



A G E N D A

PLANNING COMMISSION

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

Wednesday, July 6, 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 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.

1.	Call to Order
2.	Roll Call
3.	Approval of Minutes from June 15, 2022
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none"> • Tree Preservation Code Update
7.	Unfinished Business <ul style="list-style-type: none"> • Discussion on Tree Preservation Code Update
8.	New Business <ul style="list-style-type: none"> • Downtown Subarea Plan Biennial Review Introduction
9.	Reports from Council Liaison, City Staff & Commission Members <ul style="list-style-type: none"> • City Council Updates/Actions • City Staff Updates • Future Agenda Topics

Meeting materials will be distributed and published no later than 24 hours prior to the meeting.

1. Draft Meeting Minutes from June 15, 2022
2. Staff Report: Tree Preservation Code
3. Staff Report: Downtown Subarea Plan Biennial Review Introduction

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, July 5, 2022 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
SPECIAL MEETING MINUTES
June 15, 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 and Paul Wagemann

Planning Commission Members Excused: Linn Larsen, Brian Parsons and Robert Estrada

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; and Karen Devereaux, Administrative Assistant

Council Liaison: Paul Bocchi (present)

Approval of Minutes

The minutes of the meeting held on June 8, 2022 were approved as recommended by voice vote M/S/C Pearson/ Wagemann. The motion carried, 4 - 0.

Agenda Updates: None

Public Comments

This meeting was held in a hybrid format, allowing both in-person and virtual testimony.

Mr. James Guerrero, Lakewood resident, spoke on behalf of the Silcox Island Corporation in favor of Comprehensive Plan Amendment 2022-02.

No other public comments were made or received. Chair Daniels closed the public comments.

Public Hearings: None

Unfinished Business

Action on 2022 Comprehensive Plan Amendments

Planning Commissioners held a public hearing on May 18th. Chair Daniels asked for a motion to approve Resolution 2022-04 including recommendations on the amendments for the City Council.

Mr. Philip Combs made the motion to accept Resolution 2022-04 with Mr. Ryan Pearson seconding. Discussion ensued.

Mr. Philip Combs made the motion to accept Option 2 of the 2022-04 amendments adding additional parcels to the rezoning of parcels from Single Family (SF)/Residential 3 (R3) to mixed Residential (MR)/Mixed Residential 2 (MR2). Mr. Ryan Pearson seconding. A voice vote was taken and the motion passed for "Option 2", 4-0.

Mr. Philip Combs made the motion to amend the Tillicum Neighborhood Plan, Item B8, to change notations from "Done" to "Ongoing". Mr. Ryan Pearson seconded. A voice vote was taken and the motion passed, 4-0.

A voice vote was taken and the motion to adopt Resolution 2022-04 as amended passed, 4-0.

Discussion of Tree Preservation Code Update

At the June 8, 2022 meeting Commissioners provided feedback on all the identified key items, which included the following:

- | | |
|--|--|
| 1. Tree Canopy | 8. Maximum Removal on Developed Single Family Properties |
| 2. Residential Lots Exemption | 9. Replacement |
| 3. Industrially Zoned Property Exemption | 10. City Tree Fund |
| 4. Easement and ROW Exemptions | 11. Violations and Enforcement |
| 5. Tree Permit Process | 12. Incentives |
| 6. Significant Tree Definition – Oaks | 13. Permit Fees (outlined in City's fee schedule) |
| 7. Heritage / Historical Tree | |

The Planning Commission had been asked to review the options and individually provide input on the matrix prior to June 15. The answers to the matrix were combined and staff developed a draft tree code for Planning Commissioner's review. This document would be the subject of the hearing on July 6th.

Review of Climate Change Action Plan

Due to time constraints and length of the discussions of this meeting, Mr. David Bugher offered, and the commission agreed, to table this topic to the July 20 meeting.

New Business

None

Report from Council Liaison

None

Reports from Commission Members and Staff

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

Future Planning Commission Agenda Topics

07/06/2022: Public Hearing on Tree Preservation Code Update; Discussion re Tree Preservation Code Updates

07/13/2022: Public Hearing on Downtown Subarea Plan Biennial Review; Action on Energy and Climate Change Chapter Implementation Plan; Discussion on Tree Preservation Code Updates

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

08/01/2022: No meetings were scheduled for August 2022; the next scheduled meeting would be September 21, 2022

Next Regular Meeting would be held as a hybrid in-person/ZOOM meeting on July 6, 2022.

Meeting Adjourned at 8:33 p.m.

Don Daniels, Chair
Planning Commission 07/06/2022

Karen Devereaux, Recording Secretary
Planning Commission 07/06/2022



TO: Lakewood Planning Commission

FROM: Courtney Brunell, Planning Manager

SUBJECT: Tree Preservation Code Update

MEETING DATE: July 6, 2022

Purpose

The purpose of this memo is to provide an overview of the Tree Code Update which is scheduled for a Planning Commission public hearing this evening.

Background

The regulation of significant trees on residential, commercial, and institutional sites is contained in Lakewood Municipal Code (LMC) section [18A.70 Article III](#). Other relevant rules include the State Environmental Policy Act (SEPA) in [LMC 14.02](#) and critical areas in [Title 14](#).

Beginning in 2021 community members expressed interest and concern with tree preservation throughout the City. In response, the City Council directed the City Manager to complete a review of the tree preservation code and associated chapters. The City Council approved a Scope of Work and Public Participation Plan in November, 2021 and formed an Ad Hoc Tree Committee in February, 2022. Since February, the City has held a series of public participation events focused on the tree code update including: the urban tree canopy, habitat protection, and housing and job targets.

Development of Code Update Process

The City Council passed Resolution 2021-15 to form a tree advisory board ad hoc committee in conformance with Title 2 Chapter 67 of the Lakewood Municipal Code (LMC). The City Council appointed members of the committee in February 2022 and the committee began their work in March 2022 concluding in April 2022. As noted in the Resolution the committee was to review existing tree protection regulations and provide advice to the Planning Commission and City Council. The committee was not charged to make final decisions. Excerpts of the Resolution are provided below:

- *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 6. ...The role of the committee is to advise the City Council and/or staff. An appointment does not empower a committee member to make final decisions or supervise staff.*
- *Section 8. The Ad Hoc Committee will provide a recommendation to the Planning Commission and City Council no later than June 1, 2022. ...*

The Planning Commission is charged with reviewing the City's Comprehensive Plan and development regulations consistent with state planning enabling laws and the LMC. Following the completion of the [Ad Hoc Committee recommendations](#) on April 28, 2022, the Planning Commission began a review of those recommendations, public engagement results, and gave direction on suggested policy and code amendment proposals. The Planning Commission has reviewed a draft ordinance that is the basis for the July 6, 2022 hearing.

The City engaged consultants BERK Consulting and subconsultant PlanIT Geo to conduct an evaluation of Lakewood's urban tree canopy, to evaluate the current code considering best practices, to develop meeting materials in support of the Ad Hoc Committee and Planning Commission, and to facilitate of public participation activities. The materials in support of the Ad Hoc Committee and Planning Commission are available at:

- Ad Hoc Tree Committee: <https://cityoflakewood.us/tree-committee/>
- Planning Commission: <https://cityoflakewood.us/city-clerk/planning-commission-agenda/>.

Public Participation Activities

The Public Participation Plan identified several activities to engage the public from advertising, to setting up an ad hoc advisory committee, interviews, surveys and events, and legislative meetings. Activities and next steps are shared below in Table 1. A summary of the comments collected via the survey, interview, tree talks, and tree tour are attached.

Table 1. Tree Code Update: Public Participation Activities as of June 27, 2022

Activity	Completed Activities	Next Steps
Awareness/Advertising	<ul style="list-style-type: none"> ▪ Website: https://cityoflakewood.us/trees/ - see also Advisory Committee ▪ Fact Sheet ▪ Social Media Posts 	<ul style="list-style-type: none"> ▪ Sharing upcoming events via website and City communications (social media) and news ads.
Advisory Committee	<ul style="list-style-type: none"> ▪ Seven Meetings from 3/1 to 4/28: Packets available at: https://cityoflakewood.us/tree-committee/. 	<ul style="list-style-type: none"> ▪ Committee report is complete. ▪ Presentation of Ad Hoc Committee recommendations

	<ul style="list-style-type: none"> ▪ Emails/letters from community members provided in each packet. 	were made on 5/18 to Planning Commission.
Targeted Outreach And Stakeholder Interviews and Discussion Groups	<ul style="list-style-type: none"> ▪ Emails to stakeholders (see list in Public Participation Plan) to advertise survey and opportunities for interviews. ▪ Six interviews held (see attached) ▪ Additional emails and social media to advertise next events noted below. 	<ul style="list-style-type: none"> ▪ Events completed.
Comment Collection: survey, tree talk or tour, online mapping	<ul style="list-style-type: none"> ▪ Tree talk, virtual, nine participants, April 6 (see attached) ▪ Survey 108 participants, March 31 to April 26 (see attached) ▪ Tree Tour: June 3, 2022 (see attached) ▪ Tree Talk “Red line Review” June 28, 2022 ▪ May 18, 2022, postcard mailed to each property owner in city to share the project and review process including July 6, 2022 hearing. (see attached) 	<ul style="list-style-type: none"> ▪ Events completed. ▪ Results shared online.
Legislative Meetings	<ul style="list-style-type: none"> ▪ May 4, May 18, June 1, June 8, and June 18 Planning Commission review of Ad Hoc Committee Recommendations and discussion of proposals for review by Planning Commission. ▪ See https://cityoflakewood.us/city-clerk/planning-commission-agenda/. 	<ul style="list-style-type: none"> ▪ Planning Commission Hearing scheduled for July 6, 2022. ▪ Deliberations scheduled for July 13, 2022. ▪ August-September: City Council meetings, hearing, deliberation

Proposal Overview

Comprehensive Plan Amendments

The Planning Commission reviewed Ad Hoc Committee recommendations to establish a 40% tree canopy coverage by 2050. The Planning Commission reviewed information about the City’s current 26% urban tree canopy coverage, other example municipal goals in the region, and the consultant information on the cost and value of establishing goals at 40%, 35%, and 30%. The Planning Commission

is considering in the proposed redlines a 30% urban tree canopy coverage by 2050. This would amend Goal LU-60 and add a policy LU-60.4. The goal would also be referenced in Article III 18A.70.300 Purpose.

18A.70 Article III Tree Preservation Code and other Title 18A, B, and C Amendments

The Planning Commission reviewed Ad Hoc Committee recommendations and considered public engagement results, fiscal impacts, balancing growth management goals, and practical implementation. Based on that review between May 4 and June 18, some redlines were developed for the public hearing. See Table 2.

Table 2. Summary of Potential Amendments in Redlines for Planning Commission

Section	Potential Changes to Current Code
18A.70.310 Tree removal applicability/ exemptions	<ul style="list-style-type: none"> ▪ Remove exemption for industrially zoned properties. ▪ Continue exemption for residential lots < 17,000 square feet in size except for lots that contain Oregon white oak trees which would not be exempt and require review/permits and consistency with tree protection regulations
18A.70.320 Significant tree preservation	<ul style="list-style-type: none"> ▪ Significant tree size maintained for non-Oregon white oaks. ▪ Size of significant tree for Oregon white oaks is 4 inches. ▪ Allow tree trimming except where it would cause a safety hazard. ▪ Move the table regarding Maximum Tree Removal on Existing Single-Family Lots in this section. Maximum tree removal per lots at different sizes similar to current code, except that blanket tree removal not applicable to Oregon white oaks which require review/permits and consistency with tree protection regulations ▪ Define tree removal permit criteria. ▪ Onsite replacement of trees, allow certified arborist report. ▪ Add enforcement including stating a civil infraction, and triple fees for malicious cutting. ▪ Add incentives for preservation throughout the City's development regulations to promote tree preservation.
18A.70.330 Oregon white oak preservation (new section)	<ul style="list-style-type: none"> ▪ New section. Applies to Oregon white oaks between 4 and 20 inches. Above 20 inches would be covered by critical area regulations (see below). ▪ Requires permits for removal, topping, or trimming. ▪ Establishes protective measures for building or construction operations, e.g., establishing a critical root zone and fencing. No hard surface area within the drip line of an Oregon white oak tree. ▪ Allows area wide tree management and advanced mitigation plan.

18A.70.340 City Tree Fund (as renumbered)	<ul style="list-style-type: none"> ▪ Fund can include tree permit fees and penalties. ▪ Some of the funding purposes can include restoration or enhancement of native trees like Oregon white oaks, such as on public lands, private tree tracts, critical area buffers, or lands with conservation easements.
LMC 2.48 Protection and Preservation of Landmarks	<ul style="list-style-type: none"> ▪ Add the ability for the landmark designation process to apply to heritage trees.
Incentives in 18A, 18B, 18C	<ul style="list-style-type: none"> ▪ Allow for alternative standards to protect significant trees, e.g., alter parking dimensional standards or rates, or allow a landscaping credit. Also adjust setbacks. ▪ Increase density if retaining significant trees in the Downtown District which experiences the urban heat island effect. ▪ Allow flexibility in master plan for more tree protection or addition in the Downtown District which experiences the urban heat island effect. ▪ Include tree preservation as a criteria or condition of approval for mixed income developments in Station District.

Chapter 14.154 Fish and Wildlife Habitat Conservation Area Code Amendments

The Planning Commission reviewed Ad Hoc Committee recommendations and draft redlines which considered state guidance and other example codes to protect large Oregon white oaks (<20") as critical areas; these trees would be considerably older and established. Regulating large individual Oregon white oaks as well as oak woodlands (more than one tree) would be consistent with State of Washington Department of Fish and Wildlife (WDFW) management guidelines for Oregon white oak. Balancing critical areas protections with reasonable use of property is also part of state guidance with the Washington Department of Commerce. See a discussion of the redlines in Table 3.

Table 3. Potential Changes to Fish and Wildlife Habitat Conservation Area Code Amendments

Section	Amendment	Discussion
14.154.020 Designation of critical fish and wildlife habitat areas.	Priority Oregon white oak <u>trees and</u> woodlands	Match definition and protection of large oak trees not just woodlands to match WDFW management recommendations. Also similar to other community oak tree regulations (e.g., Pierce County)
14.154.030 Habitat protection standards.	The City shall give substantial weight to the management recommendations contained in the Washington Department of Fish and Wildlife Priority Habitats and Species	Move to new section 14.154.080

	Program, particularly the management recommendations for Oregon white oak woodlands.	
14.154.080 Provisions for Priority Oregon white oak trees and woodlands (new section)	<p>See attached redlines. Restricts removal or damage of Priority Oregon white oaks and requires protective measures such as for significant trees in tree protection regulations. It allows for removal of trees if diseased or a safety threat and trimming for safety or interfering with utilities/roads.</p> <p>Single-family properties that cannot add a home or accessory structure even after applying all possible incentives may add a modest house or accessory structure that results in the least interference to achieve a feasible development. Need replacement of affected trees at 2:1. Need report and mitigation plan from qualified biologist or certified arborist. City can require third party review. Where Priority Oregon white oaks are less than 1 acres, and a feasible non-residential development is not possible after application of all possible incentives. Similar replacement ratios and third party review like for residential. Required findings added.</p> <p>If a property cannot meet above administrative reasonable use allowances, applicants can apply for standard reasonable use permit from Hearing Examiner.</p>	<p>Basic protective standards similar to example regulations (e.g., Oak Harbor).</p> <p>Commerce critical areas ordinance guidance suggests reasonable use allowances for modest uses: "A reasonable use is often thought to be a modest single-family home, although some other structure might be 'reasonable' depending on zoning, adjacent uses, and the size of the property."</p> <p>The proposed redlines considered size of modest house and accessory structures based on example codes and model codes (e.g., ADU). Also considered other cities' critical areas regulations (including Bellevue, Mukilteo, Pierce County, and others).</p>
14.165 Definitions	<p>Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does</p>	<p>Per Shoreline Master Program Rules, WAC 173-26. Provides a mechanism to consider what feasible means in the context of modest adjustments to regulations to allow for reasonable use.</p>

	not physically preclude achieving the project's primary intended legal use. In cases where the chapter requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the Director may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.	
14.165 Definitions	<p>"Priority Oregon white oak <u>trees and woodlands</u>" means <u>woodlands, stands, and individual trees meeting the following definitions</u>:</p> <p><u>1. Forested areas of pure oak, or of oak/conifer associations one acre or larger, and all oak trees located within, where oak canopy coverage of the area is at least 25 percent.</u></p> <p><u>2. Stands of oaks less than one acre in size, or individual trees, may also be considered priority habitat when one or more of the following criteria:</u></p> <p><u>(A) Individual oak trees having a diameter at breast height of 20 inches or more; or</u></p> <p><u>(B) Oregon white oak stands in which the oak trees have an average diameter at breast height of 20 inches or more regardless of stand size; or</u></p> <p><u>(C) Oregon white oak stands found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height (dbh), are used by priority species, or have <u>well</u></u></p>	<p>Considers WDFW habitat management recommendations.¹</p> <p>Also considers Pierce County and other example regulations.</p>

¹ **Excerpt: Retention of Valuable Trees 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. **Rationale.** Stands of medium to large oaks provide more cavities for nesting than do stands of smaller oaks (Gumtow-Farrior 1991). Trees with well formed, dominant crowns may produce more acorns, and large live trees provide habitat for branch-nesting species. Large well-developed trees produce more mast for regeneration and wildlife consumption (Connel et al. 1973). Very large, old oaks are rare. **Consequences of Compromise.** Fewer cavities may limit the number of cavity-nesting animals that can inhabit a particular oak woodlands. Stand domination by trees with smaller crowns and less canopy may limit acorn production. These limitations may affect the numbers of individuals and species that use oak woodlands.

	<u>formed, dominant crowns, a large canopy)</u> <u>based on an evaluation by the Washington</u> <u>Department of Fish and Wildlife or qualified</u> <u>expert report prepared consistent with</u> <u>Chapter 14 to the satisfaction of the</u> <u>Director.</u>	
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Recommendations

The Community Development Department staff recommends that the Planning Commission hold the hearing, review comments and forward final recommendations to the City Council.

Next Steps

- Planning Commission Public Hearing: July 6, 2022
- Planning Commission Deliberations: July 6, 2022 and July 20, 2022

Attachments

- A. Proposed Redlines: Tree Protection Regulations, Fish and Wildlife Habitat Conservation Areas, and other sections of Lakewood Municipal Code (LMC), June 28, 2022.
- B. Public Engagement Results as of June 27, 2022.
- C. Ad Hoc Committee Report, May 4, 2022.

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 30% tree canopy cover by the year 2050.

Chapter 2.48

PROTECTION AND PRESERVATION OF LANDMARKS

Sections:

2.48.010	Purpose.
2.48.020	Definitions.
2.48.030	Landmarks and Heritage Advisory Board created.
2.48.035	Powers of Lakewood Landmarks and Heritage Advisory Board.
2.48.040	Designation criteria.
2.48.050	Nomination procedure.
2.48.060	Designation procedure.
2.48.070	Certificate of appropriateness procedure.
2.48.080	Evaluation of economic impact.
2.48.090	Appeal procedure.
2.48.110	Penalties for violating this chapter.
2.48.120	Special valuation for historic properties.
2.48.130	Severability.
2.48.140	Retroactive approval of acts.

2.48.040 Designation criteria.

D. A tree may be designated as a heritage tree due to its historical, cultural, or environmental significance to the community. The purpose of the heritage tree designation is to ensure additional measures of protection and maintenance for trees with unique characteristics, historical importance, or cultural significance. A complete application shall include the following information:

1. A short description of the tree(s), including the address or location, species, and size (height, crown spread, and DBH);
2. Reason for designation as a heritage tree(s) including special characteristics of the tree and/or site; and
- 4.3. A report completed by an ISA Certified Arborist to identify the tree's characteristics, current condition, and maintenance needs.

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 is an essential strategy for meeting Lakewood's citywide goal of 30% 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. [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. The following exemptions do not apply to Oregon white oaks. Refer to section 18A.70.330 for Oregon white oak protection standards.

A. Lots of less than seventeen thousand (17,000) square feet in single-family residential zones are exempt from this chapter, except for those lots that contain Oregon white oak trees where specific tree preservation is required in section 18A.70.330, or 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.~~

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

~~DC.~~ *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. _

~~ED.~~ *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-four (64)~~ inches for ~~Garry Oaks~~Oregon white oaks (also known as ~~Oregon White Oaks~~Garry 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:
 - i. The necessity of removal, including alternative measures to removal;
 - ii. The lowest-impact approach to removal;
 - iii. A replacement tree plan, if required.

B. *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.

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. Maximum Tree Removal on Developed Properties. Existing single-family lots: Except for Oregon white oaks which are regulated by section 18A.70.330, significant trees may be removed with a permit based on the following:

Maximum Tree Removal on Existing Single-Family Lots no permit required		
<u>Lot Size</u>	<u>Maximum number of significant trees allowed to be removed in 1 year without a permit</u>	<u>Maximum number of significant trees allowed to be removed in 5 years without a permit</u>
<u>*Lots up to 17,000 sq. ft.</u>	<u>N/A</u>	<u>N/A</u>
<u>Lots 17,001 to 30,000 sq. ft.</u>	<u>2</u>	<u>4</u>
<u>Lots 30,001 sq. ft. or greater</u>	<u>4</u>	<u>8</u>
<u>*Section 18A.70.310(A) states that single-family lots up to 17,000 sq. ft. are exempted from tree preservation requirements.</u>		

32. 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 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.
- 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.~~

~~Any project permit, except building permits that do not increase the footprint of a building shall identify, preserve, and replace significant trees in accordance with the following:~~

~~D. Tree Permits Associated with a Project Permit/Plan Requirements.~~

D. Tree Removal Permit Required. Approval is required prior to the removal of any significant tree (as described in Section 18A.70.320.A) in accordance with the following:

E. Tree Permits for residential lots or not Associated with a Project Permit/Plan.

1. Criteria:

a. The applicant shall submit a complete application using the form provided and kept by the City.

b. The applicant shall confirm that the proposal complies with the requirements of Article III. Tree Preservation.

2. Permit review process:

a. Applications and all submitted information will be verified and approved by City staff administratively.

a.b. If an application does not comply with any requirement in this section, the permit is subject to additional review by an ISA Certified Arborist and/or City staff. A Tree retention plan may be required.

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

F. Tree Permits in non-residential zones or Associated with a Project Permit/Plan.

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.

c. Oregon white oaks that are to be retained on the site shall be indicated on the site plan with critical root zone protection per section 18A.70.330.

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.

G. Heritage Tree Removal. The following criteria pertains only to those trees designated under LMC 2.48.040 D. Heritage Trees

1. A tree removal permit is required for removal of any heritage tree(s);
2. City Staff and an ISA Certified Arborist shall evaluate any heritage trees prior to a decision on the removal permit. Permit approval will be granted if an arborist report demonstrates that alteration or removal is necessary for health and safety, infrastructure operation, protection of existing buildings, or to accomplish reasonable use of property per state law. Recommendations for care, other than removal, will be considered.

H. 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.

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

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

I. *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. *Based on DBH Size.* 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. Based on Canopy Coverage. The applicant may choose to plant fewer replacement trees than required by option (a) if an ISA Certified Arborist determines in a written report that they will compensate for the canopy lost when they reach maturity~~

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

~~c.d.~~ 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.]

I. *Incentives for Preservation.* Significant tree preservation is incentivized in the following code sections.

Tree Preservation Incentives			
Incentive	Code Sections	Description	Code Language
<u>Parking Reduction</u>	<u>18A.80.060</u> <u>Parking Incentives</u> <u>18B.600 Parking</u> <u>18C.600 Parking</u>	<u>Allow for alternative standards to protect significant trees, e.g., alter parking dimensional standards or rates.</u>	<u>Credit for Preservation of Heritage Trees. For every Significant Tree preserved within the property, the required number of parking spaces may be reduced by 0.5 spaces, provided the total reduction does not exceed five (5) percent of the total required parking spaces, when combined with all parking incentive credits.</u>
<u>Density Increase</u>	<u>18A.60.110</u> <u>Density standards</u> <u>18B.200.230</u> <u>District-Wide Development Standards</u> <u>18C.200.230</u> <u>District-wide development standards</u>	<u>Increase density if retaining significant trees, with special attention given to areas experiencing the urban heat island effect and/or low tree equity.</u>	<u>For multi-family use types, maximum density may increase by 1 unit for each significant tree preserved on a property that is located in the Downtown District (not to exceed of more than 20% of the total allowable units)</u> <u>Bonus density, where applicable, shall be computed by adding the bonus units authorized by LMC 18A.90.050 to the base units computed under this section.</u> <u>For multi-family use types, maximum density may increase by 1 unit for each significant tree preserved on a property that is located in a census tract with a tree equity score of under XX% (not to exceed of more than 20% of the total allowable units)</u>
<u>Master Plan Flexibility</u>	<u>18B.700.720</u> <u>Master Planned Development – Town Center Incentive Overlay</u>	<u>Allow flexibility in a master plan if retaining significant trees, with special attention given to areas experiencing the urban heat island effect and/or low tree equity.</u>	<u>18B.700.720(G)(3)</u> <u>j. Preservation of Significant Trees on the property.</u>

Tree Preservation Incentives			
Incentive	Code Sections	Description	Code Language
<u>Tree Preservation Paired with Mixed Income Developments</u>	<u>18C.700.720</u> <u>Optional master planned development</u>	<u>Include tree preservation as a criteria or condition of approval for mixed income developments.</u>	<u>18C.700.720(D)(3)(c)</u> <u>iv. The preservation of 5% of the existing significant trees on the property as identified by a tree survey (not greater than 5 significant trees).</u>
<u>Landscaping Reduction for Oregon White Oak Preservation</u>	<u>18A.70.140</u> <u>Landscaping Standards</u>	<u>Allow for a reduction in the landscaping requirements for the preservation of Oregon white oaks.</u>	<u>A credit of one and one-half square feet for landscaping requirements under the city zoning code shall be given for every square foot of area devoted to new or the preservation of Oregon white oak tree use.</u>
<u>Building Setback Reduction</u>	<u>18A.60.030</u> <u>Residential area and dimensions</u> <u>18A.60.040</u> <u>Commercial area and dimensions</u> <u>18A.60.050</u> <u>Industrial area and dimensions</u> <u>18A.60.060</u> <u>Military lands area and dimensions.</u> <u>18A.60.070</u> <u>Open space area and dimensions.</u>	<u>Allow for a reduction in the rear yard and/or side yard building setback requirements for the preservation of significant trees.</u>	<u>Tree Preservation. Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70, Article III. The Director may reduce a rear yard and/or side yard building setback to compensate for the preservation of a significant tree.</u>

K. Enforcement

a. Failure to comply with any lawful order issued under the authority of this title, constitutes a Class 2 civil infraction, as defined in Chapter 1.48 LMC. Any violation of this title which is deemed to be a public nuisance or a danger to the public health and/or safety shall be addressed as specified in Chapter 1.44 LMC.

b. Malicious Cutting. Malicious cutting may result in tripling of the amount of replacement value as provided in code Section 18A.70.320(G)(d).

18A.70.330 Oregon white oak preservation.

The Oregon white oak, *quercus garryana*, also known as Garry oak, is a native tree designated by Washington Department of Fish and Wildlife as a priority habitat. In Lakewood, individual trees and stands of trees are protected as critical fish and wildlife habitat area under Chapter 14.154 Fish and Wildlife Habitat Areas.

The requirements for Oregon white oak 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. Priority White Oak Woodlands, including single trees greater than 20",-or trees located within a critical area or buffer are subject to the critical areas ordinance LMC Chapter 14.154.
- A.B. Permits for Oregon white oaks and all trees within critical areas
 - 1. Permits for removal, topping and trimming
 - a. Removal or Topping. regardless of diameter, Aa permit for removal or topping may be granted when it is determined by the Director that the Oregon white oak tree is so diseased or damaged that it presents a danger to the public or adjacent property and trimming is inadequate to ameliorate the danger. Wherever feasible, dead Oregon white oak trees shall be left as snags for their habitat value.
 - 1. Individual Oregon white oak trees greater than 20" or trees located within a critical area are subject to the critical areas ordinance LMC Chapter 14.154.
 - 2. Individual Oregon white oak or stands with average DBH of > 4" but <20" may be removed subject to the following conditions:
 - i. The trees are not located in a critical area, in such case subject to the critical areas ordinance LMC Chapter 14.154
 - ii. The applicant has demonstrated no alternative siting in order to construct streets, utilities, or other on-site improvements.
 - iii. Tree replacement is required at a 2:1 ratio
- C. Construction Operations. During building or construction operations, suitable protective measures listed below shall be implemented around significant Oregon white oak trees to prevent injury:
 - 1. Establish a critical root zone (CRZ) for the tree which at a minimum is a circular area around the tree trunk with a radius of one foot for every one inch in diameter measured at four and one-half feet above grade.
 - 2. Install an access deterring fence with a minimum height of three feet around the CRZ that will remain in place till final inspections have been completed.
 - 3. Post highly visible and legible signs of caution, warning, or do not disturb, which are not less than 12 inches by 12 inches of the restrictions around the tree on the fence or restricted area to help convey the importance of CRZ to workers on site.

4. No roots greater than four inches in diameter shall be cut, even if such roots are outside the CRZ.
5. Make all necessary cuts to tree roots cleanly with sharp tools.
6. Construction debris or stockpile construction material shall be done outside the CRZ and away from the tree as practically possible.
7. The soil composition in and around the CRZ shall not be disturbed or altered during project construction.
8. Change in soil grades around the CRZ and tree shall be gradual.
 - a. Washing equipment, vehicle maintenance and other potential soil contamination activities shall be done away from the CRZ and the tree as practically possible.
 - b. All measures to avoid damage to tree trunks and branches should be taken during construction activities.
- D. If the protective measures listed above cannot be met due to site specific conditions, or if it is determined that the measures may not meet the intent of protecting the Oregon white oak tree, the applicant will be required to provide a tree protection plan prepared by a certified arborist.
- ~~B-E.~~ No hard surface area shall be allowed within the drip line of an Oregon white oak tree to the maximum extent possible. An administrative variance may allow hard surface on up to 25 percent of the area within the drip line when there is no practical alternative.
- F. The City may approve an areawide advanced mitigation plan promoting enhancement or restoration onsite and offsite as part of a subarea evaluation process prior to approving development in an area with Oregon white trees between 4 inches and 20 inches. The advanced mitigation plan shall be prepared by a qualified biologist and in consultation with the State of Washington Department of Fish and Wildlife. The areawide advanced mitigation plan shall be recorded and shall guide individual permit reviews.

18A.70.330340 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. Tree permit fees and penalties
- ~~2~~3. Donations and grants for tree purposes;

~~3.4.~~ 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. Restoration or enhancement of native trees like Oregon white oaks, such as on public lands, private tree tracts, critical area buffers, or lands with conservation easements
- ~~4.~~ Establishment of a holding public tree nursery;
- ~~4.5.~~ Urban forestry education;
- ~~5.6.~~ Implementation of a tree canopy monitoring program;
- ~~6.7.~~ Scientific research; or
- ~~7.8.~~ Other purposes relating to trees as determined by the City Council. [Ord. 726 § 2 (Exh. B), 2019.]

18A.70.350 Definitions.

“ANSI A300” means the industry standards for tree care in the United States.

“Certified Arborist” means a specialist in the care and maintenance of trees who is certified by and in good standing with the International Society of Arboriculture (ISA).

“Critical Root Zone” (CRZ) means the area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. CRZ can be determined using the dripline of the tree.

“DBH” is an acronym meaning tree diameter at breast height measured at 4.5 feet above ground. For multi-trunked trees, DBH is the total of all individual trunks added together.

“Dripline” means the outermost edge of a tree’s canopy. When viewed from above, the drip line will appear as a line that follows the contour of the tree’s branches. At a minimum, the drip line is a circle whose diameter is 15 times a tree’s DBH.

“Pruning” means removing branches from a tree to achieve a specified objective using approved practices according to ANSI A300 industry standards.

“Root Pruning” means removing roots from a tree to achieve a specified objective using approved practices according to ANSI A300 industry standards.

“Topping” means using inappropriate pruning techniques to reduce tree size that may result in unnecessary risk, tree stress, or decay.

“Trimming” means detaching a limb, branch, or root from a tree. Trimming shall include pruning and cutting.

Title 14

ENVIRONMENTAL PROTECTION*

Chapters:

- 14.02** **Environmental Rules and Procedures**
- 14.142** **Critical Areas and Natural Resource Lands Authority, Intent, and General Provisions**
- 14.146** **Geologically Hazardous Areas**
- 14.150** **Aquifer Recharge Areas**
- 14.154** **Fish and Wildlife Habitat Areas**
- 14.158** **Flood Hazard Areas**
- 14.162** **Wetlands Areas**
- 14.165** **Definitions**

* **Prior legislation note:** Ord. 362 repealed Chapters 14.138 through 14.170 and enacted a Title 14A; Ord. 590 repealed Chapters 14.06 through 14.134. Prior to its repeal and reenactment, the title was based on the provisions of Ords. 56, 57 and 585.

Chapter 14.02

ENVIRONMENTAL RULES AND PROCEDURES

Sections:

- 14.02.010** **Authority.**
 - 14.02.020** **Abbreviations.**
 - 14.02.030** **Adoption by reference.**
 - 14.02.035** **Options and additions to provisions adopted by reference.**
 - 14.02.040** **Additional definitions.**
 - 14.02.050** **Responsible official designated.**
 - 14.02.060** **Timing of environmental review.**
 - 14.02.070** **Determination of categorical exemption.**
 - 14.02.080** **Use of exemptions.**
 - 14.02.090** **Environmentally sensitive areas.**
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- 14.02.100 Emergency action exemption.
 - 14.02.110 Environmental checklist required.
 - 14.02.120 Fees and costs.
 - 14.02.130 Environmental impact statement.
 - 14.02.140 Public notice.
 - 14.02.150 Internal circulation of environmental documents.
 - 14.02.160 Timing of decision on nonexempt action.
 - 14.02.170 Authority to condition or deny proposals.
 - 14.02.180 Substantive authority.
 - 14.02.190 City responsibilities as consulted agency.
 - 14.02.200 Environmental appeals.
 - 14.02.210 Time limitation on appeals.
 - 14.02.220 Fee to accompany notice of appeal.
 - 14.02.230 Notice of hearing.
 - 14.02.240 Public hearing.
 - 14.02.250 Testimony – Recording.
 - 14.02.260 Substantial weight – Burden of proof.
 - 14.02.270 Decision of the Hearing Examiner.
 - 14.02.280 Dismissal of appeal.
 - 14.02.300 Judicial review – Limitations for appeal.

14.02.010 Authority.

These procedures are adopted under authority of the State Environmental Policy Act (SEPA), RCW [43.21C.120](#), and the SEPA rules, WAC [197-11-904](#). [Ord. 42 § 1, 1996.]

14.02.020 Abbreviations.

The abbreviations used in this chapter are defined as follows:

- A. DEIS – Draft Environmental Impact Statement.
- B. DNS – Declaration of Nonsignificance.

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- C. DS – Declaration of Significance.
 - D. EIS – Environmental Impact Statement.
 - E. FEIS – Final Environmental Impact Statement.
 - F. NEPA – National Environmental Policy Act.
 - G. SEIS – Supplemental Impact Statement.
 - H. SEPA – State Environmental Policy Act.
 - I. WAC – Washington Administrative Code. [Ord. 42 § 1, 1996.]

14.02.030 Adoption by reference.

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

173-802-010	Authority.
173-802-020	Adoption by reference.
173-802-030	Purpose.
173-802-040	Additional definitions.
173-802-050	Designation of responsible official.
173-802-060	Additional timing considerations.
173-802-070	Threshold determination process – Additional considerations.
173-802-080	Mitigated DNS.
173-802-090	EIS preparation.

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

[Ord. 738 § 2 (Exh. A), 2020; Ord. 172 § 1, 1998; Ord. 42 § 1, 1996.]

14.02.035 Options and additions to provisions adopted by reference.

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

A. WAC [173-802-050](#) Lead agency determination and responsibilities. (4) If the City of Lakewood or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-253](#) or [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City/county must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the 15-day time period. Any such petition on behalf of the City/county may be initiated by the City's SEPA responsible official.

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

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

3. The responsible official should respond to the request for early notice within 15 working days. The response shall:

- a. Be written;
- b. State whether the City/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City/county to consider a DS; and
- c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

6. (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a 14-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application. [Ord. 738 § 2 (Exh. A), 2020; Ord. 172 § 3, 1998.]

14.02.040 Additional definitions.

In addition to those definitions set forth in LMC [14.02.030](#), the following words and terms shall have the following meanings, unless the context indicates otherwise:

"Advisory body" means any body, established by the City Council, the responsibilities of which include review of development proposals for the purpose of making recommendations to the Council.

"Council" means the City Council of the City of Lakewood.

“Department” means the Department of Community Development.

“Development” means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alteration of the land which is subject to City approval and to the requirements of SEPA.

“Final staff evaluation of checklist” means that documentation and report of City staff’s analysis of the checklist and any identified impacts. The report identifies any necessary findings, policies and the type of determination.

“Hearing Examiner” means the City Hearing Examiner as established by City of Lakewood Ordinance No. 13.

“SEPA” means Chapter [43.21C](#) RCW, as now existing or as may subsequently be amended.

“SEPA rules” means Chapter [197-11](#) WAC, adopted by the Department of Ecology, as now existing or as may subsequently be amended.

Terms Adopted by Reference. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this chapter refer to legislative body, city, county or otherwise, so long as such reference is to the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood, or an appropriate official thereof. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this chapter refer to the planning commission of the legislative body adopting and/or enforcing the environmental policies thereof, such references shall be construed to mean the City of Lakewood Planning Commission. Any reference to the position title, department, or office of the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood SEPA responsible official. [Ord. 604 § 2, 2015; Ord. 172 § 2, 1998; Ord. 42 § 1, 1996.]

14.02.050 Responsible official designated.

The City Manager, or designee, shall be the SEPA responsible official for the City, and shall carry out the duties and functions of the City when it is acting as the lead agency or as a consulted agency under SEPA and the SEPA rules. [Ord. 42 § 1, 1996.]

14.02.060 Timing of environmental review.

A. Subject to the provisions of subsection [B](#) of this section, the timing of environmental review shall be determined by the responsible official on a case-by-case basis, consistent with the requirements of SEPA and the SEPA rules. In general, the environmental review process shall take place at the conceptual stage of a project, rather than at the detailed design stage. If the City's only action will be a decision on a building permit or other license that requires detailed project plans and specifications, the applicant or prospective applicant shall be given the opportunity for environmental review under SEPA prior to submittal of such detailed project plans and specifications. An applicant or prospective applicant wishing to take advantage of the opportunity for preapplication environmental review shall submit a completed environmental checklist to the department, except as otherwise provided by WAC [197-11-315\(1\)](#).

B. At the latest, the City shall begin the environmental review process when a completed application for City approval of a nonexempt action has been received. The official responsible shall make a threshold determination on a completed application within 120 days after the application and supporting documentation are complete and received, with the determination being made on the direct and indirect cumulative effects on the elements of the environment set forth in WAC [197-11-444](#). The applicant may request an additional 30 days for the threshold determination. [Ord. 758 § 2 (Exh. A), 2021; Ord. 738 § 2 (Exh. A), 2020; Ord. 42 § 1, 1996.]

14.02.070 Determination of categorical exemption.

A. Any City department which receives an application for a proposal, or initiates a proposal which is potentially subject to the requirements of SEPA, shall make the following determinations:

1. Whether the proposal is an “action” as defined by WAC [197-11-704](#); and
2. If the proposal is an “action,” whether it is categorically exempt from the requirements of SEPA; and
3. If the proposal is a nonexempt action, whether appropriate environmental review of the project has been conducted or commenced.

B. The responsible official or the responsible official’s designee shall assist any department in making the determinations required by this section, upon request by the department.

C. The City of Lakewood recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of whether a proposed project, regardless of its environmental impact, must comply with SEPA and this chapter. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderate adverse impact on environmental quality, whether that impact is direct, indirect or cumulative, environmental review under SEPA shall be conducted.

D. It is recognized that a particular development or land use, though otherwise consistent with City regulations and policies, may create adverse impacts upon facilities, services, natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments. The City shall evaluate such cumulative environmental impacts and make its environmental determinations and substantive decisions accordingly.

E. Pursuant to the provisions of WAC [197-11-800](#), proposed actions shall be categorically exempt from threshold determinations and EIS requirements if they do not exceed the levels of activity identified as follows:

1. The construction or location of residential structures of up to nine dwelling units.
2. The construction of an office, school, commercial recreational, service or storage building with up to 12,000 square feet of gross floor area.
3. The construction of an associated or separate parking lot designed for up to 40 automobiles.
4. Any landfill or excavation of up to 500 cubic yards throughout the total lifetime of the fill or excavation. [Ord. 500 § 1, 2009; Ord. 42 §1, 1996.]

14.02.080 Use of exemptions.

A. When receiving an application for a license, or when receiving a City initiated proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The responsible official's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

B. In assessing whether or not a proposal is exempt, the responsible official shall determine that the proposal is properly defined and shall identify the governmental licenses required (WAC [197-11-060](#)). If a proposal includes exempt and nonexempt actions, the official shall determine the lead agency, even if the license application that triggers the Department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The City shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of the responsible alternatives;
2. The City may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if later approval of a related major action is not secured;
3. The City may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if later approval of a major related action is not secured. [Ord. 42 § 1, 1996.]

14.02.090 Environmentally sensitive areas.

A. In accordance with WAC [197-11-908](#), the City of Lakewood designates environmentally sensitive areas as follows:

1. Areas designated natural by the City's shoreline management master program environmental maps;
2. Fish and wildlife habitat conservation areas, erosion hazard areas, steep slopes, wetlands and streams, as described in the City's critical areas and natural resources regulations;
3. The following categorical exemptions set forth in WAC [197-11-800](#) shall not apply when a project proposal is located in or partially within sensitive areas: WAC [197-11-800\(1\)](#), (2c), (2e), (2f), (2g), (6a), and (25h).

B. The City shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

C. Certain exemptions do not apply to lands covered by water, regardless of whether such lands covered by water are mapped. [Ord. 42 § 1, 1996.]

14.02.100 Emergency action exemption.

A. The following actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter are exempt from the procedural requirements of this chapter:

1. Actions necessary to prevent an imminent threat to public health or safety;
2. Actions necessary to prevent an imminent danger to public or private property;
3. Actions necessary to prevent an imminent threat of serious environmental degradation.

B. The responsible official shall determine on a case-by-case basis emergency action which satisfies the general requirements of this section.

C. Adoption of interim zoning or moratorium. [Ord. 42 § 1, 1996.]

14.02.110 Environmental checklist required.

A. Whenever the Department determines that a proposal is a nonexempt action for which appropriate environmental review has not been conducted or commenced, the Department shall prepare or shall require the action proponent to prepare and submit an environmental checklist. Upon completion or receipt of a completed environmental checklist, the Department shall immediately transmit the following to the responsible official, or designee:

1. The original, signed copy of the environmental checklist;
2. A copy of any completed application form in the Department's possession relating to the proposal;
3. A copy of any project description, conceptual plan or plot plan which may have been prepared or submitted;
4. Any additional information in the Department's possession addressing the proposed action's environmental impacts.

B. The environmental review process shall not begin until a complete application (an environmental checklist and requested supporting materials) is received by the responsible official. Incomplete environmental checklist applications will be returned to the applicant for completion as directed by the responsible official.

C. A department initiating a nonexempt City action may request that the responsible official, or designee, assist the department in preparing the necessary environmental checklist.

D. The provisions of this section shall not apply when the responsible official and the proponent of a nonexempt action agree in writing that the proposal is likely to have significant adverse environmental impacts, and further agree that an environmental impact statement (EIS) will be prepared.

E. The responsible official may determine that the City will complete all or part of an environmental checklist for a private proposal with its own staff, or may contract with one or more consultants to prepare or assist in preparation of a checklist, and may charge and collect fees from the applicant to cover costs incurred by the City in preparation of the checklist, if either of the following circumstances exist:

1. The City has technical information on a question or questions that is unavailable to the applicant; or
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration.

If fees are to be collected, the applicant shall be advised of the estimated costs, and shall be required to make payment of such costs prior to the actual preparation of all or part of the environmental checklist. [Ord. 42 § 1, 1996.]

14.02.120 Fees and costs.

In addition to the fees and costs provided in LMC [14.02.110](#) and elsewhere in this chapter, the applicant shall be responsible for and shall reimburse the City for all costs and expenses incurred by the City in enforcing the provisions of this chapter relative to his/her application or permit, and for any legal costs, including attorney's fees, incurred by the City in taking steps to defend or support a position or decision in connection with his/her application for or issuance of a permit pursuant to this chapter. [Ord. 42 § 1, 1996.]

14.02.130 Environmental impact statement.

A. Whenever the responsible official has issued a determination of significance (DS) for a nonexempt action, a draft EIS and a final EIS shall be prepared by an independent consultant hired by the City, and the under the supervision of the responsible official. It is provided, however, that it shall be the responsibility of the individual, corporation or agency initiating or proposing the action to reimburse the City for the total costs of having the draft EIS and a final EIS prepared by the consultant. Consultants hired to prepare draft EISs or final EISs shall be

selected based on their expertise and knowledge related to the scoped environmental elements to be analyzed in the EIS documents. Regardless of who prepares an EIS, it is the EIS of the City and the responsible official must be satisfied that the EIS complies with this chapter, with SEPA and with the SEPA rules prior to issuance of the EIS.

B. The responsible official may determine that City staff will complete all or part of an EIS for a private proposal, or the City may contract with one or more consultants to prepare or assist in preparation of an EIS, and may charge and collect fees from the applicant to cover costs incurred by the City in preparation of the EIS, if one or more of the following circumstances exist:

1. The City has technical information on a question or questions that is unavailable to the applicant; or
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration; or
3. The responsible official and the applicant agree that the City will be responsible for completing the EIS.

If fees are to be collected, the applicant shall be advised of estimated costs, and shall be required to secure payment of such costs prior to the actual preparation of the EIS. [Ord. 42 § 1, 1996.]

14.02.140 Public notice.

A. Whenever public notice is required under the SEPA rules, the responsible official shall cause notice to be given in the following manner:

1. By posting the subject property as directed by the City Manager or designee (site specific proposals only); and
2. By publishing notice in the official newspaper of the City.

B. Additional public notice may be provided for proposals having, or potentially having, unusually widespread, unique or significant adverse impacts, or for other proposals, at the discretion of the responsible official.

C. Where notice is required for an action which has been proposed or initiated by a party other than the City or a City department, the cost of newspaper publication of such notice or notices shall be borne by the proponent or applicant. [Ord. 42 § 1, 1996.]

14.02.150 Internal circulation of environmental documents.

A. Relevant environmental documents shall accompany proposals through existing City project review processes. The responsible official shall ensure that environmental documents are provided to decision makers in the following manner:

1. Where a nonelected City official is to make a final decision on a nonexempt action, the responsible official shall provide that deciding official with a copy of a final staff evaluation, a determination of nonsignificance (DNS), a mitigated determination of nonsignificance (MDNS) or a final EIS upon issuance of the DNS or FEIS.
2. Where the Hearing Examiner or other advisory body is to make a recommendation to the Council on a nonexempt action, the responsible official shall transmit to each member of the advisory body a copy of the following:
 - a. Environmental checklist.
 - b. A final staff evaluation of the checklist.
 - c. Determination of nonsignificance (DNS).
 - d. Mitigated determination of nonsignificance (MDNS).
 - e. Draft environmental impact statement (DEIS).
 - f. Final environmental impact statement (FEIS). [Ord. 42 §1, 1996.]

14.02.160 Timing of decision on nonexempt action.

A. For nonexempt actions, the procedural requirements of SEPA, the SEPA rules and this chapter shall be completed prior to the City's issuance of a license, permit, or other approval, and prior to the City committing to a particular course of action, or prior to the City making a

decision which would either have adverse environmental impacts, or limit the choice of reasonable alternatives.

B. A final decision on a nonexempt action for which a DNS has been issued or an EIS has been required, shall not be made until after expiration of the environmental appeal period or if, appealed, shall not be make until the decision on the appeal becomes final. [Ord. 42 § 1, 1996.]

14.02.170 Authority to condition or deny proposals.

A. The policies and goals set forth and referenced by this chapter are supplementary to other zoning, land use, and regulatory ordinances of the City.

B. The City may attach conditions to a permit or approval so long as:

1. Such conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The City has considered whether other local, state, or federal mitigation measures applicable to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies, plans, rules or regulations designated in LMC [14.02.030](#) as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance, or other decision document.

C. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approval would result in probable significant adverse environmental impacts which are identified in a final EIS prepared pursuant to this chapter; and
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished which are sufficient to make the identified impacts nonsignificant; and
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3. The denial is based on one or more policies, plans, rules, or regulations designated in LMC [14.02.030](#) as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance or other decision document.

D. If the lead agency determines, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the City has authority other than SEPA to deny the proposal, the project can be denied outright without making a threshold determination, which denial shall be in writing. Proposed actions which are subsequently modified, amended, or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA rules, and this chapter.

E. Where the responsible official has issued a mitigated DNS, the decision maker shall not approve the proposal until:

1. The proponent has modified the proposal, either through modification of plans and other application materials or through a separate written instrument attached to the application, such that the mitigating measures of the mitigated DNS become part of the proposal; or
2. The decision maker has incorporated the mitigating measures of the mitigated DNS into the license, permit, ordinance or other approval; or
3. A combination of the aforesaid.

F. Where mitigating measures are agreed to, or imposed, and where the proponent fails to implement such mitigating measures, the City shall have the authority to revoke any permit, license or other approval granted on the basis of such mitigating measures. [Ord. 42 § 1, 1996.]

14.02.180 Substantive authority.

A. The City adopts the following policies as the basis for the City's exercise of authority pursuant to this section:

1. The City shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- a. Fulfill the responsibilities of each generation as a trustee of the environment for succeeding generations;
- b. Endeavor to achieve for the people of Lakewood safe, healthful, and aesthetically pleasing surroundings;
- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- d. Preserve important historic, cultural and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use;
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

B. The City supplements its policies set forth herein by the policies, plans, rules and regulations identified, referenced and/or described (in concept or actual name), as they may now exist or as they may subsequently be amended or developed, as a basis for the exercise of substantive authority to approve, condition or deny proposed actions under RCW [43.21C.060](#) of SEPA, as follows:

1. City comprehensive plan and related community plan;
 2. Pierce County Shoreline Master Programs and City shoreline use regulations;
 3. Lakewood area update plan;
 4. Lakewood capital improvements plan;
 5. Lakewood six-year street plan;
 6. State growth management legislation or initiatives;
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7. Lakewood subarea plans and policies;
8. Zoning Code and zoning map;
9. Subdivision regulations;
10. Water quality ordinance;
11. Surface Water Design Manual;
12. Critical areas and natural resource lands regulations;
13. Site development regulations;
14. Flood damage prevention regulations;
15. Public and private street standards;
16. Title [8](#), Pierce County Code, Health and Welfare;
17. State Environmental Policy Act. [Ord. 42 § 1, 1996.]

14.02.190 City responsibilities as consulted agency.

In carrying out the City's duties as a consulted agency, the responsible official shall request information from any department potentially affected by or having expertise on a proposal. Information timely received by the responsible official in response to such request shall be transmitted to the lead agency. The responsible official may transmit such information by forwarding copies of any department responses, or by consolidating all department responses into a single City response. [Ord. 42 § 1, 1996.]

14.02.200 Environmental appeals.

Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS in the case of Process I, II, and III application types (as described in Chapter [18A.20](#) LMC, Article I) may file an appeal. Such appeals shall be

considered by the Hearing Examiner in conjunction with any required hearing for the project application, or as a separate hearing if no predecision hearing is required. An appeal of a determination of significance may be considered by the Hearing Examiner prior to the hearing on the proposed action or permit. Appeal of intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed. In the case of Process IV and V applications (as described in Chapter [18A.20](#) LMC, Article I) the determinations of the environmental official shall be considered final, and no administrative appeal is allowed. [Ord. 726 § 2(Exh. A), 2019; Ord. 305 § 1, 2003; Ord. 42 § 1, 1996.]

14.02.210 Time limitation on appeals.

A written notice of appeal identifying the grounds for appeal must be filed with the City Clerk within 10 days of the date of issuance of the final threshold determination of significance, final determination of nonsignificance, or final EIS. [Ord. 42 § 1, 1996.]

14.02.220 Fee to accompany notice of appeal.

A fee as set forth in the City's fee resolution shall accompany the written notice of appeal and be filed within the appeal period with the City Clerk. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal. [Ord. 42 § 1, 1996.]

14.02.230 Notice of hearing.

Notice of appeal, timely filed shall be transmitted by the City Clerk to the Hearing Examiner and the SEPA responsible official. The Hearing Examiner shall determine the date, time, and place of a public hearing to consider the appeal, and shall notify the parties thereof. [Ord. 42 §1, 1996.]

14.02.240 Public hearing.

A public hearing upon appeal of a threshold determination shall be conducted by the Hearing Examiner. [Ord. 42 § 1, 1996.]

14.02.250 Testimony – Recording.

All testimony taken at any public hearing shall be taken under oath. The hearing shall be recorded electronically. [Ord. 42 § 1, 1996.]

14.02.260 Substantial weight – Burden of proof.

A threshold determination by the responsible official is entitled to substantial weight. The burden shall be on the appellant to establish that the determination is in error. [Ord. 42 § 1, 1996.]

14.02.270 Decision of the Hearing Examiner.

Upon the basis of all of the information received in public hearing, and all information relied upon by the responsible official, the Hearing Examiner shall prepare a written decision, including findings of fact and conclusions, regarding the SEPA appeal. Such decision shall be final and conclusive. [Ord. 305 § 2, 2003; Ord. 42 § 1, 1996.]

14.02.280 Dismissal of appeal.

The Hearing Examiner may summarily dismiss an appeal without hearing, when such appeal is determined by the Hearing Examiner to be without merit on its face, frivolous, or brought merely to impede a proposal or secure a delay. [Ord. 42 § 1, 1996.]

14.02.300 Judicial review – Limitations for appeal.

The final decision of the Hearing Examiner on appeal from a final SEPA determination of specific Process I, II, and III applications (as described in Chapter [18A.20](#) LMC, Article I) may be appealed to the Superior Court of Pierce County in accordance with Chapter [36.70C](#) RCW, the Land Use Petition Act. Any such appeals must be brought within the time limits specified therein. Any such judicial review shall be conducted on the record compiled by the Hearing Examiner, consistent with other applicable law. [Ord. 726 § 2(Exh. A), 2019; Ord. 305 § 4, 2003; Ord. 42 § 1, 1996.]

Chapter 14.142

CRITICAL AREAS AND NATURAL RESOURCE LANDS AUTHORITY, INTENT, AND GENERAL PROVISIONS*

Sections:

- 14.142.010 Authority and title.**
 - 14.142.020 Intent.**
 - 14.142.030 Interpretation.**
 - 14.142.040 Applicability and mapping.**
 - 14.142.050 Permitted uses.**
 - 14.142.060 Regulated uses/activities.**
 - 14.142.070 Exemptions.**
 - 14.142.080 Reasonable use exception.**
 - 14.142.090 Reasonable use exception and modification of critical area requirements
for individual single-family residences.**
 - 14.142.100 Process.**
 - 14.142.110 Variances.**
 - 14.142.120 Current use assessment.**
 - 14.142.130 Compliance provisions.**
 - 14.142.140 Appeal procedures.**
 - 14.142.160 Fees.**
 - 14.142.170 Title and pat notification.**
 - 14.142.180 Nonconforming uses.**
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14.142.190 Administrative procedures and technical criteria.**14.142.200 Severability.**

*** Prior legislation note:** Ord. 362 repealed provisions concerning critical areas and natural resource lands that were formerly in Chapters 14.138 and 14.142, based on the provisions of Ord. 56.

14.142.010 Authority and title.

This title is established pursuant to the requirements of the Growth Management Act (RCW [36.70A.060](#)) and the State Environmental Protection Act (Chapter [43.21C](#) RCW). This title shall be known as the "Critical Areas and Natural Resource Lands Regulations." [Ord. 362 § 3, 2004.]

14.142.020 Intent.

It is the intent of the critical areas and resource lands regulations to:

- A. Designate and protect critical areas and natural resource lands, including wetlands, critical aquifer recharge areas, fish and wildlife habitat areas, geologically hazardous areas, flood hazard areas, and mineral resource lands.
 - B. Protect the natural environment, including air and water, to preserve the community's high quality of life.
 - C. Protect unique, fragile and valuable elements of the environment, including fish and wildlife habitat; including suitable habitats to maintain native fish and wildlife species within their natural geographic distribution so that isolated sub-populations are not created.
 - D. Protect the public against losses from:
 - 1. Costs of public emergency rescue and relief operations where the causes are avoidable.
 - 2. Degradation of the natural environment and the expense associated with repair or replacement.
 - E. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides, steep slope failures, erosion, seismic events, or flooding.
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F. Avoid, minimize and mitigate for impacts arising from land development and other activities affecting critical areas to maintain their ecological functions and values including water quality, flood attenuation, habitat, recreation, education, and cultural preservation.

G. Provide the public with sufficient information and notice of potential risks associated with developing in and adjacent to critical areas.

H. Implement the goals and requirements of the Growth Management Act and the Lakewood comprehensive plan. [Ord. 362 § 3, 2004.]

14.142.030 Interpretation.

In the interpretation and application of this title, all provisions shall be:

A. Considered the minimum necessary;

B. Liberally construed to serve the purposes of this title; and,

C. Deemed neither to limit nor repeal any other powers under state statute. [Ord. 362 § 3, 2004.]

14.142.040 Applicability and mapping.

A. *Applicability.* This title shall apply to all lands, land uses and development activity in the City which are designated as critical areas or natural resource lands by the City, including wetlands. Properties containing critical areas or natural resource lands are subject to this title. When the requirements of this title are more stringent than those of other City codes and regulations, the requirements of this title shall apply.

Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.

Critical areas on lands subject to the Washington State Shoreline Management Act (SMA) and regulated by the City's shoreline management regulations shall be regulated under the shoreline provisions and are not subject to the procedural and substantive requirements of this title. Nothing in this section, however, is intended to limit or change the quality of information

to be applied in protecting critical areas within shorelines of the state. Shorelines of the state shall not be considered critical areas under this title except to the extent that specific areas located within such shorelines qualify for critical area designation based on the definition of critical areas provided by RCW [36.70A.030\(5\)](#) and have been designated as such by the City's critical areas regulations.

If the City's shoreline regulations do not include land necessary for buffers for critical areas that occur within shoreline areas, then the City shall continue to regulate those critical areas and their required buffers pursuant to this title.

B. *Mapping.* Maps may be developed and maintained by the City which show the general location of critical areas for informational purposes. The actual presence of critical areas and the applicability of these regulations shall be determined by the classification criteria established for each critical area. [Ord. 590 § 2, 2014; Ord. 362 § 3, 2004.]

14.142.050 Permitted uses.

Uses permitted on properties designated as critical areas or natural resource lands shall be the same as those permitted in the zone classification shown in the City's Land Use and Development Code unless specifically prohibited by this title. [Ord. 362 § 3, 2004.]

14.142.060 Regulated uses/activities.

A. Unless the requirements of this title are met, the City shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; large lot subdivision, short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

B. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation. Requirements include but are not limited to those of the U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, and the Washington Department of Ecology, which must be met prior to commencing activities affecting wetlands, except as addressed in LMC [14.162.130](#) regarding Corps of Engineers Section 404 individual permits.

C. The following activities within a critical area and/or buffer, unless exempted by LMC [14.142.070](#), shall be regulated:

1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;
2. Dumping, discharging or filling;
3. Draining, flooding or disturbing the water level or water table. In addition, an activity which involves intentional draining, flooding or disturbing the water level or water table in a wetland, in which the activity itself occurs outside the wetland and buffer, shall be considered a regulated activity;
4. Driving pilings or placing obstructions, including placement of utility lines;
5. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure;
6. Altering the character of a wetland by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting;
7. Activities which result in significant changes in water temperature or physical or chemical characteristics of wetland water sources, including changes in quantity of water and pollutant level;
8. Application of pesticides, fertilizers and/or other chemicals, unless demonstrated not to be harmful to wetland habitat or wildlife;
9. The division or redivision of land.

D. The Department may require protection measures or erosion control measures such as temporary or permanent fencing to provide for protection of a wetland and buffer when any of

the above activities are proposed on a site, but are not proposed within a wetland and/or buffer. [Ord. 362 § 3, 2004.]

14.142.070 Exemptions.

The following activities are exempt from the provisions of this title:

- A. *Existing Agricultural Activities.* The activities cease to be existing when the area on which they were conducted has been converted to a nonagricultural use or has lain idle both more than five years and so long that modifications to the hydrological regime are necessary to resume agricultural activities, unless the idle land is registered in a federal or state soils conservation program.
 - B. Maintenance or reconstruction of existing roads, paths, bicycle ways, trails, bridges, and associated storm drainage facilities; provided, that reconstruction does not involve significant expansion of facilities. Construction of curbs, gutters, sidewalks or other incidental improvements to existing roadways shall generally be considered to fall within this exemption when undertaken pursuant to best management practices to avoid impacts to critical areas.
 - C. Activities on improved portions of roads, rights-of-way or easements, provided there is no expansion of ground coverage.
 - D. Maintenance or reconstruction of existing regional storm drainage facilities; provided, that reconstruction does not involve expansion of facilities.
 - E. For the following utility line activities, when undertaken pursuant to best management practices to avoid impacts to critical areas:
 - 1. Normal and routine maintenance or repair of existing utility structures or right-of-way.
 - 2. Relocation within improved rights-of-way of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less only when required by a local government agency.
 - 3. Relocation within improved right-of-way of utility lines, equipment, or appurtenances only when required by a local governmental agency which approves the new location of the facilities.
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4. Installation or construction in improved City road rights-of-way, and replacement, operation, or alteration of all electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of 55,000 volts or less.

5. Installation or construction in improved City road rights-of-way and replacement, operation, repair, or alteration of all utility lines, equipment, or appurtenances.

F. A utility line (any pipe or pipeline that transports any gaseous, liquid, liquefiable or slurry substance, and any cable, line or wire for the transmission of electrical energy, telephone, and telegraph messages, and radio and television communication, not including activities which drain a wetland, but including pipes that convey drainage from one area to another) may be placed in an underground trench within a Category II, III or IV wetland or its buffer. There must be no resulting changes in preconstruction contours, and trench excavation materials that are temporarily sidecast must be stabilized to prevent erosion and sedimentation. All sidecast materials shall be replaced within the trench or removed after 90 days, unless an extension is granted by the Community and Economic Development Department. The trench shall be the minimum size required to construct the utility line. The top 12 inches of the trench shall be backfilled with topsoil from the trench excavation. Trenches in wetlands shall be backfilled with wetland topsoil from the excavation, and appropriate vegetation planted to restore the site to a nearly as practical the pretrenching condition. Trench excavation should be restricted to the dry season. All permits from other regulatory agencies must be obtained.

G. Reconstruction, remodeling, or maintenance of existing single-family residential structures and accessory structures; provided, that cumulative expansion of the building footprint does not increase by more than 25 percent from its size as of October 8, 1991 (the effective date of Pierce County Critical Areas Regulations), and that the new construction or related activity does not further intrude into the critical area or related buffer. The exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area.

H. Reconstruction, remodeling, or maintenance of structures, other than single-family structures and accessory structures; provided, that such reconstruction, remodeling, or maintenance does not increase the floor area nor extend beyond the existing ground coverage. The exemption shall not apply to reconstruction which is proposed as a result of site or structural damage associated with a critical area, such as slope failure in a landslide hazard area.

- I. Activities in artificial wetlands, except those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.
- J. Activities affecting Category IV wetlands which are less than 1,000 square feet where the wetland is found to provide no special habitat functions for wildlife or special status plants or plant communities, and the hydrological functions of the exempted wetland are replaced to the satisfaction of the City Engineer.
- K. Activities in wetlands in areas managed according to a special area management plan or other plan adopted by the City and specifically designed to protect wetland resources.
- L. Maintenance activities of landscaping and gardens in a wetland buffer, including, but not limited to, mowing lawns, weeding, harvesting and replanting of garden crops, pruning and planting of vegetation to maintain the condition and appearance of the site existing on February 1, 1992.
- M. Activities designed for previously approved maintenance and enhancement of wetlands.
- N. Placement of access roads, utility lines and utility poles across a Category IV wetland and/or a buffer for a Category IV wetland if there is no reasonable alternative.
- O. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities.
- P. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. The Department shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken.
- Q. Activities undertaken to comply with the United States Environmental Protection Ecology Administrative Enforcement Order pursuant to the Model Toxins Control Act, including the following activities:
 - 1. Remediation or removal of hazardous or toxic substances;
 - 2. Source control; and
 - 3. Natural resource damage restoration.

R. Control of noxious weeds that are included on the state noxious weed list. Control methods shall be subject to review and approval of an abatement plan by the Department that minimizes the impacts to the critical area and any associated buffers.

S. Activities undertaken on the site of an existing holding pond where the water flow and/or water table is controlled by a previously approved pump system.

T. Public storm water retention/detention facilities may be constructed within Category II, III and IV wetlands or their buffers; provided, that the following conditions are met: (1) no untreated storm water is released directly into the wetlands; (2) water levels are monitored annually to ensure that preexisting functions and values of the wetland are not significantly lost through fluctuations in wetland hydrology; (3) maintenance activity within the wetland is limited to removal of invasive vegetation and/or removal of sediment accumulation at inflow structures in a manner acceptable to the Community and Economic Development Department; (4) there is no loss of wetland area; (5) all construction activity is conducted in accordance with accepted BMPs; and (6) the storm water management activity shall not adversely affect the hydro-period of the wetland or adversely affect water quality.

Storm water conveyance facilities such as bio-swales, culverts, and open trenches, that are not designed to drain wetlands, may be placed within required buffers for Category I, II, III and IV wetlands, subject to meeting the conditions listed above. This conditional exemption would not apply in situations where there are threatened or endangered species, or sensitive plants, unless approved by the State Department of Fish and Wildlife or Department of Natural Resources, respectively. All permits from other regulatory agencies must be obtained.

U. A residential building permit for a lot which was subject to previous reports and assessments as required under this title; provided, that the previous reports and assessments adequately identified the impacts associated with the current development proposal.

V. The installation of an on-site sewage disposal system for a single- or two-family dwelling may be permitted within an aquifer recharge area, subject to the issuance of a permit by the Tacoma-Pierce County Health Department (TPCHD) according to all Washington State Department of Health and Tacoma-Pierce County Board of Health requirements for on-site sewage disposal. The TPCHD shall verify and notify the applicant or applicant's agent that the approval of the on-site sewage disposal system design complies with all Washington State Department of Health and Tacoma-Pierce County Board of Health requirements. The development shall otherwise be subject to all of the other requirements and restrictions of this

title (including exclusion from other identified critical areas), the Lakewood Municipal Code, and other applicable state and federal law. [Ord. 362 § 3, 2004.]

14.142.080 Reasonable use exception.

A. If the application of this title would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this title and the public interest.

B. Nothing in this title is intended to preclude all reasonable use of property. An applicant for a development proposal may file a request for a reasonable use exception which shall be considered as a Process III permit action by the City Hearing Examiner at a public hearing, following notice, as required by the City Zoning Code. The request shall include the following information:

1. A description of the areas of the site which are critical areas and/or natural resource lands or within buffers required under this title;
2. A description of the amount of the site which is within setbacks required by other standards of the Zoning Code;
3. A description of the proposed development, including a site plan;
4. An analysis of the impact that the amount of development described in subsection [\(B\)\(3\)](#) of this section would have on the natural resource land(s) or critical area(s);
5. An analysis of what other reasonable uses with less impact on the natural resource land(s) or critical area(s) and associated buffer(s) are possible;
6. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the natural resource land(s) and/or critical area(s);
7. An analysis of the modifications needed to the standards of this title to accommodate the proposed development;

8. A description of any modifications needed to the required front, side and rear setbacks; building height; and buffer widths to provide for a reasonable use while providing greater protection to the critical area(s) and/or natural resource land(s); and

9. Such other information as the Department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.

10. The Department will forward a copy of a request for reasonable use exception to the Washington State Departments of Fish and Wildlife and Ecology for review, comment, and recommendation.

C. The Hearing Examiner may approve the reasonable use exception, if the Examiner determines the following criteria are met:

1. There is no other reasonable use to the proposed development with less impact on the natural resource land(s) and/or critical area(s); and

2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site; and

3. Any alteration of the natural resource land(s) and/or critical area(s) shall be the minimum necessary to allow for reasonable use of the property; and

4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after October 8, 1991 (the effective date of Pierce County Critical Areas Regulations); and

5. The proposal mitigates the impacts on the natural resource land(s) and/or critical area(s) to the maximum extent possible, while still allowing reasonable use of the site.

6. For reasonable use exceptions involving wetlands, the additional requirements of LMC [14.162.090\(D\)](#) shall apply.

D. Where appropriate in the context of LMC [14.142.110](#), the City shall give preference to the modification of the development standards set forth in the Land Use and Development Code (LMC Title [18A](#)) as the first method to accommodate reasonable development on lots constrained by critical areas and/or their buffers. [Ord. 362 § 3, 2004.]

14.142.090 Reasonable use exception and modification of critical area requirements for individual single-family residences.

The purpose of this section is to provide an alternative to the full reasonable use exception process for an individual single-family residence on an existing, legal lot, while minimizing impacts to critical areas. The Director shall have the authority to grant minor variances and/or reasonable use exceptions to modify or waive some or all of the requirements of this chapter in accordance with the provisions of this section, subject to the following procedure:

A. The applicant for the modification or waiver of critical area requirements shall submit any critical area special studies following a preapplication review meeting as well as such other documents or studies, as requested by the Director.

B. The Director may adjust critical area requirements or grant minor variances for single-family residence applications provided:

1. The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the building footprint and outdoor activity areas encroaching into the critical area or required buffer exceed 7,000 square feet;
2. Access shall be located so as to have the least impact on the critical area and its buffer;
3. The proposal shall be designed to preserve the functions and values of the critical area(s) to the maximum extent possible;
4. Adverse impacts resulting from alterations of steep slopes shall be minimized;
5. The proposal includes on-site mitigation to the maximum extent possible;
6. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards on neighboring properties; and
7. The proposal first develops noncritical area land, then the critical area buffer before the critical area itself is developed.

C. The Director may require reasonable, noncompensatory mitigation measures to mitigate and minimize the loss of the functions and values of the critical areas and may impose mitigating conditions to the modification, waiver or variance in order to meet the standards of this subsection.

D. Modifications pursuant to this chapter that relate only to the buffer requirements for single-family residential permits shall be reviewed and decided as a Process I determination in conjunction with the building permit application. Modifications that would impinge upon the critical area itself or require an administrative building setback variance shall be reviewed and decided using Process 2 procedures.

E. This section shall not apply to the following critical areas:

1. Steep slope hazard areas that are unmitigatable landslide hazard areas;
2. Steep slope hazard areas of slope greater than 70 percent where either the lot or slope are abutting and above a Class I or II wetland stream, and associated buffer, or an open storm water conveyance system.

14.142.100 Process.

A. The Department shall perform a critical areas and natural resource lands review of any City permit or approval requested for any regulated activity including, but not limited to, those set forth in LMC [14.142.060](#), on a site which includes or is adjacent to or abutting one or more natural resource lands or critical areas and their buffers, unless otherwise provided in this title.

B. As part of all development applications:

1. The Department shall review the information submitted by the applicant to:
 - a. Confirm the nature and type of the natural resource land and/or critical area and evaluate any required studies;
 - b. Determine whether the development proposal is consistent with this title;
 - c. Determine whether any proposed alterations to the site containing natural resource lands or critical areas are necessary;
 - d. Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this title.

- C. A threshold determination may not be made prior to Departmental review of any special studies or technical reports required by this title, except where the applicant requests a declaration of significance so that environmental review is required.
- D. The City may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this title.
- E. Approval of a development proposal does not discharge the obligation of the applicant or any successors in interest to comply with the provisions of this title. [Ord. 362 § 3, 2004.]

14.142.110 Variances.

Variance applications for exceptions to the development standards of the City's Land Use and Development Code may be used as a method for reducing impacts to critical areas. The City's Hearing Examiner or Community Development Director may consider impacts to critical areas as an undue hardship, and as a basis for finding that unique circumstances apply to a specific property in support of the granting of variances. Variance applications shall be considered by the City according to variance procedures in the City Land Use and Development Code. [Ord. 362 § 3, 2004.]

14.142.120 Current use assessment.

- A. The Department shall notify the Assessor-Treasurer's Office when restrictions on development occur on a particular site.
- B. The City shall provide the Assessor-Treasurer's Office with relevant information regarding critical areas and buffering requirements of this chapter in determining the fair market value of the land. Any owner of an undeveloped buffer which has been placed in a separate tract or tracts, protective easement, public or private land trust dedication, or other similarly preserved area may petition the County Assessor-Treasurer's Office to have that portion of land assessed consistent with those restrictions. [Ord. 362 § 3, 2004.]

14.142.130 Compliance provisions.

A. General Provisions.

1. The Department shall have authority to enforce this title, any rule or regulation adopted, and any permit, order or approval issued pursuant to this title, against any violation or threatened violation thereof. The Department is authorized to issue civil infraction citations and administrative orders, levy fines, and/or institute legal actions in court including prosecution of misdemeanor violations. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this title, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this title, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. An application for a required permit, when pursued in good faith, shall stay the accumulation of violations. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.
2. The Department is authorized to make site inspections and take such actions as necessary to enforce this title. A Department representative may enter private property with the consent of the owner or occupant or pursuant to a warrant.
3. The Department shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of critical areas or natural resource lands at the owner's expense.
4. The Department may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of critical areas or buffers which are inconsistent with this title. Enforcement actions shall include civil infractions, administrative orders, prosecution of misdemeanors, and actions for damages and restoration.
5. *Aiding or Abetting.* Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation of this title.
6. Any person found to have violated any provision of this title or who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this title or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to

be maintained pursuant to this title shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine of up to \$1,000.

7. Orders and penalties issued pursuant to this section may be appealed as provided for by this title.

B. *Administrative Orders.*

1. The Department may serve an administrative order when any person makes or partakes in any use of land, development or any activity on regulated critical areas and/or buffers in violation of this title. The order shall include the following:

- a. A description of the specific nature, location, extent and time of violation. The order may include the damage or potential damage resulting from the violation.
- b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
- c. *Effective Date.* The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
- d. *Compliance.* Failure to comply with the terms of an administrative order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
- e. The order may include specific corrective measures to be taken to mitigate environmental damage.
- f. The order shall state that a hearing may be requested by an affected party by sending a written request for a hearing to the Hearing Examiner within 10 days of the receipt of said order and upon payment of the applicable appeal fee.
- g. Failure to comply with the terms and provisions of an administrative order issued under this title shall constitute public nuisance and may be abated and prosecuted according to applicable law including Chapter [8.16](#) LMC and Chapters [7.48](#) and [9.66](#) RCW.
- h. Administrative orders pursuant to this title shall be served upon the property owner or person or party occupying the property by personal service or by mailing a

copy of the order by certified mail, postage prepaid, return receipt requested, to the property owner at the property address or to the mailing address listed upon public records regarding the property. In the event that personal service or certified mail service cannot be completed, or the property owner cannot be identified or located, service of the order may be achieved by posting the administrative order in a conspicuous location upon the property.

2. Any person who undertakes any activity within a regulated critical area or buffer without first obtaining an approval required by this title, or who violates one or more conditions of any approval required by this title, shall be subject to a Class 2 civil infraction citation with a mandatory \$250.00 fine. Any person who violates one or more conditions of administrative order issued under this title may be subject to prosecution for a misdemeanor, and a maximum penalty of 90 days in jail and/or a \$1,000 fine may be imposed. Each violation and, in the case of a continuing violation, each violation and each day of activity without a required approval shall be a separate and distinct violation. An application for a required permit, when pursued in good faith, shall stay the accumulation of violations. The penalty provided shall be appealable as provided by law.

C. *Penalties and Enforcement.* Any person, party, firm, corporation or other legal entity convicted of violating any of the provisions of this title, shall be guilty of a civil infraction or misdemeanor. Each day or portion of a day during which a violation of this title is continued, committed, or permitted shall constitute a separate offense. Any development carried out contrary to the provisions of this title shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington.

D. *Suspension and Revocation.* In addition to other penalties provided for elsewhere, the Department may suspend or revoke any project permit approval if it finds that the applicant has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application. [Ord. 362 § 3, 2004.]

14.142.140 Appeal procedures.

Requests for reconsideration and appeals of a decision issued under this title shall be considered by the City according to procedures provided in the City's Land Use and

Development Code for the underlying permit or entitlement, or as an appeal of an administrative decision. [Ord. 362 § 3, 2004.]

14.142.160 Fees.

The City shall establish an appropriate fee structure for permit processing and technical review by separate resolution. [Ord. 362 § 1, 2004.]

14.142.170 Title and pat notification.

If more than one critical areas/resource lands exist on the site subject to the provisions of this title, then one notice which addresses all of the critical areas/resource lands shall be sufficient. [Ord. 362 § 3, 2004.]

14.142.180 Nonconforming uses.

An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the following:

- A. Nonconforming uses shall not be expanded, or changed in any way that increases the nonconformity without a permit issued pursuant to the provisions of this chapter;
- B. Existing structures shall not be expanded or altered in any manner which will increase the nonconformity without a permit issued pursuant to the provisions of this chapter, except one-family dwellings and accessory structures may be expanded or altered as provided in LMC [14.142.070\(G\)](#);
- C. Activities or uses which are discontinued for 12 consecutive months shall be allowed to resume only if they are in compliance with this chapter; and
- D. Nonconforming structures destroyed by fire, explosion, or other casualty may be replaced or restored if reconstruction is commenced within one year of such damage and is substantially

completed within 18 months of the date such damage occurred. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity. [Ord. 362 § 3, 2004.]

14.142.190 Administrative procedures and technical criteria.

The Department shall develop administrative procedures, including technical requirements, to guide decision making in implementing provisions of this chapter. In particular, the Department shall adopt procedures for determining the category of specific wetlands. In so doing, the Department shall solicit the views of wetland specialists, ecologists, developers and interested citizens. Administrative procedures can be modified from time to time, and can include material by reference to state or federal criteria subject to notice to the public and consideration of public views and input. Administrative procedures shall be made available to the public upon request, and shall be consistent with the provisions of this chapter. Upon request, the Department shall provide the City Council with copies of all administrative procedures, including modifications, to ensure consistency with the provisions of this chapter. [Ord. 362 § 3, 2004.]

14.142.200 Severability.

If any provision of this title or any of its subsections, or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected. [Ord. 362 § 3, 2004.]

Chapter 14.146

GEOLOGICALLY HAZARDOUS AREAS*

Sections:

14.146.010 Purpose.

14.146.020 Designation of erosion and landslide hazard areas.

14.146.030 Protection standards for erosion and landslide hazard areas.

14.146.040 Designation of seismic hazard areas.**14.146.050 Protection standards in seismic hazard areas.**

* **Prior legislation note:** Ord. 362 repealed provisions concerning geologically hazardous areas that were formerly in this chapter, based on the provisions of Ord. 56.

14.146.010 Purpose.

The intent behind the classification and designation of geologically hazardous areas is to classify and designate areas on which development should be prohibited, restricted, or otherwise controlled because of danger from geological hazards. For purposes of this title, geologically hazardous areas include the following: erosion and landslide hazard areas and seismic hazard areas. [Ord. 362 § 3, 2004.]

14.146.020 Designation of erosion and landslide hazard areas.

A. *General.* Erosion hazard areas are those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion. Landslide hazard areas are areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

B. *Classification.*

1. *Criteria.*

a. Erosion hazard areas are identified by the presence of vegetative cover, soil texture, slope, and rainfall patterns, or human-induced changes to such characteristics, which create site conditions which are vulnerable to erosion. Erosion hazard areas are those areas that are classified as having moderate to severe, severe or very severe erosion potential by the Soil Conservation Service, United States Department of Agriculture (USDA). The geologic units considered as potential erosion hazards within areas of slopes greater than 15 percent may consist of the following: m (modified land), Qal (alluvium), Qw (wetland deposits), Qb (beach deposits), Qtf (tide flat deposits), Qls

(landslide deposits), Qf (fan deposits), the Qvr and Qvs series (Vashon recessional outwash, and Steilacoom Gravel), and Qvi (ice contact deposits). These units are identified because of density and composition.

b. Landslide hazard areas are those areas meeting any of the following criteria:

- i. Areas of historic failures, including areas of unstable old and recent landslides;
- ii. Areas with all three of the following characteristics:
 - (A) Slopes steeper than 15 percent; and
 - (B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - (C) Springs or ground water seepage;
- iii. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes, in subsurface materials;
- iv. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
- v. Areas potentially unstable as a result of rapid stream incision, streambank erosion, and undercutting by wave action;
- vi. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding;
- vii. Any area with a slope of 30 percent or steeper and with a vertical relief of 10 or more feet. A slope is delineated by establishing the toe and top and measured by averaging the inclination over at least 10 feet of vertical relief;
- viii. Areas which have a “severe” limitation for building site development because of slope conditions, according to the Soil Conservation Service.

2. *Mapping.* Areas meeting the criteria established above may be delineated in the following documents:

- a. Soil Survey of Pierce County Area, Washington, 1979, Soil Conservation Service, United States Department of Agriculture (USDA);

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- b. Coastal Zone Atlas for Washington, Washington Department of Ecology;
 - c. Areas designated as slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Washington Department of Natural Resources Division of Geology and Earth Resources;
 - d. Geologic Map of the Steilacoom 7.5-Minute Quadrangle, Washington 2003. [Ord. 362 § 3, 2004.]

14.146.030 Protection standards for erosion and landslide hazard areas.

A. *Prohibited Development Areas.* In areas meeting all three of the following characteristics, no structure or disturbance of vegetation is permitted:

1. An area with a slope of 100 percent or steeper (45 degrees); and
2. Hillside intersecting geological contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
3. Springs or ground water seepage.

B. *Regulation – Geotechnical Report Required.* For all regulated activities proposed within landslide and erosion hazard areas, a geotechnical report prepared by a professional geotechnical engineer or geologist licensed by the state of Washington shall be submitted (see subsection [\(B\)\(2\)](#) of this section). Where the applicant can clearly demonstrate to the Department through submittal of a geological assessment (see subsection [\(B\)\(1\)](#) of this section) that the regulated activity or any related site alterations will not occur within the landslide or erosion hazard area or any associated buffers, the requirements for a geotechnical report may be waived. A geological assessment may be prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or by a professional geologist/hydrologist or soils scientist who has earned a bachelor's degree in geology, hydrology, soils science, or closely related field from an accredited college or university, or equivalent educational training, and has at least five years experience assessing erosion and landslide hazards.

1. *Geological Assessments.*

- a. Should the applicant question the presence of landslide or erosion hazard areas on the site, the applicant may submit a geological assessment.
- b. The geological assessment shall include at a minimum the following:
 - i. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site; and
 - ii. An evaluation of the analysis area's inherent landslide and erosion hazards; and
 - iii. A site plan of the area delineating all areas of the site subject to landslide and erosion hazards, based on mapping and criteria referenced in LMC [14.146.020](#).

The submittal must include a contour map of the proposed site, at a scale of one inch equals 20 feet or as deemed appropriate by the Department. Slopes shall be clearly delineated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for aerial coverage of each slope category on the site. When site specific conditions indicate the necessity, the Department may require the topographic data to be field surveyed.

2. *Geotechnical Reports.* The geotechnical report shall be prepared by a professional geotechnical engineer or geologist licensed by the state of Washington, and shall address the existing geologic, topographic, and hydrologic conditions on a site, including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

- a. *Site Geology Information Required.*
 - i. *Topographic Data.* Submittal must include a contour map of the proposed site, at a scale of one inch equals 20 feet or as deemed appropriate by the Department. Slopes shall be clearly delineated for the ranges between 15 and 29 percent, and 30 percent or greater, including figures for aerial coverage of each slope category on the site. When site specific conditions indicate the necessity, the Department may require the topographic data to be field surveyed.

ii. *Subsurface Data*. Submittal must include boring logs and exploration methods; soil and rock stratification, ground water levels and seasonal changes of ground water levels. Subsurface data shall include any evidence of the presence of any organic fill or other conditions that would have the potential to affect buildings or development on the site.

iii. *Site History*. Submittal must include a description of any prior grading, soil instability, or slope failure.

iv. *Seismic Hazard*. Submittal of data concerning the vulnerability of the site to seismic events, including potential for liquefaction of soils.

b. *Geotechnical Engineering Information Required*.

i. Slope stability studies and opinion(s) of slope stability for the predeveloped and post-developed condition. Site specific setbacks and buffers from landslide hazard areas should be based on the results of the stability analysis;

ii. Proposed angles of cut and fill slopes and site grading requirements;

iii. Structural foundation requirements and estimated foundation settlements;

iv. Soil compaction criteria;

v. Proposed surface and subsurface drainage;

vi. Lateral earth pressures;

vii. Vulnerability of the site to erosion;

viii. Suitability of on-site soil for use as fill;

ix. Laboratory data and soil index properties for soil samples; and

x. Building limitations.

Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site, or surrounding the site, the applicant shall submit an amendment to the geotechnical report.

The development proposal may be approved, approved with conditions, or denied based on the Department's evaluation of the ability of the proposed mitigation measures to reduce risks associated with the erosion and landslide hazard area.

3. *Protection – Performance Standards.* The Department shall evaluate all geotechnical reports for landslide and erosion hazard areas to ensure that the following standards are met:

a. *Location and Extent of Development.*

- i. Development shall be located to minimize disturbance and removal of vegetation;
- ii. Structures shall be clustered where possible to reduce disturbance and maintain natural topographic character; and
- iii. Structures shall conform to the natural contours of the slope and foundations should be tiered where possible to conform to existing topography of the site.

b. *Design of Development.*

- i. All development proposals shall be designed to minimize the building footprint and other disturbed areas within the identified geologically hazardous area;
- ii. All development shall be designed to minimize impervious lot coverage;
- iii. Roads, walkways and parking areas shall be designed to parallel the natural contours;
- iv. Access ways shall be designed to avoid geological hazards to the extent feasible. If hazardous areas cannot be avoided, then hazards shall be mitigated as directed by a professional engineer licensed by the state of Washington.

The Department may approve, approve with conditions, or deny development proposals based on these performance standards.

4. *Protection – Buffer Requirement.* A buffer, consisting of undisturbed natural vegetation, and measured in a perpendicular direction from all landslide and erosion hazard areas, shall be required from the top of slope and toe of slope of all landslide or erosion hazard areas that measure 10 feet or more in vertical elevation change from top to toe of slope, as

identified in the geotechnical report, maps, and field-checking. The minimum buffer distance requirements from the top of slope and toe of slope of landslide or erosion hazard areas shall be the same as for setbacks from slopes as identified in the International Building Code Section 1805.3, as may be amended by the State Building Code Council, or as indicated by a site-specific geotechnical report. In addition, a setback from the buffer area shall be provided as described in subsection (B)(6) of this section. In no case shall the building setback from the top, sides and toe of a landslide hazard area be less than 10 feet.

To increase the functional attributes of the buffer, the Department may require that the buffer be enhanced through planting of appropriate native species that will provide effective protection against erosion and landslides. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any site clearing or construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. Site-clearing shall not commence until the engineer has submitted written notice to the Department that buffer requirements of this chapter are met. Field-marking shall remain until all construction and clearing phases are completed, and final approval has been granted by the Department. The identified critical area and buffer shall be placed in a separate critical area tract or tracts, protective easement, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the Department.

5. *Modifications to Buffer Width.* When the geotechnical report demonstrates that a lesser buffer distance, and design and engineering solutions, will meet the intent of this chapter, such reduced buffer and design and engineering solutions may be permitted. Should the geotechnical report indicate that a greater buffer than that required by subsection (B)(4) of this section is needed to meet the intent of this chapter, the greater buffer shall be required.

6. *Building Setback and Construction Near Buffer.* Eight-foot minimum setback lines shall be required from the buffer area required in subsection (B)(4) of this section, for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.

7. *On-Site Sewage Disposal Systems.* On-site sewage disposal systems, including drain fields within landslide or erosion hazard areas and related buffers as identified in subsection [\(B\)\(4\)](#) of this section, shall meet all requirements of the Tacoma-Pierce County Board of Health and the Washington State Department of Health for on-site sewage disposal (Chapter [246-272](#) WAC).

8. *Erosion Control Plan.* Erosion control plans shall be required for all regulated activities in erosion hazard areas. The erosion control plans shall be consistent with the City Site Development Regulations, Section 3.04.

9. *Notification.*

a. *Title Notification.* The owner of any site within an erosion hazard or landslide hazard area, as identified in LMC [14.146.020](#), on which a development proposal is submitted, shall record a notice with the Pierce County Auditor in the form set forth below:

b. Form of notice:

EROSION OR LANDSLIDE HAZARD AREA NOTICE

Parcel Number: _____

Address: _____

Legal Description: _____

Present Owner: _____

Notice: This site lies within an erosion or landslide area as defined by Chapter 14.____ of the Lakewood Municipal Code. The site was the subject of a development proposal for application number _____
filed on (date) _____

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the erosion or landslide hazard area and any restriction on use.

Signature of Owner(s)

(NOTARY ACKNOWLEDGMENT)

c. *Plat Notification.* For all proposed short subdivision and subdivision proposals within erosion hazard or landslide hazard areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within or includes an erosion hazard or landslide hazard area as defined in Chapter [14.146](#) of the City Code. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

[Ord. 362 § 3, 2004.]

14.146.040 Designation of seismic hazard areas.

A. *General.* Seismic hazard areas are areas subject to severe risk of earthquake damage from seismically induced settlement or lateral spreading as a result of soil liquefaction in an area underlain by cohesionless soils of low density and usually in association with a shallow ground water table.

B. *Classification.*

1. *Criteria.* Seismic hazard areas are generally those areas susceptible to ground failure during seismic events. Failure can consist of soil liquefaction, slope failure, settlement, ground rupture, or lateral displacement. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils, usually fine sand, of low density, typically in association with a shallow ground water table.

2. *Mapping.* Seismic hazard areas may be identified using the Geologic Map of the Steilacoom 7.5-Minute Quadrangle, Washington 2003; and the "Preliminary Liquefaction Susceptibility Map of Pierce County, Washington, September 2003" published by the Washington Department of Natural Resources. [Ord. 362 § 3, 2004.]

14.146.050 Protection standards in seismic hazard areas.

A. *Regulation – Geotechnical Report Required.* For all regulated activities, except the construction of wood frame structures under 5,000 square feet, mobile homes, fences, and/or subdivision of property, proposed within seismic hazard areas, a geotechnical report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering shall be submitted (see subsection [\(A\)\(2\)](#) of this section). Retaining walls may also be excluded from the requirement of a geotechnical report when the height of soil fills on the upper side are not in excess of four feet above the toe of the wall, backfills do not exceed a top surface slope of 4:1 (H:V), and there is no permanent structure existing or proposed within a distance of three times the height of the wall. Where an applicant can demonstrate through submittal of a geological assessment (see subsection [\(A\)\(1\)](#) of this section), that there are no seismic hazards on site, the requirement for the geotechnical report may be waived. A geological assessment may be prepared by a professional geotechnical engineer or by a professional geologist licensed by the state of Washington.

1. Geological Assessments.

- a. Should the applicant question the presence of seismic hazard areas on the site, the applicant may submit a geological assessment.
- b. The geological assessment shall include at a minimum the following:
 - i. A description of the topography, surface and subsurface hydrology, soils, geology, and vegetation of the site; and
 - ii. An evaluation of the analysis area's inherent seismic hazards; and
 - iii. A site plan of the area delineating all areas of the site subject to seismic hazards, based on mapping and criteria referenced in LMC [14.146.040](#).

If the geological assessment demonstrates, to the satisfaction of the Department, that the proposed site is not located in any seismic hazard areas, based upon the criteria set forth in subsection [\(A\)\(1\)\(b\)](#) of this section, then the requirements of this section shall not apply.

2. *Geotechnical Report.* The geotechnical report shall be prepared by a professional engineer licensed by the state of Washington with experience in geotechnical engineering and shall address the existing geologic, topographic, and hydrologic conditions on a site,

including an evaluation of the ability of the site to accommodate the proposed activity. The geotechnical report shall include at a minimum the following:

- a. A discussion of the surface and subsurface geologic conditions of the site;
- b. A site plan of the area delineating all areas of the property subject to seismic hazards, based on mapping and criteria referenced in LMC [14.146.040](#);
- c. A discussion of mitigation measures which can be taken to reduce seismic risks associated from liquefaction, ground shaking, settlement or slope failure with the underlying surficial geology; and
- d. An evaluation of the effectiveness of the proposed mitigation measures. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be utilized and a new report may not be required. If any changed environmental conditions are associated with the site, or surrounding the site, the applicant shall submit an amendment to the geotechnical report.

The development proposal may be approved, approved with conditions, or denied based on the Department's evaluation of the ability of the proposed mitigation measures to reduce seismic risks associated with the underlying surficial geology.

3. *Notification.*

- a. *Title Notification.* The owner of any site within a seismic hazard area as identified in LMC [14.146.040](#), on which a development proposal is submitted, shall record a notice with the Pierce County Auditor in the form set forth below:

Form of Notice:

SEISMIC HAZARD AREA NOTICE

Parcel Number: _____

Address: _____

Legal Description: _____

Present Owner: _____

Notice: This site lies within a seismic hazard area as defined by Chapter [14.146](#) of the Lakewood Municipal Code. The site was the subject of a development proposal for application number _____
filed on (date) _____

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of a seismic hazard area and any restrictions on use.

Signature of owner(s)

NOTARY ACKNOWLEDGMENT

- b. *Plat Notification.* For all proposed short subdivision and subdivision proposals within seismic hazard areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This site lies within a seismic hazard area as defined in Chapter [14.146](#), of the City Code. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

[Ord. 362 § 3, 2004.]

Chapter 14.150

AQUIFER RECHARGE AREAS*

Sections:

- 14.150.010 Purpose.**
- 14.150.020 Designation of aquifer recharge areas.**
- 14.150.030 Protection standards in aquifer recharge areas.**
- 14.150.040 Hydrogeological assessments.**

* **Prior legislation note:** Ord. 362 repealed provisions concerning aquifer recharge areas that were formerly in this chapter, based on the provisions of Ord. 56.

14.150.010 Purpose.

The Growth Management Act requires the City of Lakewood to designate areas and adopt development regulations for the purpose of protecting areas within the City critical to maintaining ground water recharge and quality. The Growth Management Act, Water Pollution Control Act, Water Resources Act of 1971, and the Ground Water Quality Standards require that these actions be taken to protect ground water quality and quantity such that its use as potable water can be preserved for current and future uses. This chapter shall define a scientifically valid methodology by which the City of Lakewood will designate areas determined to be critical in maintaining both ground water quantity and quality. This chapter shall specify regulatory requirements to be enacted when development within these areas is proposed to occur. [Ord. 362 § 3, 2004.]

14.150.020 Designation of aquifer recharge areas.

A. *General.* Aquifer recharge areas are areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute to the replenishment of ground water.

B. *Classification.* For the purposes of this chapter, the boundaries of the City's aquifer recharge areas are:

1. The boundaries of the two highest DRASTIC zones which are rated 180 and above on the DRASTIC index range, as identified in Map of Ground Water Pollution Potential, Pierce County, Washington, National Water Well Association, U.S. Environmental Protection Agency; and
2. The Clover/Chambers Creek Aquifer Basin boundary, as identified in Draft Clover/Chambers Creek Basin Ground Water Management Program and Environmental Impact Statement, Brown and Caldwell for Washington State Department of Ecology.

3. Any site located within the Clover/Chambers Creek Basin boundary or the two highest DRASTIC zone boundaries is included in the aquifer recharge area. [Ord. 362 § 3, 2004.]

14.150.030 Protection standards in aquifer recharge areas.

A. *Exemptions.* In addition to the exemptions listed in LMC [14.142.070](#), the following uses shall be exempt from the requirements of this chapter:

1. Sewer lines and appurtenances.
2. Individual on-site domestic sewage disposal (septic) systems releasing less than 14,500 gallons of effluent per day, subject to permitting by the Tacoma-Pierce County Health Department.

B. *Plat Notification.* For all proposed short subdivision and subdivision proposals within the City, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

Notice: This subdivision lies within an aquifer recharge area as defined in Chapter [14.150](#) of the Lakewood Municipal Code. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation.

C. *Prohibited Activities.* Because of high potential for contamination, and low potential for remediation of ground waters used as potable water sources, the following uses of land shall be prohibited within the City of Lakewood:

1. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, and wood waste. Inert and demolition waste landfills may be permitted subject to the requirements of subsection [D](#) of this section.
 2. Underground injection wells, except as may be proposed by a public agency for remediation of ground water contamination or aquifer enhancement.
 3. Metals mining.
 4. New sand and gravel mining.
-

5. Wood treatment facilities.
6. Storage of more than 70,000 gallons of liquid petroleum or other hazardous substance.

D. *Regulated Activities*. The following land uses may only be permitted after review and approval of a hydrogeological assessment by the Tacoma-Pierce County Health Department. Uses requiring a hydrogeological assessment may be conditioned or denied based upon the TPCHD's evaluation of the hydrogeologic assessment. Other state and federal regulations pertaining to the specific activities listed should be referenced in the hydrogeologic assessment and agency review:

1. Aboveground storage tanks (WAC [173-303-640](#));
2. Automobile washing facilities (Chapter [173-216](#) WAC, DOE Publication WQ-R-95-56);
3. Below-ground storage tanks (Chapter [173-360A](#) WAC);
4. Residential structures housing three or more units and utilizing on-site septic systems (Chapter [246-272](#) WAC, TPCHD Regulations);
5. Sludge land application sites categorized as S-3, S-4 and S-5, as defined above;
6. Animal containment area (Chapters [173-216](#) and [173-220](#) WAC);
7. Inert and demolition waste landfills (Chapter [173-304](#) WAC);
8. Facilities with the potential to generate hazardous waste, including, but not limited to, boat repair facilities, biological research facilities, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, and printing shops (Chapter [173-303](#) WAC).

E. *Storage Tank Permits*. The Fire Marshal specifically regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (Chapter [173-360A](#) WAC). The TPCHD regulates and authorizes permits for the removal of underground storage tanks (Pierce County Code, Chapter [8.34](#)).

1. *Facilities with Underground Tanks – New Underground Tanks*. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

- a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
- b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substance; and
- c. Use material in the construction or lining of the tank which is compatible with the substance to be stored.
- d. The installation of underground storage tanks shall also be subject to state and local permit requirements.

2. *Aboveground Tanks.*

- a. No new aboveground storage facility or part thereof shall be fabricated, constructed, installed, used, or maintained in any manner which may allow the release of a hazardous substance to the ground, ground waters, or surface waters of Lakewood within an aquifer recharge area.
- b. No new aboveground tank or part thereof, with the exception of tanks for potable water, shall be fabricated, constructed, installed, used, or maintained without having constructed around and under it an impervious containment area enclosing or underlying the tank or part thereof.
- c. A new aboveground tank that will contain hazardous substances shall be of double wall construction and shall include a secondary containment system separate from the tank that will hold 110 percent of the tank's capacity. The secondary containment system must be designed and constructed to contain the material stored in the tank.
[Ord. 362 § 3, 2004.]

14.150.040 Hydrogeological assessments.

- A. The hydrogeologic assessment may be submitted by a state of Washington licensed hydrogeologist, or professional engineer with a strong background in geology as demonstrated

by course work from an accredited college or university. Persons who believe they are qualified to conduct a hydrogeologic assessment may petition the TPCHD for consent.

B. The hydrogeologic assessment shall include, but is not limited to:

1. Information sources;
2. Geologic setting: include well logs or borings used to identify information;
3. Background water quality;
4. Ground water elevations;
5. Location/depth to perched water tables;
6. Recharge potential of facility site (permeability/transmissivity);
7. Ground water flow direction and gradient;
8. Currently available data on wells located within 1,000 feet of site;
9. Currently available data on any spring within 1,000 feet of site;
10. Surface water location and recharge potential;
11. Water source supply to facility (e.g., high capacity well);
12. Any sampling schedules necessary;
13. Discussion of the effects of the proposed project on the ground water resource;
14. Other information as required by the TPCHD.

C. Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the TPCHD's evaluation of the hydrogeologic assessment. Any project denied a permit based upon the Tacoma-Pierce County Health Department's evaluation of the hydrogeologic assessment shall receive a written explanation of the reason(s) for denial and an explanation of measures required, if any, to comply with these regulations. [Ord. 362 § 3, 2004.]

Chapter 14.154

FISH AND WILDLIFE HABITAT AREAS*

Sections:

- 14.154.010 Purpose and intent.**
- 14.154.020 Designation of critical fish and wildlife habitat areas.**
- 14.154.030 Habitat protection standards.**
- 14.154.040 Title and plat notification.**
- 14.154.050 Habitat protection for rivers and streams.**
- 14.154.060 Habitat protection for lakes.**
- 14.154.070 Habitat protection for ponds.**
- 14.154.090 Provisions for fish and wildlife, habitat buffers, where required.**

*** Prior legislation note:** Ord. 362 repealed provisions concerning fish and wildlife habitat areas that were formerly in this chapter, based on the provisions of Ord. 56.

14.154.010 Purpose and intent.

Many land use activities can impact the habitats of fish and wildlife. Where areas of critical fish and wildlife habitat are subject to development, land use shall be managed to protect critical habitats. Managing land use to protect critical habitats is intended to allow proposed development to occur in a manner that is sensitive to the habitat needs of critical fish and wildlife species. The purpose of this chapter is to identify critical fish and wildlife species and habitats and establish habitat protection procedures and mitigation practices that are designed to achieve no “net loss” of species and habitat due to new development or other regulated activities.

As a necessary first step in achieving the necessary protection of critical fish and wildlife species, it is the intent of this chapter to:

- A. Define and identify critical fish and wildlife species and habitats;
- B. Emphasize and encourage education, information and voluntary action to enhance, protect, rehabilitate, and restore critical fish and wildlife species and habitats;

C. Rely primarily upon existing procedures and laws, such as the State Environmental Policy Act, Chapter [43.21C](#) RCW; the City's Shoreline Use Regulations; and the Shoreline Management Act, Chapter [90.58](#) RCW, that, directly or indirectly, protect fish and wildlife species and habitats; and

D. Establish buffers adjacent to rivers, streams, and other identified critical habitat areas and locations to protect critical fish and wildlife habitats.

It is not intended that this chapter repeal, abrogate, or impair any existing law or regulations. If the buffering provisions of this chapter conflict with any existing City law or regulation, the more stringent shall apply. [Ord. 362 § 3, 2004.]

14.154.020 Designation of critical fish and wildlife habitat areas.

A. *General.* This chapter applies to proposed regulated activities within critical fish and wildlife habitat areas. Critical fish and wildlife habitat areas are those areas identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both.

B. *Identification of Critical Fish and Wildlife Species and Habitats.*

1. *Critical Fish and Wildlife Habitat Areas.*

a. *Federal and State Listed Species and Their Associated Habitats.* Areas which have a primary association with federally or state listed endangered, threatened, or sensitive species of fish or wildlife (specified in [50 CFR 17.11](#), [50 CFR 17.12](#), [WAC 220-610-010](#) and [220-610-110](#)) and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

b. Habitats and species of local importance, including the following:

i. Areas with which state listed monitor or candidate species or federally listed candidate species have a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

ii. Documented habitat areas or outstanding potential habitat areas for fish and wildlife species. These areas include specific habitat types which are infrequent in occurrence in Pierce County and Lakewood, and may provide specific habitats with

which endangered, threatened, sensitive, candidate, or monitor species have a primary association, such as breeding habitat, winter range, and movement corridors. These areas include the following:

- (A) Priority Oregon white oak [trees and](#) woodlands.
- (B) Prairies.
- (C) Old growth forests.
- (D) Caves.
- (E) Cliffs.
- (F) Snag-rich areas.
- (G) Rivers and streams with critical fisheries.
- (H) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.
- (I) Waters of the state, including all water bodies classified by the Washington Department of Natural Resources (DNR) water typing classification system as detailed in WAC [222-16-030](#), together with associated riparian areas.
- (J) Lakes, ponds, streams, and rivers planted with game fish by a governmental entity or tribal entity.
- (K) State natural area preserves and natural resource conservation areas.

2. *Mapping.* The resources listed below provide information on fish and wildlife habitat areas:

- a. Puget Sound Environmental Atlas, Puget Sound Water Quality Authority.
- b. The following Washington Department of Natural Resources documents and data sources:
 - i. Stream typing maps.
 - ii. Natural Heritage Database.

- c. The following Washington Department of Wildlife documents and data sources:
 - i. Priority Habitats and Species Program.
 - ii. Nongame Database.
 - iii. Washington Rivers Information System.
- d. The following Washington Department of Fisheries documents:
 - i. Water Resource Index Areas (WRIA). [Ord. 630 § 1, 2015; Ord. 362 § 3, 2004.]

14.154.030 Habitat protection standards.

A. *Education and Information.* A voluntary education program to explain the need for and methods of habitat management will help provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens of the declining populations of several fish and wildlife species in Pierce County, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the City can foster good stewardship of the land by property owners.

1. The Department will provide educational materials and lists of additional sources of information to applicants proposing regulated activities in the vicinity of critical fish and wildlife habitat areas. Materials will be selected from a variety of state and local resources.
2. The Department will accumulate information on the number of proposed activities associated with fish and wildlife habitat areas as identified by this chapter and indicated by County maps to be in the vicinity of identified critical fish and wildlife habitats pursuant to LMC [14.154.020](#). Information shall include the number of single-family residences and other development occurring in the vicinity of critical fish and wildlife areas. Based on this information, additional regulations may be developed.

B. *Use of Existing Procedures and Laws, Biological Assessments.* The primary procedures used to implement this chapter shall include this chapter itself, the City's Land Use and Development Code, the State Environmental Policy Act (Chapter [43.21C](#) RCW), the City's environmental regulations, the State Shoreline Management Act (Chapter [90.58](#) RCW), and the City's shoreline management regulations.

Regulated activities subject to environmental review shall be reviewed with consideration for impacts on critical fish and wildlife habitat as identified in this title. The Community Development Director may require a biological assessment prepared by a qualified wildlife biologist whenever the Director finds that a project site may contain, affect, or be affected by, species or habitats designated in this chapter. Biological assessments shall be prepared in accordance with LMC [14.154.050\(B\)](#), and are subject to the review and approval of the Director.

Projects undergoing review for fish and wildlife considerations shall be routed to the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and any other appropriate state and federal agencies. These agencies will have an opportunity to provide specific habitat information on proposed development sites, advise the City of their jurisdiction and applicable permit requirements, and suggest appropriate project modifications and/or other mitigation.

The City shall give substantial weight to the management recommendations contained in the Washington Department of Fish and Wildlife Priority Habitats and Species Program, ~~particularly the management recommendations for Oregon white oak woodlands~~. [Ord. 630 § 2, 2015; Ord. 362 § 3, 2004.]

14.154.040 Title and plat notification.

For regulated activities where a habitat assessment or habitat management plan has been prepared as part of the proposal's environmental review, the owner of the site shall record a notice of the reports with the Pierce County Auditor so that information is known if the property ownership changes.

A. *Title Notification.* The owner of any site where a habitat assessment or habitat management plan has been prepared for a development proposal shall record a notice with the Pierce County Auditor in the form set forth below:

Form of Notice:

FISH AND WILDLIFE HABITAT AREA
NOTICE

Parcel Number: _____

Address: _____

Legal Description: _____

Present Owner: _____

Notice: This site lies within/contains a critical fish and wildlife habitat area as defined by Chapter [14.154](#) of the Lakewood Municipal Code. The site was the subject of a development proposal for

_____ application number _____

filed on _____ (date).

Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application has provided information on the location of the fish and wildlife habitat area and any restriction on use.

Signature of Owner(s)

Date

(NOTARY ACKNOWLEDGMENT)

B. *Plat Notification.* For all proposed short subdivision and subdivision proposals within critical fish and wildlife habitat areas, the applicant shall include a note on the face of the plat. [Ord. 630 § 3, 2015; Ord. 362 § 3, 2004.]

14.154.050 Habitat protection for rivers and streams.

Regulated activities proposed along rivers and streams shall provide for habitat protection.

A. *Habitat Protection for Rivers and Streams Shall Be Provided through Buffers.*

1. The buffer, consisting of undisturbed natural vegetation, shall be required along all streams, as classified by the DNR water typing classification system (WAC [222-16-030](#)). The buffer shall extend landward from the ordinary high water mark of the water body.

a. Outside of the buffer removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. Native

vegetation within the buffer portion of the property can be counted toward this requirement.

2. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.
3. Buffer widths shall be as established by the City of Lakewood Shoreline Master Program (SMP) as contained in Chapter 4, Section C of the SMP.
4. If a proposed project does not meet the criteria established in Chapter [18A.50](#)LMC, Article I, a habitat impact assessment shall be conducted in accordance with subsection [\(B\)](#) of this section, and if necessary, a habitat mitigation plan shall be prepared and implemented in accordance with the provisions of this chapter.

B. *Habitat Impact Assessment.* Unless allowed under Chapter [18A.50](#)LMC, Article I, a permit application to develop in the special flood hazard area (SFHA), for that portion of any parcel located within the area between the boundary of a buffer as established in the SMP, Chapter 4, Table 2, and the boundary of any buffer as required by the National Marine Fisheries Service's Puget Sound Biological Opinion of September 22, 2008, shall include an assessment of the impact of the project on water quality and aquatic and riparian habitat. The assessment shall be:

1. A biological evaluation or biological assessment that has received concurrence from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act; or
2. Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act; or
3. Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or
4. An assessment prepared in accordance with the most current Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA (Federal Emergency Management Agency) Region X. The assessment shall determine if the project would adversely affect:

- a. The primary constituent elements identified when a species is listed as threatened or endangered;
- b. Essential fish habitat designated by the National Marine Fisheries Service;
- c. Fish and wildlife habitat conservation areas;
- d. Vegetation communities and habitat structures;
- e. Water quality;
- f. Water quantity, including flood and low flow depths, volumes and velocities;
- g. The channel's natural planform pattern and migration processes;
- h. Spawning substrate, if applicable; and/or
- i. Floodplain refugia, if applicable.

C. Habitat Mitigation Plan.

1. If the assessment conducted under subsection [B](#) of this section concludes the proposed project is expected to have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with the current Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA (Federal Emergency Management Agency) Region X.

a. If the proposed project is located outside of the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate for the situation.

b. If the proposed project is located within the protected area, the mitigation plan shall include such appropriate measures as are needed to ensure that there is no adverse effect due to the project. Minimization measures are not allowed in the protected area, unless they, in combination with other measures, result in no adverse effect. No compensatory mitigation is allowed in the protected area.

2. The plan's habitat mitigation activities shall be incorporated into the proposed project. The floodplain development permit shall be based on the redesigned project and its mitigation components.

3. A certificate of occupancy or final inspection approval for a project shall not be issued until all work identified in the biological evaluation, biological assessment, or mitigation plan has been completed or the applicant has provided the necessary assurances that unfinished portions of the project will be completed.

D. *Compensatory Storage*. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity displaces any effective flood storage volume. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;
2. Be hydraulically connected to the source of the flooding; and
3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before flood season begins.
4. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites. [Ord. 726 § 2(Exh. A), 2019; Ord. 659 § 2, 2017; Ord. 630 § 4, 2015; Ord. 362 § 3, 2004.]

14.154.060 Habitat protection for lakes.

A. Regulated activities proposed on lakes that are urban in character will not be subject to the buffering requirements of this chapter. The following lakes are urban in character:

1. American.
2. Gravelly.
3. Louise.
4. Steilacoom.

For proposed regulated activities on lakes that are subject to the State Shoreline Management Act, habitat protection shall be provided through education, voluntary agreements, and existing

laws as referenced in LMC [14.154.030\(B\)](#), and regulation via the City's Shoreline Master Program and shoreline management regulations.

B. Regulated activities proposed on lakes that are not subject to the State Shoreline Management Act shall be subject to a 35-foot buffer requirement. The buffer, consisting of undisturbed natural vegetation, shall extend landward from the ordinary high water mark of the water body. Existing laws as referenced in LMC [14.154.030\(B\)](#) may also affect such proposals. [Ord. 362 § 3, 2004.]

14.154.070 Habitat protection for ponds.

Regulated activities proposed on ponds will not be subject to the buffering requirements of this section. Habitat protection for ponds shall be provided through education, voluntary agreements and existing laws as referenced in LMC [14.154.030\(B\)](#). Ponds shall be regulated as wetlands where appropriate. [Ord. 362 § 3, 2004.]

14.154.080 Provisions for Priority Oregon white oak trees and woodlands

A. No person shall willfully remove, top, damage, destroy, break, injure, mutilate or kill any Priority Oregon white oak trees and woodlands except as allowed by this chapter.

B. During building or construction operations, suitable protective measures in LMC 18A.70.320(1) shall be erected around Oregon white oak trees, stands, or woodlands which may be subject to injury.

C. The following activities may be permitted regarding Priority Oregon white oak trees and woodlands:

1. Removal of diseased trees and trees that present an imminent threat to properties. The Director may require a written report by a certified arborist assessing the condition of any tree that is purported to be diseased or hazardous.

2. Trimming. Trimming shall be granted when it is determined:

(a) That trimming is needed for safety or public welfare or to remove diseased or dead branches; or

(b) That branches hang over an existing building or interfere with utility lines or right-of-way access.

3. Single Family Property. If the presence of the Priority Oregon white oak trees or woodlands renders the development of a house or permitted accessory structure infeasible, and the application of incentives in LMC 18A.70.320¹ is insufficient to result in a feasible development, the City may allow removal or trimming of a Priority Oregon white oak trees and woodlands in order to allow a maximum building footprint of one thousand five hundred (1,500) square feet for a single family residence, 1,000 square feet for an accessory dwelling unit, and 600 square feet for a detached garage. Additional impervious area for the driveway will be permitted which provides the shortest and most direct access to the house with minimal encroachment or impact into the critical area. The proposal shall demonstrate prior tree removal has met Article III of Chapter 18A.70 LMC in effect at the time, the proposal results in the least possible impact to the critical area to achieve a feasible development, and includes mitigation to offset any impacts to critical areas consistent with the provisions of this chapter and in accordance with a report prepared by a qualified biologist or certified arborist. The City may require a third-party review of the report at the applicant's expense. A minimum 2:1 replacement ratio shall be applied. See required findings in Subsection C.5. If a proposal does not meet the parameters of this paragraph see Subsection D.

4. Commercial, Industrial, Multifamily, Institutional or Other Development. On non-single-family properties where Priority Oregon white oak trees and woodlands does not exceed 1 acre in size contiguous and the application of incentives in LMC 18A.70.320¹ is insufficient to result in a feasible development², the City may allow for removal or trimming of a Priority Oregon white oak trees and woodlands to accommodate a legal use of the property with the least possible impact to the critical area, provided no clearing of trees occurred prior to the application for a land use permit in violation of Article III of Chapter 18A.70 LMC in effect at the time, and provided mitigation is instituted consistent with a report prepared by a qualified biologist or certified arborist.

¹ For example, building setbacks, parking standard adjustments, height/density bonuses, etc.

² Could apply definition of feasible in WAC 173-26-020(15). See Definitions later in this chapter.

The City may require a third-party review of the report at the applicant's expense. A minimum 2:1 replacement ratio shall be applied. See required findings in Subsection C.5. If a proposal does not meet the parameters of this paragraph see Subsection D.

5. Required findings. To approve a proposal for a single family home in paragraph 3 or other non-single family development in paragraph 4, the Director shall find:

(a) The application of incentives in LMC 18A.70.320¹ is insufficient to result in a feasible development.

(b) The development results in the least possible impact to the critical area to achieve a feasible development that accommodates a legal use of the property.

(c) The report and mitigation prepared by a qualified biologist or certified arborist demonstrates to the satisfaction of the Director that mitigation addresses impacts to Priority Oregon white oak trees and woodlands consistent with the provisions of this chapter. The report and mitigation consider the Washington Department of Fish and Wildlife Priority Habitats and Species Program management recommendations for Oregon white oak woodlands. The report has been reviewed by either the Washington Department of Fish and Wildlife through SEPA review and/or a qualified biologist or certified arborist at the applicant's expense as required by the Director.

(d) Prior tree removal has met Article III of Chapter 18A.70 LMC in effect at the time.

D. If the application of this section would deny all reasonable use of property, the applicant may apply for a reasonable use exception pursuant to LMC 14.142.080.

14.154.090 Provisions for fish and wildlife, habitat buffers, where required.

A. *Building Setback and Construction Near Buffer.* A minimum setback of eight feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within eight feet of the buffer shall only be

allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.

B. *Marking of the Buffer Area.* The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.

C. *Fencing from Farm Animals.* The Director shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the Director shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence around the habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area. The applicant shall be required to install a permanent fence around the habitat conservation area or buffer when domestic grazing animals are present or may be introduced on site. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as not to interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

D. Enhancements to natural buffers consistent with the education program (such as revegetation or nest boxes) are allowed.

E. *Allowable Activities within Buffers.* The following activities may occur within the buffer after notification to the Department; provided, that any other required permits are obtained.

1. Removal of diseased trees and trees that present an imminent threat to properties. The Director may require a written report by a registered landscape architect, certified nursery professional, or certified arborist assessing the condition of any tree that is purported to be diseased or hazardous.
2. Repair of existing fences.
3. Construction, reconstruction, remodeling, or maintenance of docks and bulkheads as authorized and pursuant to the shoreline management regulations.
4. Construction of a pervious path for purposes of private access to the shoreline.
5. Trimming of vegetation for purposes of providing view corridors; provided, that trimming shall be limited to view corridors of 20 feet or less; and provided, that benefits of

the buffer to fish and wildlife habitat are not reduced. Trimming shall be limited to pruning of branches and vegetation. Trimming shall not include felling or removal of trees.

6. Construction of public trails.

7. Roadways, bridges, rights-of-way, and utility lines where no feasible alternative exists, and where the development minimizes impacts on the stream and buffer area. Clear documentation explaining the lack of alternatives and measures taken to minimize impacts on the critical area and buffer shall be provided to the Community and Economic Development Department prior to approval. [Ord. 362 § 3, 2004.]

Chapter 14.158

FLOOD HAZARD AREAS*

Sections:

14.158.010 Purpose.

14.158.020 Designation.

14.158.030 Protection.

* **Prior legislation note:** Ord. 362 repealed provisions concerning flood hazard areas that were formerly in this chapter, based on the provisions of Ord. 56.

14.158.010 Purpose.

The purpose of this section is to:

- A. Promote the general health, welfare and safety of the City's residents.
- B. Prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards.
- C. Minimize the need for rescue and relief efforts associated with flooding.
- D. Help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions.

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- E. Minimize damage to public facilities and utilities located in flood hazard areas.
 - F. Ensure that potential home and business buyers are notified that property is in a flood area.
 - G. Minimize expenditure of public money for costly flood relief and control projects.
 - H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [Ord. 362 § 3, 2004.]

14.158.020 Designation.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Pierce County, and Incorporated Areas” dated March 7, 2017, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the City of Lakewood, 6000 Main Street SW, Lakewood, WA. The flood insurance study shall be kept on file by the City Engineer. [Ord. 659 § 3, 2017; Ord. 630 § 5, 2015; Ord. 362 § 3, 2004.]

14.158.030 Protection.

All development in areas of special flood hazard shall be regulated according to the City’s Site Development Regulations, and Chapter [18A.50](#)LMC, Article I, Flood Hazard Overlay. [Ord. 726 § 2(Exh. A), 2019; Ord. 362 § 3, 2004.]

Chapter 14.162

WETLANDS AREAS*

Sections:

- [14.162.010 Purpose.](#)**
 - [14.162.020 Designation of wetland areas.](#)**
 - [14.162.030 Wetland categories.](#)**
-

14.162.040 Regulated activities.

14.162.050 Exemptions.

14.162.060 Special permitted uses.

14.162.070 Delineation, and wetland analysis requirements.

14.162.080 Protection standards – Establishing buffers.

14.162.090 Protection standards for allowing regulated activities in wetlands and buffers.

14.162.100 Mitigation.

14.162.110 New agricultural activities.

14.162.120 Alternative review process, Corps of Engineers Section 404 individual permits.

14.162.130 Wetland review procedure, fees, and title notification.

* **Prior legislation note:** Ord. 362 repealed provisions concerning wetland areas that were formerly in this chapter, based on the provisions of Ord. 56.

14.162.010 Purpose.

The purpose of these regulations is to avoid, or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands, and to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, storm water and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation shall be implemented to achieve no net loss of wetlands in terms of acreage, function and value. [Ord. 362 § 3, 2004.]

14.162.020 Designation of wetland areas.

Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that

procedure are hereby designated critical areas and are subject to the provisions of this chapter.
[Ord. 630 § 6, 2015; Ord. 362 § 3, 2004.]

14.162.030 Wetland categories.

In order to provide information on the functions and values of wetlands in a time- and cost-effective way, wetland analysis reports shall categorize wetlands by their attributes and characteristics. Wetlands shall be rated using the latest adopted version of the Washington State Wetland Rating System for Western Washington published by the Washington State Department of Ecology ("State Wetland Rating System").

The State Wetland Rating System provides the detailed criteria for establishing wetland categories. Wetlands are generally designated as follows:

A. Category I wetlands are those that (1) represent a unique or rare wetland type; or (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions. Generally, these wetlands are not common and make up a small percentage of the wetlands in the region. The following are considered Category I wetlands:

1. Bogs.
2. Mature and old-growth forested wetlands.
3. Wetlands that perform many functions very well: wetlands scoring 23 to 27 points using the Washington State Wetland Rating System for Western Washington, Ecology Publication No. 14-06-029.

B. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands in western Washington include wetlands that perform functions well: wetlands scoring between 20 and 22 points using the Washington State Wetland Rating System for Western Washington. Wetlands scoring 20 to 22 points were judged to perform most functions relatively well, or performed one group of functions very well and the other two moderately well.

C. Category III wetlands are wetlands with a moderate level of functions (scores between 16 and 19 points) using the Washington State Wetland Rating System for Western Washington. Category III wetlands usually have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. Category IV wetlands have the lowest levels of functions (scores between nine and 15 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. These wetlands may provide some important functions. [Ord. 630 § 7, 2015; Ord. 362 § 3, 2004.]

14.162.040 Regulated activities.

A list of regulated activities is included in LMC [14.142.060](#). [Ord. 362 § 3, 2004.]

14.162.050 Exemptions.

A list of exempt activities is included in LMC [14.142.070](#). [Ord. 362 § 3, 2004.]

14.162.060 Special permitted uses.

A. The following uses are normally regulated but may be allowed, subject to a Process I administrative determination by the Director, provided the listed criteria are met.

B. *Educational and Recreational Facilities.* Minor structural fill may be allowed for the construction and enhancement of public trails, such as bridging, and trail-related facilities such as benches, interpretive signs, and viewing platforms. Construction of such features on all previously filled areas is allowed. The following conditions must be met:

1. An alternative location outside the wetland is not feasible. Trails and related facilities within wetlands shall, to the extent possible, be placed on other previously disturbed areas;
2. Associated facilities, such as interpretive centers, restrooms, or parking areas are not allowed within wetlands or buffers by this conditional exemption;

3. The fill on which the trails or trail-related facilities is placed is limited to the minimum dimensions necessary for the actual crossing and shall not cover more than 5,000 square feet of wetland area;
4. Project design shall minimize adverse impacts to wetlands/buffers and wildlife habitat. Pervious surfaces shall be used;
5. All construction work in the wetland shall be done during the summer dry season (July 15th to October 15th). A time extension may be granted by the Department;
6. Native vegetation disturbed by trail construction activities shall be salvaged and replanted in the disturbed areas to the extent feasible.

C. *Minor Road or Trail Crossings.* Fills for the construction of a road or trail crossing shall be allowed in wetlands or buffers; provided, that crossings of wetlands shall be avoided to the extent possible. Fills for the construction of a road crossing through a Category I wetland shall not be allowed by this conditional exemption. Crossings shall follow the following criteria:

1. An alternative location outside the wetland is not reasonably feasible;
2. The fill on which the road or trail is placed is limited to the minimum dimensions necessary for the actual crossing;
3. The fill placed in wetlands shall not cover more than 5,000 square feet of wetland area;
4. Crossings shall utilize design which minimizes the adverse impacts to the wetland and hydrology of the existing system;
5. Wetland disturbance shall be limited to no greater than five feet beyond the designated toe-of-fill;
6. All construction work in the wetland shall be done during the summer dry season (July 15th to October 15th). A time extension may be granted in writing by the Department; and
7. Crossings shall serve multiple purposes and properties, whenever possible.

D. *Erosion Control.* Bank stabilization activities necessary for erosion prevention shall be allowed in buffers and Category II, III, and IV wetlands as part of a single and complete project. Bank stabilization projects shall meet all other applicable local, state and federal laws and the following criteria:

1. The minimum amount of material needed for erosion prevention is used;
2. The bank stabilization activity is no more than 500 feet in length, 15 feet high, and will not exceed an average of one-half cubic yard of fill per running foot of bank;
3. No material is placed in any location or manner that may impair surface water movement into or out of any wetland area or other water body;
4. No material is placed in any location or manner that may be eroded by normal or anticipated high flows; and
5. The disturbed area shall be revegetated within 60 days after completion of the project with native species indigenous to the site. Hydro-seeding with approved mix may be used for temporary erosion control.

E. The construction of utility lines and poles in Category II, III or IV wetlands and buffers provided there are no feasible alternatives and impacts are mitigated. [Ord. 362 § 3, 2004.]

14.162.070 Delineation, and wetland analysis requirements.

A. Wetland Review Procedures – General Requirements.

1. The Critical Areas Atlas – City Wetland Inventory Maps provides an indication of where potential wetlands are located within the county. The actual presence or location of a potential wetland or a potential wetland that has not been mapped, but may be present on or adjacent to a site shall be determined using the procedures and criteria established in this chapter.
 2. The Department will complete a review of the Critical Areas Atlas – Wetland Inventory Maps and other source documents for any proposed regulated activity to determine whether the project area for a proposed single-family dwelling unit or other proposed development is located in the vicinity of a known wetland. Identification of a potential wetland may also occur as a result of field investigations conducted by Department staff.
 3. When the Department's maps, sources, or field investigation indicate that a potential wetland is located within 200 feet of the project area for a proposed one-family dwelling unit or other proposed regulated activities, the Department shall require a wetland
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verification report to determine whether or not a regulated wetland is present and if so, its relative location in relation to the proposed project area or site. The findings of the wetland verification report shall be documented as outlined in subsections [\(B\)\(1\)](#) of this section.

4. If Department staff completes a field investigation and determines that no regulated wetlands are present, then wetland review will be considered complete.

5. If it is determined that a wetland exists within 165 feet of a project site, then a wetland analysis report shall be required. All wetland analysis reports shall include a proposed categorization of the wetland in accordance with the guidelines set forth in LMC [14.162.030](#), and a calculation of the standard wetland buffer as set forth in LMC [14.162.080](#).

B. *General Wetland Review.* General wetland review shall include the submittal of a wetland verification report or a wetland analysis report, together with a wetland review fee as established in the City's fee schedule.

1. *Wetland Verification Report.*

a. A wetland verification report shall be submitted when a field investigation or review of the City's Critical Areas Atlas determines that a regulated wetland may be present within 200 feet of the site.

b. A wetland verification report may determine that:

i. No regulated wetland is, in fact, present within 200 feet of the project site; or

ii. Wetlands are identified but are evaluated and found to be nonregulated; or

iii. A regulated wetland is present within 200 feet of the project site, in which case a wetland analysis report may be required to determine the limits of the wetland, its classification and appropriate buffer width and other appropriate mitigations necessary to protect the wetland functions and values; or

iv. A regulated wetland is present; however, categorization can be summarily determined and it is apparent that the standard buffer does not extend within the site.

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- c. The wetland verification report shall include data sheets, site maps, and other field data and information necessary to confirm wetland presence or absence and category. If nonregulated wetlands are identified, a site plan must be provided that identifies their location.
 - d. The wetland verification report shall identify and discuss wetland boundaries within the site as well as those that extend off site. Off-site wetlands and associated standard buffers do not have to be marked in the field.
 - e. Department staff shall review the wetland verification report and either:
 - i. Accept the report and approve the wetland application; or
 - ii. Reject the report and require the submittal of a wetland analysis report.

2. *Wetland Analysis Report.*

- a. If a regulated wetland or its standard buffer extends onto the site, the Department shall require a wetland analysis report. Information required in a wetland analysis report is identified in Appendix C of the Critical Areas Regulations – Administrator’s Manual.
 - b. If the Department determines that a Category I wetland is on site which is associated with documented habitat for endangered, threatened, or sensitive species or for potentially extirpated plant species recognized by state or federal agencies, the Department shall also require the submittal of a habitat assessment report as set forth in LMC [14.154.030\(B\)](#).
 - c. If the Department determines that additional mitigation is necessary to offset the identified impacts, the applicant shall comply with the additional mitigation requirements set forth in the wetland analysis report, biological assessment, or SEPA determination.
 - d. The Department shall review and approve the wetland analysis report to determine the appropriate wetland category and buffer, and shall include the wetland in the City’s Wetland Atlas. The Department shall approve the report’s findings and proposals unless specific, written reasons are provided which justify not doing so.
 - e.
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e. Approval of the wetland review shall be concluded upon a determination that the wetland analysis report and mitigation plan, if applicable, are thorough and accurate, and meet all requirements of this title. [Ord. 726 § 2(Exh. A), 2019; Ord. 362 § 3, 2004.]

14.162.080 Protection standards – Establishing buffers.

A. *Requirements.* The buffer widths in Table 14.1 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington.

1. The use of the buffer widths in Table 14.1 requires the implementation of the measures in Table 14.2, where applicable, to minimize the impacts of the adjacent land uses.
2. If an applicant chooses not to apply the mitigation measures in Table 14.2, then a 33 percent increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
3. The buffer widths in Table 14.1 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community, or the buffer should be widened to ensure that adequate functions of the buffer are provided.
4. The buffer at its narrowest point is never less than either three-quarters of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

Table 14.1 Wetland Buffer Requirements

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	75	105	165	225
Category I: Bogs and wetlands of high	190			225

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
conservation value				
Category I: Coastal lagoons	150		165	225
Category I: Interdunal			225	225
Category I: Forested	75	105	165	225
Category I: Estuarine	150 (buffer width not based on habitat scores)			
Category II: Based on score	75	105	165	225
Category II: Interdunal wetlands	110		165	225
Category II: Estuarine	110 (buffer width not based on habitat scores)			
Category III (all)	60	105	165	225
Category IV (all)	40			

Table 14.2 Required Measures to Minimize Impacts to Wetlands

(Measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Light	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Storm water runoff	<ul style="list-style-type: none"> • Retrofit storm water detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use low intensity development techniques (for more information refer to the

Disturbance	Required Measures to Minimize Impacts
	drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none"> • Use best management practices to control dust
Disruption of corridors or connections	<ul style="list-style-type: none"> • Maintain connections to off-site areas that are undisturbed • Restore corridors or connections to off-site habitats by replanting

B. Buffer widths may be modified by averaging, reducing, or increasing.

1. Buffer width averaging may be allowed only where the applicant demonstrates the following:

- a. Buffer encroachment is unavoidable.
 - b. A habitat assessment has been submitted which demonstrates that the site does not provide habitat for any endangered, threatened, or sensitive fish or animal species; or
 - c. For wetlands and/or required buffers associated with documented habitat for endangered, threatened, or sensitive fish or wildlife species, a habitat assessment report has been submitted that demonstrates that the buffer modification will not result in an adverse impact to the species of study.
 - d. The wetland contains variations in sensitivity due to existing physical characteristics; and
 - e. Width averaging will not adversely impact the wetland or critical fish and wildlife habitat; and
 - f. The total buffer area after averaging is no less than the buffer area prior to averaging; and
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- g. The minimum buffer width will not be less than 75 percent of the widths established in subsection [A](#) of this section.
 - h. The averaging is accomplished within the project boundaries.
 - i. Buffer width averaging shall only be permitted where it is shown that there are no feasible alternatives to the site design that could be accomplished without buffer averaging.
2. Buffer width reduction may be allowed only where the applicant demonstrates the following circumstances. Such reduction shall not result in greater than a 25 percent reduction in the buffer width established in subsection [A](#) of this section and shall result in a buffer no less than 30 feet in any case.
- a. The proposed buffer area is extensively vegetated and has less than 15 percent slopes, and the reduction will not result in adverse impacts to the wetland; or
 - b. The project includes a buffer enhancement plan, as part of the mitigation required by LMC [14.162.100](#). The buffer enhancement plan shall use plant species which are indigenous to the project area, and shall substantiate that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetland functional values; or
 - c. The acreage included in the buffer would substantially exceed the size of the wetland and the reduction will not result in adverse impacts to the wetland or the project includes a buffer enhancement plan which ensures that the reduction will not result in adverse impacts to the wetland.
3. The Department may require increased buffer width when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be reasonably related to protection of the functions and values of the regulated wetland. Such determination shall demonstrate that:
- a. A larger buffer is necessary to maintain viable populations of existing species; or
 - b. The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority species or habitats, or
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essential or outstanding potential sites such as heron rookeries or raptor nesting areas; or

c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or

d. The adjacent land has minimal vegetative cover or slopes greater than 15 percent.

C. Buffers shall be measured perpendicular from the wetland edge.

D. When buffer boundaries have been determined, they shall be marked in the field by a licensed surveyor. The markers shall be clearly visible, durable, and permanently affixed to the ground.

E. A building setback line of eight feet shall be required from the edge of a buffer.

F. Except as otherwise specified, buffers shall be retained in a natural condition.

G. A wetland buffer shall not be required to extend beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure, where the existing improvement obviates the beneficial impact that the buffer would provide for the wetland. [Ord. 630 § 8, 2015; Ord. 362 § 3, 2004.]

14.162.090 Protection standards for allowing regulated activities in wetlands and buffers.

A. Regulated activities in Category III and IV wetlands and/or buffers for Category III and IV wetlands may be allowed when the applicant demonstrates to the Department that all adverse impacts to wetlands will be mitigated according to LMC [14.162.100](#).

B. The placement of access roads, utility lines, and utility poles may be allowed in buffers for Category II wetlands if the following conditions are met:

1. There is no feasible alternative location for an access road and/or utilities to the site; and

2. The applicant demonstrates that all adverse impacts to wetlands will be mitigated according to a mitigation plan which complies with LMC [14.162.100](#).

C. The following activities may be allowed in a buffer without a complete mitigation plan if the applicant demonstrates to the Department that all adverse impacts to wetlands will be mitigated according to LMC [14.162.100](#). In cases that require environmental review, a threshold environmental determination may not be made until the Department is satisfied that adequate mitigation will occur. The allowed activities are as follows:

1. One well and necessary appurtenances, including a pump and appropriately sized pump house, but not including a water storage tank (unless the water storage tank can be contained within the pump house), may be allowed on each site in a buffer if all the following conditions are met:

- a. The pump house is a one-story building with a ground area of less than 220 square feet; and
- b. The well is more than 75 feet deep; and
- c. For Category I and II wetlands, the minimum distance from the well and appurtenances to the wetland edge is no less than 50 percent of the buffer widths established in the table in LMC [14.162.080\(A\)](#); and
- d. Access to the well and pump house shall be by a pervious trail for pedestrian traffic only, or, if necessary, by an unimproved access for a maintenance vehicle.

2. Pervious walkways and trails and associated viewing platforms; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable. In the case of Category I wetlands the minimum distance from the wetland edge is no less than 50 percent of the buffer width established in the table in LMC [14.162.080\(A\)](#).

3. The placement of utility lines which do not require excavation, or utility poles, in any part of a buffer for a Category II, III, or IV wetland. They may be placed in a buffer for a Category I wetland; provided, that the minimum distance from the wetland edge is no less

than 50 percent of the Category I buffer width established in the table in LMC [14.162.080\(A\)](#).

4. Activities within that area of a buffer in which a direct line to the wetland is obstructed by an existing substantial improvement such as an improved road or a permanent structure, the presence of which significantly reduces the likely impact of the proposed activity on the wetland.

A zoning certification, building permit, and/or site development permit shall not be issued for these regulated activities until the applicant demonstrates to the satisfaction of the Department that all adverse impacts to wetlands will be mitigated according to LMC [14.162.100](#).

D. *Reasonable Use Exception – Category I and II Wetlands*. Regulated activities in Category I and II wetlands and/or buffers for Category I and II wetlands may be allowed only if, following a public hearing, the Hearing Examiner determines that a reasonable use exception is warranted pursuant to LMC [14.142.080](#), and the following criteria are met:

1. No reasonable use with less impact on the wetland is possible; and
2. There is no feasible on-site alternative to the proposed activities, including phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning and density considerations, that would allow a reasonable economic use with less adverse impacts to wetlands; and
3. The proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and
4. The disturbance of wetlands has been minimized by locating any necessary activities outside the wetland to the extent possible; and
5. The proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats; and
6. The proposed activities will not cause significant degradation of ground water or surface water quality; and

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7. The proposed activities comply with all state, local and federal laws, including, but not limited to, those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal; and
 8. Any and all regulated activities in wetlands and buffers will be mitigated according to LMC [14.162.100](#). The Examiner may require the preparation of a formal mitigation plan; and
 9. There will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and
 10. The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

E. *Reasonable Use Provision, Categories III and IV Wetlands.* If an applicant for a regulated activity on a Category III or IV wetland and/or associated buffer cannot obtain permission through the procedures described in subsections [A](#) and [C](#) of this section, the activity may be allowed if, following a public hearing, the Hearing Examiner determines the criteria of subsection [D](#) of this section are met. [Ord. 630 § 9, 2015; Ord. 362 § 3, 2004.]

14.162.100 Mitigation.

A. All activities in wetlands and/or buffers shall be mitigated according to this section. Mitigation sequencing is used to determine the type and extent of mitigation and is considered in order of preference, however there may be circumstances when an alternative mitigation strategy is preferable such as a mitigation bank, in-lieu fee program, or advance mitigation project that is implemented according to federal and state rules, state policy and state water quality regulations.

The order of preference for mitigation is:

1. Avoiding the impact altogether by not taking a certain action or parts of actions, and providing specified buffers and setbacks. Provision of specified buffers and setbacks is the expected method of mitigation unless an activity is listed as exempt, a reasonable use
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exception has been granted according to the provisions of this chapter, or an appropriate alternative mitigation program has been approved through a formal mitigation plan.

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to reduce impacts.

3. The following types of mitigation (no order of preference):

- a. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- b. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- c. Compensating for the impact by replacing or providing substitute resources or environments.

4. Monitoring the impact and compensation and taking appropriate corrective measures.

5. Mitigation for individual actions may include a combination of the above measures.

B. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans – Version 1 (Ecology Publication No. 06-06-011b, Olympia, WA, March 2006, or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication No. 09-06-32, Olympia, WA, December 2009).

1. Mitigation ratios shall be consistent with subsection [\(B\)\(3\)](#) of this section.

2. Mitigation requirements may also be determined using the credit/debit tool described in Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication No. 10-06-011, Olympia, WA, March 2012, or as revised).

3. *Wetland Mitigation Ratios*[1].

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I:			
Bog, natural heritage site	Not considered possible	Case by case	Case by case
Category I:			
Mature forested	6:1	12:1	24:1
Category I:			
Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

1 Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006, or as revised).

4. The detailed mitigation plan shall be signed by the wetland specialist to indicate that the plan is according to specifications determined by the wetland specialist. A signed original mitigation plan shall be submitted to the Department.
 5. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and Department Director or designate, and recorded with the County Auditor. The agreement shall refer to all requirements for the mitigation project.
 6. The mitigation project shall be completed according to a schedule agreed upon between the Department and the applicant.
 7. Wetland mitigation shall occur according to the approved wetland mitigation plan, and shall be consistent with provisions of this chapter.
 8. On completion of construction for the wetland mitigation project, the wetland specialist shall notify the Department. The Department will inspect and review the construction project prior to acceptance. [Ord. 630 § 10, 2015; Ord. 362 § 3, 2004.]
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14.162.110 New agricultural activities.

An applicant may use the following procedure to initiate agricultural activities:

A. Where the Department determines that a regulated wetland may be present within 150 feet of the proposed activity, the applicant shall select one of the following options:

1. The applicant shall provide the Department with a report prepared by a wetland specialist which recommends the appropriate wetland category and includes rationale for the recommendation. The Department will review and approve the wetland category and buffer as follows:

Wetland Category	Buffer
I	150 feet
II	100 feet
III	50 feet
IV	25 feet

2. Alternatively, the Department, upon request, shall determine the appropriate wetland category. The buffer width shall be according to the table in subsection [\(A\)\(1\)](#) of this section.

B. The Department will determine whether the activity would intrude into the buffer, the wetland, or both.

1. If the Department determines that the proposed activity may intrude into the wetland and/or buffer, the applicant shall prepare a delineation report subject to approval by the Department; or
2. If the Department determines that the proposed activity may intrude only into the buffer, the Department, upon request, shall delineate the wetland.

C. Following approval of the delineation report or the Department's completion of the delineation, the applicant shall place permanent, clearly visible markers on site at the edge of the buffer. Placement of markers by a licensed surveyor is not required. No regulated activities

shall occur within the wetland and/or buffer except as allowed in subsection [D](#) of this section. Temporary intrusion into the buffer necessary for construction activities may be allowed if the buffer can be adequately restored. Livestock shall be fenced from the wetland and buffer, unless the requirements of subsection [D](#) of this section are met.

D. Agricultural activities may be initiated:

1. In a buffer, if the applicant demonstrates to the Department that all adverse impacts to wetlands will be mitigated.
2. In the wetland after Department approval of the following reports, which shall be prepared by a wetland specialist obtained by the applicant:
 - a. A report which recommends the appropriate wetland category and includes rationale for the recommendation, unless the category has already been determined by the Department; and
 - b. A wetland delineation report, unless a delineation has already been approved by the Department; and
 - c. A best management plan developed by the Pierce County Conservation District or USDA Soil Conservation Service. A wetland specialist shall review the plan and specify mitigation for all impacts to wetlands, other than water quality impacts reviewed by the Conservation District or Soil Conservation Service; and
 - d. A report prepared by a wetland specialist which demonstrates that the proposed activity:
 - i. Will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats;
 - ii. Will not cause significant degradation of ground water or surface water quality; and
 - iii. Will not damage public or private property and will not threaten public health or safety. [Ord. 362 § 3, 2004.]

14.162.120 Alternative review process, Corps of Engineers Section 404 individual permits.

A. The alternative review process outlined below will be used in cases where a Section 404 individual permit is required from the U.S. Army Corps of Engineers. (Refer to [33](#) CFR Sections [320.1](#), [323.2\(g\)](#), and [325.5\(b\)\(1\)](#).)

1. The applicant shall notify the Department when the applicant applies for the Section 404 permit or contacts the Corps concerning a specific project. The applicant shall apprise the Department of the Corps' permitting process, including notifying the Department of all hearings or meetings scheduled to discuss the applicant's project, potential mitigation or approval. The review process of the Corps will substitute for the review process outlined in LMC [14.162.130](#). The City participation in the Corps' review process does not constitute approval of the applicant's project by the City. The substantive provisions of this chapter are still applicable and authorization of regulated activities will be approved or denied by the Department based upon those provisions. However, the Department shall consider the mitigation requirements as set forth by the commenting agencies during the Corps' review process and shall concur with that mitigation, if it is functionally equivalent with the requirements of this chapter.
2. The applicant shall submit the information specified in LMC [14.162.070](#) and [14.162.100](#) to the Department when filing for the Corps permit. The Department may also require the submittal of any additional information deemed necessary.
3. *Notice of Application.* A notice of application will be required for any permit applications subject to Chapter [18A.20](#) LMC, Article III. [Ord. 726 § 2(Exh. A), 2019; Ord. 362 § 3, 2004.]

14.162.130 Wetland review procedure, fees, and title notification.

A. *Procedure.* The provisions of this section regarding wetlands regulation shall be incorporated and integrated into other City permitting requirements including, but not limited to, the review and issuance of zoning certifications, site development permits, clearing and grading permits, building permits, environmental reviews under SEPA, administrative and conditional use permits, shoreline permits and subdivisions.

B. *Fees.* Each applicable fee shall be payable at the time the applicant submits an application or document to which a fee applies according to the City's fee schedule.

C. *Notice on Title.* When the City determines that activities not exempt from this chapter are proposed, the property owner shall file for record with the Pierce County Auditor a notice approved by the Department in a form substantially as set forth below. The notice shall provide notice in the public record of the presence of a wetland or buffer, the application of this chapter to the property, and that limitations on actions in or affecting such wetlands and buffers may exist. The notice shall be notarized and shall be recorded prior to approval of any land use proposal for the site.

Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity.

Form of notice:

WETLAND AND/OR WETLAND BUFFER NOTICE

Tax Parcel Number:

Name:

Address:

Legal Description:

NOTICE: This property contains wetlands or wetland buffers as defined by the City Code 14.162. Restrictions on use or alteration of the wetlands or wetland buffers may exist due to natural conditions of the property and resulting regulations.

Signature of owner _____

Date: _____

(NOTARY ACKNOWLEDGMENT)

D. *Wetland Tract.*

1. Prior to final approval of any development application on a property containing a wetland or wetland buffer, the part of the wetland and/or buffer which is on the site shall be placed in a separate wetland tract or tracts, protective easement, public or private land

trust dedication, or similarly preserved through an appropriate permanent protective mechanism as determined by the City. All wetland tracts, protective easements, land trust dedications and other similarly preserved areas shall remain undeveloped in perpetuity, except as they may be allowed to be altered pursuant to this chapter.

2. Prior to final approval of any development application on a property containing a wetland or wetland buffer, the common boundary between a wetland tract, protective easement, land trust dedication, or other similarly preserved area and the adjacent land shall be permanently identified with permanent signs. Sign locations, wording, and size and design specifications shall be as required by the Department.

3. At any time after a wetland tract, protective easement, land trust dedication, or other similarly preserved area has been established, the owner may submit a delineation report to the Department. If the Department determines that a boundary change has occurred, or that a wetland no longer exists, the wetland tract, protective easement, land trust dedication, or other similarly preserved area may be altered or eliminated, as appropriate. If the Department determines that wetland boundaries have changed or that a wetland has been eliminated due wholly or in part to illegal activity, a change or elimination of wetland tract, protective easement, land trust dedication, or other similarly preserved area shall not be permitted.

4. A wetland tract, protective easement, land trust dedication, or other similarly preserved area is not required for utility lines in easements on lands not owned by the jurisdiction conducting the regulated activity.

E. *Review and Approval.* Provisions for the protection of wetlands in conjunction with regulated activities shall be reviewed and approved by the Department. Approval shall be granted upon a determination that the wetland analysis report and mitigation plan meet all applicable requirements of this chapter, and that the monitoring program and contingency plan are tied to an acceptable financial guarantee to assure that the requirements will be complied with.

F. *Expiration.* Approvals shall be valid for a period of three years from the date of issue unless a longer or shorter period is specified by the Department. An extension of an original approval may be granted upon submittal of a written request to the Department prior to expiration. Prior to the granting of an extension, the Department may require updated studies if, in its judgment, the original intent of the approval is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed

substantially, or if the applicant failed to abide by the terms of the original approval. [Ord. 362 § 3, 2004.]

Chapter 14.165

DEFINITIONS

Sections:

14.165.010 Definitions.

14.165.010 Definitions.

For the purpose of this title, in addition to the definitions in LMC [18A.10.180](#), the following definitions shall apply:

“Abutting” means bordering upon, to touch upon, in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

“Activity” means any use conducted on a site.

“Agricultural activities” means the production of crops and/or raising or keeping livestock, including operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and normal operation, maintenance and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Forest practices regulated under Chapter [76.09](#) RCW, Title [222](#) WAC are not included in this definition.

“Alluvial geologic unit” means geologically recent stream, lake, swamp and beach deposits of gravel, sand, silt and peat.

“Animal containment area” means a site where two or more animal units of large animals per acre or three-quarters of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting ground water resources.

“Animal unit” means the equivalent of 1,000 pounds of animal.

"Applicant" means a person, party, firm, corporation, or other legal entity that proposes a development on a site.

"Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.

"Aquifer recharge area" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water with potential to be used for potable water. For the purposes of this title, all of the area located within the Clover/Chambers Creek Basin boundary or the two highest DRASTIC zone boundaries is included in the aquifer recharge area.

"Aquifer susceptibility" means the ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area. Susceptibility usually defines the rate at which a contaminant will reach an aquifer unimpeded by chemical interactions with the vadose zone media.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "100-year flood." The area subject to the base flood is the special flood hazard area designated on flood insurance rate maps as Zones "A" or "V."

"Base flood elevation" means the elevation of the base flood above the datum of the effective firm.

"Basement" means any area of structure having its floor sub-grade (below ground level) on all sides.

"Best management plan" means a plan developed for a property which specifies best management practices for the control of animal wastes, storm water runoff, and erosion.

"Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

"Building footprint" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

"Channel migration area" means that area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradation, avulsions, and shifts in location of stream channels plus 50 feet.

“Class” means one of the wetland classes used to categorize wetlands by their attributes and characteristics. Wetlands shall be rated using the latest adopted version of the Washington State Wetland Rating System for Western Washington published by the Washington State Department of Ecology.

“Class I injection well” means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.

“Class II injection well” means a well used to inject fluids: brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection; for enhanced recovery of oil or natural gas; or for storage of hydrocarbons that are liquid at standard temperature and pressure.

“Class III injection well” means a well used for extraction of minerals, including but not limited to the injection of fluids for: in-situ production of uranium or other metals that have not been conventionally mined; mining of sulfur by Frasch process; or solution mining of salts or potash.

“Class IV injection well” means a well used to inject dangerous or radioactive waste fluids.

“Class V injection wells” means all injection wells not included in Class I, II, III, or IV.

“Classification” means defining value and hazard categories to which critical areas and natural resource lands will be assigned.

“Clearing” means the cutting, moving on site, or removal of standing or fallen timber; the removal or moving on site of stumps; or the cutting or removal of brush, grass, ground cover, or other vegetative matter from a site in a way which exposes the earth’s surface of the site. In addition to the above, clearing is an activity which does not require reforestation per an approved forest practices application/notification issued by the Department of Natural Resources.

“Cliff” means a steep vertical or overhanging face of rock or earth greater than 25 feet in height.

“Compensatory mitigation” means mitigation to compensate for loss of wetland habitat due to filling of wetlands or other regulated activities in wetlands.

“Confined aquifer” means an aquifer bounded above and below by beds of distinctly lower permeability than that of the aquifer itself and that contains ground water under sufficient pressure for the water to rise above the top of the aquifer.

“Confining formation” means the relatively impermeable formation immediately overlying an artesian aquifer.

“Contaminant” means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

“Critical aquifer recharge area” means areas that are determined to have a critical recharging effect on aquifers used as a source for potable water, and are vulnerable to contamination from recharge.

“Critical areas” means wetlands, flood hazard areas, fish and wildlife habitat areas, aquifer recharge areas, and geologically hazardous areas as defined in this chapter.

“Critical facilities” means those facilities occupied by populations or which handle dangerous substances including but not limited to hospitals, medical facilities; structures housing, supporting or containing toxic or explosive substances; covered public assembly structures; school buildings through secondary including day-care centers; buildings for colleges or adult education; jails and detention facilities; and all structures with occupancy of greater than 5,000 people.

“Degraded” means to have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons, on or off a site.

“Delineation” means identification of wetlands and their boundaries done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

“Delineation report” means a written document prepared by a wetland specialist which includes data sheets, findings of the delineation and a site plan which identifies the wetland boundaries.

“Department” means the City of Lakewood Department of Community Development.

“Designation” means taking formal legislative and/or administrative action to adopt classifications, inventories, and regulations.

“Developed lot” means any lot developed with a primary use and structure(s), not generally subject to further development with additional units or other primary uses.

“Development” means any human-induced change to improved or unimproved real property including, but not limited to, the construction of buildings or other structures, placement of manufactured home/mobile, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, subdivision of property, removal of substantial amounts of vegetation, or alteration of natural site characteristics.

“Director” means the Director of the Department of Community Development or his/her designee.

“DRASTIC” means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

“Dry certificate” means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

“Ecotone” means a transition area between two adjacent vegetation communities.

“Elevation certificate” means the official form (FEMA form 81-31) used to provide elevation information necessary to ensure compliance with provisions of this title and determine the proper flood insurance premium rate.

“Enhancement” means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the quality of wetland functions increases (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion controls, removing nonindigenous plant or animal species, removing fill material or solid waste).

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice.

“Erosion hazard areas” means those areas that because of natural characteristics, including vegetative cover, soil texture, slope, gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"Excavation" means the mechanical removal of earth material.

"Existing" means those uses legally established prior to incorporation whether conforming or nonconforming.

"Extirpation" means the elimination of a species from a portion of its original geographic range.

"Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where the chapter requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the Director may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Fill/fill material" means a deposit of earth material, placed by human or mechanical means.

"Filling" means the act of placing fill material on any surface, including temporary stockpiling of fill material.

"Fish and wildlife habitat areas" means those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including: areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas.

"Fisheries biologist" means a professional with a degree in fisheries, or certification by the American Fisheries Society, or with five years' professional experience as a fisheries biologist.

"Flood hazard areas" means areas of land located in floodplains which are subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood protection elevation” (FPE) means the elevation above the datum of the effective FIRM to which the new and substantially improved structures must be protected from flood damage.

“Floodfringe” means the area subject to inundation by the base flood, but outside the limits of the floodway, and which may provide needed temporary storage capacity for flood waters.

“Floodplain” means the total area subject to inundation by the base flood, including the floodfringe and the floodway areas.

“Floodway” means the channel of a river, or other watercourse, and the land areas that must be reserved in order to convey and discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, and those areas designated as deep and/or fast-flowing water.

“Geological assessment” means an assessment prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering or prepared by a professional geologist, hydrologist, or soils scientist, who has earned the related bachelor’s degree from an accredited college or university, or equivalent educational training, and has a minimum of five years’ experience assessing the relevant geologic hazard. A geological assessment must detail the surface and subsurface conditions of a site and delineate the areas of a property that might be subject to specified geologic hazards.

“Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may pose a risk to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

“Geotechnical report” means a report prepared by a professional engineer licensed by the state of Washington with expertise in geotechnical engineering, evaluating the site conditions and

mitigating measures necessary to reduce the risks associated with development in geologically hazardous areas.

“Grading” means any excavating, filling, clearing, creating (or combination thereof) of impervious surfaces.

“Ground amplification” means an increase in the intensity of earthquake induced ground shaking which occurs at a site whereby thick deposits of unconsolidated soil or surficial geologic materials are present.

“Ground water” means all water found beneath the ground surface, including slowly-moving subsurface water present in aquifers and recharge areas.

“Ground water management area” means a specific geographic area or subarea designated pursuant to Chapter [173-100](#) WAC for which a ground water management program is required.

“Ground water management program” means a comprehensive program designed to protect ground water quality, to assure ground water quantity, and to provide for efficient management of water resources while recognizing existing ground water rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated ground water management area or subarea and developed pursuant to Chapter [173-100](#) WAC.

“Habitat assessment” means a report prepared by a professional wildlife biologist or fisheries biologist, which identifies the presence of fish and wildlife habitat conservation areas in the vicinity of the proposed development site.

“Habitat management plan” means a report prepared by a professional wildlife biologist or fisheries biologist, which discusses and evaluates the measures necessary to maintain fish and wildlife habitat conservation areas on a proposed development site.

“Habitat of local importance” means an area, range or habitat within which a species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Examples include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These areas may also include habitats that are of limited availability or high vulnerability to alteration. The Lakewood City Council may designate specific habitats of local importance by ordinance or resolution.

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC [173-303-090](#) or [173-303-100](#).

“Hazardous substance processing or handling” means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on site unless in compliance with Dangerous Waste Regulations, Chapter [173-303](#) WAC, and any pertinent local ordinances, such as sewer discharge standards.

“Hazardous waste” means and includes all dangerous waste and extremely hazardous waste as designated pursuant to Chapter [70.300](#) RCW and Chapter [173-303](#) WAC.

1. “Dangerous waste” means any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
 - a. Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
 - b. Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.
2. “Extremely hazardous waste” means any waste which:
 - a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of humans or wildlife; and
 - b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to humans or the environment.

“Hazardous waste treatment and storage facility” means a facility that treats and stores hazardous waste and is authorized pursuant to Chapter [70.300](#) RCW and Chapter [173-303](#) WAC.

It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste. Treatment includes using physical, chemical, or biological processing of hazardous wastes to make such waste nondangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. Storage includes the holding of waste for a temporary period but not the accumulation of waste on the site of generation as long as the storage complies with applicable requirements of Chapter [173-303](#) WAC.

“Historic structure” means a structure that:

1. Is listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register; or
2. Has been certified to contribute to the historical significance of a registered historic district.

“Hydrogeologic assessment” means a report detailing the subsurface conditions of a site and which indicates the susceptibility and potential for contamination of ground water supplies.

“Hydrologic soil groups” means soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a low permeable layer. Hydrologic soil groups are normally used in equations that estimate runoff from rainfall, but can be used to estimate a rate of water transmission in soil. There are four hydrologic soil groups: A, with low runoff potential and a high rate of water transmission; B with moderate infiltration potential and rate of water transmission; C, with a slow infiltration potential and rate of water transmission; and D, with a high runoff potential and very slow infiltration and water transmission rates.

“Hydrologically isolated wetland” means a wetland which:

1. Is not contiguous to any 100-year floodplain of a lake, river or stream; and
2. Has no contiguous surface hydrology, hydric soil or hydrophytic vegetation between the wetland and any other wetland or stream system.

“Hyporheic zone” means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

“Impervious surface” means natural or human-produced material on the ground that does not allow surface water to penetrate into the soil. Impervious surfaces may consist of buildings, parking areas, driveways, roads, sidewalks, and any other areas of concrete, asphalt, plastic, etc.

“Infiltration” means the downward entry of water into the immediate surface of soil.

“In-kind mitigation” means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

“Lakes” means impoundments of open water 20 acres or larger in size.

“Landfill” means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

“Landslide” means the abrupt downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, rockfalls, and snow avalanches.

“Landslide hazard areas” means areas which are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

“Large animal” means an animal with an average weight of 100 pounds or more.

“Liquefaction” means a process by which a water-saturated granular (sandy) soil layer loses strength because of ground shaking commonly caused by an earthquake.

“Long-term commercial significance” means the growing capacity, productivity, and soil composition of land which makes it suitable for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or which have known or potential long-term commercial significance for the extraction of minerals.

“Minerals” means gravel, sand, and valuable metallic substances.

“Mitigation” means to avoid, minimize or compensate for adverse environmental impacts.

“Mitigation” includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

“Natural floodplain functions” means the contribution that a floodplain makes to support habitat, including but not limited to providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations and providing breeding and feeding grounds for aquatic and riparian species.

“Natural resource lands” means mineral resource lands which have long-term commercial significance.

“New construction” for flood hazard purposes refers to structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this title.

“Old growth forests” means stands of at least two tree species, forming a multi-layered canopy with occasional small openings; with at least 20 trees/hectare (eight trees/acre) more than 81 centimeters (32 inches) dbh or more than 200 years of age; and more than 10 snags/hectare (four snags/acre) over 51 centimeters (20 inches) diameter and 4.6 meters (15 feet) tall; with numerous downed logs, including 10 logs/hectare (four logs/acre) more than 61 centimeters (24 inches) diameter and more than 15 meters (50 feet) long. High elevation stands (more than

762 meters (2,500 feet)) may have lesser dbh (more than 76 centimeters (30 inches)), fewer snags (more than 0.6/hectare (1.5/acre)), and fewer large downed logs (0.8 logs/hectare (two logs/acre)) that are more than 61 centimeters (24 inches) diameter and more than 15 meters (50 feet) long.

“Ordinary high water” means that mark on all lakes, streams, ponds, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this chapter or as it may naturally change thereafter; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the mean high water.

“Oregon white oak” means the species *Quercus garryana*, also known as a Garry oak. All references to oak trees in this chapter refer to Oregon white oak. See also “priority Oregon white oak woodland.”

“Out-of-kind mitigation” means to replace wetlands with substitute wetlands whose characteristics do not approximate those destroyed or degraded by a regulated activity.

“Perched ground water” means ground water in a saturated zone is separated from the main body of ground water by unsaturated rock.

“Permanent erosion control” means continuous on-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity or pollutants after development, construction, or restoration.

“Permeability” means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer and is independent of the force causing movement.

“Permeable surfaces” mean sand, gravel, and other penetrable deposits on the ground which permit movement of ground water through the pore spaces, and which permit the movement of fluid to the ground water.

“Person” means an individual, firm, company, partnership, association, corporation, or other legal entity.

"Ponds" means naturally occurring impoundments of open water less than 20 acres in size and larger than 2,500 square feet which maintain standing water throughout the year.

"Potable water" means water that is safe and palatable for human use.

"Prairies" means open areas predominated by native, drought-resistant, grasses, forbs (flowering nonwoody plants) and herbs. In Pierce County, prairies are an unusual vegetation regime found in areas of extremely well-drained soils.

"Priority Oregon white oak trees and woodlands" means woodlands, stands, and individual trees meeting the following definitions:

1. Forested areas of pure oak, or of oak/conifer associations one acre or larger, and all oak trees located within, where oak canopy coverage of the area is at least 25 percent.

2. Stands of oaks less than one acre in size, or individual trees, may also be considered priority habitat when one or more of the following criteria:

(A) Individual oak trees having a diameter at breast height of 20 inches or more; or

(B) Oregon white oak stands in which the oak trees have an average diameter at breast height of 20 inches or more regardless of stand size; or

(C) Oregon white oak stands found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, ~~have a large diameter at breast height (dbh),~~ are used by priority species, or have well formed, dominant crowns, a large canopy) based on an evaluation by the Washington Department of Fish and Wildlife or qualified expert report prepared consistent with Chapter 14 to the satisfaction of the Director.

"Private organization" means a nonprofit corporation organized pursuant to Chapter [24.03](#) RCW, which includes the planting of game fish among its purposes for organizing as a nonprofit corporation.

"Protected area" means the lands that lie within the boundaries of the floodway, the riparian habitat zone and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

“Qualified ground water scientist” means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria:

1. Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and
2. Has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water vulnerability.

“Recessional outwash geologic unit” means sand and gravel materials deposited by melt-water streams from receding glaciers.

“Recharge” means the process involved in the absorption and addition of water to ground water.

“Regolith” means any body of loose, noncemented particles overlying and usually covering the bedrock.

“Regulated activities” include, but are not limited to, any activities which are directly undertaken or originate in a regulated critical area or resource land or their buffer that require any of the following entitlements from the City: building permit, commercial or residential; binding site plan; boundary line adjustment; conditional use permit; franchise right-of-way construction permit; site development permit; master plan development; right-of-way permit; shoreline conditional use permit; shoreline environmental redesignation; shoreline substantial development permit; shoreline variance; large lot subdivision, short subdivision; special use permit; subdivision; unclassified use permit; utility and other use permit; variance; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter. Regulated activities also include those specific activities listed in LMC [14.142.060](#).

“Regulatory floodplain” means the area of the special flood hazard area and all protected areas within the jurisdiction of the City of Lakewood.

“Restoration” means the reestablishment of ecological and/or habitat resources and features from a previously disturbed or degraded critical area site.

“Riparian” means of, adjacent to, or living on, the bank of a river, lake, pond, ocean, sound, or other water body.

“Seismic hazard areas” means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

“Short subdivision” or “short plat” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Site” means a lot, parcel, tract, or combination of lots, parcels, or tracts where a development is proposed.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

“Slump” means the downward and outward movement of a mass of bedrock or regolith along a distinct surface of failure.

“Snag-rich areas” means forested areas which contain concentrations of standing dead trees, averaging 10 snags or greater per acre, and averaging greater than 15 inches in diameter at breast height.

“Soil survey” means the most recent National Cooperative Soil Survey for the local area or county by the Soil Conservation Service, United States Department of Agriculture.

“Sole source aquifer” means an area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply 50 percent or more of the drinking water for an area without a sufficient replacement available.

“Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are designated on flood insurance rate maps with the letters “A” or “V,” including AE, AO, AH, A1-99, and VE. The special flood hazard area is also referred to as the area of special flood hazard or SFHA.

“Species of local importance” means species that are of local concern due to their population status or their sensitivity to habitat manipulation.

“Start of construction” for flood hazard purposes includes substantial improvements, and means the actual start of construction, repair, reconstruction, rehabilitation, addition,

placement or other improvement that occurred before the permit's expiration date. The "actual start" is either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on property of accessory structures not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Stockpiling" means the placement of material with the intent to remove it at a later time.

"Subdivision" or "formal subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or division for the purpose of sale, lease, or transfer of ownership.

"Substantial damage" for flood hazard purposes means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Substrate" means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of a wetland.

"Temporary erosion control" means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity or pollutants during development, construction, or restoration.

"Toe of slope" means a distinct topographic break in slope at the lowermost limit of the landslide or erosion hazard area.

“TPCHD” means the Tacoma-Pierce County Health Department.

“Unconfined aquifer” means an aquifer not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and containing ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term “water table aquifer.”

“Underground tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

“Urban governmental services” include those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

“Urban growth” refers to growth that makes intensive use of the land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

“Utility line” means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications and sanitary sewers.

“Vadose zone” is the distance between the land surface and the uppermost aquifer. This distance is also defined as the “depth to water” zone or unsaturated zone.

“View corridor” means an area which affords views of lakes, mountains, or other scenic amenities normally enjoyed by residential property owners.

“Water table” means that surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

“Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources Forest Practices Water Typing classification system defines four water types:

1. Type “S” = Shoreline: streams that are designated “shorelines of the state,” including marine shorelines.
2. Type “F” = Fish: streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.
3. Type “Np” = Nonfish Perennial streams.
4. Type “Ns” = Nonfish Seasonal streams.

“Well” means a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

“Wellhead protection area” means the surface and subsurface area surrounding a well or well field that supplies a public water system through which contaminants are likely to pass and eventually reach the water well(s) as designated under the Federal Clean Water Act.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands generally do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the City.

“Wetland specialist” means a person with experience and training in wetlands issues, and with experience in performing delineations, analyzing wetland functions and values, analyzing

wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:

1. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture or related field, and two years of related work experience, including a minimum of one year of experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or
2. Four years of related work experience and training, with a minimum of two years' experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans.

The person should be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, the City Site Development Regulations, the City wetland management policies, and the requirements of this title.

"Wildlife biologist" means a professional with a degree in wildlife, or certification by the Wildlife Society, or with five years' professional experience as a wildlife biologist. [Ord. 758 § 2 (Exh. A), 2021; Ord. 726 § 2(Exh. A), 2019; Ord. 630 § 11, 2015; Ord. 362 § 3, 2004.]

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.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.cityoflakewood.us](http://www.cityoflakewood.us)

City Telephone: (253) 589-2489

[Code Publishing Company](#)

Lakewood Tree Canopy Survey Analysis

May 10, 2022

The City of Lakewood conducted an online community survey to gather feedback from key stakeholders about where people in the community live and work, whether they own or rent, and what the community values and interests in tree protection are. The survey was promoted via the project website (<https://cityoflakewood.us/tree-committee/>), City social media posts, and an email to a stakeholder list and gathered responses from 108 participants from March 31 to April 26, 2022.

Survey questions were in multiple choice or ranked preference formats, with some including the option to respond with an open-ended comment.

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Key Takeaways

- **Demographics:** A majority of survey respondents identified as property owners, who either live or work on the westside of Lakewood.
- **Community Values:** The 11 options provided for community values and interests were all scored with a weighted average above 3, meaning that the community felt that each value and interest was important. “Provide habitats for birds, animals, and fish and protect native species” ranked as the top priority 1. Other interests included “protect water quality and reduce stormwater runoff and

flooding,” “filter air pollutants and reduce greenhouse gas emissions,” and “ Make tree protection rules clear, effective, and fair, and enforce them.”

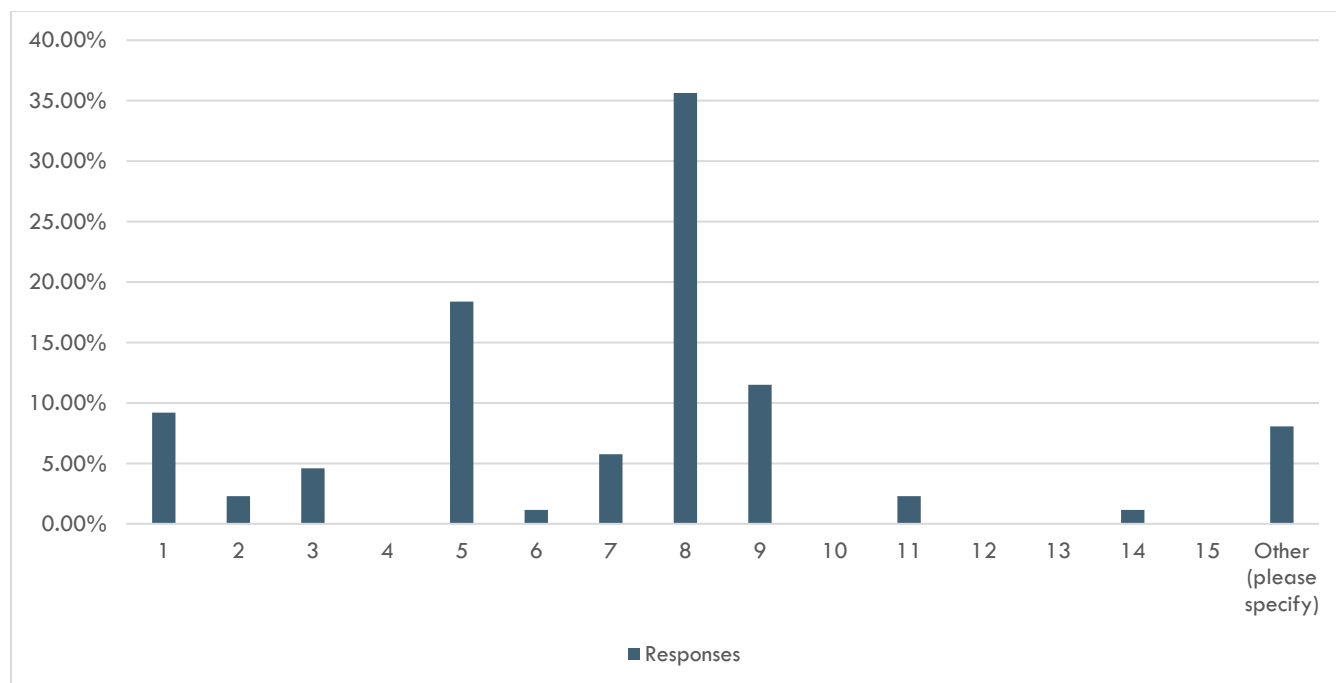
Survey Responses

Question 1

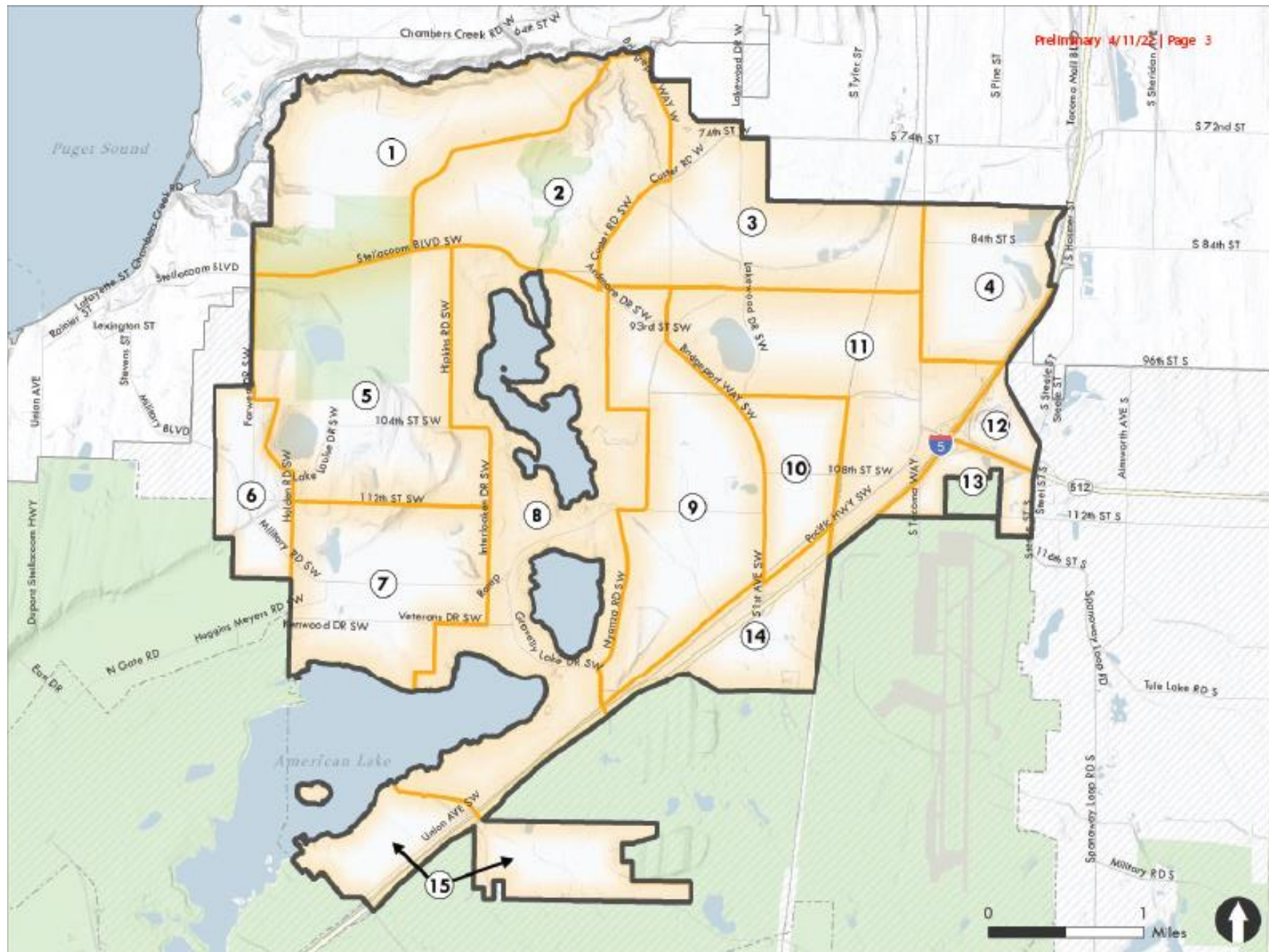
Exhibit 1 shows that more than 1/3 (35.63%) of survey respondents live or work in neighborhood 8, the Lake Steilacoom and Gravelly Lake neighborhoods. The second most frequented neighborhood is neighborhood 5, the Lake City neighborhood. Notably, only three respondents identified living or working in neighborhoods 10-15 which geographically represents a majority of east Lakewood. There were six responses for “Other” which included two respondents from University Place, two respondents from Oak Harbor, one respondent from Maple Valley, one respondent from Coupeville, and one respondent who identified family living in neighborhoods #1 and #8.

Exhibit 1. Lakewood Neighborhood Live/Work Location (87 Responses)

Survey Question: Please see the map below. Do you live or work in Lakewood? If so, please identify which neighborhood you live or work.



Source: BERK, 2022.

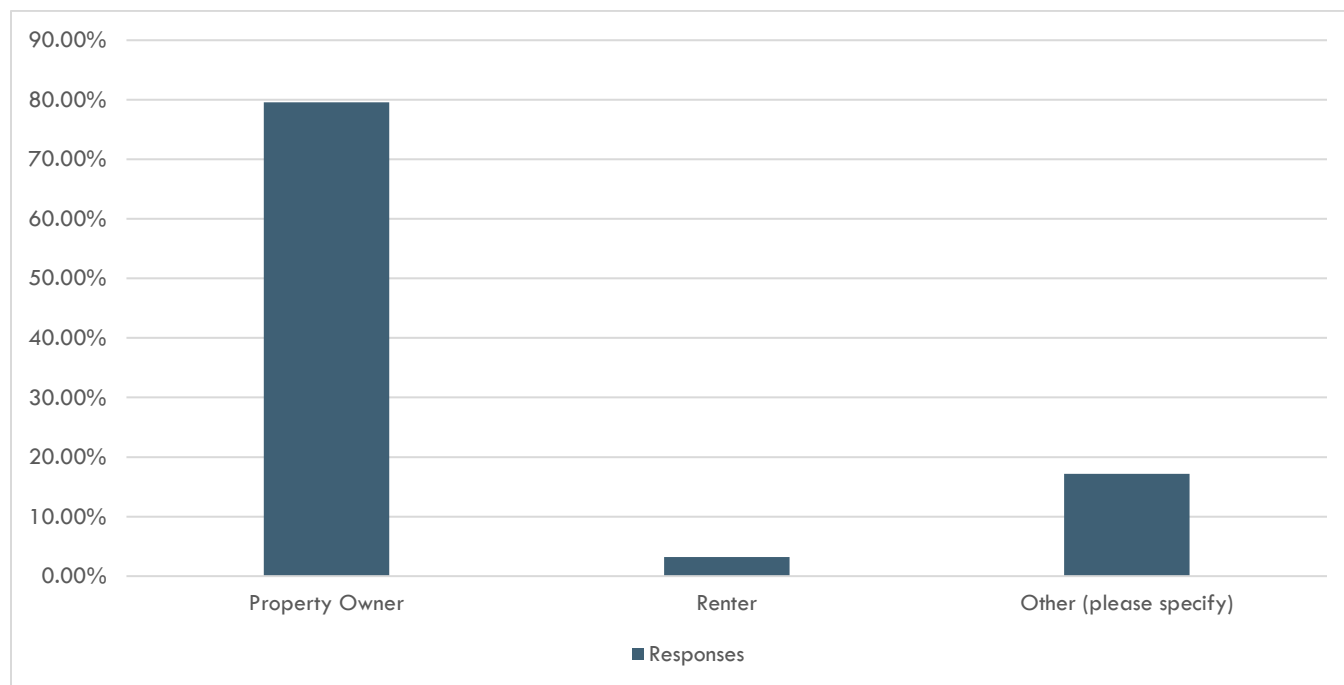


Question 2

Exhibit 2 shows that 79.57% of survey respondents are property owners in the City of Lakewood. Only three respondents (3.23%) identified as renters. Sixteen respondents (17.20%) selected “Other”, a majority of which only work or visit family/friends in Lakewood.

Exhibit 2. Lakewood Property Owners and Renters (93 Responses)

Survey Question: If you live in Lakewood, are you a property owner or a renter?



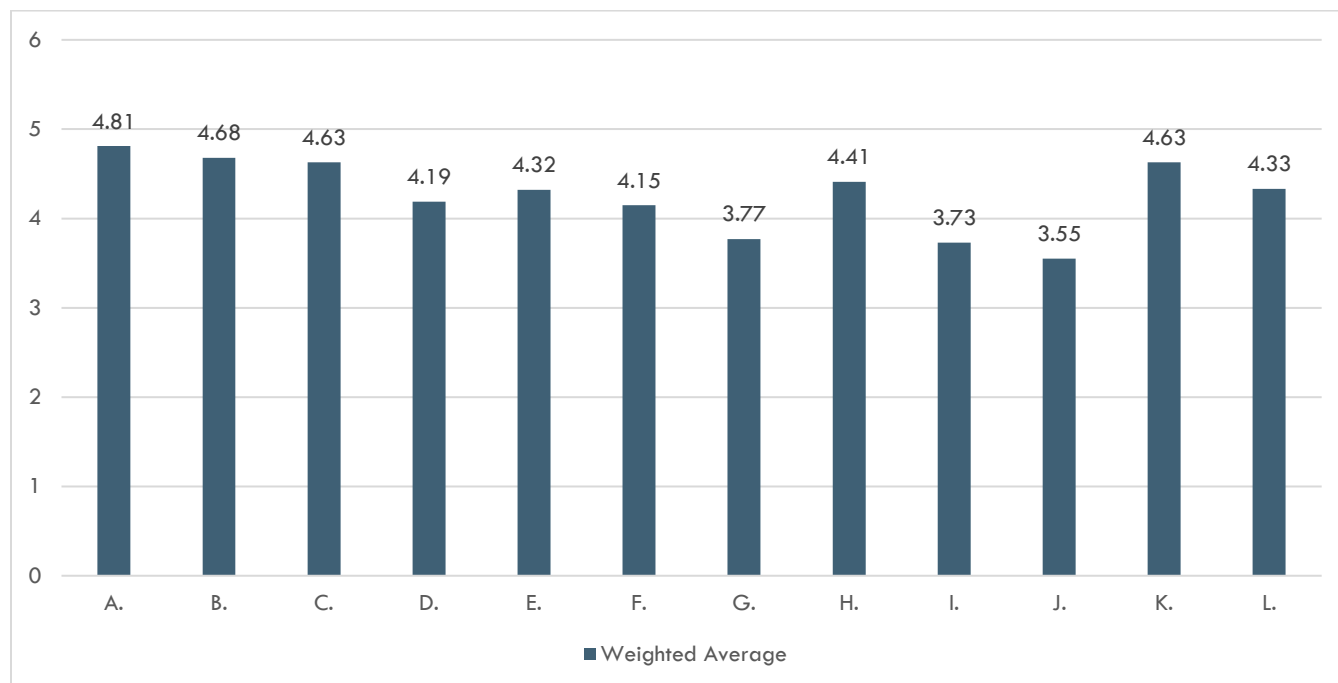
Source: BERK, 2022.

Question 3

Respondents answered a multiple-choice question ranking the importance of 11 community values and interests as it influences tree protection. As shown in Exhibit 3, the value/interest ranked most important was A (*Provide habitats for birds, animals, and fish and protect native species*), followed by B (*Protect water quality and reduce stormwater runoff and flooding*), and then C (*Filter air pollutants and reduce greenhouse gas emissions*) and K (*Make tree protection rules clear, effective, and fair, and enforce them*) tied for third. The option with the lowest weighed importance was J (*Respect property rights*).

Exhibit 3. Community Values and Interests (108 Responses)

Survey Question: Understanding community values and interests in tree protection can help the City develop long-term goals and improve its tree protection and development code. For each item identify the level of importance with 1 being not important and 5 very important.



Source: BERK, 2022.

Variable	Survey Response
A.	Provide habitats for birds, animals, and fish and protect native species
B.	Protect water quality and reduce stormwater runoff and flooding
C.	Filter air pollutants and reduce greenhouse gas emissions
D.	Help define city character, make it a more livable place, and enhance business districts
E.	Provide a more equitable distribution of trees and reduce heat island effects
F.	Save energy by cooling homes and neighborhoods
G.	Increase property values
H.	Provide proper maintenance and care of trees for tree canopy health, public safety, and infrastructure operation
I.	Balance tree protection with sustainable development of homes and businesses
J.	Respect property rights
K.	Make tree protection rules clear, effective, and fair, and enforce them
L.	Other

Source: BERK, 2022.

Question 4

Question 4 provided survey respondents the opportunity to express any important community values and interests not listed in Question 3. The themes pulled from the comments are summarized below, as shown in Exhibit 4.

Exhibit 4. “Other” Community Values and Interests (37 Responses)

Survey Question: If you answered Other please describe.

Theme	Notable Comments
Protect Garry Oaks tree species	<p><i>“Educate the citizens of Lakewood about trees and especially the Garry oaks, which deserve to be strictly protected.”</i></p> <p><i>“Protecting Gary Oaks from developers”</i></p>
Prioritize rare and native tree preservation	<p><i>“Make the preservation of rare native tree and plant populations a top priority in the evaluation of new development applications. Promote the use of native plants within in both private and public developments.”</i></p> <p><i>“Promote native trees to the region”</i></p>
Strengthen residential property rights and funding opportunities	<p><i>“Give residential property owners the same rights as commercial property owners, golf course owners, local parks departments, school districts and other government agencies and or utilities.”</i></p> <p><i>“Grants need be made available to help private property owners of older and dangerous growth trees, hedges, undergrowth and water management systems large trees uproot all throughout zone 8. Property owners living under our aging canopy deserve engineering and financial property support. Place HOW as the priority 5 action.”</i></p>

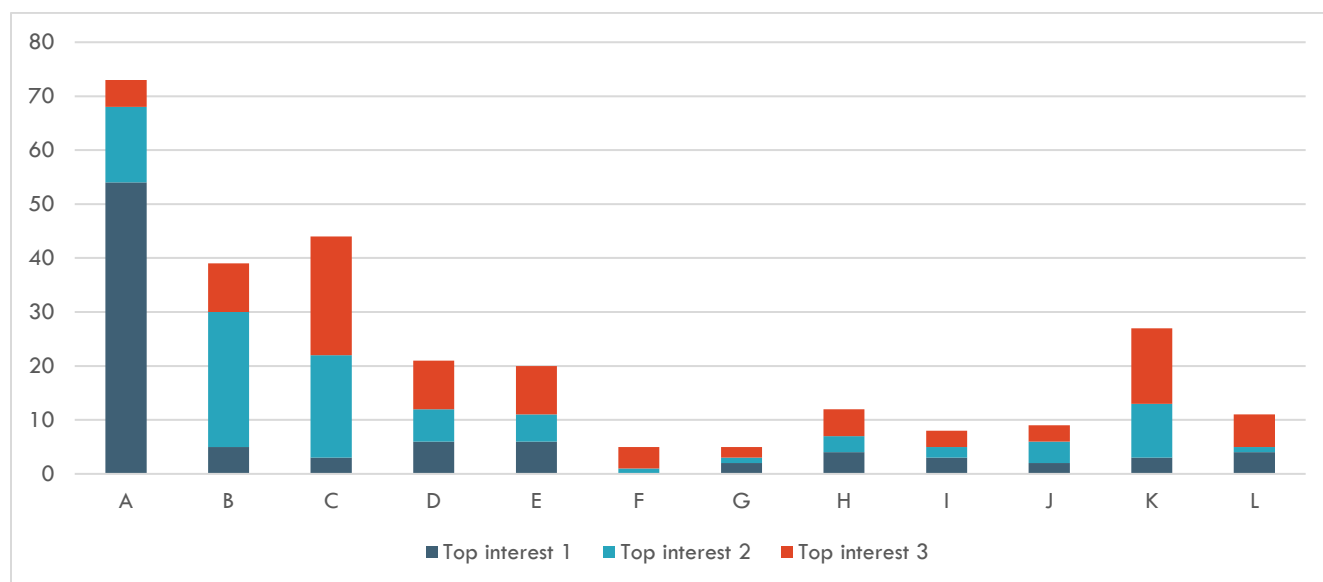
Source: BERK, 2022.

Question 5

Respondents prioritized their top three values/interests from Question #3. As shown in Exhibit 5, respondents prioritized option A (*Provide habitats for birds, animals, and fish and protect native species*) as the top priority (59%). Option B (*Protect water quality and reduce stormwater runoff and flooding*) emerged as top priority 2 (27%) closely followed by option C (*Filter air pollutants and reduce greenhouse gas emissions*). Nearly one quarter (24%) selected Option C (*Filter air pollutants and reduce greenhouse gas emissions*) as top interest 3, followed by K (*Make tree protection rules clear, effective, and fair, and enforce them*).

Exhibit 5. Top Ranked Community Values and Interests (96 Responses)

Survey Question: Which of the interests in Question 3 are your top 3?



Source: BERK, 2022.

Question 6

99 respondents provided open-ended feedback about the concerns that they have about trees in Lakewood. Themes that emerged are shown in Exhibit 6.

Exhibit 6. Remote or On-Site Work Location (99 Responses)

Survey Question: What concerns do you have about trees in Lakewood?

Theme	Notable Themes
Impact of commercial and residential development on existing tree canopy	<p><i>"I feel this lush tree canopy in Lakewood is disappearing (being removed) by residential and commercial development."</i></p> <p><i>"Removal of healthy trees for commercial and residential development. Lack of adequate mitigation for trees removed for development. Use more native species in plantings in city."</i></p>
Insufficient enforcement and mitigation of tree removal code	<p><i>"People cut trees in riparian areas along Clover Creek without a permit. The City of Lakewood does not track these violations and accordingly does not enforce tree removal rules."</i></p>
Insufficient protection and loss of Garry Oak as a city resource	<p><i>"The Garry Oaks are rare and beautiful and important to the native habitat. They need to be protected."</i></p> <p><i>"No protection of iconic Washington trees."</i></p>
Hazards occurring from existing trees	<p><i>"Storm debris."</i></p> <p><i>"Diseased or untrimmed trees entangled in electricity lines."</i></p> <p><i>"Branches falling on wires, really ugly pruning, ivy everywhere."</i></p>
Recovering from the loss of tree canopy	<p><i>"That tree preservation will not be given adequate consideration when new development applications are proposed in the community."</i></p> <p><i>"That trees are being cut down and not replaced at a responsible rate."</i></p>

Source: BERK, 2022.

Question 7

65 respondents expressed interest in learning more about the City of Lakewood Tree Code Update and provided email addresses.

Survey Question: Would you like to learn more about the Tree Code Update process? If so, please provide an email address to stay up to date.

Tree Talk Summary, April 6, 2022

A lunchtime tree talk was held on April 6, 2022, to share progress on the Tree Code Update. The Zoom session included introductions, sharing of information and key issues, and an opportunity for questions and comments. Those participating included:

- Addo Aequitas
- Eloise Davis
- James Dunlop
- Licentia Immortalis
- Christina Manetti
- Julie Miller
- Kierra Phifer, Puget Sound Energy

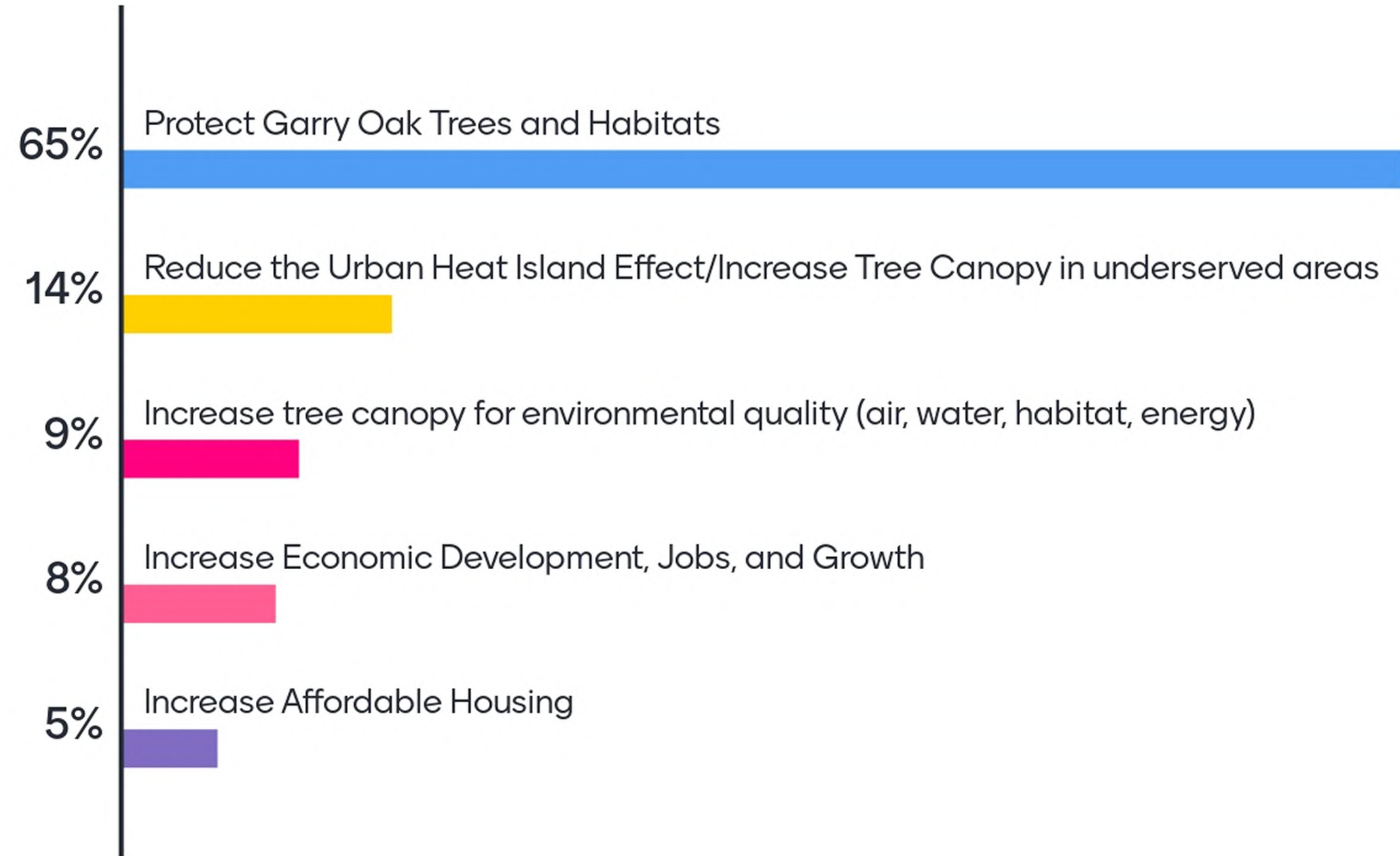
Ad Hoc Committee member John Boatman also attended.

A summary of questions and comments included:

- A need for a tree inventory as well as a permit process.
- Desire to identify heritage trees that are irreplaceable, including all large oaks. These are considered a critical area.
- Utilities should be held to same standards of tree protection.
- Impacts of tree cutting affect neighbors. Allowing for retroactive permits is a reward for illegal behavior.
- Need a clear path to tree permit denials. What is the point of the permit if it is not denied?
- The City is allowing tree cutting to continue while addressing the code update – still measuring so why cutting. It is a bureaucratic process.
- City has not identified why it is trees versus jobs. How many jobs are coming in? There are other places for jobs in vacant buildings.
- Need more time for quality code review by the Ad Hoc Committee.

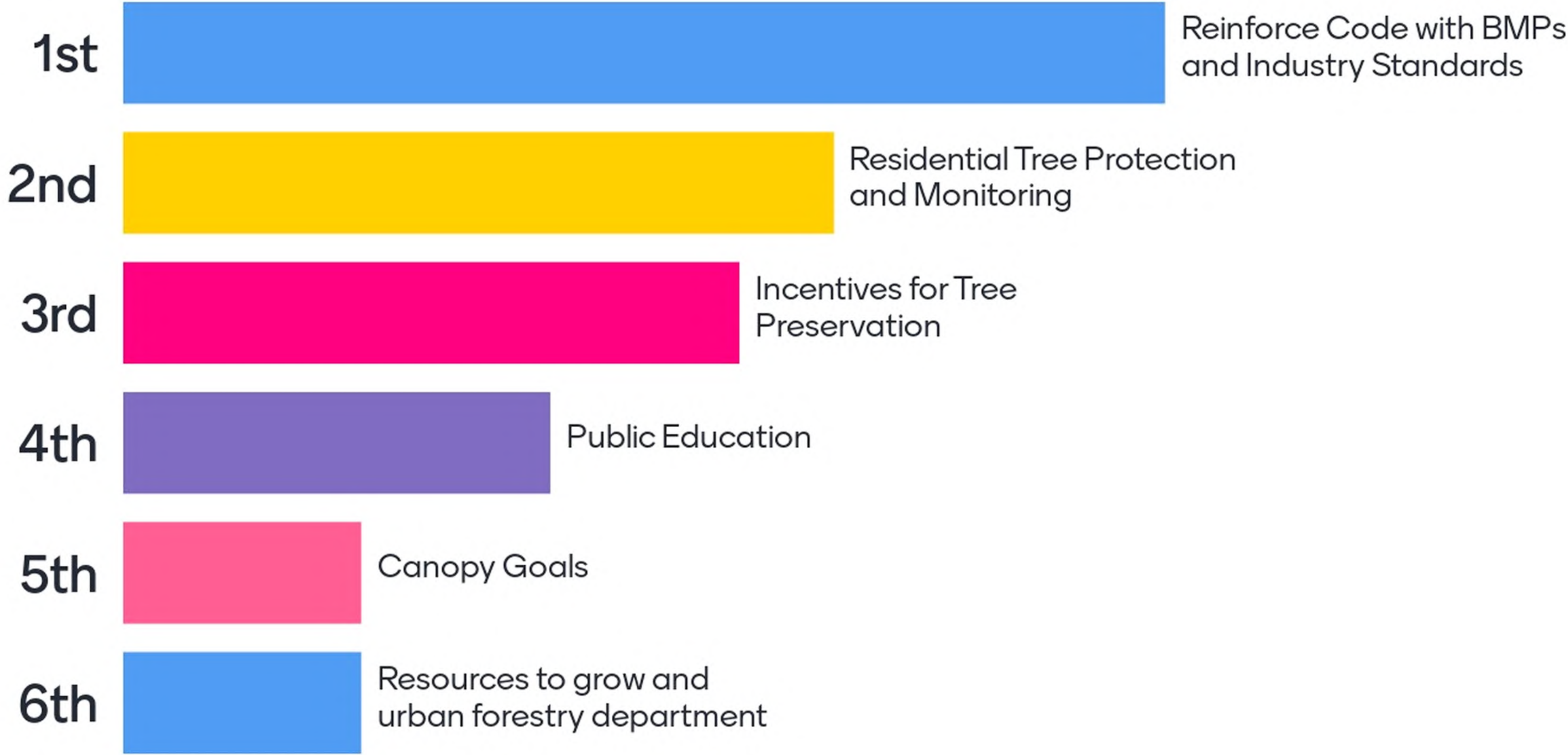
HOW WOULD YOU PRIORITIZE THE COMMUNITY CONCERNS IDENTIFIED?

Prioritize Concerns





Prioritize Tree Management



Lakewood Tree Code Stakeholder Engagement

Stakeholder Interviews

The Public Participation Plan for the Tree Code Update includes targeted outreach to supplement broader input like the surveys or written comment opportunities.

Over time the City has developed a contact list of agencies and organizations with a potential interest in tree protection, listed in the Public Participation Plan, November 2021. They were sent a fact sheet and the survey link, and one on one interviews were offered to cover the following questions:

1. Tell us about your organization/agency and its mission.
2. What are your goals for tree protection in Lakewood?
3. What are some ideas for incentives for retaining/preserving trees?
4. How can tree protection be balanced with City responsibilities to provide for affordable housing and job opportunities (e.g., meet targets), ensure availability of infrastructure, etc.?
5. Where are some locations where the city could prioritize adding or restoring tree canopy?
6. What are some ideas for helping property owners with tree health and safety education, maintenance, etc.?
7. What is the best way to reach out to community members to share information and hear ideas about tree protection?

Organizations and Agencies interviewed as of April 22, 2022 include:

- Asia Pacific Cultural Center
- Rainbow Center
- Habitat for Humanity – Pierce County
- Lakeview Light and Power
- Lakewood Operations & Maintenance
- Lakewood Parks & Recreation

Themes from Stakeholder Interviews

Note: this is not an exhaustive overview of the interviews conducted but are meant to highlight some key themes.

Street Trees & Public Right of Way

- Underground power lines could mitigate potential damage from fallen street trees.
- Have parameters in place about keeping clear of utility equipment.
- Green streets (referenced in Lakewood Comprehensive Plan) may be difficult to manage with utilities.

- Focused on vegetation maintenance in utility areas and ensuring a clear right of way.
- Capacity limitations with the city's street maintenance team, but keeping up with demand.

Maintenance

- Concern about dangerous trees and the need to remove them.
- When there are storms, there's worry about trees in yards due to potential falling branches and damage.
- Deciduous trees are nice, but they have large root structures; pick species that are semi-dwarfs, etc.
- Ensure the right species is planted to avoid damage later on.
- Main goal should be maintenance of trees and protection of trees, only remove if they are unsafe.
- Importance of maintaining trees into maturity, so they have a full life – the city could do a better job.
- Important to know what trees to plant and which replacement species; do you plant the same species, or have a diverse/native canopy?

Property Owners and Development

- Property owners (read: single family homeowners) should have a right to do what they will on their own property.
- Ensure that property owners know that they have resources to turn to for maintenance and educate on tree benefits.
- Offer opportunities for property owners to meet staff and learn about tree maintenance.
- Help property owners with maintaining their trees.
- Rationale as a developer is to try and protect trees when it makes sense. There should be a work around, understanding that trees don't grow in the best places, and impacts may occur if a tree cannot be relocated. Current lot size exemption level makes sense. Have saved most trees on property including most oaks.
- Commercial development seems to have the most impact to tree canopy loss; they pave acres of land, removing trees, and prioritizing parking.

Incentives

- Find a way to offer new trees at no cost.
- Tax incentives or permitting incentives for developers to incentivize adding in trees to development projects or preserving existing trees.
- Provide vouchers to private property owners to clean gutters, in lieu of removing a tree (citing that oftentimes people want to remove trees due to nuisances such as leaves buildup in gutter).
- Ensure processes for older adults who have difficulty with mobility and cannot maintain trees on their property.

- Allow people to blow leaves onto public streets so that a street sweeper can take care of leaves.
 - Highlighted HODAs (High Organic Debris Areas); there are about 11 HODAs in Lakewood.
- If we suggest a permit fee, it should be a nominal fee that covers staff time.
- Have a fee-in-lieu as part of development proposals; the fee could cover a community benefit, such as landscape trees; tree mitigation fund (planting elsewhere).
- Incentives are situational, with the understanding that for a developer, it's about profits.
- Density bonus, expedited permit review, permit fee reduction could be incentives for developers.

Equity

- Highest tree canopy is in higher income areas.
- Ensure that trees are planted (i.e., encourage tree canopy) in lower income communities.
- American Lake Gardens redevelopment (conversion of residential to industrial) led to greenspace loss (at 90%-95% lost).
- Engage youth and students at local schools.
- Plan for future generations; there used to be a practice of planting 100 trees per year, but this was stopped, as there were no plans in place for maintenance or replacement.
- Provide affordable options for maintain trees and mitigate consequences, especially for older adults and lower income.
 - Affluent areas can afford to maintain trees.

Benefits of Trees and Education

- Trees are nice to have for shade.
- Important to provide education on tree benefits and tree canopy.
- Do something similar to Audubon Society by providing a map that highlights species of trees and their locations.
- Educate on concepts such as “what is an oak savannah?”
- Important to model behavior that values trees.
- Provide safety education.

Locations for Adding/Restoring Tree Canopy

- Ponders Corner
- Tillicum
- Eastside of city
- Industrial areas
- Anything near I-5 corridor

- Springbrook and Oakbrook
- Area between Bridgeport and 112th, and Lakeview Avenue
- Along Pacific Highway and I-5
- 108th Street down to the train trestle
- Woodbrook/American Lake Gardens
- Northwest Lakewood – Fort Steilacoom Park (historically a farm, so lots of open space)
- Open spaces that are barren



The City is considering code changes to protect trees. How do you feel about that?

Trees are good neighbors. They improve air quality and provide cooling shade. They are beautiful and historic, especially rare species like the Garry Oak. On the other hand, stricter tree laws might limit when you can trim or remove a tree.

The City invites your opinions about trees, tree laws, and property rights. Attend our public hearing on Wednesday, July 6 at 7:00 p.m. or comment online at this address:’

More Information:

The City created a special committee in January to review current tree code and suggest improvements.

The committee has completed its work and produced a report with suggested code changes.

The Planning Commission is considering this report, and will host a public hearing on July 6 to collect opinions from the public.

City Council would then review the Planning Commission's

recommendations. Another public hearing will be held later this summer, perhaps late July.

Submit a comment or read more about this topic online:

157 of 505

*Attend our public hearing on
Wednesday, July 6 at 7:00 p.m. or
comment online to express your
opinion about trees.*

cityoflakeood.us/trees



Lakewood Tree Tour

FORT STEILACOOM PARK | Friday, June 3, 2022 from 3:00pm – 5:00 pm

SUMMARY

The Lakewood Tree Tour was held on Friday, June 3, 2022 from 3:00 – 5:00 pm at Fort Steilacoom Park in Lakewood Washington. The City of Lakewood advertised the tour locally through event posters that were translated into English, Spanish, and Korean. The objective of the tour was to introduce participants to Lakewood's lovely mix of firs, blossoms, oaks, and other trees. The tour also focused on the importance of urban tree canopy, the diversity of tree species in the City of Lakewood, and tree maintenance. Approximately 20 persons attended. In addition, Courtney Brunell, Lakewood Planning Manager, Stacey Reding, Parks/Recreation Capital Projects Assistant, and Lisa Grueter and Hayden Campbell with BERK Consulting assisted in facilitating the event.

The tour was led by Lowell Wyse, the Executive Director of the Tacoma Tree Foundation, and Darrin Masters, an area habitat biologist for the Washington Department of Fish and Wildlife. Attendees met at the parking lot adjacent to the Waughop Lake Trailhead and were introduced to the walking route and objectives of the tour. Spanish and Korean interpreters were present at the tree tour to accommodate language needs. The walking route followed Angle Ln SW along the eastern edge of the scattered oak canopy in the park with pauses for questions and discussion and then wound back through the more oak dominant forest and woodland canopy towards the parking lot. At the conclusion of the walk, City staff fielded questions about the tree code update, provided attendees with additional information on upcoming public hearings, and collected the email addresses of attendees who wish to receive updates.



Attendees walking on Angle Ln SW



Attendees gathered around a grove of Garry Oaks

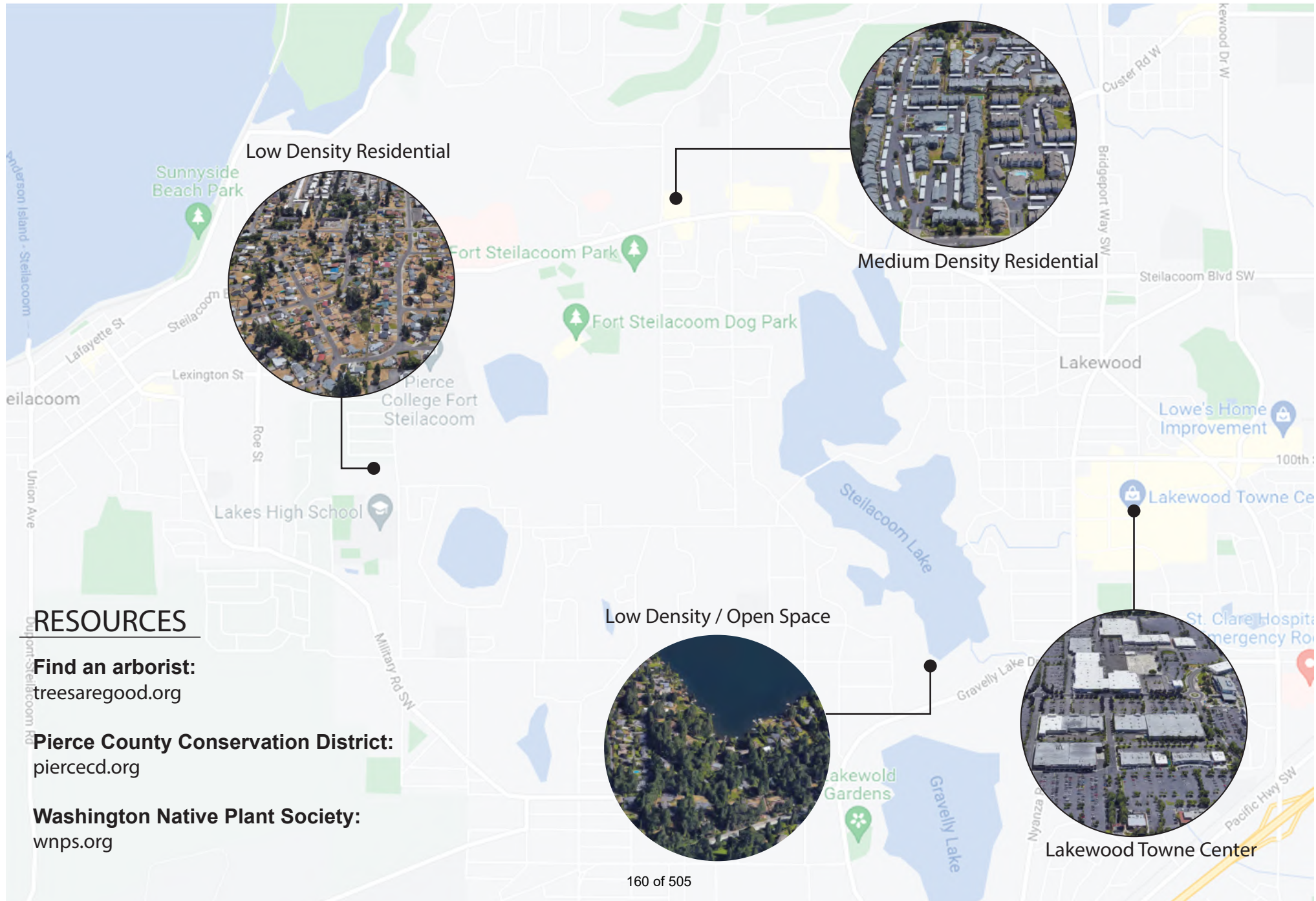


--- ~1 Mile Walking Path

Scattered Oak Canopy

Oak Dominant Forest
or Woodland Canopy

LAKEWOOD'S URBAN TREE CANOPY



RESOURCES

Find an arborist:
treesaregood.org

Pierce County Conservation District:
pierccd.org

Washington Native Plant Society:
wnps.org



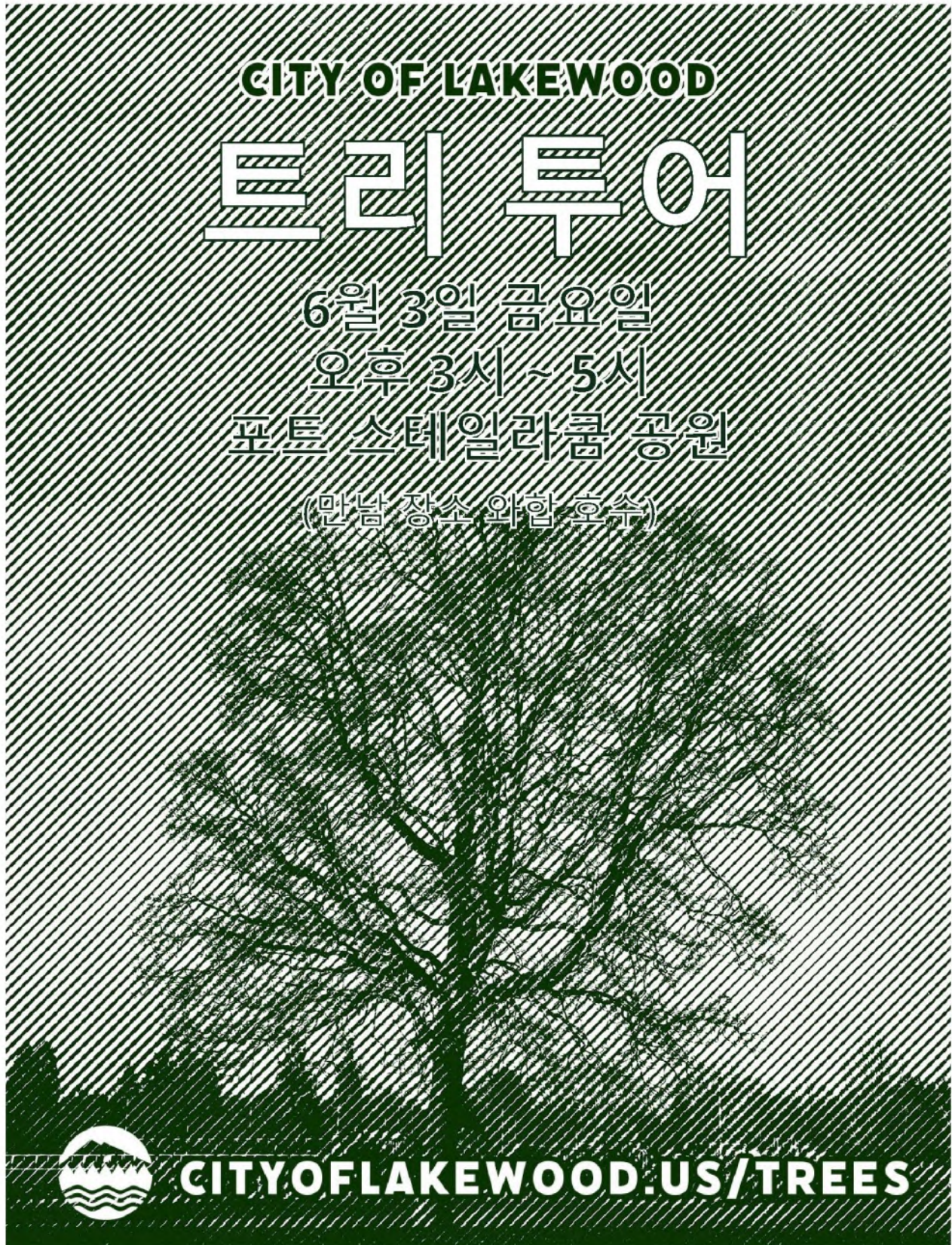
CITY OF LAKEWOOD

TREE TOUR

FRIDAY, JUNE 3
3:00 TO 5:00 P.M.
FORT STEILACOOM PARK
(MEET BY WAUGHOP LAKE)




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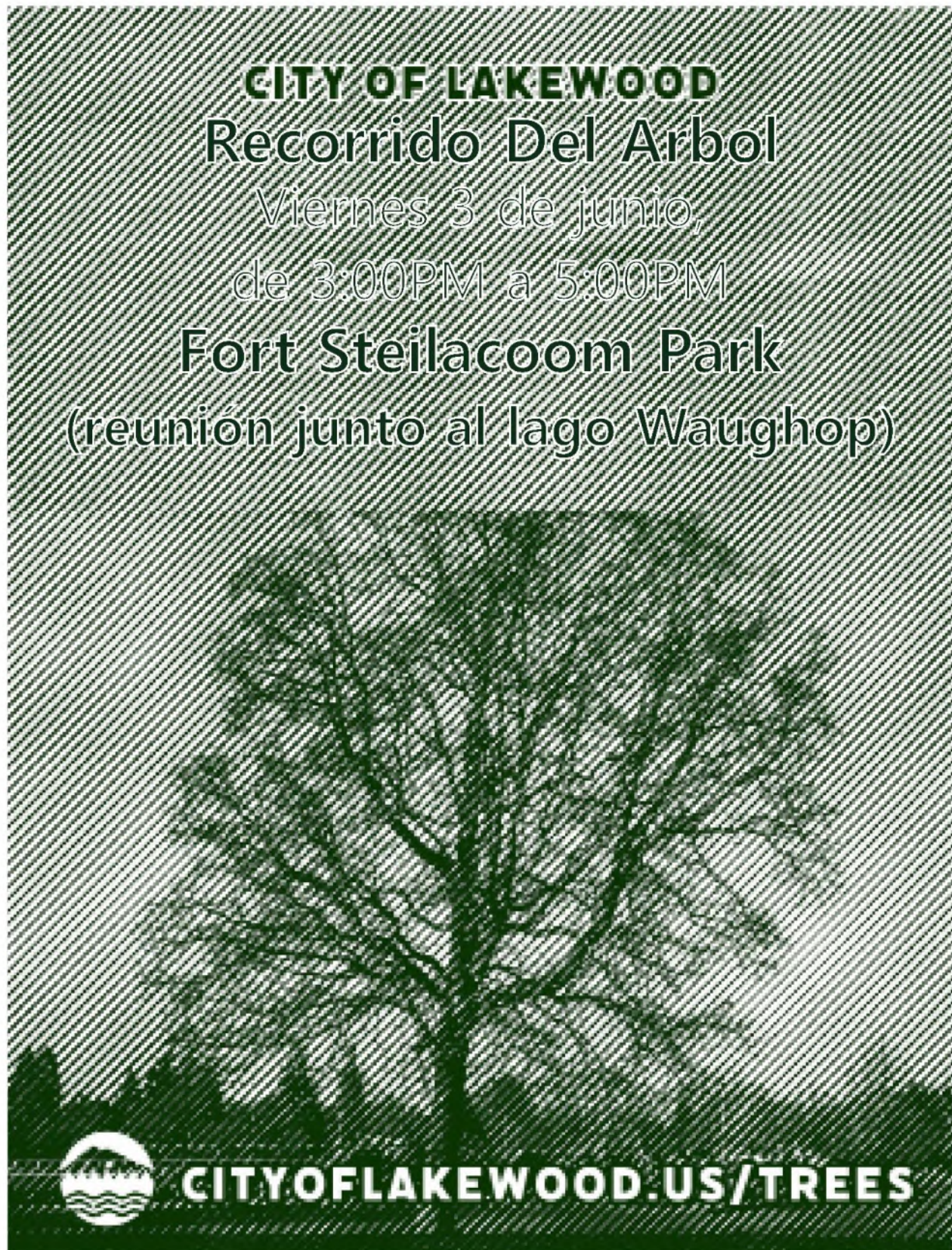
CITY OF LAKEWOOD

트리 투어


6월 3일 금요일
오후 3시 ~ 5시
포트 스테일라쿰 공원
(만남 장소 와함 호수)



CITYOFLAKEWOOD.US/TREES



CITY OF LAKEWOOD
Recorrido Del Arbol
Viernes 3 de junio,
de 3:00PM a 5:00PM
Fort Steilacoom Park
(reunión junto al lago Waughop)



CITYOFLAKEWOOD.US/TREES

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
- **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. Review non-exempt activities for compliance with tree protection regulations in association with land use permits. (The City does have a separate tree permit.)		
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.¹
 - 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.² 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.³
3. Similar to Option #2 but the threshold for significant trees would be 4" DBH threshold.

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

² This is similar to Oak Harbor regulations.

³ 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 (minimum) number 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.⁴ 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
Lacey	Determine damage and appraised value. Appeal of fine goes to Hearing Examiner. Maximum fee reduction 30%.
Federal Way	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.
Seattle	Seattle triples the penalty amount for willful or malicious cutting and cutting or damaging trees in critical areas is subject to additional penalties.
Sammamish	\$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.

⁴ 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

Article III. Tree Preservation

18A.70.300 Purpose.

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

18A.70.310 Tree removal applicability/exemptions.

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

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

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

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

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

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

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

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

18A.70.320 Significant tree preservation.

A. Standards. Significant tree preservation shall be required for any project permit.

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

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

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

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

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

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

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

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

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

C. *Tree Retention Plan Required.*

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

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

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

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

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

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

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

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

E. *Construction Requirements.*

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

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

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

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

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

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

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.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.cityoflakewood.us](http://www.cityoflakewood.us)

City Telephone: (253) 589-2489

[Code Publishing Company](#)



TO: Planning Commissioners
 FROM: Tiffany Speir, Long Range & Strategic Planning Manager
 DATE: July 6, 2022
 SUBJECT: Tree Preservation Code Public Hearing Written Comments
 ATTACHMENTS: Public Comments Received

The Planning Commission has a July 6, 2022 public hearing scheduled regarding the proposed updates to the Tree Preservation Code Update, which affects Lakewood Municipal Code (LMC) section 18A.70 Article III. Other relevant rules include the State Environmental Policy Act (SEPA) in LMC 14.02 and Critical Areas in Title 14.

Attached are the written public comments received by the June 30, 2022 deadline. Included below is a table that lists the comments received. Several items of note:

- A total of 204 written comments were submitted;
- Out of the 204, 88 were submitted separately by individuals;
- Out of the 204,
 - o 116 sets of comments were submitted through The Action Network and contain exactly the same verbage;
 - o 44 sets of comments submitted through The Action Network were sent from unconfirmed email addresses and/or unconfirmed individuals; and
- Some comments were submitted falsely under the names of City Council members and City staff. On July 6, staff will provide an update regarding which City Council members and City staff have provided a statement disavowing the comments.

Lakewood staff will provide responses to the public comments received in writing by June 30 as well as to any oral comments received on July 6 before the Planning Commission takes action on its recommendation to the City Council.

The table below shows shaded sets of comments which are questionable for one of the reasons listed above. (*Submitted under the name of Lakewood City Staff / **Submitted under the name of Lakewood City Councilmember / ~Submitted under unconfirmed name (Hollywood actors))

First Name	Last Name	Action Network?	a@a.com or a@ba.com ?	lakewood.us or @cityoflakewood.us?
Don	Anderson**	X		X
Patti	Belle**	X		X
Paul	Bocchi**	X		X
Mike	Brandstetter**	X		X
Courtney	Brunel*	X		X
Paul	Bucich*	X		X
Dave	Bugher*	X		X
John	Caulfield*	X		X
Mary	Dodsworth*	X		X

First Name	Last Name	Action Network?	a@a.com or a@ba.com?	lalewood.us or @cityoflakewood.us?
Linda	Farmer**	X		X
Rafik	Gindy*	X		X
Tho	Kraus*	X		X
Mary	McDougal*	X		X
Mary	Moss**	X		X
Briana	Schumacher*	X		X
John	Unfred*	X		X
Michael	Vargas*	X		X
Heidi	Wachter*	X		X
Jason	Whalen**	X		X
Mike	Zaro*	X		X
Junk Mail	[blank]~	X	X	
Junkmail [2]	[blank]~	X	X	
Monica	Barbaro~	X	X	
Heather	Burns~	X	X	
Jennifer	Connelly~	X	X	
Tom	Cruise~	X	X	
Jay	Ellis~	X	X	
Tom	Felton~	X	X	
Rupert	Gint~	X	X	
Jon	Hamm~	X	X	
Tom	Hanks~	X	X	
Ed	Harriss~	X	X	
Val	Kilmer~	X	X	
Greg	Kinnear~	X	X	
Matt	Lewis~	X	X	
Evanna	Lynch~	X	X	
Parker	Posey~	X	X	
Glen	Powell~	X	X	
Lewis	Pullman~	X	X	
Daniel	Radcliff~	X	X	
Meg	Ryan~	X	X	
Miles	Teller~	X	X	
Emma	Watson~	X	X	
Steve	Zahn~	X	X	
gmfulhman	[blank]	X		
LunaStar	[blank]	X		
Writingcfi	[blank]	X		
parrotgirl2	[blank]	X		
theduxer234	[blank]	X		
Alexandr	[blank]			

First Name	Last Name	Action Network?	a@a.com or a@ba.com?	lalewood.us or @cityoflakewood.us?
Dawn	[blank]			
Robby	[blank]			
Jennifer	Adams	X		
Addo	Aequitas	X		
Annette	Agee	X		
Syliva	Allen			
Jennifer	Andrews			
Sean	Arent	X		
Kathleen	Bailey			
Pam	Beal	X		
Sarah	Bixler			
Ducky	Black			
Fred	Block			
Phillipa	Blyth	X		
Nancy	Brennan-Dubbs			
Don	Brown			
Kornelia	Brown			
Barlow	Buescher			
William	Burgin	X		
Zephyra	Burt			
Mandy	Candler	X		
Charles	Cardinal			
Bunchy	Carter	X		
Roger	Chapman			
Tara	Chase	X		
Coryl, Manly, Joyce, Brady, Corby	Clark			
Kimberly, Byron	Cregeur			
Esther	Day	X		
Vivian	DeZwager	X		
Jessica	Diaz			
Todd	Dickens	X		
Therese	Dowd	X		
Tichomir	Dunlop	X		
James	Dunlop			
Carol	Eckert	X		
Timothy	Edgren			
Thomas	Erber			
Amelia	Escobedo	X		
Marsha	Evans			
Jason	Faulkner			

First Name	Last Name	Action Network?	a@a.com or a@ba.com ?	lalewood.us or @cityoflakewood.us?
John	Finkas	X		
Claudia	Finseth			
Rain	Flaskegaard			
Julie	Fork	X		
Julie	Forkenbrock			
Kyle	Franklin			
Gail	Fuhlman			
Aja	Fulani	X		
Tom	Galdabini	X		
Johnathan	Garcia			
Winfield	Giddings			
Meg	Godlewski			
Caroline	Goodrich			
Ilmarinen	Gouge	X		
Darrell	Graves			
Phyllis	Griggs	X		
Jeff	Habersetzer			
Karen	Hanson	X		
Amirah	Harris			
Phil	Harty	X		
Jason	Hawken			
Allisn	Hertel			
Joseph	Hertel			
Shawn	Hill	X		
Traci	Hoenstine			
Karen, Vito	Iacobezzi			
Jennifer	Imholt	X		
Licentia	Immortalis	X		
Michael	Ivery			
Brett	Jacobsen			
Johnny	Johnson			
Virginia	Jones			
Sue Ann	Kent			
Kirk	Kirkland			
Tamara	Knebel			
Melissa	Knott	X		
Brenda	Kodama	X		
Pamela	Kosaki	X		
Robb	Krehbiel	X		
Jenna	Lee	X		
Anita	Letasi			

First Name	Last Name	Action Network?	a@a.com or a@ba.com?	lalewood.us or @cityoflakewood.us?
Burke	Long			
Therese	Lowd			
Mary Elaine	Lyle			
Rachel	Mackey	X		
Stephanie	Maner			
Carlo	Manetti	X		
Christina	Manetti	X		
Judith	Manetti	X		
Elysia	Mbuja			
Kuruka	Mbweha	X		
Matthew	McCarthy	X		
Jean	McClure			
Nakanee	McCord	X		
Michaela	McCormack			
Sands	McKinley			
Heather	Miller	X		
Julie	Miller	X		
Toni	Mills	X		
Ashley	Mocorro Powell	X		
Christine	Moody	X		
Kathryn	Moon	X		
Don	Moss			
Kristin	Moultine			
Tommie	Oakley	X		
Thomas	Oliver			
Al Roy	Orlando			
Bob	Oxborrow	X		
Neel	Parikh	X		
Cathryn	Parks	X		
Amara	Parra			
Tricia	Parsons			
Leslie	Pearson			
Jennifer	Pete			
Mark	Pfeiffer	X		
Docere	Phramakis	X		
Jessie	Pickel	X		
Janeen	Provazek	X		
Kate	Read	X		
Jean	Reddish			
Karen	Ripp			
Arlee	Rodrigues			

First Name	Last Name	Action Network?	a@a.com or a@ba.com?	lalewood.us or @cityoflakewood.us?
Joyce	Rousseau			
Arthur James	Russell			
Alexandra	Sampson	X		
Mary	Saurs			
Connie	Schmidt			
Eric	Seibel			
Mark	Simons	X		
Mark	Simons			
Gail	Sklar	X		
Geneva	Smith			
Valerie	Smith			
Heidi	Stephens	X		
Dolly	Sutherland	X		
Roy	Sutherland	X		
Douglas	Tallamy	X		
Andrew	Thatcher			
Donna	Thompson	X		
Heidi	Thompson			
Lisa	Tomlinson			
Marianne	Tompkins	X		
Helen	Wagner	X		
Rob, Celia	Warren			
Colleen	Waterhouse	X		
Emma	West			
Barbara	White			
Wesley	Whiteside			
Richard	Wilkerson			
David	Wood			
Carol	Woolery			
Diana	Wright			
Ovunayo	X	X		

* Submitted under the name of Lakewood City Staff / **Submitted under the name of Lakewood City Councilmember / ~Submitted under unconfirmed name (Hollywood actors)

From: Linda Farmer <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:52 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

This email originated outside the City of Lakewood.

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When in doubt, please contact the HelpDesk.

- helpdesk@cityoflakewood.us ext. 4357

Courtney Brunell,

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

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I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Linda Farmer

lfarmer@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Mary Moss <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:47 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Mary Moss

mmoss@cityoflakewood.us

6000 Main st

Lakewood , Washington 98499

From: Don Anderson <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:47 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Don Anderson

danderson@cityoflalewood.us

6000 Main st

Lakewood , Washington 98499

From: Paul Bocchi <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:52 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Paul Bocchi

pbocchi@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Jason Whalen <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:49 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Jason Whalen

jwhalen@cityoflakewood.us

6000 Main st

Lakewood , Washington 98499

From: Mike Brandstetter <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:50 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Mike Brandstetter

mbrandstetter@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Patti Belle <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:51 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Patti Belle

pbelle@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: John Caulfield <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:46 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

John Caulfield

jcaulfield@cityoflalewood.us

6000 Main st

Lakewood , Washington 98499

From: Mary McDougal <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 1:01 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Mary McDougal
mmcdougal@cityoflalewood.us
6000 Main St
Lakewood, Washington 98499

From: Mary McDougal <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 1:00 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Mary McDougal
mmcdougal@cityoflalewood.us
6000 Main St
Lakewood, Washington 98499

From: Tho Kraus <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:56 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Tho Kraus

tkraus@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Dave Bugher <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:55 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Dave Bugher

dbugher@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: John Unfred <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:58 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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John Unfred

junfred@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Briana Schumacher <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:57 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Briana Schumacher
bschumacher@cityoflalewood.us
6000 Main St
Lakewood, Washington 98499

From: Rafik Gindy <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:55 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

This email originated outside the City of Lakewood.

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- helpdesk@cityoflakewood.us ext. 4357

Courtney Brunell,

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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Thank you.

Rafik Gindy

rgindy@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Paul Bucich <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:59 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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- helpdesk@cityoflakewood.us ext. 4357

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Thank you.

Paul Bucich

pbucich@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Heidi Wachter <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:54 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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- helpdesk@cityoflakewood.us ext. 4357

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Thank you.

Heidi Wachter

hwachter@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Mike Zaro <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:58 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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- helpdesk@cityoflakewood.us ext. 4357

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Thank you.

Mike Zaro

mzaro@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Mary Dodsworth <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 1:00 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Courtney Brunell,

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I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Mary Dodsworth

mdodsworth@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Michael Vargas <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:57 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Michael Vargas

mvargas@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

From: Courtney Brunel <info@sg.actionnetwork.org>
Sent: Thursday, June 30, 2022 12:53 PM
To: Courtney Brunell
Subject: Support for the ad hoc tree committee's recommendations

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Thank you.

Courtney Brunel

cbrunel@cityoflalewood.us

6000 Main St

Lakewood, Washington 98499

First Name: jennifer

Last Name: adams

Email: jennifer.renee.adams@gmail.com

Zip Code: 98499

Country: US

Street: 10423 Brook Ln SW

City: Lakewood

Phone: +12533148358

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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As our earth slips further into global warming, the environment becomes less hospitable to trees and prevents them from growing as large as they have been able to in the past. Do not destroy these trees. We may never be able to grow them again.

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I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 12:12 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 07:11:28 UTC

First Name: Neel

Last Name: Parikh

Email: neelp1948@gmail.com

Zip Code: 98403

Country: US

Street: 614 North 6th Street

Courtney Brunell

From: Christina Manetti <manetti.christina@gmail.com>
Sent: Thursday, June 30, 2022 12:53 AM
To: Courtney Brunell
Cc: Addo Aequitas; Eileen McKain
Subject: public comment from Mr. Addo Aequitas

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Mr. Aequitas has been cc'd above.

Timestamp: 2022-06-29 19:17:47 UTC

First Name: Addo

Last Name: Aequitas

Email: addoaequitas@protonmail.com

Zip Code: 98499

Country: US

Street: 10506 Russell Rd SW

City: Lakewood

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.



Christina Manetti <manetti.christina@gmail.com>

Someone has taken action on your "planning-commission" page!3 messages

Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 5:06 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 12:06:09 UTC**First Name:** annette**Last Name:** Agee**Email:** annette.agee@gmail.com**Zip Code:** 98409**Country:** US**Street:** 6449 s Verde st**City:** Tacoma**State:** Washington**Target Name:** Courtney Brunell**Letter Subject:** Support for the ad hoc tree committee's recommendations**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 6:37 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Tuesday, June 7, 2022 8:10 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Aleksandr
Email: dohc1974@hotmail.com
Phone: +12532286294
Comment about trees, property rights, or the Tree Advisory Committee report.:
Man f these stupid trees. My home is surrounded by these hippy protected oak trees. Every year I have to climb onto the roof of my second story home just to clean out the leaves and pine needles, plus the oak tree on my property constantly sh!ts onto my paved driveway and leaves diarrhea looking stains and I'm Forced to Put up with it just because someone at the city smokes crack all day behind the desk and pretends their job means something special. You hippies need a real job!

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Friday, June 10, 2022 11:43 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Sylvia Allen
Email: sylviahallen@hotmail.com
Phone: 253-302-5158

Comment about trees, property rights, or the Tree Advisory Committee report.: I strongly support a tree management plan that preserves not only the oak trees but also the fir trees that give our neighborhoods their lovely forest atmosphere. Homeowners who strip their lot of their trees not only ruin the looks of their own property, but the ambience of the whole neighborhood. Then there is the issue of the environment and global warming. Trees freshen the air, reduce CO2, provide shade, and habitat for birds and animals. Our property is regularly visited by deer, squirrels, raccoons, and occasionally eagles and owls. Please do not delay in approving a tree-preservation ordinance. Already our neighborhood has been negatively changed by homeowners cutting down beautiful, healthy trees so that they can have a nicer green lawn.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Saturday, June 4, 2022 7:14 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Jennifer Andrews
Email: zinnen6@gmail.com
Phone: 25369132303

Comment about trees, property rights, or the Tree Advisory Committee report.:

I would like to see the City of Lakewood doing more to preserve open spaces. The character of our city could improve from not only preserving trees but enhancing the amount of tree canopy. Instead of seeing every vacant lot as an opportunity for developers, think long term about increasing the value of all real estate and business in our city by making this a more livable and enjoyable environment. Think creatively about how we could fund restoring green spaces instead of sticking to the fool's choice of either property rights or tree preservation. Can we get grants to purchase unused spaces to turn them green? Are underserved communities getting funding to green their spaces? How can we persuade or reward property owners to preserve or plant more trees?

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 7:05 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 02:04:51 UTC

First Name: Sean

Last Name: Arent

Email: seanarent5@gmail.com

Zip Code: 98418

Country: US

Street: 1680 s 45th st

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 7:33 PM

Someone has taken action on your "planning commission" page. The information they entered

243 of 505

Lauren Hines

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Thursday, June 30, 2022 11:49 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: kathleen ann bailey
Email: kcj353@msn.com
Phone: 2533764197
Comment about trees, property rights, or the Tree Advisory Committee report.: As a HOMEOWNER I want to be able to decide issues regarding tree trimming/removal. Tree roots or branches can have a direct impact on home structures or my private property.
This measure is an overstep on property rights of owners in Lakewood.



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 11:40 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-29 18:40:34 UTC

First Name: Pam

Last Name: Beal

Email: pambeal@gmail.com

Zip Code: 98466

Country: US

Street: 204 Contra Costa Ave

City: Fircrest

Phone: +12535929019

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry

oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 11:44 AM

Reply-To: Action Network <info@actionnetwork.org>

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-29 18:44:22 UTC

First Name: Therese

Last Name: Dowd

Courtney Brunell

From: Christina Manetti <manetti.christina@gmail.com>
Sent: Wednesday, June 29, 2022 10:16 PM
To: Courtney Brunell; Eileen McKain
Cc: pambeal@gmail.com
Subject: public comment from Pam Beal

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- helpdesk@cityoflakewood.us ext. 4357

Ms. Beal is cc'd above.

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-29 18:40:34 UTC

First Name: Pam

Last Name: Beal

Email: pambeal@gmail.com

Zip Code: 98466

Country: US

Street: 204 Contra Costa Ave

City: Fircrest

Phone: +12535929019

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be

strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Monday, June 13, 2022 2:27 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name:

Sarah Bixler

Email:

sarah.bix@gmail.com

Phone:

8179805937

Comment about trees, property rights, or the Tree Advisory Committee report.:

I'm in favor of protecting our trees.

250 of 505

and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:05 PM

Reply-To: Action Network <info@actionnetwork.org>

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-29 22:05:02 UTC

First Name: Ducky

Last Name: Black

Email: theduxer234@yahoo.com

Zip Code: 98498

Country: US

Street: 11218 Butte Drive Southwest

City: Lakewood

Phone: +12535881414

251 of 505

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Thursday, June 2, 2022 3:03 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Fred Block
Email: fred9303@msn.com
Phone: 253-581-2259

Comment about trees, property rights, or the Tree Advisory Committee report.: I disagree with the committees recommendation to remove the 17,000 sq. ft. exemption. I do not object to a requirement that a designated percentage of property be required to be landscaped, but the plantings, their maintenance, trimming, and removal should not require city approval. Not only is this a huge infringement of property rights, but it would require the city to employ many people to enforce the ordinance. On another matter, I would favor an increase in landscape requirements (including trees) for many other non residential zones. I see many areas around town including some recent developments that have few trees if any.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 8:06 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 03:06:25 UTC

253 of 505

First Name: Philippa

Last Name: Blyth

Email: blythlimited@gmail.com

Zip Code: 98499

Country: US

Street: 10015 Oak Lane SW

City: Lakewood

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-
protections-by-thursday-noon-2

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Sunday, June 12, 2022 4:51 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: nancy brennan-dubbs
Email: nbdpbw@gmail.com
Phone: 2535995873

Comment about trees, property rights, or the Tree Advisory Committee report.: I am supportive of the Tree Advisory Committee recommendations and recommend that the Planning Commission and City Council approve them.

 It is unfortunate that all ad hoc members did not participate in the meetings or in a majority of the meetings. They were provided the opportunity to provide their views on the proposals early in the planning process where it would have been most useful.

I have the following additional comments:

All arborists should be certified. Also, they should hold a bachelor's degree in forestry, botany, plant ecology, or other appropriate field.

Buffers around retained or planted mitigation trees need to be large enough that tree viability is not impacted. This may require a buffer greater than the "drip line" and differ by tree species.

Define "tree removal" - does the entire tree need to be cut down? What if it is left as a snag (which has value for wildlife such as woodpeckers). What if a percentage of the canopy is removed?

Tree removal (including trimming) should occur outside the primary nesting season for birds. Although birds may nest outside these months, April through July should be avoided. (Most bird nests are protected under the Migratory Bird Treaty Act (MBTA). This law says: "No person may take (kill), possess, import, export, transport, sell, purchase, barter, or offer for sale, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit..." Under the MBTA it is illegal to destroy a nest that has eggs or chicks in it or if there are young birds that are still dependent on the nest for survival. <https://www.fws.gov/story/bird-nests>)

Key Issue 1 Tree canopy goal: consideration of a diversity of native tree species that provide this proposed canopy cover should be considered. This will create different habitats for birds and other wildlife (one of the functions of trees), as well as canopy

cover over time. Some trees develop more slowly than others, but this should not preclude their use. Also, consideration of what native trees may persist into the future under our changing climate should also be part of the selection process.

Key Issue 6 Significant Tree Definition and Critical Areas - If the intent is to increase the canopy cover provided by trees within the City of Lakewood, use of off-site mitigation in other cities should not be permitted, unless it is demonstrated that no other alternative is available within the Lakewood city limits. Also, please change "b" to require additional procedures and mitigation for trees that qualify as critical areas. Such additional mitigation requirements should be developed in advance so that applicants are aware of what additional actions are required.

Key Issue 8 Maximum Tree Removal on Developed Single Family Properties - Although I support the recommendation, it may be difficult to implement. The City needs to adopt measures that that can be tracked over time. What criteria will be used to determine the minimum tree canopy required for a property? Additionally, there needs to be assurances that trees that are retained on-site are not damaged or impacted by development. Change in water availability, shading, or damage to tree roots may result in the future loss of these trees.

Key Issue 9 Replacement: Mitigation of removed trees is critical to ensure that the functions and values lost from their removal is replaced. The loss of the functions and values of a significant tree will take years to replace. This temporal loss of functions and values should also be a consideration by the arborist in their evaluation.

Additionally, monitoring for the successful replacement of these lost trees must be required. Without success criteria and a well designed monitoring plan, trees that are planted or protected as part of a mitigation plan, may not survive. Lack of or too much water, rodent or other animal damage, or other reasons may lead to failure of the mitigation. Mitigation the includes planting new trees needs to include success criteria that addresses tree vitality - not just whether it is alive or dead. Development of a mitigation plan may require someone other than a certified arborist.

Additionally, mitigation of removed trees needs to be tracked to protect these trees from future removal.

Key Issue 10 City Tree Fund - Funds should be used primarily for the replacement and/or protection of at risk significant trees. Although education is important, this does not mitigate for the functions and values lost when a tree is removed.

Also, what is a "private tree tract"? If these areas are used for mitigation they need to have a conservation easement to protect the trees in perpetuity.

Key Issue 11 Fines = In addition to the recommendations by the committee, actions to notify landowners and renters of tree removal requirements should also be taken to reduce the need for enforcement actions. Additionally, arborist and other entities that are involved with tree removal should also receive this information.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Monday, June 13, 2022 2:22 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: nancy brennan-dubbs

Email: nbdpbw@gmail.com

Phone: 2535885873

Comment about trees, property rights, or the I am submitting these comments regarding the existing Tree Preservation Code

Tree Advisory 18A.70.310 Tree removal applicability/exemptions

Committee report.:

D - A demonstration that there is no alternative to the removal of trees within a right-of-way or easement should be required. Realignment within the right-of-way or easement may be feasible, but maybe less convenient or slightly more expensive.

E - Define "presence of a target"

15A.70.320 Significant tree preservation

A.3 Damaged or Diseased Trees -What criteria are used to determine that a damaged or diseased tree does not constitute important wildlife habitat? Is this determined by a wildlife biologist? Damaged or diseased trees may provide nesting and foraging habitat for birds and roost sites for bats and should be retained if they are not classified as a safety hazard or will not spread the disease to other nearby trees.

A.4. Preventative Measure Evaluation = An evaluation should be required to determine if tree removal can be avoided. Current language states "may be required." Alternatives, such as pruning, may be sufficient The goal should be to preserve significant trees due to the long duration of time before their functions and values are replaced through mitigation.

A.4.g – Define “professional.” What qualifications are required to make these recommendations?

B. Preservation Criteria 1. Perimeter Trees and 2. Interior Trees– Alternatives to the location of the features listed (driveways, sidewalks, etc.) need to be considered.

Redesign/reconfiguration of these features may preclude the need to remove trees and still meet the development needs/requirements.

G. Replacement 3.d – Define “unique or unusual” species. Native trees should be of primary importance for protection

H. Trimming – Trimming should also not result in harm to tree health or death.

18A.70.330 City Tree Fund - Funding should be used so that it results in an increase in tree numbers and canopy within the City.

B. Funding Purposes – 1. Funds used for the acquisition of existing wooded areas should only be considered if these areas are at risk of development or loss. Additional measures should also be taken at the site to protect and enhance its functions and values. Restoration of degraded wooded areas should be considered.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Saturday, June 11, 2022 11:55 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Don Brown
Email: donbrownaccount@comcast.net
Phone: (253) 209-4991

Comment about trees, property rights, or the Tree Advisory Committee report.: We have lived in Lakewood for 50 years. We live across the street from Park Lodge Elementary School. 40 years ago, we got together with neighbors and spearheaded a landscape design presented to the school board and following that design, planted trees along the playfield side of Lexington Ave. They have flourished and added great beauty to the street, provided shade for the students using the playfield and we have received many compliments throughout the years for our efforts fostering the love of trees. It makes a tremendous and positive difference to our quality of life. Like a park does. Many homes in our city are beautified by the inclusion of trees in the landscapes. Trees are good for people.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Wednesday, June 22, 2022 11:01 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Barlow Buescher
Email: bjbuescher@earthlink.net
Phone: 2532291662

Comment about trees, property rights, or the Tree Advisory Committee report.: My name is Barlow Buescher and I am a resident and property owner in Lakewood. I am glad that actions are being taken to protect the trees in Lakewood and hope the community will get fully behind the need to preserve our trees for so many reasons.

I am especially concerned about the loss of our oak prairie habitat. This habitat is uniquely ours and anchors the ecological health of much of our area. I understand the value of commercial development yet believe we can do a both and when it comes to protecting the garrie oaks.



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 5:42 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 00:39:53 UTC

First Name: William

Last Name: Burgin

Email: oration_society0m@icloud.com

Zip Code: 98498

Country: US

Street: 8806 Zircon Dr SW

City: Lakewood

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

My Family and I strong support the ad hoc tree committee's efforts and recommendations regarding amendments to the City of Lakewood's tree preservation code.

We have lived in the Oakbrook section of Lakewood for more than 30 years. During that time we have observed the progressive loss of the lovely pine and oak trees that have made Oakbrook and Lakewood a very desirable place to live. We completely agree with the committee's recommendation that stronger regulation and enforcement is needed to protect Lakewood's vital tree canopy.

Further:

1). Concur that Contractors AND RESIDENTS must be held responsible for all violations of City Municipal Code pertaining to tree cutting. Tree mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees.

2). Concur that fines for Code violations must be established and not be reduced by the Court. Permits to cut down significant trees (pine or other) must not be issued as a matter of fact, and oaks must be strictly protected.

Thank you for this very important effort to ADOPT and ENFORCE sound policies and regulations that will help protect the scenic, environmental, and economic benefits of Lakewood trees. The Scenic America reference below may help in structuring the final amendment.

Very respectfully,

William and Nadine Burgin

8806 Zircon Dr SW

Lakewood, WA 98498

*Note: Scenic America (scenic.org) has created a model ordinance that may be helpful in designing a better plan for Lakewood and it can be found at scenic.org, and as printed below.

Model Ordinance

KEY ELEMENTS

Since every community is different, every ordinance will be different as well. Communities and activists should treat this tree conservation model ordinance as a guide.

Furthermore, every community should seek the advice of its legal advisors to ensure that the ordinance is within the powers granted to communities under state law.

1. Purpose:

This section should reflect the community's priorities in tree conservation. Does the community want to protect trees in order to protect its watershed, as Fairfax County, Virginia, did in stating that it adopted its ordinance "... to alleviate erosion, siltation, and other harmful effects of land-disturbing activities ..."? [1] Or is it to protect historic trees? From a legal standpoint, it is most important that communities clearly state what they want the ordinance to accomplish. Scenic America strongly urges towns to prominently state the aesthetic benefits they hope to realize with their ordinance. If someone challenges the ordinance in court, the courts will look very closely at this section to determine whether or not subsequent sections serve this purpose.

2. Authority:

It is also useful to cite the state enabling legislation that allows communities to protect trees. In doing so, the community acknowledges that they have the authority to do so and that they have verified that their ordinance does not exceed that authority.

3. Definitions:

Depending on the scope of the ordinance, these can range from defining a "tree," which every ordinance should do (for example, does it cover large, woody plants with a height that will exceed ten feet or does it cover understory vegetation?), to defining "a heritage tree" (i.e. trees with some combination of age, historical connotations, etc., that the community finds particularly valuable), to defining more technical terms such as "mitigation," "dripline," and "afforestation."

Outstanding sources of definitions include the aforementioned Tree Conservation Ordinances and U.S. Landscape Ordinances: An Annotated Reference Handbook, by Buck Abbey.

4. Inventory/Information Requirements:

There are two elements to this section. First, communities can and should, regardless of whether they are developing their first ordinance or refining an existing one, conduct their own inventories of trees, including assessing species, the health of trees, and information about where the trees are in relation to other resources, such as watersheds. Second, where the ordinance protects trees on private property, the ordinance should require developers to perform an on-site tree inventory. Outstanding examples of provisions doing this are found in the ordinances of Austin, Texas [2] and Prince Georges County, Maryland. [3]

5. Identification of Protected Trees:

This section clearly delineates the characteristics of trees the community wants to protect. Some communities use a simple size measure, protecting only trees, for example, with a diameter at breast height of 30 inches. Others, recognizing that an oak of that size is common while a dogwood that large would be extremely rare, set different size limits for different species. Still others use factors such as age, location and general condition. Some communities also promote the protection of durable or aesthetically pleasing trees while offering less protection to trees unusually prone to breakage during wind or ice storms or trees that drop messy fruit (such as Bradford Pears).

6. Identification of Who Must Comply with the Ordinance:

This section identifies the activities that trigger the ordinance and who must and must not comply with it. Some communities do not require tree preservation measures if only small parcels are affected or if small numbers of trees are involved. Tampa, Florida, for example, exempts expansion of single and two family dwellings that do not increase the total floor area on a parcel by more than 15 percent or exceed a cost of \$15,000. Gibbsboro, New Jersey, allows individual lot owners to remove fewer than two trees at any one time or six in any one year.

In addition to protecting trees from disturbance during the development process, many communities also protect trees from excessive or improper pruning. Chesapeake, Virginia [4] contains an extensive section on tree preservation and implementation in its ordinance. At the same time, San Juan Capistrano, California targets the practice of "topping," in which tree owners reduce major branches to stubs. Specifically, no property owner in certain zones may have his trees "severely trimmed," which the ordinance defines as "the cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches, leaving the trunk of the tree in a stub appearance." [5]

7. Administration:

This section identifies the agency or individual responsible for ensuring compliance with the tree ordinance. Most communities assign the job to one of four types of agencies: planning and zoning; parks and recreation; public works; or environmental resources. Many communities also have shade tree commissions that, in addition to reviewing and updating the ordinance and related guidelines, may also review applications for permits.

At some point or at some level of discussion, 263 of 505 communities will need a professional arborist or

forester to assess compliance and provide technical expertise. While only the larger and wealthier cities tend to have such a professional on staff, most communities can retain one in their area.

8. Standards:

Somewhere, either in the ordinance or in related regulations, the community should make some reference to the standards to which they intend to hold developers and property owners. Communities may either adopt comprehensive standards on their own or refer to accepted professional standards. For example, Alachua County, Florida, requires compliance with the National Arborist Association Standards for Pruning of Shade Trees when trimming trees on public or private property except in cases of emergency. [6]

9. Enforcement:

Ultimately, after all the decisions of what to protect and how to protect it have been made, to be of any value the ordinance must contain some provisions for penalizing violators. Small fines might just be seen as a cost of doing business. However, such measures as linking fines and penalties to the actual value of trees destroyed, considering each tree damaged or removed a separate violation, and invoking penalties for each day the violations persist can have a significant impact on the attitudes of potential violators. [7]

With careful planning, with an ordinance containing all of the above ordinances, and most important of all, with vigorous enforcement and implementation, every community can protect its trees and enjoy the environmental, economic, and aesthetic benefits of tree conservation.

REFERENCES

The most comprehensive review of individual landscaping ordinances is U.S. Landscape Ordinances: An Annotated Reference Handbook, by Buck Abbey. This book can be ordered directly from the publisher, John Wiley & Sons, www.wiley.com.

Several organizations also concern themselves with community tree preservation and landscaping. National organizations include the American Society of Landscape Architects, the National Arbor Day Foundation, the National Tree Trust, and the Society of Municipal Arborists. _____1 Fairfax County, Virginia, Erosion and Sedimentation Control and Conservation Ordinance, Pt. 3, Ch. 104-1-1.2 Austin, Texas, City Code, Chapter 13-2A (Zoning) Section 5187.3 Prince George's County, Series No 9058201522, A Manual for Tree Preservation in Development Areas, c. 1982.4 Chesapeake, Virginia, Land Use Code, Section 22.20-520.5 San Juan Capistrano, California, City Code, Section 9-3.625.6 Alachua County, Florida, Ordinance, 91-14, Section 4 (1991).7 Duerksen, Christopher J. and Richman, Suzanne, Tree Conservation Ordinances, American Planning Association and Scenic America, Washington, DC 1993.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

Action Network <info@actionnetwork.org>
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:47 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 16:58:49 UTC

First Name: Zephyra

Last Name: Burt

Email: zephburt@gmail.com

Zip Code: 98409

Country: US

Street: 1102 S 27th ST

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Please Amend Lakewood's Tree Preservation Code!

Letter Body:

To the Planning Commission:

I'm writing to say I support the ad hoc Tree Committee's suggested amendments to the City of Lakewood's tree preservation code. Lakewood needs more tree canopy and green space already. Climate change means temperatures are increasing. Both the physical and sociopolitical climate changes in this country will drive population increases in our state in the coming years. We need to expand green space and preserve canopy where ever we can so that Lakewood can be a good home for current and future resident to live and thrive.

Please preserve established trees, both Gary oaks and others. There is no mitigation fee high enough to replace grown trees. Even if the fee goes to saplings, it will be decades before the sapling can provide the oxygen, habitat, and shade of a grown tree.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Utility companies, contractors, and homeowners must consult the city before cutting trees unless there's a plumbing, gas, or electric emergency. Reach out to local

volunteer organizations to establish programs to control ivy. Fines for cutting down or damaging trees must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Thursday, June 2, 2022 7:07 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

This email originated outside the City of Lakewood.

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Charles Cardinal
Email: Redbirdsongs@gmail.com
Phone: +12533327626

Comment about trees, property rights, or the Tree Advisory Committee report.: I grew up with tress all around they are much more precious they we know. With urban sprawl comes a great cost to nature. The air quality as well water and wild life is dramatically effected. I have witnessed this since the 60's. Every tree that we can keep healthy and in harmony with our environment is a blessing. I know that in wind situations we loose power if the wind is strong enough. But I also know that with out the trees the wind is much stronger and more dangerous I have seen that in my time living in Covington. I have seen over time we get smart and put our utilities under ground then the tree problem is less of a concern. It's time we find the balance between humanity and nature. Blessings Charlie

Courtney Brunell

From: Christina Manetti <manetti.christina@gmail.com>
Sent: Wednesday, June 29, 2022 10:06 PM
To: Courtney Brunell; Eileen McKain
Subject: public comment from Bunchy Carter

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- helpdesk@cityoflakewood.us ext. 4357

Mr. Carter has been cc'd above.

Timestamp: 2022-06-29 18:00:12 UTC

First Name: Bunchy

Last Name: Carter

Email: bunchycartermod@protonmail.com

Zip Code: 98499

Country: US

Street: 4425 Pacific St SW

City: Lakewood

Phone: +12537786194

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

The reality is, if the committee is making recommendations in the best interest of the environment and the

people, there is no logical explanation for not following the suggestions put forth. Failure to do so exposes the wickedly capitalistic nature of the machine and further proves that the people in power do not respect the people who GAVE them power...especially when there's money involved. ALL POWER TO THE PEOPLE

Bunchy Carter
Minister of Defense
The Black Panther Party

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Friday, June 3, 2022 9:43 AM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Roger chapman
Email: XORAMJETOX@gmail.cm
Phone: 2539702874

Comment about trees,
property rights, or the Tree
Advisory Committee
report.:

I don't think you should have control on trees I planted myself ,in my area no matter size of the lots. Also you plant trees or fail to maintain the trees and plants around private drives and stop signs. That.block the sight of oncoming vehicles.

is:

Timestamp: 2022-06-30 02:33:47 UTC

First Name: Tara

Last Name: Chase

Email: taramchase@hotmail.com

Zip Code: 98446

Country: US

Street: 12615 37th ave e

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado; <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Wed, Jun 29, 2022 at 7:41 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

Timestamp: 2022-06-30 02:40:27 UTC

First Name: Julie

Last Name: Miller

Email: jumill038@gmail.com

Zip Code: 98444

Country: US

Street: 11021 Park Ave S

City: Tacoma

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

Courtney Brunell

From: City of Lakewood <bgrimley@cityoflakewood.us>
Sent: Wednesday, June 29, 2022 7:43 PM
To: Courtney Brunell
Cc: Jim Kopriva
Subject: NINJA: Tree Committee Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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- helpdesk@cityoflakewood.us ext. 4357

Full Name: Coryl Clark for Manly and Joyce Clark, Brady Clark, Corby Clark

Email: clark.cj@comcast.net

Phone: 360-456-5025

Comment about trees, property rights, or the Tree Advisory Committee report.:

To the Planning Commission and City Council:
 We received the City's postcard regarding potential changes to the current tree code and would like to comment.
 We feel that the tree canopy in Lakewood at 26% is good and an increase is unnecessary. There are nice parks, preserved areas, and plenty of regulations to maintain or increase the canopy just by natural growth without even more regulations. The City of Lakewood has enough. If 76% of the canopy is on private property, then these changed ordinances will either put more pressure on already stressed private property owners, or increase building and developing costs for commercial endeavors that are buried in regulations now. Current ordinances have significant tree protection in place.
 Here are some notes we made while reviewing the proposal:
 Key Issue #2: Leave lot size exemption alone
 Key Issue #5 Any permit will eventually cost individual property owners.
 Your item #2 is the equivalent of a permit.
 Key Issue #6 - 2(a) You offer in lieu of payment into the tree fund. So you offer a pay-to-play for those with more money than those that have less money. It smacks of wanting more money and not necessarily protecting or promoting trees.
 Key Issue #8 If you absolutely have to make some type of change, the Lacey or Renton plan is the better of the choices.
 Key Issue #10 Tree Fund. Wooded area acquisition could fall under Parks department fund, thus freeing up money to maintain/preserve/plant the rest of the forested areas the City manages.
 Key Issue #11 To deny someone the ability to appeal a fine and have it reduced by the Court is to deny due process and is an overreach in our opinion. If the Court feels a fine is not appropriate and rules on a fee reduction, it may well be that the fine was either exorbitant or not applicable.
 #1 is best but the City will eventually charge for a non-fee permit. It just gives the City a foot in the door for the non-fee requirement, then will change it down the road. Tried and true.

We agree with Jessie Gamble and John Boatman in the summary of votes. Leave what you have alone. If you want to improve the City's canopy which Mr. Boatman and others thought best, there is plenty of room in the public property to plant more. In addition, the current tree/landscape ordinances protect and promote the private property quite adequately.

Thank you for the review of our opinion.

Respectfully,

Manly and Joyce Clark

Brady Clark

Corby Clark

From: Kimberly Cregeur <kcregeur@gmail.com>
Sent: Thursday, June 30, 2022 2:50 PM
To: Courtney Brunell
Subject: Written comments for proposed tree code revisions

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- helpdesk@cityoflakewood.us ext. 4357

Hello Ms. Brunell -

Thank you for accepting the following written comments for the Planning Commission's consideration of amendments to the tree code.

~~~~~

To the Planning Commission:

We are writing to voice our strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

For the past couple of years, we have submitted public comments on projects that eventually have been permitted to destroy Garry oak trees (on both industrial and private property). It has been disheartening to see the repeated failure to preserve trees that take hundreds of years to mature and whose habitat is rapidly dwindling. We were encouraged when the City announced it would review the code, and then created an ad hoc committee to help inform good public policy.

We were impressed by the thoroughness and thoughtfulness of the committee's report and the options considered. However, we were dismayed to read the City's postcard to property owners about the potential code amendments. Although careful deliberation and analysis informed the committee's recommendations - many of which were unanimous, the City's mailing appeared to be biased against that work by warning people that the upcoming changes might make it more difficult to remove trees. At best, this mailing was poorly worded. At worst, it reveals an inherent bias and attempt to influence the outcome since the recommendations are strongly in support of increased protection for trees, especially threatened Garry oaks. The ad hoc committee undertook their mission in good faith. Mailing a postcard that foments dissent not only undermines their effort but also casts doubt on the process truly being unbiased and transparent. We sincerely hope this is not the case, and that the Planning Commission will acknowledge the work done by the committee and codify the recommendations.

Thank you for the opportunity to provide comment and reiterate our strong support for the ad hoc tree committee's thoughtful public policy analysis and recommendations.



Kimberly and Byron Cregeur

9506 Waverly Dr. SW

Lakewood, WA 98499

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 2:27 PM  
**To:** Vicky Hagel; Courtney Brunell  
**Subject:** public comment for Planning Commission from Kim Creuger

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---

Please forward to Ms. Brunell:

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 20:27:44 UTC

**First Name:** Kimberly

**Last Name:** Cregeur

**Email:** [kcregeur@gmail.com](mailto:kcregeur@gmail.com)

**Zip Code:** 98499

**Country:** US

**Street:** 9506 Waverly Drive SW

**City:** Lakewood

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

We are writing to voice our strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

For the past couple of years, we have submitted public comments on projects that eventually have been permitted to destroy Garry oak trees (on both industrial and private property). It has been disheartening to see the repeated failure to preserve trees that take hundreds of years to mature and whose habitat is rapidly dwindling. We were encouraged when the City announced it would review the code, and then created an ad hoc committee to help inform good public policy.

We were impressed by the thoroughness and thoughtfulness of the committee's report and the options considered. However, we were dismayed to read the City's postcard to property owners about the potential code amendments. Although careful deliberation and analysis informed the committee's recommendations - many of which were unanimous, the City's mailing appeared to be biased against that work by warning people that the upcoming changes might make it more difficult to remove trees. At best, this mailing was poorly worded. At worst, it reveals an inherent bias and attempt to influence the outcome since the recommendations are strongly in support of increased protection for trees, especially threatened Garry oaks. The ad hoc committee undertook their mission in good faith. Mailing a postcard that foments dissent not only undermines their effort but also casts doubt on the process truly being unbiased and transparent. We sincerely hope this is not the case, and that the Planning Commission will acknowledge the work done by the committee and codify the recommendations.

Thank you for the opportunity to provide comment and reiterate our strong support for the ad hoc tree committee's thoughtful public policy analysis and recommendations.

Kimberly and Byron Cregeur

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Monday, June 6, 2022 2:56 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

Full Name: Dawn  
Email: thornyroze@comcast.net  
Phone: 2532239476

Comment about trees, property rights, or the Tree Advisory Committee report.: I wish someone had taken a look at the trees on the property I live on on between McChord avenue Boston avenue and cornered by Lincoln avenue. There is some very very old trees here that I believe are historic and they're probably scheduled to be torn down this September

young people who are much more aware and concerned about the environment, which they see as critical to their future. Clover Park School District and Pacific Lutheran University might well find engagement with this issue helpful to their students. They would be learning not only more about environmental concerns, but also about the role of government in protecting our environment. They will have useful ideas and energy to contribute.

This is about much more than Garry Oaks, it is about quality of life of life in the future. The ad hoc tree committee' has done its job in preparing the report. Now let's do ours..

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Wed, Jun 29, 2022 at 6:18 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:04:11 UTC

**First Name:** Esther

**Last Name:** Day

**Email:** dayesther214@outlook.com

**Zip Code:** 98408

**Country:** US



282 of 505

**Street:** 214 S. 54th Street**City:** Tacoma**Phone:** +12532244372**State:** Washington**Target Name:** Courtney Brunell**Letter Subject:** Support for the ad hoc tree committee's recommendations**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

Unless you have seen how trees clean our air, you have no idea what removing trees of any kind can be harmful as is Mother Nature's way to cool our air during hot days, it is also a cleaner of the pollution that surrounds our areas. I tell you this because I saw how my trees had been cleaning the air around my home when I cut branches off my tree to create a floral arrangement. I could not see what the top of the branches looked like until I cut some branches. In checking the branches, I saw that the top of the leaves were black and I could not wash it off. That is pollution that the tree, that Mother Nature created AND I WAS FORTUNATE TO SEE ITS WORK FOR OUR LIVES - was cleaning the air around my home. This is important for you to know. Mother Nature provides us with trees and other things to help humans survive in this weather and NOW, deal with the air contamination that is occurring all around us.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 00:27:41 UTC

**First Name:** Vivian

**Last Name:** deZwager

**Email:** bloomnviv@hotmail.com

**Zip Code:** 98418

**Country:** US

**Street:** 3831 S Alaska St

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

The Washington Department of Fish and Wildlife has identified the Garry oaks and their specific ecosystem as a critically imperiled habitat and at risk of extinction. They have management recommendations for this priority habitat on their website [wdfw.wa.gov](http://wdfw.wa.gov) listed under Oregon White Oak Woodlands. I urge you to protect these trees and all others for the health of your community.

These above are just a few of the many issues that need closer attention.



I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 6:03 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:03:12 UTC

**First Name:** Licentia

**Last Name:** Immortalis

**Email:** mofpantherwa@protonmail.com

**Zip Code:** 98048

**Country:** US

**Street:** 1234 Main St

**City:** Lakewood

**State:** Texas

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 5, 2022 1:27 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Jessica Diaz  
Email: mnjmpr20@icloud.com  
Phone: 7854924802  
Comment about trees, property rights, or the Tree Advisory Committee report.:  
Trees are significant. Trees can also do harm to foundations on a home.  
For property I own, I should be able to do what I want with it. If we are going to be regulated on tree code, then what's next? How short I can cut my grass?  
If the tree is needed so much, just relocate it.

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 03:06:28 UTC

**First Name:** todd

**Last Name:** dickens

**Email:** dickenst100@gmail.com

**Zip Code:** 98103

**Country:** US

**Street:** 6215 Phinney Ave North, Apt 202

**City:** seattle

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

In our rapidly changing climate and with a growing population it is important that we take practical and impactful measures that will help to address these changes. Protecting a preserving existing trees, including the valuable Garry Oaks, in order to allow the trees to continue to play their important role in helping to mitigate the effects of climate change and maintain the natural habitat and beauty for current residents and future residents, is something that we need to do now while we still can.

For these reasons I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to



cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well. Future generations will be grateful for having us take these positive steps now

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 8:53 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 03:51:41 UTC

**First Name:** Christine

**Last Name:** Moody

**Email:** cmoody76@gmail.com

**Zip Code:** 98498-1817

**Country:** US

**Street:** 9612 108th Avenue Ct SW

**City:** Tacoma

**Phone:** +13607917008

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:17 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** therese.dowd@gmail.com  
**Subject:** public comment from Therese Dowd

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---

Ms. Dowd is cc'd above.

Timestamp: 2022-06-29 18:44:22 UTC

First Name: Therese

Last Name: Dowd

Email: [therese.dowd@gmail.com](mailto:therese.dowd@gmail.com)

Zip Code: Wa

Country: US

Street: 1870 N. Skyline Dr.

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Lauren Hines**

---

**From:** James Dunlop <consultarchie@gmail.com>  
**Sent:** Thursday, June 30, 2022 11:07 AM  
**To:** Courtney Brunell  
**Subject:** Public comment to the Planning Commission, regarding changes to the Tree Code

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---

Dear Planning Commission members,

At the Ad Hoc Tree Committee there was much discussion about permits for cutting down trees, and possible fines for cutting a tree down without a permit. This raises a further question whether the fines would be adequate, bearing in mind that high fines can be appealed.

There should also be focus on tree contractors – the companies that homeowners and developers hire to cut down trees. It would make sense for all tree contractors to be registered with the City and that there be a system of licensing. This would mean that no company could commercially cut down or trim a tree, unless it has been licensed by the City.

The licensing procedure would cover professional qualifications, and knowledge of Lakewood's tree code, as well as having the required insurance.

The licensed contractor would have an obligation to check that any work they did was permitted. While I understand that contractors can already be fined for unauthorized tree cutting, it might be a good idea, if a contractor illegally cuts down a tree, for all or most of the onus to be one them. I suspect it would be easier to give a large fine to a contractor rather than a homeowner, in terms of the fine being upheld by a court.

An example of a permitting system is provided by Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>

I am not sure on its details, but it shows that the City of Lakewood, CO, takes the matter seriously.

Yours sincerely,

James Dunlop

6925, Hillgrove Lane SW

Lakewood, WA

98499

June 30, 2022

**Re. Public comment to the Planning Commission, regarding changes to the Tree Code**

Dear Planning Commission members,

At the Ad Hoc Tree Committee there was much discussion about permits for cutting down trees, and possible fines for cutting a tree down without a permit. This raises a further question whether the fines would be adequate, bearing in mind that high fines can be appealed.

There should also be focus on tree contractors – the companies that homeowners and developers hire to cut down trees. It would make sense for all tree contractors to be registered with the City and that there be a system of licensing. This would mean that no company could commercially cut down or trim a tree, unless it has been licensed by the City.

The licensing procedure would cover professional qualifications, and knowledge of Lakewood's tree code, as well as having the required insurance.

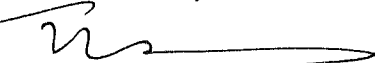
The licensed contractor would have an obligation to check that any work they did was permitted. While I understand that contractors can already be fined for unauthorized tree cutting, it might be a good idea, if a contractor illegally cuts down a tree, for all or most of the onus to be on them. I suspect it would be easier to give a large fine to a contractor rather than a homeowner, in terms of the fine being upheld by a court.

An example of a permitting system is provided by Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>

I am not sure on its details, but it shows that the City of Lakewood, CO, takes the matter seriously.

Yours sincerely,



James Dunlop

6925, Hillgrove Lane SW

Lakewood, WA

98499



Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:03 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:53:05 UTC

**First Name:** Tichomír

**Last Name:** Dunlop

**Email:** tichomir@elnu.com

**Zip Code:** 98499

**Country:** US

**Street:** 6925 Hillgrove Lane SW

**City:** Lakewood

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I'd like to make a public comment regarding the ad hoc tree committee, as a former member of it.

I think that tree preservation is a critical issue in Lakewood, and the ad hoc tree committee was a good step forward.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Tichomír Dunlop

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:06 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:56:34 UTC

**First Name:** Carlo

**Last Name:** Manetti

**Email:** [cmanetti@yahoo.com](mailto:cmanetti@yahoo.com)

**Zip Code:** 98499

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:34 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Carol Eckert  
**Subject:** public comment from Carol Eckert

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---

Ms. Eckert is cc'd here.

**Timestamp:** 2022-06-29 01:20:40 UTC

**First Name:** Carol

**Last Name:** Eckert

**Email:** [cpup6501@gmail.com](mailto:cpup6501@gmail.com)

**Zip Code:** 98466-1548

**Country:** US

**Street:** 8914 41 St W

**City:** University Place

**Phone:** +12536831645

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the Ad Hoc Tree Committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations to the City of Lakewood's tree preservation code.

These are crucial steps towards insuring the preservation of the mature tree canopy that presently exists, so the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that exist, I would like to urge even stronger amendments that would further protect Lakewood's tree canopy.

Critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees. Those fees in no way replace the ecosystem functions of mature Garry oaks. It makes it too easy to pay for oaks you want gone.

There are other issues that require careful consideration as well.

Tree cutters/Arborists must be licensed by the City of Lakewood, as other cities.

(See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>).

Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners. Ivy should not be allowed to cover trees.

Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as easily as has been in the past. Garry oaks must be strictly protected. These oaks are the keystone species that form the core of multiple food webs.

These are a few of the issues that need close attention.

Please support the ad hoc tree committee's recommendations.

I recommend that further protections be included in the current amendments as well.

Remember the 'Lorax'.

" I am the Lorax. I speak for the trees. I speak for the trees, for the trees have no tongues.

And

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

Thank you.

Carol Eckert

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Saturday, June 4, 2022 10:33 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Timothy Edgren  
Email: timedgren@gmail.com  
Phone: 2532238194

Comment about trees, property rights, or the Tree Advisory Committee report.: In general, government overreach in the matter of residential tree maintenance and removal is unwarranted. Homeowners should be free to trim or remove trees as they deem best, without interference from government. Most homeowners will plant more trees than they remove, and the city council should confine itself to incentivizing new tree planting.

I have a birch tree that threatens the water main serving my home, and it is unreasonable to require a permit for me to remove that tree. In the time that I have lived in my home (since 2004) I have planted 9 trees and removed none (although one died).

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Saturday, June 18, 2022 10:17 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Thomas Erber  
**Email:** erber.thom@gmail.com  
**Phone:** 2532780518

**Comment about trees, property rights, or the Tree Advisory Committee report.:** It is my recommendation to not remove any tree over 10 feet in height on existing land without a review by the city. Species of particular importance should be Douglas fir, Spruce, Cedar, Garry oak, Madrona. Vacant property development should offset any tree permitted to be cut down by planting the same (one for one) with one at least 10 feet in height. This ensures habitat replacement. It is vital to keep Lakewood a balanced Lake and Wood habitat and not let development ruin the appeal of our city.



**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:41 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Amelia Escobedo  
**Subject:** public comment from Amelia Escobedo

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---

Ms. Escobedo is cc'd above.

**Timestamp:** 2022-06-29 16:34:46 UTC

**First Name:** Amelia

**Last Name:** Escobedo

**Email:** [amelia524escobedo@yahoo.com](mailto:amelia524escobedo@yahoo.com)

**Zip Code:** 98498

**Country:** US

**Street:** 8011 LESCHI RD SW

**City:** Lakewood

**Phone:** +13255134355

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

AIE

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

---

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 7, 2022 1:27 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Marsha Evans**  
Email: mevans1212@gmail.com  
Phone: +12535884431

Comment about trees, property rights, or the Tree Advisory Committee report.: I am all in with the tree preservation and am grateful that it's something that is of priority. Personally, I'm tired of people or developers moving into my much shaded neighborhood and clear-cutting their lots. It hurts to see these beautiful trees taken out leaving the lots bare. Even more so when a developer purchases three wooded acres and razes them to the ground. I would love to be part of any committee or action group to assist the Tree Advisory Committee. I'm totally behind you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 2:31 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

Full Name: **Jason Faulkner**  
Email: [jay@jvf.cc](mailto:jay@jvf.cc)  
Phone: 4156979400

Comment about trees, property rights, or the Tree Advisory Committee report.: Hi, I'm a resident of Lakewood, WA. I am vehemently opposed to any additional regulations regarding what I can do with trees on my property. I've already had several projects at my house interrupted by Lakewood's onerous permitting requirements, and I'd prefer the local government stop working so hard to regulate what I can do on my hard-earned property.

Any commissioners who support any additional regulations regarding tree removal or maintenance on residential property will not receive another vote from me.

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:08 PM  
**To:** Eileen McKain; Courtney Brunell  
**Cc:** johnfinkas@gmail.com  
**Subject:** public comment from John Finkas

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---

Mr. Finkas has been cc'd above.

Timestamp: 2022-06-29 18:24:49 UTC

First Name: John

Last Name: Finkas

Email: [johnfinkas@gmail.com](mailto:johnfinkas@gmail.com)

Zip Code: 98499

Country: US

Street: 9805 Meadow Rd. Sw

City: Lakewood,

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my recommendations City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you. John Finkas  
253-302-3692

Thank you.

Helen Wagner, B.A.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:48 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:25:05 UTC

**First Name:** Claudia

**Last Name:** Finseth

**Email:** dragonflypond@gmail.com

**Zip Code:** 98444

**Country:** US

**Street:** 13524 15th Ave S

**City:** Tacoma

**Phone:** +12535315151

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support the ad hoc tree committee's recommendations

**Letter Body:**



To the Lakewood Planning Commission:

The beautifully twisted crowns of the iconic Garry Oak used to define the prairies on which Lakewood, Parkland, University Place, Steilacoom and South Tacoma were founded. But now over 90% of them are gone. Our skies look empty and uninteresting. And our Garry Oak cover with its shade and unique wildlife habitat is greatly diminished.

In over a decade serving on both the Parkland-Midland-Spanaway Land Use Advisory Commission and the Pierce County Planning Commission, some of my most important goals was to preserve the Garry Oak trees that still exist--in all sizes--and see that a new generation of Garry Oak is planted far and wide. I have planted 11 on my own lot.

Now I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy. In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks. Some of these trees are over 300 years old, have stood since before the American Revolution, and simply cannot be replaced.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Sincerely,  
Claudia Finseth

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:02 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**This email originated outside the City of Lakewood.**

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- helpdesk@cityoflakewood.us ext. 4357

---

**Full Name:** Rain Flaskegaard  
**Email:** flaskegaard@gmail.com  
**Phone:** 2532086593

**Comment about trees, property rights, or the Tree Advisory Committee report.:**

In all the psychology literature I've read, it suggests getting people to change with carrots, not sticks. Maybe, instead of penalties for chopping trees down, you could offer residence free trees? Start a tree competition, get everyone on board. Inform them of the importance of trees for our environment and perhaps set a minimum tree requirement (with offer for reduced fees to meet it) Personally, I've planted several trees and three of them were thanks to the City of Tacoma offering \$30 coupons (up to 3) to local nurseries. I have a few (maybe all coming from one stock) cottonwood trees in my yard that have roots that almost hit my dwelling. When my other trees are tall enough, I'd like to take them down. That costs a lot already and having to get permits too seems a bit much.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:07 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** juliefork@gmail.com  
**Subject:** public comment from Julie Forkenbrock

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Ms. Forkenbrock has been cc'd above.

Timestamp: 2022-06-29 18:25:21 UTC

First Name: Julie

Last Name: Forkenbrock

Email: [juliefork@gmail.com](mailto:juliefork@gmail.com)

Zip Code: 98498

Country: US

Street: 10429 Lake Steilacoom Dr SW

City: Lakewood

Phone: +12067182323

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Saturday, June 4, 2022 8:50 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Kyle Franklin  
**Email:** kfranklin2@zagmail.gonzaga.edu  
**Phone:** 2536867733

**Comment about trees, property rights, or the Tree Advisory Committee report.:** Please consider ways to incentivize planting trees and/or landscaping with native and drought tolerant plants. Public forums or educational opportunities—especially ones that are free or affordable for lower-income families—could be ways to engage residents and encourage beautification along with environmentally friendly practices. Providing plants for free or a reduced cost would also benefit many.

**Timestamp:** 2022-06-30 18:27:58 UTC

**First Name:** Gail

**Last Name:** Fuhlman

**Email:** gmfuhlman27@gmail.com

**Zip Code:** 98387

**Country:** US

**Street:** 6316 201st Street Ct E

**City:** Spanaway

**Phone:** +12063344906

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:43 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 18:43:15 UTC

**First Name:** Junk

**Last Name:** Mail

**Email:** a@a.com

**Zip Code:** 12345

**Country:** US

**Street:** 6000 Main

**City:** Austin

**State:** New York

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:04 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** pnwpraxis@protonmail.com  
**Subject:** public comment from Aja Fulani

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Ms. Fulani is cc'd above.

Timestamp: 2022-06-29 18:02:49 UTC

First Name: Aja

Last Name: Fulani

Email: [pnwpraxis@protonmail.com](mailto:pnwpraxis@protonmail.com)

Zip Code: 98406

Country: US

Street: 3512 N 25th St

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Aja Fulani,  
Black Panther Party of WA



## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:52 AM  
**To:** Courtney Brunell  
**Cc:** Eileen McKain; THOMAS GALDABINI  
**Subject:** public comment from Mr. Tom Galdabini

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Mr. Galdabini is cc'd above.

Timestamp: 2022-06-29 18:57:22 UTC

First Name: Tom

Last Name: Galdabini

Email: [tgaldabini@comcast.net](mailto:tgaldabini@comcast.net)

Zip Code: 98499

Country: US

Street: 129 Candlewyck Drive W

City: Lakewood

Phone: +12535845509

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I viewed the redline review prepared by the consultant on June 28th It was rapid fire, and I'm sorry to say that I could not follow all of the revisions. In general, I believe that the proposal is too much a consultant's document and that concerned citizens of Lakewood have had inadequate input so far. the ad hoc tree committee has done serious work on the amendments, which should be recognized and adopted.

One major problem is the existing and proposed mitigation for the removal of Garry oaks. The fee will go into a fund that may or may not be used and may or may not be used to replace the oaks, whose value (after 100 years or more) is nearly inestimable. Critical areas should be expanded and respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks. Also, the sanctions for landowners cutting heritage trees on smaller lots are weak. In addition to the recommendations that already exist, I even stronger amendments that would further protect Lakewood's vital tree canopy.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Monday, June 13, 2022 12:20 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

**Full Name:** Jonathan Garcia  
**Email:** jonathanjamesgarcia@hotmail.com  
**Phone:** 2537205228

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I think the current tree policies are good as planned. There should be an urban forest developed in Lakewood to foster the continual enjoyment of these trees. Planting them in parks and in local areas makes sense. WE should be planting hundreds, if not thousands of these trees in Lakewood. I think we should also offer free tree planting grants to all citizens of Lakewood. HOWEVER DO NOT TAKE AWAY the rights of property owners. WE as property owners love trees, but we do not want to be forced to keep trees that are safety hazards to our families.

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 2:26 PM  
**To:** Vicky Hagel; Courtney Brunell  
**Subject:** public comment for Planning Commission from Winfield Giddings

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---

Please forward to Ms. Brunell:

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 20:33:29 UTC

**First Name:** Winfield

**Last Name:** Giddings

**Email:** [store\\_wg@yahoo.com](mailto:store_wg@yahoo.com)

**Zip Code:** 98444

**Country:** US

**Street:** 12211 C ST S

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** In support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I have only been on this planet a fraction of the time most of the Gary Oaks have graced the south sound prairies. It is incredibly frustrating to see these historic majestic trees be removed.

I am in strong strong support of the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps

toward ensuring the preservation of the mature tree canopy that already exists so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:09 PM  
**To:** Eileen McKain; Courtney Brunell  
**Cc:** writingcfi@gmail.com  
**Subject:** public comment from Meg Godlewski

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---

Ms. Godlewski has been cc'd above.

Timestamp: 2022-06-29 18:28:58 UTC

First Name: Meg

Last Name: Godlewski

Email: [writingcfi@gmail.com](mailto:writingcfi@gmail.com)

Zip Code: 98498

Country: US

Street: 7425 Ruby Drive, Unit D-8

City: Lakewood

Phone: +12532256153

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:25 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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**Full Name:** **Caroline Goodrich**  
**Email:** tazgoodrich@comcast.net  
**Phone:** 2535883922

**Comment about trees, property rights, or the Tree Advisory Committee report.:** The lure of Lakewood has always been the trees and shrubs along with the lakes, creeks, and the Sound. The wildlife has suffered drastically with the loss of their habitat due to warehouses and other buildings. It is a scientific fact that having alot of trees produces m ou re oxygen and therefore less Cancer. We need our trees, animals need their habitats, and Lakewood needs less warehouses!  
Thank You

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:49 AM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** cygnus.xray.one@gmail.com  
**Subject:** public comment from Gouge Ilmarinen

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---

Gouge Ilmarinen is cc'd above.

Timestamp: 2022-06-29 19:03:15 UTC

First Name: Ilmarinen

Last Name: Gouge

Email: [cygnus.xray.one@gmail.com](mailto:cygnus.xray.one@gmail.com)

Zip Code: 98125

Country: US

Street: 12315 35th Ave NE

City: Seattle

Phone: +12063538336

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:44 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Darrell W Graves**  
Email: [dig\\_chat@yahoo.com](mailto:dig_chat@yahoo.com)  
Phone: 2534148946  
Comment about trees, property rights, or the Tree Advisory Committee report.: We live at 29 Rips Lane SW Lakewood....behind our home are several very dangerously tall pines.....when the wind blows, huge limbs fall onto our property...can these trees be inspected and possibly topped to prevent damage to our home and property?

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:02 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** pawgriggs@gmail.com  
**Subject:** public comment from Phyllis Griggs

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---

Ms. Griggs is cc'd above.

**Timestamp:** 2022-06-30 04:57:21 UTC

**First Name:** Phyllis

**Last Name:** Griggs

**Email:** [pawgriggs@gmail.com](mailto:pawgriggs@gmail.com)

**Zip Code:** 98499

**Country:** US

**Street:** 6816 79th St West

**City:** Lakewood

**Phone:** +12536774253

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

---

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 1:56 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **JEFF HABERSETZER**  
Email: HABERFIVE@COMCAST.NET  
Phone: 2532248002

Comment about trees, Adding more rules about trees in not necessary given the current laws in effect.  
property rights, or the Tree More rules just means more enforcement and more costs adding to already high  
Advisory Committee report.: housing costs and a bigger government and more taxes.

Link: <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 6:41 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:39:43 UTC

**First Name:** Karen

**Last Name:** Hanson

**Email:** hansonkarene@gmail.com

**Zip Code:** 98498

**Country:** US

**Street:** 7108 Citrine Lane SW

**City:** LAKEWOOD

**Phone:** +12535880940

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps



towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Wednesday, June 8, 2022 10:43 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

**Full Name:** Amirah Harris  
**Email:** lovenatwolff@gmail.com  
**Phone:** 2532988214

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I am in favor of greater tree canopy in our city. More trees for me means better air quality and a nice shade for me to sit under to view our beautiful city. I also love the idea of education of our heritage/historical trees. We must keep in the minds of our communities the importance the trees hold for every being. Overall, I am here for the proposed changes.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 5, 2022 11:53 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Jason Hawken  
**Email:** jhawk2tall@gmail.com  
**Phone:** 2063875553

**Comment about trees, property rights, or the Tree Advisory Committee report.:** When I see developers get to take down every single tree to put in single family homes with car centric roads, it seems a bit hypocritical to go after a homeowner for taking down trees. I believe we need to reduce the amount of government interference with landowners. I have had the fantastic opportunity to see other cultures and how they maintain a quality community. Interfering with landowners seems like stepping over dollars to pick up dimes in regard to preserving our natural beauty. I highly oppose any new regulation.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 10:23 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Allison Hertel  
Email: hertel.allison1@gmail.com  
Phone: 5038034282

Comment about trees, property rights, or the Tree Advisory Committee report.: The committee has neglected to consider that in preserving the canopy and significant trees, the goal to increase the native canopy and amount of Oak in the area has been limited, because the significant number of Fir and Black Locust are limiting the ability of Oak to grow. These less wanted species will by and large be considered significant and the proposal includes no incentive for citizens to promote Oak growth and invasive species removal. Also not addressed is the threat to the canopy invasive English Ivy creates. In the interlaken area many significant trees will soon be overtaken and killed by this invasive species which will negatively impact the 2050 canopy goal. Also problematic is the fee structure and lot size limits. Private Arborists are given no recourse to professionally evaluate trees for hazardous status and removal as an exemption to the new rules. There is also no incentive to remove certain species for free if they will be replaced within the same calendar year by Oak saplings. This proposal needs to be reevaluated through an independent scientific and naturalist lens rather than a series of political goals.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 10:16 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

**Full Name:** Joseph Hertel  
**Email:** joeyhertel26@gmail.com  
**Phone:** 5038034282

Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:

The new policy presented needs to define what a significant tree is. While the policy mentions oak groves it does not go into detail on other types of tree's such as firs. For a policy to be as far reaching as to prevent all types of trees from being cut without a permit, it is a gross oversight to only mention oak trees within the policy. There are numerous circumstances where the city should not discourage removal by enacting a fee. A prime example is Locust trees which are considered invasive in king county. They grow rapidly and would be considered canopy, which by new policy, could limit citizens ability to control this species. Another issue not addressed is the English Ivy that has the potential to kill mature trees. If you look behind Idlewild Elementary and at the intersection of Interlaken and 83erd the potential to lose acres of mature trees is imminent (within the next couple years). While I think it is important to preserve trees I also think we should address more dangerous issues. A third issue is our lack of accountability to hold business to the same standards as we do the residents. We are going to tell private citizens they can not cut down trees on there private property to meet this canopy quota. No matter how we sugar coat it, this is the reality for all residents with one half acre or more. While holding business to the same standard is impossible, we should make them contribute in a way that is significant.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:25 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Shawn C Hill  
**Subject:** public comment from Shawn C. Hill

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Ms. Hill is cc'd above.

Timestamp: 2022-06-30 05:04:03 UTC

First Name: Shawn C

Last Name: Hill

Email: [ht8906@msn.com](mailto:ht8906@msn.com)

Zip Code: 98498

Country: US

Street: 8906 Lawndale Ave Sw

City: Lakewood

Phone: +12534686957

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be

strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Additionally, we need to protect the evergreens which scrub our air especially after the recent summers where thick smoke wafted through our communities for days at a time. They are being stunted from the rising heat from above and English Ivy from below. We will have to change the city's name to SwampPrairie if we fail to save the trees from being razed for parking lots and warehouses.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:24 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Traci Hoenstine  
**Email:** [tracihoenstine@gmail.com](mailto:tracihoenstine@gmail.com)  
**Phone:** 2533761303

**Comment about trees, property rights, or the Tree Advisory Committee report.:** Tree's are so special. They improve air quality, provide shade, homes for birds, visually pleasing, majestic in age as they can be older than most people. Imagine the stories they have to tell! Please protect our beautiful tree friends everywhere Lakewood!



## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 28, 2022 10:20 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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Full Name: **KAREN AND VITO IACOBAZZI**

Email: iacobazzi@comcast.net

Phone: 2534481862

Comment about trees, property rights, or the Tree Advisory Committee report.:  
 \*The lots size should be revised so that tree removal is permitted throughout Lakewood. The 17,000 SF size has no restrictions. This should be revised & changed.  
 \*The yearly allowance of number of tree[s] removal should also be revised so they are permit requirements & for exceptions.  
 \* Along with significant trees the plan should add "heritage" trees within this section. Heritage trees being identified as historic and perhaps old growth trees. These are significant trees.  
 \*A city-wide Urban Forestry program should be planned and included with this report, which should include planning for canopy goals, stewardship, education and planting. Perhaps striving to attain "Trees City USA" status.  
 I concur with the tree advisory committee report.  
 \*A number of these actions if not all will support climate change and economic development.  
 thanks for consideration.

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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Tue, Jun 28, 2022 at 9:57 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 04:10:15 UTC

**First Name:** Mandy

**Last Name:** Candler

**Email:** mandycandler@gmsil.com

**Zip Code:** 98499

**Country:** US

**Street:** 10 Creekwood lane se

**City:** Lakewood

**Phone:** +12538209671

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

My Parents transplanted our family to Lakewood Washington in 1968 from California. They chose Lakewood for us because of its excellent schools and the natural beauty of the area. I got to spend my junior and senior high school years along the shores of Lakewood's water, enjoying the woods, and its then rural roads, as I rode my bike around Lakewood.

I commend the city, the Tree committee, and the planning committee for taking on the task to keep Lakewood a tree community. If you think about communities that are livable for humans, you think of towns that have green spaces, shade, and nature. One doesn't necessarily consider a town with just warehouses a livable community. We have to find a balance. For those in our community who live in areas where there is been a lot of development of warehouses, they have lost a lot of livability. Lakewood could definitely do better for these people. Trees mean shade, natural wildlife, less noise, and some sense of peace in a busy world; parts of Lakewood have very little left.

I would like to describe the Lakewood that I grew up in: Garry Oaks on practically every lot, large spaces of orchards or pastures. Obviously, it's too late to go back to those days, but we can find a way to retain what we have left so that Lakewood is still a livable place, shade dense, habitat for animals.

We cannot continue to lump all trees into the same category of value. Yes, all trees have value to us, But the mighty Garry Oak Serves as a Riparian habitat, Climate cooler, And Lakewood's majesty. Unfortunately, the tree code is confusing, ignored, and very inadequate as Lakewood

becomes further developed. Rules for taking down trees must be very clear, and rules for taking down trees illegally must be forceful.

Tree cutters must be required to be licensed by the City of Lakewood, Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

Hopefully, citizens of Lakewood living here in 50 years, well after we're all gone, Will enjoy the benefits of a community that has desirable tree cover, natural habitat, and open spaces, preserved by citizens who served on committees in 2022. Thank you

Mandy Imholt candler for my grandchildren

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Tue, Jun 28, 2022 at 11:28 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 06:28:45 UTC

**First Name:** Melissa

**Last Name:** Knott

**Email:** martialyss@gmail.com

**Zip Code:** 98408

**Country:** US

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:19 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** jen\_imholt@yahoo.com  
**Subject:** public comment from Jen Imholt

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Ms. Imholt is cc'd above.

Timestamp: 2022-06-29 18:51:56 UTC

First Name: Jen

Last Name: Imholt

Email: [jen\\_imholt@yahoo.com](mailto:jen_imholt@yahoo.com)

Zip Code: 98499

Country: US

Street: 7828 john dower rd

City: Lakewood

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks. The mitigation fees aren't even close to what is needed for the replacement value of the tree in our ecosystem.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be

strictly protected.

These above are just a few of the many issues that need closer attention. We need to do what we can as a community to protect these Oakes, they are vital. The Oakes are what make us Lakewood and great care should be taken to ensure they remain for future generations. Record heat, increased instances of wild fires up and down the west coast, let's do our part to protect the city we love from such a future.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.



I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 6:03 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:03:12 UTC

**First Name:** Licentia

**Last Name:** Immortalis

**Email:** mofpantherwa@protonmail.com

**Zip Code:** 98048

**Country:** US

**Street:** 1234 Main St

**City:** Lakewood

**State:** Texas

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Licentia Immortalis  
Chief of Staff  
The Panther Party

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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## Courtney Brunell

---

**From:** Michael Ivery <m.nethelpinfo@gmail.com>  
**Sent:** Thursday, June 30, 2022 7:46 AM  
**To:** Courtney Brunell  
**Subject:** Green Tall Neighbors ask for nothing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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I move too lakewood from Tacoma  
 In fall of 98.

Was very excited to live where there where so many Beautiful Trees.

Yes"I agree with you the card received in My mail.

Trees are are Neighbors.

I will add" about neighbors.

Trees our will not ask to borrow your lawn mower,  
 and return it with no gas .

Or wake you up on your,only day - Sunday to sleep IN" because they have a flat tire.

Trees provide fresh air and shade and unlike My neighbor ask nothing in return.

I am Greatly concerned about the clear cutting of LAKEWOOD for development.

The airiel view of Lakewood is much, more Barren" and much less green ,since, moved here in Lakewood 98 .

It saddens Me when I see New development and logs of old growth 80 years old or much older fallen on the  
 Ground and cut up into rounds.

Also, in the last 5 years have not seen any Deer in My yard or Neighborhood.

Please start Restricting building permits.  
 Where clear cutting will be done of our Green Tall Nieghbers.

Save Our Green Tall" that ask nothing" but provide So Much.

Of Beauty and Health of our community ♥.

Thanks MI.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 12, 2022 7:01 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

Full Name: **Brett M Jacobsen**  
Email: bjacobsen@fnw-inc.com  
Phone: 12535847851  
Comment about trees, property rights, or the Tree Advisory Committee report.: Just a few comments on the proposed tree code. Let me begin by saying that I love trees and have property that has many trees, however I do not think that the code should be made more restrictive for the following reasons:  
1) The existing code is onerous and restrictive enough.  
2) The increasing restrictions are incompatible with the Growth Management Polycys and affordable housing as it minimizes the ability for dense urban development or is, in effect, a tax if you have to pay a tree removal penalty.  
3) Home insurance is getting difficult and very expensive in wooded or treed locations, over fire concerns. In some places impossible. Because of my wooded lot, insurance companies are requiring tree inspections for potential fire issues.

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 7, 2022 4:27 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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**Full Name:** Johnny r. Johnson  
**Email:** johnnyjr41@hotmail.com  
**Phone:** 2067301355

Comment about trees,  
 property rights, or the  
 Tree Advisory  
 Committee report.:

I suggest no changes be made. Over regulating is part of the issues societies are facing today's. There are state laws that regulate this area. They are thorough enough. I'm a retired park ranger with forestry in college training and have completed wa state parks Eastside westside eacosystems training. I also have 8 years of logging with several gray's harbor county company's. I was an arbor trainer for Wa state parks, sea tac area south King co. I chose to retire here in 2016 thinking this was a great community to settle in being a service connected disable vet and registered makah indian. The forest and natural resources have been forefront and most important in my life. But over regulating is least popular in my life. Like most of your citizens telling them what they can and can't on their own property is not favored. There are issue you do need to focus on. Elderly with Hazzard trees they can't afford to remove. Help them. Do a server of seniors properties and help them with trimming falling and landscaping. My neighbor has two very dangerous trees and she lives alone and can't afford to remove them. One will fall on my structure and the other will take out the power for this neighborhood. Help people stop over regulating and causing permits for your funding issues. Start a nursery and sell trees instead of permitting for a revenue stream. I spent 30 yrs with government.

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Wednesday, June 29, 2022 11:19 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Virginia Jones  
 Email: vamjones@comcast.net  
 Phone: 253-549-5105  
 Comment about trees, property rights, or the Tree Advisory Committee report.: JUNE 29, 2022  
 Gray or Green

When I moved to this area in 2004 I moved from the New York metropolitan area. I was so impressed looking from the airplane window and seeing all the green trees. I understand why Washington is called the Evergreen State.

The dominant color for the East Coast is Gray because of all the buildings. When I go back to visit relatives in the New York area, the air smells of concrete.

I am pleased to live in an area where the buildings are not taller than the trees.

I'm sure others have mentioned how beneficial trees can be.

They do the following:

- clean the air
- reduce noise pollution
- give protection from high winds in the winter
- provide shade in the summer
- provide food

Do we want to take the word “Wood “out of Lakewood and leave only warehouses, homes, apartments and parking lots?

Trees are rooted in the ground and depend on us for support. They cannot move.

They connect the earth to the sky and to all creation. They give us constant beauty and inspiration. Please protect them.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:12 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

**Full Name:** Sue Ann Kent  
**Email:** kentsuea@comcast.net  
**Phone:** 14257368073

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I strongly support many of the recommendations by the Committee. My caution is to not create too many exemptions. For example, lot size, industrial and public exemptions need to be very limited and require re-planting to increase the tree canopy. It is one of the key areas in which cities can make a difference in protecting our environment.

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 1:56 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Tamara I Knebel**  
Email: Godsgonnafixit@reborn.com  
Phone: 3605565615  
Comment about trees, property rights, or the Tree Advisory Committee report.: I'm all for preserving the trees so "way to go Lakewood". However I didn't find any information on what a person should or should not do if the neighbors tree is leaning over the fence and its top is resting on your roof?

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:36 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Melissa Knott  
**Subject:** public comment from Melissa Knott

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---

Ms. Knott is cc'd above.

**Timestamp:** 2022-06-29 06:28:45 UTC

**First Name:** Melissa

**Last Name:** Knott

**Email:** [martialyss@gmail.com](mailto:martialyss@gmail.com)

**Zip Code:** 98408

**Country:** US

**Street:** 8213 S Sheridan Ave

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

**Timestamp:** 2022-06-30 13:36:49 UTC

**First Name:** brenda

**Last Name:** kodama

**Email:** 5happy@comcast.net

**Zip Code:** 98499

**Country:** US

**Street:** 11303 Madera Dr SW

**City:** Lakewood

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.



Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 7:08 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 14:07:14 UTC

**First Name:** Donna

**Last Name:** Thompson

**Email:** donana123@comcast.net

**Zip Code:** 98406

**Country:** US

**Street:** 2125 North Prospect Street

**City:** Tacoma

**Phone:** +12062611843

**State:** Washington

**Target Name:** Courtney Brunell

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 8:30 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Kornelia  
**Email:** [korneliabrown1959@gmail.com](mailto:korneliabrown1959@gmail.com)  
**Phone:** 2533143967

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I'm so thankful to live in such a beautiful city with lots of trees. I love trees and I'm sad when they get cut(unless a tree endangers a home, or people. I'm all for keeping many trees in Lakewood, we need trees to live and breath, i also love the shade they give to me in the Summer. I also love the change of season, especially Fall. I'm originally from Germany and the trees here remind me of my hometown. So I hope and pray that we can preserve the trees that bring me so much joy during my daily walks. Sincerely Kornelia Brown .



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Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 6:00 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 00:50:22 UTC

**First Name:** Pamela

**Last Name:** Kosacki

**Email:** pamkey001@gmail.com

**Zip Code:** 97501-3514

**Country:** US

**Street:** 539 S Ivy St

**City:** Medford

**Phone:** +15033171880

**State:** Oregon

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I grew up in Lakewood on a 3/4 acre property that ended up being developed. We had several old oak trees and fir trees on the property that were all removed. It's heart breaking to see what was lost. These trees were very, very old and were a part of the areas heritage and what makes the area special. In addition, 100 year old rhododendrons and old fruit trees were also removed without thought. The property was decimated. Many people see trees as work and right when they move in cut down all the trees. There's so much value in these old trees, aesthetically and historically it's a tragedy when they are removed.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 6:00 PM



Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:57:44 UTC

**First Name:** Robb

**Last Name:** Krehbiel

**Email:** robb.krehbiel@gmail.com

**Zip Code:** 98404

**Country:** US

**Street:** 7521 East E Street

**City:** Tacoma

**Phone:** +12068837401

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

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These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 7:05 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 02:04:51 UTC

**First Name:** Sean

**Last Name:** Arent

**Email:** seanarent5@gmail.com

**Zip Code:** 98418

**Country:** US

**Street:** 1680 s 45th st

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:33 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Jenna Lee  
**Subject:** public comment from Jenna Lee

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---

Jenna Lee is cc'd here.

**Timestamp:** 2022-06-29 02:14:30 UTC

**First Name:** Jenna

**Last Name:** Lee

**Email:** [jdlee11@uw.edu](mailto:jdlee11@uw.edu)

**Zip Code:** 98105

**Country:** US

**Street:** 4725 15th Ave NE Apt 32

**City:** Seattle

**Phone:** +14252097315

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 9, 2022 9:17 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

Full Name: Anita Letasi  
Email: anita.gail@yahoo.com  
Phone: 702-372-4060

Comment about trees, property rights, or the Tree Advisory Committee report.: I am grateful for the discussion of protecting trees. Keeping in mind property rights on a case-by-case basis. I'd like to also mention that the laminated post card I received in my mailbox, should've been printed on recycled paper

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 9:53 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Burke Long**  
Email: tvnews@q.com  
Phone: 3607905751  
Comment about trees, property rights, or the Tree Advisory Committee report.: I fully support the effort to preserve and promote tree habitat in the city of Lakewood.  
  
Our front yard has two large oaks. In our back yard there are a variety of native species trees that provide welcome shade in the summer and a habitat for many species of birds and other animals.  
  
Trees should be encouraged here in Lakewood wherever and whenever possible.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:03 PM  
**To:** Courtney Brunell; Eileen McKain  
**Subject:** public comment from LunaStar

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Ms. LunaStar is cc'd above.

Timestamp: 2022-06-29 17:58:55 UTC

First Name: LunaStar

Last Name: N/A

Email: [LunaStar22@protonmail.com](mailto:LunaStar22@protonmail.com)

Zip Code: 98580

Country: US

Street: 202 N Lyle St

City: Roy

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Saturday, June 25, 2022 11:05 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Mary Elaine Lyle**  
Email: me\_yle@hotmail.com  
Phone: 12535822405

Comment about trees, property rights, or the Tree Advisory Committee report.: Looking at all the wonderful trees in my yard today - I realized what I think is wrong with the current & I am afraid future regulations. Basing how many trees can be cut down on the size of the lot is too simplistic. If I were to cut one tree on my lot - no one would notice (not that I ever plan to unless the tree is diseased or dead), if my neighbor were to cut one tree down - it would be noticed and leave their lot almost treeless. I think instead the size of the lot should determine how many trees should be left standing - only allowing trees to be cut up to that limit (unless again the tree was diseased or dead). I also feel this limit on cut should be applied to all land usage (with non-residential maybe being required to have less trees total). Past those thoughts I agree as long as they leave standing the minimum - the limits on how many can be cut in a set period of time should stay in place



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Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 8:16 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 03:05:45 UTC

**First Name:** Rachel

**Last Name:** Mackey

**Email:** radrach@comcast.net

**Zip Code:** 98499

**Country:** US

**Street:** 6714 Alfaretta St SW

**City:** Lakewood

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future. Getting rid of the trees would be detrimental to the communities of color!

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy. Not having



restrictions on the trees would absolutely be the worst thing that could happen because big corporations always want to clear trees for their own benefit not the communities.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention. I hope you start listening to the public and start making better decisions. Saving the trees is a vital lifeline for the community.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Monday, June 6, 2022 9:23 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**This email originated outside the City of Lakewood.**

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- helpdesk@cityoflakewood.us ext. 4357

---

Full Name: **Stephanie Maner**  
Email: spadenver.co@gmail.com  
Phone: 3038988085  
Comment about trees, property rights, or the Tree Advisory Committee report.: I have a medical practice on James Richey Park. Branches were cut from our most beautiful tree in the entire park and left on the ground beneath it. It is causing SAFETY issues. People are masterbating behind it and selling drugs. Please handle this as it's getting hard to run a business here and I've been in practice for 30 years.  
Stephanie Maner



These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

Tichomír Dunlop

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:06 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:56:34 UTC

**First Name:** Carlo

**Last Name:** Manetti

**Email:** [cmanetti@yahoo.com](mailto:cmanetti@yahoo.com)

**Zip Code:** 98499

**Country:** US

**Street:** 13 Pon

**City:** Lakewood

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am a retired physician who has lived and practiced in Lakewood since 1972.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or property owners, and ivy should not be allowed to cover trees.

Such regulations would have prevented the catastrophe behind the Black Angus restaurant. I was completely shocked last year to see that two large Garry oaks, on the property of my former colleague, the orthopedic surgeon Dr. Hirz, had been severely mutilated. The code enforcement officer told my daughter that the owner told him that had just been "pruned". If you want to see photos of this case, I can send them to you.

The City's assistant attorney told my daughter they were "already showing signs of new growth" -- the mutilated trees have a gigantic infrastructure above and below ground, and a few leaves will not be able to support that. It may take decades, but those two large valuable Garry oaks, part of our rare Garry oak urban canopy, will undoubtedly die

after such mutilation. I think they were not even fined.

This constitutes a clear injury in fact to me as a resident of Lakewood -- I pass those Garry oaks often on the way to the post office during my fifty years living in the City of Lakewood, and their destruction reduces my aesthetic enjoyment of my environment here, to say nothing of the ecosystem services they provide to all of us living here.

Such things are happening all over Lakewood, in addition to the outright destruction of significant trees of all species and sizes.

The policies that lead to this destruction are policies that harm all of Lakewood's residents.

If there were stricter protections for Garry oaks and other trees, such situations could be avoided all together.

Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <info@actionnetwork.org>

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:46:32 UTC

**First Name:** Christina

**Last Name:** Manetti

**Email:** [krysiulek@gmail.com](mailto:krysiulek@gmail.com)

**Zip Code:** 98499

**Country:** US

**Street:** [6925 Hillgrove Lane SW](#)

**City:** [Lakewood](#)

**State:** [Washington](#)

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>).

If Lakewood were strict on requiring such licenses, the tragedy of last Tuesday evening could have been avoided. Across the street from my house, while my neighbor was on holiday, an apparently unlicensed tree cutter severely mutilated half of his beautiful, large Garry oak. We have his license plate number -- but even if there could be a fine, it

would not repair the damage to the neighbor's beloved oak.

This man should not have been allowed to touch a Garry oak. It is not enough to be even a licensed tree cutter -- those who are hired to deal with Garry oaks and their particular growth habit will need to have special training to deal with these special, very slow-growing trees that are vital to the ecosystem for so many reasons.

Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 10:51 AM

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:42 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** carlocm@msn.com  
**Subject:** public comment from Mrs. Judith Manetti

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---

Mrs. Manetti has been cc'd above:

**Timestamp:** 2022-06-29 16:37:19 UTC

**First Name:** Judith

**Last Name:** Manetti

**Email:** [carlocm@msn.com](mailto:carlocm@msn.com)

**Zip Code:** 98499

**Country:** US

**Street:** 13 Ponce de Leon Terrace SW

**City:** Lakewood

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code, and also to give you my perspective on the matter of trees in Lakewood.

The committee's recommendations are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I am concerned about the trees in Lakewood. Our beautiful city was named after them, after all. The climate change will adversely effect all of them. I feel it is extremely important that the community make every effort to preserve trees (especially Garry Oaks) whenever and wherever possible. We need them for the many benefits they provide us.

As a property owner, I understand what it is like to need to use, change or remove certain features on their own property. When the government enacts regulations prohibiting home owners from making personal choices, people feel their "rights" are being denied. I understand that.

However, there are those individuals who do not exercise good judgment with regard to the natural surroundings which makes our town more livable, more beautiful, more adaptable to the changing climate. There are times when people make injudicious decisions to quickly destroy what nature has taken many years to produce.

When residents willfully make choices which are detrimental to the environment, I think some restraint on their impulses is advisable. It seems that what most often motivates people to kill living trees is over-riding self interest – for their own pleasure or perceived personal needs.

What allows needless destruction of trees is a complete lack of awareness, or willful disregard for the importance of trees.

I recognize the fact that there are situations which require removal of one or more trees due to safety hazards, or for other valid reasons. Before the home owner takes action, there should be some way for the appropriate government agency to inspect the premises. They should issue only limited removal permits for safety reasons, or other specific worthy purposes.

In conclusion, I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

---



## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:26 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** embuja@gmail.com  
**Subject:** public comment from Elysia Mbuja

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- helpdesk@cityoflakewood.us ext. 4357

Ms. Mbuja is cc'd above.

Timestamp: 2022-06-30 04:53:39 UTC

First Name: Elysia

Last Name: Mbuja

Email: [embuja@gmail.com](mailto:embuja@gmail.com)

Zip Code: 98498

Country: US

Street: 11718 Military Rd SW

City: Lakewood

Phone: +12532306533

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

Target Name: Courtney Brunell

Letter Subject: Support for preservation of Garry oak ecosystems in Lakewood

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code.

Garry oak ecosystems harbor endangered species, such as the Taylor's checkerspot butterfly and Yellow Indian Paintbrush and others which are endemic to this ecosystem, such as the Mazama pocket gopher. Destruction of these lands and redistributing mitigation funds to Garry oak restoration projects is not acceptable land use in Lakewood (and I am one who leads restoration efforts at one of these mitigation sites). It takes 30-50 years to restore a viable ecosystem and the funding runs out long before the ecosystem is fully functional.

In addition to wildlife protection, the Garry oak ecosystem is one that has historic value. It is an anthropogenic ecosystem which sustained the Salish tribes from time immemorial. Allowing destruction of this ecosystem sends the message that the City of Lakewood prioritizes fiscal gain over this vital connection to Lakewood's historic people and diverse cultures. If you allow the destruction of Garry oak ecosystems, you should not begin meetings in Lakewood with a land acknowledgement for it would be hypocritical.

There are other issues that need more careful consideration as well, but the biodiversity protection and historic value are two of my reasons for supporting this initiative.

Please support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:56 AM  
**To:** Courtney Brunell  
**Cc:** kurukaPANSOC@protonmail.com; Eileen McKain  
**Subject:** Fwd: Someone has taken action on your "planning-commission" page!

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Kuruka Mbweha has been cc'd above.

Timestamp: 2022-06-29 21:09:10 UTC

First Name: Kuruka

Last Name: Mbweha

Email: [kurukaPANSOC@protonmail.com](mailto:kurukaPANSOC@protonmail.com)

Zip Code: 98405

Country: US

Street: 3902 S 12th St Tacoma

City: Tacoma

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:50 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:50:07 UTC

**First Name:** Matthew

**Last Name:** McCarthy

**Email:** nw1320@gmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 6917 Hillgrove LN SW

**City:** Lakewood

**Phone:** +12532221144

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners,

and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 3:51 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:51:31 UTC

**First Name:** Ovunayo

**Last Name:** X

**Email:** [Ovunayo@protonmail.com](mailto:Ovunayo@protonmail.com)

**Zip Code:** 98444

**Country:** US

**Street:** 2417 96th st

**City:** Tacoma

**Phone:** +12534099137

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 3:44 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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|                                                                               |                                                                                                                        |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Full Name:                                                                    | Jean McClure                                                                                                           |
| Email:                                                                        | Mcclurejean2@gmail.com                                                                                                 |
| Phone:                                                                        | 2536778355                                                                                                             |
| Comment about trees, property rights, or the Tree Advisory Committee report.: | Thank you for your consideration in protecting our beautiful and historic trees in Lakewood.<br>I commend your efforts |





Christina Manetti &lt;manetti.christina@gmail.com&gt;

---

**Someone has taken action on your "planning-commission" page!**2 messages

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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 9:17 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 16:17:37 UTC**First Name:** Nakanee**Last Name:** McCord**Email:** nakaneemonique@gmail.com**Zip Code:** 98444**Country:** US**Street:** 9237 S G St**City:** Tacoma**State:** Washington**Target Name:** Courtney Brunell**Letter Subject:** Support for the ad hoc tree committee's recommendations**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must



be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 9:22 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 6:14 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Michaela E McCormack  
Email: shaemack4388@gmail.com  
Phone: 2532224642

Comment about trees, property rights,  
or the Tree Advisory Committee  
report.:

Please change code to further preserve our trees! We need to better  
consider the enviroment in order to be a healthier community.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 5, 2022 10:39 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

**Full Name:** Sands McKinley  
**Email:** sands@capven.net  
**Phone:** 253.319.2213

**Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:**

There should be no increased regulation impacting homeowners regarding trees on their property. ZERO. Throw the tree advisory committee report in the recycling bin. This is an overreach solution to a problem that hasn't been properly identified. There are tons of trees in the yards of Lakewood citizens. Where there are not, its because you've permitted high density housing developers to go in an cut them all down. So, focus your busybody work on that. Mass tree clearing is not happening in the yards of established homes. The idea is absurd that someone would be required to pay for a permit to manage their yard maintenance and landscaping. Without homeowners' unimpeded ability to manage the growth and removal of trees on their property, trees would take over their yards, prevent ability to get sun on their property, and create dangerous conditions. What happens if people start planting less trees to avoid dealing with tree bureaucracy ? Its always this shortsightedness that makes these busybody programs end up causing more problems than they solve.

The amount of government regulation of property rights is already completely out of control and oppressive in this state. Why don't you people in government crack down on crime, jail the bastards who deface nearly every clean public and private surface with graffiti, clean up the massive amount of garbage along streets and freeways, remove and institutionalize the street addicts and mentally ill who are chronically homeless by choice and routinely commit crimes, repair the hundreds of potholes everywhere, etc.

It's just easier and cheaper to appoint committees of busybody citizens with nothing better to do than dream up ways to piss off their neighbors and encourage government to continuously increase some form of regulation or another. Stop with the nonsense and do the hard work that taxpayers pay you to do.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:50 AM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** olsonhk@gmail.com  
**Subject:** public comment from Heather Miller

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- helpdesk@cityoflakewood.us ext. 4357

Heather Miller is cc'd above.

Timestamp: 2022-06-29 19:13:49 UTC

First Name: Heather

Last Name: Miller

Email: [olsonhk@gmail.com](mailto:olsonhk@gmail.com)

Zip Code: 98498

Country: US

Street: 9918 Clara Blvd SW

City: Lakewood

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

Our town is call LAKEWOOD for a reason - if we let all of the trees be taken down in the name of development the name of the town would need to be changed to just LAKE. Trees a beautiful, buildings are ugly. We all complain about the loss of beauty but never stop to protect what beauty we already have. Trees are vital to life and old trees are bigger and better then little baby trees that will take decades to grow.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities,

contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.



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Wed, Jun 29, 2022 at 7:41 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 02:40:27 UTC

**First Name:** Julie

**Last Name:** Miller

**Email:** jumill038@gmail.com

**Zip Code:** 98444

**Country:** US

**Street:** 11021 Park Ave S

**City:** Tacoma

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.



In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 8:06 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 03:06:25 UTC

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:18 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** toniann1966@gmail.com  
**Subject:** public comment from Toni Mills

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- helpdesk@cityoflakewood.us ext. 4357

Ms. Mills is cc'd above.

Timestamp: 2022-06-29 18:48:24 UTC

First Name: Toni

Last Name: Mills

Email: [toniann1966@gmail.com](mailto:toniann1966@gmail.com)

Zip Code: 98198

Country: US

Street: 22749 MARINE VIEW DR S

City: Des Moines

Phone: +12065366917

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

One of the Lakewood Library's defining features are its large Garry oaks. An oasis, so to speak. Today with today's climate, it is imperative that we protect our natural canopy's which are also home to several different species of wildlife! Please consider the negative ripples.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:



<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Jennifer Posalski**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 11:58 AM  
**To:** Vicky Hagel  
**Cc:** Courtney Brunell  
**Subject:** additional public comment due at noon today

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---

And one that just came in:

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 18:48:38 UTC

**First Name:** Ashley

**Last Name:** Mocerro Powell

**Email:** [a.mocorropowell@gmail.com](mailto:a.mocorropowell@gmail.com)

**Zip Code:** 98373

**Country:** US

**Street:** 2003 26th Ave Ct Sw

**City:** Puyallup

**Phone:** +12536918817

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future. Lakewood is a community which is compounded by a legacy of environmental injustices and maintaining

healthy, viable, and existing green canopy cover is an effective way to mitigate climate heat island impact as the West continues to face heat waves and drought during our changing climate times.

This is especially important to me having grown up with my grandparents, who were residents of Lakewood until their passing in 1997 and 2007 respectively, and my mother and her siblings existing deep ties to Lakewood and the surrounding JBLM area. Our family has already witnessed the loss of canopy cover and mature trees across our life times, and this is impacting the local watersheds that are vital to all residents, visitors, plants and wildlife.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks. Mitigation fees will not support maintaining a healthy tree canopy and mature tree health.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. I would also recommend that use of any pesticides detrimental to water quality, wildlife, and or wild pollinators be sparingly used by trained professionals and/or not be used. Fines for such violations must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Sincerely,

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well. Future generations will be grateful for having us take these positive steps now

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 8:53 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 03:51:41 UTC

**First Name:** Christine

**Last Name:** Moody

**Email:** cmoody76@gmail.com

**Zip Code:** 98498-1817

**Country:** US

**Street:** 9612 108th Avenue Ct SW

**City:** Tacoma

**Phone:** +13607917008



**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:14 AM

Reply-To: Action Network <info@actionnetwork.org>

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 18:13:51 UTC

**First Name:** Kathryn

**Last Name:** Moon

**Email:** [mountainvalleymontessori@comcast.net](mailto:mountainvalleymontessori@comcast.net)

**Zip Code:** 98408

**Country:** US

**Street:** 531 S. 61st Street

**City:** Tacoma

**Phone:** +14254449559

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See



for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:28 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 5, 2022 8:52 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

Full Name:

Don Moss

Email:

donmossolar@gmail.com

Phone:

360-888-4944

Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:

My wife and I moved to Lakewood in 2015. Within the first year, we had SEVEN trees fall on our house. All of the trees were pine, about 30 feet tall. Although we were very lucky and only suffered minor damage to our home, our insurance company dropped us due to the number of claims we had to make, and we ended up having to do some of the repairs out of our own pocket. Many of our neighbors have pine trees on their property, and are at risk of damage from falling trees just like we were. In addition, not all property owners clean up pine cones and fallen branches that are always present with pine trees, so there is a growing fire hazard in areas where there are stands of pine. I appreciate that the city wants to increase the size of its tree canopy and preserve historic or significant trees, but I believe that individual property owners should not have to pay for permits to remove trees that endanger their homes. I also don't think pine trees should be protected, as they fall easily and in my view are not appropriate for residential areas. I don't see that the proposed regulations differentiate between trees that are or are not appropriate on residential property. As written, the proposed regulations would penalize property owners who take down trees that endanger their property.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 8:58 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Kristin Moultime**  
Email: kmoultime@comcast.net  
Phone: 2535887352

Comment about trees, property rights, or the Tree Advisory Committee report.: Hello. I will be out of town July 6 so want to register my concern about saving our unique and important resource. The Garry Oaks! They provide shelter/food/climate mediation and are native to Lakewood. We must do all we can to preserve and protect the oaks! Thanks you for taking action to save trees in our community and, particularly, the Garry Oaks!  
Kristin Moultime 98499

**Timestamp:** 2022-06-30 16:14:18 UTC

**First Name:** Tommie

**Last Name:** Oakley

**Email:** tommie\_oakley@yahoo.com

**Zip Code:** 98498

**Country:** US

**Street:** 9111 Lawndale Ave. SW

**City:** Lakewood

**Phone:** +12532544538

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I was flabbergasted to see that lot near American Lake Park be razed to put in a BLACKTOP parking lot! Do you have any idea how much heat that adds to our neighborhood? I know the neighbors there can't be happy about that poor decision! It's ugly as can be and it seems as if you're trying to create a heat island. The removal of the trees from the existing parking lot was a poor choice also. Now I get to listen to the young drivers spinning donuts in the parking lot as you've removed anything that may deter that possibility. This is not even mentioning that those trees provided some shade for the people parking there. Those trees provided so much for all living creatures, and they're just gone. I'm getting awfully tired of our city making poor decisions in the name of progress. We need to be treasuring our trees~ every single one of them. Global warming is happening and from what I can see, you have no problem adding to it. Shame on whomever made this choice and any other choices that involve removing trees. What are you thinking?

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot

be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 6:18 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

Full Name: **Thomas Oliver**  
Email: olivergdsn@gmail.com  
Phone: 360-620-1238

Comment about trees, property rights, or the Tree Advisory Committee report.: I think that the city is not doing enough to protect the oaks of Lakewood. I heard when I moved here 8 years ago that the trees were protected, but I see more and more trees in my neighborhood being cut down for no good reason. Northgate elementary cut down at least a half dozen full sized trees and then did nothing in that area but park cars. Why could they not park under the trees?

I believe these are a sacred resource that is unique to Lakewood, and elimination of trees in the name of development is lowering the value of the area. Do we want to look like Federal way? I hope not.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 26, 2022 6:18 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

Full Name: **Al Roy Orlando**  
Email: ARORLY@GMAIL.COM  
Phone: 2533701019

Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:

I am opposed to further and more restrictive tree protections in Lakewood. I live at 11404 Madera Circle SW in Lakewood. My property is surrounded by trees that damage streets and create a constant mess and maintenance problem. It is necessary for me to clean my gutters twice a year to keep them draining properly. Recently I spent \$3,800 to have my roof cleaned, maintained and moss retardant applied. Last winter over a period of four days I cleaned up in excess of 50 gallons of fir needles in my driveway and on the street in front of my house. Trees leave needles, leaves and other droppings throughout the year that get tracked into my house and vehicles. This fall I will be spending atleast \$1,600 to purchase a yard vacauum to aid in efficiently cleaning up the mess created by the trees in my community. I am fighting a constant maintenance and clean up problem created by too many trees. I am opposed to ANY further protections and restrictions.

Sincerely,  
Al "Roy" Orlando



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:26 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:26:23 UTC

**First Name:** Bob

**Last Name:** Oxborrow

**Email:** roxborrow@hotmail.com

**Zip Code:** 98409

**Country:** US

**Street:** 4319 South 60th Street

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:26 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:14:36 UTC

**First Name:** Douglas

**Last Name:** Tallamy

**Email:** dtallamy@udel.edu

**Zip Code:** 19363

**Country:** US

**Street:** 504 Glen Hope Rd

**City:** Oxford

**State:** Pennsylvania

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 12:12 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 07:11:28 UTC

**First Name:** Neel

**Last Name:** Parikh

**Email:** neelp1948@gmail.com

**Zip Code:** 98403

**Country:** US

**Street:** 614 North 6th Street



**City:** tacoma

**Phone:** +12535722907

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:51 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:51:12 UTC

**First Name:** Cathryn

**Last Name:** Parks

**Email:** catparks48@gmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 4820 123rd St SW #E6

**City:** Lakewood

**Phone:** +12539881646

**State:** Washington

**Source:** facebook

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed



in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 5:33 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 00:32:28 UTC

**First Name:** Heidi

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 8:10 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

Full Name: Amara Parra  
Email: amarazparra@gmail.com  
Phone: 3604647274  
Comment about trees, property rights, or the Tree Advisory Committee report.: STOP CUTTING THE TREES. IT'S THE ONLY GOOD THING ABOUT THIS STATE. STOP IT!!!!



**Lauren Hines**

---

**From:** Tricia Parsons <hi@triciaparsons.com>  
**Sent:** Wednesday, June 29, 2022 10:08 AM  
**To:** Courtney Brunell  
**Subject:** Planning Commission Public Comments

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---

Thanks for sharing this on my behalf. :)

To the Planning Commission:

I am a Lakewood resident, was born and raised in Lakewood and care about the future of Lakewood. I live in a neighborhood surrounded by old growth trees and consider myself lucky because of that. I think trees enhance a property and add to it's value. My grandparents fought hard to protect Oaks when the city was first incorporated and I'm here to continue that legacy. I support the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. We need to preserve our Garry Oaks/Oregon White Oaks. The benefits of these particular trees are far reaching, a quick Google search and one can quickly see why these trees add value to our city. The Oregon white oak supports many native animal species year-round by providing food, shelter, and good nesting habitat. Native pollinators seek out the flowers of the oak in the early spring. In addition to the many mammals and birds reliant on the acorns of the tree in the fall and winter, nesting birds feed their young the insects that thrive on the oak during the spring breeding season. They enhance the neighborhood, provide cooling shade during our increasingly hot days of summer, and they give Lakewood a special charm that other cities lack. You can see how the character depletes in our city the farther east you drive and it's truly because of the lack of old growth trees. Mitigation fees will not replace the removal of a 300 year old tree. Once gone that tree is gone for generations and generations. We need more education on the importance of these trees to our community and future communities. We've already lost thousands of years of Oaks just this year, never to be replaced in their same capacity. We are kidding ourselves if we believe we can replace an Oak that is older than our country's independence by planting another tree, it is not that simple and it's not the same. I urge the Planning Commission to do the right thing for our city and future citizens, please protect our Garry Oaks.

Thank you for your time and thoughtful consideration of this important matter .

Tricia Imholt Parsons

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 30, 2022 8:17 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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Full Name: **LESLIE A PEARSON**  
 Email: pearson.consulting@mac.com  
 Phone: 9079472316  
 Comment about trees, property rights, or the Tree Advisory Committee report.: June 30, 2022  
 Subject: Support for the ad hoc tree committee's recommendations

Dear Lakewood Planning Commission:

We are writing to voice our full support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future. Having witnessed in the past 10-years the destruction and removal of 80+ year Garry oaks from adjacent properties, at a minimum the recommendations need to be adopted and enforced.

We would also like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

- Critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.
- Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities.
- Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court.
- Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

We urge you as environmental stewards for the City of Lakewood, to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Leslie & David Pearson

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 16, 2022 3:30 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Jennifer Pete  
**Email:** jrpete123@gmail.com  
**Phone:** 8084364228

**Comment about trees, property rights, or the Tree Advisory Committee report.:** More needs to be done to replant and protect our beautiful trees that have been here for over one hundred years. I lived in Woodbrook in Lakewood and used to love the amount of trees that we used to have there. It broke my heart to see them all chopped down, and now it just looks bald and ugly. I saw the deer that lived there pushed out and they would run around near the I-5 confused and afraid. Please don't let our beautiful green city become an ugly concrete jungle. Seattle is known as the Emerald city, and sadly, there is nothing emerald about it anymore. Don't allow Lakewood to go down the same path! I agree with the stricter rules for preservation, the plan for more replanting, and increasing assistance to property owners with these trees on their land.

## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:31 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** markspfeiffer  
**Subject:** Fwd: Someone has taken action on your "planning-commission" page!

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---

Mr. Pfeiffer is cc'd here.

----- Forwarded message -----

**From:** Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
**Date:** Tue, Jun 28, 2022 at 10:54 AM  
**Subject:** Someone has taken action on your "planning-commission" page!  
**To:**

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-28 17:41:54 UTC

**First Name:** Mark

**Last Name:** Pfeiffer

**Email:** [markspfeiffer@aim.com](mailto:markspfeiffer@aim.com)

**Zip Code:** 98498

**Country:** US

**Street:** 9004 Dolly Madison St SW

**City:** Lakewood

**Phone:** +14156806340

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I have read the ad hoc tree committee's report, and the recommendations set forth therein; I fully support the recommended amendments to the City of Lakewood's tree preservation code. These steps towards insuring the preservation of the mature tree canopy that already exists, can not be pushed off any longer. The past twenty years of inaction, with respect to updating the code, has resulted in a devastating and irreplaceable loss to our city.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy. In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

Furthermore, the process of selecting arborists needs transparency. That is, property owners who apply for a tree cutting permit should be required to engage an arborist selected randomly by the City. Additionally, the cost of such arborist reports should be baked into the cost of such permits.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 9:38 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** Garf Flimflam  
**Subject:** public comment from Docere Pharmakis

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**Timestamp:** 2022-06-29 15:47:44 UTC

**First Name:** Docere

**Last Name:** Pharmakis

**Email:** [Oracle0726@protonmail.com](mailto:Oracle0726@protonmail.com)

**Zip Code:** WA

**Country:** US

**Street:** 545 NE Kamiaken St

**City:** Pullman

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>





Christina Manetti &lt;manetti.christina@gmail.com&gt;

---

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**Action Network** <info@actionnetwork.org>

Thu, Jun 30, 2022 at 9:44 AM

Reply-To: Action Network &lt;info@actionnetwork.org&gt;

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 16:37:12 UTC**First Name:** Jessi**Last Name:** Pickel**Email:** [jessi@tacomatreefoundation.org](mailto:jessi@tacomatreefoundation.org)**Zip Code:** 98387**Country:** US**Street:** 15808 Fair Oaks Dr S.**City:** Spanaway**State:** Washington**Target Name:** Courtney Brunell**Letter Subject:** Support for the ad hoc tree committee's recommendations**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must

be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

A strong and vast canopy in urban areas, with a healthy amount of native trees, helps to provide a safe and healthy environment to residents and consumers who visit. By protecting and enriching the local canopy you are helping Lakewood in the long run. Please protect the Garry Oaks.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Lauren Hines**

---

**From:** James Dunlop <consultarchie@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:08 PM  
**To:** Vicky Hagel; Courtney Brunell  
**Subject:** Fwd: additional public comment due at noon today

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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----- Forwarded message -----

**From:** Christina Manetti <[manetti.christina@gmail.com](mailto:manetti.christina@gmail.com)>  
**Date:** Thu, Jun 30, 2022 at 11:58 AM  
**Subject:** additional public comment due at noon today  
**To:** Vicky Hagel <[VHagel@cityoflakewood.us](mailto:VHagel@cityoflakewood.us)>  
**Cc:** Courtney Brunell <[CBrunell@cityoflakewood.us](mailto:CBrunell@cityoflakewood.us)>

And one that just came in:

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 18:48:38 UTC

**First Name:** Ashley

**Last Name:** Mocorro Powell

**Email:** [a.mocorropowell@gmail.com](mailto:a.mocorropowell@gmail.com)

**Zip Code:** 98373

**Country:** US

**Street:** 2003 26th Ave Ct Sw

**City:** Puyallup

**Phone:** +12536918817

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future. Lakewood is a community which is compounded by a legacy of environmental injustices and maintaining healthy, viable, and existing green canopy cover is an effective way to mitigate climate heat island impact as the West continues to face heat waves and drought during our changing climate times.

This is especially important to me having grown up with my grandparents, who were residents of Lakewood until their passing in 1997 and 2007 respectively, and my mother and her siblings existing deep ties to Lakewood and the surrounding JBLM area. Our family has already witnessed the loss of canopy cover and mature trees across our life times, and this is impacting the local watersheds that are vital to all residents, visitors, plants and wildlife.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks. Mitigation fees will not support maintaining a healthy tree canopy and mature tree health.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. I would also recommend that use of any pesticides detrimental to water quality, wildlife, and or wild pollinators be sparingly used by trained professionals and/or not be used. Fines for such violations

must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Sincerely,

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:10 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:09:47 UTC

**First Name:** Janeen

**Last Name:** Provazek

**Email:** provaj@hotmail.com

**Zip Code:** 98403

**Country:** US

**Street:** 1117 N 7 St

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to

cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:41 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:41:00 UTC

**First Name:** Jean

**Last Name:** Reddish

**Email:** jeansreddish@hotmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 12109 Nyanza Rd SW

**City:** Lakewood

**Phone:** +12535882278

**State:** Washington



## Courtney Brunell

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:55 AM  
**To:** Courtney Brunell  
**Cc:** kateread@aim.com; Eileen McKain  
**Subject:** public comment from Ms. Kate Read

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Ms. Read has been cc'd above.

Timestamp: 2022-06-29 20:25:34 UTC

First Name: Kate

Last Name: Read

Email: [kateread@aim.com](mailto:kateread@aim.com)

Zip Code: 98498

Country: US

Street: 9004 Dolly Madison st SW

City: Lakewood

Phone: +14155098018

State: Washington

Source: email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon-2

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the

court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

In addition I i support the effort to make the Garry Oak ( *Quercus garryana*) the City tree of Lakewood. It is a strong tree of the prairie which moves gracefully in all weather, bending but not breaking.

Also planting native trees for habitat and water conservation is desirable rather than non natives.

Thank you.

cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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---

Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:41 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:41:00 UTC

**First Name:** Jean

**Last Name:** Reddish

**Email:** jeansreddish@hotmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 12109 Nyanza Rd SW

**City:** Lakewood

**Phone:** +12535882278

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 9, 2022 7:16 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

**Full Name:** karen ripp  
**Email:** ripp@comcast.net  
**Phone:** 2537327258

**Comment about trees, property rights, or the Tree Advisory Committee report.:**

I support stronger codes limiting tree removal. Our neighbors recently cut down every single tree on their rental property- at least 2 giant oaks (maybe Garry Oak?) and a number of 100 foot pines. They provided such a beautiful canopy, shade and home to critters. If a tree is diseased, dead or poses a threat to structures then cutting them down seems appropriate but I'd like to see more protection for beautiful long standing trees in our community.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 1:57 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Robby  
**Email:** [sorryIdontwanttogetonamailinglist@example.com](mailto:sorryIdontwanttogetonamailinglist@example.com)  
**Phone:** 1234567890

Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:

This seems a bit government overreach to me. By all means, set whatever policies you like for trees on government land, but as this has negligible impact to surrounding neighbors, it's really not the place for government to be legislating on private property.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 7, 2022 6:44 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Arlee K Rodrigues  
Email: rigues70@gmail.com  
Phone: 2532414381

Comment about trees, property rights, or the Tree Advisory Committee report.: My family has lived in the Lakewood area since 1963. We have had to cut down a few trees over the years. The trees were cut down because of safety reasons; otherwise, we would still have those trees today. The Rodrigues Family appreciates the effort to preserve the trees. We agree with the City of Lakewood changing the code to protect the trees.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 21, 2022 10:17 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Joyce Rousseau  
**Email:** oranun99@aol.com  
**Phone:** 2532253779

**Comment about trees, property rights, or the Tree Advisory Committee report.:**

I believe that Garry oaks should be protected as they are an integral part of my area of Lakewood which is close to Lake Steilacoom Park. Our area was once an oak savanna but that special habitat is now mostly confined within the park.

We all know that one key to ameliorating climate change is to encourage the preservation of trees but I see neighbors cutting down trees with abandon, in fact, a few years ago my next-door neighbor cut down every tree in his yard simply because his wife did not like them. He even made an attempt to cut some of our oaks.

Please protect our Garry oaks. They are majestic and beautiful in all seasons.

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 12, 2022 8:31 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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|                                                                               |                                                                                                           |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Full Name:                                                                    | arthur james russell III                                                                                  |
| Email:                                                                        | jimrussell4286@comcast.net                                                                                |
| Phone:                                                                        | 253-576-8393                                                                                              |
| Comment about trees, property rights, or the Tree Advisory Committee report.: | I've done a lot of tree planting and brush removal. If I can be of any assistance...<br>Pleased to do it. |

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:54 AM  
**To:** Courtney Brunell  
**Cc:** paileseafoam@icloud.com; Eileen McKain  
**Subject:** public comment from Ms. Alexandra Sampson

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---

Ms. Sampson has been cc'd above.

Timestamp: 2022-06-29 19:23:05 UTC

First Name: Alexandra

Last Name: Sampson

Email: [paileseafoam@icloud.com](mailto:paileseafoam@icloud.com)

Zip Code: 98466

Country: US

Street: 331 contra costa Ave

City: Fircrest

Phone: +12532049824

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

## Courtney Brunell

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Sunday, June 5, 2022 6:27 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: Mary Saur  
Email: andy13409@comcast.net  
Phone: 2533764399  
Comment about trees, property rights, or the Tree Advisory Committee report.: I want to see the new proposal.

## Courtney Brunell

---

**From:** Lauren Hines  
**Sent:** Wednesday, June 22, 2022 1:28 PM  
**To:** Courtney Brunell  
**Subject:** FW: Lakewood Trees

---

**From:** David Bugher <[DBugher@cityoflakewood.us](mailto:DBugher@cityoflakewood.us)>  
**Sent:** Wednesday, June 22, 2022 1:19 PM  
**To:** 'Connie Schmidt' <[cantate.crs@gmail.com](mailto:cantate.crs@gmail.com)>  
**Cc:** Lauren Hines <[lhines@cityoflakewood.us](mailto:lhines@cityoflakewood.us)>  
**Subject:** RE: Lakewood Trees

I have received your email. It will be forwarded to the planning commission and city council prior to their respective public hearings.

Dave Bugher  
 City of Lakewood

---

**From:** **Connie Schmidt** <[cantate.crs@gmail.com](mailto:cantate.crs@gmail.com)>  
**Sent:** Wednesday, June 22, 2022 11:31 AM  
**To:** David Bugher <[DBugher@cityoflakewood.us](mailto:DBugher@cityoflakewood.us)>  
**Subject:** Lakewood Trees

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Please forward to the correct department.

Hello and thank you for our City's attention to trees. I will not be able to join the public meeting July 6 regarding trees in our neighborhoods, so I wanted to drop a line now.

We are big supporters of trees and want to see them protected and encouraged. I'm sure people would make a fuss about government overreach if they have to request permission to cut a tree for a building project or change their landscaping. It is an incontrovertible fact though that trees are good for the environment and people, add beauty to the surroundings, help cool people, animals and buildings.

We hope the planners will be able to dodge the naysayers and weave helpful policy among all the hurdles. Don't lose heart! Keep up the good work for all of us. John & Connie Schmidt are grateful!

Kind regards,  
 Connie & John Schmidt

--  
 Connie Schmidt

444 of 505  
P.O. Box 99967  
Lakewood WA 98496



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 2:34 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 21:34:37 UTC

**First Name:** Mark

**Last Name:** Simons

**Email:** mark@rolfsimport.com

**Zip Code:** 98498

**Country:** US

**Street:** 10836 Lake Steilacoom Drive Southwest

**City:** Lakewood

**Phone:** +12532412187

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners.

446 of 505

and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Wed, Jun 29, 2022 at 3:05 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:05:02 UTC

**First Name:** Ducky

**Last Name:** Black

**Email:** [theduxer234@yahoo.com](mailto:theduxer234@yahoo.com)

**Zip Code:** 98498

**Country:** US

**Street:** 11218 Butte Drive Southwest

**City:** Lakewood

**Phone:** +12535881414

**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:09 PM  
**To:** Eileen McKain; Courtney Brunell  
**Cc:** Gail Sklar  
**Subject:** public comment from Gail Sklar

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---

Ms. Sklar is cc'd above.

Timestamp: 2022-06-29 18:29:20 UTC

First Name: Gail

Last Name: Sklar

Email: [gjsklar@gmail.com](mailto:gjsklar@gmail.com)

Zip Code: 98466

Country: US

Street: 1001 Corona Road

City: Fircrest

Phone: +16105509225

State: Washington

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, May 19, 2022 5:42 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Geneva Smith  
**Email:** geneva-smith@comcast.net  
**Phone:** 253-226-6305

Comment about trees,  
property rights, or the  
Tree Advisory  
Committee report.:

I have a couple of comments in regards to the new tree policy in Lakewood. We live on American Lake on one acre of property. We have 24 Garry Oak trees on this one acre. About three years ago we counted all the bags of leaves we had to haul off and it was 275 large leaf bags. Would the City consider having a local site where leaves and yard waste can be disposed? Traveling out to Pierce County Dump or down to Lacey, trip after trip, is very difficult. You want us to save the trees, but it can be a big burden trying to handle the leaves in the fall. Also, could there be wording in this new policy that states that if you have a certain amount of trees on your property, that you are allowed to remove some of them, such as me having 24 oaks on one acre, that I could remove six of them, something like that?



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Tuesday, June 7, 2022 6:50 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Valerie Smith  
**Email:** valerie\_hooker@hotmail.com  
**Phone:** 2533306100

**Comment about trees, property rights, or the Tree Advisory Committee report.:** Trees are vital for so many reasons. Trees have been proven to provide the following benefits, combating climate change, helping to provide shade and cooling buildings, homes, and city streets, they clean the air, provide healthy oxygen, they help to conserve energy, stop soil erosion, save water and prevent water contamination, provide a shield from ultra violet rays, they beautify public and private spaces, are a natural way of documenting history, provide ways for people to connect with nature and take a break from technology, are an essential part of many religions and cultures, and provide food for communities. Which brings me to my suggestion for the city and a way to further help the community. I highly suggest planting fruit trees that will provide all the previously listed benefits while also helping feed our staggering amount of homeless in our community. Trees provide us with so many things and they deserve to be respected and protected.

## Lauren Hines

---

**From:** Heidi S. <heidigs@hotmail.com>  
**Sent:** Wednesday, June 29, 2022 6:15 PM  
**To:** Courtney Brunell  
**Subject:** Public Comments to Lakewood Planning Commission

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---

Public Comments to Lakewood Planning Commission  
 c/o Courtney Brunell

RE: Support for the Tree Committee's Amendment Recommendation to the Lakewood Tree Preservation Code

To the Lakewood Planning Commission:

I am writing from South Tacoma, but what Lakewood does affects this area, and vice versa. So, I appreciate the Ad Hoc Tree Committee's recommendations to the City of Lakewood's tree preservation code.

It's no longer a time for "business as usual" by putting profits above public health and the environment. Trees need stronger protection, codified into enforceable policy.

The South Sound area already has some of the highest air pollution in the nation, and we must preserve trees and green space to better hold carbon and off-set more even climate-change damage. This includes all trees, but especially native and mature varieties, and any area with mature Garry oaks should be considered a critical area / protected habitat and proper regulations must be upheld.

Borrowing from the Hearing Examiner's report in February: Garry oaks are slow-growing because they are meant to live a long time. They cannot be replaced in one or even two human lifespans. If lost, their specific wildlife habitat and canopy connectivity will be lost and become that much more fragmented. With each fragmentation event, the remaining habitat becomes less capable of persistence or of performing its habitat functions.

Garry oaks' acorns and leaves are a critical food source for urban birds and other wildlife, and homes to necessary insects particularly caterpillars which the basis of most terrestrial food webs, and also support bird reproduction better than any other tree genus in North America. These large oak trees clearly qualify as protected habitat, under Washington Department of Fish and Wildlife guidelines. These oaks serve as valuable habitat for wildlife, but are also critical for our own sustainable future, to manage the air, soil and water we rely on.

Yet all trees and green space is critical to preserve, not only for urban wildlife but also for our own comfort and survival, as trees help retain water from run-off, clean the air and reduce urban heat and dead zones. Please not only adopt the Tree Committee's recommendations, but consider even stronger protections as are being suggested by the Garry Oak Coalition.

Thank you,

Heidi Stephens



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:56 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:56:09 UTC

**First Name:** Dolly

**Last Name:** Sutherland

**Email:** royanddolly@gmail.com

**Zip Code:** 98466

**Country:** US

**Street:** 1924 Sunset Dr W

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to

cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:56 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:56:37 UTC

**First Name:** Roy

**Last Name:** Sutherland

**Email:** royanddolly@gmail.com

**Zip Code:** 98466

**Country:** US

**Street:** 1924 Sunset Dr W

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell

cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

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**Timestamp:** 2022-06-29 22:56:37 UTC

**First Name:** Roy

**Last Name:** Sutherland

**Email:** royanddolly@gmail.com

**Zip Code:** 98466

**Country:** US

**Street:** 1924 Sunset Dr W

**City:** Tacoma

**State:** Washington

**Target Name:** Courtney Brunell



**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

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June 29, 2022

Chair Don Daniels,  
Lakewood Planning commissioners  
Lakewood, WA 98498

Thank you for the opportunity to comment on the Tree Preservation Report and the proposed goals and policies that intend to increase the tree cover in Lakewood. The city is known for the significant stands of trees along its corridors and surrounding its major lakes. They are what makes Lakewood attractive.

We are pleased to find funding to implement these policies in the form of the "City Tree Fund" for the planting of trees in other areas of the city, when trees can not be retained on a building site. In the City Free Fund, found in 18A.70.330 the fund collects civil penalties received from: 1) removing trees, 2) grants, 3) agreed upon restoration payments and 4) settlements in lieu of penalties.

What is missing here is a requirement to have the Director of the Community Economic and Development Department make an annual report on the balance in the Tree Fund. The report should focus on if there are enough funds to accomplish the goals of increasing Tree Canopy for the City to 40% by 2050. And if the Settlement's in Lieu of Penalties, is adequate to fund a Urban Forest Plan to increase the Tree Canopy.

In our experience in other cities, these funds are not significant enough to actually do the meaningful restoration outlined in this ordinance. Only with an annual accounting will it be possible to set the size of the civil penalty for removing trees large enough to increase the canopy annually.

There is much to like about this proposal, but the city has no forester or person to initiate an urban forest. The proper expert can determine where and how the goal can be accomplished through acquiring properties and preserving wooded areas. Implementation should require a city inventory. Therefore the first annual report to the city council should require the Director to report on a long range inventory as well as the annual progress on meeting City's Tree Canopy Goal.

Another option would be for the Director of the Community Development to offer grants to landscapers, land trusts and non-profit organizations to apply for funds to be used to meet these goals. An example of a simple granting program for public funding is used by Chambers/Clover Creek Watershed Council, which has funded projects inside the City of Lakewood in the last 4 years.

Tahoma Audubon Society recognizes that Economic Development is important for the city's tax base. We accept the reality that trees have to be removed when buildings encroach on stands of significant trees. Public support for this sacrifice is dependent on making significant progress annually toward achieving the program's goals. Loss of trees and increase in traffic for commercial and residential buildings will increase air pollution in the city. Setting a goal of increasing the canopy will make it easier for the public to accept the loss of mature trees, even though a replacement stand takes years to reach maturity.

**A legislative promise made, is a debt unpaid.**

To ensure this new program will function as intended, we propose the following changes to:

### **18A.70.330: Significant Tree Preservation:**

**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. Replacement trees shall also include a watering system to insure survival during first summer heat and future summers of drought.

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.

**c. Within the first year the Director shall complete an inventory of city owned properties and parks and privately owned wooded areas. The inventory should include land suitable for urban forest or where a forested buffer along boundaries of city owned properties and streets.** (Emphasis added for proposed test)

**d. The Director shall make an annual report that shows the decline in current forest canopy due to permitting and removal of trees, and report should show the annual increase in city forest canopy provided by grants from the department or an increase in department acquisitions or contracting for tree planting in parks or on city properties.**

**1) Annual report should include whether the city tree fund's financing is adequate and whether civil penalties or other grants are necessary to meet the city's goals of an annual increase in canopy.** (Emphasis added for proposed test)

## 18A.70.330 City Tree Fund:

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

1. Acquiring, maintaining, and preserving wooded areas within the City;
2. Planting and maintaining trees within the City;
3. Establishment of a holding public tree nursery;
4. Urban forestry education;
5. Implementation of a tree canopy monitoring program;
6. Scientific research; or
7. **Offering grants to non-profit organizations or land trusts to acquire, maintain or preserve wooded areas within the city.** (Emphasis added for proposed test)
8. Other purposes relating to trees as determined by the City Council. [Ord. 726 § 2 (Exh. B), 2019.]

We urge the planning commission to approve the goals established in the Tree Preservation Report and to make the policy and code suggestions that are recommended here. In the end, it is the tall trees and the lakes that make this city an oasis in the sprawling suburbs along the I-5 corridor. In the final analysis, it is the sidewalks, tree-lined boulevards, parks and public spaces that give Lakewood its livability.

Thank you,

*Kirk Kirkland*

*Eric Siebel*

**Lauren Hines**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Thursday, June 30, 2022 12:30 PM  
**To:** Vicky Hagel  
**Cc:** Courtney Brunell  
**Subject:** + additional public comment from Tahoma Audobon Society

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

This arrived at 11.59am:

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 18:50:46 UTC

**First Name:** Tahoma Audubon

**Last Name:** Society

**Email:** [info@tahomaaudubon.org](mailto:info@tahomaaudubon.org)

**Zip Code:** 98466

**Country:** US

**Street:** 2917 Morrison RD West

**City:** University Place

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Tahoma Audubon Supports the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

In addition to providing vital green space and shade in a part of town where these things are in short supply, these oaks, our only native oak species, also provide habitat for birds.

Pockets of mature trees are vital to birds in urban spaces, especially those that are migrating.

The destruction of Garry Oak prairie in Western Washington has led to the Western Bluebird



being very rare west of the cascades--found virtually only on JBLM, and at Morse Preserve, which was protected and restored to foster their population. Please consider the well being of the local ecosystem and of underserved communities in Lakewood.

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado:

<https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations.

Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:26 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:14:36 UTC

**First Name:** Douglas

**Last Name:** Tallamy

**Email:** dtallamy@udel.edu

**Zip Code:** 19363

**Country:** US

**Street:** 504 Glen Hope Rd

**City:** Oxford

**State:** Pennsylvania

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

Protecting our urban forests is not a luxury, it is essential. There are four ecological functions that must occur on all landscapes. They must sequester carbon, protect the watershed, support the local food web and support pollinators. Oaks do each of these essential roles better than other trees, which makes them keystone species in our ecosystems. Every oak that is lost to construction weakens ecosystem function and the services healthy ecosystems provide for humans. In a world suffering from the 6th great extinction event the earth has ever experienced, it is ludicrous to consider replacing healthy urban forests with yet more buildings.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:48 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:46:44 UTC

**First Name:** Helen

**Last Name:** Wagner

**Email:** violahelen1945@gmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 8112 29th Avenue Ct S, APT E

**City:** Lakewood

**State:** Washington

**Target Name:** Courtney Brunell

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 9, 2022 7:42 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

**Full Name:** Andrew Thatcher  
**Email:** dthatcher41@gmail.com  
**Phone:** 2536171449

**Comment about trees, property rights, or the Tree Advisory Committee report.:** While I appreciate the beauty of the oaks trees as an example, I believe the laws enacted by the city in the long run will have the opposite effect. While they may preserve the existing trees the net result is that young volunteer oaks are removed early to ensure that do not become an enforcement problem down the road with the city. So in the long run you'll end up with less trees than had you left homeowners to care for their land on their own.

Further, the existing laws make it difficult to remove old and dangerous oak trees that are a hazard. So I would encourage to repeal the existing laws enacted by the city and trust the homeowners to do the right thing with their own property.



Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <[info@actionnetwork.org](mailto:info@actionnetwork.org)>  
Reply-To: Action Network <[info@actionnetwork.org](mailto:info@actionnetwork.org)>

Thu, Jun 30, 2022 at 7:08 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 14:07:14 UTC

**First Name:** Donna

**Last Name:** Thompson

**Email:** donana123@comcast.net

**Zip Code:** 98406

**Country:** US

**Street:** 2125 North Prospect Street

**City:** Tacoma

**Phone:** +12062611843

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



**Courtney Brunell**

---

**From:** Christina Manetti <manetti.christina@gmail.com>  
**Sent:** Wednesday, June 29, 2022 10:15 PM  
**To:** Courtney Brunell; Eileen McKain  
**Cc:** parrotgirl2@gmail.com  
**Subject:** public comment from Heidi Thompson

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- helpdesk@cityoflakewood.us ext. 4357

---

Ms. Thompson is cc'd above.

Timestamp: 2022-06-29 18:36:47 UTC

First Name: Heidi

Last Name: Thompson

Email: [parrotgirl2@gmail.com](mailto:parrotgirl2@gmail.com)

Zip Code: 02703

Country: US

Street: 31 Falcon Drive

City: Attleboro

Phone: +12529617337

State: Massachusetts

Target Name: Courtney Brunell

Letter Subject: Support for the ad hoc tree committee's recommendations

Letter Body:

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 12:07 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Lisa Tomlinson**  
Email: [tomandlisat@msn.com](mailto:tomandlisat@msn.com)  
Phone: 2535084266

Comment about trees, property rights, or the Tree Advisory Committee report.: I am all for protecting trees, but if the tree is on private property then it should absolutely be left up to the owner of the trees to decide how to best care for their land. The government should make these laws regarding public spaces and trust land owners to do what is best for their own property.

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:47:20 UTC

**First Name:** Marianne

**Last Name:** Tompkins

**Email:** [marianned.tompkins@gmail.com](mailto:marianned.tompkins@gmail.com)

**Zip Code:** 98503

**Country:** US

**Street:** [1605 Lebanon street SE](#)

**City:** [Lacey](#)

**Phone:** +13605455229

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

From the time I was the same age as my oldest grandchild we were talking about protecting the environment. Now here we are in a Climate emergency. Established trees are key. They draw down carbon, provide much needed shade, provide protection from wind, and provide habitat. Our children deserve better.

I am voicing my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards ensuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

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**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Thu, Jun 30, 2022 at 11:03 AM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 17:53:05 UTC

**First Name:** Tichomír

Protecting our urban forests is not a luxury, it is essential. There are four ecological functions that must occur on all landscapes. They must sequester carbon, protect the watershed, support the local food web and support pollinators. Oaks do each of these essential roles better than other trees, which makes them keystone species in our ecosystems. Every oak that is lost to construction weakens ecosystem function and the services healthy ecosystems provide for humans. In a world suffering from the 6th great extinction event the earth has ever experienced, it is ludicrous to consider replacing healthy urban forests with yet more buildings.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Action Network <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:48 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:46:44 UTC

**First Name:** Helen

**Last Name:** Wagner

**Email:** violahelen1945@gmail.com

**Zip Code:** 98499

**Country:** US

**Street:** 8112 29th Avenue Ct S, APT E

**City:** Lakewood

**State:** Washington

**Target Name:** Courtney Brunell



**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I have been actively supporting the efforts to preserve Lakewood's trees for over a year now. I have attending City Council meetings and have made many public comments.

I have lived in Lakewood for over forty years and have watched its tree canopy suffer. Recently, in my former neighborhood, about 56 Garry oaks were cut down at the former Oakwood Elementary School property -- for a warehouse. I walked through that Garry oak grove every day taking my two children back and forth to school all through their elementary years. All 148 Garry oaks at the site were supposed to be cut down, but it was only at the mercy of the developer, when he heard from the City that the people were upset and loved those trees, that they were spared the chainsaw.

We cannot leave the fate of our precious trees, especially the slow-growing, extremely ecologically vital Garry oaks, up to the mercy of the developers. The City must take the lead and insure the strictest possible tree preservation policies. Expanding the tree canopy is nice -- but it cannot be an excuse to cut down mature Garry oaks and other trees. The first priority must be to preserve the Garry oaks and other large trees.

Today, however, I am writing specifically to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.



Thank you.

Helen Wagner, B.A.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 4:48 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 23:25:05 UTC

**First Name:** Claudia

**Last Name:** Finseth

**Email:** dragonflypond@gmail.com

**Zip Code:** 98444

**Country:** US

**Street:** 13524 15th Ave S

**City:** Tacoma

**Phone:** +12535315151

**State:** Washington

**Source:** email-important-by-noon-tomorrow-please-submit-public-comment-about-tree-protections-by-thursday-noon

**Target Name:** Courtney Brunell

**Letter Subject:** Support the ad hoc tree committee's recommendations

**Letter Body:**

**Lauren Hines**

---

**From:** bessbree@nventure.com  
**Sent:** Thursday, June 30, 2022 9:36 AM  
**To:** Courtney Brunell  
**Subject:** written statement re tree code revision proposals

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I am writing for Rob and Celia Warren of University Place WA. Regarding the City of Lakewood's current review of the municipal Tree Preservation and Retention Code, please include us as parties of record.

We urge the Planning Commission to enact the Tree Preservation and Retention codes that are recommended by the 2022 Ad Hoc Committee's Tree Advisory Report. The Committee did a careful review of Lakewood's tree canopy history and current situation, followed by possible choices and a final recommendation on each issue.

These advisory recommendations address the rapidly decreasing tree canopy which is so essential to the liveability, urban climate and its health effects, and beauty of Lakewood. We urge the Commission to use its power as a steward of Lakewood's environment to preserve and retain the City's remaining trees.

Please enact the Ad Hoc Committee's recommendations. Thank you.

**Rob and Celia Warren**

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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 6:06 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 00:33:39 UTC

**First Name:** Colleen

**Last Name:** Waterhouse

**Email:** cmwaterhouse@comcast.net

**Zip Code:** 98499-8113

**Country:** US

**Street:** 129 Candlewyck Dr W

**City:** Lakewood

**Phone:** +12537599680

**State:** Washington

**Target Name:** Courtney Brunell

**Letter Subject:** Support for the ad hoc tree committee's recommendations

**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In these days when there is not all that much on which we can agree, the need to protect and expand the tree canopy, given what we know about its value to the environment and the community, is both critical and doable. That is a combination that make this an important task that requires all of us to do our parts. Sacrificing trees as the cost of development is not an acceptable option.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect and expand Lakewood's vital tree canopy. We need more, not fewer. trees in our beloved community.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

This is also the kind of project that might well have significant volunteer appeal, especially to



young people who are much more aware and concerned about the environment, which they see as critical to their future. Clover Park School District and Pacific Lutheran University might well find engagement with this issue helpful to their students. They would be learning not only more about environmental concerns, but also about the role of government in protecting our environment. They will have useful ideas and energy to contribute.

This is about much more than Garry Oaks, it is about quality of life of life in the future. The ad hoc tree committee' has done its job in preparing the report. Now let's do ours..

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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**Action Network** <info@actionnetwork.org>  
Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 6:18 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-30 01:04:11 UTC

**First Name:** Esther

**Last Name:** Day

**Email:** dayesther214@outlook.com

**Zip Code:** 98408

**Country:** US

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 2:02 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Emma West  
**Email:** jwest2004@comcast.net  
**Phone:** 253-691-9785

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I was delighted to receive the mailer about tree protection in Lakewood. Unfortunately, the notice arrived on 6/2 and when I checked the website on 6/3 the site was closed to comments. I am aware of several large oaks that were removed and some aggressive trimming up in my area of Lakewood with no apparent response from the city. I believe part of this is due to the difficulty of dealing with the tremendous amount of falling leaves. Perhaps the city could target these areas to create compost or address the issue with scheduled leaf sweep up days in heavy oak foliage areas. I want to protect these magnificent oaks; I also have seen my neighbors struggle with the amount of falling oak leaves. I thought your report had several good ideas that could help to protect these trees and meet your canopy goals, I also think there should be more information about these oak trees being protected by the city and not being cut down at will by the homeowner. I believe you are on the right track. I do wish your mailer had arrived in time for me to make a formal comment.  
Emma West

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Monday, June 13, 2022 7:18 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

**Full Name:** Barbara White  
**Email:** white.barbara@comcast.net  
**Phone:** 253-584-3178

**Comment about trees, property rights, or the Tree Advisory Committee report.:** We bought our house here in Oakbrook over 30 years ago because of the beautiful fir trees on the property. Over the years, we have had to take couple down because of damage but consider ourselves stewards of this property and so have tried to take good care of them over the years. Unfortunately, I have been in a 30 year argument with the backyard neighbor, who took her trees down and has pressured us to take ours down "because they are messy". I would love to see our trees protected and fully approve of suggested changes. Thank you.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 3:18 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

**Full Name:** Wesley Whiteside  
**Email:** [lifestudent101@gmail.com](mailto:lifestudent101@gmail.com)  
**Phone:** 5095706425

**Comment about trees, property rights, or the Tree Advisory Committee report.:** Trees are great, and I appreciate the importance of preserving trees and planting new ones where we can, for example, between rows in parking lots. However, I have been feeling less safe in my home lately. Theft rates are rising. There are now graffiti tags on my street. The cost of living seems to have nearly doubled over the past 5 years or so, without a similar trend in wages. The pandemic on its own is stressful, but America has decided to react in an unprecedented fashion, which threw even more normal processes out of order than were already slowed down. I know most of these issues are difficult and costly to deal with, but I'd rather my taxes pay for a single solution to any of these serious problems than lots of varied perks and niceties.



**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Thursday, June 2, 2022 5:23 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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---

Full Name: **Richard Wilkerson**  
Email: [ricwilkerson@comcast.net](mailto:ricwilkerson@comcast.net)  
Phone: 2533809109

Comment about trees, property rights, or the Tree Advisory Committee report.: Trees are owned and maintained by property owners who bear the responsibility for their care and safety . It seems the very people that demand tree preservation be imparted on others are those who have already cleared significant trees from their own parcels to make way for building and development. I do not wish to be regulated by anyone or any municipality in regards to the trees that I purchased with my own money. The existing tree permit process is too onerous and far reaching. The citizens own their trees, not the City.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 5:17 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- helpdesk@cityoflakewood.us ext. 4357

---

Full Name: **David Wood**  
Email: dwood2001@gmail.com  
Phone: 2532543007  
Comment about trees, property rights, or the Tree Advisory Committee report.:  
Nobody should be able to remove ancient trees without good reason and permission. Current regulations are way too lenient. You can't undo an ancient tree being cut down. There's no way to reverse that.  
So I think the numbers should be 0 regardless of lot size. Or at the very least 1 per 5 years. The exception makes little sense. I'd remove it. Even 1-2 trees per lot per year add up over time. Some of the trees in our backyard are incredible. Taking those down without major safety concerns would feel like a crime against nature, or against future generations.

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 10, 2022 11:09 AM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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---

**Full Name:** Carol A Woolery  
**Email:** cawoole@nventure.com  
**Phone:** +12538202674

**Comment about trees, property rights, or the Tree Advisory Committee report.:** I regret that I will not be able to attend the meeting on July 6th regarding the code changes to protect trees in the City of Lakewood. Please note that I believe homeowners should be able to trim or remove the trees on "their" property in the following situations: if said trees are diseased, interfering with overhead utility lines, causing damage to the structures on their property or becoming unreasonably more expensive for the homeowner to maintain. I have an oak tree that just keeps getting bigger and large limbs are spreading out over the cable and and power lines that serve my home and neighbors. I have had it trimmed in the past, but was recently told by a tree trimmer that he wouldn't trim it because it is getting to close to the residential power and transmission lines that run behind my yard. My plans are to get additional opinions this summer and I am seriously thinking of removing it because of the roots cracking my patio and continual damage being done to my roof due to it's shedding. It is also becoming more expensive to maintain the roof due to the moss build up that it creates. I do not take removing trees lightly, but do believe that the property owner should be able to do so under the above conditions. Thank you for your time to review this comment.

Carol A Woolery  
Residential Homeowner

**Courtney Brunell**

---

**From:** City of Lakewood <bgrimley@cityoflakewood.us>  
**Sent:** Friday, June 3, 2022 6:17 PM  
**To:** Courtney Brunell  
**Cc:** Jim Kopriva  
**Subject:** NINJA: Tree Committee Comment

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- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

---

Full Name: **Diana wright**  
Email: Lifemipick@aim.com  
Phone: 253-584-6599

Comment about trees, property rights, or the Tree Advisory Committee report.: I am in complete support of a thoughtful thorough review and revision of the tree policy for the city of Lakewood. I would like to see tree permits required for any heritage trees, large old firs and Garry Oak on any size lots. I would like to see few exceptions for industry or development. I would also like to see mitigation for the loss of tree canopy for example, trees planted or transplanted as practical.

and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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Reply-To: Action Network <info@actionnetwork.org>

Wed, Jun 29, 2022 at 3:51 PM

Someone has taken action on your "planning-commission" page. The information they entered is:

**Timestamp:** 2022-06-29 22:51:31 UTC

**First Name:** Ovunayo

**Last Name:** X

**Email:** Ovunayo@protonmail.com

**Zip Code:** 98444

**Country:** US

**Street:** 2417 96th st

**City:** Tacoma

**Phone:** +12534099137



485 of 505

**State:** Washington**Target Name:** Courtney Brunell**Letter Subject:** Support for the ad hoc tree committee's recommendations**Letter Body:**

To the Planning Commission:

I am writing to voice my strong support for the ad hoc tree committee's recommendations regarding amendments to the City of Lakewood's tree preservation code. These are crucial steps towards insuring the preservation of the mature tree canopy that already exists, so that the people of Lakewood can continue to benefit from it today and in the future.

In addition to the recommendations that already exist, however, I would like to urge even stronger amendments that would further protect Lakewood's vital tree canopy.

In particular, critical areas should be respected. The destruction of Garry oaks cannot be allowed in exchange for mitigation fees that in no way replace the ecosystem functions of large Garry oaks.

There are other issues that need more careful consideration as well. Tree cutters must be required to be licensed by the City of Lakewood, as is the case in other cities. (See for example the City of Lakewood, Colorado: <https://www.lakewood.org/files/assets/public/community-resources/parks/forestry/tree-contractor-application-packet.pdf>). Contractors must be held responsible for violations. Mutilation must not be allowed by utilities, contractors or homeowners, and ivy should not be allowed to cover trees. Fines must not be reduced by the court. Permits to cut down significant trees must not be issued as a matter of fact, and Garry oaks must be strictly protected.

These above are just a few of the many issues that need closer attention.

I urge you to support the ad hoc tree committee's recommendations and recommend that further protections be included in the current amendments as well.

Thank you.

**Link:** <https://actionnetwork.org/letters/support-the-ad-hoc-tree-committees-recommendations>



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TO: Planning Commission

FROM: Tiffany Speir, Long Range & Strategic Planning Manager

DATE: July 6, 2022

SUBJECT: Second Biennial Review of the Downtown Subarea Plan, Planned Action and Hybrid Form-Based Code (DSAP Package)

ATTACHMENTS: Biennial Review Content (Attachment A); DSAP Background (Attachment B);

---

## INTRODUCTION

This staff report contains the second biennial review of the 2018 Downtown Subarea Plan and its related SEPA Planned Action and hybrid form-based development code (LMC Title 18B), or the “DSAP package”, per enacting Ordinances 695 and 696.

The ordinances for the 2018 DSAP package require reviewing the package every two years. The review includes the following:

- Monitor the impact of the Downtown Code (LMC Title 18B) in implementing this Plan at least biennially and amend the Plan and its associated regulations as needed to improve outcomes;
- Monitor the progress of development to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area;
- Review the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) and Public Agency Actions and Commitments (Exhibit C); and
- Review the Planned Action Share Transportation Fees to affirm the cost basis.

Additional background information about the content and vision of the DSAP package is included in Attachment A.

No changes were made to the DSAP package in the initial biennial review conducted in 2020 (less than 18 months after it was adopted.) The development and redevelopment activity in the subarea was significantly slowed by the COVID-19 pandemic in 2020 and 2021, and no substantive changes are recommended in this review.



## RECOMMENDATIONS

1. It is recommended that issues regarding the Downtown Subarea Plan, its development regulations in LMC Title 18B, its SEPA Planned Action Ordinance, and its transportation mitigation fee be reviewed as part of the City's 2024 required Comprehensive Plan periodic update process.
2. It is recommended that the frequency for the periodic review of the Downtown Subarea Plan, Planned Action Ordinance and implementing development regulations be changed from at least every two years to at least every five years after the 2024 Periodic Update. If this were approved, the next periodic review of the DSAP package would occur in 2029.
3. If urgent, time sensitive issues are identified in the future, it is recommended that they be considered within the City's annual Comprehensive Plan, development regulations, and fee schedule amendment cycles.

## DISCUSSION

Included below are updates regarding City actions and investments to spur private redevelopment within the Downtown Subarea in 2020 and 2021. Also included is a summary of development projects ongoing or completed in the Downtown through 2021.

### City Catalyst Actions

#### Transportation Improvements

The table below identifying both existing and proposed new subarea transportation projects was adopted as part of the 2018 Downtown Subarea Plan:

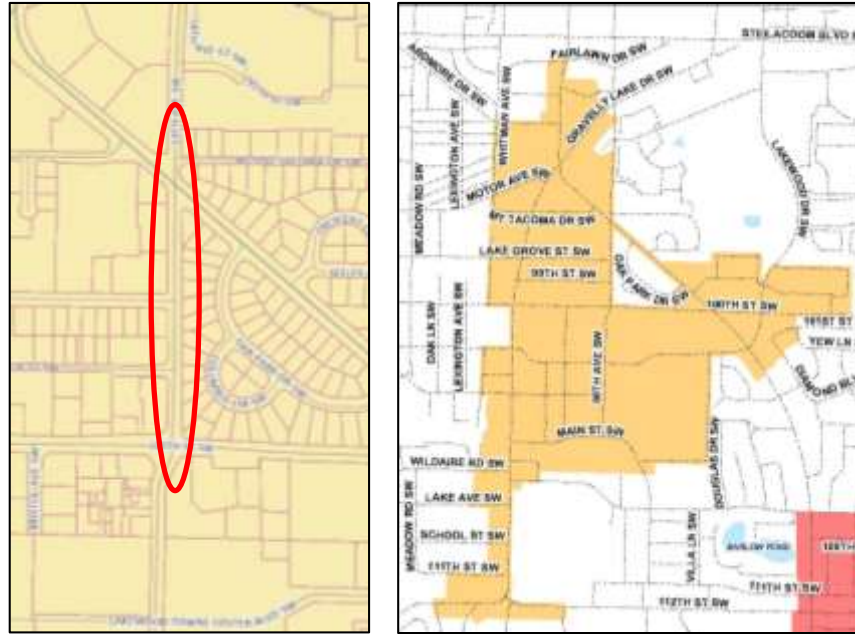
| Six-Year TIP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Downtown Subarea Plan – Additions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Per current plan. The City's 6-year TIP (2018-2023) includes the following relevant improvement projects:</p> <ul style="list-style-type: none"> <li>2.69B – Gravelly Lake Drive Road Diet b/w Bridgeport and Steilacoom (4 lanes to 3 lanes with bicycle lanes)</li> <li>2.72 – 100<sup>th</sup> St &amp; Lakewood Dr. curb, gutter, sidewalks, new signal</li> <li>2.82 – New sidewalk east side of 59<sup>th</sup> Ave from 100<sup>th</sup> St to Bridgeport Way</li> <li>3.13 – Install a traffic signal at Gravelly Lake Drive / Avondale Road</li> <li>5.7 – Improve non-motorized connections on Motor Ave b/w Whitman and Gravelly Lake Dr.</li> <li>9.16 – 59<sup>th</sup> Ave pavement restoration from Main St to 100<sup>th</sup> St</li> <li>9.22 – 100<sup>th</sup> St pavement restoration from 59<sup>th</sup> Ave to Lakeview Ave</li> </ul> | <p>In addition to the six-year TIP:</p> <ul style="list-style-type: none"> <li>Retain Bridgeport Way SW as primary vehicle entrance-strengthen gateway</li> <li>Retain 100<sup>th</sup> Street SW as a primary east-west vehicle connection between I-5 and subarea</li> <li>Modify cross section of Gravelly Lake Blvd. Study, 4, -lane cross sections with left turn pockets between Bridgeport and Nyanza Road SW to allow for improved bicycle and pedestrian facilities</li> <li>Conversion of Lakewood Towne Center Blvd as A public street</li> <li>Lakewood Towne Center Blvd at 59<sup>th</sup> Ave SW, consider roundabout</li> <li>Reduce 59<sup>th</sup> Avenue SW to two lanes, allowing for bicycle facilities</li> <li>Addition of new street connections to support walkability. Alternative 1 assumes fewer connections based on phasing or property owner preferences, compared with Alternative 2. Consider 400 feet as the desired maximum block lengths throughout Subarea.</li> </ul> |

City of Lakewood, KPG and Fehr & Peers 2017

In 2019, the projects listed below were added to the City's Six Year Comprehensive Transportation Improvement Program (TIP) (2020-2025) through Resolution 2019-11.

| PROJECT      | TITLE                                                                                                            | 100% COST (IN<br>ROUNDED 2018 \$) | 50% PLANNED<br>ACTION SHARE |
|--------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------|
| 1            | Gravelly Lake Dr SW Revised Section: 4-lane section plus median/turn lane shown in the Downtown Plan concept #3A | \$19,410,000                      | \$9,705,000                 |
| 2            | Conversion of Lakewood Towne Center Blvd as Public Street                                                        | \$5,096,000                       | \$2,548,000                 |
| 3            | Lakewood Towne Center Blvd at 59th Ave SW, Roundabout                                                            | \$2,402,000                       | \$1,201,000                 |
| 4            | Reduce 59th Ave SW to two lanes, allowing for bicycle facilities (sharrows)                                      | \$189,000                         | \$94,500                    |
| 5            | Gravelly Lake Dr / Avondale Rd SW New Signalized Intersection                                                    | \$1,178,000                       | \$589,000                   |
| 6            | 100th St SW / Bridgeport Way SW                                                                                  | \$649,000                         | \$324,500                   |
| 7            | 100th St SW / Lakewood Dr SW                                                                                     | \$8,000                           | \$4,000                     |
| 8            | 100th St SW / Lakewood Dr SW: Convert westbound through-left lane to left only to remove split phase             | \$13,000                          | \$6,500                     |
| <b>Total</b> |                                                                                                                  | <b>\$28,944,000</b>               | <b>\$14,472,500</b>         |

- **Lakewood TIP Project 2.72**, the 100th Street & Lakewood Drive SW Traffic Signal Replacement (replace 100th/Lakewood signal, street lighting, drainage, and overlay), was completed in 2021.
- **Lakewood TIP Project 2.82**, the installation of missing sidewalks along 59th Ave SW between Bridgeport Way to 100th Street SW, was completed in May 2022.
- In the 2021 Budget Carry forward adjustment report, it is stated that funds are being set aside for the traffic signal at Avondale and GLD identified as Project 5 in the DSAP package and as **Lakewood TIP Project 302.0094**:  
 Life- to- date through December 2021, the traffic mitigation fees have received a total of \$103,505. The planned use of these moneys is construct a new traffic signal at Avondale and Gravelly Lake Drive (GLD) to include signal coordination along the GLD Corridor. The estimated cost for a new traffic signal in 2020 dollars is roughly \$700,000 and is anticipated to be covered 50% by traffic mitigation funds that are matched by 50% City funds. The carry forward budget adjustment includes earmarking \$103,505 funds for this purposes.
- In 2022, PWE has submitted a grant application to the Transportation Improvement Board (TIB) for **Lakewood TIP 302.0072**, which would provide sidewalks on 59<sup>th</sup> Ave SW from 100<sup>th</sup> St SW to Bridgeport Way SW.
  - o TIB Grant: 2021 Sidewalk Funding for Urban Sidewalk Program (USP)
  - o Total project cost \$192,190
  - o Grant Request \$142,221
    - Local Funds Budgeted \$49,969 for design and construction.



### Park Improvements

Lakewood has incorporated Downtown's planned Central Park and Green Street Loop into the 2020 Parks Legacy Plan update. The 2021-2026 Parks Capital Facility Program for the Legacy Plan includes the construction of a 2 acre Downtown park with a budget estimate of \$15M for property acquisition, developing a master plan, and developing the park. The cost estimate for a 4 acre Downtown park project is \$30,000,000. If the City constructs a spray park (also included in the PCFP excerpt below), it will be located in the Downtown park.

### 6.3 PCFP

Parks Capital Facility Program (PCFP) with 2-Acre Downtown Park

|                                                  | Potential funding sources*                                                                | Project Cost Estimate (2020) | 2021               | 2022               | 2023               | 2024               | 2025                | 2026               | Total w/ DT 2-acre park |
|--------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------------|--------------------|--------------------|--------------------|--------------------|---------------------|--------------------|-------------------------|
| <b>Downtown Park</b>                             |                                                                                           | <b>\$15,000,000</b>          |                    |                    |                    |                    |                     |                    | <b>\$17,525,000</b>     |
| Phase I: Property Acquisition - 2 acres          | General Fund, REET, LTAC, SWM, Donations, Voter-approved park levy/bond                   | \$5,000,000                  | \$0                | \$0                | \$0                | \$0                | \$5,795,000         | \$0                | \$5,795,000             |
| Master Plan + Park Development                   | Sponsor, Development mitigation fees, Voter-approved park levy/bond                       | \$10,000,000                 | \$0                | \$0                | \$0                | \$0                | \$6,954,000         | \$4,776,000        | \$11,730,000            |
| <b>Downtown Spray Park</b>                       |                                                                                           | <b>\$750,000</b>             |                    |                    |                    |                    |                     |                    | <b>\$895,500</b>        |
| Design/Construction                              | WWRC local parks, LTAC, SWM, General Fund, REET, Donations, Voter-approved park levy/bond | \$750,000                    | \$0                | \$0                | \$0                | \$0                | \$0                 | \$895,500          | \$895,500               |
| <b>Other</b>                                     |                                                                                           | <b>\$1,230,000</b>           |                    |                    |                    |                    |                     |                    | <b>\$1,230,000</b>      |
| Park equipment replacement                       | General Fund, REET                                                                        | \$120,000                    | \$20,000           | \$20,000           | \$20,000           | \$20,000           | \$20,000            | \$20,000           | \$120,000               |
| Park playground resurfacing                      | General Fund, REET                                                                        | \$60,000                     | \$10,000           | \$10,000           | \$10,000           | \$10,000           | \$10,000            | \$10,000           | \$60,000                |
| Project support                                  | General Fund, REET                                                                        | \$300,000                    | \$50,000           | \$50,000           | \$50,000           | \$50,000           | \$50,000            | \$50,000           | \$300,000               |
| Banners: Phase 3 / Phase 4                       | General Fund, REET                                                                        | \$20,000                     | \$0                | \$0                | \$10,000           | \$0                | \$0                 | \$10,000           | \$20,000                |
| Park Sign Replacement Program 10 signs / 3 years | General Fund, REET                                                                        | \$250,000                    | \$85,000           | \$85,000           | \$80,000           | \$0                | \$0                 | \$0                | \$250,000               |
| Public Art Program                               | General Fund, REET                                                                        | \$480,000                    | \$80,000           | \$80,000           | \$80,000           | \$80,000           | \$80,000            | \$80,000           | \$480,000               |
| <b>Total w/ DT 2-Acre Park</b>                   |                                                                                           | <b>\$33,910,000</b>          | <b>\$1,851,800</b> | <b>\$1,831,195</b> | <b>\$4,567,350</b> | <b>\$9,280,600</b> | <b>\$13,024,900</b> | <b>\$7,901,150</b> | <b>\$38,444,635</b>     |

\* Local funding options available to the City. See Chapter 1 for more information on funding and implementation strategies.  
 \*\* Voter-approved park levy/bond – The City currently does not have a voter-approved park levy/bond. This is a potential local funding option that is available to the City. See Chapter 1 for more information on funding and implementation strategies.

### 2021 Sale of Lakewood Towne Center

In July 2021, KITE Realty Group Trust (<https://kiterealty.com/>) and Retail Properties of America, Inc. (RPAI) announced that they had entered into a merger agreement under which RPAI would merge into a subsidiary of KRG, with KRG continuing as the surviving public company. Lakewood Towne Center is now owned by KITE Realty.

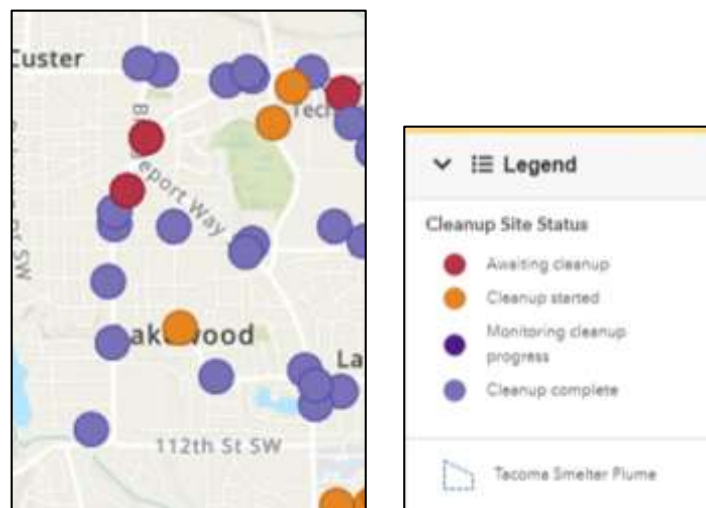
In December 2021, City representatives met with three representatives of KITE Realty while they were in state touring the property. In summary, Kite Realty representatives inquired about the City's vision for the property. The City provided a comprehensive overview for them, including the goals and vision of the Downtown Subarea Plan, development incentives offered by the City in the subarea, and the City's desire to have a park incorporated into the downtown. The City also communicated that there may be an opportunity for a new library at some time in the future, which KITE Realty noted as a positive. Both parties communicated their commitment to working in a collaborative manner. The City provided Kite Realty with a wide range of material specific to both the downtown area and other parts of the City.

In 2022, City representatives are in regular communications with KITE Realty. The current focus is to find a mixed use or multifamily developer that can partner with KITE on mixed use development in the Towne Center footprint. KITE had some timing setbacks due to staff changes and personal issues; however, they are interested in adding restaurant pads mixed with green space for outdoor dining and recreation.

### Contaminated Properties

At a recent City Council Study Session, the question whether the presence of contaminated properties within Downtown Subarea would affect implementation of, or require amendment of, the Downtown FEIS or Planned Action. A summary of the four sites in the Downtown and their status as of May 2022 is included below.

The following EPA Confirmed and Suspect Contaminated Sites are accessible online via this web link: [Lakewood Contaminated Sites](#):



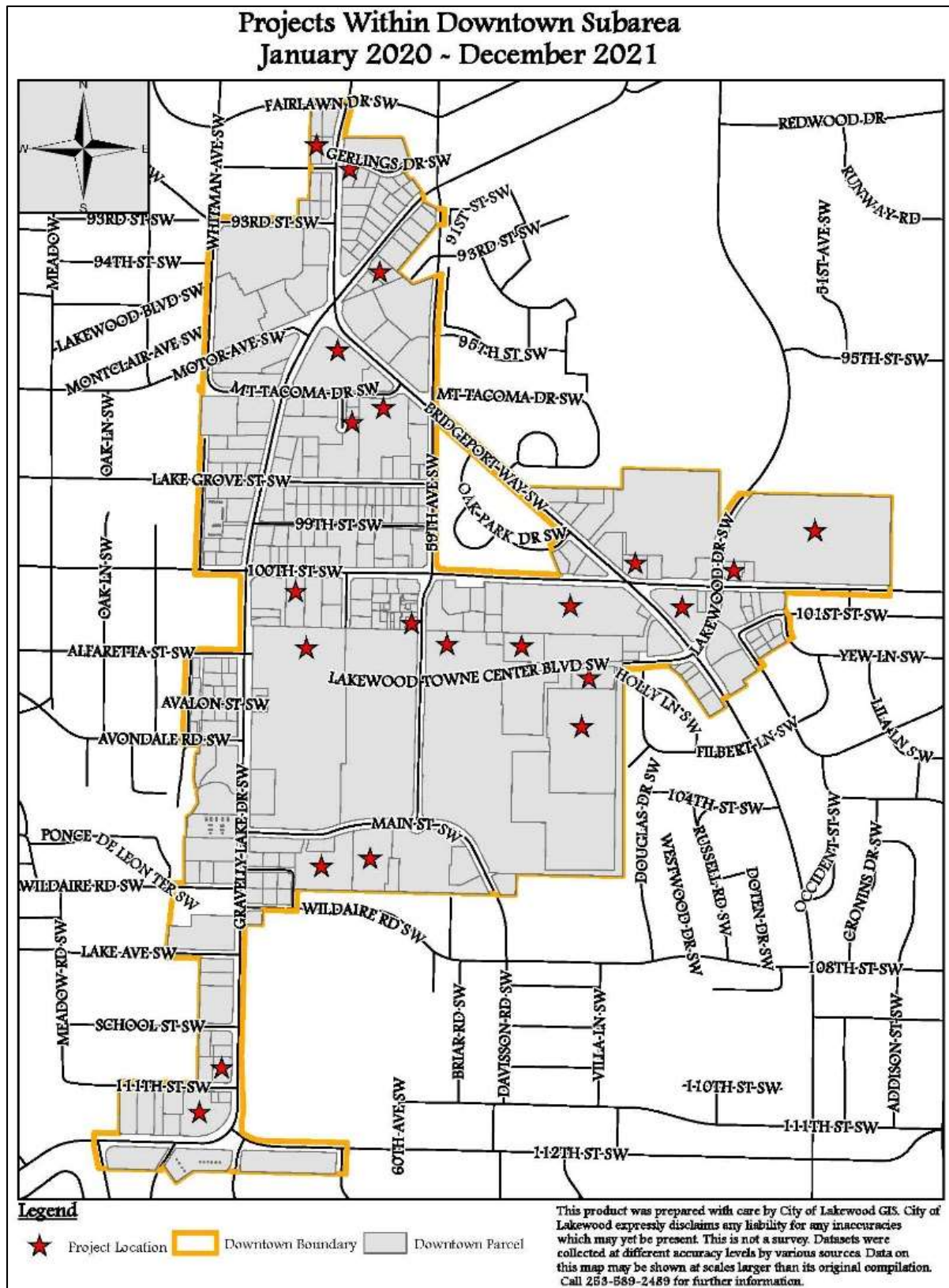
The following is an update on the four contaminated sites within the Downtown as of May 23, 2022. These sites are high priority due to potential for redevelopment.

| <b>Priority Contaminated Sites Update</b>             |                                        |                                                                                          |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site</b>                                           | <b>Parcel</b>                          | <b>Property</b>                                                                          | <b>Environmental</b>                                                                                                                                                                                                          | <b>Status/Notes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>BG Olson,<br/>9152 Gravelly<br/>Lake Dr SW</b>     | 5130001350                             | Commercial office, building remains                                                      | Heating oil released during removal of associated underground storage tank                                                                                                                                                    | Letter sent to agent, Daniel Sisk, August 2021; VM left October 2021 Connected with Darrin Davis,; "colleagues talking with Ecology and will get back to us" May 13, 2022, message left for Darrin.                                                                                                                                                                                                                                                                                                   |
| <b>Chevron USA,<br/>10202 Gravelly<br/>Lake Dr SW</b> | 5030001350<br>5030001890<br>5030001920 | Historical gas station, currently vacant lot                                             | Release of petroleum products, petroleum associated constituents, and lead to soil and/or groundwater.                                                                                                                        | April, 2020: Monitoring well & soil investigation plan accepted by PLIA<br>July, 2021: NFA received and Ecology confirmed<br>August, 2021: Well removal plan accepted<br>October, 2022: Anticipated closing on property; new owner is planning a retail store/convenience store                                                                                                                                                                                                                       |
| <b>Ken's Tire,<br/>9601 Gravelly<br/>Lake Dr SW</b>   | 0219022143                             | Automotive service facility                                                              | UST removed from site with follow-on investigation of dry-well and oil-water separator. Confirmed presence of petroleum products, petroleum related constituents, and halogenated solvents in soil. Suspected in groundwater. | Daughter of the owner, Shannon Draper managing the property; Hess property (adjacent) sold October 11, 2021- no contamination leaked to this property; As of mid-October awaiting environmental engineer report and plan for remediation; Owners plan to remediate. March 31, 2022 application for VCP signed, according to Shannon Draper; waiting on cleanup plan. Anticipated starting Spring, 2022.                                                                                               |
| <b>Lakewood Towne Center</b>                          | 4002240010<br>4002240090<br>4002300090 | Previously Lakewood Mall; area has since subdivided and been redeveloped to power center | Multiple dry cleaners had operated in the mall. Groundwater contamination confirmed with chlorinated solvents, and soil contamination by same suspected.                                                                      | Herrera Environmental conducted groundwater monitoring, 2001-2012, then there was a lull; Herrera re-established monitoring August, 2021- sampling showed concentrations of halogenated volatile organic compounds plus Herrera submitted cleanup proposal to RPAI; October 22, 2021- RPAI/KITE merger complete; October 29, 2021- outreach to new KITE contact via email and message via phone. As of May 1, 2022, working with KITE on next steps, including mixed use development and central park |

### **Private Projects within the Downtown Subarea**

The map below identifies 22 (19 new) project locations between January 1, 2020 and December 31, 2021. (Three (3) projects overlap on the 2019-2020 and the 2020-2021 downtown project maps: Tee Upper Cuts, Awn's Tailoring and Cleaning, and Altitude Trampoline Park.)





### Transportation Mitigation Fees (TMFs)

Between 2019 and the end of 2021, a total of \$172,239.86 was assessed in Downtown Subarea TMFs on 11 projects and all but the \$7,651.72 on the two pending projects listed below has been collected. 23 of the 34 projects were not assessed any TMFs based on the City's TMF program that reviews prior uses within a building to calculate TMFs (i.e., TMFs are charged only on net increases to transportation trips.)

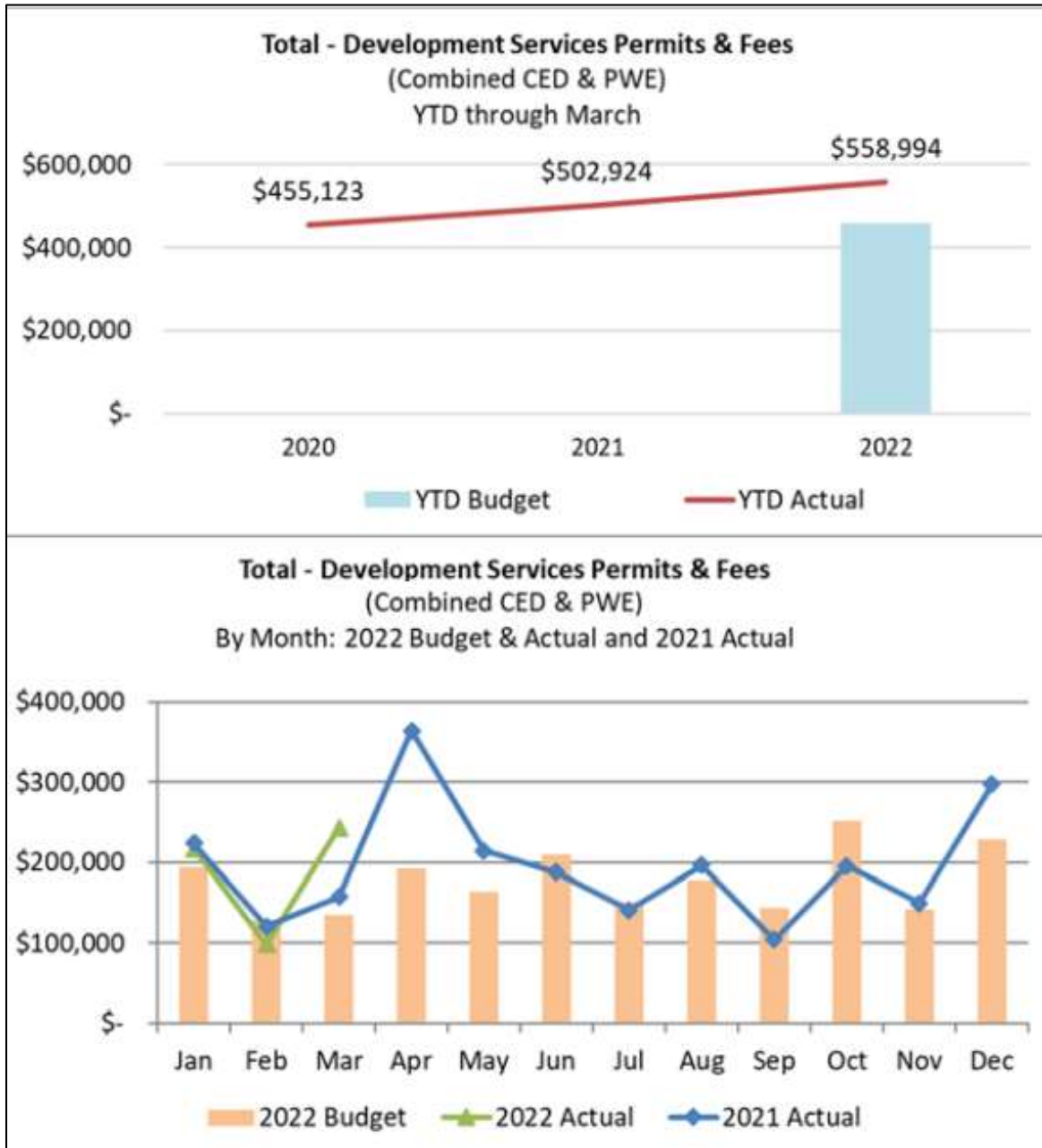
Budget: To date, a total of \$141,825 has been collected in TMFs.

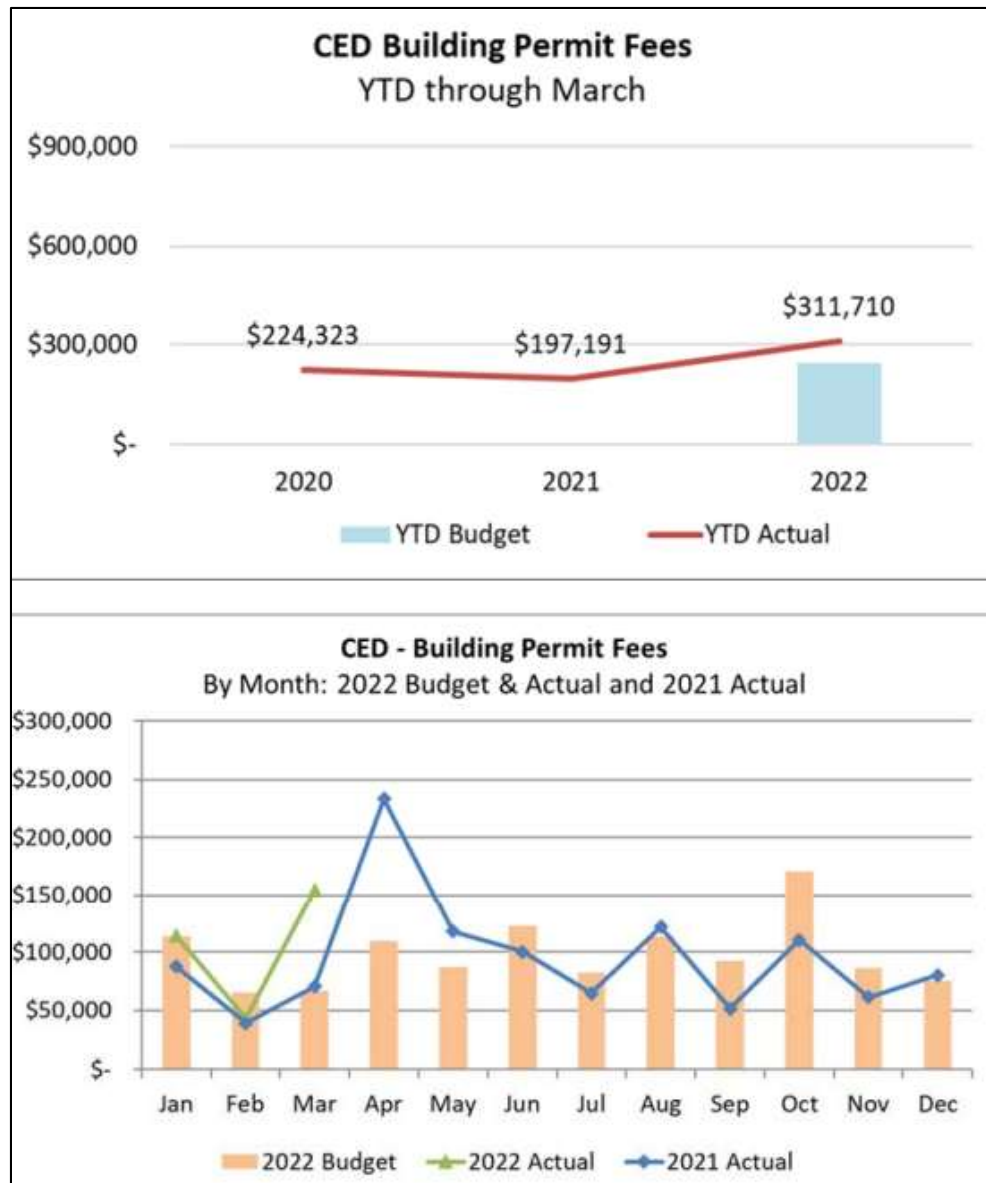
| Permit description                           | Full Permit Address              | Final date | Current status | TMF         |
|----------------------------------------------|----------------------------------|------------|----------------|-------------|
| Beyler Consulting                            | 5920 100 <sup>th</sup> St SW #25 | 01/17/2019 | FINAL          | \$682.14    |
| PAK                                          | 5221 100 <sup>th</sup> St SW     | 08/19/2019 | FINAL          | -           |
| ULTA                                         | 10310 59 <sup>th</sup> Ave SW    | 09/24/2019 | FINAL          | -           |
| MMG Speech & Language Therapy LLC            | 9881 Bridgeport Way SW           | 09/26/2019 | FINAL          | -           |
| Dutch Bros                                   | 9642 Gravelly Lake Dr SW         | 10/14/2019 | FINAL          | \$57,677.75 |
| Revive Yoga Co.                              | 11004 Gravelly Lake Dr SW        | 10/21/2019 | FINAL          | -           |
| Jamba Juice                                  | 10321 Gravelly Lake Dr SW        | 10/29/2019 | FINAL          | \$5,331.98  |
| Angels Academy (Expansion)                   | 9103 Bridgeport Way SW           | 11/05/2019 | FINAL          | \$21,754.39 |
| Rush Bowl                                    | 5700 100 <sup>th</sup> St SW     | 11/19/2019 | FINAL          | \$18,056.88 |
| Tee Upper Cuts                               | 6111 Lakewood Towne Ctr Blvd SW  | 01/09/2020 | FINAL          | -           |
| Patron Investments, LLC                      | 9116 Gravelly Lake Dr SW         | 01/23/2020 | FINAL          | -           |
| Awn's Tailoring & Cleaning                   | 6111 Lakewood Towne Ctr Blvd SW  | 02/10/2020 | FINAL          | -           |
| Altitude Trampoline Park                     | 5831 MAIN ST SW                  | 02/13/2020 | FINAL          | -           |
| Edward Jones                                 | 6020 MAIN ST SW # D              | 04/27/2020 | FINAL          | -           |
| Taqueria el Antojo #2                        | 6112 100 <sup>th</sup> St SW     | 05/26/2020 | FINAL          | -           |
| Lakewood Place Staffing Office               | 10011 Bridgeport Way SW #800     | 07/23/2020 | FINAL          | -           |
| Sugar Faced Sweets (Proposed Bakery Kitchen) | 11122 Gravelly Lake Dr SW        | 10/19/2020 | FINAL          | -           |
| BBQ Pete's                                   | 6111 Lakewood Towne Ctr Blvd SW  |            |                | \$61,085.00 |
| Asian Counseling/Treatment Services          | 6111 Community Place SW          | 03/08/2021 | FINAL          | -           |
| Lowe's                                       | 5115 100 <sup>th</sup> St SW     | 03/22/2021 | FINAL          | -           |
| Chick-Fil-A                                  | 5429 100 <sup>th</sup> St SW     | 04/14/2021 | FINAL          | -           |
| Xfinity                                      | 5606 Lakewood Towne Ctr Blvd SW  | 08/05/2021 | FINAL          | -           |
| Mathnasium                                   | 5700 100 <sup>th</sup> St SW     | 10/18/2021 | FINAL          | -           |
| US Bank                                      | 9310 Bridgeport Way SW           | 10/18/2021 | FINAL          | -           |
| U-Break-I-Fix                                | 10011 Bridgeport Way SW          | 11/29/2021 | FINAL          | -           |
| Growing Tots Childcare                       | 9805 Gravelly Lake Dr SW         | 12/03/2021 | FINAL          | -           |
| Daiso                                        | 6111 Lakewood Towne Ctr Blvd SW  | 12/14/2021 | FINAL          | -           |
| Crumb Cookie                                 | 5605 Lakewood Towne Ctr Blvd SW  | 12/27/2021 | FINAL          | -           |
| Bristol Apartments (7 unit, 3 story bldg)    | 9615 Bristol Ave SW              | 07/26/2019 | PENDING        | \$5,477.72  |
| Zesty Steak & Seafood                        | 9905 Bridgeport Way SW           |            | PENDING        | \$2,174.00  |



### Next Steps

Economic activity and development projects in the Downtown subarea, just like the rest of the City, were significantly negatively affected by COVID-19 in 2020 and 2021. Overall, Lakewood development activity began to pick up in 2021 and continues to do so in 2022, as demonstrated by the tables below regarding 1<sup>st</sup> Quarter 2022 City permits and fees revenue.





## CONCLUSION

2022 and beyond anticipate investment by the City as well as private developers into the Downtown subarea. To date, interactions with the new owners of Towne Center have been very positive regarding use of land within it toward the vision adopted in the subarea plan, including support for the creation of a central park and other green spaces as well as housing. On June 21, the City Council reviewed an MFTE application for the first mixed use project within the Downtown. The City continues to plan and seek funding for catalyst projects (e.g., road and open space improvements) that will spark additional private investment.

No amendments to the DSAP package are recommended in 2022 except regarding timing of future reviews:

- Incorporate review of the DSAP package into the 2024 Comprehensive Plan periodic update versus conducting it separately in 2024;
- Change the DSAP package review cycle from every 2+ years to every 5+ years, so after 2024, the next review would occur in 2029; and
- If urgent, time sensitive issues are identified in the future, it is recommended that they be considered within the City's annual Comprehensive Plan, development regulations, and fee schedule amendment cycles.

**ATTACHMENT A**  
**Enabling Ordinances for Required Biennial Review of DSAP Package**

Ordinance 695:

**Urban Design and Land Use Implementation Plan Policies & Strategies**

**Strategy:** Monitor the impact of the Downtown Code in implementing this Plan at least biennially and amend the Plan and its associated regulations as needed to improve outcomes.

Ordinance 696:

**Section 4. Monitoring and Review.**

- A. The City should monitor the progress of development in the designated Planned Action area biennially to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official every two (2) years from its effective date in conjunction with the City's regular Comprehensive Plan review or docket cycle, as applicable. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) and Public Agency Actions and Commitments (Exhibit C). Based upon this review, the City may propose amendments to this Ordinance or may supplement or revise the Planned Action EIS.

**Exhibit D. Transportation Cost Estimates**

- 6. The Planned Action Share Transportation Fees will be incorporated into the City of Lakewood's master fee schedule. Fees shall be subject to biennial review to affirm the cost basis.

## ATTACHMENT B

### Downtown Subarea Plan Vision and Content

The Downtown subarea encompasses over 315 parcel acres, with three districts identified to reflect different characters. See Figure 1 below.

- **Colonial:** This district includes colonial-style commercial buildings. It includes the historic Lakewood Theater, which has not operated for approximately 20 years.
- **Town Center:** This district contains the upgraded Lakewood Towne Center, an auto-oriented shopping area with stores and restaurants, a transit center, the Lakewood Playhouse, and City Hall. (Referring to the district as a whole, “town” is used. Referring to the private mall, “towne” is used.)
- **East District:** This district at the intersection of Bridgeport Way SW and 100th Street SW has a mix of large auto-oriented commercial centers and smaller strip-commercial properties along arterials.

**Figure 1 (Downtown Subarea Boundaries and Districts)**



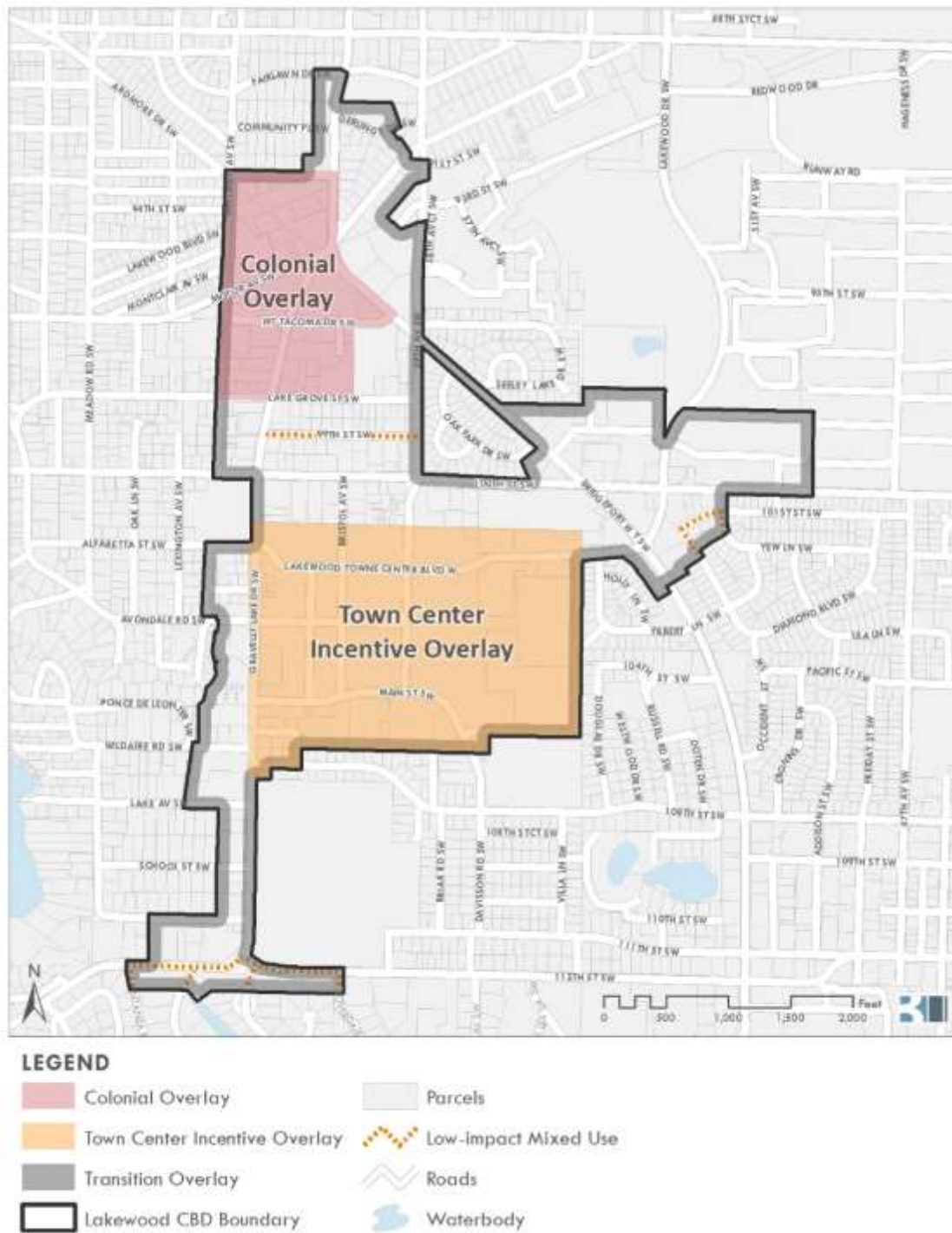
BERK Consulting 2018

When the Downtown subarea base zoning was adopted, overlay zoning districts were also adopted to provide unique characters or to address compatibility of abutting uses. The base and overlay zoning districts are described below:

- The Central Business District (CBD) zoning district is the primary retail, office, social, urban residential, and government center of the city. The complementary and interactive mixture of uses and urban design provides for a regional intensity and viability with a local character. The regional focus and vitality of the district is evident in the urban density, intensity, and composition of the uses in the district. Local character is reflected in the district's design, people orientation, and connectivity between uses, structures, and public spaces that foster a sense of community.
- Colonial Overlay (C-O) district is a special design district in the CBD zone that preserves the unique colonial style aesthetic within that area.
- Town Center Incentive Overlay (TCI-O) district allows for the holistic development of the Lakewood Towne Center in alignment with the vision and policies of the Downtown Plan. This area is available for Master Planning accordance with the provisions in the Lakewood Municipal Code.
- Low-Impact Mixed-Use Roads (LIMU-O) district supports the transformation of the Downtown District according to the Downtown Plan and the fulfillment of the purpose of the CBD zone, but allows for existing single-family residential development to remain in place.
- Transition Overlay – The Transition Overlay (TO) district is any property or portion of a property in the Downtown that is within 100 ft. of an abutting single-family residential zone or mixed residential zone (also called the district receiving the transition). Properties within the Downtown that are separated from a single-family residential or mixed residential zone by a city-owned right of way of at least 60 ft. in width do not have to provide a transition area.

See Figure 3 on the following page.

### Figure 3. Overlay Districts Map



BERK Consulting 2018



As adopted, the intent of the subarea plan is to create a Lakewood Downtown focused in the Central Business District (CBD) zone, redeveloping it into a rich urban area with civic amenities, walkable streets, and a mix of uses including housing, entertainment, restaurants, and retail. Comprehensive Plan policies call for action to remove obstacles to mixed use development, invest in public community gathering spaces and public streets, and empower local organizations to promote the Downtown. The adopted vision statement follows:

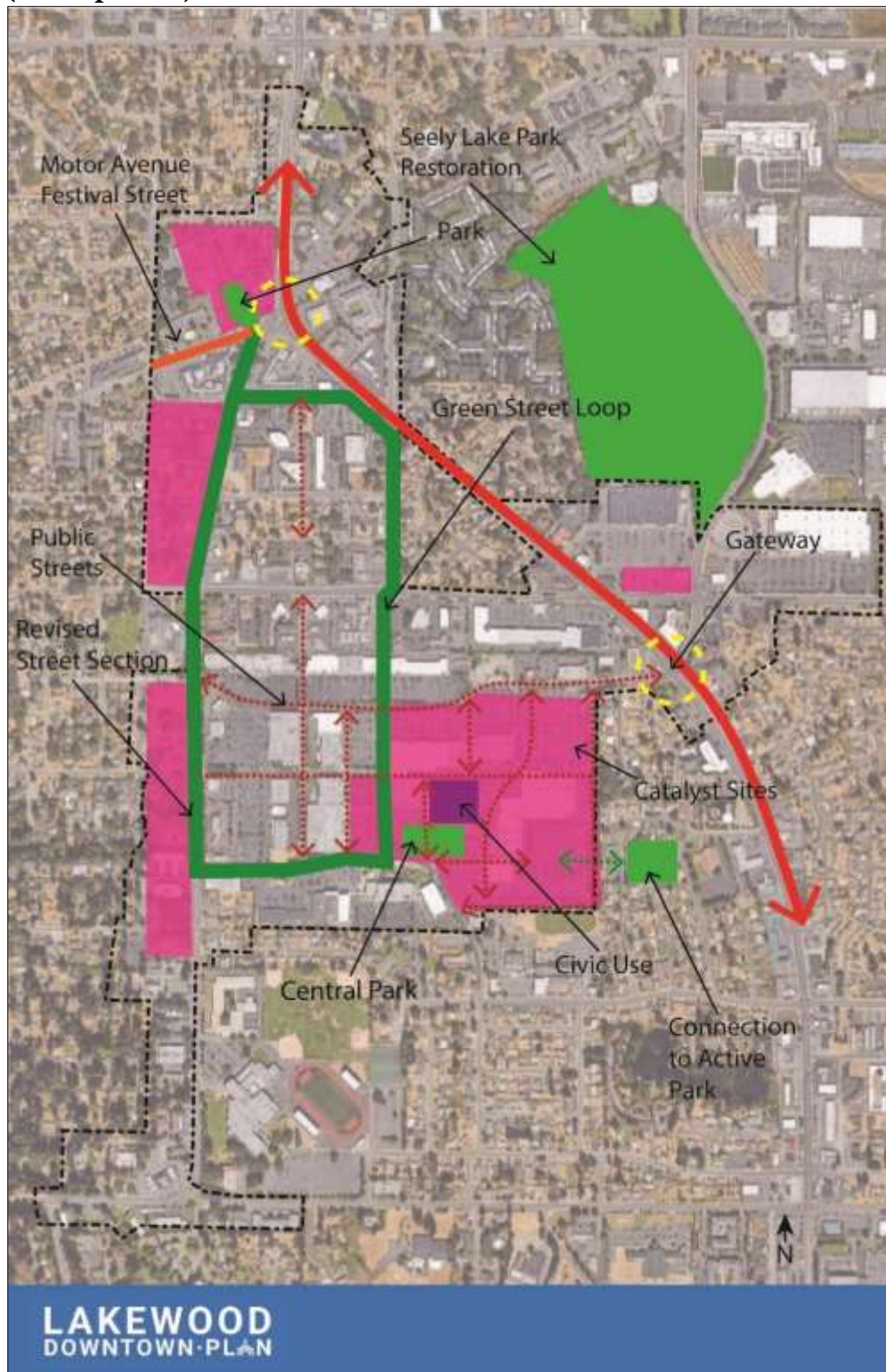
Our vision for downtown is that it is seen as the heart of Lakewood. Downtown is where people go to do fun things, see friends and neighbors, eat good food, and experience the cultural diversity of the City. Downtown brings a strong sense of pride for the community by celebrating all things Lakewood and bringing a strong sense of identity to the City and its people. Downtown is best experienced by walking or biking and is safe, inviting, accessible, and connected. Downtown has a mix of retail, restaurant, employment, and housing options that are cohesively and well-designed, and support civic life and a strong economy.

The overall Downtown Subarea concept plan was initially developed during the 2017 charrette and informed by the public design exercise, public input to date, and insights from the planning and design team based on best practices and experience on similar projects (See Figure 2). The following are highlights from the concept plan:

- **Green Street Loop:** To address the lack of park space, improve public streets, and improve circulation for pedestrians and bicyclists the green loop will include park like elements, green infrastructure, and support redevelopment in Downtown.
- **New Public Streets:** The Downtown lacks a dense and walkable street grid to support urban development, circulation, and an active public realm.
- **Central Park:** A new urban park of between two to four acres is proposed just north of City Hall to serve as the main gathering space for the community and to include a variety of features and programming.
- **Revised Gravelly Lake Drive:** As part of the Green Street Loop, a revised road design for Gravelly Lake Drive SW is proposed. The revision will allow for expanded sidewalks and a multi-use path on the east side of the street.
- **Catalyst Sites:** Catalyst sites are the best opportunities to weave together public improvements in infrastructure and amenities with infill and redevelopment by the private sector. The best opportunities for redevelopment based on vacant and underutilized sites, and large surface parking areas, and surrounding context have been identified as catalyst sites in the near term to further the implementation of this Plan.
- **Festival Street:** The City intends to move forward with creating a festival street along Motor Avenue consistent with the adopted concept plan for Lakewood Colonial Plaza Project. The plan includes a large central plaza, a pedestrian

promenade, a farmer's market and event structure, street trees, landscaping, and public art opportunities.

**Figure 2 (Concept Plan)**



In September 2019, the City completed the Colonial Plaza improvements along Motor Avenue within the Downtown subarea, which had been identified as the “Festival Street” in the Downtown Plan. The new stretch of roadway incorporates modern/upscale urban design practices, creating a vibrant and welcoming public gathering space with a park-like atmosphere. It also provides a central gathering space in the Lakewood downtown area, and will be the site of the upcoming inaugural Lakewood Night Market.

The Tacoma-Pierce County Economic Development Board named Colonial Plaza as one of its 2020 Excellent 10 projects as a catalyst site for private development and for its creation of new public open space. In addition, the Tacoma-Pierce County Health Department awarded Lakewood a Platinum Healthy Community Award for the Colonial Plaza because of its enhancement of the quality of life for Lakewood residents and visitors.

#### Private Projects within the Downtown Subarea

Since adoption of the DSAP package in late 2018, 35 projects within the subarea have been discussed with the City either informally or through formal permit submittal. The map below identifies project locations between January 1, 2019 and March 31, 2020.



| MITIGATION MEASURES                                                                                                                                                                                                                                                                                                                                                                                                                             | PROPOSED<br>SYNCHRONOUS<br>AMENDMENTS | SHORT<br>TERM | LONG<br>TERM | OTHER<br>AGENCY | RESPONSIBLE<br>DEPARTMENT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------|--------------|-----------------|---------------------------|
| <b>Natural Environment</b>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |               |              |                 |                           |
| The ecological benefits of daylighting a portion of Ponce de Leon Creek could be evaluated by the City. An evaluation could include leaving the stream piped but identifying its historic location, as well as considering water quality treatments that benefit the nearby open channel stream, and serve as landscape amenities in the Study Area.                                                                                            |                                       |               | X            |                 | PWE                       |
| The Downtown Plan offers support for Pierce County efforts to address potential habitat, stormwater, and recreation improvements to Seeley Lake Park.                                                                                                                                                                                                                                                                                           |                                       | X             |              | X               | Parks , CED               |
| <b>Population, Employment, and Housing</b>                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |               |              |                 |                           |
| The City works with the Economic Development Board for Tacoma-Pierce County on business retention, expansion, and recruitment activities, as well as the Lakewood Chamber of Commerce. If small business relocation assistance is needed, the City could work with these agencies or others to develop strategies and solutions.                                                                                                                |                                       |               | X            | X               | Econ Dev                  |
| <b>Land Use</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                       |               |              |                 |                           |
| Amend the Comprehensive Plan Land Use Designation for the Study Area and create a new implementing "form-based code". Amend capital facility and transportation elements.                                                                                                                                                                                                                                                                       | X                                     |               |              |                 | CED                       |
| In collaboration with Pierce County, the 2014 Buildable Lands Report methods for Lakewood should be updated at the next Buildable Lands Report Update to reflect an alternative method to the jobs per acre approach. The analysis should also reflect a higher density in the Downtown.                                                                                                                                                        |                                       | X             |              | X               | CED                       |
| <b>Transportation</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |                                       |               |              |                 |                           |
| The City of Lakewood has policies aimed at managing auto travel demand in its Comprehensive Plan. The policies call for the City to encourage and assist employers who are not affected by the CTR law to offer TDM programs on a voluntary basis, encourage large employers to offer flexible or compressed work schedules to reduce localized congestion, and implement a public awareness and educational program to promote TDM strategies. |                                       | X             |              |                 | PWE                       |
| <b>Public Services</b>                                                                                                                                                                                                                                                                                                                                                                                                                          |                                       |               |              |                 |                           |
| Implement the Legacy Plan and Downtown Plan to promote urban nodal and urban linear parks meeting distance standards.                                                                                                                                                                                                                                                                                                                           | X                                     |               | X            |                 | Parks                     |
| <b>Utilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |               |              |                 |                           |

| MITIGATION MEASURES                                                                                                                                                                                                                                 | PROPOSED<br>SYNCHRONOUS<br>AMENDMENTS | SHORT<br>TERM | LONG<br>TERM | OTHER<br>AGENCY | RESPONSIBLE<br>DEPARTMENT |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------|--------------|-----------------|---------------------------|
| City of Lakewood Comprehensive Plan including the Capital Facilities and Utilities element that set levels of service and coordination policies with service providers.                                                                             | X                                     |               | X            |                 | CED                       |
| Ongoing updates to Comprehensive Water System Plan by the Lakewood Water District and the Unified Sewer Plan by Pierce County would address the increases in density in the Study Area and ensure services are in place to meet the growing demand. |                                       |               | X            | X               | CED w LWD<br>& Pierce Co. |
| Power service providers conduct regular electric utility resource planning to address service demand and conservation.                                                                                                                              |                                       |               | X            | X               | CED w TPU<br>& LL&P       |