 30% starts in 2022. We will identify ROW needs for future funding requests. ROW will not be sufficient to create a boulevard with center median.
<u>• As additional development occurs within Tillicum and public surveillance opportunities are improved, seek additional opportunities to enhance and expand nonmotorized transportation opportunities.</u>	<u>PWE</u>	<b>ONGOING</b>

**B. 2022 Proposed Rezoning in Tillicum Area**

Redesignate/rezone the following parcels from Single Family (SF)/Residential 3 (R3) to Mixed Residential (MR)/Mixed Residential 2 (MR2):

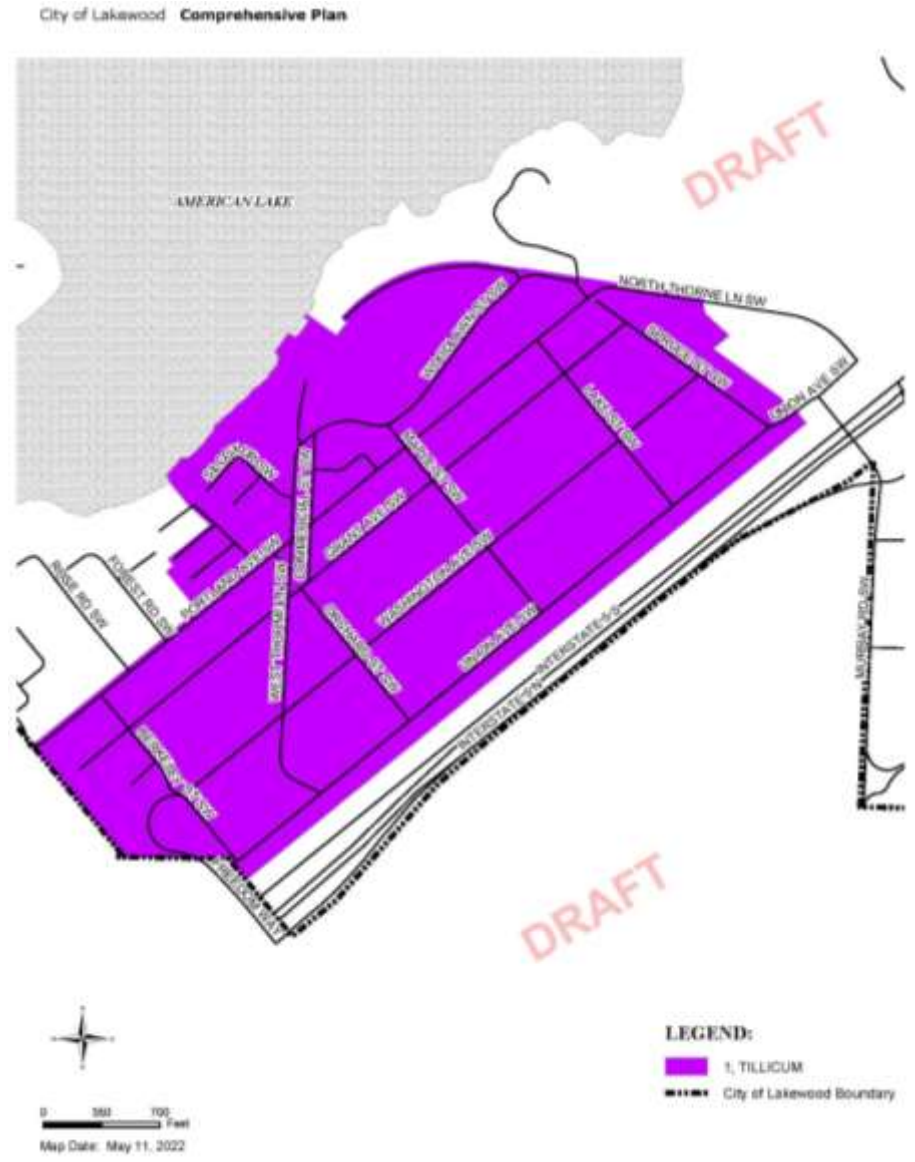
- Parcels 0219212108, -109, -110, -111, -112, -113, -114, -115, -117, -118, -141, -142, -143, -144, -192, -195, -196, -148, -149, -150, -151, and -189; and
- Parcels 0219216009, -010, -011, -012

**C. Tillicum Center of Local Importance (CoLI)**

Amend the boundary of the Tillicum Center of Local Importance (CoLI) Boundary and remove the current Comprehensive Plan Figure 2.4, shown below:

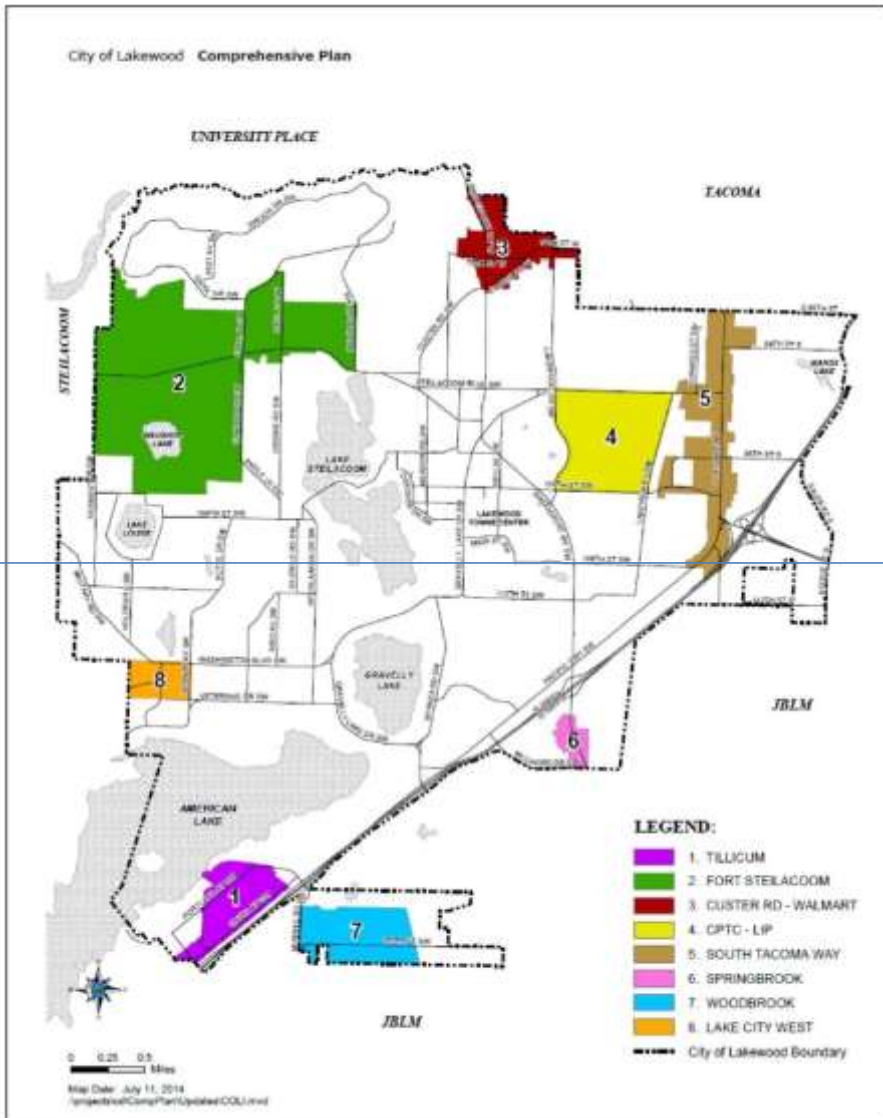


Insert a new Figure 2.1, shown below:



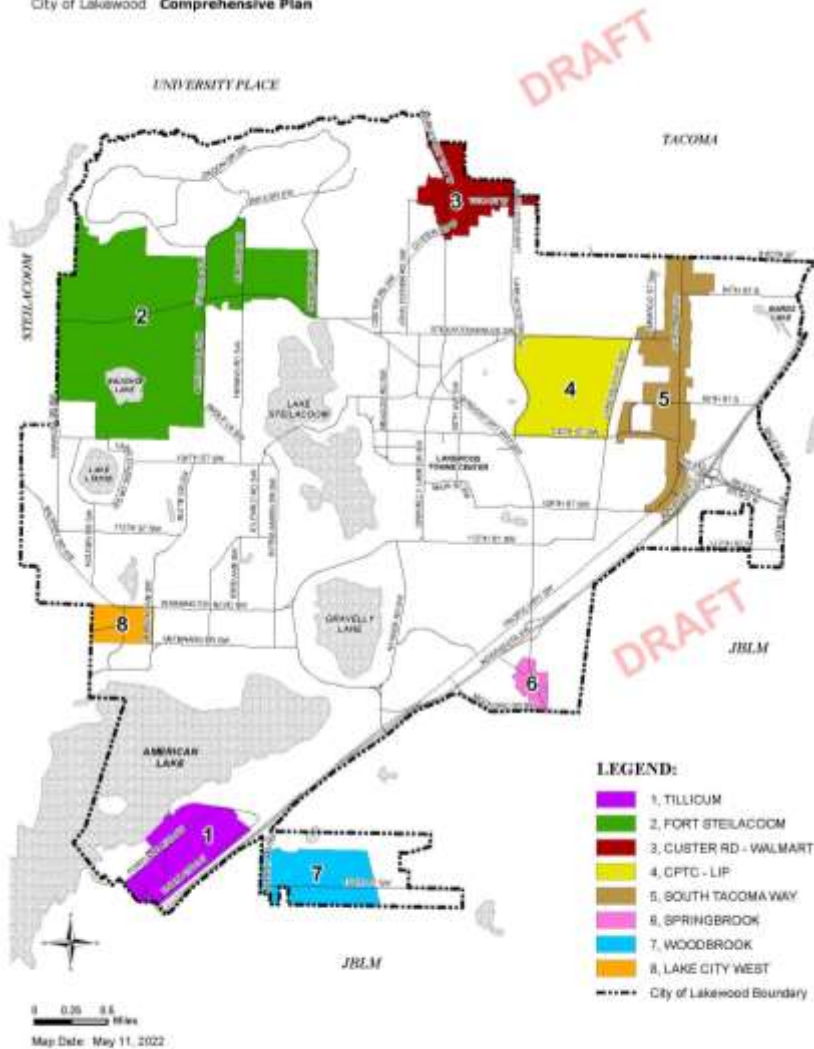


Remove the current Comprehensive Plan Figure 2.3, shown below:



Insert a new Comprehensive Plan Figure 2.3 as shown below:

City of Lakewood Comprehensive Plan



#### D. Comprehensive Plan Text Amendments

Proposed amendments to the Comprehensive Plan text and maps related to the Tillicum area are included below in redline/strikeout. Any other references to Tillicum would remain unchanged.

##### 2.5.1 Tillicum

The community of Tillicum, Figure 2.4, ~~is~~ was designated as a CoLI in 2014 based on its characteristics as a compact, walkable community with its own unique identity

and character. The area is located just outside the main gates of both Joint Base Lewis-McChord (JBLM) and Camp Murray National Guard Base (“Camp Murray”). The area is geographically isolated from the rest of Lakewood ~~because of inadequate street connections. T~~; the only practical access to the area is provided by I-5. This center provides a sense of place and serves as a gathering point for both neighborhood residents and the larger region with regard to the resources it provides for Camp Murray, JBLM, and access to American Lake.

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

- Civic services including the Tillicum Community Center, Tillicum Elementary School, a fire station, JBLM and Camp Murray, the Tillicum Youth and Family Center, and several veterans service providers;
- Commercial properties along Union Ave. SW that serve highway traffic from I-5, personnel from JBLM and Camp Murray, and local residents;
- Recreational facilities including Harry Todd Park, Bills Boathouse Marina, the Commencement Bay Rowing Club, and a WDFW boat launch facility that attracts boaters from around the region;
- Historic resources including Thornewood Castle. Much of the area was developed between 1908 and the 1940s. The street pattern around Harry Todd Park reflects the alignment of a trolley line that served the area in the early 1900’s;
- Approximately 62 acres partially developed with, and zoned for, multi-family residential uses; ~~and~~
- ~~The Tillicum area’s is subject to~~ specific treatment in the Comprehensive Plan (Section 3.10, Goal LU-52, LU-53 and Policies LU-53.1 through LU-53.4); ~~and~~
- ~~Additionally, the~~ The City’s adopted ~~the~~ Tillicum Neighborhood Plan, a subarea plan per RCW 36.70A.080(2) in June 2011, ~~that was reviewed and updated through an Addendum in 2022.~~

The Comprehensive Plan describes the sewer expansion into Tillicum that began in 2009 and includes two Land Use Goals related specifically to Tillicum:

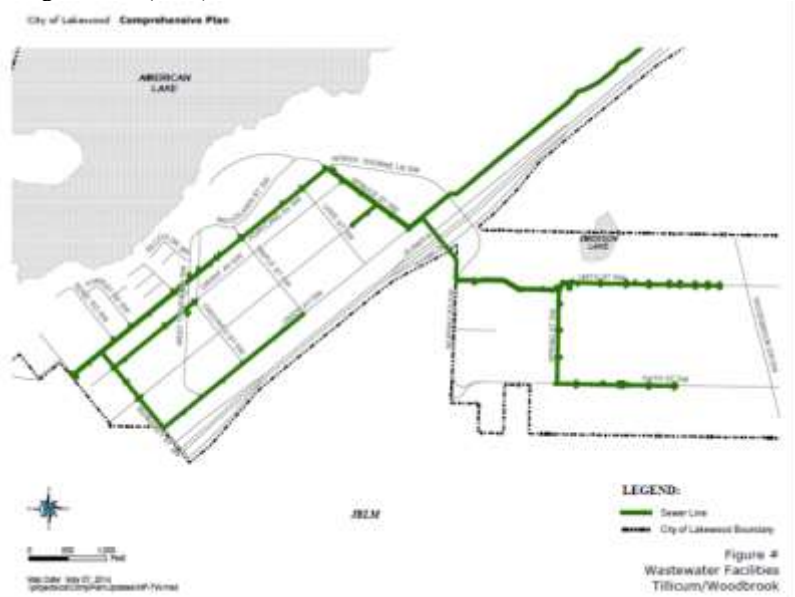
### 3.11 Isolated Areas

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

As a result of this isolation, all three neighborhoods exhibit signs of neglect. Historically, both Woodbrook and Tillicum lacked sewer systems. Beginning in June 2009, sewer trunk lines were installed in parts of both communities. Figure 3.12 shows the locations of major trunk lines in Lakewood-proper. Figure 3.13 shows the recently constructed sewer lines in Tillicum and Woodbrook. ~~A small percentage of the Woodbrook properties and~~

about one half of the Tillicum properties are connected, respectively, to sewers. It is the City's policy to connect all properties located within these neighborhoods to sewers based on available funding.

**Figure 3.13 (2014)**



Most property is old, run down, and undervalued. Springbrook is dominated by a chaotic assortment of land uses arranged according to a dysfunctional street pattern. Despite relatively high-density housing, Springbrook's residents lack schools, or even basic commercial services. Given the multitude of crime and health problems plaguing these areas, unique approaches are needed for each neighborhood and are presented in the goals and policies below.

Springbrook has a designated residential Center of Local Importance (CoLI), discussed in Section 2.5.6 and shown in Figure 2.9. The City Council also rezoned a number of Springbrook parcels outside of the CoLI to Industrial Business Park in 2020. Additional recommendations for Tillicum are included in Chapter 4, while Chapter 5 addresses economic development in Woodbrook.

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

Policies:

- LU-51.1: Provide for commercial and service uses for the daily needs of the residents within the neighborhoods.
- LU-51.2: Support the expansion of recreation and open space.
- LU-51.3: Provide pedestrian and bicycle paths within the neighborhoods and

which connect to other neighborhoods.

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

Policies:

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

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

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

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

LU-52.5: Implement, and as necessary, update, the Tillicum [Community Neighborhood Plan](#).

Section 4.5 of the Comprehensive Plan describes Tillicum in more detail:

**4.5.2 Tillicum**

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

In public meetings discussing alternative plans for the city, Tillicum emerged as a neighborhood viewed as having significant potential for residential growth ~~over the next 20 years~~. With a traditional street grid, significant public open space and lake access, and strong regional transportation connections, there is a major opportunity for Tillicum to evolve into a more urban, pedestrian and bicycle-oriented community. This is further enhanced by the [recent expansion of I-5 and new interchanges at Thorne Lane and Berkeley as well as the potential for a Sound Transit stop in Tillicum](#), ~~long-range potential for a commuter rail station and new highway connection to the east~~.

Because of recent extension of sewer service to the area, the development of multi-family housing in Tillicum is now possible. In addition to sewer development, there are other actions the City can take in support of the development of multi-family housing in Tillicum, including:

- ~~development, continued improvements to of a long-range plan for~~ Harry Todd Park and ~~implementation of specific improvements to expansion of~~ sewer ~~capacity~~ access;
- development of a pedestrian connection between the park and commercial district along Maple Street, with sidewalks, curb ramps, crosswalks, lighting, and other improvements;

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- [consideration of incentivizing multi-family and mixed use development along Union Ave.](#)
- [review of land zoning and regulations near the improvements at the new Thorne Lane and Berkeley Ave.](#) I-5 interchanges to create attractive, welcoming gateways; and
- a pedestrian/bikeway easement north along the railroad or through the country club to other portions of Lakewood.

[The proposal by Amtrak to locate high-speed passenger rail service through the area \(the Point Defiance Bypass project\) will result in significant modifications to the freeway interchanges in Tillicum. These modifications should be designed in conjunction with improvements to I-5 to address congestion. In the 2010's, construction on two major changes to transportation systems near and adjacent to Tillicum began. In July 2015, the Washington State Legislature approved funding for the I-5 Mounts Road to Thorne Lane Interchange - Corridor Improvements project as part of the Connecting Washington transportation revenue package. This overall project was broken down into four separate construction projects, two of which were completed by 2022. The I-5 interchanges at Berkeley Street and Thorne Lane were replaced to make room for new HOV lanes. The new interchanges removed a potential conflict between passenger trains and vehicles and people who walk or ride. This work also raised the elevation of I-5 at Berkeley Street by 14 feet, eliminating the expense of maintaining water pumps in a location where I-5 sat below the water table.](#)

[In 2023, a third phase of construction will rebuild the I-5 and Steilacoom-DuPont Road interchange to complete widening of I-5. This will extend the HOV lane near 41st Division Drive in both directions into the DuPont area. WSDOT's overarching goal is to complete the HOV system between DuPont and the new HOV lanes that are nearly complete in Tacoma.](#)

[In 2024, a separate project off I-5 will build a new non-motorized path from Gravelly Lake Drive to Thorne Lane in Lakewood as the fourth phase of the overall work. The Gravelly-Thorne Connector will run parallel to but separate from I-5, providing access to Lakewood's Tillicum neighborhood for people who walk and ride. Until the Gravelly-Thorne Connector is complete, bicyclists going south on I-5 from Gravelly Lake Drive will use the shoulder on the exit to Berkeley Street to access local shared use paths.](#)

[A future shared-use path for bicyclists and pedestrians that would run parallel to roads open to the public between Lakewood and DuPont is being evaluated by stakeholders.](#)

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The 1999 urban design framework plan for Tillicum is shown in Figure 4.4. Some of the specific urban design actions [identified at the time](#) which could be undertaken in Tillicum include:

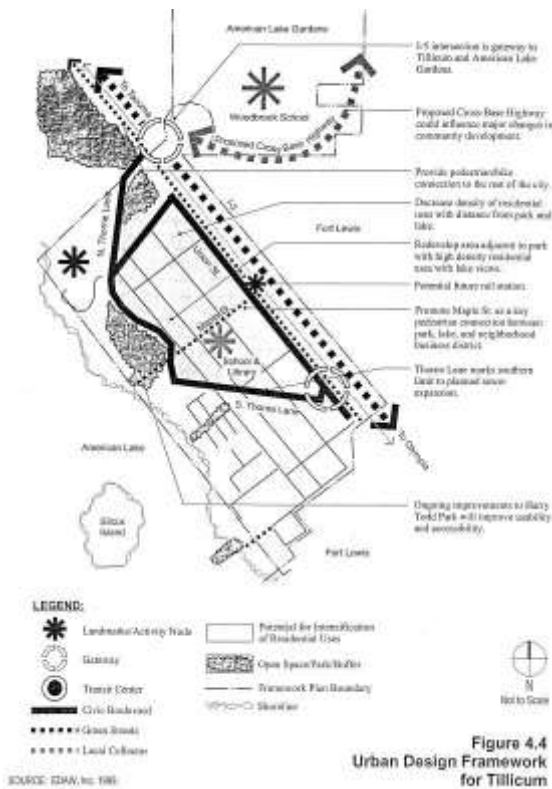
**Landmark/Activity Nodes:** The northern entrance into Tillicum, as well as the only entrance into Woodbrook, is at the Thorne Lane overpass and I-5. It would be improved as a civic gateway, with landscaping, road improvements, signage, and other elements as needed. This interchange may be significantly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

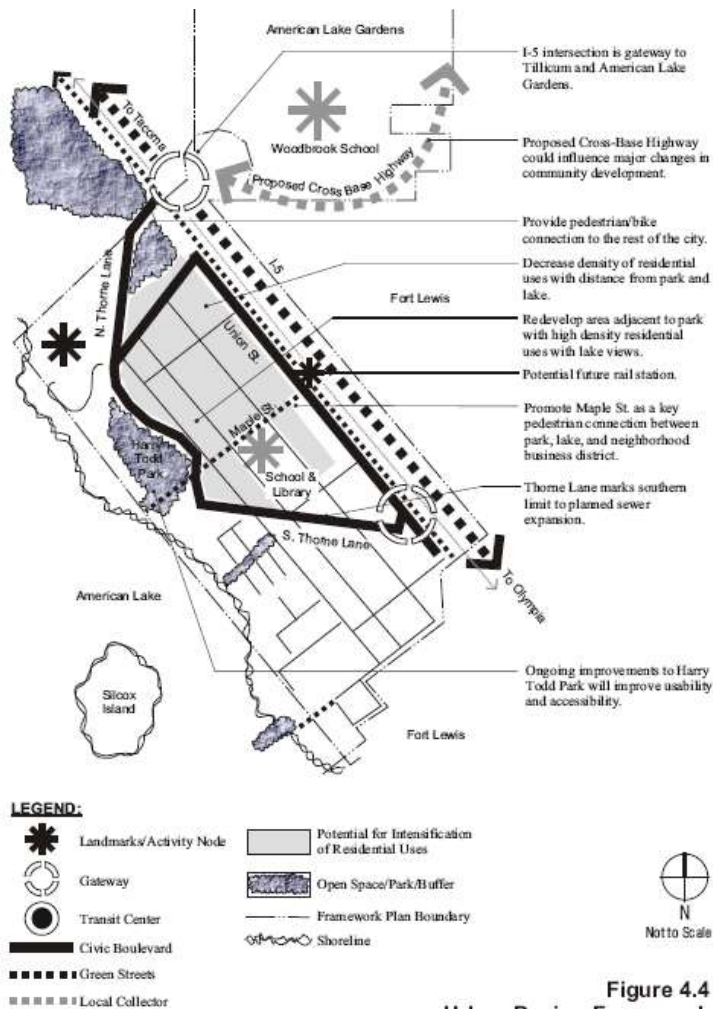
**Civic Boulevards:** As the main entrance road into Tillicum and the perimeter road embracing

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

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

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





SOURCE: EDAW, Inc. 1999.

[As the City of Lakewood conducts its 2024 Comprehensive Plan periodic update process, the Tillicum urban design framework and actions will be reviewed and updated to reflect what has been accomplished in Tillicum since the 2011 Neighborhood Plan was adopted as well as to reflect current housing policy and growth planning best practices.](#)

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

Policies:

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

UD-10.2: Provide opportunities for pedestrian and bicycle connections from



Tillicum to other portions of Lakewood.

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

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

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

Policies:

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

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

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

ED-5.7: Expand housing ownership opportunities.

ED-5.8: Identify and implement strategies to foster small business development and expansion.

ED-5.11: Remove blighted buildings from residential neighborhoods.

ED-5.12: Promote [affordable](#) single [and multi](#)-family development in Lake City and Tillicum.

### **7.1 Sanitary Sewers**

Sewer service in the City of Lakewood is almost entirely provided by Pierce County Public Works and Utilities. Sewer service was recently expanded to serve the Tillicum and Woodbrook communities. The Town of Steilacoom provides sewer service to Western State Hospital. Steilacoom has indicated that its facilities serving the Western State Hospital currently have additional growth capacity. The City of Tacoma provides sewer service to the Flett subdivision, and to commercial and residential users located in northeast Lakewood (80<sup>th</sup> Street and 84<sup>th</sup> Streets). Figure 7.2 describes the locations of all major sewer trunk lines within Lakewood.

The area immediately north of Pierce College and north of 101st Street SW, as well as the area along Clover Creek near Cochise Lane, remain unsewered. Since the adoption of the City's Comprehensive Plan in 2000, sewer trunk lines have been installed in Tillicum and Woodbrook.

**Figure 7.2 (2014)**



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

**Policies:**

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

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

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

**Land-Use Implementation Strategies**

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

**Transportation Implementation Strategies**

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

**E. Development Regulation Text Amendments**

**18A.10.140 Establishment of subareas.**

Per RCW 36.70A.080(2), in order to plan for and regulate the use of land and structures in a manner which recognizes that residential neighborhoods and business areas within Lakewood vary one from another in desired character, subareas may be established as optional elements of the comprehensive plan and implementing zoning regulations may be adopted as a title of the Lakewood Municipal Code (LMC.)

Subarea plans are implemented in part through the adoption of use, development, performance, or procedural regulations specific to the subarea or to a portion or portions of the subarea. Regulations which are specific to a subarea or portions of a subarea are located in the title of the LMC concerning the subarea.

The following subareas and subarea plans are established:

<b>Name</b>	<b>Symbol</b>	<b>Code Title</b>
Downtown Subarea Plan	DSAP	18B
Lakewood Station District Subarea Plan	LSDSP	18C
<a href="#">Tillicum Subarea Plan</a>	<a href="#">TSP</a>	<a href="#">18D reserved</a>

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**2022-03 Review and update of Housing Chapter and Related Amendments to LMC Title 18A Development Regulations**

**RECOMMENDATION:**

Continue Amendment 2022-03 to the 2023 and/or 2024 Comprehensive Plan amendment cycle to allow for the City to incorporate work being performed by consultants to review the Housing Chapter.

**2022-04 Review Comprehensive Plan Zoning and Policies and Municipal Code related to Adult Family Homes (AFHs) to determine whether to allow AFHs in Air Corridor 1 (AC1) and Air Corridor 2 (AC2) zones.**

Amend portions of LMC 18A.40.130 (D) and (E) as follows (the remainder of LMC 18A.40.130 would remain unchanged):

**18A.40.130 Air installation compatible use zones (AICUZ) and uses.**

\*\*\*

D. *AICUZ Land Use Table.* See LMC [18A.10.120\(D\)](#) for the purpose and applicability of zoning districts.

Land Use Categories	APZ-I	APZ-II	CZ	Density
<b>Existing Uses</b>				
Continuation of <a href="#">conforming</a> uses and <a href="#">structures</a> already legally existing within the zone at the time of adoption of this chapter. Maintenance, <del>and</del> repair, and <a href="#">lateration/addition</a> of existing <a href="#">conforming</a> structures shall be permitted.	P	P	-	N/A
Alteration or modification of nonconforming existing uses and structures. <a href="#">(Subject to LMC 18A.40.130 (E.) (4); &amp; LMC Chapter 18A.20, Article II, Nonconforming Uses &amp; Structures.)</a>	<a href="#">Director/HEC</a>	<a href="#">Director/HEC</a>	-	N/A
<b>Agriculture and Natural Resources</b>				
Agriculture	-	-	-	N/A
Agriculture, clear zone	-	-	P	N/A
Agriculture, home	P	P	-	N/A
Natural resource extraction/recovery	C	C	-	Maximum FAR of 0.28 in APZ-I, no activity which produces smoke, glare, or involves explosives.
Research, scientific (small scale)	C	P	-	Office use only. Maximum FAR of 0.22 in APZ-I and APZ-II.
Undeveloped land	P	P	P	N/A
<b>Residential Uses</b>				
Accessory caretaker's unit	-	-	-	N/A
Accessory dwelling unit	-	-	-	N/A
<a href="#">Adult family home: (Not subject to intensity of use criteria, LMC 18A.40.130 (E.) (1); &amp; subject to the Washington State Building Codes, as amended.)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">-</a>	<a href="#">N/A</a>
Cottage housing	-	-	-	N/A
Cohousing (dormitories, fraternities and sororities)	-	-	-	N/A
Detached single-family <a href="#">structure(s)</a> on lot less than 20,000 square feet	-	-	-	N/A
<i><a href="#">COMMENTARY: In both the APZ &amp; APZ zones, there are a total of 290 single family units/ structures on tax parcels &lt; 20,000 square feet. All 290 are nonconforming uses.</a></i>				

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Land Use Categories	APZ-I	APZ-II	CZ	Density
Detached single-family <a href="#">structure(s)</a> on lot greater than 20,000 square feet	-	P	-	N/A
Two-family residential <a href="#">structure(s)</a> , attached or detached dwelling units	-	-	-	N/A
Three-family residential <a href="#">structure(s)</a> , attached or detached dwelling units	-	-	-	N/A
Multifamily <a href="#">structure(s)</a> , 4 or more residential units	-	-	-	N/A
Mixed use	-	-	-	N/A
Home occupation	P	P	-	N/A
Mobile home parks	-	-	-	N/A
Mobile and/or manufactured homes, in mobile/manufactured home parks	-	-	-	N/A
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	-	P	-	N/A
Child care facility	-	-	-	N/A
Child day care center	-	-	-	N/A
Family day care provider	-	-	-	N/A
<b>Special Needs Housing (Essential Public Facilities)</b>				
Type 1 group home ( <a href="#">Excludes adult family home</a> )	-	-	-	N/A
Type 2 group home	-	-	-	N/A
Type 3 group home	-	-	-	N/A
Type 4 group home	-	-	-	N/A
Type 5 group home	-	-	-	N/A
Assisted living facilities	-	-	-	N/A
Continuing care retirement community	-	-	-	N/A
Hospice care center	-	-	-	N/A
Enhanced services facility	-	-	-	N/A
Nursing home	-	-	-	N/A
<b>Commercial and Industrial Uses</b>				
Building and landscape materials sales	P	P	-	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Building contractor, light	P	P	-	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Building contractor, heavy	C	-	-	Maximum FAR of 0.11 in APZ I and 0.22 in APZ II.
Business support service	P	-	-	Maximum FAR of 0.22 in APZ I.
Catering service	P	P	-	Maximum FAR of 0.22 in APZ II.
Construction/heavy equipment sales and rental	C	C	-	Maximum FAR of 0.11 in APZ I; and 0.22 in APZ II.
Equipment rental	P	P	-	Maximum FAR of 0.11 in APZ I; and 0.22 in APZ II.
Furniture, furnishings, appliance/equipment store	-	C	-	Maximum FAR of 0.28 in APZ II.

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Land Use Categories	APZ-I	APZ-II	CZ	Density
Handcraft industries, small-scale manufacturing	P	P	-	Maximum FAR of 0.28 APZ I; Maximum FAR of 0.56 in APZ II.
Kennel, animal boarding	P	P	-	Maximum FAR of 0.11 APZ I; Maximum FAR of 0.22 in APZ II.
Laundry, dry cleaning plant	P	-	-	Maximum FAR of 0.22 in APZ II.
Live/work and work/live units	P	P	-	N/A
Maintenance service, client site services	P	P	-	Maximum FAR of 0.22 in APZ II.
Military installations	P	P	P	N/A
Mobile home, RV, and boat sales	C	C	-	Maximum FAR of 0.14 in APZ I and 0.28 in APZ II.
Office, business services	P	P	-	Maximum FAR of 0.22 in APZ II.
Office, professional	P	-	-	Maximum FAR of 0.22 in APZ II.
Places of assembly	-	-	-	N/A
Personal services	P	-	-	Office uses only. Maximum FAR of 0.11 in APZ II.
Small craft distillery	-	P	-	Maximum FAR 0.56 in APZ II.
Storage, personal storage facility	P	P	-	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Vehicle services, minor maintenance/repair	P	P	-	Maximum FAR of 0.11 APZ I; 0.22 in APZ II.
Vehicle storage	C	C	-	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Warehouse retail	P	-	-	Maximum FAR of 0.16 in APZ II.
Warehouse	P	P	-	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II.
Wholesaling and distribution	P	P	-	Maximum FAR of 0.28 in APZ I and 0.56 in APZ II.
Wildlife preserve or sanctuary	P	P	-	N/A
<b>Eating and Drinking Establishments</b>				
Bar/tavern	-	-	-	N/A
Brewery, brew pub	-	-	-	N/A
Mobile food vending facility	P	P	-	N/A
Night club	-	-	-	N/A
Restaurant, café, coffee shop, counter ordering	-	-	-	N/A
Restaurant, café, coffee shop, drive- through services	-	-	-	N/A
Restaurant, café, coffee shop, table service	-	-	-	N/A
Restaurant, café, coffee shop, outdoor dining	-	-	-	N/A
Restaurant, café, coffee shop, serving alcohol	-	-	-	N/A
Tasting room	-	-	-	N/A
<b>Lodging</b>				
Bed and breakfast guest houses	-	-	-	N/A

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Land Use Categories	APZ-I	APZ-II	CZ	Density
Hostels	-	-	-	N/A
Hotels and motels	-	-	-	N/A
Recreational vehicle parks	-	-	-	N/A
<b>Transportation</b>				
Parking facilities (surface)	P	P	-	N/A
Parking facilities (structured)	-	-	-	N/A
Streets with pedestrian and bicycle facilities	P	P	-	N/A
Transit park and ride lots	P	P	-	N/A
Transit shelter	P	P	-	N/A
<b>Utilities</b>				
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	-	N/A
Underground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	P	N/A
Electrical distribution substations	P	P	-	N/A
Electrical transmission lines of 115 kV or less and support poles	P	P	-	N/A
Electric vehicle battery charging stations	P	P	-	N/A
Above-ground natural gas conveyance facilities	-	-	-	N/A
Underground natural gas conveyance facilities	P	P	P	N/A
Potable water conveyance facilities	P	P	-	N/A
Potable water storage facilities	C	P	-	N/A
Storm water collection and conveyance facilities	P	P	P	N/A
Storm water detention/retention facilities	P	P	C	N/A
Telecommunications earth receiving stations (satellite dishes)	P	P	-	N/A
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/receiving/relay facilities, or switching facilities	P	P	-	N/A
Telecommunications switching facilities	P	P	-	N/A
Telecommunications transmission/receiving/relay facilities		P	-	N/A
Waste water conveyance facilities	P	P	P	N/A
Wireless communication facilities	P	P	-	N/A

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Land Use Categories	APZ-I	APZ-II	CZ	Density
(WCFs)				
<b>Essential Public Facilities</b>				
Airport (American Lake Seaplane Base)	-	-	-	N/A
Community and technical colleges, colleges and universities	-	-	-	N/A
Correctional facilities	-	-	-	N/A
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	-	C	-	N/A
Electrical transmission lines of higher voltage than 115 kV, in new corridors	-	-	-	N/A
Group home	-	-	-	N/A
In-patient facility including but not limited to substance abuse facility	-	C	-	N/A
Intercity high-speed ground transportation	-	-	-	N/A
Intercity passenger rail service	-	-	-	N/A
Interstate Highway 5 (I-5)	P	-	-	N/A
Mental health facility	-	-	-	N/A
Military installation	P	P	P	N/A
Minimum security institution	-	-	-	N/A
Secure community transition facility (SCTFs)	-	-	-	N/A
Solid waste transfer station	-	-	-	N/A
Sound Transit facility	-	-	-	N/A
Sound Transit railroad right-of-way	-	-	-	N/A
Transit bus, train, or other high capacity vehicle bases	-	-	-	N/A
Washington State Highway 512	P	-	-	N/A
Work/training release facility	-	-	-	N/A

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Director: Community & Economic Development Director  
 HE: Hearing Examiner

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P: Permitted Use C: Conditional Use “-”: Not Allowed N/A: Not Applicable  
 Numbers in parentheses reference use-specific development and operating conditions under subsection (E) of this section.

E. *Operating and Development Conditions.*

1. In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, APZ-I, and APZ-II zoning districts and shall be used to determine compatibility of proposed uses with aircraft operations hazards. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following intensities of uses:

- a. Within the CZ zoning district, the total number of people on a site at any time shall not exceed one (1) person per four thousand three hundred fifty-six (4,356) square feet of gross site area, or ten (10) persons per acre.
- b. Within the APZ-I zoning district, the total number of people on a site at any

time shall not exceed one (1) person per one thousand seven hundred forty-two (1,742) square feet of gross site area, or twenty-five (25) persons per acre.

c. Within the APZ-II zoning district, the total number of people on a site at any time shall not exceed one (1) person per eight hundred seventy-one (871) square feet of gross site area, or fifty (50) persons per acre.

*COMMENTARY: Proposed code amendments would exempt adult family homes from the intensity criteria found in E.1. Intensity would instead be set by Washington State building code regulations.*

2. In addition to other requirements of the code, the following performance criteria shall be used to determine the compatibility of a use, project design, mitigation measures and/or any other requirements of the code with respect to aircraft operation hazards in the CZ, APZ-I and APZ-II zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

a. Any new use which involves release of airborne substances, such as steam, dust, and smoke, that may interfere with aircraft operations is prohibited.

b. Any new use which emits light or direct or indirect reflections that may interfere with a pilot's vision is prohibited.

c. Any new use that creates an undue hazard to the general health, safety and welfare of the community in the event of an aircraft accident in these zoning districts is prohibited.

*COMMENTARY: Arguably, subsection "c." is problematic for the city in the event an adult family home provider wants to locate underneath a military air corridor, or desires to expand living space in an existing single family structure which is nonconforming. This is where JBLM AICUZ, the city's zoning, and state law come into conflict. Lakewood is in a position where it must concede to state law, although there remains a compelling reason that placing adult family home residents, some of whom may have significant disabilities, underneath a military air corridor is not a good idea.*

d. Facilities which emit electrical currents shall be installed in a manner that does not interfere with communication systems or navigational equipment.

e. Any new use which attracts concentrations of birds or waterfowl, such as mixed solid waste landfill disposal facilities, waste transfer facilities, feeding stations, and the growth of certain vegetation, is prohibited.

f. Structures are prohibited within one hundred (100) feet of the aircraft approach-departure or transitional surfaces.

3. *Noise Attenuation.* Provisions for noise mitigation shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within the Clear Zone (CZ), Accident Potential Zone One (APZ-I), and Accident Potential Zone Two (APZ-II) zoning districts, which are located within the sixty-five (65) Ldn Noise Contour or higher, as shown in the Final Air Installation Compatible Use Zone (AICUZ) Study Update, Joint Base Lewis-McChord, May 2015, and on file with the Community and Economic Development Department.

a. *Noise Insulation Required.* Those portions of new structures where the public is received or offices are located must be constructed with sound insulation or other means to achieve a day/night interior noise level (Ldn) of no greater than forty-five (45) dB. A remodeling project where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building is ~~also~~ subject to these standards.

*COMMENTARY: State's requirement for energy conservation often meets or exceeds Ldn requirements; considered a non-issue.*

b. *Sound Isolation Construction.* A building will generally be considered acceptable by the Building Official if it incorporates the applicable features described in LMC Title 15. Alternate materials and methods of construction may be permitted, if such alternates are demonstrated to the satisfaction of the Building Official to be equivalent to those described.

*COMMENTARY: Same as above; considered a non-issue.*

c. *Acoustical Analysis and Design Report.* The applicant may elect to have a qualified architect or engineer examine the noise levels and needed building sound isolation requirements for a specific site. The analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permit. The report shall show the topographical relationship of the aircraft noise sources and the building site, identification of noise sources and their characteristics, predicated noise spectra at the exterior of the proposed building structure, basis for the predication (measured or obtained from published data), and effectiveness of the proposed construction showing that the prescribed interior day-night sound level is met.

*COMMENTARY: Subsection "c." is for unusual situations. To-date, no acoustical reports have been submitted by applicants in APZ-I, APZ-II, & CZ; considered a non-issue.*

d. *Exemptions.*

- i. Additions under five hundred (500) square feet that are not used for sleeping rooms;
- ii. A remodeling project where the total cost of improvements is less than twenty-five (25) percent ~~or more of the valuation~~ of the existing building ~~valuation is also subject to these standards~~;
- iii. The noise standards in subsection ~~(B)(E)(3)~~ of this section shall not apply to the construction of buildings or structures in the Air Installation Compatible Use Zone (AICUZ) Study for McChord Field with less than sixty-five (65) dB DNL.

e. *Noise Disclosure Statement.* Prior to the issuance of a building permit for new construction or remodeling where the total cost of improvements is twenty-five (25) percent or more of the valuation of the existing building, the property owner shall sign a noise disclosure statement and record the statement with the title of the property. The noise disclosure statement acknowledges that the property is located within the sixty-five (65) Ldn contour, as indicated on Noise Contour Map for McChord AFB as shown in the AICUZ study, and that noise

attenuation is required of any new construction or remodeled structure where it meets the threshold.

4. *Nonconforming Buildings and Structures.*

a. Any residential use group building, and any assembly, business, educational, institutional or mercantile use group building or structure or portion thereof, which lawfully existed on the date of adoption of this section and which is not in conformity, shall be deemed nonconforming and subject to LMC, Chapter 18A.20 Article II, Nonconforming Uses & Structures.

i. Exceptions to residential use group buildings. A one-time addition/expansion of nor more than two-hundred (200) square feet of conditioned space shall be permitted.

*COMMENTARY: This subsection allows for minor expansions to mostly single family residences, and, further, allows adult family home providers to convert garages and/or carports to additional bedrooms. Beyond 200 square feet, a proposal would be subject to the City's standard nonconforming use regulations.*

b. Any extension, enlargement, relocation, reconstruction or substantial alteration of a nonconforming residential use group building, and any assembly, business, educational, institutional or mercantile use group building or structure or portion thereof, shall be subject to the acoustical performance standards as set forth in LMC Title 15 unless otherwise modified by the Building Official pursuant to applicable provisions of the Washington State Building Code.

**2022-05 Update text of the Comprehensive Plan to reflect the adoption of VISION 2050 and renaming Centers of Local Importance per the 2018 Regional Centers Framework and the 2019 Countywide Planning Policies.**

Replace Comprehensive Plan text and maps as shown below. The remainder of the Plan remains unchanged.

**1.6.7.1 Compliance with Vision 2040 and VISION 2050**

The Lakewood Comprehensive Plan supports a sustainable approach to growth and future development. The Plan incorporates a systems approach to planning and decision-making that addresses protection of the natural environment. The plan commits to maintaining and restoring ecosystems, through steps to conserve key habitats, clean up polluted waterways, and reduce greenhouse gas emissions. The plan includes provisions that ensure that a healthy environment remains available for future generations in Lakewood.

Lakewood's Comprehensive Plan has been updated based on residential and employment targets that align with Vision 2040. The Plan will be updated no later than during the 2024 periodic update to reflect the 2044 growth targets adopted by the Pierce County Council. ~~Through the targeting process the City has identified the number of housing units in the city for the year 2031.~~ We have also established an affordable housing goal for this planning period. (See Policies LU-2.20 and LU-2.21).

The Comprehensive Plan addresses each of the policy areas outlined in VISION 2040 and will be updated no later than during the 2024 periodic update to reflect VISION 2050 and countywide planning policies. Lakewood has policies that address habitat protection, water conservation, air quality, and climate change. The City's land-use codes incorporate environmentally friendly development techniques, such as low-impact landscaping. The plan calls for more compact urban development and includes design guidelines for mixed-use and transit-oriented development. There are directives to prioritize funding and investments to our regional growth center. The housing (sub)element commits to expanding housing production at all income levels to meet the diverse needs of both current and future residents. The plan includes an economic development element that supports creating jobs, investing in all people, creating great communities, and maintaining a high quality of life. The transportation element advances cleaner and more sustainable mobility, with provisions for complete streets, green streets, context-sensitive design, and a programs and strategies that advance alternatives to driving alone. The City coordinates its transportation planning with neighboring jurisdictions, including our level-of-service standards and concurrency provisions. The City is committed to resource conservation in the provision of public services.

The Comprehensive Plan also addresses local implementation actions in VISION 2040 and VISION 2050, including identification of underused lands, mode-split goals for the City's designated center, and housing targets.

\* \* \*

**1.7 2015 Update**

\* \* \*

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

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

[In 2019, per Pierce County Resolution 2019-070s, the Pierce County Countywide Planning Policies \(CPPs\) were updated to reflect the Regional Centers Framework that incorporated new policies regarding CoLIs. Lakewood ratified these changes per City Resolution 2020-03. CPP C-29 states in part that "CoLIs may only be located in a town or city without a Countywide or Regional Center located in Pierce County." Lakewood has a Regional Growth Center coterminous with the Downtown Subarea.](#)

[As a result of Policy C-29, in 2022, the City of Lakewood redesignated its eight centers originally named CoLIs as "Centers of Municipal Importance", or "CoMIs". These CoMIs are not intended to be designated in the future as Countywide or Regional Centers, but instead reflect City of Lakewood focus areas for preservation, resource investment and/or economic development. Maps of the CoMIs were updated in Section 2.5 of this Comprehensive Plan as well.](#)

\* \* \*

#### 2.4 Urban Center Designation

A key element of the urban growth strategy of the GMA and regional growth strategy is the direction of growth toward centers. Urban Centers are focal points within urban areas intended to complement compact communities providing viable alternatives to sprawl. They are intended to be dominated by relatively compact development, where housing, shopping, and employment are in proximity. Urban Centers are also intended to be the focal points for public investment in transit and other capital improvements.

According to the CWPP, centers are intended to:

- Be priority locations for accommodating growth;
- Strengthen existing development patterns;
- Promote housing opportunities close to employment;
- Support development of an extensive transportation system which reduces dependency on automobiles; and
- Maximizes the benefit of public investment in infrastructure and services.

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Within its CWPP, the jurisdictions of Pierce County identified three types of Urban Centers and one manufacturing/industrial center that are applicable and consistent with the Puget Sound Regional Council's (PSRC's) VISION 2040 plan. Lakewood's Downtown has been designated as an urban center under the CWPP and, by extension, is a recognized regional growth center under VISION 2040 [and VISION 2050](#).

\* \* \*

## **2.5 Centers of Local Importance [and Centers of Municipal Importance](#)**

Centers of Local Importance (CoLIs) are designated for the purpose of identifying local centers and activity nodes that are consistent with VISION 2040's Multi-county Planning Policies. Such areas promote compact, pedestrian-oriented development with a mix of uses, proximity to diverse services, and a variety of appropriate housing options, or are in an established industrial area. [CoLIs](#) are designated by the local government with jurisdiction. Approval by Pierce County, the Pierce County Regional Committee (PCRC), or other state or regional organization is not required. [In 2014](#), Lakewood ~~has~~ designated ~~adopted~~ eight CoLIs. These are illustrated in Figure 2.3.

[In 2018, Puget Sound Regional Council \(PSRC\) adopted a new Regional Centers Framework. Local Centers are discussed as follows at Section 7 of the Framework:](#)

[VISION 2040 calls for central places in all jurisdictions to support a centers-based approach to development in the region. These places range from neighborhood centers to active crossroads in communities of all sizes. These centers play an important role in the region and help define our community character, provide local gathering places, serve as community hubs, and are often appropriate places for additional growth and focal points for services.](#)

[The Regional Centers Framework recognizes the importance of these places, but does not envision a regional or county designation for all types of local centers. The designation criteria outlined in this document may provide a path to regional or county designation for locations that continue to grow and change over time.](#)

[In 2019, per Pierce County Resolution 2019-070s, the Pierce County Countywide Planning Policies \(CPPs\) were updated to reflect the Regional Centers Framework that incorporated new policies regarding CoLIs. Lakewood ratified these changes per City Resolution 2020-03. County Planning Policy C-29 states in part that "CoLIs may only be located in a town or city without a Countywide or Regional Center located in Pierce County." Lakewood has a Regional Growth Center coterminous with the Downtown Subarea.](#)

[As a result of Policy C-29, in 2022, the City of Lakewood redesignated its eight centers originally named CoLIs as "Centers of Municipal Importance", or "CoMIs". These CoMIs are not intended to be designated in the future as Countywide or Regional Centers, but instead reflect City of Lakewood focus areas for preservation, resource investment and/or economic development.](#)

\* \* \*

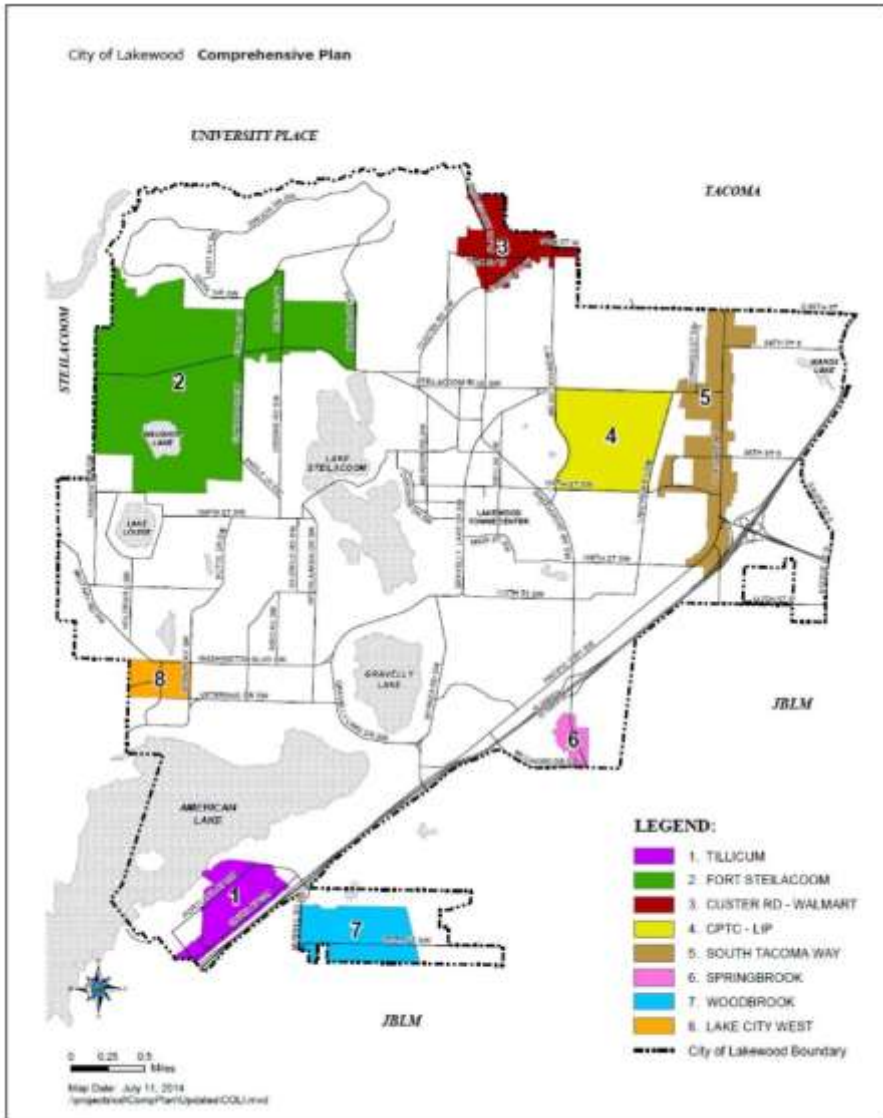


Figure 2.3  
City-Wide [Centers of Municipal Importance \(CoMIs\)](#)





Figure 2.4  
Tillicum Center of ~~Local~~-Municipal Importance

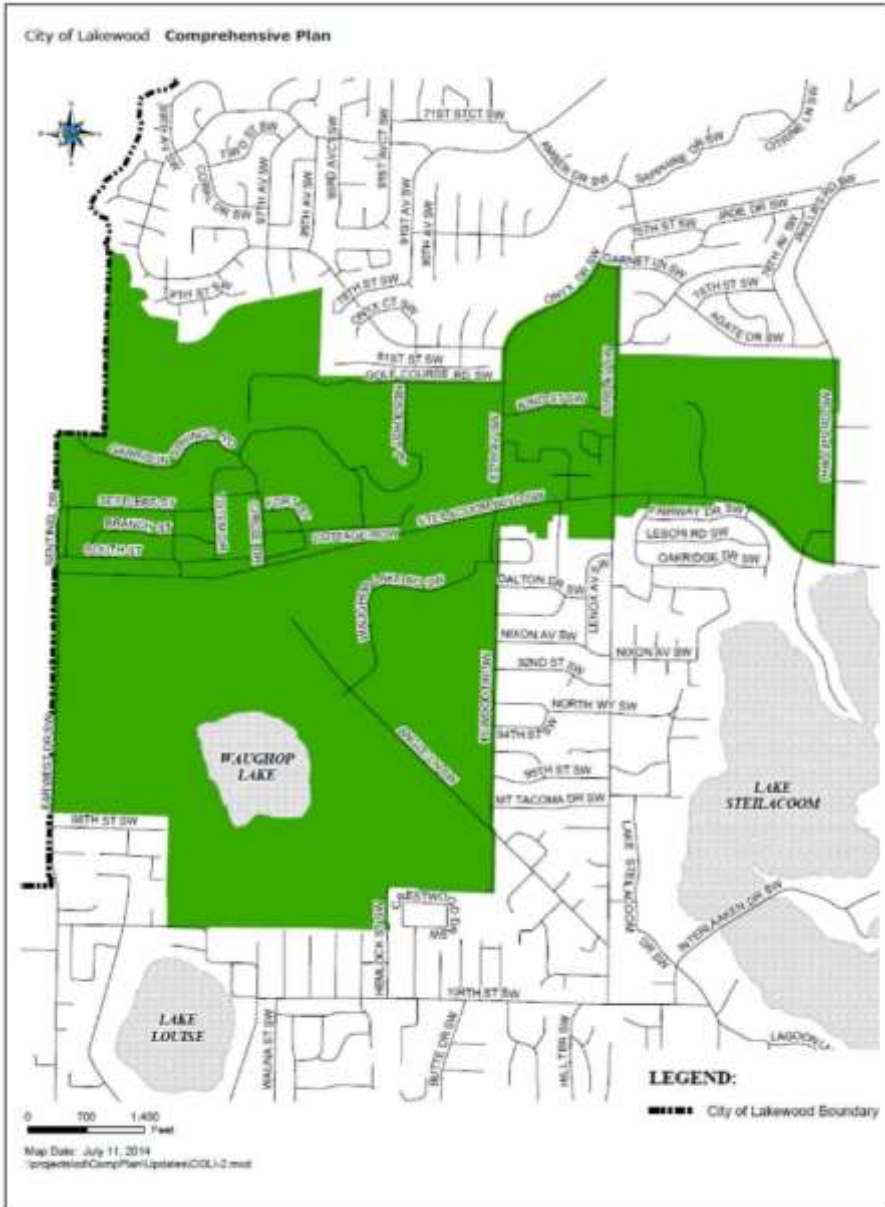


Figure 2.5  
Fort Steilacoom Park Center of [Local-Municipal](#) Importance

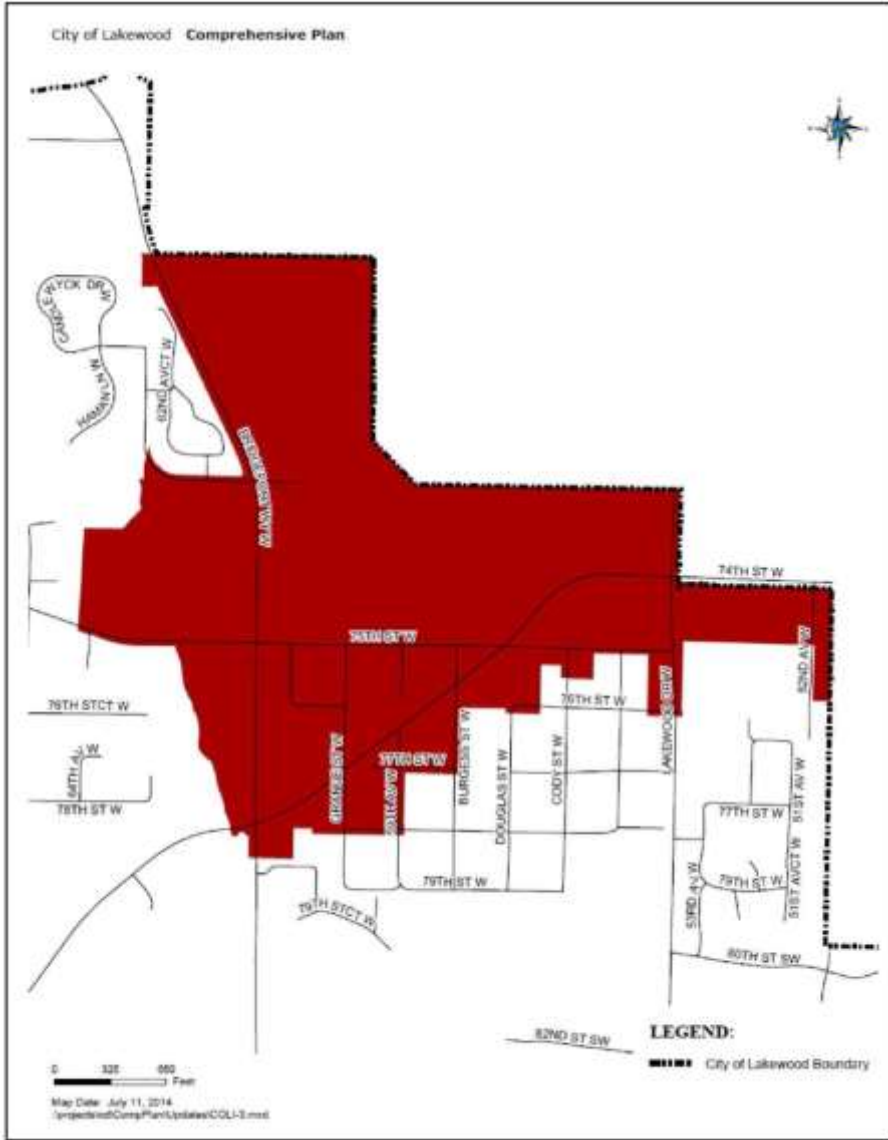


Figure 2.6  
 Custer Road/Walmart Center of ~~Local~~ Municipal Importance



Figure 2.7  
Clover Park Technical College / Lakewood Industrial Park Center  
of Local-Municipal Importance

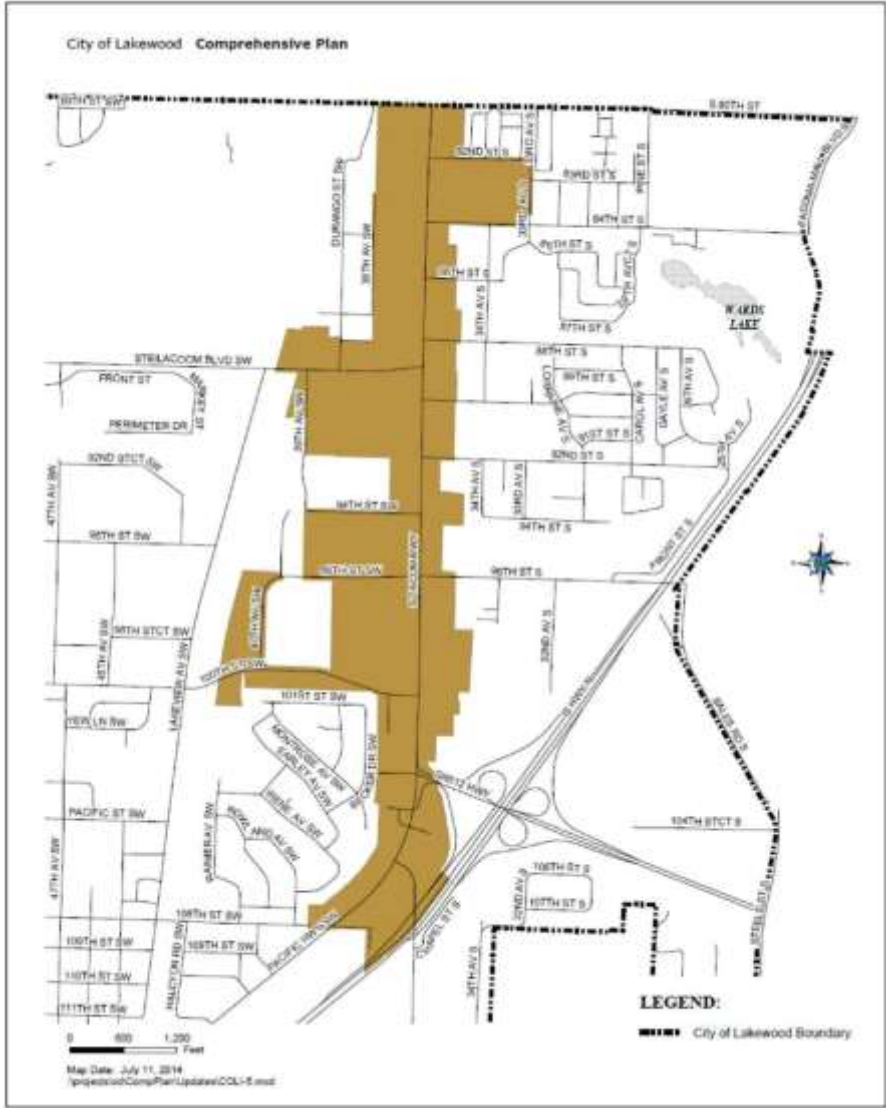


Figure 2.8 South Tacoma Way Center of Local Municipal Importance



Figure 2.9  
 Springbrook Center of Local Municipal Importance

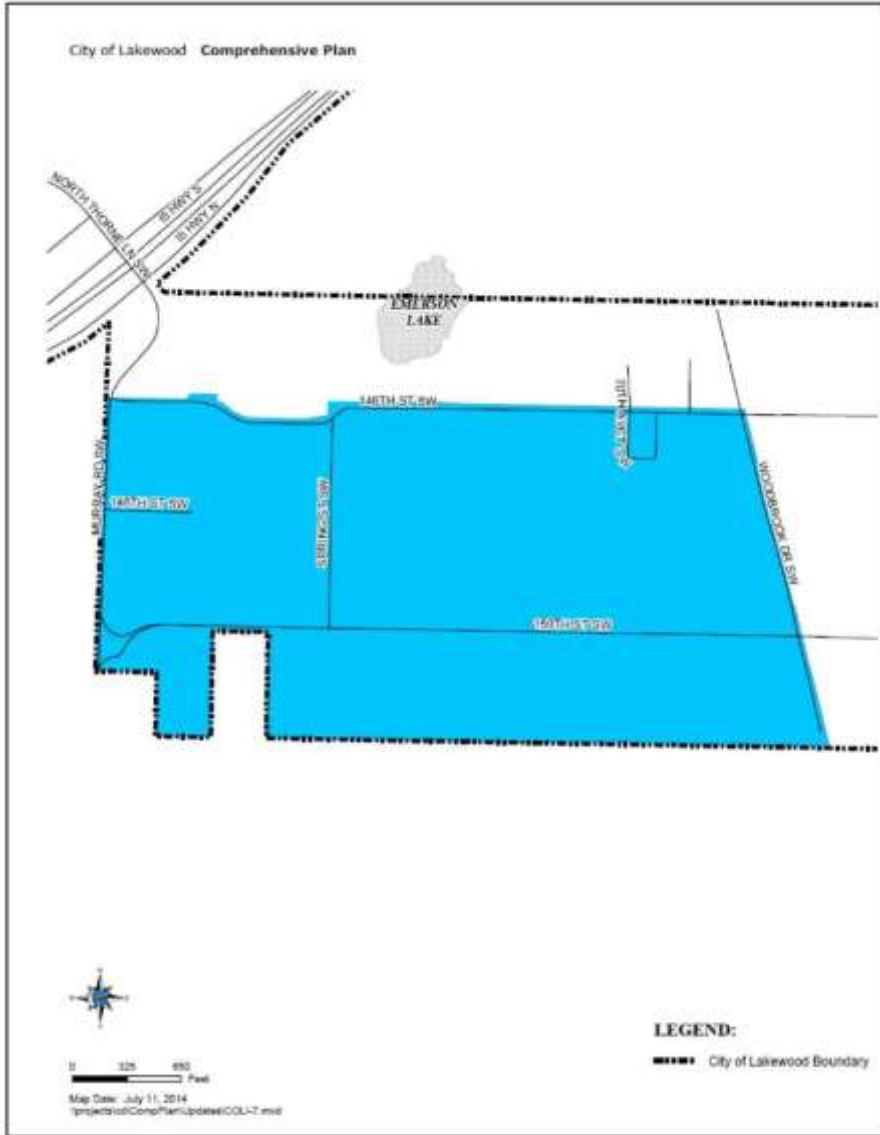


Figure 2.10  
Woodbrook Center of Local-Municipal Importance



Figure 2.11  
 Lake City West Center of Local-Municipal Importance

\* \* \*



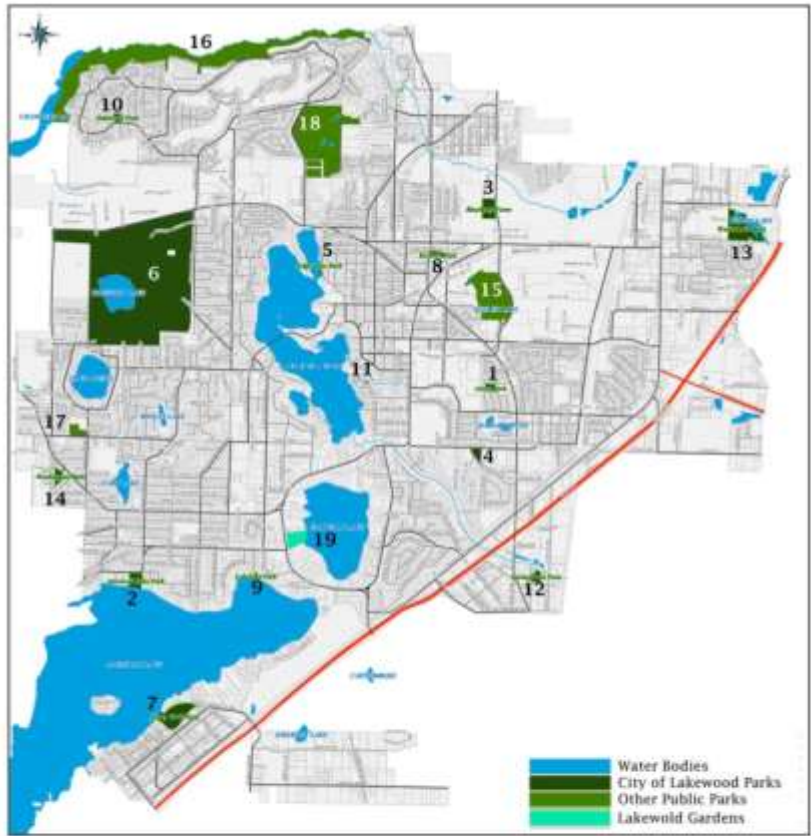
## 5.1 Introduction

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At the regional level, Lakewood complies with the Multicounty Planning Policies (MPPs) adopted by the Puget Sound Regional Council (PSRC) as part of VISION 2050 and its successors. ~~(e.g., VISION 2050 will replace VISION 2040 in 2020.)~~ The MPPs provide an integrated framework for addressing land use, economic development, transportation, other infrastructure, and environmental planning. These policies play three key roles: (1) give direction for implementing the Regional Growth Strategy, (2) create a common framework for planning at various levels (including countywide planning, local planning, transit agency planning, and others) within the four-county region, and (3) provide the policy structure for the Regional Council's functional plans.

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

Replace Comprehensive Plan figures as shown below. The remainder of the Plan would remain unchanged.



**Public parks**

**City of Lakewood**

- 1 Active Park
- 2 American Lake Park
- 3 Blueberry Park
- 4 Community Garden
- 5 Edgewater Park
- 6 Fort Steilacoom Park
- 7 Harry Todd Park

- 8 Kiwanis Park
- 9 Lakeland Park
- 10 Oakbrook Park
- 11 Primley Park
- 12 Springbrook Park
- 13 Wards Lake Park
- 14 Washington Park

**Pierce County**

- 15 Seeley Lake Park
- 16 Chambers Creek Regional Park

**Other public parks**

- 17 Lake Louise School Park
- 18 S Puget Sound Urban Wildlife Area
- 19 Lakewold Gardens

Figure 3.5 Public Open Spaces



Figure 3.6 Park and Recreation Resource Managed by Alternative Providers

# City of Lakewood Park and Recreation Resources Street Ends



DRAFT



Figure 3-7 Street Ends



**Figure 3.8 Golf Courses**

|







**2022-07 Parking requirements in LMC Chapters 18A.80.030 (Citywide) and in 18C.600.610 (Lakewood Station District Subarea Plan)**

Proposed text amendments to the codes related to parking for multifamily use types Citywide (LMA 18A.30.030) and within the Lakewood Station District Subarea (LMC 18C.600.610) are included below. The remainder of LMC Chapter 18A.80 and 18C.600 would remain unchanged.

**1. Amend 18A.80.030 Zoning district parking requirements. (CITY WIDE)**

RESIDENTIAL				
Accessory dwelling unit	Per dwelling unit	1	N/A	None
Single-family	Per dwelling unit	2	N/A	None
Duplexes	Per dwelling unit	2	N/A	None
Multifamily structures	Per dwelling unit	<p style="text-align: center;"> <a href="#">Studio- 1</a>  <a href="#">1 bedroom- 1.25</a>  <a href="#">2+ bedroom- 1.5</a>                      (at least 10% of the total parking spaces must be set aside for unreserved guest parking)1-5                 </p>	N/A	1 per 10 auto stalls. 2 minimum per building

**2. 18C.600.610 Parking. (LAKEWOOD STATION DISTRICT)**

Land Use	Vehicular Parking Requirement	Bicycle Parking Requirement
Residential	<p>Single-family: 2 per dwelling unit Accessory dwelling: 1 per dwelling unit; provided, that no additional parking is required when located within one-quarter mile of the Sounder Station. (RCW <a href="#">36.70A.698</a>)</p> <p>Senior citizen apartments: 1 per 3 dwelling units*</p> <p>Multifamily housing:  <a href="#">Studio- 1</a>  <a href="#">1+ bedroom- 1.25</a>                      (at least 10% of the total parking spaces must be set aside for unreserved guest parking)1.25-spaces per dwelling unit*</p> <p><i>*See process in subsection (B) of this section to prepare parking study to reduce further near station.</i></p>	Meet rates and standards of: Chapter <a href="#">18A.80</a> LMC

# MEMORANDUM

**DATE:** May 25, 2022  
**TO:** Courtney Brunell, Planning Manager  
**FROM:** Lisa Grueter, Principal, BERK Consulting, Inc.  
**RE:** Code Amendment Options – Tree Protection Standards

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## Ad Hoc Committee Recommendations

The City of Lakewood formed an Ad Hoc Tree Committee in February 2022, and they met in March and April 2022. Their report included twelve recommendations documented here:

[https://cityoflakewood.us/wp-content/uploads/2022/05/Tree-Advisory-Committee-Report\\_2022\\_0504.pdf](https://cityoflakewood.us/wp-content/uploads/2022/05/Tree-Advisory-Committee-Report_2022_0504.pdf).

This memo shares a series of potential code amendments based on the Ad Hoc Tree Committee report. It also explores other options the Ad Hoc Tree Committee considered as they made their recommendations to respond to some Planning Commission questions at meetings in May 2022.

## Study Sessions Regarding Code Options

Attached to this memo are potential options and redlines organized around seven of the Tree Committee's 12 recommendations.

### June 1<sup>st</sup> Planning Commission meeting:

- Key Issue 1: Tree Canopy Environmental Quality and Equity
- Key Issue 2-4: Exemptions (Residential, Industrial, Easements and Rights of Way)
- Key Issue 8: Maximum Tree Removal on Developed Single Family Properties
- Key Issue 9: Replacement
- Key Issue 12: Incentives (*discussed at meeting; carry over to June 15<sup>th</sup>*)

The June 15, 2022 meeting would cover the balance of topics:

### June 15<sup>th</sup> Planning Commission meeting:

- Key Issue 5: Permit Process
- Key Issue 6: Definition and Critical Area, Garry Oaks
- Key Issue 7: Heritage/Historical Tree
- Key Issue 10: City Tree Fund
- Key Issue 11: Fines

Background information for each option is generally contained in the [Ad Hoc Committee Report](#). Additional background information on Key Issue #1 regarding the Tree Canopy Goal is contained in Attachment A to respond to Planning Commission questions.

Attachment B contains options and redlines developed by PlanIT Geo for each topic proposed for the June 1, 2022 study session including:

- Existing Policy/Code Language
- Ad Hoc Committee Recommendations
- Other Options

After the Planning Commission study sessions, proposals would be developed for a public hearing in July 2022.

# Attachment A: Tree Canopy Environmental Quality and Equity

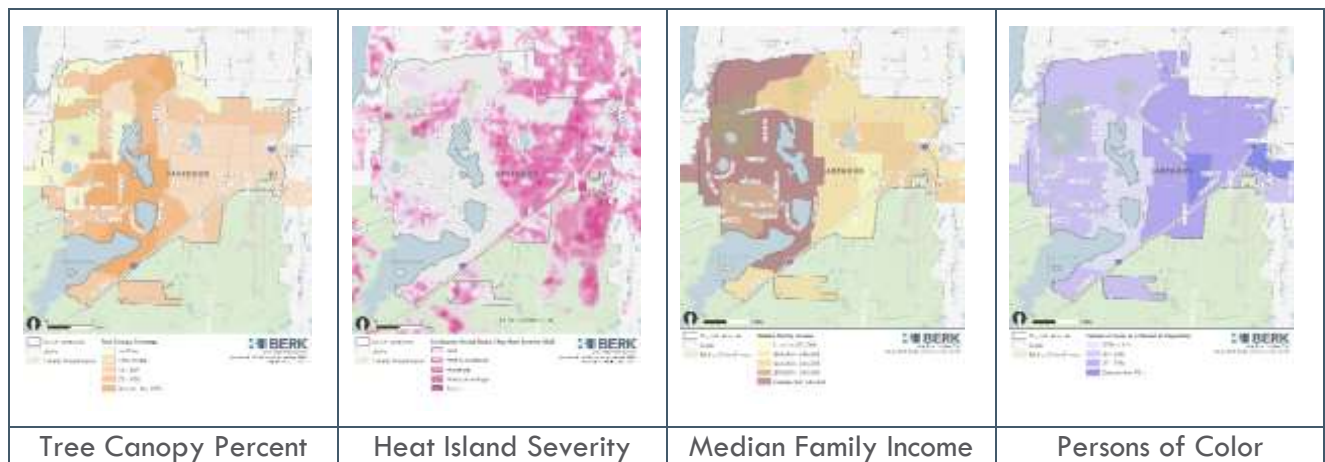
## Where is Lakewood's Urban Tree Canopy Distributed?

Lakewood's citywide urban tree canopy equals about 26% of lands. About 72% of the tree canopy is on private lands. (PLANIT GEO, 2022)

Lakewood's City Council has adopted an equity statement in Resolution 2021-05. This includes ensuring equity in municipal planning. The Tree Code Update process has included an evaluation of the equity in distribution of trees.

Lakewood is an urban community with a mall, commercial corridors, and industrial parks, as well as residential districts. Most of the tree canopy is within the City's residential districts. Where there is more pavement and less trees, there can be a "heat island" effect, that can increase temperatures. These conditions can be found predominantly in eastern Lakewood where there also tends to be a higher proportion of Persons of Color and lower income households.

## Tree Canopy and Community Demographics (Note: More Intense Colors are Greater Amounts)



## How can a Tree Canopy goal help achieve more equitable distributions?

The City is considering developing a tree canopy goal that could address overall canopy shares and greater equity in its distribution.

American Forest has developed a tree equity score<sup>1</sup>, as an indicator of whether there are enough trees in a neighborhood for everyone to experience the health, economic and climate benefits that trees provide. Scores are based on tree canopy, surface temperature, income, employment, race, age, and health factors. Lakewood has a tree equity score of 69 out of 100.

The City could set a tree canopy goal of 40% and set priorities to raise census block groups to a 75 tree equity score focusing on block groups that have less than 25% tree canopy and areas that have higher than 85 degrees average temperature. Places to review for planting could be areas with higher potential planting areas and in underserved areas (e.g., commercial areas in the east side of the City).

<sup>1</sup> <https://www.americanforests.org/tools-research-reports-and-guides/tree-equity-score/>

See the attached slides prepared by PlanIt Geo for a 3/29/2022 Ad Hoc Committee Meeting that show how the tree canopy could be spread across the zones in the City over a 25 year period.

*What are example tree canopy goals?*

A number of cities have recognized that trees provide environmental, economic, and social benefits in their communities. They have identified their current tree canopy share and developed goals. See Table 1. These cities differ in several respects but show a range of approaches to setting goals.

**Table 1. Tree Canopy Shares and Goals**

City	Current Share	Tree Equity Score (American Forest)	Tree Canopy Goal
Lakewood	26% (2019)	69	To be determined
Lacey	28% (2020)	78	No Net Loss
Tacoma	20% (2017)	77	30% by 2030
Renton	29% (2018)	83	40%+ (can reach up to 48%)
Kirkland	38% (2018)	85	40% (set in 2013)
Seattle	28% (2016)	91	30% by 2037 (set in 2007)
Spokane	23% (2021)	78	40% by 2030*

\* <https://my.spokanecity.org/urbanforestry/programs/spocanopy/>

*Relationship of a Tree Canopy Goal to Code*

The setting of a Tree Canopy Goal would be consistent with Goals and Policies in the Comprehensive Plan including but not limited to: GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree coverage throughout the City.

The setting of a 25-year goal would fit in the Comprehensive Plan.

Achieving the goal would be based on a combination of voluntary incentives and code requirements for new development or ongoing land management. The 40% goal would not be something to be achieved on each individual property. Rather it would help the City prioritize resources, e.g., focus on adding trees in rights of way and on parking lots in eastern Lakewood, protecting and enhancing canopies on critical areas and parkland, and retaining or adding trees on the perimeters of parcels while allowing for allowed housing and employment spaces.

# Recommendations to Consider

	Metric	City & Public Led	City-Led
<b>3-Year Goal: 27% by 2025</b>	Existing Canopy % (2019)	26%	26%
	Canopy Goal % (2025)	27%	27%
	Total New Acres Added	75	37
	Benefits Added per Year	\$19,710	\$9,855
	Total Benefits Added	\$59,131	\$29,565
<b>8-Year Goal: 30% by 2030</b>	Existing Canopy % (2026)	27%	27%
	Canopy Goal % (2030)	30%	28%
	Total New Acres Added	337	169
	Benefits Added per Year	\$53,385	\$26,692
	Total Benefits Added	\$266,924	\$133,462
<b>18-Year Goal: 35% by 2035</b>	Existing Canopy % (2031)	30%	28%
	Canopy Goal % (2035)	35%	31%
	Total New Acres Added	562	281
	# of Trees per Year	2,462	1,231
	Total Benefits Added	\$444,873	\$222,437
<b>25-Year Goal: 40% by 2047</b>	Existing Canopy % (2036)	35%	31%
	Canopy Goal % (2047)	40%	33%
	Total New Acres Added	562	281
	Benefits Added per Year	\$63,553	\$31,777
	Total Benefits Added	\$444,873	\$222,437
<b>TOTALS</b>	Existing Canopy % (2019)	26.3%	26.3%
	Canopy Goal % (2047)	40%	33%
	Total New Acres Added	1,536	768
	Benefits Added per Year (avg)	\$45,284	\$22,642
	Total Benefits Added	\$1,215,801	\$607,901

## Canopy Goal Scenario #1

- 40% in 25 years
- 14% increase
- 1,500 acres of new canopy
- \$1.2M added benefits

# Recommendations to Consider

	Metric	City & Public Led	City-Led
<b>3-Year Goal: 26.5% by 2025</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2025)	26.5%	26.42%
	Total New Acres Added	18	9
	Benefits Added per Year	\$4,881	\$2,441
	Total Benefits Added	\$14,643	\$7,322
<b>8-Year Goal: 28% by 2030</b>	Existing Canopy % (2026)	27%	26.42%
	Canopy Goal % (2030)	28%	27%
	Total New Acres Added	169	84
	Benefits Added per Year	\$26,692	\$13,346
	Total Benefits Added	\$133,462	\$66,731
<b>18-Year Goal: 30% by 2035</b>	Existing Canopy % (2031)	28%	27%
	Canopy Goal % (2035)	30%	28%
	Total New Acres Added	225	112
	Benefits Added per Year	\$17,795	\$8,897
	Total Benefits Added	\$177,949	\$88,975
<b>25-Year Goal: 35% by 2047</b>	Existing Canopy % (2036)	30%	28%
	Canopy Goal % (2047)	35%	30.67%
	Total New Acres Added	562	281
	Benefits Added per Year	\$63,553	\$31,777
	Total Benefits Added	\$444,873	\$222,437
<b>TOTALS</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2047)	35%	30.67%
	Total New Acres Added	974	486
	Benefits Added per Year (avg)	\$28,230	\$14,115
	Total Benefits Added	\$770,927	\$385,465

## Canopy Goal Scenario #2

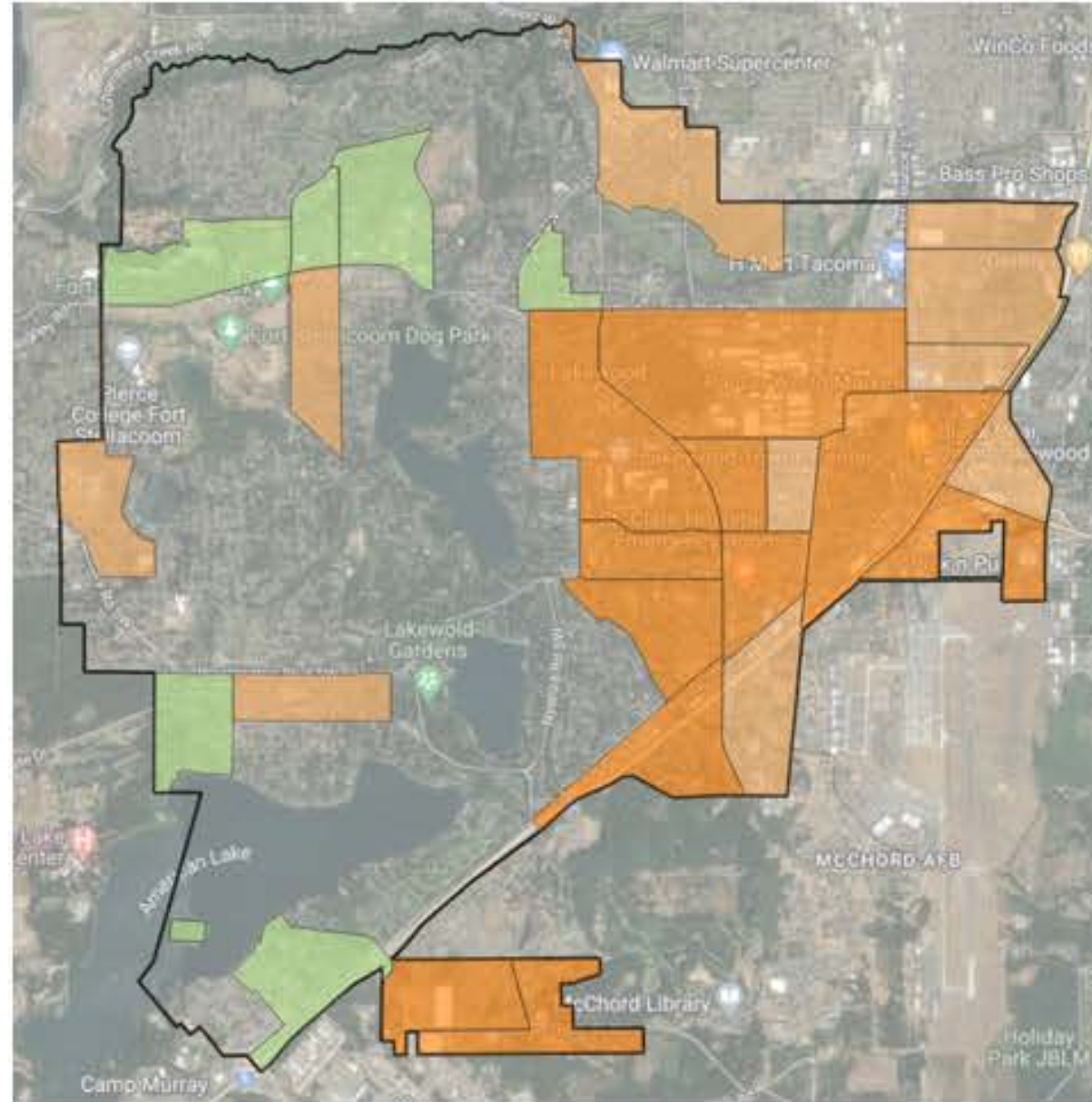
- 35% in 25 years
- 9% increase
- 975 acres of new canopy
- \$771k added benefits

# Recommendations to Consider

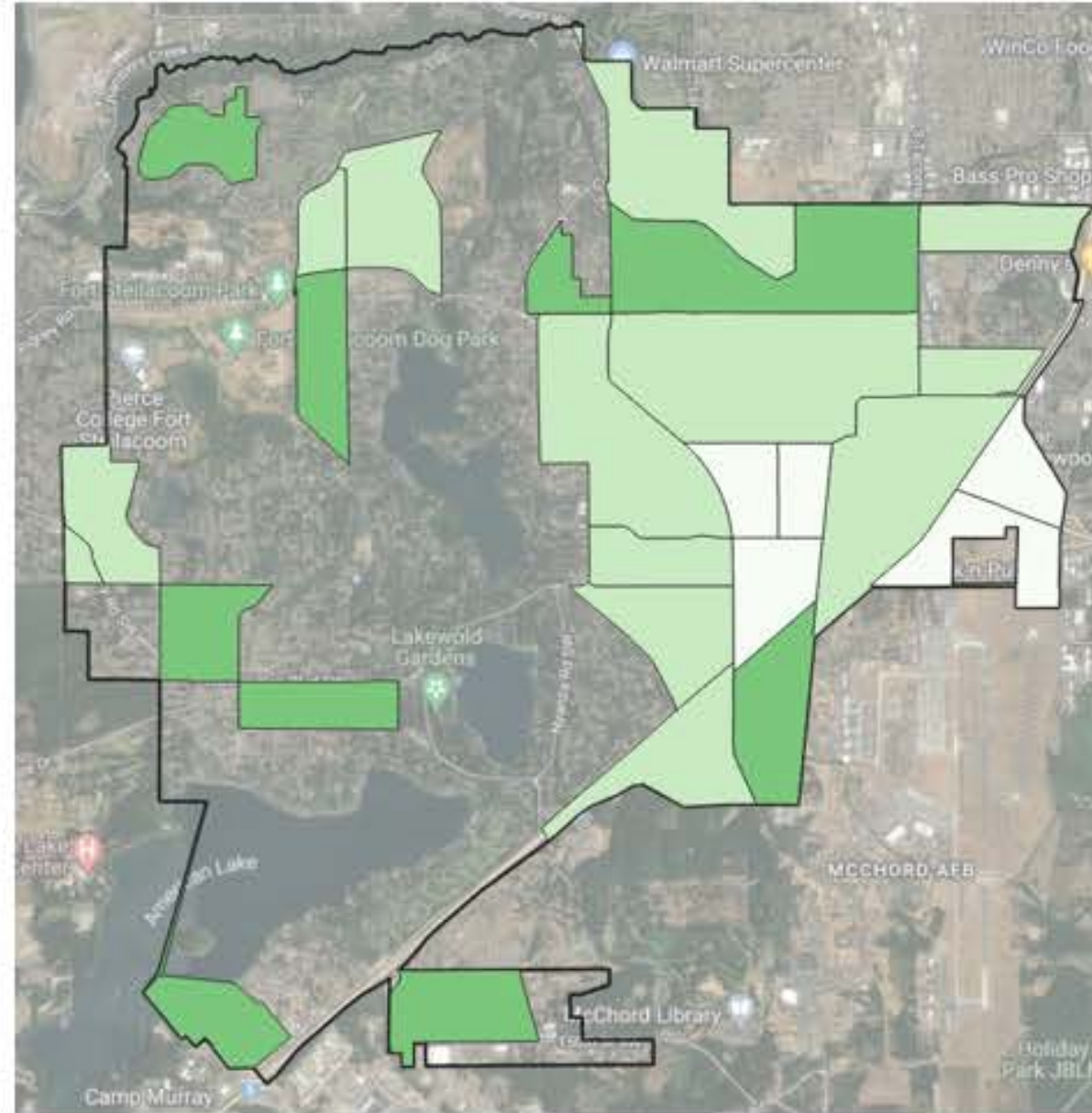
## Potential Canopy Goal Planting Priorities and Impacts

Scenario 1: 40% UTC

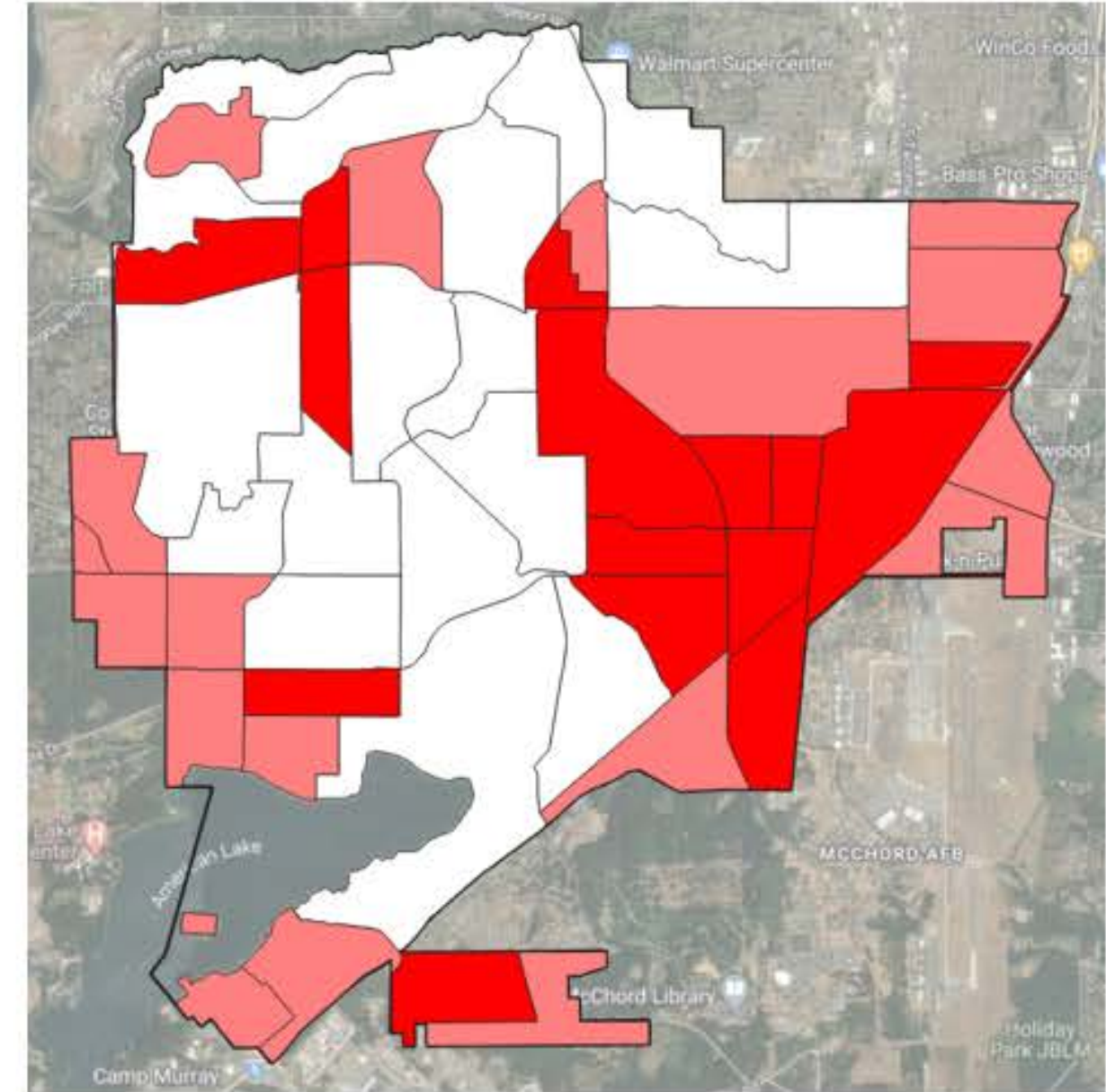
- Raises all CBGs to 75 TES
- Addresses CBGs <25% UTC
- Primarily addresses CBGs >85 avg temp
- \$1.2M in added annual benefits



CBGs <75 TES



CBGs <25% UTC



CBGs >85 avg temp

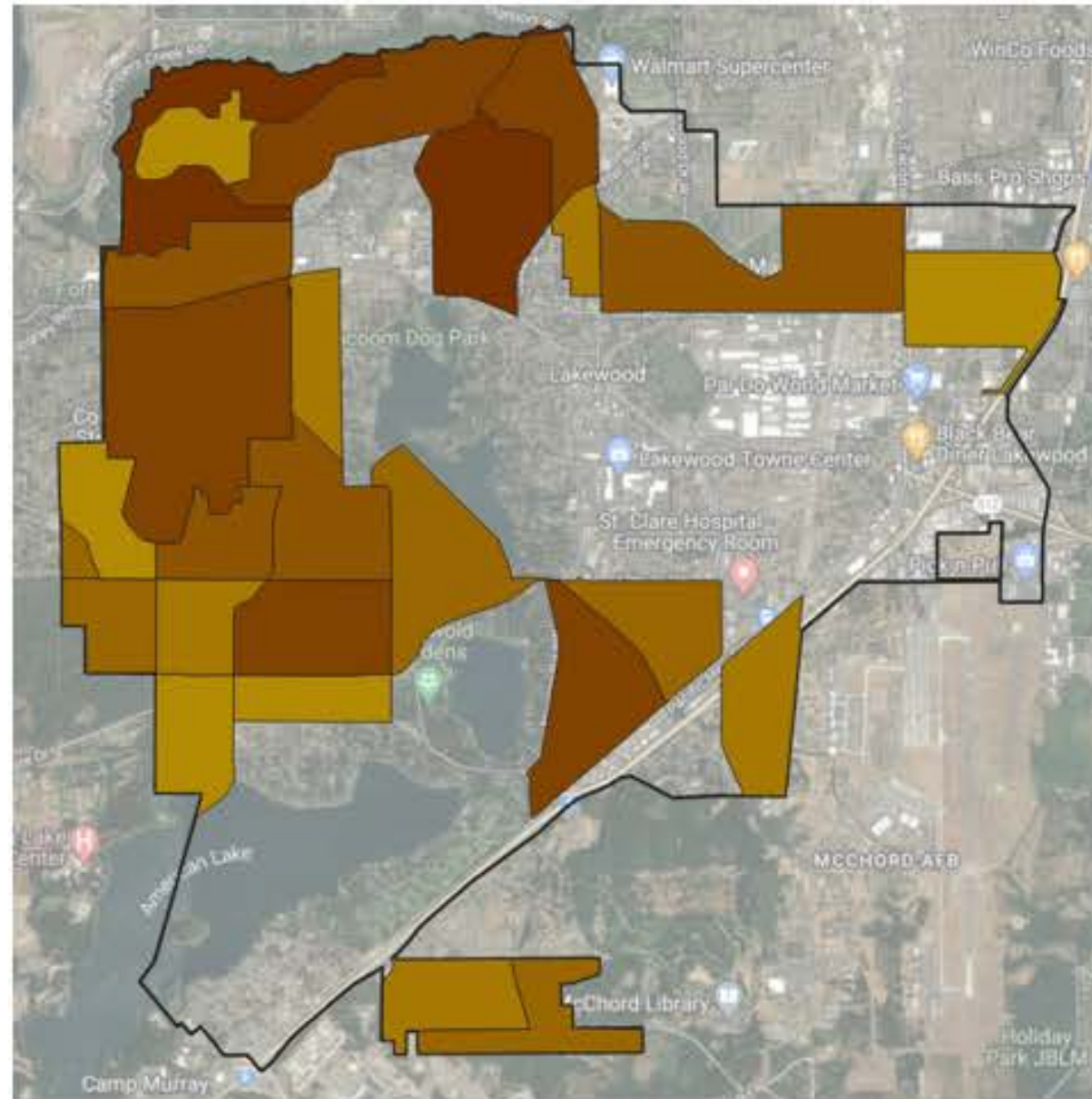


# Recommendations to Consider

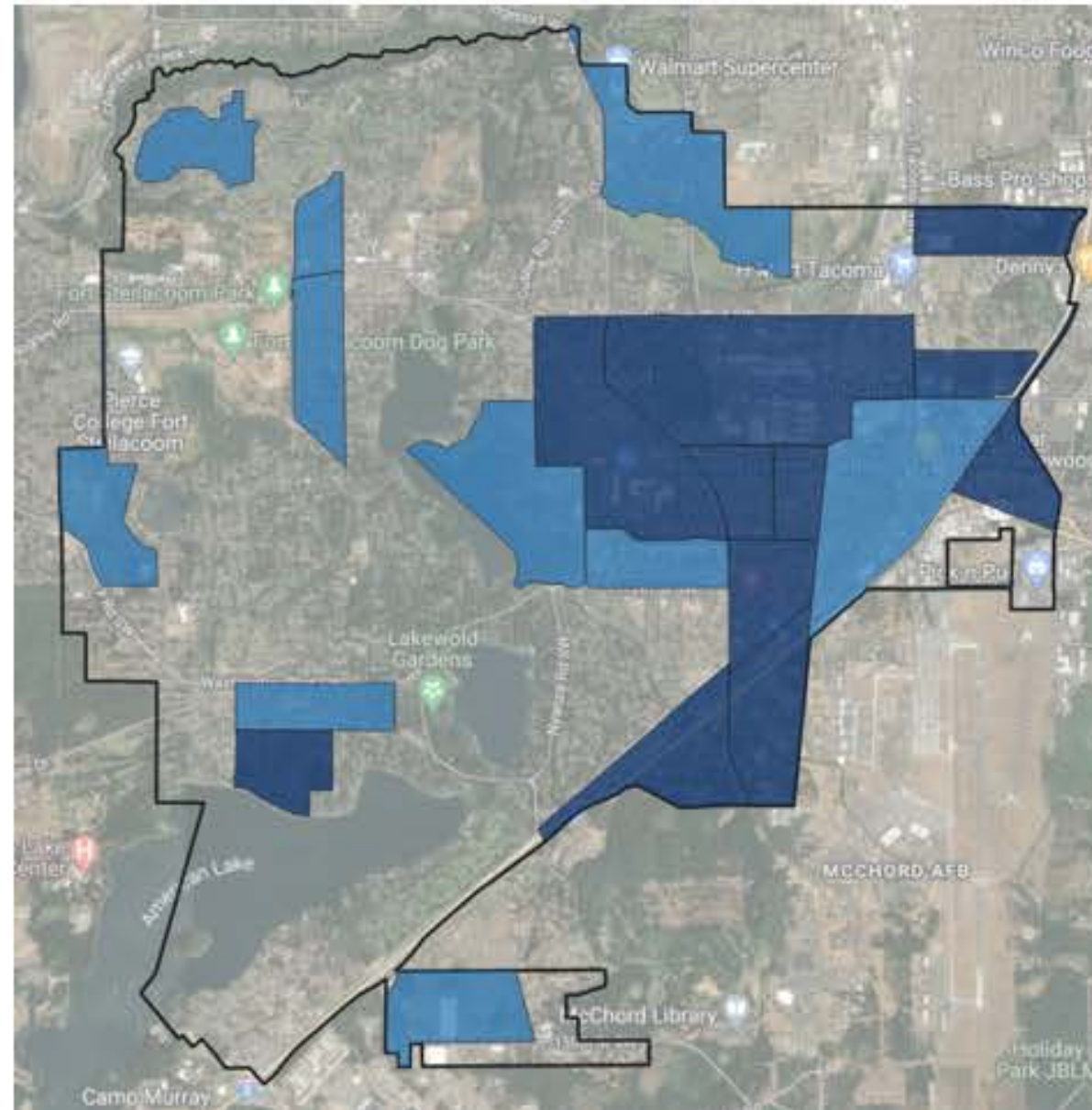
## Potential Canopy Goal Planting Priorities and Impacts

Scenario 1: 40% UTC

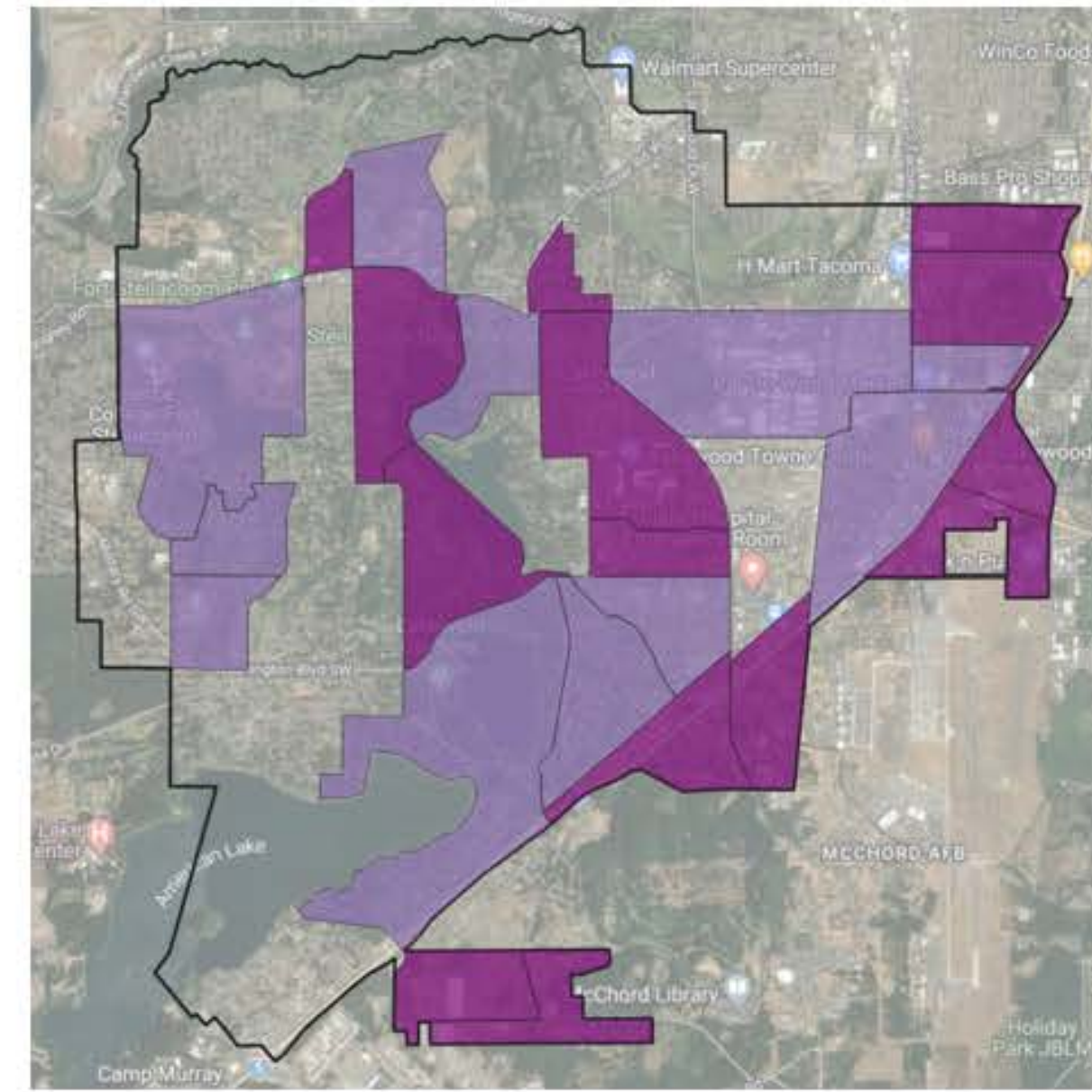
- Target areas with >50% PPA (veg)
- Address minority populations (>50% POC)
- Address underserved areas



CBGs >50% PPA



CBGs >50% POC



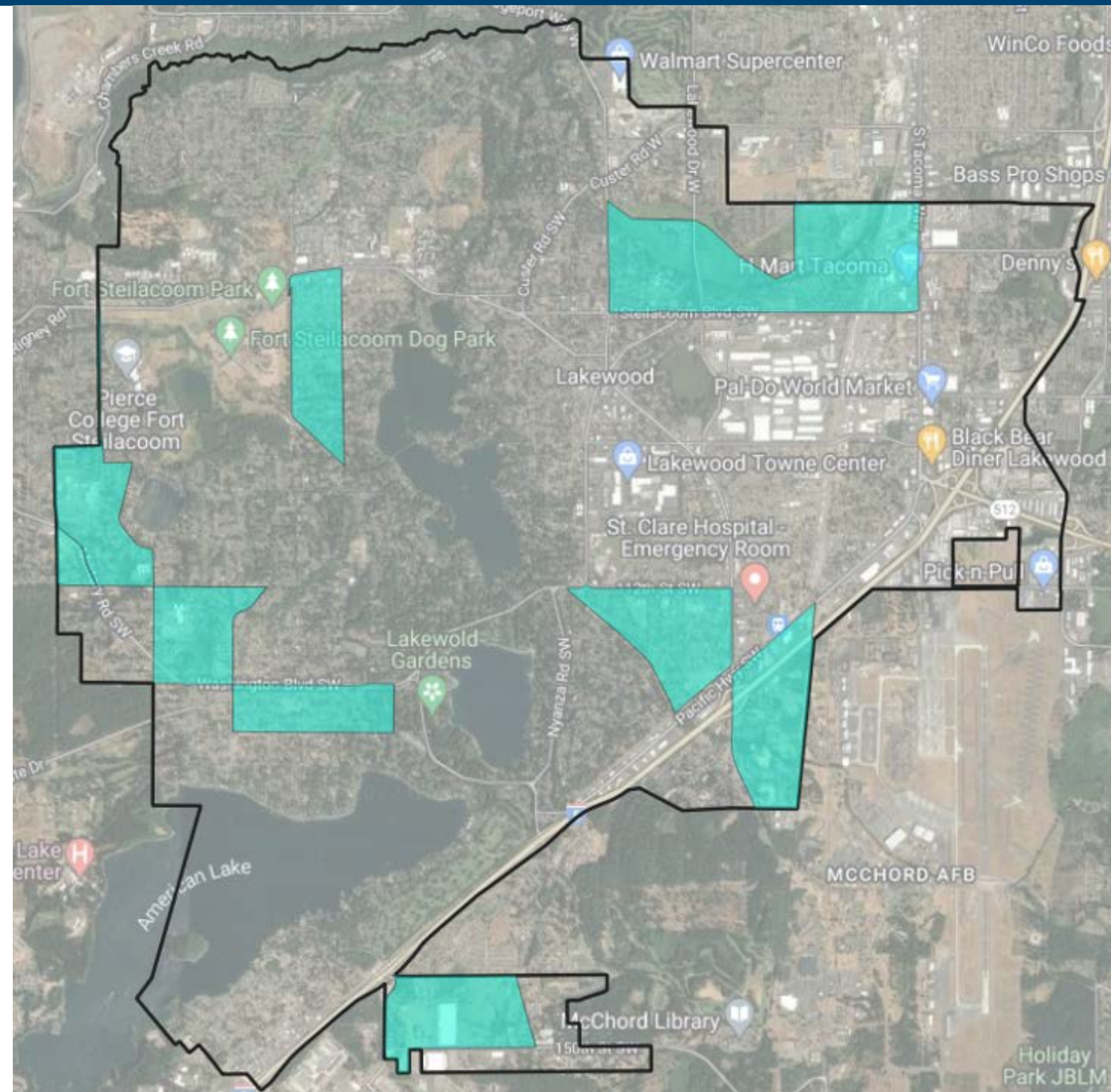
Low Employment CBGs

# Recommendations to Consider

## 40% UTC COMPOSITE MAP (DRAFT):

- Low TES
- Low UTC
- High Temp
- High PPA
- High POC
- Low Employment

Legend:  
TES - Tree Equity Score  
UTC - Urban Tree Canopy  
PPA - Potential Planting Area  
POC - Persons of Color



# Recommendations to Consider

## Potential Canopy Goal Planting Priorities and Impacts

### Scenario 1: 40% UTC

- Raises all Zoning Class UTC's
- UTC increases range from 4% (Clear Zone) to 56% (Open Space)
- Canopy acres range from 812 acres (Residential) to 0.2 acres (Clear Zone)
- 1,484 total acres needed = \$583k in added benefits annually
- 26% to 40% UTC in 25 years

Zoning (Consolidated) Abbr.	2011-2019 Canopy Change %	Existing Canopy %	Modeled Canopy %	Net Canopy Growth %	Canopy Acres Needed	Annual Added (Net) Eco-Benefits (\$)
Air Corridor	1.3%	17.0%	21.5%	4.5%	27	\$10,481
CBD	1.3%	11.1%	12.0%	0.9%	3	\$1,244
Clear Zone	0.9%	3.2%	3.6%	0.4%	0.2	\$83
Commercial	0.5%	8.7%	12.7%	3.9%	35	\$13,791
Industrial	-0.9%	12.1%	13.9%	1.8%	14	\$5,517
Military	7.3%	28.5%	31.8%	3.3%	1	\$335
Mixed-Multi	0.9%	21.4%	28.8%	7.4%	82	\$32,334
Residential	0.9%	34.3%	50.2%	15.9%	812	\$319,255
Open Space	-1.0%	34.4%	55.9%	21.5%	318	\$124,969
Public	0.6%	18.1%	41.3%	23.1%	181	\$71,133
ROW	-4.1%	4.6%	16.6%	11.9%	10	\$3,852
<b>TOTALS</b>	<b>0.48%</b>	<b>26%</b>	<b>40%</b>	<b>14%</b>	<b>1484</b>	<b>\$582,995</b>

For Presentation: Goal Scenario #1

	Metric	City & Public Led	City-Led
<b>3-Year Goal: 27% by 2025</b>	Existing Canopy % (2019)	26%	26%
	Canopy Goal % (2025)	27%	27%
	Total New Acres Added	75	37
	Benefits Added per Year	\$19,710	\$9,855
	Total Benefits Added	\$59,131	\$29,565
<b>8-Year Goal: 30% by 2030</b>	Existing Canopy % (2026)	27%	27%
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	Total New Acres Added	337	169
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	Total Benefits Added	\$266,924	\$133,462
<b>18-Year Goal: 35% by 2040</b>	Existing Canopy % (2031)	30%	28%
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	Total New Acres Added	562	281
	# of Trees per Year	2,462	1,231
	Total Benefits Added	\$444,873	\$222,437
<b>25-Year Goal: 40% by 2047</b>	Existing Canopy % (2036)	35%	31%
	Canopy Goal % (2047)	40%	33%
	Total New Acres Added	562	281
	Benefits Added per Year	\$63,553	\$31,777
	Total Benefits Added	\$444,873	\$222,437
<b>TOTALS</b>	Existing Canopy % (2019)	26.3%	26.3%
	Canopy Goal % (2047)	40%	33%
	Total New Acres Added	1,536	768
	Benefits Added per Year (avg)	\$45,284	\$22,642
	Total Benefits Added	\$1,215,801	\$607,901
	Square Miles of Canopy	2.4	1.2

For Presentation: Goal Scenario #2

	Metric	City & Public Led	City-Led
<b>3-Year Goal: 26.5% by 2025</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2025)	26.5%	26.42%
	Total New Acres Added	18	9
	Benefits Added per Year	\$4,881	\$2,441
	Total Benefits Added	\$14,643	\$7,322
<b>8-Year Goal: 28% by 2030</b>	Existing Canopy % (2026)	27%	26.42%
	Canopy Goal % (2030)	28%	27%
	Total New Acres Added	169	84
	Benefits Added per Year	\$26,692	\$13,346
	Total Benefits Added	\$133,462	\$66,731
<b>18-Year Goal: 30% by 2040</b>	Existing Canopy % (2031)	28%	27%
	Canopy Goal % (2035)	30%	28%
	Total New Acres Added	225	112
	Benefits Added per Year	\$17,795	\$8,897
	Total Benefits Added	\$177,949	\$88,975
<b>25-Year Goal: 35% by 2047</b>	Existing Canopy % (2036)	30%	28%
	Canopy Goal % (2047)	35%	30.67%
	Total New Acres Added	562	281
	Benefits Added per Year	\$63,553	\$31,777
	Total Benefits Added	\$444,873	\$222,437
<b>TOTALS</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2047)	35%	30.67%
	Total New Acres Added	974	486
	Benefits Added per Year (avg)	\$28,230	\$14,115
	Total Benefits Added	\$770,927	\$385,465
	Square Miles of Canopy	1.5	0.8

For Presentation: Goal Scenario #3

	Metric	City & Public Led	City-Led
<b>3-Year Goal: 26.5% by 2025</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2025)	26.5%	26.42%
	Total New Acres Added	18	9
	Benefits Added per Year	\$4,881	\$2,441
	Total Benefits Added	\$14,643	\$7,322
<b>8-Year Goal: 27% by 2030</b>	Existing Canopy % (2026)	26.5%	26.42%
	Canopy Goal % (2030)	27%	26.67%
	Total New Acres Added	56	28
	Benefits Added per Year	\$8,897	\$4,449
	Total Benefits Added	\$44,487	\$22,244
<b>18-Year Goal: 29% by 2040</b>	Existing Canopy % (2031)	27%	27%
	Canopy Goal % (2035)	29%	27.70%
	Total New Acres Added	225	112
	Benefits Added per Year	\$17,795	\$8,897
	Total Benefits Added	\$177,949	\$88,975
<b>25-Year Goal: 30% by 2047</b>	Existing Canopy % (2036)	29%	28%
	Canopy Goal % (2047)	30%	28.20%
	Total New Acres Added	112	56
	Benefits Added per Year	\$12,714	\$6,357
	Total Benefits Added	\$89,001	\$44,501
<b>TOTALS</b>	Existing Canopy % (2019)	26.30%	26.30%
	Canopy Goal % (2047)	30%	28.20%
	Total New Acres Added	411	205
	Benefits Added per Year (avg)	\$11,072	\$5,536
	Total Benefits Added	\$326,080	\$163,042
	Square Miles of Canopy	0.6	0.3

## Attachment B: Redline Options for Key Issues 1-4 and 8-9

The Lakewood City Council established Resolution 2021-15 to form the Tree Advisory Board Ad Hoc Committee for the purpose of reviewing the existing regulations found in Title 18A, Chapter 70, Article III of the Lakewood Municipal Code. This attachment includes proposed redline options for consideration based on the recommendation of the Tree Advisory Board Ad Hoc Committee, as well as additional options based on feedback from the Planning Commission, City staff, community members, and consultant input.

Of the 12 Key Issues discussed during the Ad Hoc Committee meetings, this attachment includes Key Issues 1-4 and 8-9. The remaining Key Issues, 5-7 and 10-12, will be covered in the next Planning Commission packet to be prepared for the next meeting. The redlines are formatted as follows:

- Proposed add: Proposed addition of text is indicated in red color with underline.
- Proposed delete: ~~Proposed deletion of text is indicated in red color with strikethrough.~~

### KEY ISSUE 1- TREE CANOPY

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If the City of Lakewood establishes a citywide tree canopy goal, it is appropriate for the goal to be included in the Comprehensive Plan and supporting municipal code sections. Currently, the Comprehensive Plan outlines one goal and three policies to specifically support urban forestry, along with other policies promoting air quality and trees (outlined below). In the municipal code, *Article III. Tree Preservation* does not currently contain tree canopy as a unit of measure for tree preservation standards. However, the code states that City Tree Funds may be used for the purpose of monitoring the tree canopy (see below).

### EXISTING LANGUAGE RELATING TO URBAN FORESTRY AND/OR TREE CANOPY

#### *Lakewood Comprehensive Plan Goals and Policies*

##### 3.12.6 Urban Forestry

- GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree coverage throughout the City.
- Policies:
  - LU-60.1: Establish an urban forestry program for the City.
  - LU-60.2: Promote planting and maintenance of street trees.
  - LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.

##### 3.12.11 Air Quality

- GOAL LU-63: Meet federal, state, regional, and local air quality standards through coordinated, long-term strategies that address the many contributors to air pollution.
- Relevant Policy:
  - LU-63.2: Ensure the retention and planting of trees and other vegetation to promote air quality.

## 8.5 Emergency Management

- GOAL PS-7: Protect the community through a comprehensive emergency management program.
- Relevant Policy:
  - S-7.10: Expand Lakewood’s street tree system by adding low maintenance trees, including native species, to alleviate greenhouse gas emissions.

### *Lakewood Municipal Code*

#### Article III. Tree Preservation

##### 18A.70.330 City Tree Fund.

- B. *Funding Purposes.* The City shall use money received pursuant to this section for the following purposes:
5. Implementation of a tree canopy monitoring program;

### **OPTION 1 - KEEP EXISTING LANGUAGE**

Do not establish citywide tree canopy goals and do not add standards to achieve citywide tree canopy goals.

### **OPTION 2 - REVISE COMPREHENSIVE PLAN AND MUNICIPAL CODE TO ESTABLISH A 40% CANOPY GOAL PER AD HOC COMMITTEE RECOMMENDATIONS**

### *Lakewood Comprehensive Plan Goals and Policies*

#### 3.12.6 Urban Forestry

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

Policies:

- LU-60.1: Establish an urban forestry program for the City.
- LU-60.2: Promote planting and maintenance of street trees.
- LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.
- **LU-60.4: Work towards a citywide goal of 40% tree canopy cover by the year 2050.**

### *Lakewood Municipal Code*

#### Article III. Tree Preservation

##### 18A.70.300 Purpose.

This article promotes citywide 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 is an essential strategy for meeting Lakewood’s citywide goal of 40% tree canopy cover by the year 2050.** 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.

## **OPTION 3 - REVISE COMPREHENSIVE PLAN AND MUNICIPAL CODE TO ESTABLISH A 35% CANOPY GOAL**

### *Lakewood Comprehensive Plan Goals and Policies*

#### 3.12.6 Urban Forestry

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

Policies:

- LU-60.1: Establish an urban forestry program for the City.
- LU-60.2: Promote planting and maintenance of street trees.
- LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.
- LU-60.4: Work towards a citywide goal of 35% tree canopy cover by the year 2050.

### *Lakewood Municipal Code*

#### Article III. Tree Preservation

##### 18A.70.300 Purpose.

This article promotes citywide 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 is an essential strategy for meeting Lakewood's citywide goal of 35% tree canopy cover by the year 2050. 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.

## **FISCAL IMPACT**

The City will be required to maintain GIS inventories of the existing tree canopy citywide to track progress in meeting the goal. The Comprehensive Plan already identifies a policy to establish an urban forestry program for the City. If such a program were set up, that program could track this goal and progress in voluntary measures and results of the City's tree protection regulations and permitting.

## **KEY ISSUE 2: SINGLE FAMILY RESIDENTIAL EXEMPTION**

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### **EXISTING CODE LANGUAGE**

#### 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.

#### 18A.70.320 Significant tree preservation.

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

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

## **OPTION 1- KEEP EXISTING CODE LANGUAGE**

No changes to existing code language.

## **OPTION 2- REVISE CODE PER AD HOC COMMITTEE RECOMMENDATIONS**

### **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.~~

### **18A.70.320 Significant tree preservation.**

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

1. *Perimeter Trees.* All significant trees within twenty (20) feet of the lot perimeter or required buffer, whichever is greater, shall be preserved; except that significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Director. ~~This requirement shall not apply to single-family residential lots less than seventeen thousand (17,000) square feet in size, where no specific tree preservation is required.~~
2. *Interior Trees.* A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.
  - a. For new single-family residential development including a single-family dwelling on an individual lot, multifamily residential development, and public/quasi-public



institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.

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

### **OPTION 3- REVISE CODE TO EXEMPT LOTS LESS THAN 10,000 SQ. FT.**

#### **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~~ ten thousand (~~17,000~~ 10,000) 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.

#### **18A.70.320 Significant tree preservation.**

- D. *Preservation Criteria.* All significant trees shall be preserved according to the following criteria:
  3. *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~~ ten thousand (~~17,000~~ 10,000) square feet in size, where no specific tree preservation is required.
  4. *Interior Trees.* A percentage of all significant trees within the interior of a lot, excluding the perimeter area, shall be preserved within the applicable zoning district.
    - a. For new single-family residential development including a single-family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.
    - b. For new residential subdivisions where the proposed lot size is greater than ~~seventeen~~ ten thousand (~~17,000~~ 10,000) 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~~ ten thousand (~~17,000~~ 10,000) square feet, no specific tree preservation is required.

### **FISCAL IMPACT**

Additional permitting would require additional staff time allocated. There are 9,968 lots currently exempt, and there would be 5,106 lots exempt if the exemption is reduced to lots less than 10,000 square feet. Potential staff time is projected to be increase to almost one FTE depending on the number of lots

impacted<sup>1</sup>. The City could require tracking of some trees that are considered native and important for habitat, e.g., Garry Oaks and not for all trees should it partially modify exemption levels.

## **KEY ISSUE 3: INDUSTRIAL EXEMPTION**

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### **EXISTING CODE LANGUAGE**

#### **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.

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

### **OPTION 1- KEEP EXISTING CODE LANGUAGE**

No changes to existing code language.

### **OPTION 2- REVISE CODE PER AD HOC COMMITTEE RECOMMENDATIONS**

#### **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.

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

### **OPTION 3- REVISE CODE TO FORMER VERSION (PRIOR TO 2020 ADOPTION)**

#### **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.

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

#### **18A.70.320 Significant tree preservation.**

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

<sup>1</sup> Redmond, Washington has a population of over 65,000 and about 17.24 square miles, similar to Lakewood's 63,600 population and 17.06 square miles. [They process about 440 tree removal permits per year.](#) They do not charge a fee for single-family residences. They have a [fee of \\$126](#) for other types of uses. If Lakewood were to have a similar number of permits per year and each were to take on average 4 hours of review time, that would be 1,760 hours or 0.85 FTE.

- c. For commercial **and industrial** 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.

## **FISCAL IMPACT**

Additional tree permitting would require additional staff time. However, staff currently reviews all new industrial projects through the SEPA process and having tree protection standards could help clarify submittal requirements and result in more uniform review criteria. There are 264 industrial lots in Lakewood, it is anticipated that this would have a low fiscal impact due to the number of lots impacted.

## **KEY ISSUE 4: EASEMENTS AND RIGHTS OF WAY EXEMPTIONS**

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### **EXISTING CODE LANGUAGE**

#### **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.

- 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.

### **OPTION 1- KEEP EXISTING CODE LANGUAGE**

No changes to existing code language.

### **OPTION 2- REVISE CODE PER AD HOC COMMITTEE RECOMMENDATIONS**

#### **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.

- D. *Removal **or Pruning** of Trees in Association with Right-of-Way and Easements.* Tree removal **or pruning** 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.

## **FISCAL IMPACT**

Currently, public utility agencies provide notification of tree removal, but this is not further reviewed when not located in critical areas. Additional permitting would require additional staff time. It is anticipated that this would have a moderate to high fiscal impact given the number of utilities and

common maintenance activities. However, improving tree trimming and pruning requirements could improve the application of the code. Having a partial exemption may help reduce the impact, e.g. maintain the broader exemption except for Garry Oaks.

## **KEY ISSUE 8- MAXIMUM TREE REMOVAL ON SINGLE FAMILY PROPERTY**

The committee’s recommendation for this section is to maintain a specific percentage of canopy per property rather than allow a specific number of trees to be removed within one or five years. Option 2 is reflected as minimum number of shade trees required by lot area category, while Option 3 is reflected as tree units per acre. The Committee voted to require a permit for removal of significant trees from existing single-family properties and that no significant trees may be removed in critical areas or buffers, or if it is a heritage tree. Permitting will be covered in the next Planning Commission packet.

### **EXISTING CODE LANGUAGE**

#### **18A.70.320 Significant tree preservation.**

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:

<b>Maximum Tree Removal on Existing Single-Family Lots without a Permit</b>		
<b>Lot Size</b>	<b>Maximum number of significant trees allowed to be removed in 1 year without a permit</b>	<b>Maximum number of significant trees allowed to be removed in 5 years without a permit</b>
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

### **OPTION 1- KEEP EXISTING CODE LANGUAGE**

No changes to existing code language.

### **OPTION 2- REVISE CODE TO REFLECT MINIMUM NUMBER OF SHADE TREES TO MAINTAIN PER LOT SIZE CATEGORY**

#### **18A.70.320 Significant tree preservation.**

F. *Minimum Tree Canopy to Maintain on Single-Family Lots. Single-family property owners shall maintain a minimum ratio of tree canopy, based on the square footage of the lot area as indicated below. Unless modified or superseded by the Director, the following ratios of shade trees per property area shall be met:*

<b>Property Area (sq. ft.)</b>		<b>Minimum Number of Shade Trees Required</b>
<b>From</b>	<b>To</b>	
<u>1</u>	<u>6,000</u>	<u>3</u>
<u>6,001</u>	<u>12,000</u>	<u>9</u>
<u>12,001</u>	<u>20,000</u>	<u>12</u>
<u>20,001</u>	<u>25,000</u>	<u>15</u>
<u>25,001</u>	<u>40,000</u>	<u>20</u>
If the lot area exceeds 40,000 square feet, the minimum number of shade trees required must be prorated using the ratio of 20 trees per 40,000 square feet		
Shade tree means a tree of large stature that is capable of growing to 50 feet or greater in height at maturity.		

~~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:~~

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

**OPTION 3- REVISE CODE TO REFLECT MINIMUM NUMBER OF TREE UNITS TO MAINTAIN PER ACRE OF BUILDABLE AREA**

**18A.70.320 Significant tree preservation.**

- F. Minimum Tree Canopy to Maintain on Single-Family Lots. Single-family property owners shall maintain a minimum ratio of tree canopy, based on 30 tree units per acre of buildable area. Unless modified or superseded by the Director, the following ratios of tree units per acre shall be met.
- a. Units in the following table are derived from the size of a tree (measured by DBH, or diameter of the trunk taken at 4.5 feet from the base).

<b>DBH</b>	<b>TREE UNITS</b>	<b>DBH</b>	<b>TREE UNITS</b>	<b>DBH</b>	<b>TREE UNITS</b>
<u>1"-6"</u>	<u>1</u>	<u>24"</u>	<u>7</u>	<u>38"</u>	<u>14</u>
<u>6"-12"</u>	<u>1.5</u>	<u>26"</u>	<u>8</u>	<u>40"</u>	<u>15</u>
<u>14"</u>	<u>2</u>	<u>28"</u>	<u>9</u>	<u>42"</u>	<u>16</u>
<u>16"</u>	<u>3</u>	<u>30"</u>	<u>10</u>	<u>44"</u>	<u>17</u>
<u>18"</u>	<u>4</u>	<u>32"</u>	<u>11</u>	<u>46"</u>	<u>18</u>
<u>20"</u>	<u>5</u>	<u>34"</u>	<u>12</u>	<u>48"</u>	<u>19</u>
<u>22"</u>	<u>6</u>	<u>36"</u>	<u>13</u>	<u>50"</u>	<u>20</u>

~~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:~~

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

**FISCAL IMPACT**

Additional permitting would require additional staff time. This is addressed under the residential exemption.

**KEY ISSUE 9- REPLACEMENT**

**EXISTING CODE LANGUAGE**

**18A.70.320 Significant tree preservation.**

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 three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.
2. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a one and one-half to one (1.5:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided the interior tree is between nine (9) inches and twenty-four (24) inches in diameter for evergreen trees, or between nine (9) inches and thirty (30) inches in diameter for deciduous trees.
3. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:

- a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
  - b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
  - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
  - d. The tree belongs to a unique or unusual species.
  - e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.
  - f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.
4. *Off-Site Replacement.* When the required number of significant trees cannot be physically retained or replaced on site, the applicant may have the option of:
- a. The planting of the required replacement trees at locations approved by the Director throughout the City. Plantings shall be completed prior to completion of the project permit requiring tree replacement.
  - b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

**OPTION 1- KEEP EXISTING CODE LANGUAGE**

No changes to existing code language.

**OPTION 2- REVISE CODE TO REFLECT MINIMUM NUMBER OF SHADE TREES TO MAINTAIN PER LOT SIZE CATEGORY**

**18A.70.320 Significant tree preservation.**

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* for Single-Family Lots.
  - a. Single-family property owners shall maintain a minimum ratio of tree canopy, based on the square footage of the lot area as indicated below. Unless modified or superseded by the Director, the following ratios of shade trees per property area shall be met:

<u>Property Area (sq. ft.)</u>		<u>Minimum Number of Shade Trees Required</u>
<u>From</u>	<u>To</u>	
<u>1</u>	<u>6,000</u>	<u>3</u>
<u>6,001</u>	<u>12,000</u>	<u>9</u>
<u>12,001</u>	<u>20,000</u>	<u>12</u>
<u>20,001</u>	<u>25,000</u>	<u>15</u>
<u>25,001</u>	<u>40,000</u>	<u>20</u>

If the lot area exceeds 40,000 square feet, the minimum number of shade trees required must be prorated using the ratio of 20 trees per 40,000 square feet

Shade tree means a tree of large stature that is capable of growing to 50 feet or greater in height at maturity.

**2. On-Site Replacement for all Other Property Types**

1. 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.
2. Replacement trees shall be no smaller than three (3) inches in diameter at six (6) inches above ground;
3. 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 three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.
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 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.
4. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:
  - a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
  - b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
  - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
  - d. The tree belongs to a unique or unusual species.
  - e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.
  - f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.
5. *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.

### **OPTION 3- REVISE CODE TO REFLECT MINIMUM NUMBER OF TREE UNITS TO MAINTAIN PER ACRE OF BUILDABLE AREA**

#### **18A.70.320 Significant tree preservation.**

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 for Single-Family Lots.*
  - a. Single-family property owners shall maintain a minimum ratio of tree canopy, based on 30 tree units per acre of buildable area. Replacement trees are worth 1 tree unit unless modified or superseded by the Director. To maintain tree density, the property owner is required to submit a replacement plan meeting the tree density requirement.
2. *On-Site Replacement for all Other Property Types*
  - 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 three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.
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 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.
4. Each significant tree that is located interior to the twenty (20) foot perimeter area, and which is in excess of the fifty (50) percent of significant trees that are required to be retained, may be credited towards replacement on a two to one (2:1) basis of the total diameter inches for any perimeter trees required to be removed for development, provided it meets one of the following criteria:
  - a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
  - b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
  - c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
  - d. The tree belongs to a unique or unusual species.

- e. The tree is located within twenty-five (25) feet of any critical area or required critical area buffers.
  - f. The tree is eighteen (18) inches in diameter or greater and is identified as providing valuable wildlife habitat.
5. *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.

## **FISCAL IMPACT**

Addressing the canopy percentages and mitigation/replacement standards would require updates to submittal requirements and increase the application material, but may result in greater achievement of tree protection goals and provide for some flexibility in design if there is a no-net-loss standard. The cost to review different permit types described above would likely apply here.

# Tree Advisory Committee Report

## Introduction

The Ad Hoc Committee is charged with serving as a sounding board to the Planning Commission and City Council, and with developing a report that reviews the Tree Protection Code and that is based on a work plan approved last fall per the Resolution 2021-15 (see Attachment A Report Guidance):

- Section 1. The formation of a Tree Advisory Ad Hoc Committee for the purpose of reviewing the existing regulations found in Title 18A, Chapter 70, Article III of the Lakewood Municipal Code.
- Section 2. The work plan for the committee shall be consistent with the approved scope of work attached to the professional services agreement for BERK consulting approved on November 15, 2021 via Motion No. 2021-92 which states, “is anticipated that the committee would serve as a sounding board and provide advice and input to the Planning Commission and City Council.”

The work plan includes: a tree canopy situation assessment and a tree code evaluation. The situation assessment includes a tree canopy baseline, disaggregation by zoning, and historic analysis to assist with an equity analysis, tree canopy goals, and tree preservation code options. The tree code evaluation focuses on Title 18A, Chapter 70, Article III. It also includes best practices identification and benchmarking from example jurisdictions. The effort includes coordinating changes with Comprehensive Plan policies and with other city regulations such as critical areas; these may be addressed in the following docket as appropriate.

The Ad Hoc Committee was seated in February 2022 and in March and April reviewed material from the consultant team (BERK and PlanIT GEO). The Committee also reviewed comments and information submitted by members of the committee and members of the public and other agencies (e.g., state, utilities, etc.). As engagement activities occurred in parallel (e.g., survey, tree talk meeting, targeted interviews), results were shared.

This report summarizes the key issues and consensus votes made by the Committee through its final meeting on April 28, 2022. It is organized by the Tree Preservation Code sections (see Attachment B). Committee recommendations will guide the Tree Code amendment recommendations and associated Comprehensive Plan policies and related code changes (e.g., critical areas) that will be shared with .

## Article III. Tree Preservation

### 18A.70.310 Tree removal applicability/exemptions.

#### ***Key Issue #1: Tree canopy environmental quality and equity.***

Set a tree canopy goal to provide landscape level information about tree extent in public and private lands and by zoning district to assist with tree preservation code options (e.g., protection, permitting, and replanting) and to consider equity.

**Information:** Lakewood has a citywide tree canopy cover estimated at 26% as of 2019. About 72% is located on private land. Setting a tree canopy goal can help with identifying priorities for preservation, considering effect of code standards by zone, areas underserved where tree canopy can be added, etc.

Relevant plans, policies, and information include:

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

- LU-60.2: Promote planting and maintenance of street trees.
- LU-60.3: Provide for the retention of significant tree stands and the restoration of tree stands within the City.
- LU-63.2: Ensure the retention and planting of trees and other vegetation to promote air quality.
- **Resolution 2021-05** commits the City to practices of equity including “Ensuring equity in municipal planning.”
- **Lakewood Tree Canopy Assessment** and potential goals, values, and phasing, shared in consultant presentations on March 15 and March 29, 2022
  - [3/15/2022](#)
  - [3/29/2022](#)
- **Literature**
  - Declining urban and community tree cover in the United States, 5 April 2018, by David J. Nowak\*, Eric J. Greenfield USDA Forest Service, Northern Research Station, 5 Moon Library, SUNY-ESF, Syracuse, NY 13210, United States.  
[https://www.fs.fed.us/nrs/pubs/jrnl/2018/nrs\\_2018\\_nowak\\_005.pdf](https://www.fs.fed.us/nrs/pubs/jrnl/2018/nrs_2018_nowak_005.pdf)
- **Community comments** showed interest in tree canopy goals for equity and environmental purposes and others thought that a focus should be on the code evaluation itself.

**Options:** Set Tree Canopy Goal and phasing to achieve it. Consider integrating or referencing it in the City Comprehensive Plan.

1. 40% - recommended by consultants as a long-term goal to strive for
2. 35%
3. Other (e.g., No Net Loss)

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor (8-1) to recommend the City establish a 40% canopy goal by 2050.

The discussion included the benefit of setting interim goals ahead of 2050.

### **Key Issue #2: Residential lots exemption**

Lots of less than seventeen thousand (17,000) square feet in single-family residential zones are exempt. Residential zones have the greatest share of tree canopy cover in the city. A large portion of lots is below the exemption level and would not be subject to the code.

**Information:** The Committee reviewed information from the consultant, and community comments.

- **Lakewood Tree Code Evaluation**, shared in consultant presentations: [3/15/2022](#)
- **Community Comments** were concerned about the loss of canopy in Lakewood with some identifying residential areas

**Options:** The following options were presented with information or were based on Committee discussions.

1. Retain 17,000 square foot residential lot exemption.
2. Amend to set it at 10,000 square feet residential lot exemption to consider average lot sizes by zone and reduce the number of lots exempt.
3. Remove the lot-size based residential exemption.

4. Remove the lot-size based residential exemption together with incentives to make it easier to retain trees. **[See Key Issue #12]**

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 4 (8-1).

### **Key Issue #3: Industrially zoned properties**

Since 2019, industrially zoned properties have been exempted from the tree protection code, except where specific tree preservation is required as a mitigation measure under SEPA.

**Information:** Industrial zoned properties contain about 3% of the citywide tree canopy. About 12.1% of the zoning district has tree canopy. Since 2010 this zone had a near 1% loss of tree canopy.

Consultant information – share of tree canopy in industrial zone:

- [3/15/2022](#)
- [3/29/2022](#)

There have been permit applications for industrial buildings that have been reviewed under SEPA regarding impacts to trees including Garry Oaks, a native tree considered part of fish and wildlife habitat conservation areas under the critical areas regulations. Permits reviewed have engendered public comments and appeals. Some permit appeal information and examples of the loss of trees have been shared with the Committee through public comment.

**Options:** Options under consideration include:

1. Retain the current industrial zoned property exemption and rely on SEPA.
2. Remove the industrial zoned property exemption.
3. Remove the industrial zoned property exemption together with incentives to make it easier to retain trees. **[See Key Issue #12]**

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 3 (9-0).

### **Key Issue #4: Easements and Rights of Way**

**Information:** The current code exempts tree removal in easements in rights of way for purposes of installing and maintaining infrastructure (e.g., power, gas, water, sewer, stormwater), provided there is notification to the City. The tree canopy assessment found a net loss over 10 years of trees in rights of way. Rights of way are an opportunity to add tree canopy in appropriate locations.

Consultant information – share of tree canopy in rights of way:

- [3/29/2022](#)

Stakeholder interviews with Lakewood Public Works and Lakeview Power and Light indicate:

- To maintain infrastructure tree maintenance (trimming, limbing) is needed. The utilities don't remove trees unless unhealthy/unsafe. The agencies obtain expertise to help determine health and safety (e.g., arborist). Selecting appropriate tree types can support appropriate maintenance for utility function and health and safety.

**Options:** Options under consideration include the following as amended with Committee discussion:

1. Retain exemption with notification. Redefine trimming and pruning for code interpretation/enforcement. Address all tree types.
2. Remove exemption and meet similar standards as on private or public parcels, but provide for simple permit (e.g., affidavit or self-certification, meet code criteria see Key Issue #5). Redefine trimming and pruning for code interpretation/enforcement; address all tree types but ensure Garry Oaks have appropriate standards (e.g. Oak Harbor). Ensure appropriate arborist certifications for private or public entities, considering expertise and equity.

3. Other.

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 2 as amended (9-0).

### 18A.70.320 Significant tree preservation.

**Key Issue #5: Set up tree permit process**

**Information:** Section 18A.70.320.A refers to tree requirements being reviewed in association with land use permits. Currently, the City does not have a separate tree permit to implement the tree protection regulations. Thus, the City is not able to fully track the removal of trees especially of exempt activities. Some cities offer two levels of permits: 1) tree permits for non-exempt activities and 2) forms demonstrating compliance for exempt activities; these may include affidavits that required conditions are met (e.g., self-certification), notification or tree removal request form, or an over-the counter permit. See examples with the City of [Olympia](#), [Kirkland](#), [Sammamish](#). Costs for tree permits are relatively low compared to other types of land use permits. However, they could be disincentives to seek permits or a cost burden on individual property owners.

**Options:** Options for permit process improvements include the following as amended by Committee discussion:

**Exhibit 1. Tree Permit Options**

Option	Charge Fee: Recover Costs	No Fee or Sliding Scale
1. <del>Review non-exempt activities for compliance with tree protection regulations in association with land use permits. (The City does have a separate tree permit.)</del>		
2. Review non-exempt activities for compliance with tree protection regulations with a tree permit, regardless of whether there is a land use permit or not.	<u>\$150 per tree</u>	<u>Do sliding scale</u>
3. Track exempt activities through self-certification ( <u>if they complete activity, like tab</u> ), notification, or other simple process ( <u>e.g. reduce complexity of the submittal</u> ).		
4. <u>Keep Permits Fair, Inexpensive and Simple, except for Garry Oaks which require review and monitoring by arborist.</u>	Recommended	

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 4 (9-0).

**Key Issue #6: Significant tree definition and critical areas – Garry Oaks**

**Information:** Section 18A.70.320 sets for the significant tree preservation standards for any deciduous or evergreen tree at 9” diameter, or for Garry Oaks with a diameter of 6”, measured at 4.5 feet above the ground. Garry oak stands are protected in LMC Chapter 14.154, Fish and Wildlife Habitat Conservation Areas.

The consultant team has shared state definitions and example codes, including: [4/12/2022](#) | [4/26/22](#).

Literature referenced has included Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands, 1998, available: <https://wdfw.wa.gov/publications/00030>.

Public comments have referenced the importance of Garry Oaks to Lakewood's environment/wildlife habitat and community identity. Concerns have been raised about the loss of Garry Oaks due to exemptions and new residential or industrial development. Environment/habitat values were also referenced in general in survey results.

Example jurisdictions generally cite significant tree sizes for Garry Oaks ranging from 6-12 inches diameter breast height (DBH). Plan-IT GEO staff have noted that it is reasonable throughout the industry to protect trees starting at 4" when it is appropriate for the species characteristics (i.e., growth rate and significance).

WDFW is considering updating its management recommendations originally written in 1998.

**Options:** Based on the information summarized, and Committee discussions, following are potential options for consideration.

1. Retain current tree protection threshold of a significant tree at 6" DBH threshold for Garry Oaks. Retain the current critical areas regulations that focus on state priority habitat definitions of oak tree stands. Use the SEPA process to require studies to determine fish and wildlife habitat quality and mitigation as needed for individual trees on a case by case basis.
2. Develop a tiered system of protection:
  - a. Retain 6" DBH threshold for Garry Oaks as significant trees. Require that any removal requires an arborist report with a certified plan, including 3:1 replacement ratio of Garry Oak Trees or in-lieu payment into the tree fund. Recommend that Lakewood create an off-site replacement strategy.<sup>1</sup>
  - b. Specify the size and quality of individual Garry Oaks that would qualify as heritage trees, e.g., 15" with greater tree protection standards. Additional standards would include that a request for removal or trimming must be accompanied by a certified arborist report with an arborist's certified plan demonstrating that alteration or removal is necessary for health and safety, or infrastructure operation, or protection of existing buildings, or necessary to accomplish reasonable use of property per state law.<sup>2</sup> If such trees qualify as critical areas per "c" additional procedures or mitigation may be identified.
  - c. Specify criteria that any single Garry Oak tree 20"+ or white oak stands in which the oak trees have an average diameter at breast height of 15 inches or more regardless of stand size qualify as a fish and wildlife habitat conservation area [**LMC Chapter 14.154**] to provide clarity and consistency. This would mean review under critical area rules and would require a reasonable use exception. These standards are similar to Pierce County standards and informed by WDFW management criteria for Oregon White Oak Woodlands.<sup>3</sup>
3. Similar to Option #2 but the threshold for significant trees would be 4" DBH threshold.

<sup>1</sup> Based on discussions with Pierce Conservation District staff, some locations for oak tree enhancement or restoration are located in Lakewood and Tacoma.

<sup>2</sup> This is similar to Oak Harbor regulations.

<sup>3</sup> Pierce County: Critical area regulations recognize single oaks or stands of oaks smaller than one acre in size when any of the following criteria are met: (1) Individual trees having a diameter at breast height of 20 inches or more; or (2) Oregon white oak stands in which the oak trees have an average diameter at breast height of 15 inches or more regardless of stand size. This appears similar to WDFW guidance on oak restoration. See [1998 Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands](#), Page 23: Recommendation. Large oaks (>50 cm dbh [20 in]), medium oaks (>30 cm dbh [12 in]), older oaks, and oaks with well formed, dominant crowns, should be retained wherever oak enhancement activities occur. Very large oaks are rare and should be retained at the cost of efficient oak regeneration directly under their canopies.

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 3 (9-0).

**Key Issue #7: Heritage Tree/ Historical Tree**

**Information:** To recognize longstanding trees in the community and their cultural and environmental importance, the City could develop a heritage tree program. Other cities in the region that have such programs include [Puyallup](#), [Lacey](#), [Tumwater](#), [Poulsbo](#). The example programs apply higher protection standards (e.g., stricter avoidance or replacement ratios) or offer recognition, incentives, or education to exceptionally large or old trees.

**Options:** Options under consideration by the Committee include:

1. Develop a Heritage Tree/Historical Tree Program to recognize valuable and irreplaceable trees and offer incentives to property owners that participate.
2. Do not set up such a program. Rely on regulations of significant trees and critical areas to address functions and values of trees.

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 1 to set up a program (9-0). The importance of education regarding heritage trees was discussed.

**Key Issue #8: Maximum Tree Removal on Developed Single Family Properties.**

**Information:** Based on a review of example jurisdictions, a maximum limit of trees may be allowed. However, with no residential exemption and a permit requirement, the permitting process will be greatly improved and will move the emphasis towards protection of healthy trees rather than allowance of a certain number of trees per year.

Some states provide guidance or specific requirements for tree removal in municipalities:

- <https://www.treeremoval.com/tree-removal-regulations-by-state/#.YlnKhOjMK5c>

Considering jurisdictions that have been reviewed to date based on population size, square miles, or location, following are a range of standards.

[Lacey](#)

- A residential property owner can remove up to five trees during a three-year period provided the required minimum ratio of four trees per each 5,000 square feet. This exemption does not apply to historical/heritage trees or in critical areas.

[Olympia](#) (OMC Chapter 16.60)

- Developed Single-Family <2 acres: Removal of trees and other vegetation allowed as long as the minimum required tree density is maintained and provided in all situations trees to be preserved include: landmark/specimen trees, trees in buffer, significant wildlife habitat.
- Developed Single-Family 2+ acres. On developed single-family and multifamily (up to 4 units), can remove trees and other vegetation within 125' of the residence or other buildings, provided in all situations trees to be preserved include: landmark/specimen trees, trees in buffer, significant wildlife habitat.

[Renton](#)

- Except within critical areas, a certain number of trees are allowed to be removed annually with a maximum set within 5 years before a routine vegetation management permit is required. The number depends on lot sizes. Up to 10,000 SF (2 per year up to max of 4 in 5 years); 10,001 -20,000 SF (3 per year up to max. of 6 in 5 years); 20,001 SF+ (6 per year up to 12 max. in 5 years).



- Note: This is similar to Lakewood’s current regulations except that Lakewood exempts all tree removal on lots less than 17,000 SF. From 17,001 -30,000 SF 2 significant trees may be removed per year up to 4 max. in 5 years. 30,001 SF+ 4 may be removed per year up to 8 in 5 years. These exemptions do not apply in critical area buffers.

**Sammamish**

- A permit to remove a healthy significant tree is required. A significant tree is defined as a coniferous tree with a diameter of eight (8) inches or more DBH1 or a deciduous tree with a diameter of twelve (12) inches or more DBH that is noninvasive and in a healthy condition.

**Options:** Consider the following options for non-Garry Oak trees. Garry oaks would be regulated per #6.

**Exhibit 2. Tree Replacement Options**

Option	Non-Garry Oak	Recommended (Yes, No)
1	Allow a specific (maximum) number of trees to be removed per year per property. Relate the number of significant trees that can be removed to lot size annually and over 5 years: Up to 30,000 SF, 2 per year max. 4 in 5 years; over 30,000 SF, 4 per year up to 8 max. in 5 years. No significant trees may be removed in critical areas/buffers or if a heritage tree. Require a permit.	
2	Property owner must provide justification for removal of any significant tree. No significant trees may be removed in critical areas/buffers or if a heritage tree. Require a permit.	
3	Maintain a specific <del>(minimum) number</del> or percentage of trees <u>canopy</u> per property. No significant trees may be removed in critical areas/buffers or if a heritage tree. Require a permit.	Yes

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 3 as amended (9-0).

**Key Issue #9: Replacement**

**Information:** Replacement ratios can help achieve mitigation, but it is also important to ensure there is the “right tree right place” so they live long healthy lives.

It is recommended that mitigation requirements prioritize protection of existing trees first, then on-site mitigation, then off-site mitigation, then in-lieu of fees. See memo provided with Ad Hoc Committee information with ISA Guidelines and other examples provided with the April 26, 2022 packet. In summary,

ISA Guidelines for Developing and Evaluating Tree Ordinances: Mitigating for tree loss  
<https://ufmptoolkit.net/two/inventories-assessments/isa-guidelines-for-developing-and-evaluating-tree-ordinances/>

Overview of mitigation tactics (Page 171)

Provisions that seek to protect either individual trees (provisions 30, 31) or stands of trees (provision 32) normally require mitigation as a condition for approving destruction of, or damage to, tree or woodland/forest resources.

Essentially all mitigation is based on the following two measures:

1. Protect existing trees or woodland/forest resources
2. Plant new trees (this may include more general restoration of woodland/forest ecosystems)

Relative to the parcel or project area where tree removal occurs, mitigation measures can be implemented at one or both of the following locations:

- A. On site
- B. Off site

Recommendations (pages 176-177)

1. Allow for the full range of mitigation options (on and off site, protection and planting, in lieu fees) to provide flexibility to deal with a range of different permit situations.
2. Permitting authority should have the option to select and/or approve appropriate mitigation options (including a combination of tactics) based on the local government's management goals and priorities, and the particular circumstances of each project.
3. Trees or woodland/forest resources maintained by the applicant will need to be monitored by the local government to ensure and enforce compliance. The ordinance should expressly provide this authority.
4. Fees charged should be sufficient to provide for ongoing monitoring and maintenance, including eventual replanting. If direct mitigation by applicant is allowed, additional fees may be necessary to provide for monitoring, maintenance, and enforcement.

Mitigation ratios should be designed to ensure at least 1 successful new tree for each tree removed, with a replacement species that has a similar mature canopy spread and maintaining canopy in perpetuity.

Currently, the City of Lakewood requires a ratio of 2:1 [replacement for significant trees](#) and any other existing healthy trees (not significant) to be replaced at a 1:1 ratio. There is no difference in replacement ratio for Garry Oak versus other tree types.

**Options:** Based on current standards and best practices following are options:

1. Mitigation for tree removal should be based on inches removed (caliper and number of trees required to be planted is based on number and size of trees removed) based on best management practices, and by tree type, e.g., native trees and species' need.
2. Mitigation should be based on no-net-loss (caliper and number of trees required to be planted is based on canopy % lost and/or ecosystem benefits lost). A certified arborist report must determine no-net loss conditions and mitigation to ensure this approach can be clearly regulated. Encourage tree planting of trees with significant canopy if tree removal is necessary.

**Ad Hoc Committee Consensus Vote:** The Committee voted in favor of Option 2 as amended (9-0).

## 18A.70.330 City Tree Fund.

### **Key Issue #10: City Tree Fund Clarity.**

**Information:** Lakewood has identified a [City Tree Fund](#). Currently the City requires that restoration/settlements *in lieu of penalties*, as well as donations and grants go into the fund. Uses of the fund are varied and include acquiring/maintaining/preserving wooded areas, planting and maintaining

trees, providing a public tree nursery, education, monitoring, research, or other purposes. Other cities with similar funds include: Lacey, Olympia, Tacoma, Renton.

An option would be to specify that permit fees for removal and violation enforcements go into the fund. Also, restoration or enhancement of native trees like Garry Oaks could be specifically added.

**Options:** The City Tree Fund could be further strengthened or clarified with one or more options:

1. Allow the City to use tree permit fees and penalties to go into the fund.
2. Add an explicit funding purpose to include restoration or enhancement of native trees like Garry Oaks, such as on public lands, private tree tracts, critical area buffers, or lands with conservation easements.
3. Both #1 and #2.

**Ad Hoc Committee Consensus Vote:** The Committee voted (9-0) to recommend Option 3, to address both tree fund options.

## 18A.20.105 Violations and enforcement.

### Key Issue #11: Fines

**Information:** The City has collected fines and deposited it in its tree fund.<sup>4</sup> The City has found that fees and fines may be reduced through court reviews. The City is seeking improved compliance, voluntary compliance, and if there is no recourse, fines that cannot be deeply reduced. Ideas to improve enforcement are illustrated in the following table, principally shared in consultant presentations on [4/5/2022](#).

### Exhibit 3. Example Enforcement Features

City	Enforcement Features
<a href="#">Lacey</a>	Determine damage and appraised value. Appeal of fine goes to Hearing Examiner. Maximum fee reduction 30%.
<a href="#">Federal Way</a>	If removal was approved but if tree was removed before final tree retention plan approval: \$100 per tree. Removal of tree without permit/City approval/removal of significant tree: \$1000/tree or marketable value.
<a href="#">Seattle</a>	Seattle triples the penalty amount for willful or malicious cutting and cutting or damaging trees in critical areas is subject to additional penalties.
<a href="#">Sammamish</a>	\$1,500 per inch of diameter at breast height of tree removed or damaged. Environment damage/critical areas violations: Up to \$25,000 plus the cost of restoration
Other Ideas	Increased permit fees or denial of future permits.

<sup>4</sup> See: <https://cityoflakewood.us/city-of-lakewood-means-business-regarding-tree-preservation/>.

**Options:** Potential options to improve enforcement include one or more:

**Exhibit 4. Enforcement Options**

Option	Recommended (Yes, No)
1. Establish a free or low cost tree permit or affidavit/over the counter review to make compliance the easy path.	Yes
2. Provide clear decision criteria on tree permits. This provides certainty in decision-making including the potential for denial.	Yes
3. Increase penalties for non-compliance, e.g., triple penalties. <u>Apply penalty to property owner and contractor individually.</u> Have an administrative appeal opportunity with a code-based percentage limit on reductions.	Yes

**Ad Hoc Committee Consensus Vote:** The Committee voted (9-0) to move forward with all three options as amended.

**Incentives for Tree Protection**

**Key Issue #12: Incentives**

**Information:** The City has multiple responsibilities under the Growth Management Act to provide for housing and employment space opportunities to meet regional growth targets while providing for critical area protection and providing for recreation/open space and public services and infrastructure. Recognizing these responsibilities, tree protection can be facilitated by making it easier to avoid trees and result in feasible developments. Consultant presentations shared city responsibilities and examples of incentives. See presentations:

- [4/5/2022](#)
- [4/12/2022](#)

Staff has identified code sections where amendments could be developed depending on the priority incentives recommended.

**Exhibit 5. Potential Code Sections where Incentives for Tree Protection Could be Considered**

Lakewood Code Section	Potential Amendment
Chapter 18A.90 Housing Incentives Program 18A.60.030 Residential area and dimensions.	Allow for density bonus or development standard modifications that encourage significant tree preservation.
18A.60.040 Commercial area and dimensions.	Allow for alternative setbacks/height in development standard table to protect significant trees.
18A.60.050 Industrial area and dimensions.	Allow for alternative setbacks/height in development standard table to protect significant trees.

Lakewood Code Section	Potential Amendment
Chapter 18A.80 Parking	Allow for alternative standards to protect significant trees, e.g., alter parking dimensional standards or rates.
Downtown: 18B.200.230 District-Wide Development Standards.	Modify density if retaining significant trees or if adding trees to urban heat island.
Downtown: 18B.700.720 Master Planned Development – Town Center Incentive Overlay.	Allow flexibility in master plan for more tree protection or addition in urban heat island.
Lakewood Station District: 18C.700.720 Optional master planned development.	Add to D.3.c – master plan includes optimal tree preservation.
Chapter 12.11, Stormwater Management	Determine potential incentives for tree retention in stormwater standards

**Options:** The Committee discussed categories and example of incentives in the following table and added some.

**Exhibit 6. Incentives for Tree Protection – Options**

Description	Recommended Incentive (Yes, No)
1. Allow for variable building setbacks, parking ratios or design standards, landscape width (e.g., in lot perimeter or parking area), and onsite open space (i.e., onsite recreation space in multifamily development) standards for Garry Oak Preservation	Yes
2. Provide bonus density for greater significant tree protection, based on a graduated scale of preservation (more density for greater preservation)	Yes
3. Provide bonus height if more significant trees or are preserved, based on a graduated scale of preservation	Yes
4. Offer municipal stormwater credit programs	Yes
5. Land Use Permit fee discount for Tree Preservation	Yes
6. Develop a Tree City USA Program	Yes
7. <u>Incentive for planting more large canopy trees, and allowing them to grow. Utilize native trees where appropriate.</u>	Yes
8. <u>Other incentives that reflect best practices.</u>	Yes

**Ad Hoc Committee Consensus Vote:** The Committee voted to move forward with all options, including those added (9-0).

# Summary of Tree Advisory Committee Recommendations

The Tree Advisory Committee recommendations are summarized in the matrix below.

## Exhibit 7. Tree Advisory Committee Summary of Votes on Recommendations

Key Issue	Key Issue #1: Canopy Goal	Key Issue #2: Residential lots exemption	Key Issue #3: Industrially zoned properties	Key Issue #4: Easements and Rights of Way	Key Issue #5: Set up tree permit process	Key Issue #6: Significant tree definition and critical areas – Garry Oaks	Key Issue #7: Heritage Tree/ Historical Tree	Key Issue #8: Maximum Tree Removal on Developed Single Family Properties.	Key Issue #9: Replacement	Key Issue #10: City Tree Fund Clarity	Key Issue #11: Fines	Key Issue #12: Incentives
Motion	Option 1 - 40%	Option 4 - Removal of Exemptions with Incentives	Option 3 - Removal of Exemption with Incentives	Option 2 - As Revised	Option 4 - Fair, Inexpensive, Simple	Option 3 - 4" Signif	Option 1 - Set up Program	Option 3 as edited	Option 2 as revised	Option 3 (both)	All 3 options as amended	All 8 options as written
Committee Member												
J Alan Billingsley	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
John Boatman	Y			Y	Y			Y	Y	Y	Y	Y
Ed Brooks	Y											
Tichomir Dunlop	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jeanne Ehlers	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y
Jessie Gamble												
Micah Glastetter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Melissa Jackson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hank Jones		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sean Martin	N	N	Y			Y	Y					
Maya Neff	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Denise Nicole Franklin		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Legend: Y=Yea, N= Nay, A=Abstain, Blank not present for vote

# Attachment A: Report Guidance

## ***Resolution 2021-15.***

- Areas of Focus and Role:
  - Section 1. The formation of a Tree Advisory Ad Hoc Committee for the purpose of reviewing the existing regulations found in Title 18A, Chapter 70, Article III of the Lakewood Municipal Code.
  - Section 2. The work plan for the committee shall be consistent with the approved scope of work attached to the professional services agreement for BERK consulting approved on November 15, 2021 via Motion No. 2021-92 which states, “is anticipated that the committee would serve as a sounding board and provide advice and input to the Planning Commission and City Council.”
- Consensus in Section 6.
  - ...The committee will attempt to reach a consensus on issues. If consensus is not possible, strong differing opinions, such as “minority” opinions, should be recorded and acknowledged in the committee’s report to the City Council.

## ***Chapter 2.67 Ad Hoc Committees.***

- LMC 2.67.060 Reporting. In addition to any reporting required in the work plan for an ad hoc committee, each committee shall be required to, upon completion of the work plan, provide a final report to the City Council as described in Chapter 2.68 LMC.

## ***Welcome Letter Operating Principles.***

- The Ad Hoc Committee will operate by consensus per Resolution No. 2021-15.
  - All members’ positions will be respected and considered, and the group will work collaboratively to reach consensus on its advice.
  - Consensus is defined as majority opinion, with the objective of achieving unity rather than unanimity.
  - The Committee Report will record consensus opinions and minority opinions per Resolution No. 2021-15.

# Attachment B: Tree Preservation Code

Available at: [https://lakewood.municipal.codes/LMC/18A.70\\_ArtIII](https://lakewood.municipal.codes/LMC/18A.70_ArtIII)

## Article III. Tree Preservation

### 18A.70.300 Purpose.

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

### 18A.70.310 Tree removal applicability/exemptions.

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

- A. Lots of less than seventeen thousand (17,000) square feet in single-family residential zones are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA. In the event a permit is not required for the establishment of a use, the standards of this section shall still apply.
- B. Industrially zoned properties are exempt from this chapter, except where specific tree preservation is required as a mitigation measure under SEPA.
- C. Removal of nonsignificant trees that are not protected by any other means is exempt from this chapter.
- D. *Removal of Trees in Association with Right-of-Way and Easements.* Tree removal by a public agency or a franchised utility within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sewer, power, gas or communication lines, or motorized or nonmotorized streets or paths is exempt from this chapter. Notification to the City by the public agency or franchised utility is required prior to tree maintenance or removal within City rights-of-way.
- E. *Emergency Removal.* Any number of hazardous protected and nonprotected trees may be removed under emergency conditions. Emergency conditions include immediate danger to life or dwellings or similar stationary and valuable property, including the presence of a target. Emergency removal may occur and all the following conditions shall be met:

1. The City is notified the following business day of the unpermitted action;
2. Visual documentation (i.e., photographs, video, etc.) is made available; and



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

### **18A.70.320 Significant tree preservation.**

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

- a. Avoid disturbing tree: Avoid disturbing the tree at all unless it represents a hazard as determined by an arborist;
- b. Stabilize tree: Stabilize the tree, if possible, using approved arboricultural methods such as cable and bracing in conjunction with other practices to rejuvenate the tree such as repairing damaged bark and trunk wounds, mulching, application of fertilizer, and improving aeration of the tree root zones;
- c. Pruning: Remove limbs from the tree, such as removing dead or broken branches, or by reducing branch end weights. If needed, remove up to one-quarter (1/4) of the branches from the canopy and main trunk only in small amounts, unless greater pruning is needed by approval of the arborist;
- d. Wildlife tree: Create a wildlife tree or snag, or cut the tree down to a safe condition, without disturbing the roots, where the tree no longer poses a hazard. To create snags, remove all branches from the canopy, girdle deciduous trees, and leave the main trunk standing. Wildlife trees or snags are most appropriate in City parks, greenbelts, vacant property, and environmentally critical areas;
- e. Steep slopes: Removal of tree roots on steep slopes may require a geotechnical evaluation;
- f. Creeks and lakes: Trees fallen into creeks and lakes are to remain in place unless they create a hazard; and
- g. Provide professional recommendations on:
  - 1. The necessity of removal, including alternative measures to removal;
  - 2. The lowest-impact approach to removal;
  - 3. A replacement tree plan, if required.

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

1. *Perimeter Trees.* All significant trees within twenty (20) feet of the lot perimeter or required buffer, whichever is greater, shall be preserved; except that significant trees may be removed if required for the siting and placement of driveway and road access, buildings, vision clearance areas, utilities, sidewalks or pedestrian walkways, or storm drainage facilities and other similar required improvements, subject to the discretion of the Director.

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

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

- a. For new single-family residential development including a single-family dwelling on an individual lot, multifamily residential development, and public/quasi-public institutional development, fifty (50) percent of the significant trees located within the interior area of the lot shall be retained.
- b. For new residential subdivisions where the proposed lot size is greater than seventeen thousand (17,000) square feet, all significant trees shall be retained and preserved except those required to be removed in order to construct streets, utilities, or other on-site improvements. Tree retention shall thereafter be provided on a lot-by-lot basis as the individual lots are developed. For subdivisions where the proposed lots are less than seventeen thousand (17,000) square feet, no specific tree preservation is required.
- c. For commercial development, ten (10) percent of the significant trees located within the interior area of the lot, or individual lots in the case of subdivisions, shall be retained.
- d. In Open Space and Recreation zones, ninety-five (95) percent of the significant trees located within the interior area of the lot shall be retained unless otherwise determined by the Director.

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

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

C. *Tree Retention Plan Required.*

1. A significant tree retention plan shall be submitted to the Community Economic and Development Department for any project permit, except building permits that do not increase the footprint of a building. The plans shall be submitted according to the requirements of the application form provided by the Community Economic and Development Department.
2. The Director shall review and may approve, approve with modifications, or deny a tree retention plan subject to the provisions of this section.
3. A significant tree permit is required for the removal of any significant tree unless specifically exempted within this section.

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

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

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

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

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

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

**E. Construction Requirements.**

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

2. At Director’s sole discretion, a protective tree well may be required to be constructed if the grade level within ten (10) feet of the dripline around the tree is to be raised or lowered. The inside diameter of the well shall be at least equal to the diameter of the tree spread dripline, plus at least five (5) feet of additional diameter.

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

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

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

<b>Maximum Tree Removal on Existing Single-Family Lots without a Permit</b>		
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

Maximum Tree Removal on Existing Single-Family Lots without a Permit		
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 three (3) and nine (9) inches in diameter at four and one-half (4.5) feet above ground.

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

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

- a. The tree exceeds sixty (60) feet in height, or twenty-four (24) inches in diameter for evergreen trees, or thirty (30) inches in diameter for deciduous trees.
- b. The tree is located in a grouping of at least five (5) other significant trees with canopies that touch or overlap.
- c. The tree provides energy savings, through wind protection or summer shading, as a result of its location relative to buildings.
- d. The tree belongs to a unique or unusual species.

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

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

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

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

b. Payment in lieu of replacement may be made to the City Tree Fund for planting of trees in other areas of the City. The payment of an amount equivalent to the estimated cost of buying and planting the trees that would otherwise have been required to be planted on site, as determined by the City's Tree Replacement Cost Schedule. Payment in lieu of planting trees on site shall be made at the time of the issuance of any building permit for the property or completion of the project permit requiring the tree replacement, whichever occurs first.

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

### **18A.70.330 City Tree Fund.**

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

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

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

1. Acquiring, maintaining, and preserving wooded areas within the City;
2. Planting and maintaining trees within the City;
3. Establishment of a holding public tree nursery;
4. Urban forestry education;
5. Implementation of a tree canopy monitoring program;

6. Scientific research; or
7. Other purposes relating to trees as determined by the City Council. [Ord. 726 § 2 (Exh. B), 2019.]

**The Lakewood Municipal Code is current through Ordinance 767, passed December 20, 2021.**

Disclaimer: The city clerk's office has the official version of the Lakewood Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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