



A G E N D A

PLANNING COMMISSION

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

Wednesday, July 13, 2022 at 6:30 pm (Special Date)

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: 828 3643 0549

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: 828 3643 0549 or by going online at <https://us06web.zoom.us/j/82836430549>. 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/82836430549> 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 July 6, 2022
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">• Downtown Subarea Plan Biennial Review
7.	Unfinished Business <ul style="list-style-type: none">• Discussion re Downtown Subarea Plan Biennial Review• Discussion re Tree Preservation Code Update*• Discussion re Energy & Climate Change Chapter Implementation Plan
8.	New Business <ul style="list-style-type: none">• None
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 (7/20/22: Action on Tree Preservation Code, Downtown Subarea Plan Biennial Review, and Climate Change Chapter Implementation Plan)

Enclosures

1. Draft Meeting Minutes from July 6, 2022
2. Staff Report: Downtown Subarea Plan Biennial Review
3. *Staff Report: Discussion re Tree Preservation Code Update – *to be published at least 24 hours prior to the Planning Commission Meeting*
4. Staff Report: Energy & Climate Change Chapter Implementation Plan

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, July 12, 2022 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
SPECIAL MEETING MINUTES
July 6, 2022
Hybrid In-Person/Virtual Meeting via ZOOM
6000 Main Street SW, Lakewood, WA 98499**

Call to Order

Mr. Ryan Pearson, Vice-Chair called the hybrid ZOOM meeting to order at 6:30 p.m.

Roll Call

Planning Commission Members Present: Ryan Pearson, Vice-Chair; Paul Wagemann, Brian Parsons, and Robert Estrada

Planning Commission Members Excused: Don Daniels, Chair; Phillip Combs and Linn Larsen
Commission Members Absent: None

Staff Present: Tiffany Speir, Long Range & Strategic Planning Manager; Courtney Brunell, Planning Manager; Heidi Wachter, City Attorney; and Karen Devereaux, Administrative Assistant

Council Liaison: Paul Bocchi (not present)

Approval of Minutes

The minutes of the meeting held on June 15, 2022 were approved as recommended by voice vote M/S/C Parsons/ Wagemann. The motion carried, 4 - 0.

Agenda Updates

Staff requested that New Business topic of Downtown Subarea Plan Biennial Review Introduction be moved ahead of the Public Comments section of the agenda. Vice-Chair, Mr. Ryan Pearson, agreed.

Unfinished Business

Downtown Subarea Plan Biennial Review Introduction

Ms. Tiffany Speir presented the 2022 Biennial Review of the Downtown Subarea Plan, Development Code and SEPA Planned Action.

Ms. Speir discussed current and future projects planned for the Downtown Subarea, to include Gravelly Lk Dr SW improvements, a Central Park and Green Streets Loop, and touched briefly on the new owners of Lakewood Towne Center, KITE Realty, and its interest in mixed-use development along with adding restaurant pads mixed with green space for outdoor dining and entertainment.

Ms. Speir explained that the City was not recommending any substantive changes to the DSAP package; rather, the City was recommending changes to the 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, 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 amendments.

Next Steps for 2022 DSAP Review:

July 13: Planning Commission Public Hearing

July 20: Planning Commission Action

Public Comments

City Attorney, Ms. Heidi Wachter explained the differences in process for both the public comment period of a meeting and the public comments received during a public hearing.

Ms. Christina Manetti, Lakewood resident, commented that her emails to make public comments online through the Action Network were blocked before the 6/30/22 deadline prior to tonight's meeting. It was noted that another 80 fake emails were received. Christina Manetti described correspondence she had received from the City Legal Department and asked to receive an apology for being called an agitator.

Mr. James Dunlop, Lakewood resident, commented on 5 specific corrections he felt needed to be changed in a staff report provided by Tiffany Speir for the meeting packet regarding the 80 fake emails received.

Ms. Carole Else, Lakewood resident, voiced concern over being unable to send in written comments she had made online and asked to have her written comments submitted in person. These were received and would be forwarded to the commissioners.

Ms. Shawn Hill, Lakewood resident, via Zoom, spoke in favor of protecting trees, eliminating bad air, and stopping the development of more heat islands.

Ms. Heidi Wachter stated that public comments received outside of the public hearing would not be in the legislative record of the hearing.

No other public comments were made or received. Vice-Chair Pearson closed the public comments portion of the meeting.

Public Hearings

Tree Preservation Code Update

Ms. Courtney Brunell introduced Ms. Lisa Grueter, Principal Planner, BERK Consulting, who then provided a brief project background and summary of the proposed changes to the City's tree preservation requirements. Ms. Grueter reviewed all the proposed revisions made from the last discussion with Commissioners.

The next steps would be to hold the public hearing and review comments, and forward final recommendations to the City Council.

Ms. Heidi Wachter reiterated again that only the comments made during the public hearing would be in the legislative record of the Hearing.

Ms. Brunell provided a statement of the summary of written comments received prior to the hearing as follows:

- 204 public written comments were received and published online Friday, July 1st. In advance of the public hearing, a postcard notification was mailed to every Lakewood resident, it was published in the Tacoma News Tribune, and posted on the City's website and social media.
- Of the 204 written comments were submitted, 88 were submitted separately by individuals via email. 116 were submitted via the action network that contained similar verbiage, and 44 from the Action Network were sent from unconfirmed email addresses and/or unconfirmed individuals.

- Some comments were submitted under the names of City Council members and city staff. Due to the large volume of messages received at one time the City cyber ware software prevented the messages from going directly into staff in-boxes. Ms. Brunell confirmed that she did not submit comments via this platform. Additionally, confirmation has been received from Tiffany Speir, Heidi Wachter, City Council Members, City Manager John Caulfield, David Bugher, Paul Bucich, Tho Krause, Briana Schumacher, Mary McDougal and Rafik Gindy that they did not use this platform to submit written comments on this topic, although their names were listed with an "lalewood.us" email address.
- Once the City became aware of the blocked messages, the IT Team recovered all of the Action Network email addresses and provided them to CED. Ms. Brunell stated that platforms such as Action Network are commonly used by advocacy groups - once a person fills out the required information, a copy of the signed letter is typically sent directly to City staff via email. This type of correspondence is likely a wave of the future and something Lakewood would see more of particularly as the City reviews projects that garner a lot of public attention.
- CED staff compiled the Action Network 116 messages and created a table of contents for reference. A full table of contents for all 204 written comments was also posted online in the packet for this evening and was printed on the back table for the public for reference.

Vice Chair, Mr. Ryan Pearson, opened the floor for the public hearing comments.

Public Hearing Comments made in person during the hearing record:

- Mr. Ken Severe, Lakewood resident, spoke in favor of a tree preservation code and commented on the need for a certified arborist to approve removal of trees and approval from utility entities to plant trees under wires.
- Ms. Karen Colleran, Lakewood resident, thanked the tree advisory committee for their work and in support of a tree preservation code and canopy goals.
- Ms. Helen Wagner, Lakewood resident, thanked the tree committee and spoke of heritage tree and not fining home owners that cut down significant Garry Oak trees illegally.
- Mr. Tom Galdabini, Lakewood resident, spoke in support of the tree committee recommendations, noting that Gary Oak trees are suffering due to large development and noted adequate regulation is lacking.
- Mr. Mark Pfeiffer, Lakewood resident, spoke in support of the ad hoc committee recommendations of tree canopy and incentives to preserve trees vs. punishment.
- Lynn Meyer, Lakewood resident, just made a comment that she would like to see the stand of Garry Oak trees by John Dower Elementary stay.
- Mr. Bob Warfield, Lakewood resident, spoke about a Garry Oak on his own property and spoke in favor of the revision to the tree preservation code.
- Ms. Christina Manetti, Lakewood resident, spoke in favor of revising the tree preservation code and to push for further amendments, as well as voiced concern that

only Oaks over 20" would be considered for critical areas that receive inadequate mitigation.

- Mr. James Dunlop, Lakewood resident, spoke in support of the recommendations by the ad hoc tree committee and commented on the importance of proper licensing of all tree contractor businesses.
- Mr. Matthew McCarthy, Lakewood resident, comments read by Christina Manetti. Mr. McCarthy's written comments supported the tree preservation code and asked that the actions go further to preserve natural habitat.
- Mr. Vito Iacobazzi, Lakewood resident, spoke in favor overall with the tree advisory board's recommendations, praising the heritage tree recommendations and the need for better health of trees education.
- Mr. Kenneth Tokach, Lakewood resident, spoke about incorrect planting of trees in locations under telephone wires and cables on the roadways.
- Mr. Addo Aequitas, Chairman of the Panther Party, Lakewood resident, spoke in favor of a tree preservation code that the people will benefit from. Mr. Aequitas commented on Christina Manetti emails, treatment of her by legal staff, better tree protections should be written, and the fact he feels the people should be heard.
- Mr. Jesse Passmor, Lakewood resident, told a story of how the tree he planted in his front yard wrapped around his water line and he had to replace it along with various stories of having to cut trees because the canopy took the sunlight away from the yard.

Public Hearing Comments made via Zoom during the hearing record:

- Mr. Carlo Manetti, Lakewood resident, spoke in support of the ad hoc tree committee recommendations and requested the City to draft additional amendments of stricter protections and higher fines for illegal removal.
- Mr. Tichomir Dunlop, Lakewood resident, spoke in favor of the ad hoc tree committee recommendations and added the tree contractors should be fined as well as the homeowner in unauthorized removal of trees. He commented that Lakewood does not have a proper tree inventory.
- Mr. Eric Seibel, Lakewood resident, Pierce County Audubon Society, spoke to urge the City Council to go forward with ad hoc tree committee's tree canopy goal of 40% by 2050, adding that the City and citizens would benefit by creating an urban tree forest with an adequate watering system and using the tree fund to accomplish it.
- Ms. Patricia Fetterly, Tacoma resident, Tahoma Audubon Society & Tacoma Garden Club, spoke noting that both organization strongly support the ad hoc tree committee's recommendations and urges City Council to move forward to establish the ambitious goal of 40% tree canopy by 2050.
- Ms. Judith Manetti, Lakewood resident, spoke in strong support of the tree committee recommendations and to press the City to draft additional amendments with stricter regulations protecting Garry Oaks on either private or public lands.

- Ms. Shawn Hill, Lakewood resident, spoke in favor of the ad hoc tree committee recommendations adding that the City should adopt some of the regulations instituted by Oak Harbor in the area of ivy mitigation and removal.
- Ms. Pepper Lisowski, California resident, spoke asking the commissioners to listen to the community about recommendations for the tree code, noting that by protecting trees you are protecting all human beings, animals, nature, the environment, and the earth.
- Mr. Matthew Couch, Lakewood resident, spoke declaring his strong support in protection of trees through the recommendations from the ad hoc tree committee noting that one of the primary reasons he purchased property in Lakewood was because of the 300-year-old Garry Oak tree in his backyard.
- Ms. Rachel Mackey, Lakewood resident, spoke in support of the ad hoc tree committee recommendations and asked that further work be done to preserve the Garry Oaks suggesting the City follow the guidelines of Department of Natural Resources and institute tree protection zones to prevent further canopy loss.

Ryan Pearson, Vice-Chair closed the public hearing.

Ms. Courtney Brunell acknowledged that several questions had come up related to an urban forestry program, and also some concerns regarding to the preservation of Garry Oak trees and essentially allowing a fee in lieu for critical areas. There has been a proposal to allow for critical use exception. Many comments were made about the 40% tree canopy coverage goal whereas the current Planning Commission draft reads at 30% coverage by 2050.

Ms. Courtney Brunell invited commissioners to send additional questions and comments directly to her to by July 8 to allow time to compile a report to address answers to them prior to the next meeting on July 13th.

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

07/13/2022: 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 13, 2022.

Meeting Adjourned at 8:45 p.m.

Don Daniels, Chair
Planning Commission 07/13/2022

Karen Devereaux, Recording Secretary
Planning Commission 07/13/2022

City of Lakewood

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Planning Commission

July 6, 2022



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: July 13, 2022
SUBJECT: Second Biennial Review of the Downtown Subarea Plan, Planned Action and Hybrid Form-Based Code (DSAP Package)
ATTACHMENTS: Draft Planning Commission Resolution 2022-05

INTRODUCTION

On July 6, the Planning Commission was presented with the 2022 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 development and redevelopment activity in the Downtown Subarea was significantly slowed by the COVID-19 pandemic in 2020 and 2021, and no substantive changes to the DSAP package are recommended by the City.

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.

DRAFT RESOLUTION 2022-05

Attached is draft Resolution 2022-05 for Planning Commission discussion on July 13. The Commission is scheduled to take action on the Resolution, including amending it if the Commission so desires, on the Resolution on July 20.

ATTACHMENT A

RESOLUTION NO. 2022-05

**A RESOLUTION OF THE LAKEWOOD PLANNING COMMISSION
RECOMMENDING AFFIRMATION OF THE DOWNTOWN SUBAREA
PLAN, DEVELOPMENT CODE (LAKEWOOD MUNICIPAL CODE
TITLE 18B) AND PLANNED ACTION AS ADOPTED IN ORDINANCE 695
AND 696, AND RECOMMENDING AMENDMENTS TO THE REVIEW
SCHEDULE OF THE DOWNTOWN SUBAREA PLAN, DEVELOPMENT
CODE (LAKEWOOD MUNICIPAL CODE TITLE 18B) AND PLANNED
ACTION AS ADOPTED IN ORDINANCES 695 AND 696.**

WHEREAS, on October 1, 2018, the City of Lakewood City Council adopted Ordinance 695, which established a Downtown Subarea and adopted a Downtown Subarea Plan, added a new Title 18B to the Lakewood Municipal Code (LMC), and amended LMC Sections 18A.02.502, 18A.02.850, 18A.02.855, 18A.20.700(E), 18A.50.425(A)(2), 18A.50.430(A) and (G), 18A.90.200, and the Comprehensive Plan and Land Use Map; and

WHEREAS, on October 1, 2018, the City of Lakewood City Council adopted Ordinance 696, which adopted a SEPA Planned Action related to the Lakewood Downtown Subarea; and

WHEREAS, per Ordinance 695, the Lakewood City Council monitors the impact of the Downtown Code in implementing this Plan at least biennially and amends the Plan and its associated regulations as needed to improve outcomes; and

WHEREAS, per Ordinance 696 Section 4, the Lakewood City Council monitors the progress of development in the designated Planned Action area biennially to ensure that it is consistent with the assumptions of the 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; and

WHEREAS, per Ordinance 696 Section 4, the Planned Action Ordinance is 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, to 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 Ordinance 696 or may supplement or revise the Planned Action EIS; and

WHEREAS, per Ordinance 696 Exhibit D, the Planned Action Share Transportation Fees are subject to biennial review to affirm the cost basis; and

WHEREAS, on September 8, 2020, the City of Lakewood City Council adopted Resolution 2020-13 affirming the Downtown Subarea Plan, Development Code (LMC Title 18B) and SEPA Planned Action (including Planned Action Share Transportation Fees) as adopted in Ordinance 695 and 696; and

WHEREAS, on July 13, 2022, following a discussion and review as directed in Ordinance 695 and 696, the Planning Commission held a duly noticed public hearing regarding the status and implementation of the Downtown Subarea Plan, Development Code (LMC Title 18B) and SEPA Planned Action; and

WHEREAS, after consideration of public testimony received, the Planning Commission considered whether to recommend any amendment to the Downtown Subarea Plan, Development Code (LMC Title 18B) and SEPA Planned Action; and

WHEREAS, the Planning Commission also considered whether to recommend amendments to the biennial review schedule for the Downtown Subarea Plan, Development Code and Planned Action;

NOW, THEREFORE, BE IT RESOLVED BY THE LAKEWOOD PLANNING COMMISSION DOES RECOMMEND AS FOLLOWS:

Section 1. Affirmation of the Downtown Subarea Plan, Development Code and SEPA Planned

Action. The Planning Commission recommends the affirmation of the Downtown Subarea Plan, Development Code (LMC Title 18B) and SEPA Planned Action as originally adopted in Ordinances 695 and 696.

Section 2. Schedule of Reviews of the Downtown Subarea Plan, Development Code and SEPA

Planned Action. The Planning Commission recommends updating the review schedule of the Downtown Subarea Plan, Development Code (LMC Title 18B) and SEPA Planned Action as originally established in Ordinances 695 and 696 as follows:

1. It is recommended that issues regarding the Downtown Subarea Plan, Development Code, and its SEPA Planned Action Ordinance (including the transportation mitigation fee (TMF)) be reviewed as part of the City's 2024 required Comprehensive Plan Periodic Update process rather than in a separate legislative process.
2. It is recommended that the frequency for the periodic review of the Downtown Subarea Plan, Development Code, and Planned Action Ordinance be changed from at least every two years to at least every five years after the 2024 Periodic Update. As a result, future periodic reviews would occur in 2029, 2034, and at least every five years thereafter.
3. If urgent and time sensitive issues are identified after the 2024 Periodic Update, it is recommended that they be considered within the City's annual Comprehensive Plan, development regulations, and fee schedule amendment cycles.

Section 3. The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission
this 20th day of July, 2022, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

Attest:

CHAIR, PLANNING COMMISSION

KAREN DEVEREAUX, SECRETARY



TO: Lakewood Planning Commission
FROM: Courtney Brunell, Planning Manager
SUBJECT: Tree Preservation Code Update
MEETING DATE: July 13, 2022

Purpose

This memo shares public hearing summary comments and Planning Commission questions to consider in developing recommendations for the Tree Preservation Code Update.

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 engaged the public in activities to learn about the tree code update including the urban tree canopy, habitat protection, and housing and job targets.

To seek public input and develop potential changes to tree regulations, the City has:

- Created a public participation program in November 2021
- Selected a consultant team to evaluate the Lakewood tree canopy, share best practices and recommendations on tree regulations, and support public engagement activities in November 2021
- Passed Resolution 2021-15 to form a tree advisory board ad hoc committee
- Seated the tree code advisory ad hoc committee in February 2022, which met 7 times over March and April 2022 and created a Report to provide advice to the Planning Commission and City Council
- Shared information at a project website and events on social media and in media notices in winter, spring, and summer 2022
- Contacted a stakeholders list, sought input on a survey, conducted targeted interviews in March and April 2022

- Held an online tree talk and hosted an in person tree tour in Fort Steilacoom Park in April and June 2022
- Held Planning Commission study sessions in May and June 2022 to review Ad Hoc Committee recommendations and to develop proposals for a public hearing
- Mailed a post card to each property address and published a legal notice of the Planning Commission hearing in May and June 2022
- Held an online redline review on June 28, 2022 to share the hearing draft code before the Planning Commission and answer public questions
- Held a Planning Commission hearing on July 6, 2022

The purpose of this memo is to share the list of public hearing commenters, Planning Commission questions, and updated redlines that respond to the Planning Commission questions.

Comparison of Current Code and Recommendations

The chart below compares the current code, the Ad Hoc Committee recommendations and the Planning Commission Redlines prepared for the hearing.

As noted in Resolution 2021-15 the Ad Hoc 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. The recommendations were sometimes broad and sometimes specific as noted in their Report finished in April 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. After reviewing the Ad Hoc Committee recommendations and reviewing information and examples over May and June 2022, the Planning Commission guided the preparation of Redline changes to the current code.

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/>.

Table 1. Comparison of Tree Protection Regulations

Topic	Current Policy/Code	Ad Hoc Committee Recommendation	Planning Commission Hearing Redline: 7/6/22
Key Issue #1: Canopy Goal	No numeric target. General goal and policies. GOAL LU-60: Institute an urban forestry program to preserve significant trees, promote healthy and safe trees, and expand tree coverage throughout the City.	Considered range – no net loss, 35%, and 40%. Recommended adding a policy under Goal LU-60 for 40%.	Considered Ad Hoc Committee recommendations and range of targets. Recommended adding a policy under Goal LU-60 for 30%.
Key Issue #2: Residential lots exemption	Residential lots < 17,000 s.f.	No exemption	No exemption for Oregon white oak.

Topic	Current Policy/Code	Ad Hoc Committee Recommendation	Planning Commission Hearing Redline: 7/6/22
			Otherwise exempt < 17,000 sf.
Key Issue #3: Industrially zoned properties	Exempt	No exemption	No exemption
Key Issue #4: Easements and Rights of Way	Exempt	Remove exemption and meet similar standards as on private or public parcels, but provide for simple permit (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.	No exemption for Oregon white oak. Otherwise exempt.
Key Issue #5: Set up tree permit process	Review non-exempt activities for compliance with tree protection regulations with a tree permit.	Keep Permits Fair, Inexpensive and Simple, except for Garry Oaks which require review and monitoring by arborist.	Require permit for non-exempt development. Also require permit for any Oregon white oak.
Key Issue #6: Significant tree definition and critical areas – Garry Oaks	Regulate significant trees if at least 6 inches diameter breast height (DBH). Oregon white oak stands are regulated as critical areas.	Regulate as a significant tree at 4 inches DBH. Specify the size and quality of individual Garry Oaks that would qualify as heritage trees. Any single Garry Oak tree 20"+ or white oak stands with average diameter at breast height of 15" or more regardless of stand size qualify as a fish and wildlife habitat conservation area. Review under critical area rule; would	Similar to Ad Hoc Committee. Regulate as a significant tree at 4" DBH to 20' DBH. Set up heritage tree program with Landmark Committee. Add as a critical area a single tree over 20". Set up administrative reasonable use for modest development; greater levels of change subject to reasonable use exception.

Topic	Current Policy/Code	Ad Hoc Committee Recommendation	Planning Commission Hearing Redline: 7/6/22
		require a reasonable use exception	
Key Issue #7: Heritage Tree/ Historical Tree	No heritage tree program.	Develop a Heritage Tree/Historical Tree Program to recognize valuable and irreplaceable trees and offer incentives to property owners that participate.	Set up heritage tree program with Landmark Commission.
Key Issue #8: Maximum Tree Removal on Developed Single Family Properties.	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.	Maintain a specific percentage of trees canopy per property. No significant trees may be removed in critical areas/buffers or if a heritage tree. Require a permit.	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.
Key Issue #9: Replacement	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.	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.	Retain 2:1 replacement ratio for significant trees. An applicant may choose to plant fewer replacement trees if an ISA Certified Arborist determines they will compensate for the canopy lost when they reach maturity.
Key Issue #10: City Tree Fund Clarity	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	Allow the City to use tree permit fees and penalties to go into the fund. Add an explicit funding purpose to include restoration or enhancement of native trees like Garry Oaks, such as on public lands, private tree tracts,	Allow tree permit fees and penalties to go into the fund. Promote explicit funding purpose to include restoration or enhancement of native trees like Garry Oaks.

Topic	Current Policy/Code	Ad Hoc Committee Recommendation	Planning Commission Hearing Redline: 7/6/22
	public tree nursery, education, monitoring, research, or other purposes.	critical area buffers, or lands with conservation easements.	
Key Issue #11: Fines	The City has collected fines and deposited it in its tree fund. The City has found that fees and fines may be reduced through court reviews.	<p>Establish a free or low cost tree permit or affidavit/over the counter review to make compliance the easy path.</p> <p>Provide clear decision criteria on tree permits. This provides certainty in decision-making including the potential for denial.</p> <p>Increase penalties for non-compliance, e.g., triple penalties. Apply penalty to property owner and contractor individually. Have an administrative appeal opportunity with a code-based percentage limit on reductions.</p>	<p>Require a permit for removal of all significant Oregon white oak trees. Approval is required prior to the removal of any significant tree (track exempt removal on single family lots).</p> <p>Add decision criteria on tree permits. Add construction standards for Oregon white oaks.</p> <p>Add enforcement including stating a civil infraction, and triple fees for malicious cutting.</p>
Key Issue #12: Incentives	No explicit incentives.	Add incentives for preservation throughout the City's development regulations to promote tree preservation.	Add incentives for preservation throughout the City's development regulations to promote tree preservation.

Public Hearing Commenters

The July 6, 2022 included public comments not part of the hearing and comments on the record:

Public Hearing Comments made in person during the Hearing Record

Ken Severe, Lakewood resident,
 Karen Colleran, Lakewood resident,
 Tom Galdabini, Lakewood resident,
 Mark Pfeiffer, Lakewood resident,
 Lynn Meyer, Lakewood resident,
 Bob Warfield, Lakewood resident,
 Christina Manetti, Lakewood resident,
 James Dunlop, Lakewood resident,

Matthew McCarthy, Lakewood resident,
 Vito Iacobazzi, Lakewood resident,
 Kenneth Tokafdi, Lakewood resident,
 Addo Acquitas, Lakewood resident,
 Jesse Passmor, Lakewood resident,

Public Hearing Comments made via Zoom during the Hearing Record

Carlo Manetti, Lakewood resident,
 Tichomir Dunlop, Lakewood resident,
 Eric Seibel, Lakewood resident, Pierce County Audubon Society,

Patricia Fetterly, Tacoma resident, Tahoma Audubon Society and Tacoma Garden Club,
Judith Manetti, Lakewood resident,
Shawn Hill, Lakewood resident,

Pepper Lisowski, California resident,
Matthew Couch, Lakewood resident,
Rachel Mackey, Lakewood resident,

Hearing minutes will be prepared. High level comments included:

- Support for Ad Hoc Committee recommendations
- Support for 40% tree canopy goal and development of water/irrigation policies
- Support for more protection especially Garry oaks, stricter fines for violations, licensing/permitting, stricter exemptions
- Support for Garry oaks protection as a slow growing tree with environmental values, provide for no net loss, and support mitigation bank concept like wetlands
- Suggestion for additional critical areas protections for trees in buffers
- Avoiding trees in wrong places and adding them in right places, with arborist recommendations
- Suggestion for more detailed tree inventory

Planning Commission Questions

Following the hearing on July 6, 2022, the Planning Commission shared questions:

1. Cost of a tree inventory/ establishment of an urban forestry program

Two planning commissioners asked for additional information on the establishment of an urban forestry program and cost of completing a tree inventory. In response, staff has prepared an overview of what the next steps would be to establish an urban forestry program and what the workplan for such a program for such a program may include.

- **Option:** Via resolution the Planning Commission may recommend that the City establish an urban forestry program

URBAN FOREST PROGRAM OVERVIEW

To develop an urban forestry program, it is essential to create a systematic process of analysis consisting of extensive research of existing City policies and plans, deep dives into City operational workflows and procedures, baseline assessments of urban forest conditions and structure, comparison of baseline conditions to industry standards and analogous communities, and gathering of community feedback and perceptions.

The City of Lakewood Planning Department has accomplished many of these processes during 2022 with the Tree Advisory Ad Hoc Committee and consultant team by conducting extensive review of Lakewood Municipal Code, Chapter Ch. 18A.70, Article III Tree Preservation, in addition to analyzing tree canopy data. The City is now discussing potential updates to the code with the Planning Commission and eventually City Council. As a result, the following next steps are identified as initial opportunities to enhance City operations in support of an urban forestry program that will care for a healthy and vibrant urban tree canopy for generations to come.

- Measure, Maintain, and Update Lakewood's Urban Forestry Data
- Grow Lakewood's Tree Canopy
- Grow Capacity for an Urban Forestry Program

Measure, Maintain, and Update Lakewood's Urban Forestry Data

Urban Tree Canopy (UTC) Data

During the City of Lakewood's project to review and consider amendments to the Tree Preservation code, PlanIT Geo provided Urban Tree Canopy (UTC) data to inform the Tree Preservation code update. This assessment analyzed how the UTC is distributed throughout the City's complete boundary, and further aggregated by private vs. public lands, zoning types, watersheds, U.S. Census blocks, and U.S. Census block groups. According to the results, Lakewood's citywide UTC is 26% as of 2019. The tree canopy data, potential goals, values, and phasing are shared in the consultant presentations to the Ad Hoc Committee on [March 15](#) and [March 29](#), 2022.

The results, based on source imagery from the USDA's National Agriculture Imagery Program (NAIP) collected in 2019, provide a baseline for the City to measure future changes against. It is recommended that Lakewood's UTC is reassessed approximately every five years.

Tree Inventory Data

An inventory of trees is a prerequisite in planning for and making sound management decisions including budget strategies, priorities, and policies. An inventory can provide the locations of trees that require pruning or removal to reduce risk, trees for preservation and protection, the number of trees located within the public right-of-way, the value of ecosystem services trees provide, and the number of available planting sites. In addition, an inventory can help to identify insect or disease problems or young trees that require irrigation, pruning, and other maintenance.

With this information, tree managers and supporting departments, programs, and stakeholders annually plan, prioritize, and budget tree work. Over the years, changes in an urban and community forest can be seen in the number, age, and species of trees. A well maintained inventory can be used in cases of liability to demonstrate there was no negligence in the inspection or care of public trees. An inventory of the urban forest resource provides valuable information for addressing low tree canopy areas, resiliency planning, sustainable management, risk mitigation and management, and regulatory requirements and enforcement.

Data collected and managed over time will inform ordinance effectiveness and the necessary strategies to support the growth of a sustainable and thriving urban forest reaching its maximum benefit potential

for current and future generations. To accomplish these critical management objectives, the following inventory options were provided by the urban forestry consultants with cost estimates.

Public Tree Inventory			
	Tree Count (est.)	Cost	Timeline
Street Trees	20,000	\$80,000	3 months
<i>An inventory of all trees greater than 1 inch in diameter at breast height (DBH, measured at 4.5' above grade) on public streets. Based on aerial imagery, sampling, Google Street View, and local city comparisons, it is estimated the City has approximately 20,000 trees along streets and in medians in the public right-of-way.</i>			
Park Trees	2,000	\$8,000	1 month
<i>An inventory of trees greater than 1 inch DBH in maintained areas of public parks.</i>			
Private Tree Inventory			
	Tree Count (est.)	Cost	Timeline
All Trees >6" on Residential Property	150,000	\$469,800	10 months
<i>An inventory of all trees greater than 6 inches in diameter at breast height (DBH, measured at 4.5' above grade) on private residential land. This approach utilizes the City's most recent Zoning Class to identify all residential parcels. Based on aerial imagery, sampling, Google Street View, and local city comparisons, it is estimated the City has over 150,000 trees greater than 6 inches DBH on private residential land.</i>			
Oak Trees >6" on Residential Property	50,000	\$281,880	6 months
<i>An inventory of only oaks (Quercus) greater than 6 inches DBH on private residential land. Based on research and comparisons, it is estimated the City has approximately 50,000 oak trees in this category.</i>			
Oak Trees >6" on Residential, Industrial, and Commercial Property	70,000	\$375,840	8 months
<i>In addition to residential areas, the City also needs to address the protection, preservation, and replacement of oak trees on commercial and industrial development and redevelopment projects. Using the most recent Zoning Class map, approximately 70,000 oak trees greater than 6 inches DBH reside on residential, industrial, or commercial property.</i>			

Citywide Tree Locations and Estimated Tree Count

The Tree Locations data provides a cost-effective solution where individual tree mapping is needed. Tree locations and height data are derived from LIDAR (Light Detection and Ranging) data where available. The trees are delivered as points, polygons and idealized circular crown polygons.

It is important to recognize the limitations of this option. It will not identify tree species information, nor will it document the DBH, condition, or many other characteristics of the individual trees. Read more at <https://www.earthdefine.com/treelocations/>

Grow Lakewood's Tree Canopy

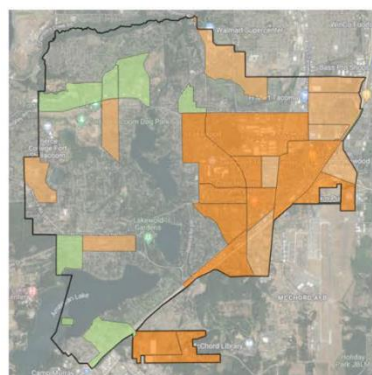
Citywide Tree Locations and Estimated Tree Count			
	Square Miles	Cost	Timeline
All Trees Citywide	19	\$4,626	<1 month

Tree Point Tree Polygon Idealized Tree Crown

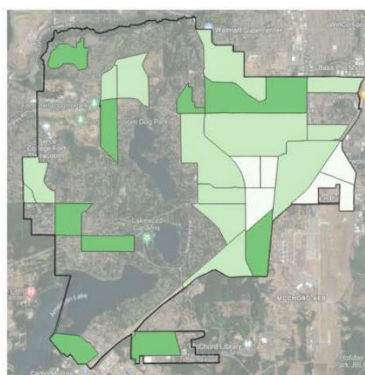


Using the results from the Urban Tree Canopy (UTC) study as a benchmark, Lakewood can measure future progress, set goals for equitable tree canopy, and develop a strategic approach for maintaining and growing tree canopy throughout the city. The tree canopy data revealed areas throughout Lakewood where tree canopy is lacking (low UTC), as well as where there is possible planting area (PPA).

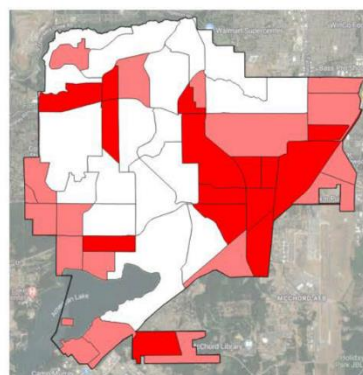
The UTC and PPA data were aggregated by Census block groups in Lakewood and compared with several other socioeconomic and demographic datasets shown in the maps below. The resulting composite map at the bottom left shows areas to prioritize for future tree canopy growth based on the datasets analyzed. These maps were shared in the presentation to the Ad Hoc Committee on [March 29, 2022](#).



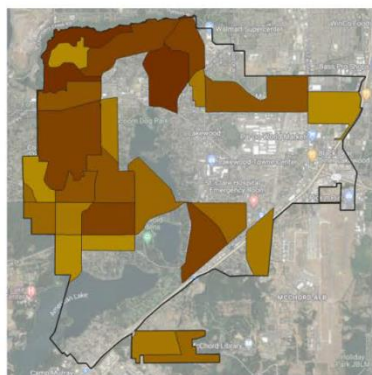
CBGs <75 TES



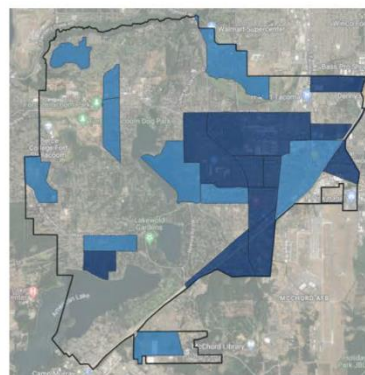
CBGs <25% UTC



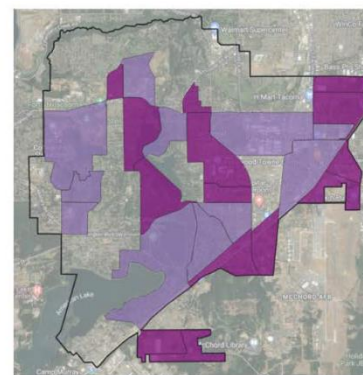
CBGs >85 avg temp



CBGs >50% PPA

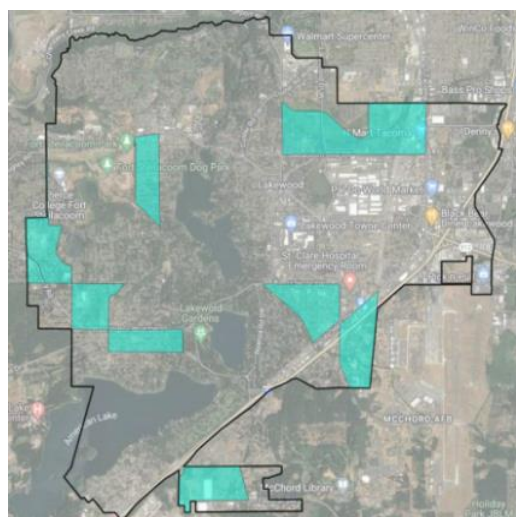


CBGs >50% POC



Low Employment CBGs

Lakewood Priority Planting Areas



Canopy Goals

Definitions:

Tree Equity Score (TES): A metric that helps cities assess how well they are delivering equitable tree canopy cover to all residents. The score combines measures of tree canopy cover need and priority for trees in urban neighborhoods. It is derived from tree canopy cover, climate, demographic and socioeconomic data. <https://www.treeequityscore.org/>

Urban Tree Canopy (UTC): is the layer of leaves, branches, and stems of trees that cover the ground when viewed from above

High Temperatures (85+): Urban heat island and surface temperature data from USGS Earth Explorer.

Possible Planting Areas (PPA): In Lakewood's analysis, PPAs consist of vegetative cover such as grass, turf, and low-lying shrub areas.

People of Color (POC): All people who are not white and non-Hispanic according to U.S. Census Bureau American Community Survey 2014-2018.

Low Employment: Unemployment rate from U.S. Census Bureau American

Canopy goal scenarios were outlined for 30%, 35%, and 40% canopy cover by the year 2050 with a 2019 benchmark of 26% canopy cover in Lakewood. A baseline target of 30% canopy cover by 2050 is realistic and achievable even if urban forestry resources at the City do not increase. With this goal, it is recommended that priority is given to the Census block groups identified on the last page for a strategic approach that would address both tree canopy and equity concerns. An aspirational goal of 35% or 40% for Lakewood would require a shared commitment from the City and the community, along with increased resources for tree planting and maintenance on public and private property.

Lakewood Tree Giveaway Program

A tree giveaway program creates an engaging way to increase tree canopy cover on private property, enhance neighborhoods, and create a sense of responsibility and environmental stewardship throughout the community. By involving individuals, neighborhoods, and volunteer groups at the time of planting, the community learns firsthand what it means to establish a tree that will provide benefits to the environment for generations to come. There are many successful programs around the country to reference as examples, a few of which are included below.

Cool & Green Communities: San Jose, CA

- <https://www.ourcityforest.org/plant-trees>

Tree-mendous Tampa Free Tree Program: Tampa, FL

- https://apps.tampagov.net/appl_customer_service_center/form.asp?strServiceID=533

Yard Tree Giveaway Program: Vancouver, WA

- <https://www.cityofvancouver.us/publicworks/page/yard-tree-giveaway-program>

Trees For Neighborhoods: Seattle, WA

- <https://www.seattle.gov/trees/planting-and-care/trees-for-neighborhoods>

Free Yard Trees: Portland, OR

- <https://www.portland.gov/trees/tree-planting/free-trees>

The City currently collects revenue as part of the City Tree Fund, and additional revenue may also be collected via future tree permit costs. Both of these revenue streams could potentially be used to fund a replacement tree program. Additional donations may come from local organizations and the City would explore partnerships to ensure an effective program.

Grow Capacity for an Urban Forestry Program

The Planning Department is administering the Tree Preservation code with current staffing levels. However, if the proposed code revisions are adopted, additional dedicated resources will be required to support tree permits, inspections and enforcement of tree code, and public education. Staff identified the following positions to support the Planning Department in building capacity for an urban forestry program.

- 1 full time employee (FTE) with a salary in the range of \$8,326 – \$10,562 per/month
- 1 contracted City Arborist estimated cost annually \$50k

a. What would our next steps be?

The draft redlines before the Planning Commission include the ability to use the “City Tree Fund” LMC 18A.70.340 as a “Resources to support the administration of Ch. 18A.70.Art III Tree Preservation.” The current balance of the City’s tree fund is just over \$60,000, the City has several pending permit applications that are expected to generate additional revenue up to \$400,000 by the end of the year.

- i. Recommend via resolution that the City establish an urban forestry program
 - a. Establish a work plan for the urban forestry program that likely involves the following elements:
 - i. Identify areas in need of additional canopy
 - ii. Work with a consultant to complete a city tree inventory
 - iii. Establish a tree replacement program/giveaway program
 - iv. Work with the City’s contract arborist to review tree removal applications
 - v. Monitor the City’s canopy goal
- ii. A Planning Commission question in response to the hearing asked for additional information regarding where additional canopy could be planted. Tree equity scores and potential planting area could be considered as shared with the Planning Commission in May and June 2022 packets. To clarify the Planning Commission could consider:
 - **Option:** amend the new policy under LU-60 to indicate that tree canopy distribution would be informed by equity and possible planting areas.

2. Licensing for a certified arborist

Several Commissioners requested additional information related to licensing of certified arborists and if the City would validate licensing information.

- Response: The current ordinance before the Planning Commission requires that arborists be ISA certified. ISA is the standard arborist industry certification. In addition to this, the City requires that any contractor or consultant also have a City of Lakewood business license pursuant to Chapter 5 of the Lakewood Municipal Code. The City verifies licensing information using credentialing websites and the state business license portal.

3. Will violations be issued to both contractors & property owners?

- Response: The current ordinance before the Planning Commission states “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. Both the property owner and hired contractor will subject to the fines and penalties. 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.”

4. Development standard for impervious standard

A planning commissioner suggested a development incentive for tree protection could relate to allowing more impervious area.

- Option: allow an extra 2% or 5% building coverage or impervious surface coverage for optimal tree protection and low impact stormwater implementation (amends LMC 18A.60.030 and 18A.60.040, 18A.60.050, 18A.60.060 and 18A.60.070 where applicable).

5. Other: Definition of Critical Area

A Planning Commissioner suggested a revision that no single Oregon white oak (Garry oak) tree be considered a critical area more similar to the current code. An alternative that would maintain consistency with the State of Washington Department of Fish and Wildlife management guidelines and example codes (Pierce County, Oak Harbor) is to retain the single oak over 20 inches but allow an applicant to opt out with a certified arborist / habitat biologist report confirming the single oak is not a critical areas. This would provide a clearer process than the current code which has an unclear definition applicable to single trees.

Recommendations

It is recommended that the Planning Commission adopt the redlines as presented on July 13, 2022 with the following amendments:

1. Amend LMC 18A.60.030 & 040 as well as 18A.60.050, 18A.60.060 and 18A.60.070 where applicable to allow for an additional 5% building coverage or impervious surface coverage for optimal tree protection and low impact stormwater implementation
2. Amend the Critical Areas Ordinance to allow an applicant to opt out of a critical areas designation with support of a certified arborist/ habitat biologist report confirming the single oak is not a critical area.
3. Amend the new policy in the Comprehensive Plan under LU-60 to indicate that tree canopy distribution would be informed by equity and possible planting areas
4. Recommend the establishment of an urban forestry program

Alternatives

The Planning Commission may recommend any changes to the draft ordinance or Planning Commission resolution. Final changes will be presented to the Planning Commission at the July 20, 2022 regular Commission meeting.

Next Steps

- Planning Commission Deliberations and final adoption: July 20, 2022

Attachments

- A. Proposed Redlines, Updated: Comprehensive Plan Amendment, Protection and Preservation of Landmarks, Tree Protection Regulations, Fish and Wildlife Habitat Conservation Areas, and other sections of Lakewood Municipal Code (LMC), July 12, 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. Tree canopy distribution would be informed by equity and possible planting areas.

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
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.~~

~~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-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:

<u>Maximum Tree Removal on Existing Single-Family Lots no permit required</u>		
<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.
- 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 ~~Except for Oregon white oaks which are regulated by section 18A.70.330, homeowners may remove significant trees may be removed 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
*Section 18A.70.310(A) states that single-family lots up to 17,000 sq. ft. are exempted from tree preservation requirements.		

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;

~~e 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.

~~III. *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.]

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

Tree Preservation Incentives			
Incentive	Code Sections	Description	Code Language
Parking Reduction	<u>18A.80.060 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 Density standards</u> <u>18B.200.230 District-Wide Development Standards</u> <u>18C.200.230 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 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) j. Preservation of Significant Trees on the property.</u>
<u>Tree Preservation Paired with Mixed Income Developments</u>	<u>18C.700.720 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) 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 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 Residential area and dimensions</u> <u>18A.60.040 Commercial area and dimensions</u> <u>18A.60.050 Industrial area and dimensions</u> <u>18A.60.060 Military lands area and dimensions.</u> <u>18A.60.070 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><i>Tree Preservation.</i> 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>
<u>Impervious Surface Bonus</u>	<u>18A.60.030 Residential area and dimensions</u> <u>18A.60.040 Commercial area and dimensions</u> <u>18A.60.050 Industrial area and dimensions</u> <u>18A.60.060 Military lands area and dimensions.</u> <u>18A.60.070 Open space area and dimensions.</u>	<u>Allow an increase in allowable impervious surface on a site where a significant tree is being preserved. Impervious surface cannot be located within the critical root zone of the preserved tree(s)</u>	<u><i>Tree Preservation.</i> Significant tree identification and preservation and/or replacement shall be required as set forth in Chapter 18A.70, Article III. The Director may increase the amount of allowable impervious surface area to compensate for the preservation of a significant tree. Impervious surface not to be located within the critical root zone of the preserved tree(s).</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.
- 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.
 - i. A tree may be exempted from the requirements of this code section with a biological assessment prepared by a qualified wildlife biologist or a tree report prepared by an ISA Certified Arborist. The biological assessments shall be prepared in accordance with LMC 14.154.050(B), and are subject to the review and approval of the Director.
 - 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.
- 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.

18A.70.~~330~~340 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. **Resources to support the administration of Ch. 18A.70 Art. III Tree Preservation**

- ~~9.~~ 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.
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- 14.02.170 Authority to condition or deny proposals.**
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- 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.
- 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 made 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
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;
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.**
- 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.

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.
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);
 - 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. 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.

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.

(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.
- 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 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.

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.

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 conservation value	190			225
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	• Direct lights away from wetland

Disturbance	Required Measures to Minimize Impacts
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 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 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.
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- 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
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 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.]

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. Fforested 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](#)



From: Carol Else l.else@comcast.net
Subject: Fwd: SAVE LAKEWOOD TREES
Date: June 29, 2022 at 10:11 AM
To: cityoflakewood.us

Begin forwarded message:

From: Carol Else <carolelse41@gmail.com>
Subject: SAVE LAKEWOOD TREES
Date: June 28, 2022 at 9:28:30 PM PDT
To: Carol Bentson Else <l.else@comcast.net>

To Whom it May Concern:

THIS IS A PERFECT EXAMPLE OF TOO LITTLE TOO LATE!!

We have lived in the Lake City area of Lakewood for 50 years. I have walked to neighborhood and beyond for all these years. Every time a property has been sold one of the first things that the NEW owners have done is cut down trees! Many of these trees have been Gary Oak trees.

Most people I have talked to in Lakewood have NO idea that Gary Oak trees should be SAVED! Most people do not care.

I think it is past time to educate every new owner in Lakewood and those that already live here already about saving trees. Every new owner should sign a paper that they have been informed that Gary Oak trees are to be saved and that there will be a monetary penalty for cutting down Gary Oak trees.

What about the commercial companies that are cutting down MANY Gary oaks and not saving any of them?? There should be a stiff penalty!! And they should not be able to bargain and not pay the penalty.

What about the city being the leader? You just put in a new parking lot across from American Lake Park and every tree was cut down.

Carol Else
9702 Veterans Dr SW
Lakewood WA 98498

7/6/22 All the trees just planted
are not native, will require water,
and will get large!



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: July 13, 2022
SUBJECT: Implementation Plan for Comprehensive Plan Energy & Climate Change Chapter (ECCC)
ATTACHMENT: Draft Comprehensive Plan Energy & Climate Change Chapter (ECCC) Implementation Plan (Attachment A)

INTRODUCTION

On May 18, CED Director Dave Bugher provided the Planning Commission an updated proposed Implementation Plan for the City's Comprehensive Plan Energy & Climate Change Chapter (ECCC.) This updated draft is responsive to direction provided by the City Council and Planning Commission since the first draft implementation plan was discussed by the Commission in late 2021 and early 2022.

Attached is the May 18 version of the ECCC Implementation Plan. It includes rankings of 32 action items by:

- Difficulty/Effort (High, Medium, and Low);
- Priority (Critical, Important, Normal, Low); and
- Financial Considerations (In Budget, Not in Budget, Whether Consultant Services needed.)

The higher the point total assigned an item, the higher the ranking in setting the recommended implementation schedule (i.e., those ranked as 11s start first, then 10s, etc.).

The table also includes lists of partners that will be optimal or essential to successful implementation of each action item. The total estimated cost of the recommended items except for the \$125M cost of the improvements to I-5 at the Nisqually Delta is \$2,441,516. Various funding sources would need to be identified as appropriate for each item.

RECOMMENDATION

It is recommended that the Planning Commission provide any final input on the proposed Implementation Plan on July 13 in order to be able to take action on a recommendation to the City Council on July 20.

Note: The ECCC Implementation Plan will likely be subject to periodic review and update over time.

A summary version of the recommended ECCC Implementation Plan follows here. The full Implementation Plan is included in **Attachment A**.

ECCC Implementation Measure #	Description	Category	Partners	Total points (Difficulty, Priority, Finances)
1	Develop a five-year plan for reducing greenhouse gas emissions. The action plan shall include four-main topics: a comprehensive greenhouse gas emissions inventory and forecast; emissions reduction target(s); carbon sequestration targets; & a program for monitoring and reporting out the implementation tasks found in this document.	Energy & Built Environment	Puget Sound Energy; Tacoma Power; Lakeview Light & Power; Pierce County Sustainability Collaborative	11
5	Review, and as appropriate, update Lakewood Municipal Code (LMC) Title 14, Environmental Protections. Title 14 provides regulations for geologic hazard areas, flood hazard areas, and critical lands and natural resources. Climate change impacts may require that new regulations be inserted into this chapter. (Types of critical areas: wetlands; aquifer recharge areas; fish & wildlife conservation; flooded areas; and geologic hazards.)	Energy & Built Environment	Washington Department of Ecology; Washington State Department of Commerce.	11
6	Work with Pierce County and Pierce County municipalities to develop a regional approach and best practices to address climate change. One strategy: adopt revised climate change Pierce Countywide Planning Policies.	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Pierce County; loose consortium of Pierce County cities.	11
7	Update the city's non-motorized transportation plan (also referred to as active transportation plan).	Transportation	Internal; Pierce College; Clover Park Technical College; Western State Hospital; Pierce College; CPSD; WSDOT; Steilacoom; UP; Tacoma; Pierce County.	11
11	NEW! Develop a public engagement plan for climate change - was not part of implementation plan; however integral to environmental justice.	Education & Outreach	University of Washington, Evans School of Public Policy & Governance.	11

18	Clover Creek Floodplain Engineering Alternatives Analysis.	Energy & Built Environment	Internal; property owners; Pierce County Public Works & Planning; WA State Department of Transportation; FEMA.	11
21	Review, and as appropriate, update the city's hazard mitigation plan to address climate change. The hazard mitigation and adaptation plan identifies and prioritizes potential and existing hazards across jurisdictional borders, including hazards that may be further amplified by climate change.	Energy & Built Environment	Internal; FEMA; Washington State Emergency Management Division; Pierce County; West Pierce Fire & Rescue	11
22	Establish (and regularly update) a new climate change chapter to the city's comprehensive plan.	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Puget Sound Energy; Tacoma Power; Lakeview Light & Power; Pierce County Sustainability Collaborative	10
25	Every two years, or as otherwise dictated by Washington State, update LMC Title 15, Buildings and Construction Codes to address hazards resulting from climate change.	Energy & Built Environment	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association; & West Pierce Fire & Rescue.	10
28	Enforce the 2018 International Building Code, Section 429, Electric Vehicle and Charging Infrastructure. This code section also includes basic charging infrastructure for accessible parking spaces. Staff is expecting building codes to be modified with new standards in the very near future. There is the possibility of the city having to perform new assignments.	Energy & Built Environment; Transportation	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association.	10
3	Proactively work with energy providers to market existing energy conservation programs with Lakewood property owners. Where appropriate propose new programs to better fit Lakewood's needs. Consider the use of HUD grants and low-interest loans to complement energy provider conservation programs.	Energy & Built Environment	Washington State Utilities & Transportation Commission; Puget Sound Energy; Lakeview Light & Power; Tacoma Power.	9

4	Incorporate an environmental justice assessment into the climate change work plan. (Dependent upon completion of climate perception study.)	Education & Outreach	City's communication manager; Korean Women's Association; neighborhood associations; Community Services Advisory Board; Youth Council; Lakewood's Promise; Pierce County Sustainability Collaborative; Tacoma Pierce County Health Department; WA State Department of Health.	9
9	<i>NEW!</i> Use a supplemental greenhouse gas/climate change impact worksheet of climate change impacts and potential mitigation when conducting an environmental review process under the State Environmental Policy Act.	Energy & Built Environment	Pierce County Sustainability Collaborative; Puget Sound Clean Air Agency; Washington State Department of Ecology.	9
10	<i>NEW!</i> Lakewood, as a member of the South Sound Military Communities Partnership SSMCP), advocate at both the state and federal levels for improvements to the I-5 Nisqually Corridor. Project has multiple challenges: Transportation alternatives for I-5 traffic congestion; Sea level rise leading to increased flood potential; Mitigating salmon habitat degradation; Military readiness and national security; Environmental remediation; Population growth; and Treaty rights of the Nisqually Tribe.	Energy & Built Environment; Transportation	SSMCP partnerships (multiple local, state, federal agencies, and private parties). Governor Inslee, Sen Cantwell and Congresswoman Strickland all support the project as a priority for the state.	9
12	Conduct a sustainability audit that evaluates existing plans, ordinances, and development standards to identify regulatory barriers to infill development. (fee waivers, density bonuses, development impact fee, tax benefits, etc.).	Energy & Built Environment	Pierce County Planning and Public Works (sewers); Lakewood Water District (water); SSHAP.	9
16	Revise the Lakewood's tree preservation code.	Energy & Built Environment and Carbon Sequestration	Internal; Ad hoc tree committee.	9
20	Explore the feasibility of reducing the city hall footprint from three floors to two floors. (Potentially reducing energy consumption.)	Energy & Built Environment	Internal.	9
23	Regularly update the Downtown Subarea Plan and the Lakewood Station District as market conditions and climate conditions change.	Energy & Built Environment	Internal; Lakewood Water District; Pierce County Public Works; Pierce Transit; Lakeview Light & Power; Tacoma Power.	9

30	Support the implementation of the Tacoma-Pierce County Solid Waste & Hazardous Management Plan.	Waste Consumption; Education & Outreach	Pierce County; Tacoma-Pierce County Health Department; Waste Connections; other Pierce County cities; Clover Park School District; Western State Hospital; Pierce College; Clover Park Technical College; Saint Clare Hospital	9
2	Inform city residents and businesses, the city council, planning commission, staff, and other stakeholders of the city's emission reduction targets and overall progress. Add targets and progress to the Lakewood dashboard.	Education & Outreach	Not applicable in early stages; may establish a uniform reporting process through the Pierce County Sustainability Collaborative.	8
8	Develop plans for key commercial corridors in the city to guide redevelopment of these areas into mixed-use, pedestrian and transit-oriented corridors and nodes. Possible corridors include South Tacoma Way, Steilacoom Boulevard SW, Bridgeport Way, and Union Avenue SW. Include development standards and urban design guidelines.	Energy & Built Environment	Lakewood PWE; Pierce Transit; neighborhood groups affiliated with specific corridors; and utility companies/public agencies.	8
17	Examine City practices for opportunities to reduce paper consumption in the workplace. Implement a document management information system.	Waste Consumption	Internal.	8
26	Adopt and enforce the 2018 Washington State Energy Code.	Energy & Built Environment; Consumption Management	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association	8
27	Support the creation of a South Tacoma Way Bus Rapid Transit System (BRT) that connects Downtown Tacoma, Lakewood, and Joint Base Lewis McChord.	Transportation	Pierce Transit, Lakewood neighborhood associations, Korean business community, City of Tacoma, & JBLM.	8
32	Implement water conservation efforts for households, businesses, industries, and public infrastructure. Include measures to encourage installation of drought-tolerant and native vegetation.	Waste Consumption; Carbon Sequestration; Education & Outreach	Internal, Lakewood Water District	8
13	Establish a trip reduction policy that includes a remote work strategy, and appropriate technology. Consider incorporation into the city's land use and development code.	Transportation	WSDOT; Washinton Department of Commerce.	7

15	Develop an urban forest management plan (public properties only).	Energy & Built Environment; Carbon Sequestration	Internal; Puget Sound Energy, Tacoma Power, Lakeview Light and Power, neighborhood associations, USDA Forest Service Urban and Community Forestry Program, and State of Washington Department of Natural Resources Urban and Community Forestry Program.	7
19	Amend/revise the city council's goals that will help guide and focus city resources and program initiatives to: reduce greenhouse gas production and the carbon footprint of city government and the Lakewood community; and, reduce and minimize the potential risks of climate change.	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Internal.	7
24	Enforce the Uniform Plumbing Code (IPC), which requires low-flow appliances and fixtures in all new development.	Energy & Built Environment; Consumption & Waste Management	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Lakewood Water District.	7
29	Continue to support neighborhood events such as parks appreciation day, garage sales, and clean-up/recycling events.	Waste consumption; Education & Outreach	Waste Connections	7
14	Consider local amendments to the building codes to allow for, encourage, or require integration of passive solar design, green roofs, active solar, and other renewable energy sources.	Energy & Built Environment	Washington Association of Building Officials; Pierce County Master Builders Association; partnerships with surrounding cities and Pierce County; Puget Sound Energy; Tacoma Power; Lakeview Light and Power; Washington State Department of Commerce	6
31	NEW! Map vulnerable community assets and disadvantaged neighborhoods.	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Internal; Washington State Department of Health; Tacoma-Pierce County Health Department; West Pierce Fire & Rescue	6

Implementation Measure #	Description	Action Steps	Category	Partners	Difficulty/ Effort			Priority				Subtotal points (D, P)	Financials (2022)			Total points (D,P,F)	Timing (Where budget constraints were identified, completion dates have been extended.)				Notes	
					High 3	Medium 2	Low 1	Critical 4	Important 3	Normal 2	Low 1		In budget 4 (\$931,199)	Not in budget 2	Consulting services? (no points)		Timeframe	Progress	Frequency	Start Date		Completion Date
1	Develop a five-year plan for reducing greenhouse gas emissions. The action plan shall include four-main topics: a comprehensive greenhouse gas emissions inventory and forecast; emissions reduction target(s); carbon sequestration targets; & a program for monitoring and reporting out the implementation tasks found in this document.	1. Continue to use Google Environmental Insights and ICLEI's software to refine the city's production of GHG emissions; 2. Monitor utility companies' tariffs with the Washington State Utilities & Transportation Commission (provides insights on the number/location of future electric charging stations); 3. Monitor vehicles miles travelled within Lakewood; 4. Determine if it is possible to obtain data from the Department of Licensing on the number of electric vehicles and non-electric vehicles registered in the City; 5. Monitor Pierce Transit ridership; 6. Monitor new construction data; use energy calculations to determine possible reductions in GHG emissions. Washington State Department of Ecology; Washington State Department of Commerce; Greenhouse Gas Analysis Tools: https://deptofcommerce.app.box.com/s/dsdx3345b67vk6m6j9ajsrsz9ye9f6ov American Planning Association, Washington Chapter; Climate Change in Washington https://apawa.memberclicks.net/2--climate-change-in-washington United States Environmental Protection Agency Climate Change Indicators in the United States https://www.epa.gov/climate-indicators https://www.epa.gov/ghgemissions/state-and-tribal-greenhouse-gas-data-and-resources City of Palo Alto, CA 2020 Greenhouse Gas Inventory Report https://www.cityofpaloalto.org/files/assets/public/sustainability/reports/palo-alto-2020-greenhouse-gas-emissions-inventory.pdf	Energy & Built Environment	Puget Sound Energy; Tacoma Power; Lakeview Light & Power; Pierce County Sustainability Collaborative	3	0	0	4	0	0	0	7	4	0	\$36,000	11	Early action	Started	Unique	Oct 22	Apr 23	First reports will be basic; content of reports will expand over time. Costs for measuring Lakewood's carbon sequestration difficult to determine.
5	Review, and as appropriate, update Lakewood Municipal Code (LMC) Title 14, Environmental Protections. Title 14 provides regulations for geologic hazard areas, flood hazard areas, and critical lands and natural resources. Climate change impacts may require that new regulations be inserted into this chapter. (Types of critical areas: wetlands; aquifer recharge areas; fish & wildlife conservation; flooded areas; and geologic hazards.)	1) Establish a work program (including a public participation plan) and schedule; 2) Review, and revise where needed, relevant plans and regulations; 3) Conduct a public engagement process; 4) Submit notice to the state; and 5) Take legislative action on proposed amendments Comprehensive Plan Update: https://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/GMA-Plan-Development-Regulations-Updates.aspx Washington State Department of Commerce: https://www.commerce.wa.gov/consulting-communities/growth-management/growth-management-topics/critical-areas/	Energy & Built Environment	Washington Department of Ecology; Washington State Department of Commerce.	3	0	0	4	0	0	0	7	4	0	\$0	11	Early action	Not started	GMA periodic update schedule; due date Dec 2024	Not started	Dec 24	Timing dates subject to change. CED may speed up reviews.
6	Work with Pierce County and Pierce County municipalities to develop a regional approach and best practices to address climate change. One strategy: adopt revised climate change Pierce Countywide Planning Policies.	The Pierce County Sustainability Office is heading the project. Currently in the process of gleaning interest from other communities. As of April 2022, two meetings have been conducted. Lakewood has participated in both. No formal actions have been proposed at this time. Lack of financial resources has already been identified as a significant problem. Pierce County Office of Sustainability: https://issuu.com/pierceco/docs/2017_sustainability_report?e=10586050/63055279	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Pierce County; loose consortium of Pierce County cities.	3	0	0	4	0	0	0	7	4	0	\$0	11	Early action	Started	Quarterly meetings	Jan 22	Continual	The Pierce County Sustainability Office is heading the project. Currently in the process of gleaning interest from other communities. As of April 2022, two meetings have been conducted. Lakewood has participated in both. No formal actions have been proposed at this time. Lack of financial resources has already been identified as a
7	Update the city's non-motorized transportation plan (also referred to as active transportation plan).	1. Establish a work program (including a public participation plan) and schedule; 2. Hire a consultant; 3. Review, and revise where needed, relevant plans and regulations (focus on future improvements that can reduce GHG emissions); 4. Conduct a public engagement process; 5. Submit notice to the state; & 6. Take legislative action on proposed amendments. Nonmotorized Transportation Planning: https://www.vtpl.org/tdm/tdm25.htm Washington State Active Transportation Plan: https://wsdot.wa.gov/sites/default/files/2021-12/ATP-2020-and-Beyond.pdf Puget Sound Regional Council (PSRC):	Transportation	Internal: Pierce College; Clover Park Technical College; Western State Hospital; Pierce College; CPSD; WSDOT; Steilacoom; UP; Tacoma; Pierce County.	3	0	0	4	0	0	0	7	4	0	\$75,139	11	Early action	Started	Every 5 years	May 22	Jun 23	General Fund. See also adopted action plan items 18, 19, 20, 21, 22, 23, and 24.
11	NEW! Develop a public engagement plan for climate change - was not part of implementation plan; however integral to environmental justice.	1. Submitted request for proposal to Evans School; 2. Proposal was approved; 3. Develop work plan; 4. Student team chosen; 5. Pay UW fee; 6. Conduct qualitative interviews; 7. Conduct surveys; 8. Prepare report to the City of Lakewood; 9. Provide presentation to WA APA. Resources for the Future	Education & Outreach	University of Washington, Evans School of Public Policy & Governance.	3	0	0	4	0	0	0	7	4	0	\$0	11	Early action	In process	Unique	Sep 21	May 22	Project turned out to be more difficult than expected. Outreach used to low-income neighborhoods was ineffective.
18	Clover Creek Floodplain Engineering Alternatives Analysis.	1. Execute contract with engineering consultant; 2. Contract management/administration; 3. Public engagement; 4. Flood mitigation conceptual alternative development; 5. Hydraulic modelling and analysis; 6. Preferred concept evaluations; 7. Funding strategy; 8. Draft and final engineering reports. FEMA, Guidance for Flood Risk Analysis and Mapping	Energy & Built Environment	Internal; property owners; Pierce County Public Works & Planning; WA State Department of Transportation; FEMA.	3	0	0	4	0	0	0	7	4	0	\$271,377	11	Early action	Started	Unique	Jan 22	Jan 23	SWM funds.

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					High 3	Medium 2	Low 1	Critical 4	Important 3	Normal 2		Low 1	In budget 4 (\$931.199)	Not in budget 2		Consulting services? (no points)	Timeframe	Progress	Frequency		Start Date	Completion Date
21	Review, and as appropriate, update the city's hazard mitigation plan to address climate change. The hazard mitigation and adaptation plan identifies and prioritizes potential and existing hazards across jurisdictional borders, including hazards that may be further amplified by climate change.	1. Organize the planning process and resources specific to potential climate change issues (flooding, severe weather, severe wind, drought, potential wildfire, and lakes' water quality); 2. Assess risks: Hazard identification; Profiling of hazard events; Inventory of assets; and Estimation of potential human and economic losses based on the exposure and vulnerability of people, buildings, and infrastructure; 3. Develop a mitigation strategy; 4. Adopt & implement the plan. FEMA https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning/create-hazard-plan/process Washington State Emergency Management Division https://mil.wa.gov/enhanced-hazard-mitigation-plan#:~:text=The%20Washington%20State%20Enhanced%20Hazard,a%20multi%20agency%20statewide%20document. Planning for Hazards Land Use Solutions for Colorado https://planningforhazards.com/hazard-mitigation-plan	Energy & Built Environment	Internal: FEMA; Washington State Emergency Management Division; Pierce County: West Pierce Fire & Rescue	3	0	0	4	0	0	0	7	4	0	\$0	11	Early action	Not started	Unique	Unknown	Unknown	
22	Establish (and regularly update) a new climate change chapter to the city's comprehensive plan.	1. Inventory; Reduction targets; 2. Forecast projected emissions; 3. Reduction measures; 4. Relationships with regional plans; & 5. Monitoring/updating Washington State Department of Commerce, Planning for Climate Change https://deptofcommerce.app.box.com/s/za1cy5wb0mubgd7417dadowjua296zh Washington State Department of Commerce, Greenhouse Gas Analysis Tools https://deptofcommerce.app.box.com/s/dsdx3345b67vk6m6j9ajsrzs9ye9f6ov Washington State Department of Ecology, Preparing for a Changing Climate https://www.cakex.org/sites/default/files/documents/1201004_0.pdf	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Puget Sound Energy; Tacoma Power; Lakeview Light & Power; Pierce County Sustainability Collaborative	3	0	0	0	3	0	0	6	4	0	\$4,000	10	Early action	Started	Unique	Jun 20	Jun 21	Some of the action plan items are difficult to carry out since the only utility the City owns and operates is stormwater. Water is operated by the Lakewood Water District. Sewer is operated by Pierce County Public Works. Electricity is operated by three separate utilities: Tacoma Power; Lakeview Light & Power; and Puget Sound Energy. Garbage collection services are provided by Waste Connections under contract with the City. <i>Primary efforts to address climate change are focused on: 1) agency coordination; 2) hazards mitigation; 3) nonmotorized transportation systems, 4) land use, 5) building code enforcement, and, to some extent: 6) carbon sequestration.</i>
25	Every two years, or as otherwise dictated by Washington State, update LMC Title 15, Buildings and Construction Codes to address hazards resulting from climate change.	1. SBCC Council & Standing Committee Review; 2. SBCC Legislative Review Committee; 3. Technical & Advisory Committees; 4. WABO review; 5. State legislative action; & 6. Local legislative action & incorporation into LMC Title 15. State Codes, Regulations & Guidelines https://sbcc.wa.gov/state-codes-regulations-guidelines WABO https://www.wabo.org/	Energy & Built Environment	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association; & West Pierce Fire & Rescue.	3	0	0	0	3	0	0	6	4	0	\$0	10	Early action	Not started	Ongoing	Jan 23	Continual	Program funded through general fund & permit fees. The International Code Council (ICC) promulgates a new International Building Code every 3 years through the ICC Code Development Process, and subject to amendments by the Washington Legislature and Lakewood City Council. Most current version of codes was delayed because of pandemic. The current version of the IBC is the 2018 edition. Next code cycle is in 2021. Possible areas of concern – wildfire resilience and wind storms. <i>(NOTE: Ongoing issues - lack of of qualified workers, supply chain disruption & material sourcing issues, COVID-19, & inflation.)</i>
28	Enforce the 2018 International Building Code, Section 429, Electric Vehicle and Charging Infrastructure. This code section also includes basic charging infrastructure for accessible parking spaces. Staff is expecting building codes to be modified with new standards in the very near future. There is the possibility of the city having to perform new assignments.	1. Review plans; requires five percent of parking spaces to be set aside for EV charging; 2. Charging stations for specific use-types only: hotels/motels; apartment complexes; and offices. No requirement for EV stations for retail uses; 3. Current code requires that EV "infrastructure" be installed. City interprets the language to mean underground conduit and space within the electrical room for EV-related facilities. Does not include the electrical vehicle supply equipment (EVSE) There are three types of EVSEs: 3a. Level 1 EVSE. Uses a standard 120-volt plug that you can plug into any outlet. You do not need a separately installed EVSE for this level of charging. However, it takes longer to fully charge the car. This will give you two to five miles of range per charging hour. 3b. Level 2 EVSE. For speedier charging that can charge your car in about two hours. Level 2 uses a 240-volt residential or 208-volt commercial plug and needs to plug into a separately installed charging station. Requires a 40-amp outlet to handle this faster charger. A level 2 EVSE gives you anywhere from 10 to 60 miles of range per charging hour. 3c. DC Fast Chargers, also known as Level 3 or CHAdeMO chargers. CHAdeMO comes from a Japanese term meaning "charge while moving" or "charge and go," referring to the fact that that the charger is super-fast. These chargers can charge a standard EV in about 20 minutes, but they require specialized equipment and regular maintenance. Fast chargers are not compatible with all EV's and are mostly used in commercial applications.	Energy & Built Environment; Transportation	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association.	3	0	0	0	3	0	0	6	4	0	\$0	10	Early action	Started	Ongoing	Dec 2020	Continual	Significant concern over installation, maintenance and service, and vandalism regarding public EVSEs. While the City can require the set aside for parking spaces and make minimum infrastructure requirements for electric vehicles, it does not mean the EVSE infrastructure will be installed. Payment process is another issue. In order to pay using credit/debit cards, or a smartphone, public EVSEs require WIFI. In a recent focus group discussions, it was suggested that cities be responsible for installing public EVSE infrastructure. City representatives expressed that it should be the

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3	Proactively work with energy providers to market existing energy conservation programs with Lakewood property owners. Where appropriate propose new programs to better fit Lakewood's needs. Consider the use of HUD grants and low-interest loans to complement energy provider conservation programs.	1. Participate in PSE focus group discussions; 2. Request that the three energy purveyors participate in the Pierce County Sustainability Collaborative; 3. Review current energy conservation programs offered by energy purveyors; 4. Through the RHSP database, promote and advertise energy conservation programs offered by energy purveyors; 5. Discuss with Department of Commerce the availability of grants to reduce energy use and promote energy conservation in apartment complexes; 6. Lobby at the state level energy conservation grants programs for older commercial buildings. Washington State Utilities & Transportation Commission: https://www.utc.wa.gov/regulated-industries/utilities/energy/conservation-and-renewable-energy-overview/company-conservation-programs Washington State Utilities & Transportation Commission & N.C. Clean Energy Technology Center at N.C. State University https://programs.dsireusa.org/system/program?state=WA Washington State Utilities & Transportation Commission/ Energy Assistance Programs: https://www.utc.wa.gov/consumers/energy/energy-assistance-programs Washington State Department of Commerce: https://www.commerce.wa.gov/growing-the-economy/energy/energy-independence-act/eia-reporting/	Energy & Built Environment	Washington State Utilities & Transportation Commission; Puget Sound Energy; Lakeview Light & Power; Tacoma Power.	3	0	0	4	0	0	0	7	0	2	\$0	9	Early action	Started	N/A	Unknown	Continual	Some initial conversations with PSE are underway.
4	Incorporate an environmental justice assessment into the climate change work plan. (Dependent upon completion of climate perception study.)	1. Complete the climate change perception study; 2. Develop a public engagement plan; 3. Consider conducting paid surveys and interviews with frontline communities; 4. Review survey data with state and county departments of health data; 5. Reevaluate/reprioritize climate change implementation measures; 6. Review plan with the city manager. Providence, RI, Climate Justice Plan:	Education & Outreach	City's communication manager; Korean Women's Association; neighborhood associations; Community Services Advisory Board; Youth Council; Lakewood's Promise; Pierce County Sustainability Collaborative; Tacoma Pierce County Health Department; WA State Department of Health.	3	0	0	4	0	0	0	7	0	2	\$30,000	9	Early action	Not started	Unique	Jun 23	Oct 23	
9	NEW! Use a supplemental greenhouse gas/climate change impact worksheet of climate change impacts and potential mitigation when conducting an environmental review process under the State Environmental Policy Act.	1. Instruction sheet; 2. Develop worksheet using spreadsheet; 3. Amend SEPA checklist; 4. Determine if the worksheet is to be used for mitigation purposes, to track emissions only, or if it is a voluntary tool only? King County, WA: https://kingcounty.gov/-/media/depts/permitting-environmental-review/dper/documents/forms/SEPA-Greenhouse-Emissions-Worksheet-Instructions.ashx?la=en City of Bremerton, WA: https://www.bremertonwa.gov/DocumentCenter/View/1588/Greenhouse-Gas-Brochure-PDF City of Los Angeles, CA: https://planning.lacity.org/eir/SanPedro/DEIR/Vol%20II/04_AppC_GreenHouseGasEmissionsData.pdf	Energy & Built Environment	Pierce County Sustainability Collaborative; Puget Sound Clean Air Agency; Washington State Department of Ecology.	0	2	0	0	3	0	0	5	4	0	\$0	9	Early action	Not started	Unique	Dec 22	Mar 23	Some cities are already using a revised/modified checklist.
10	NEW! Lakewood, as a member of the South Sound Military Communities Partnership SSMCP), advocate at both the state and federal levels for improvements to the I-5 Nisqually Corridor. Project has multiple challenges: Transportation alternatives for I-5 traffic congestion; Sea level rise leading to increased flood potential; Mitigating salmon habitat degradation; Military readiness and national security; Environmental remediation; Population growth; and Treaty rights of the Nisqually Tribe.	1. Imperative that the I-5 Nisqually River projects is placed into the WA Transportation Improvement Program (TIP); 2. Determine the level of NEPA analysis required; 3. Emphasize strategies that require EA/EIS; 4. Conceptual project development; 5. Prepare environmental discipline reports related to EA/EIS process; 6. Ongoing coordination with partners and regulatory agencies; & 7. Support legislative advocacy for federal funding.	Energy & Built Environment; Transportation	SSMCP partnerships (multiple local, state, federal agencies, and private parties). Governor Inslee, Sen Cantwell and Congresswoman Strickland all support the project as a priority for the state.	3	0	0	4	0	0	0	7	0	2	\$125,000,000	9	Long term action	In process	Ongoing with multiple tasks at play at various government al layers	Dec 17	Multi-year; tentative construction dates, 2027/2028 (?)	State funding at this point. Most recently \$5M for NEPA and \$75M for engineering pre-design. Possible shortfall of \$50M for pre-design will require federal assistance for funding. Federal funding required in the near future should construction schedule stay in the 2027/2028 timeframe. The I-5 Nisqually Corridor is now defined as a WA State mega-project and is about to be listed on the state TIP, PSRC and TRPC TIPs. This is a
12	Conduct a sustainability audit that evaluates existing plans, ordinances, and development standards to identify regulatory barriers to infill development. (fee waivers, density bonuses, development impact fee, tax benefits, etc.).	1. Review with utility providers current infrastructure limitations; 2. Perform a regulatory process assessment regarding the City's land use and development codes; 3. Perform a regulatory process assessment for Lakewood Water District, Pierce County Public Works and Planning, West Pierce Fire District, and power purveyors; 4. Provide recommendations for suggested improvement; 5. Implement recommendations. City of Tacoma Residential Infill Pilot Program https://www.cityoftacoma.org/UserFiles/Servers/Server_6/File/cms/Planning/Residential%20Infill%20Pilot%20Program/Handbook%202020.pdf Berkeley Law Right Type Right Place Assessing the Environmental and Economic Impacts of Infill Residential Development through 2030 https://www.law.berkeley.edu/wp-content/uploads/2017/03/Right-Type-Right-Place.pdf Denver Council of Governments Regulatory Strategies for Encouraging Infill & Redevelopment	Energy & Built Environment	Pierce County Planning and Public Works (sewers); Lakewood Water District (water); SSHAP.	0	2	0	0	3	0	0	5	4	0	\$60,000	9	Early action	Started	Unique	Unknown	Unknown	Some information will be collected as part of the Housing Element update currently underway; may begin to see initial data September 2022.
16	Revise the Lakewood's tree preservation code.	1. Public participation plan; 2. Kickoff meeting and ongoing coordination; 3. Lakewood tree canopy situation assessment; 4. Lakewood tree code evaluation; 5. Tree advisory committee facilitation; 6. Stakeholder engagement; 7. Legislative review process. City of Oak Harbor Garry oak tree protection https://www.codepublishing.com/WA/OakHarbor/html/OakHarbor20/OakHarbor2016.html Island County Code https://library.municode.com/wa/island_county/codes/code_of_ordinances?nodeId=TITXVIIZO_CH17.03ISCOZOZO_17.03.180L_AUSST Pierce County Code, Table 18.1.15.030.1, Significant Trees	Energy & Built Environment and Carbon Sequestration	Internal; Ad hoc tree committee.	3	0	0	4	0	0	0	7	0	2	\$60,000	9	Early action	Started	Unique	Sep 21	Aug 22	General fund. Once the new code is adopted, depending on proposed regulations, additional staffing may be required. Cost for ½ FTE, \$45,432; for full FTE, \$90,864.

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20	Explore the feasibility of reducing the city hall footprint from three floors to two floors. (Potentially reducing energy consumption.)	1. Internal discussion/establish a review committee; 2. Collect city hall as-built drawings; 3. Release RFP; 4. Review proposals; 5. Select preferred candidate; 6. Enter into contract for services; 7. Perform a needs assessment and obtain the space needs for each department; 8. Produce three floor plans informed by the needs assessment results, categorized by low, medium, and high costs; 9. Produce cost estimates for each floor plan. Designing Government Offices for the Post-COVID Era https://www.gensler.com/blog/designing-government-offices-for-the-post-covid-era 7 Urban Planning Ideas for Smarter Workplace Design https://www.newdayoffice.com/blog/7-urban-planning-ideas-for-smarter-workplace-design Lake Oswego City Hall Facilities Assessment https://www.ci.oswego.or.us/sites/default/files/fileattachments/citymanager/cityprojects/19150/city_hall.pdf City of Tukwila Facilities Needs Assessment and Feasibility Study https://www.tukwila.wa.gov/departments/mayors-office/key-city-plans-and-projects/facilities-needs-assessment-and-feasibility-study/ City of Leavenworth, WA	Energy & Built Environment	Internal.	0	2	0	0	3	0	0	5	4	0	\$130,000	9	Early action	Started	Unique	Jan 22	Aug 22	\$100,000 ARPA funds; \$30,000 General Fund; RFP in-process.
23	Regularly update the Downtown Subarea Plan and the Lakewood Station District as market conditions and climate conditions change.	David Bueher: ACTION STEPS - 1. Obtain docket approval; 2. Review, and revise where needed, relevant plans and regulations; 3. Conduct a public engagement process; 4. Perform SEPA; submit notice to the state; & 5. Take legislative action on proposed amendments.	Energy & Built Environment	Internal; Lakewood Water District; Pierce County Public Works; Pierce Transit; Lakeview Light & Power; Tacoma Power.	0	2	1	0	0	2	0	5	4	0	\$0	9	Early action	Started (underway)	Every 2 years	Sep 21	Aug 22	
30	Support the implementation of the Tacoma-Pierce County Solid Waste & Hazardous Management Plan.	1. Determine Planning Area and Responsibilities 2. Involve the local SWAC; 3. Develop scope of work; 4. Develop preliminary draft 5. Public review; 6. Ecology review; 7. SEPA; 8. Submit final draft to Ecology; 9. Adopt final draft; 10. Submit adopted plan to Ecology; 11. Implement the plan (new interlocal agreement);	Waste Consumption; Education & Outreach	Pierce County; Tacoma-Pierce County Health Department; Waste Connections; other Pierce County cities; Clover Park School District; Western State Hospital; Pierce College; Clover Park Technical College; Saint Clare Hospital	0	2	0	0	3	0	0	5	4	0	\$0	9	Early action	Started	Unique	Mar 22	Continual	Project underway. Original plan adopted in 2000 & updated in 2016. A new plan is under review. City Council was provided a presentation on March 14, 2022. City staff persons assigned to monitor plan's promulgation and eventual adoption. A new plan may require amendments to the City's current contract with Waste Connections.
2	Inform city residents and businesses, the city council, planning commission, staff, and other stakeholders of the city's emission reduction targets and overall progress. Add targets and progress to the Lakewood dashboard.	1. Review metrics of other jurisdictions; 2. Choose KPIs and metrics to track; 3. Select data sources; 4. Understand the intended audience; 5. Build reports and dashboard with meaningful and straightforward graphs. 6. Review the dashboard with stakeholders.	Education & Outreach	Not applicable in early stages; may establish a uniform reporting process through the Pierce County Sustainability Collaborative.	0	2	0	0	0	2	0	4	4	0	\$0	8	Early action	Not started	Annual	Dec 22	Continual	
8	Develop plans for key commercial corridors in the city to guide redevelopment of these areas into mixed-use, pedestrian and transit-oriented corridors and nodes. Possible corridors include South Tacoma Way, Steilacoom Boulevard SW, Bridgeport Way, and Union Avenue SW. Include development standards and urban design guidelines.	1. Determine which corridor goes first; 2. Establish a work program (including a public participation plan) and schedule; 3. Hire a consultant; 4. Develop corridor planning process 5. Review transportation topics (street classification, transit, pedestrian & bicycles, parking freight, proposed capital projects, TDM, & ITS); 6. Regulations & studies; 7. Conduct a public engagement process; 8. Submit notices to the state; & 9. Take legislative action on proposed amendments. Corridor Planning Guide: https://www.dvrpc.org/reports/07028.pdf City of des Moines Corridor Management Plan: https://www.seatacwa.gov/home/showpublisheddocument/14703/636301021452800000 City of Pasco Corridors & Gateway Plan: https://www.pasco-wa.gov/DocumentCenter/View/2555/Corridors-and-Gateways-Plan-11-17-2008-INFO-08-07?biddl=	Energy & Built Environment	Lakewood PWE; Pierce Transit; neighborhood groups affiliated with specific corridors; and utility companies/public agencies.	3	0	0	0	3	0	0	6	0	2	\$400,000	8	Early action	Not started	Unique	Unknown	Unknown	General Fund; currently not budgeted, but based on other subarea plan development, \$100,000 per corridor for a total of \$400,000.
17	Examine City practices for opportunities to reduce paper consumption in the workplace. Implement a document management information system.	1. Review/amend retention schedules; 2. Prepare the documents to be converted and stored in the document management software; documents may be paper or electronic ones stored in different folders, drives or cloud services. Ensure that you have all the documents ready to be converted into the electronic format; 3. Establishing a new set of practices to accommodate, and make use of new software; 4. Add users (city departments) to the document management database. Users are added one at a time; 5. Create user roles and assign privileges; 6. Define a document organization structure; 7. Scan paper documents including building construction documents; 8. Create standardized workflows; 9. Establish 'day-forward' filing systems; 10. Train employees. Access, How to go Paperless at Your Office https://www.accesscorp.com/blog/4-steps-to-going-paperless/ Centric Business Systems, Be Green and Sustainable Using Digital Document Management and MPS https://www.centricbiz.com/be-green-and-sustainable-using-digital-document-management-and-mps/	Waste Consumption	Internal.	0	2	0	0	0	2	0	4	4	0	\$300,000	8	Early action	Started	Unique	Feb 21	Feb 26	General fund.

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26	Adopt and enforce the 2018 Washington State Energy Code.	<p>1. SBCC Council & Standing Committee Review;</p> <p>2. SBCC Legislative Review Committee;</p> <p>3. Technical & Advisory Committees;</p> <p>4. WABO review;</p> <p>5. State legislative action; &</p> <p>6. Local legislative action & Incorporation into LMC Title 15.</p> <p>Washington State Building Code Council, Energy Code https://sbcc.wa.gov/state-codes-regulations-guidelines/state-building-code/energy-code</p> <p>RDH, 2021 Update: Understanding the 2018 Washington State Energy Code and Seattle Energy Code Changes https://www.rdh.com/blog/2021-update-understanding-the-2018-washington-state-energy-code-and-seattle-energy-code-changes/</p> <p><i>Leveled: Changes to Washington State Energy Code Requirements Cause Backlash From Contractors</i></p> <p>1. June 2021, Pierce Transit allocates \$812,000 to study four BRT corridors, one of which includes Route 3, also known as BRT B. BTR B runs from Downtown Tacoma, along South Tacoma Way to the LakewoodSR-512 Park-and-Ride.</p> <p>2. Current project schedule (subject to change): Environmental 2028-2029; Final design 2030-2032; Final construction 2033-2034.</p> <p>3. City right-of-way permits.</p> <p>Lakewood City Council Agenda, April 11, 2022 https://cityoflakewood.us/wp-content/uploads/2022/04/2022-04-11-Council-Agenda.pdf</p> <p>Pierce Transit, BRT Expansion Study https://www.piercetransit.org/brt-expansion-study/</p> <p>The Urbanist, Pierce Transit Plans 'Stream' BRT Expansion, Bus Lane Cutbacks on First Line</p>	Energy & Built Environment; Consumption Management	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Pierce County Master Builders Association	0	2	0	0	0	2	0	4	4	0	\$0	8	Early action	Started	Ongoing	Not applicable	Continual	New code became effective February 1, 2021. New codes have increased costs for new residential construction. Often difficult to incorporate new requirements into older residential structures. City's position is to apply flexibility in such situations.
27	Support the creation of a South Tacoma Way Bus Rapid Transit System (BRT) that connects Downtown Tacoma, Lakewood, and Joint Base Lewis McChord.	<p>1. June 2021, Pierce Transit allocates \$812,000 to study four BRT corridors, one of which includes Route 3, also known as BRT B. BTR B runs from Downtown Tacoma, along South Tacoma Way to the LakewoodSR-512 Park-and-Ride.</p> <p>2. Current project schedule (subject to change): Environmental 2028-2029; Final design 2030-2032; Final construction 2033-2034.</p> <p>3. City right-of-way permits.</p> <p>Lakewood City Council Agenda, April 11, 2022 https://cityoflakewood.us/wp-content/uploads/2022/04/2022-04-11-Council-Agenda.pdf</p> <p>Pierce Transit, BRT Expansion Study https://www.piercetransit.org/brt-expansion-study/</p> <p>The Urbanist, Pierce Transit Plans 'Stream' BRT Expansion, Bus Lane Cutbacks on First Line</p>	Transportation	Pierce Transit, Lakewood neighborhood associations, Korean business community, City of Tacoma, & JBLM.	3	0	0	0	3	0	0	6	0	2	\$0	8	Long term action	Early planning stages	Ongoing	Jun 21	2034 (tentative)	See Lakewood City Council minutes, April 11, 2022.
32	Implement water conservation efforts for households, businesses, industries, and public infrastructure. Include measures to encourage installation of drought-tolerant and native vegetation.		Waste Consumption; Carbon Sequestration; Education & Outreach	Internal, Lakewood Water District	0	0	1	0	3	0	0	4	4	0	\$0	8	Early action	Started	Ongoing	Dec 20	Continual	Project completed: City's land use and development code already have provisions which require drought-tolerant and native plants.
13	Establish a trip reduction policy that includes a remote work strategy, and appropriate technology. Consider incorporation into the city's land use and development code.	<p>1. Determining whether measures should be compulsory or voluntary, and what the appropriate methods of enforcement should be for employers and developers that do not comply;</p> <p>2. Technical support programs to assist developers, businesses, and local agencies in implementing ordinances;</p> <p>3. Baseline understanding of existing employee commute behavior and the availability of alternatives (typically gained through surveys);</p> <p>4. Methods for collecting data on travel patterns, mode sharing, and other metrics to evaluate the effectiveness of trip reduction ordinances;</p> <p>5. Examine the types of remote work models currently in practice;</p> <p>6. Merge TDM with remote work models;</p> <p>7. Take legislative action on proposed amendments.</p> <p>Washington State Revised Code, RCW 70.94.531, Transportation demand management - Requirements for employers. http://app.leg.wa.gov/RCW/default.aspx?cite=70.94.531</p> <p>WSDOT Commute Trip Reduction (CTR) program website. https://www.wsdot.wa.gov/transit/ctr/overview</p> <p>Harvard Business Analytics Services; Is Remote Work Actually Better for the Environment? https://hbr.org/2022/03/is-remote-work-actually-better-for-the-environment</p>	Transportation	WSDOT; Washinton Department of Commerce.	3	0	0	0	0	2	0	5	0	2	\$25,000	7	Early action	Not started	Unique	Unknown	Unknown	
15	Develop an urban forest management plan (public properties only).	<p>1. Authorization and scoping;</p> <p>2. Begin work plan development;</p> <p>3. Initial meeting(s) to gather input and assign responsibilities;</p> <p>4. Develop vision statement with input;</p> <p>5. Begin inventories and assessments: establish data collection parameters and protocols;</p> <p>6. Data collections;</p> <p>7. Strategic planning - data analysis and synthesis;</p> <p>8. Data presentation and initial goal setting meetings;</p> <p>9. Develop goals, objectives, and actions;</p> <p>10. Gain approval of the strategic plan;</p> <p>11. Implementation Plan - develop a matrix with who will complete the action and when;</p> <p>12. Monitoring plan - establish monitoring protocols, matrix;</p> <p>13. Compile draft plan;</p> <p>14. In-house review of draft plan;</p> <p>15. Public presentation of draft plan;</p> <p>16. Edit draft, compile/format final draft;</p> <p>17. Final plan approval;</p> <p>18. Begin implementation;</p> <p>19. Begin monitoring and adaptive management.</p> <p>Urban Forest Management Plan Toolkit https://ufmptoolkit.net/two/</p> <p>City of Tacoma Urban Forest Action Plan https://s3-usa.s3.amazonaws.com/c/308468772/media/30025e8e44288d21005853766553642/Tacoma%2C%20WA%20Urban%20Forest%20Master%20Plan%20-%20202019.pdf</p> <p>City of Seattle 2020 Urban Forest Management Plan http://www.seattle.gov/Documents/Departments/Trees/Mangement/UrbanForestManagementPlanFinal.pdf</p>	Energy & Built Environment; Carbon Sequestration	Internal; Puget Sound Energy, Tacoma Power, Lakeview Light and Power, neighborhood associations, USDA Forest Service Urban and Community Forestry Program, and State of Washington Department of Natural Resources Urban and Community Forestry Program.	3	0	0	0	0	2	0	5	0	2	\$750,000	7	Early action	Not started	Unique	Unknown	Unknown	Possible funding sources to prepare a management plan may be available through the USDA Forest Service Urban and Community Forestry Program, administered through the State of Washington Department of Natural Resources Urban and Community Forestry Program. Cost to prepare plan, \$250,000. Annual maintenance costs, based on population, \$500,000.
19	Amend/revis the city council's golas that will help guide and focus city resources and program initiatives to: reduce greenhouse gas production and the carbon footprint of city government and the Lakewood community; and, reduce and minimize the potential risks of climate change.	<p>Biennially:</p> <p>1. Confirm or revise strategies advantages and disadvantages;</p> <p>2. Confirm or revise the assumptions about the future; &</p> <p>3. Confirm or revise critical planning issues.</p> <p>City of Lakewood Work Plan https://www.lakewoodwa.gov/DocumentCenter/View/1000/2020-2023-Work-Plan</p>	ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education & Outreach	Internal.	0	0	1	0	0	2	0	3	4	0	\$0	7	Early action	Not started	Annual	Dec 22	Continual	

Implementation Measure #	Description	Action Steps	Category	Partners	Difficulty/ Effort			Priority				Subtotal points (D, P)	Financials (2022)			Total points (D,P,F)	Timing (Where budget constraints were identified, completion dates have been extended.)					Notes
					High 3	Medium 2	Low 1	Critical 4	Important 3	Normal 2	Low 1		In budget 4 (\$931,199)	Not in budget 2	Consulting services? (no points)		Timeframe	Progress	Frequency	Start Date	Completion Date	
24	Enforce the Uniform Plumbing Code (IPC), which requires low-flow appliances and fixtures in all new development.	1. SBCC Council & Standing Committee Review; 2. SBCC Legislative Review Committee; 3. Technical & Advisory Committees; 4. WABO review; 5. State legislative action; & 6. Local legislative action & incorporation into LMC Title 15. State Codes, Regulations & Guidelines https://sbcc.wa.gov/state-codes-regulations-guidelines Water footprint calculator	Energy & Built Environment; Consumption & Waste Management	Washington State Building Code Council (SBCC); Washington Association of Building Officials (WABO); Lakewood Water District.	0	0	1	0	0	2	0	3	4	0	\$0	7	Early action	Started	Ongoing	Not applicable	Continual	Program funded through general fund & permit fees. 2018 code update was effective February 1, 2021.
29	Continue to support neighborhood events such as parks appreciation day, garage sales, and clean-up/recycling events.	1. Pick dates for events; 2. Coordinate with Waste Connections; 3. Review/revise cleanup rules; 4. Advertise; 5. Volunteers; 6. Security through LPD; 7. If feasible count volunteers or number of vehicles. Waste Connections	Waste consumption; Education & Outreach	Waste Connections	0	0	1	0	0	2	0	3	4	0	\$0	7	Early action	Started	Ongoing	Not applicable	Continual	
14	Consider local amendments to the building codes to allow for, encourage, or require integration of passive solar design, green roofs, active solar, and other renewable energy sources.	1. Hire a consultant; 2. Initial/kick-off staff workshop; 3. Developer engagement workshop; 4. Public engagement exercises; 5. Develop design principles for "good" green development standards; 6. Update and review internal planning application review processes/staff training; 7. Develop implementation process; 8. Track and monitor the uptake of the sustainability metrics; 9. Develop incentive programs (requires coordination with utility companies); 10. Take legislative action to incorporate/expand green design principles into building, and land use and development codes. Clean Air Partnership https://cleanairpartnership.org/cac/wp-content/uploads/2020/05/Green-Development-Standards-Implementation-CAC-May-22.pdf City Lab, Hamilton, Ontario	Energy & Built Environment	Washington Association of Building Officials; Pierce County Master Builders Association; partnerships with surrounding cities and Pierce County; Puget Sound Energy; Tacoma Power; Lakeview Light and Power; Washington State Department of Commerce	3	0	0	0	0	0	1	4	0	2	\$300,000	6	Long term action	Not started	Unique	Unknown	Unknown	NOT RECOMMENDED. Assume an initial investment of a \$300,000 consultant contract plus additional building division staff. City of Olympia attempted green development standards, but dropped the program because of expense. Only available for new construction, not used for tenant improvement projects. Existing incentives will not sufficiently offset costs. Few building projects will incorporate voluntary green building techniques.
31	NEW! Map vulnerable community assets and disadvantaged neighborhoods.		ALL: Energy & Built Environment; Transportation; Consumption & Waste Management; Carbon Sequestration; Education &	Internal: Washington State Department of Health; Tacoma-Pierce County Health Department; West Pierce Fire & Rescue	0	0	1	0	3	0	0	4	0	2	\$0	6	Early action	Started	Ongoing	Not applicable	Continual	Project completed. Work performed by the Washington Department of Health.