



AGENDA

PLANNING COMMISSION

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

Wednesday, June 21, 2023 at 6:30 pm

Hybrid Meeting: In-Person & Virtual via ZOOM

Lakewood City Hall, Council Chambers (6000 Main St. SW, Lakewood 1st floor)

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 at <https://www.youtube.com/user/cityoflakewoodwa> or by calling in to listen by telephone at +1 (253) 215-8782 and by entering meeting ID: 817 9372 3141

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 by noon on the day of 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: 817 9372 3141 or by going online at <https://us06web.zoom.us/j/81793723141>. 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/81793723141> 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 dated June 7, 2023
4.	Agenda Updates
5.	Public Comments
6.	Public Hearings <ul style="list-style-type: none">• None
7.	Unfinished Business <ul style="list-style-type: none">• None
8.	New Business <ul style="list-style-type: none">• Review of updated 24CPPR requirements per 2023 State Legislative Session
9.	Reports from Council Liaison, City Staff & Commission Members <ul style="list-style-type: none">• City Council Updates/Actions• City Staff Updates• Next Planning Commission meeting July 19, 2023

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

1. Staff Report: Review of updated 24CPPR requirements per 2023 State Legislative Session

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, June 20, 2023 at noon if you are unable to attend. Thank you.



**JOINT PLANNING COMMISSION
MEETING MINUTES**

June 7, 2023

**Hybrid In-Person/Virtual Meeting via ZOOM
6000 Main Street SW, Lakewood, WA**

Call to Order

Mr. Don Daniels, Chair, called the hybrid ZOOM meeting to order at 6:31 p.m.

Roll Call

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

Planning Commission Members Excused: Don Daniels, Chair

Commission Members Absent: None

Staff Present: Dave Bugher, Community Development Director and Assistant City Manager; Tiffany Speir, Long Range & Strategic Planning Manager; Ted Hill, Capital Projects Division Manager, and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Paul Bocchi (not present)

Approval of Minutes

The minutes of the meeting held on May 17, 2023 and May 31, 2023 were approved as written by voice vote M/S/C Larsen/Combs. The motion carried unanimously, 6-0.

Agenda Updates

None

Public Comments

No public were in attendance and no one online raised their hand to make comment.

Public Hearings

None.

Unfinished Business

Action on Resolution 2023-02 regarding updated Multifamily Tax Exemption (MFTE) Program

Ms. Tiffany Speir summarized proposed Resolution 2023-02 regarding changes to the City's MFTE program reflecting changes in state law as well as discussions held at the Planning Commission.

Resolution 2023-02 approved as written by voice vote M/S/C Larsen/Combs. The motion carried unanimously 5-0. (Mr. Robert Estrada recused himself from the vote due to his extended absence during the last month of discussions on the topic.)

New Business

2024-2029 Transportation Improvement Plan (6 Year TIP)

Mr. Ted Hill presented the updated version of the 6 Year Transportation Program, summarizing the projects removed from the list because they had been completed or because they are not capital projects, as well as the signal project at the Western State Hospital campus being added to the list.

Climate Change Annual Report

Ms. Andrea Bell provided a report to the Planning Commission regarding progress to date to implement the adopted 3-year Climate Change Work Plan as well as the new requirement under

HB 1181 for climate change to be a mandatory element in the City's Comprehensive Plan. The City would be developing a new 5-year Action Plan under HB 1181 requirements.

Report from Council Liaison

None.

Reports from Commission Members and Staff

In light of the recent recommendation to approve the Lakewood Racquet Club rezoning of their properties to OSR2 to allow for regulation sized buildings for their competitions, Mr. Robert Estrada requested staff inquire about their process for charging seniors or high school students for use of their current facilities. Ms. Speir agreed to provide information at the next meeting.

Ms. Speir reviewed the upcoming meetings schedule with commissioners:

- June 21: Review of preliminary draft updates to the Energy & Climate Change Chapter, Critical Areas ordinance, and Housing Element
- July 5: Meeting cancelled due to 4th of July Holiday observances
- July 19: Overview of 24CPPR items (subarea plan reviews, other items)

The Next Regular Meeting would be held as a hybrid in-person/ZOOM meeting on Wednesday, June 21, 2023.

Meeting Adjourned at 7:30 p.m.

Don Daniels, Chair
Planning Commission 06/21/2023

Karen Devereaux, Recording Secretary
Planning Commission 06/21/2023



TO: City of Lakewood Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: June 21, 2023
SUBJECT: Updated scope of 24CPR Process per new state law: Middle Housing;
Accessory Dwelling Units; Climate Change & Resiliency

BACKGROUND

Under WA State law, Lakewood is required to conduct a full review of its Comprehensive Plan, zoning map, and related development regulations every 10 years. The next due date for a periodic review is December 31, 2024. Lakewood is also required to prepare an “implementation progress report” 5 years after adoption of its periodic review updates (i.e., by December 31, 2029 following the current periodic review.)

DISCUSSION

Since September 2022, the Planning Commission has been discussing anticipated issues that would be part of the 2024 Lakewood Comprehensive Plan Periodic Review (24CPR.) However, in the 2023 State Legislative Session, several bills were passed changing the 24CPR requirements related particularly to housing and climate change & resiliency: **E2SHB 1110, EHB 1337, and E2SHB 1181**. These changes are summarized below.

E2SHB 1110: Housing Density

Housing Densities

A fully planning city with a population of at least 25,000 but less than 75,000 must include authorization for at least:

- 2 units per lot;
- 4 units per lot within 0.25 miles walking distance of a “major transit stop” (defined as a stop on a high-capacity transportation system, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes); and
- 4 units per lot if at least one unit is affordable housing.

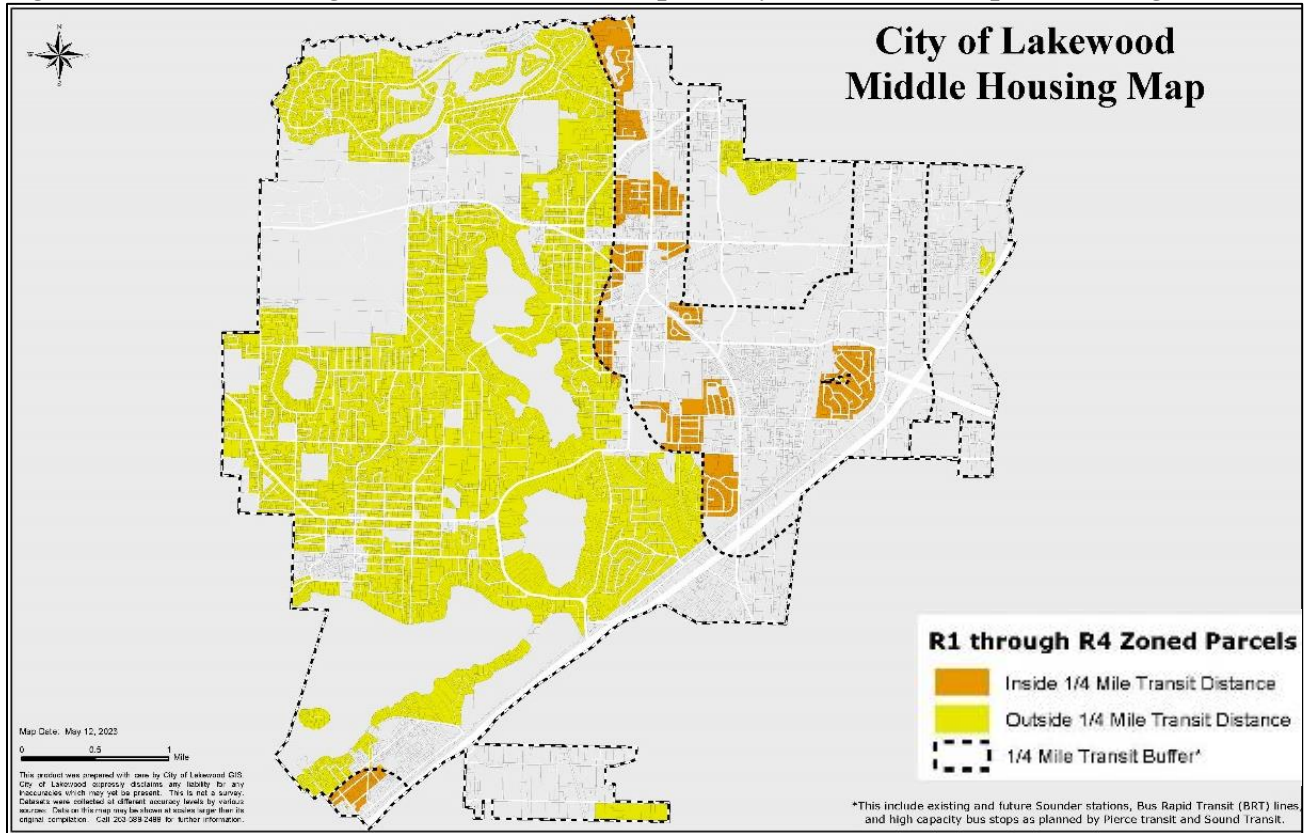
The density requirements do not apply to:

- lots designated with critical areas or their buffers, which include:
 - (a) wetlands;
 - (b) areas with a critical recharging effect on aquifers used for potable water;
 - (c) fish and wildlife habitat conservation areas;
 - (d) frequently flooded areas (i.e., lands in the flood plain subject to at least a 1% or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater including, but not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface); and
 - (e) geologically hazardous areas (i.e., areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns))

A city is not required to allow ADUs or middle housing types beyond the density requirements in E2SHB 1110.

The maps below offer a preliminary view of where E2SHB 1110 densities may affect Lakewood’s R1-R4 zones.

Figure 1. Middle Housing in R1-R4 zones (2 units per lot (yellow) or 4 units per lot (orange))



R1-R4 Zoned Lots Citywide: 12,140

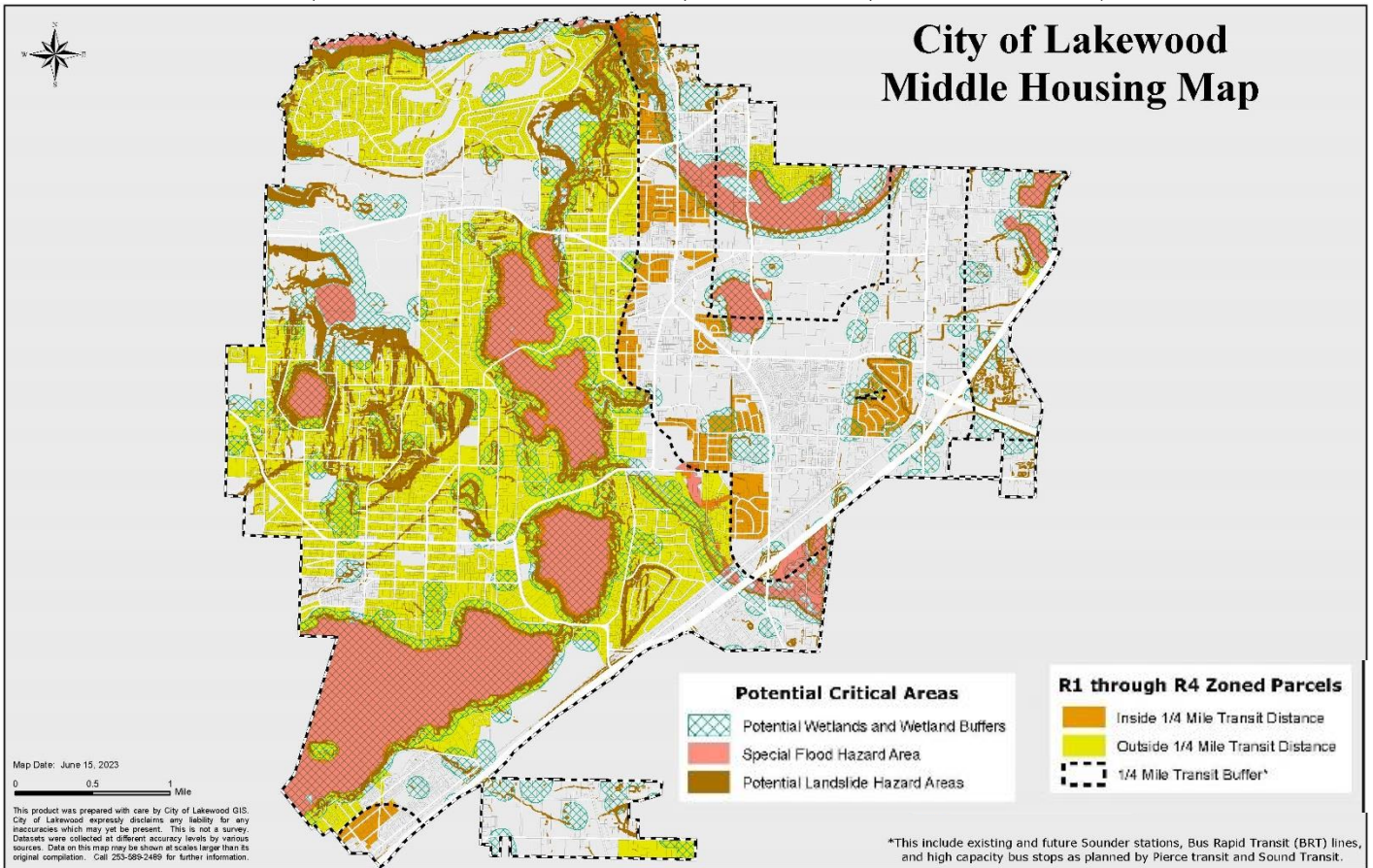
- R1-R4 Lots inside ¼ mi of Transit (4 units per lot): 1,566
- R1-R4 Lots outside ¼ mi of Transit (2 units per lot/4 units if 1 unit affordable (60% AMI rental/80% owner): 10,574

Potential # of additional unit capacity citywide within current R1-R4 zones if no critical area or other exemptions apply: 27,412

- Theoretically (not actually) increases Lakewood capacity from 11,371 to 38,783 units

The City is reviewing what residential lots would not be subject to E2SHB 1110 due to presence of critical areas and/or their buffers.

Figure 2*. Middle Housing in R1-R4 zones (2 units per lot (yellow) or 4 units per lot (orange)) and Critical Areas (wetlands and wetland buffers, flood hazards, landslide hazards)

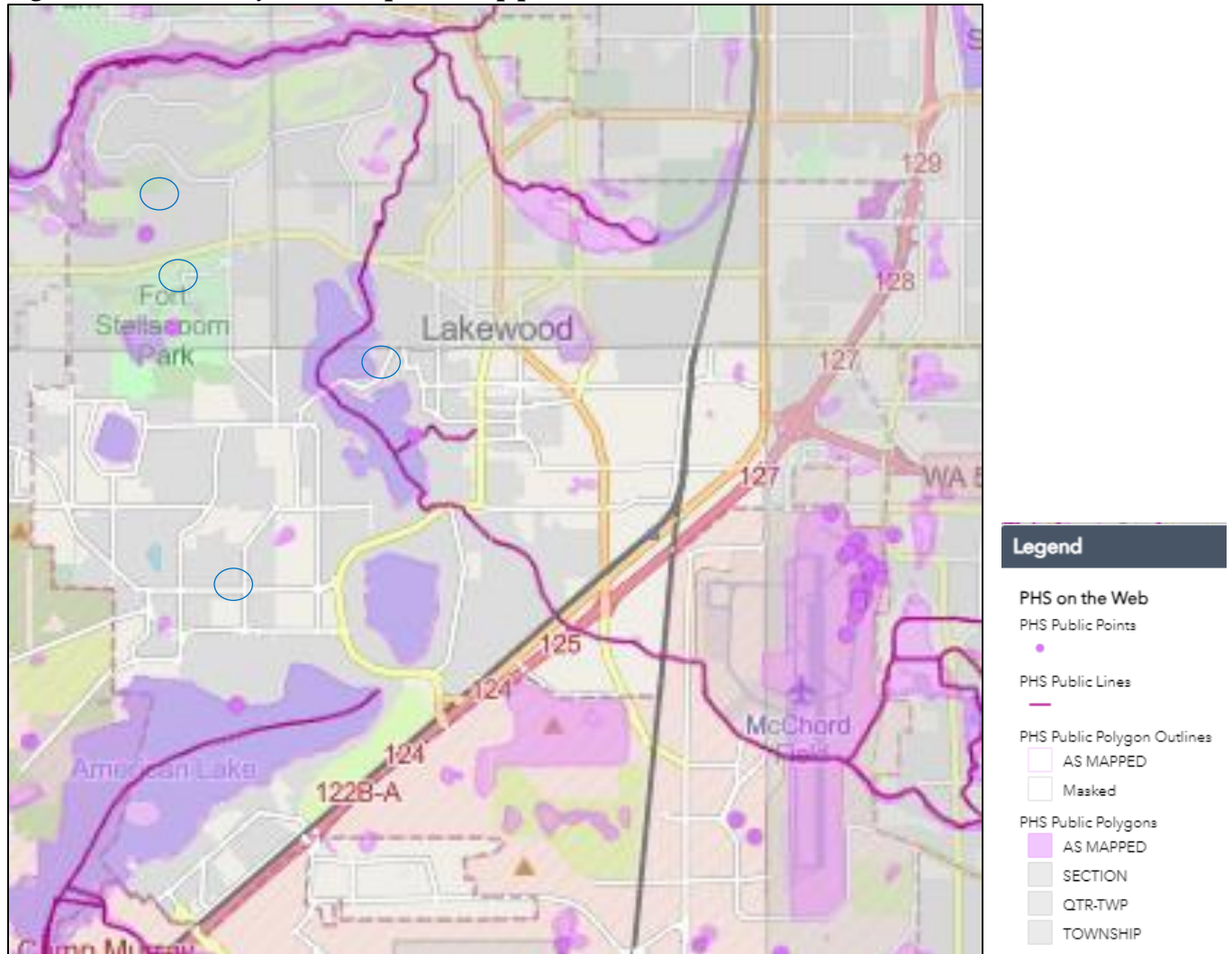


***Potential Wetlands:** The map shows potential wetlands and potential wetland buffer of 300-feet. Code requires a wetland report for any project within 300-feet of a potential wetland unless there is substantial improvement splitting the buffer like a road. The actual buffer may only be 65-feet but this is determined at the project level.

***Aquifer Recharge Area:** This critical area covers the entire city but it doesn't really impact single-family or multi-family projects except for multifamily projects that require septic.

***Fish and Wildlife:** Not mapped above; Lakewood uses the WDFW Priority Habitat Species List and Maps (see below.) This would include Oregon white oaks woodland habitat and other priority species (state and federally listed species) that would be site verified at project level.

Figure 3. WA Priority Habitat Species map per WDFW



<https://geodataservices.wdfw.wa.gov/hp/phs/>

Middle Housing Types

A city must allow at least 6 of the 9 types of “middle housing” (defined as buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing) and may allow ADUs to achieve the minimum density requirements.

Lakewood currently allows all 9 types listed above either outright (P) or conditionally (C) as shown below, and also allows ADUs in certain zones:

Zone	Detached SF	2-Fam Res. att./ det.	3-Fam Res. att./ det.	Town-house	4+ Res. units (Lakewood's definition of MF)	Cottage Housing	Mixed Use	ADU	Mobile home parks	Man. homes in parks
R1	P					P (no ADU)		P		
R2	P					P (no ADU)		P		
R3	P					P (no ADU)		P	C	C
R4	P	P				P (no ADU)		P	C	C

Zone	Detached SF	2-Fam Res. att./ det.	3-Fam Res. att./ det.	Town-house	4+ Res. units (Lakewood's definition of MF)	Cottage Housing	Mixed Use	ADU	Mobile home parks	Man. homes in parks
MR1	P	P	C					P	C	C
MR2	P	P	C					P		
MF1			P	P	P			P		P
MF2				P	P			P		P
MF3				P	P					P
ARC	P	P	P	P	P					
NC1		P	P	P	P		P			
NC2		P	P	P	P		P			P
TOC*					P		P	P		
CBD**					P		P			

* Exclusive to Lakewood Station District Subarea. **Exclusive to Downtown Subarea.

Middle Housing Development Regulations

Lakewood’s development regulations must include specific provisions related to middle housing; these are being drafted for a preliminary draft to be circulated to the public during late summer/fall 2023. The City will seek public feedback prior to the formal legislative process that will start in early 2024; public feedback will again be sought during formal review.

Lakewood:

- may only apply administrative design review for middle housing;
- may not require standards for middle housing that are more restrictive than those required for detached single-family residences;
- must apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law;
- is not required to achieve the per-unit density on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes; and
- must also allow zero lot line short subdivisions where the number of lots created is equal to the unit density required.

Parking

Lakewood may not:

- require off-street parking as a condition of permitting development of middle housing within 0.5 miles walking distance of a major transit stop;
- require more than 1 off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and
- require more than 2 off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

A SEPA categorical exemption is established for development regulations that remove parking requirements for infill development.

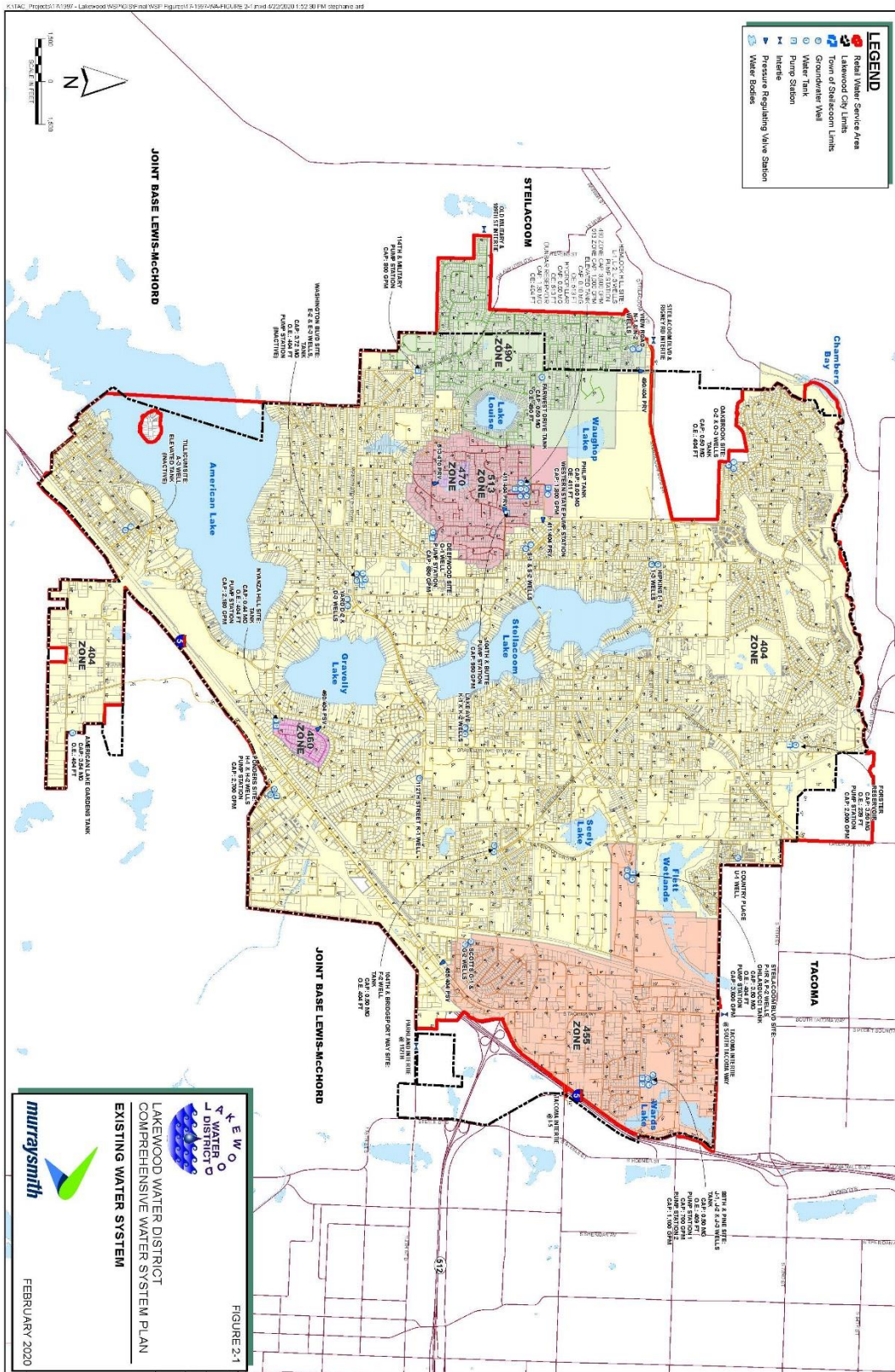
The limits on off-street parking requirements do not apply if a city submits to Commerce an empirical study prepared by a credentialed transportation or land use planning expert that

clearly demonstrates, and Commerce certifies, that parking limits for middle housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

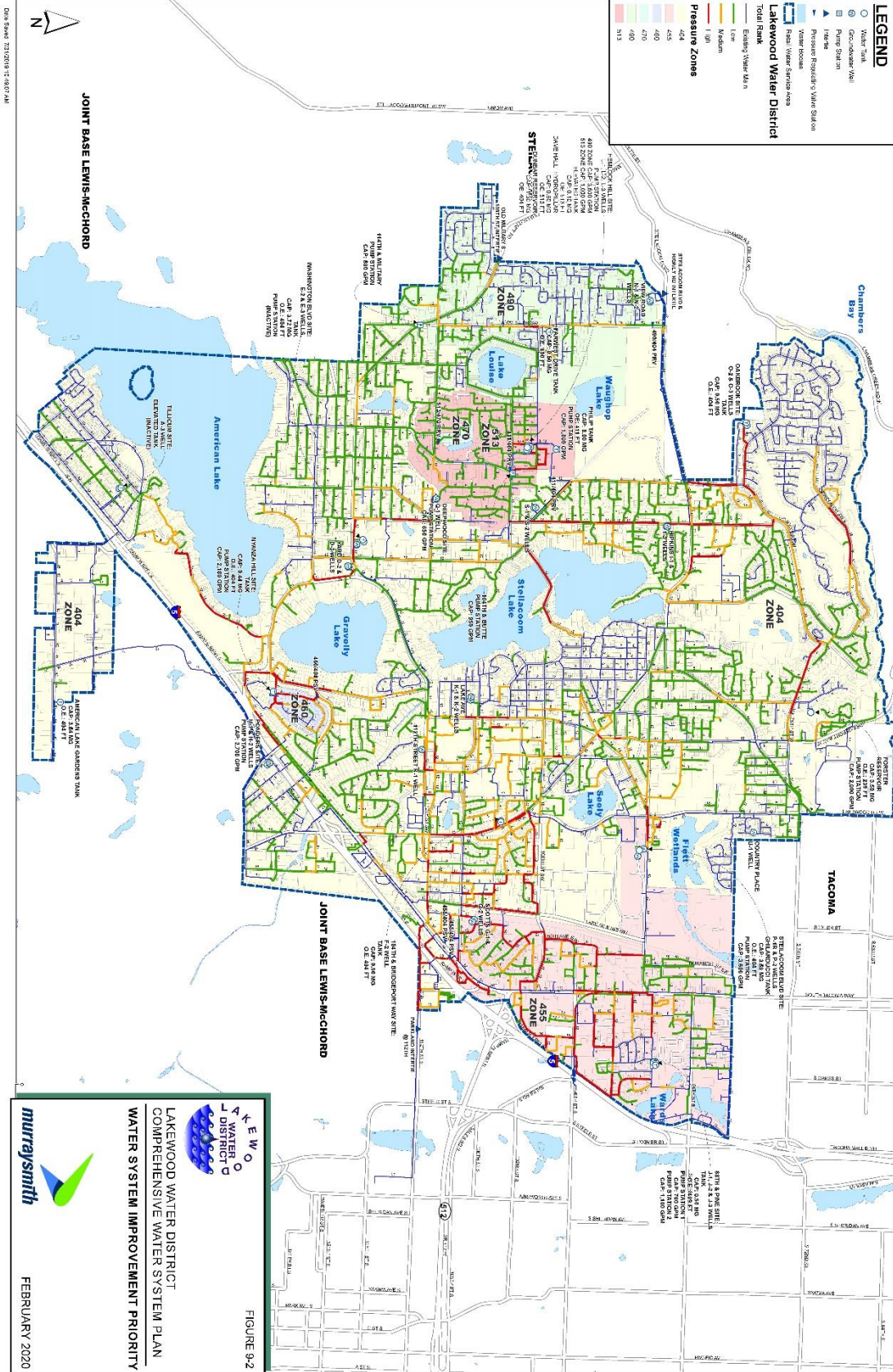
Capital Facilities (Water, Sewer)

A city may not approve a building permit if other federal, state, and local requirements for a building permit are not met, including adequate water supply requirements.

If an area zoned for residential use is currently served only by private wells, group B water systems, or group A water systems with less than 50 connections, or if a city or water providers within the city do not have an adequate water supply or available connections to serve the zoning increase, the city may limit the areas subject to the density requirements to match current water availability.



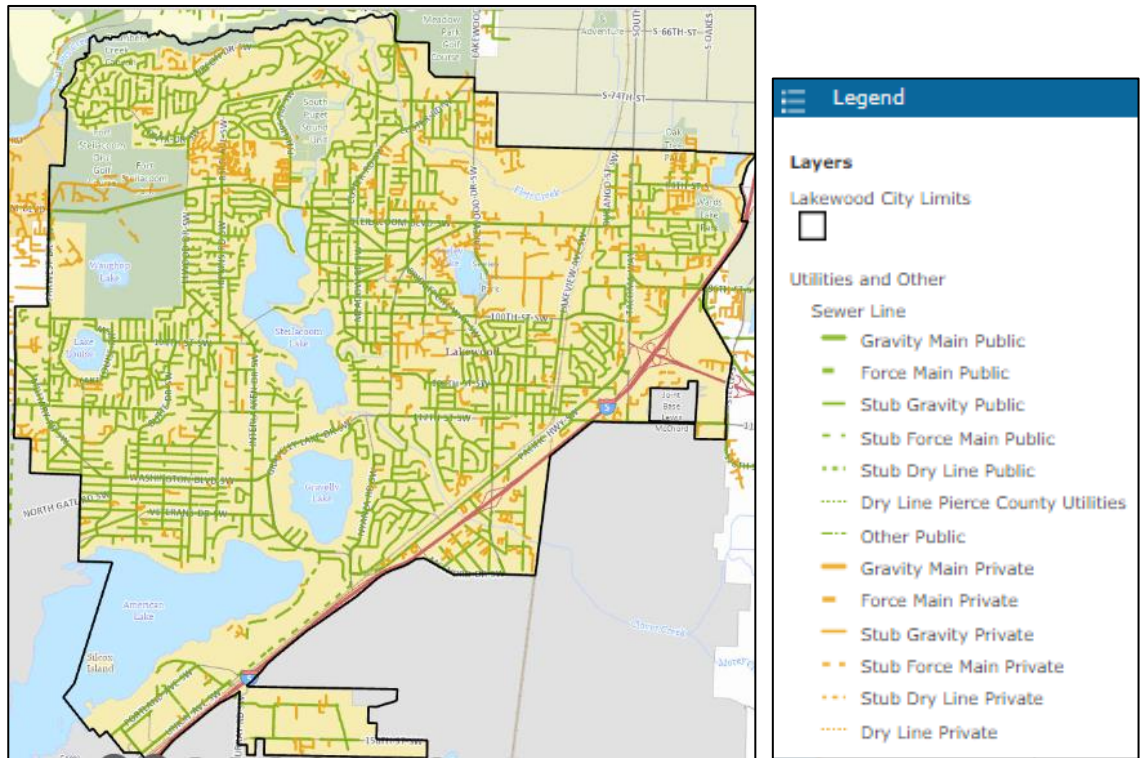
Source: 2019 LWD Comprehensive Water Service Plan



Source: 2019 LWD Comprehensive Water Service Plan

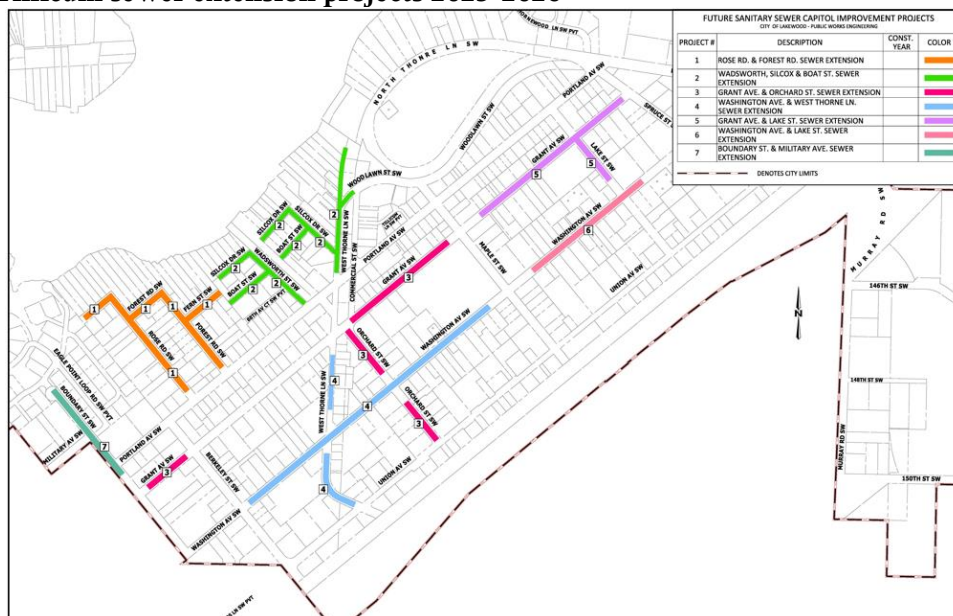
Development may be limited to 2 units per lot in an area served only by on-site sewage systems until either the landowner or local government provides sewer service or demonstrates a sewer system will serve the development at the time of construction.

Figure 4. Lakewood public (green) and private (orange) sewer lines.



In 2022, Lakewood was successful in securing ARPA funding from Pierce County to accelerate sewer extension construction in Tillicum:

Figure 5. Tillicum sewer extension projects 2023-2026



Alternative Density Requirement. Lakewood may choose to implement the density requirements for at least 75% of lots in the city that are primarily dedicated to single family detached housing units. Unless identified as at higher risk of displacement, the 75% of lots allowing the minimum density requirements must include any areas:

- for which the exclusion (i.e., not including in area within the higher density rules) would further racially disparate impacts or result in zoning with a discriminatory effect;
- within 0.5 miles walking distance of a major transit stop; or
- historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area.

The 25% of lots for which the minimum density requirements are not authorized must include:

- any areas for which Commerce has certified an extension due to the risk of displacement or lack of infrastructure capacity;
- any lots designated with critical areas or their buffers; any portion of a city within a 1-mile radius of a commercial airport with at least 9 million annual enplanements that is exempt from the parking requirements; and
- any areas subject to sea level rise, increased flooding, susceptible to wildfires, or geological hazards over the next 100 years.

If Lakewood used the alternative density requirement, it can apply to Commerce for an extension from the implementation timelines for areas at risk of displacement as determined by the city's anti-displacement analysis. A city granted an extension must create a plan for implementing anti-displacement policies by their next Comprehensive Plan implementation progress report. Commerce may certify one further extension based on evidence of significant ongoing displacement risk in the impacted area.

A city implementing the alternative density requirements also may apply for an extension to specific areas where a city can demonstrate that water, sewer, stormwater, transportation infrastructure, or fire protection services lack capacity to accommodate an increased density. To qualify for an extension, the city must have included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity or identified which special district is responsible for providing the necessary infrastructure.

If an extension is requested due to lack of water supply from the city or the purveyors who serve water within the city, Commerce's evaluation must be based on the applicable water system plans in effect and approved by the Department of Health.

Any granted extension remains in effect until the earliest of:

- the infrastructure is improved to accommodate the capacity;
- Lakewood's deadline to complete its next periodic Comprehensive Plan update; or the deadline to complete its five-year Comprehensive Plan implementation progress report.
- Lakewood reapply for an additional timeline extension with its next periodic Comprehensive Plan update or five-year Comprehensive Plan implementation progress report. The extension application must include a list of infrastructure improvements necessary to meet the required capacity.

Commerce must provide the Legislature with a list of those projects identified in a city's

capital facilities plan that were the basis for the extension. A city granted an extension for a specific area must allow development if the developer commits to providing the necessary water, sewer, or stormwater infrastructure.

Lakewood is not required to update its Capital Facilities Plan Element to accommodate the increased housing until its June 30, 2034 Comprehensive Plan update June 30, 2034, unless Commerce grants a timeline extension.

EHB 1337: Accessory Dwelling Units (ADUs)

Lakewood must ensure local development regulations allow for the construction of accessory dwelling units (ADUs) and comply with the following policies:

- not assessing impact fees on the construction of ADUs that are greater than 50% of the impact fees that would be imposed on the principal unit;
- not requiring the owner of a lot on which there is an ADU to reside in or occupy the ADU or another housing unit on the same lot;
- allowing at least two ADUs on all lots that allow for single-family homes in the following configurations: one attached ADU and one detached ADU, two attached ADUs, or two detached ADUs, which may be comprised of either one or two detached structures;
- permitting ADUs in structures detached from the principal unit;
- allowing an ADU on any lot that meets the minimum lot size required for the principal unit;
- not establishing a maximum gross floor area requirement for ADUs that is less than 1,000 square feet;
- not establishing roof height limits on an ADU of less than 24 feet, unless the height limit on the principal unit is less than 24 feet;
- not imposing setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units;
- allowing detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;
- allowing ADUs to be converted from existing structures, including detached garages;
- not prohibiting the sale of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU; and
- not requiring public street improvements as a condition of permitting ADUs.

Lakewood may:

- impose a limit of 2 ADUs, in addition to the principal unit, on a residential lot of 2,000 square feet or less;
- apply certain regulations to ADUs, including:
 - generally applicable development regulations
 - public health, safety, building code, and environmental permitting requirements that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater
 - a prohibition on the construction of ADUs that are not connected to or served by public sewers

- a prohibition or restriction on the construction of ADUs in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas and
- restrictions on the use of ADUs for short-term rentals;
- waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations; and
- offer such incentives for the development or construction of ADUs if the units are subject to a locally adopted program with effective binding commitments or covenants that the units will be primarily utilized for long-term housing.

Any conflicting provisions in local development regulations after the deadline are superseded, preempted, and invalidated. Actions taken to adopt these regulations by Lakewood may not be challenged under the Growth Management Act (GMA) or the State Environmental Policy Act.

Lakewood may not:

- authorize the construction of an ADU in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property;

Sewer

Lakewood may not:

- require off-street parking as a condition of permitting development of ADUs within 0.5 miles walking distance of a major transit stop;
- require more than 1 off-street parking space per unit as a condition of permitting development of ADUs on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and
- require more than 2 off-street parking spaces per unit as a condition of permitting development of ADUs on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

The provisions for off-street parking do not apply:

- if a local government submits to the Department of Commerce (Commerce) an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and Commerce finds and certifies, that the application of the established parking limitations for ADUs will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the local government's parking requirements were applied to the same location for the same number of detached houses. Commerce must develop guidance to assist cities and counties on items to include in the study; or
- to lots designated with critical areas or their buffers, or to a watershed serving as a reservoir for potable water if that watershed is or was listed as impaired or threatened under the United States Clean Water Act.

Declarations or governing documents governing condominiums, homeowners' associations, and common interest communities created after the effective date of the act may not

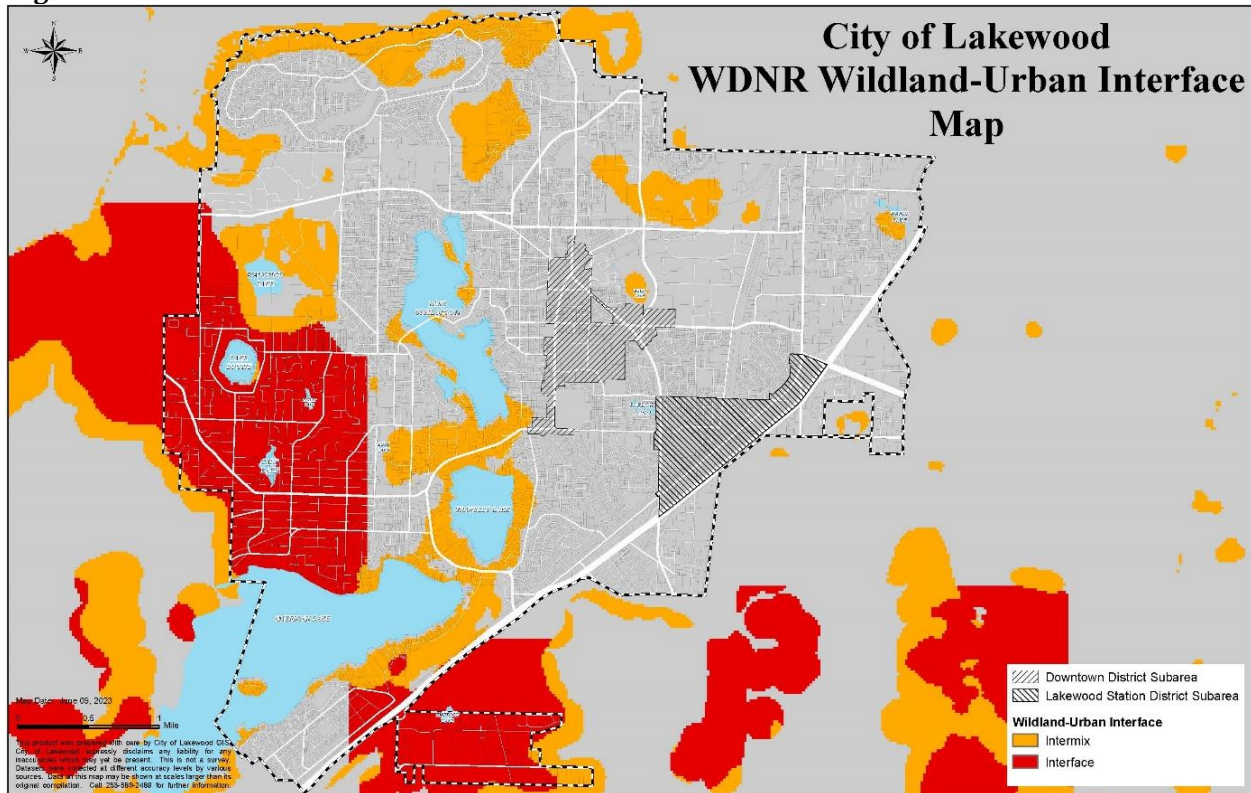
prohibit the construction, development, or use of an ADU within a UGA unless such declarations or governing documents were created to protect public health and safety or to protect ground and surface waters from on-site wastewater. If Lakewood issues a permit for the construction of an ADU, it may not be held civilly liable on the basis that the construction would violate the restrictive covenant or deed restriction.

E2SHB 1181: Climate Change & Resiliency

The Comprehensive Plan Land Use Element must:

- include green spaces and urban and community forests in its designation of the proposed general distribution and extent of the uses of land;
- give special consideration to achieving environmental justice in its goals and policies;
- avoid creating or worsening environmental health disparities and reduce per capita vehicle miles traveled (VMT) without increasing greenhouse gas (GHG) emissions elsewhere in the state;
- reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include reducing residential development pressure in the wildland urban interface area (see map below), the adoption of the Wildland Urban Interface Code and developing building and maintenance standards consistent with the Firewise USA Program, separating human development from wildfire prone landscapes, and protecting existing residential development.

Figure 6. Lakewood Wildland-Urban Intermix and Interface Areas.



The Capital Facilities Plan Element must:

- include green infrastructure in the inventory of existing capital facilities owned by public entities; and

- identify all public entities that own capital facilities and endeavor in good faith to gather and include the information required by the capital facilities plan element.

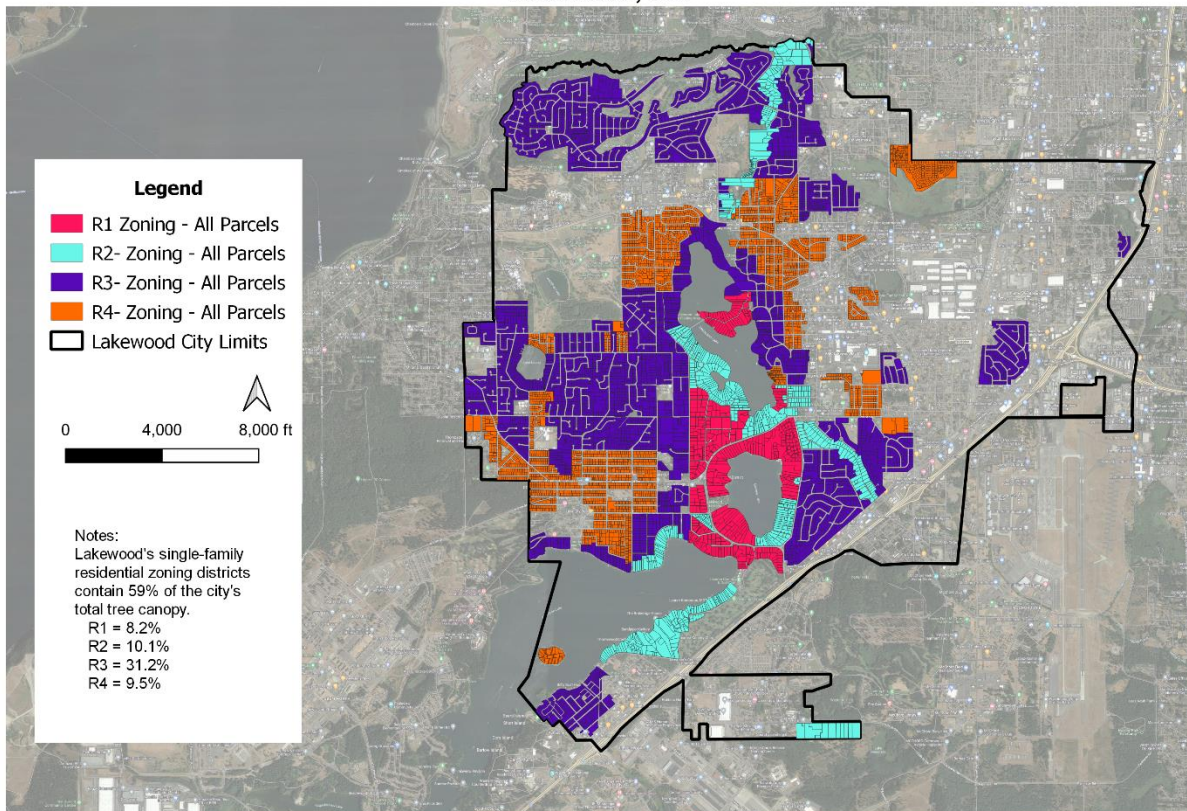
The Utilities Element must:

- include the general location, proposed location, and capacity of all existing and proposed utilities, including electrical, telecommunications, and natural gas systems;
- contain forecasts of traffic demand addressing forecasts of multimodal transportation demands and needs within cities and urban growth areas and estimated multimodal level of service impacts;
- prioritize including transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility.
- include a facilities and services needs include an inventory of active transportation facilities and multimodal level of service standards for all locally owned arterials, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas, and active transportation facilities; and
- include an Americans with Disabilities Act transition plan.

The Park and Recreation Element must:

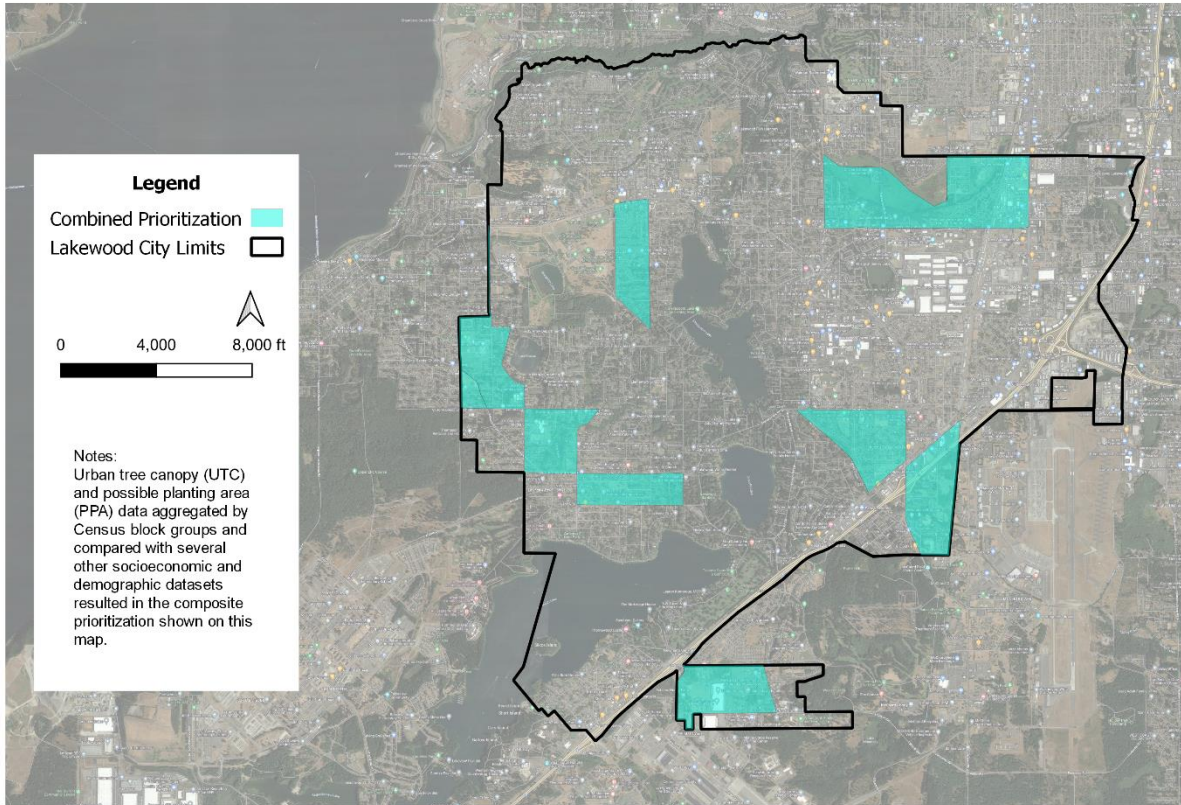
- include an evaluation of tree canopy coverage within the City. This evaluation will be incorporated from the 2022 Tree Code update (see demonstrative maps below.)

**Tree Canopy Analysis: Single-Family Residential Lots
Lakewood, WA**



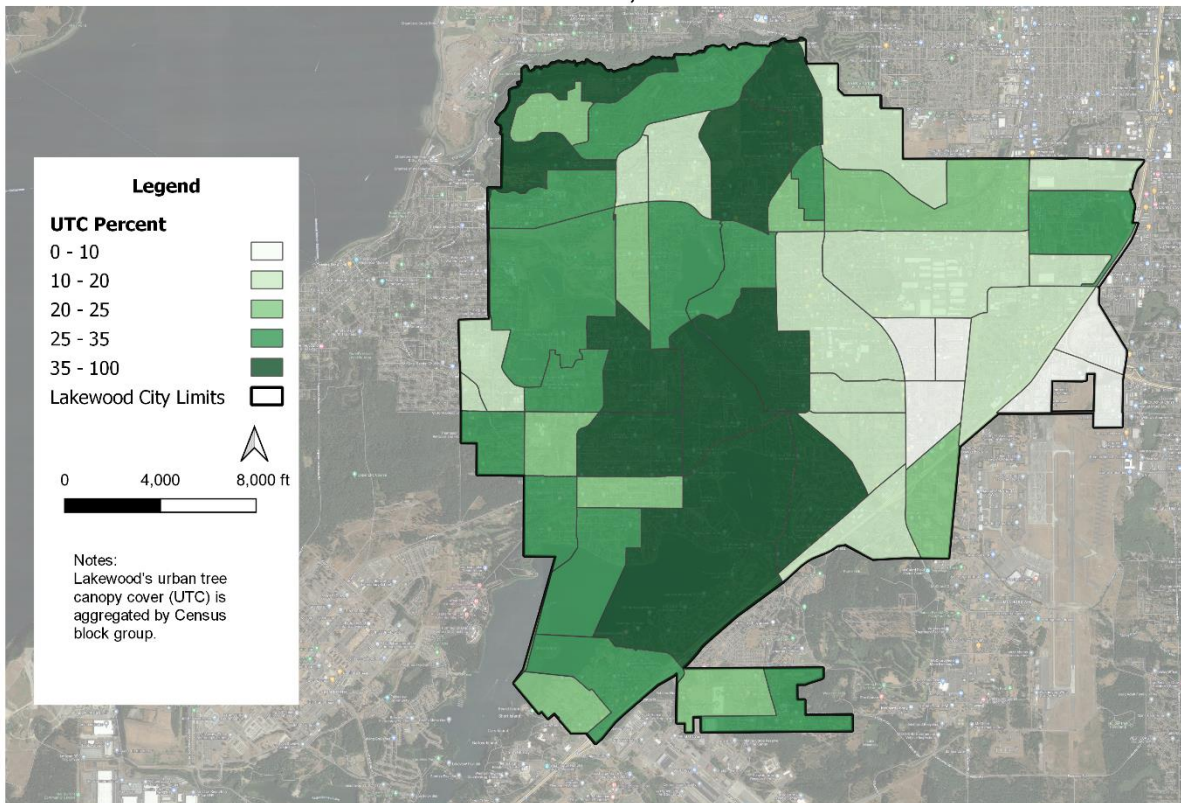
Lakewood, WA Tree Preservation Code Update 2022

Tree Canopy Analysis: Prioritization of Census Block Groups Lakewood, WA



Lakewood, WA Tree Preservation Code Update 2022

Urban Tree Canopy Cover Distribution Lakewood, WA



Lakewood, WA Tree Preservation Code Update 2022