



City of
Lakewood

AGENDA

PLANNING COMMISSION

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

Wednesday, October 4, 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: 864 2883 6136

To Submit Public Comment and/or Public Hearing Testimony Prior to Meeting: Send comments by mail or email to Karen Devereaux, Planning Commission Clerk, at kdevereaux@cityoflakewood.us or 6000 Main Street SW Lakewood, WA 98499. Comments received 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: 864 2883 6136 or by going online at <https://us06web.zoom.us/j/8642886136>. 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/8642886136> 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 September 20, 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">• Action on Recommendation regarding 2023 Annual Development Regulations
8.	New Business <ul style="list-style-type: none">• 2024 Comprehensive Plan Periodic Review: Impact of 2023 E2SHB 1181 on Climate Change, Transportation, and Utility Element Updates
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 October 18, 2023

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

1. Staff Report: Action on Recommendation regarding 2023 Annual Development Regulations
2. Staff Report: 2024 Comprehensive Plan Periodic Review: Impact of 2023 E2SHB 1181 on Climate Change, Transportation, and Utility Element Updates

Members Only: Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday, October 3, 2023 at noon if you are unable to attend. Thank you.



**PLANNING COMMISSION
MEETING MINUTES
September 6, 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 6:30 p.m.

Roll Call

Planning Commission Members Present: Don Daniels, Chair; Ryan Pearson, Vice-Chair; Robert Estrada, Brian Parsons

Planning Commission Members Excused: Phillip Combs, Paul Wagemann, Linn Larsen
Commission Members Absent: None

Staff Present: Tiffany Speir, Long Range & Strategic Planning Manager; Jessica Olson, Current Planning Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Paul Bocchi (Absent)

Approval of Minutes

The minutes of the meeting held on June 21, 2023 was approved as written by voice vote M/S/C Pearson/Estrada. The motion carried unanimously, 4-0.

Agenda Updates None.

Public Comments None.

Public Hearings

2023 Annual Development Regulation Amendments

Ms. Jessica Olson, Current Planning Manager, reviewed the 12 recommended amendments to various Lakewood Municipal Code (LMC) development regulation text, sections and maps. The amendments are based on statutory and regulatory updates, city staff experience and interaction with the City code, and customer feedback.

Ms. Olson reviewed Amendments 1 through 10; Ms. Speir reviewed Amendments 11 and 12.

Amendment 1. Permit standalone truck/trailer parking as a use type in the IBP, I1 and I2 spaces for general industrial and warehouses.

- Addresses increased requests for off-site truck/trailer parking for warehousing and industrial uses to meet logistic needs
- Warehouse sites are often built as shell buildings that maximize building space and do not always provide the level of truck/trailer parking potentially needed for future tenants

Amendment 2. Permit electric fencing in C1, C2, C3, and TOC zone classifications.

- Due to the State's law enforcement pursuit laws, vehicle dealerships are seeing an increase in stolen vehicles and have been requesting electric fencing to prevent theft
- Electric fencing is currently allowed in industrial zones. The amendment would expand to commercial zones along the freeway where the larger dealerships are situated

Amendment 3. Define "Unusual Use" and clarify that the Unusual Use Permit is for uses not similar to other uses or accessory uses within the municipal code.

- The Unusual Use permit has been used for permitting typical uses in unusual circumstances rather than for its true intent to review uses that could not be anticipated in code
- Amending the definition would close the loophole to limit Unusual Use permits to those uses that are truly unusual

Amendment 4. Correct inconsistencies between Title 17 and 18A and acknowledge binding site plan amendments, plat alterations, and short plat amendments in the list of permit types, review authorities, and timeframes.

- The list of permit types in the administrative section were not exhaustive to those listed in the subdivision code
- The amendment adds the missing permit types and removes a duplicate entry for short plats that placed it in both Type I and Type II permit categories (per the subdivision code it is Type II)

Amendment 5. Move sign permit administration-related regulations with the other administration-related regulations in 18A and remove from the sign regulations in 18A.100 to avoid code inconsistencies.

- 18A.20 (Administration) and 18A.100 (Signs) state conflicting timeframes for sign permit review
- The amendment removes old language from 18A.100 and moves any remaining administration language to 18A.20

Amendment 6. Update appeal timeframes for SEPA and land use decisions for internal consistency and consistency with State laws.

- Time frames are varied throughout the code
- All timeframes have been set to 14 days, or 21 days when combined with another land use decision
- Proposed amendment is consistent with RCW

Amendment 7. Clarify that uses with a flex space building must be permitted in the applicable zone classification.

- Applicants try to use the “flex space” use type to allow uses that are not permitted in the zone
- The amendment clarifies that the use type is in regard to the building type, and the uses within the flex space building must be permitted in the zone

Amendment 8. Remove redundancy in mobile / manufactured home land use table and update permitted locations to current zone classifications.

- Mobile homes are only permitted in mobile home parks, but the use table allows them in zones where mobile home parks are not permitted, which is confusing to applicants
- The amendment consolidates the use types to just permit mobile home parks where they are already allowed and leaves the placement of new mobile homes in non-conforming code

Amendment 9. Update MR2 lot size standards to clarify lot size and reorganize interior setbacks for readability.

- The MR2 zone only sets a minimum lot size for 2 or more units and does not address single family residences
- The amendment removes the “for 2 or more units” threshold and leaves the minimum lot size as 3,000 gross square feet

Amendment 10. Update Air Installation Compatible Use Zone (AICUZ) section for consistency with adopted Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use designations and zone classifications.

- When the Air Corridor (AC) zones were established in LMC, the language referring to Accident Potential Zones (APZ) from AICUZ study was used
- The general public often voices confusion when looking for the AC zones, so the amendment updates “APZ” to AC”

Amendment 11. Expanding Land Use Zones Allowing Child Care Facilities.

- This amendment would allow commercial care facilities in more of Lakewood's land use zones as well as change the use from conditional to permitted outright in certain zones that currently allow them
- Allowing them in MF3 and NC2 zones will open up opportunities in the Springbrook and Lakeview child care deserts

Amendment 12. Prohibit use of Accessory Dwelling Units as Short-Term Rentals.

- This amendment would add definitions related to short term rentals as provided for in 2023 HB1337
- As stated and adopted in HB 1337 Nothing in this section or in section 4 of this act prohibits a city or county from restricting the use of accessory dwelling units for short term rentals

Don Daniels, Chair, opened the floor for public comment on the proposed amendments.

PUBLIC HEARING TESTIMONY

Ms. Maria Tobin, SSMCP Program Manager, via ZOOM spoke in favor of Amendment 11 that would expand where commercial childcare facilities are allowed in Lakewood.

Mr. Daniels, Chair closed public hearing. After discussion the commissioners decided to table additional discussion and then take action at the October 4 meeting.

Unfinished Business None.

New Business

2024 Comprehensive Plan Periodic Review -Subarea Plan Update Processes

Ms. Tiffany Speir reviewed three of the subarea packages

- a.) The Tillicum Neighborhood Plan (TNP);
- b.) The Downtown Subarea Plan, Development Code, and SEPA Planned Action Ordinance (DSAP package); and
- c.) The Lakewood Station District Subarea Plan, Development Code, and Planned Action Ordinance (LSDS package).

The Tillicum Neighborhood Plan was adopted in 2011. The 2022 TNP Implementation Status Update reported that 38 of the 68 Implementation Strategies in the TNP were done or ongoing. The remaining 30 have not been completed due to various reasons (e.g., lack of funding, lack of other resources, changed circumstances, etc.) The planning process and public engagement for the TNP update launched in August 2023. The update will include a thorough review and rewrite of the TNP and will be formally reviewed with the full 2024 Comprehensive Plan Periodic Review package.

Lakewood adopted the Downtown Subarea Plan in 2018. Per the 2023 Commerce HAPT Housing Targets for Lakewood by area median income (AMI) level as adopted by Pierce County I Ordinance 2023-22s, Downtown’s 2,257 planned new units by 2034 compromise about 24% OF THE City’s total 2044 housing target. The job growth planned by 2035 within the Downtown Subarea compromises a full 75% of the City’s employment growth by 2044.

The Lakewood Station District’s 1,722 planned new housing units by 2035 compromise about 18% of the City’s total 2044 housing target. The 1,276 net job growth planned by 2035 with the LSDS compromises 13% of the City’s employment growth by 2044.

Report from Council Liaison None.

Reports from Commission Members and Staff

Ms. Speir reviewed the upcoming meetings schedule with commissioners:

- October 4: Action on 2023 Annual Development Regulations
- October 4: 2024 Comprehensive Plan Periodic Review (E2SHB 1181 and Transportation, Utilities, Climate Change Elements)
- October 18: 2024 Comprehensive Plan Periodic Review (Regulatory Update Overview)

Mr. Daniels, Chair, announced that he would not be re-applying to fill a position on the Planning Commission when his term expires at the end of the year. He reminded other

members of their expiring terms and urged that they help to recruit new members for the future of the commission.

The Next Regular Meeting would be held as a hybrid in-person/ZOOM meeting on Wednesday, October 4, 2023 at 6:30 p.m.

Meeting Adjourned at 7:25 p.m.

Don Daniels, Chair
Planning Commission 10/04/2023

Karen Devereaux, Recording Secretary
Planning Commission 10/04/2023



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: September 20, 2023
SUBJECT: Action on 2023 Annual Development Regulation Amendments
ATTACHMENT: Proposed Resolution 2023-03

BACKGROUND

On September 20, the Planning Commission held a public hearing on the 12 proposed 2023 development regulation amendments. The only public comment received was in favor of proposed Amendment 11 regarding increasing the number of land use zones where commercial child care facilities are allowed.

The Commission is scheduled to approve a Resolution recommending action on the proposed amendments on October 4 for City Council Consideration.

Discussion

Following the public hearing, Planning Commissioners discussed the draft amendments, **Amendment 12** in particular, and the City's continued recommendation to prohibit the use of accessory dwelling units as short term rentals. Commissioners were invited to provide staff with possible amendments to the package for the Planning Commission's consideration on October 4.

On September 26, Commissioner Combs provided the following thoughts related to the optional language for amendment 12 that staff provided on September 20:

The optional language seems agreeable with the exception of limiting the use of an ADU as an STR to under 30 days because

- 1) it doesn't allow for financing of the improvements to build an ADU,
- 2) the owner would not be able to cover the costs to build unless they had cash,
- 3) the city would miss out on 11/12's tax revenue from the guests, and
- 4) the community businesses would miss out on 11/12's of the potential shopping/retail that the guests would bring.

Strike that last line [limiting the use of an ADU as a STR to 30 days per year] and that option makes a lot of sense to me.

9/20/23 Staff Recommendation: Lakewood staff continues to recommend prohibiting the use of ADUs as STRs. However, draft language is included here for the Planning Commission's consideration as possible changes to proposed amendment 12:

- If an ADU is to be used as a short term rental (STR) for 30 days or less at any one time, the owner of the parcel must occupy one unit on the parcel while the ADU is used as a STR (allowed under HB 1337); and
- On parcels with more than one ADU, the ADUs are prohibited from being used as STRs unless there is adequate parking on-site; and
- No ADU can be used as a STR for more than 30 days within one calendar year.

The draft Resolution approving the 2023 annual development regulations is attached here as **Attachment A**.

If the Commission wishes to make changes to Amendment 12 or any other proposed amendment, it will need to do so through action to amend Resolution 2023-03 before it is approved.

Recommended Motion: To approved Resolution 2023-03 formalizing the Planning Commission's recommendations regarding the 2023 Annual Development Regulations and forwarding its recommendations to the Lakewood City Council for consideration and action.

**ATTACHMENT A
PLANNING COMMISSION RESOLUTION NO. 2023-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD,
WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE 2023
ANNUAL DEVELOPMENT REGULATION AMENDMENTS AND FORWARDING ITS
RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION
AND ACTION.**

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

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

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

Whereas, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

Whereas, over time the Lakewood Planning Commission has reviewed the Lakewood Development Regulations and made certain modifications to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, 18A and 18B to provide needed revisions, clarifications and updates; and

Whereas, the Lakewood Planning Commission held an open public hearing on June 16, 2021, regarding the proposed 2021 amendments to the Lakewood Development Regulations; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on August 21, 2023 under SEPA #202303985; and

WHEREAS, notice was provided to state agencies through the Department of Commerce on August 21, 2023 per City of Lakewood – 2023-S-6386--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, the Lakewood Planning Commission determined that the 2023 Annual Development Regulation Amendments are consistent with the Growth Management Act and the provisions of the City's Comprehensive Plan; and

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

Whereas, on October 4, 2023, the Planning Commission completed review;

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

Section 1. Amendments to the City's land use and development regulations as summarized below and included in full in Exhibit A, attached hereto:

Amendment 1. Permit standalone truck/trailer parking as a use type in the IBP, I1 and I2 spaces for general industrial and warehouses.

- Addresses increased requests for off-site truck/trailer parking for warehousing and industrial uses to meet logistic needs
- Warehouse sites are often built as shell buildings that maximize building space and do not always provide the level of truck/trailer parking potentially needed for future tenants

Amendment 2. Permit electric fencing in C1, C2, C3, and TOC zone classifications.

- Due to the State's law enforcement pursuit laws, vehicle dealerships are seeing an increase in stolen vehicles and have been requesting electric fencing to prevent theft
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Amendment 4. Correct inconsistencies between Title 17 and 18A and acknowledge binding site plan amendments, plat alterations, and short plat amendments in the list of permit types, review authorities, and timeframes.

- The list of permit types in the administrative section were not exhaustive to those listed in the subdivision code
- The amendment adds the missing permit types and removes a duplicate entry for short plats that placed it in both Type I and Type II permit categories (per the subdivision code it is Type II)

Amendment 5. Move sign permit administration-related regulations with the other administration-related regulations in 18A and remove from the sign regulations in 18A.100 to avoid code inconsistencies.

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- The amendment removes old language from 18A.100 and moves any remaining administration language to 18A.20

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Amendment 9. Update MR2 lot size standards to clarify lot size and reorganize interior setbacks for readability.

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Amendment 12. Prohibit use of Accessory Dwelling Units as Short-Term Rentals.

- This amendment would add definitions related to short term rentals as provided for in 2023 HB1337
- As stated and adopted in HB 1337 Nothing in this section or in section 4 of this act prohibits a city or county from restricting the use of accessory dwelling units for short term rentals

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

Section 3: If any provisions of this Resolution or the amendments to the Development Regulations are found to be illegal, invalid or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 4th day of October, 2023, by the following vote:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

Don Daniels, CHAIR, PLANNING COMMISSION

ATTEST:

KAREN DEVEREAUX, SECRETARY

**EXHIBIT A
2023 ANNUAL DEVELOPMENT REGULATION AMENDMENTS**

Where portions of Lakewood Municipal Code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.

Amendment 1. Permit standalone truck / trailer parking as a use type in the IBP, I1, and I2 zone classifications as a conditional use and require truck / trailer parking spaces for general industrial and warehouses

18A.10.180 Definitions.

* * *

“Parking facility” means a surface parking area or parking garage [for temporarily storing passenger vehicles not intended for long-term storage of vehicles](#). Also refers to parking lot.

* * *

“Truck / Trailer parking” means a surface parking area for the purpose of [temporarily parking semi-trucks and/or semi-truck trailers, not intended for long-term storage of vehicles](#).

* * *

18A.40.040 Commercial and industrial uses.

A. *Commercial and Industrial Land Use Table.* See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

* * *

	Zoning Classifications																						
Commercial and Industrial	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	MF3(B)(1)	ARC	NC1	NC2	TOC	CB D	C1	C2	C3	IBP	I1	I2	PI	
Truck / Trailer parking	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	C	C	C	=

* * *

Amendment 2. Permit electric fencing in C1, C2, C3, and TOC zone classifications 18A.60.090 General standards.

* * *

B. *Setbacks and Lot Lines.* Setbacks shall be measured from the property line of a lot to the wall line of a building or the exterior perimeter of a structure. A property line is a line of record bounding a lot that divides one (1) lot from another lot or from a public or private street right-of-way or any other private or public space.

* * *

12. *Fences Within the Required Setbacks or Located on the Property Line.*
Fences to enclose, screen, or separate areas may be erected within required yard setbacks; provided, that fences or other barriers:

* * *

e. *Electric Fences.* The construction and use of electric fences shall be allowed pursuant to a director's determination in the [C1, C2, C3, TOC,](#) IBP, I1, I2 and P/I zones, subject to the following standards:

Amendment 3. Define “Unusual Use” and clarify that the Unusual Use Permit is for uses not similar to other uses or accessory uses within the municipal code

18A.10.180 Definitions.

* * *

“Use, Unusual” means a use that is not identified and not similar to another use or accessory use identified in LMC Title 18A. Furthermore, a use that could not have been anticipated as a possible use to regulate at the time LMC Title 18A was written.

* * *

18A.30.900 Purpose.

Certain unusual uses which are not identified and not similar to another use or accessory use identified in LMC Title 18A may be allowed by the Hearing Examiner if such use will have no detrimental effect on other properties in the vicinity. In authorizing uses of this type, the Hearing Examiner shall impose limits and conditions necessary to safeguard the health, safety and general welfare of those persons that might be affected by the use.

Amendment 4. Correct inconsistencies between Title 17 and 18A and acknowledge binding site plan amendments, plat alterations, and short plat amendments in the list of permit types, review authorities, and timeframes

18A.20.050 Complete permit applications, notice and time periods.

H. *Application Time Limits.*

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Accessory Building	Y	N	N	90
Accessory Dwelling Unit	Y	N	N	90
Administrative Nonconforming Determination	Y	N	N	90
Annexation	Y	N	N	180
Appeal to Hearing Examiner	Y	Y	Y	90
Binding Site Plan	Y	N	N	120
Binding Site Plan Amendment	Y	N	N	120
Business License	Y	N	N	120
Certificate of Occupancy	N	N	Y	60
Commercial Addition/Remodel	N	N	Y	120
Comprehensive Map amendment, Area Wide	Y	N	N	120
Comprehensive Map amendment, site specific	Y	N	N	120
Comprehensive text only amendment	Y	N	N	120
Conditional Use Permit	Y	N	N	120
Conditional Use Permit – Major Modification	Y	N	N	120
Conditional Use Permit – Minor Modification	Y	N	N	120
Cottage Housing Development	Y	N	N	120
Demolition Permit	N	N	Y	120
Design Review Permit	Y	N	N	90
Development Agreement	Y	N	N	120
Emergency Housing Permit*	N	N	Y	120
Emergency Shelter Permit*	N	N	Y	120
Environmental Review (SEPA Checklist and Threshold Determination)	Y	N	N	120
Environmental Impact Statement (Draft)	Y	N	N	365
Final Subdivision Plat (10 or more lots)	Y	N	N	120
Foster Care Facility Permit	N	N	Y	60
Home Occupation Permit	Y	N	N	90
Housing Incentives Permit	Y	N	N	90

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Landscape Plan Review	Y	N	N	90
Land Use Approval	Y	N	N	120
Lot Line Adjustment	Y	N	N	90
Major Modification to a Type III Permit	Y	N	N	120
Manufactured/Mobile Home Setup Permit	N	N	Y	90
New Commercial Permit	N	N	Y	120
New Single-Family Permit	N	N	Y	60
New Multifamily Permit	N	N	Y	120
Permanent Supportive Housing Permit*	N	N	Y	120
Pre-Application	Y	Y	Y	60
Preliminary and Final Short Plats (creating 2 – 9 lots)	Y	Y	N	120
Preliminary Plat (10 or more lots)	Y	Y	N	120
Planned Development District	Y	N	N	120
Rapid Rehousing Permit*	N	N	Y	120
Reasonable Accommodation Request	Y	N	N	90
Residential Addition/Remodel	N	N	Y	60
Scrivener Corrections to Comprehensive Plan Map, and/or Comprehensive Plan text, Zoning Map, and/or Zoning Development Regulations	Y	N	N	N/A
Senior Housing Overlay Permit	Y	N	N	90
Shoreline Conditional Use Permit	Y	N	N	120
Shoreline Conditional Use Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Exemption Permit	Y	N	N	120
Shoreline Master Program amendment	Y	N	N	120
Shoreline Substantial Development Permit	Y	N	N	120
Shoreline Substantial Development Permit when Referred by the Shoreline Administrator	Y	N	N	120
Shoreline Variance Permit	Y	N	N	120
Shoreline Variance Permit when Referred by the Shoreline Administrator	Y	N	N	120
Short Plat Amendment	Y	Y	N	120
Sign Permit	Y	N	N	60
Site Development Permit	N	Y	N	90
Small Cell Wireless Permit	Y	N	N	See Chapter 18A.95 LMC
Subdivision Plat Alteration	Y	Y	N	120
Temporary Use Permit	Y	N	N	90

Application	Planning Permit	Engineering Permit	Building Permit	Review Time Limits (Days)
Transfer of Development Rights	Y	N	N	120
Transitional Housing Permit*	N	N	Y	120
Transitory Accommodation Permit	Y	N	N	120
Tree Removal Permit	Y	N	N	90
Tree Retention Plan	Y	N	N	90
Time Extension or Minor Modification to a Type I Permit	Y	N	N	120
Time Extension or Minor Modification to a Type II Permit	Y	N	N	120
Time Extension or Minor Modification to a Type III Permit	Y	N	N	120
Variance	Y	N	N	120
Unusual Use(s) Permit	Y	N	N	120
Zoning Certification	Y	N	N	60
Zoning Interpretations (map and/or text)	Y	N	N	90
Zoning Map amendment, Area Wide	Y	N	N	120
Zoning Map, site specific	Y	N	N	120
Zoning amendment text only	N	N	N	120

* * *

18A.20.070 Approval and appeal authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

- A. *Department Staff.* Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:
1. Accessory building;
 2. Accessory dwelling unit;
 3. Administrative nonconforming determination;
 4. Appeal to Hearing Examiner;
 5. Binding site plan;
 6. [Binding site plan amendment](#);
 7. Business license;
 8. Certificate of occupancy;
 9. Commercial addition/remodel;
 10. Conditional use permit;
 11. Conditional use permit – minor modification;
 12. Cottage housing development;
 13. Demolition permit;
 14. Design review permit;
 15. Emergency Housing permit;
 16. Emergency Shelter permit;
 17. Environmental review (SEPA checklist and threshold determination);
 18. Final subdivision plat (10 or more lots);

- [1819.](#) Foster Care Facility permit;
- [1920.](#) Home occupation permit;
- [2021.](#) Housing incentives permit;
- [2122.](#) Landscape plan review;
- [2223.](#) Land use approval;
- [243.](#) Lot line adjustment;
- [2425.](#) Manufactured/mobile home setup permit;
- [2526.](#) New commercial permit;
- [2627.](#) New multifamily permit;
- [2728.](#) New single-family permit;
- [2829.](#) Permanent Supportive Housing permit;
- [2930.](#) Pre-application;
- [3031.](#) Preliminary and final short plats (creating 2 to 9 lots);
- [3132.](#) Rapid Rehousing Permit;
- [3233.](#) Reasonable accommodation request;
- [3334.](#) Residential addition/remodel;
- [3435.](#) Senior housing overlay permit;
- [3536.](#) Shoreline conditional use permit;
- [3637.](#) Shoreline substantial development permit;
- [3738.](#) Shoreline exemption;
- [3839.](#) Shoreline variance permit;
- [40.Short plat amendment;](#)
- [3941.](#) Sign permit;
- [4042.](#) Site development permit;
- [4143.](#) Senior housing permit;
- [4244.](#) Small cell wireless permit;
- [45.Subdivision plat alteration;](#)
- [4346.](#) Temporary use permit;
- [4447.](#) Transfer of development rights;
- [4548.](#) Transitional Housing permit;
- [4649.](#) Transitory accommodation permit;
- [4750.](#) Tree retention plan;
- [4851.](#) Time extension or minor modification to a Type I permit;
- [4952.](#) Time extension or minor modification to a Type II permit;
- [5053.](#) Transitory accommodation permit;
- [541.](#) Tree removal permit;
- [5255.](#) Unusual use(s) permit;
- [5356.](#) Zoning certification;
- [5457.](#) Zoning interpretations (map and/or text).

* * *

18A.20.080 Review authorities.

The following table describes development permits, the public notice requirements, and the final decision and appeal authorities. See LMC 18A.20.400 et seq. for appeals. When separate applications are consolidated at the applicant’s request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

KEY:		
Appeal	=	Body to whom appeal may be filed
Director	=	Community and Economic Development Director
PC	=	Planning Commission
HE	=	Hearing Examiner
CC	=	City Council
R	=	Recommendation to Higher Review Authority
D	=	Decision
O	=	Appeal Hearing (Open Record)
C	=	Appeal Hearing (Closed Record)
N	=	No
Y	=	Yes

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE I ADMINISTRATIVE					
Accessory building	N	D	O/Appeal	N	N
Accessory dwelling unit	N	D	O/Appeal	N	N
Administrative nonconforming determination	N	D	O/Appeal	N	N
Boundary line adjustment	N	D	O/Appeal	N	N
Business license	N	D	O/Appeal	N	N
Certificate of occupancy	N	D	O/Appeal	N	N
Commercial addition/remodel	N	D	O/Appeal	N	N
Demolition permit	N	D	O/Appeal	N	N
Design review	N	D	O/Appeal	N	N
Emergency Housing Permit	N	D	O/Appeal	N	N
Emergency Shelter Permit	N	D	O/Appeal	N	N
Final subdivision plat (10 or more lots)	Y	D	O/Appeal	N	N
Form-based code review and decision	N	D	O/Appeal	N	N
Foster Care Facility Permit	N	D	O/Appeal	N	N
Home occupation permit			O/Appeal		
Hosting the homeless by religious organizations	See RCW 35A.21.360	D	O/Appeal	N	N
Land use permit – minor modification	N	D	O/Appeal	N	N
Manufactured/mobile home permit	N	D	O/Appeal	N	N
New commercial building permit	N	D	O/Appeal	N	N
New single-family building permit	N	D	O/Appeal	N	N
Permanent Supportive Housing Permit	N	D	O/Appeal	N	N

Applications	Public Notice of Application	Director	HE	PC	CC
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/Appeal	N	N
Reasonable accommodation request	N	D	O/Appeal	N	N
Residential addition/remodel	N	D	O/Appeal	N	N
Shoreline exemption	N	D	O/Appeal	N	N
Sign permit	N	D	O/Appeal	N	N
Site development permit	N	D	O/Appeal	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/Appeal	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/Appeal	N	N
Transitional Housing Permit	N	D	O/Appeal	N	N
Tree removal permit	N	D	O/Appeal	N	N
Zoning certification	N	D	O/Appeal	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/Appeal	N	N
TYPE II ADMINISTRATIVE					
Binding site plan	Y	D	O/Appeal	N	N
Binding site plan amendment	Y	D	O/Appeal	N	N
Cottage housing	Y	D	O/Appeal	N	N
Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/Appeal	N	N
Shoreline conditional use permit	Y	D	O/Appeal	N	N
Shoreline substantial development permit	Y	D	O/Appeal	N	N
Shoreline variance permit	Y	D	O/Appeal	N	N
Short plat amendment	Y	D	O/Appeal	N	N
Time extension or minor modification to a Type II permit	Y	D	O/Appeal	N	N
TYPE III DISCRETIONARY					
Conditional use permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N
Public facilities master plan	Y	R	D	N	N

Applications	Public Notice of Application	Director	HE	PC	CC
Shoreline conditional use permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline variance when referred by the Shoreline Administrator	Y	R	D	N	N
Subdivision plat alteration	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual use(s) permit	Y	R	D	N	N
Variance	Y	R	D	N	N
Zoning Map amendment, site specific	Y	R	D	N	CC/ Appeal
TYPE IV OTHER					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
TYPE V LEGISLATIVE					
Annexation	Y	R	N	R	D
Comprehensive Plan Map only amendment, Area Wide	Y	R	N	R	D
Comprehensive Plan Map only amendment, site specific	Y	R	N	R	D
Comprehensive Plan text only amendment	Y	R	N	R	D
Development agreement	Y	R	N	R	D
Shoreline Master Program amendment	Y	R	N	R	D
Zoning amendment – Text only	Y	R	N	R	D

Amendment 5. Move sign permit administration-related regulations with the other administration-related regulations in 18A.20 and remove from the sign regulations in 18A.100 to avoid code inconsistencies.

18A.20.090 Expiration of approvals.

The City shall provide expiration dates in notifications of permit approvals. Knowledge of the expiration date of any approval is the responsibility of the applicant. The City shall not be held accountable for notification of pending expirations.

* * *

F. *Sign Permit.* If a sign is not installed and a use permit issued within six (6) months following the issuance of a sign permit (or within thirty (30) days for temporary signs), the permit shall be void. The City of Lakewood may revoke a sign permit under any of the following circumstances:

1. The City of Lakewood determines that information in the application was materially false;
2. The sign as installed does not conform to the sign permit application;
3. The sign violates this code, building code, or other applicable law, regulations or ordinance; or
4. The Community and Economic Development Department Director determines that the sign is not being properly maintained.

* * *

Chapter 18A.100 Signs

* * *

18A.100.030 Administration – Sign regulations.

D. *Application for a Permit.*

1. An application for a sign permit must be filed with the Community and Economic Development Department on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and all other applicable laws, including the International Building Code, regulations and ordinances.
2. Review and Time Limits. The Community Development Director shall promptly review the application upon the receipt of a completed permit application and payment of the permit fee by the applicant. The Community Development Director shall grant or deny the permit application within twenty (20) days from the date the completed application and permit fee is filed with the Community and Economic Development Department.
3. If the application is rejected, the Community and Economic Development Department must provide a list of the reasons for the rejection in writing. An application may only be rejected for noncompliance with the terms of this code, the building code, or other applicable law, regulation or ordinance.

E. *Permit Fee.* A nonrefundable fee as set forth in the fee schedule adopted by the City of Lakewood City Council must accompany all sign permit applications.

F. *Duration and Revocation of Permit.* If a sign is not installed and a use permit issued within six (6) months following the issuance of a sign permit (or within thirty (30) days for temporary signs), the permit shall be void. The City of Lakewood may revoke a sign permit under any of the following circumstances:

- ~~1. The City of Lakewood determines that information in the application was materially false;~~
 - ~~2. The sign as installed does not conform to the sign permit application;~~
 - ~~3. The sign violates this code, building code, or other applicable law, regulations or ordinance; or~~
 - ~~4. The Community and Economic Development Department Director determines that the sign is not being properly maintained.~~
- ~~G. *Appeal of Sign Permit Determinations.* Final decisions regarding issuance of a sign permit application may be appealed to the City's Hearing Examiner pursuant to LMC 18A.02.740. An appeal hearing regarding the issuance of a sign permit shall be conducted within thirty (30) days of the receipt of the appeal petition and appeal fee.~~
- ~~H. *Enforcement.* This section shall be enforced pursuant to the procedures established in LMC 18A.20.105.~~
- ~~I. *Signs Placed in Roundabouts.* A right-of-way permit shall be required for any sign located in a roundabout.~~

Amendment 6. Update appeal timeframes for SEPA and land use decisions for internal consistency and consistency with State laws

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 ~~10-14~~ days of the date of issuance of the final threshold determination of significance, final determination of nonsignificance, or final EIS.

* * *

18A.20.400 Specific appeal procedures.

* * *

C. SEPA.

* * *

2. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to Chapter 197-11 WAC. All such appeals shall be made to the Hearing Examiner and must be filed within ~~fourteen~~ ~~seven~~ ~~(7)~~ ~~(14)~~ days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
 - b. The following threshold decisions or actions are subject to timely appeal:
 - i. *Determination of Significance.* Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that ~~fourteen~~ ~~ten~~ ~~(10)~~ ~~(14)~~ day period immediately following issuance of such initial determination.
 - ii. *Determination of Nonsignificance or Mitigated Determination of Nonsignificance.* Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within ~~fourteen~~ ~~seven~~ ~~(7)~~ ~~(14)~~ calendar days after the SEPA comment period expires.
 - iii. *Environmental Impact Statement (EIS) Adequacy.* A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.
 - iv. *Denial of a Proposed Action.* Any denial of a project or nonproject action using SEPA policies and rules may be appealed to the Hearing Examiner within ~~fourteen~~ ~~seven~~ ~~(7)~~ ~~(14)~~ days following the final administrative decision.

Amendment 7. Clarify that uses within a flex space building must be permitted in the applicable zone classification

18A.10.180 Definitions.

* * *

“Flex space” means flex space industrial or mixed-use industrial buildings or parks adaptable to multiple use types which primarily serve a number of small- to medium-size tenants, which predominantly require direct access for truck deliveries and have limited or controlled on-site customer service, and which are generally comprised of adaptable open floor space with a delineated office area. May include space within a single or multiple structures. [The specific uses permitted in flex space buildings are limited to those uses allowed in the applicable zone classification.](#)

* * *

18A.40.040 Commercial and industrial uses.

* * *

B. Operating and Development Conditions.

* * *

7. *Flex Space Industrial.* Mixed-use industrial buildings or parks adaptable to multiple use types which primarily serve a number of small- to medium-size tenants, which predominantly require direct access for truck deliveries and have limited or controlled on-site customer service, and which are generally comprised of adaptable open floor space with a delineated office area. May include space within a single or multiple structures. [The specific uses permitted in flex space buildings are limited to those uses allowed in the applicable zone classification.](#)

Amendment 8. Remove redundancy in mobile / manufactured home land use table and update permitted locations to current zone classifications.

18A.40.110 Residential uses.

A. *Residential Land Use Table.* See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Residential Land Uses	Zoning Classifications																					
	R 1	R 2	R 3	R 4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C 1	C 2	C 3	IB P	I 1	I 2	P I	
Mobile home parks (B)(8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/manufactured home parks (B)(8)	-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-	-

B. *Operating and Development Conditions.*

- 8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with subsection (C) of this section.

C. *Manufactured/Mobile Home Parks.*

- 2. *Permitted Locations.* Mobile and manufactured homes are permitted as follows:
 - a. As a primary use in a mobile or manufactured home subdivision of not less than five (5) nor more than forty (40) acres in all residential districts.
 - b. As a primary use in a mobile or manufactured home park of not less than three (3) acres nor more than twenty (20) acres. Mobile or manufactured home parks may be permitted in all residential districts after receiving a conditional use permit.
 - c. As a primary use in existing non-conforming mobile or manufactured home parks.
 - d. As an accessory use for security or maintenance personnel in the following districts all zone classifications, subject to site plan review:
 - i. General commercial district;
 - ii. Light industrial/commercial district;
 - iii. Industrial district;
 - iv. Mineral extraction district;
 - v. Open space/institutional district.
 - de. As temporary or emergency use in:
 - i. Any district as part of a construction project for office use of construction personnel or temporary living quarters for security

personnel for a period extending not more than ninety (90) days beyond completion of construction. A thirty (30) day extension may be granted by the City Manager upon written request of the developer and upon the Manager's finding that such request for extension is reasonable and in the public interest;

- ii. Any district as an emergency facility when operated by or for a public agency;
- iii. In the ~~open space~~[Public/institutional](#)~~Institutional zone classification~~ ~~district~~ where a community need is demonstrated by a public agency such as temporary classrooms or for security personnel on school grounds.

Amendment 9. Update MR2 lot size standards to clarify lot size and reorganize interior setbacks for readability.

18A.60.030 Residential area and dimensions.

A. Development Standards Table.

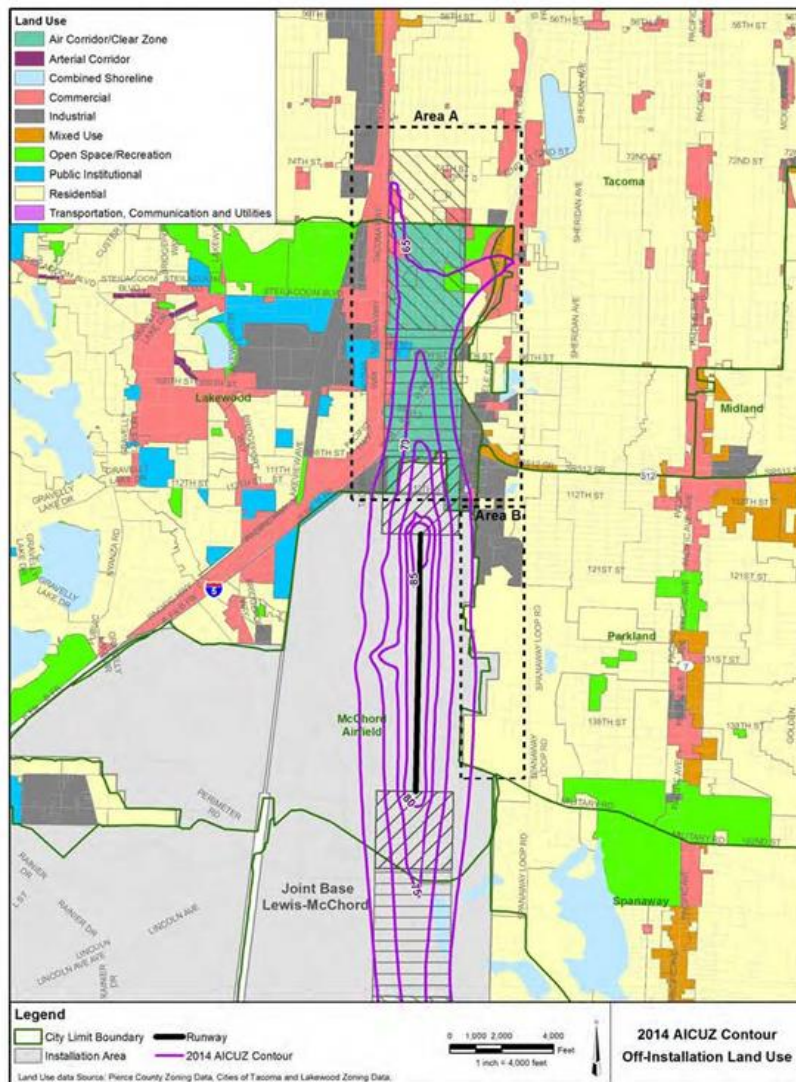
	Zoning Classifications								
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3
Density	1.45 DUA	2.2 DUA	4.8 DUA	6.4 DUA	8.7 DUA	14.6 DUA	22 DUA	35 DUA	54 DUA
Lot size	25,000 GSF	17,000 GSF	7,500 GSF	5,700 GSF	5,000 GSF /unit	3,000 GSF /unit <i>for 2 or more units</i>	No minimum lot size	No minimum lot size	No minimum lot size
Building coverage	35%	35%	45%	50%	55%	60%	60%	60%	60%
Impervious surface	45%	45%	60%	70%	70%	75%	70%	70%	70%
Front yard/ street setback	25 feet	25 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Garage/ carport setback	30 feet	30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Principal arterial and state highway setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Rear yard setback	20 feet	20 feet	10 feet	10 feet	5 feet	5 feet	15 feet	15 feet	15 feet
Interior setback	8 feet	8 feet	5 feet	5 feet	<u>Attached units: 0 feet;</u> <u>Detached units: 5 feet</u>	<u>Attached units: 0 feet;</u> <u>Detached units: 5 feet</u>	8 feet	8 feet	8 feet
<i>Interior setback for attached units</i>					<u>0 feet</u>	<u>0 feet</u>			
<i>Interior setback for detached units</i>					<u>5 feet</u>	<u>5 feet</u>			
Building height	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	45 feet	65 feet	80 feet
Design	Design features shall be required as set forth in Chapter 18A.70, Article I.								
Landscaping	Landscaping shall be provided as set forth in Chapter 18A.70, Article II.								
Tree Preservation	Significant tree identification and preservation and/or replacement shall be required as set forth in LMC 18A.70.300 through 18A.70.330.								
Parking	Parking shall conform to the requirements of Chapter 18A.80.								
Signs	Signage shall conform to the requirements of Chapter 18A.100.								

Amendment 10. Update Air Installation Compatible Use Zone (AICUZ) section for consistency with adopted Air Corridor 1 (AC1) and Air Corridor 2 (AC2) land use designations and zone classifications

18A.10.125 JBLM Air Installation Compatible Use Zone (AICUZ) in relation to land use zones.

The City of Lakewood is host city to Joint Base Lewis McChord, and portions of the JBLM flight patterns' clear zone (CZ) and accident potential zones (APZs) are located within the City's boundaries. The City follows Department of Defense guidance and limits land use densities within the CZ and APZs. The AICUZ contour was used as a guide to establish the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zone classifications under the Air Corridor 1 and Air Corridor 2 land use designations as described in 18A.10.120(D). The CZ and AC zones do not exactly align with the AICUZ contour in order to achieve a logical geographic boundary. See Figure 3.

Figure 3. 2014 AICUZ Contour and Off-Installation Land Use



Source: 2015 JBLM Air Installation Compatible Use Zone (AICUZ) Study [Ord. 758 § 2 (Exh. A), 2021.]

18A.40.130 Air installation compatible use zones (AICUZ) and uses Corridor and Clear Zone.

A. *Title.* This section ~~shall be known as the Air Installations Compatible Use Zones (AICUZ) of the City of Lakewood~~ applies to the Clear Zone (CZ), Air Corridor 1 (AC1), and Air Corridor 2 (AC2) zone classifications.

D. ~~AICUZ Air Corridor and Clear Zone~~ Land Use Table. See LMC 18A.40.130(E) for Development and Operating Conditions. See LMC 18A.10.120(D) for the purpose and applicability of zoning districts.

Land Use Categories	<u>APZ-IAC1</u>	<u>APZ-#AC2</u>	CZ	Density
Existing Uses				
Continuation of conforming uses and structures already legally existing within the zone at the time of adoption of this chapter. Maintenance, repair, and alteration/addition of existing conforming structures shall be permitted.	P	P	-	N/A
Alteration or modification of nonconforming existing uses and structures. (Subject to LMC 18A.40.130(E)(4) and Chapter 18A.20 LMC, Article II, Nonconforming Uses and Structures.)	Director/HE	Director/HE	-	N/A
Adult family home: Alteration or modification of existing residential structure for use as an adult family home. Not subject to intensity of use criteria, LMC 18A.40.130(E)(1); and subject to the Washington State Building Codes, as amended.	P	P	-	N/A
Agriculture and Natural Resources				
Agriculture	-	-	-	N/A
Agriculture, clear zone	-	-	P	N/A
Agriculture, home	P	P	-	N/A
Natural resource extraction/recovery	C	C	-	Maximum FAR of 0.28 in <u>APZ-IAC1</u> , no activity which produces smoke, glare, or involves explosives.
Research, scientific (small scale)	C	P	-	Office use only. Maximum FAR of 0.22 in <u>APZ-IAC1</u> and <u>APZ-#AC2</u> .
Undeveloped land	P	P	P	N/A
Residential Uses				
Accessory caretaker's unit	-	-	-	N/A
Accessory dwelling unit	-	-	-	N/A
Cottage housing	-	-	-	N/A
Cohousing (dormitories, fraternities and sororities)	-	-	-	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Detached single-family structure(s) on lot less than 20,000 square feet	-	-	-	N/A
Detached single-family structure(s) on lot greater than 20,000 square feet	-	P	-	N/A
Foster care facilities	-	-	-	N/A
Two-family residential structure(s), attached or detached dwelling units	-	-	-	N/A
Three-family residential structure(s), attached or detached dwelling units	-	-	-	N/A
Multifamily structure(s), 4 or more residential units	-	-	-	N/A
Mixed use	-	-	-	N/A
Home occupation	P	P	-	N/A
Mobile home parks	-	-	-	N/A
Mobile and/or manufactured homes, in mobile/manufactured home parks	-	-	-	N/A
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	-	P	-	N/A
Child care facility	-	-	-	N/A
Child day care center	-	-	-	N/A
Family day care provider	-	-	-	N/A
Special Needs Housing (Essential Public Facilities)				
Type 1 group home	-	-	-	N/A
Type 2 group home	-	-	-	N/A
Type 3 group home	-	-	-	N/A
Type 4 group home	-	-	-	N/A
Type 5 group home	-	-	-	N/A
Assisted living facilities	-	-	-	N/A
Emergency Housing	-	-	-	N/A
Emergency Shelter	-	-	-	N/A
Permanent Supportive Housing	-	-	-	N/A
Transitional Housing	-	-	-	N/A
Continuing care retirement community	-	-	-	N/A
Hospice care center	-	-	-	N/A
Enhanced services facility	-	-	-	N/A
Nursing home	-	-	-	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Commercial and Industrial Uses				
Building and landscape materials sales	P	P	-	Maximum FAR of 0.28 in APZ IAC1 and 0.56 in APZ IIAC2 .
Building contractor, light	P	P	-	Maximum FAR of 0.28 in APZ IAC1 and 0.56 in APZ IIAC2 .
Building contractor, heavy	C	-	-	Maximum FAR of 0.11 in APZ IAC1 and 0.22 in APZ IIAC2 .
Business support service	P	-	-	Maximum FAR of 0.22 in APZ IAC1 .
Catering service	P	P	-	Maximum FAR of 0.22 in APZ IIAC2 .
Construction/heavy equipment sales and rental	C	C	-	Maximum FAR of 0.11 in APZ IAC1 ; and 0.22 in APZ IIAC2 .
Equipment rental	P	P	-	Maximum FAR of 0.11 in APZ IAC1 ; and 0.22 in APZ IIAC2 .
Furniture, furnishings, appliance/equipment store	-	C	-	Maximum FAR of 0.28 in APZ IAC1 .
Handcraft industries, small-scale manufacturing	P	P	-	Maximum FAR of 0.28 APZ IAC1 ; Maximum FAR of 0.56 in APZ IIAC2 .
Kennel, animal boarding	P	P	-	Maximum FAR of 0.11 APZ IAC1 ; Maximum FAR of 0.22 in APZ IIAC2 .
Laundry, dry cleaning plant	P	-	-	Maximum FAR of 0.22 in APZ IIAC2 .
Live/work and work/live units	P	P	-	N/A
Maintenance service, client site services	P	P	-	Maximum FAR of 0.22 in APZ IIAC2 .
Manufacturing, assembling and packaging, light	P	P	-	Maximum FAR of 0.28 in AC1 and 0.56 in AC2.
Military installations	P	P	P	N/A
Mobile home, RV, and boat sales	C	C	-	Maximum FAR of 0.14 in APZ IAC1 and 0.28 in APZ IIAC2 .
Office, business services	P	P	-	Maximum FAR of 0.22 in APZ IIAC2 .
Office, professional	P	-	-	Maximum FAR of 0.22 in APZ IIAC2 .
Places of assembly	-	-	-	N/A
Personal services	P	-	-	Office uses only. Maximum FAR of 0.11 in APZ IIAC2 .
Small craft distillery	-	P	-	Maximum FAR 0.56 in APZ IIAC2 .
Storage, personal storage facility	P	P	-	Maximum FAR of 1.0 in APZ IAC1 ; 2.0 in APZ IIAC2 .

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Vehicle services, minor maintenance/repair	P	P	–	Maximum FAR of 0.11 APZ IAC1; 0.22 in APZ IIAC2.
Vehicle storage	C	C	–	Maximum FAR of 0.28 in APZ IAC1 and 0.56 in APZ IIAC2.
Warehouse retail	P	–	–	Maximum FAR of 0.16 in APZ II.
Warehouse	P	P	–	Maximum FAR of 1.0 in APZ IAC1; 2.0 in APZ IIAC2.
Wholesaling and distribution	P	P	–	Maximum FAR of 0.28 in APZ IAC1 and 0.56 in APZ IIAC2.
Wildlife preserve or sanctuary	P	P	–	N/A
Eating and Drinking Establishments				
Bar/tavern	–	–	–	N/A
Brewery, brew pub	–	–	–	N/A
Mobile food vending facility	P	P	–	N/A
Night club	–	–	–	N/A
Restaurant, café, coffee shop, counter ordering	–	–	–	N/A
Restaurant, café, coffee shop, drive-through services	–	–	–	N/A
Restaurant, café, coffee shop, table service	–	–	–	N/A
Restaurant, café, coffee shop, outdoor dining	–	–	–	N/A
Restaurant, café, coffee shop, serving alcohol	–	–	–	N/A
Tasting room	–	–	–	N/A
Lodging				
Bed and breakfast guest houses	–	–	–	N/A
Hostels	–	–	–	N/A
Hotels and motels	–	–	–	N/A
Recreational vehicle parks	–	–	–	N/A
Transportation				
Parking facilities (surface)	P	P	–	N/A
Parking facilities (structured)	–	–	–	N/A
Streets with pedestrian and bicycle facilities	P	P	–	N/A
Transit park and ride lots	P	P	–	N/A
Transit shelter	P	P	–	N/A
Utilities				
Above-ground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	–	N/A

Land Use Categories	APZ-IAC1	APZ-IIAC2	CZ	Density
Underground electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations	P	P	P	N/A
Electrical distribution substations	P	P	–	N/A
Electrical transmission lines of 115 kV or less and support poles	P	P	–	N/A
Electric vehicle battery charging stations	P	P	–	N/A
Above-ground natural gas conveyance facilities	–	–	–	N/A
Underground natural gas conveyance facilities	P	P	P	N/A
Potable water conveyance facilities	P	P	–	N/A
Potable water storage facilities	C	P	–	N/A
Storm water collection and conveyance facilities	P	P	P	N/A
Storm water detention/retention facilities	P	P	C	N/A
Telecommunications earth receiving stations (satellite dishes)	P	P	–	N/A
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/receiving/relay facilities, or switching facilities	P	P	–	N/A
Telecommunications switching facilities	P	P	–	N/A
Telecommunications transmission/receiving/relay facilities		P	–	N/A
Waste water conveyance facilities	P	P	P	N/A
Wireless communication facilities (WCFs)	P	P	–	N/A
Essential Public Facilities				
Airport (American Lake Seaplane Base)	–	–	–	N/A
Community and technical colleges, colleges and universities	–	–	–	N/A
Correctional facilities	–	–	–	N/A
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	–	C	–	N/A
Electrical transmission lines of higher voltage than 115 kV, in new corridors	–	–	–	N/A
Group home	–	–	–	N/A
In-patient facility including but not limited to substance abuse facility	–	C	–	N/A
Intercity high-speed ground transportation	–	–		N/A
Intercity passenger rail service	–	–	–	N/A
Interstate Highway 5 (I-5)	P	–	–	N/A

Land Use Categories	APZ-IAC1	APZ-HAC2	CZ	Density
Mental health facility	-	-	-	N/A
Military installation	P	P	P	N/A
Minimum security institution	-	-	-	N/A
Secure community transition facility (SCTFs)	-	-	-	N/A
Solid waste transfer station	-	-	-	N/A
Sound Transit facility	-	-	-	N/A
Sound Transit railroad right-of-way	-	-	-	N/A
Transit bus, train, or other high capacity vehicle bases	-	-	-	N/A
Washington State Highway 512	P	-	-	N/A
Work/training release facility	-	-	-	N/A

Director: Community and Economic Development Director

HE: Hearing Examiner

P: Permitted Use C: Conditional Use “-”: Not Allowed N/A: Not Applicable

E. Operating and Development Conditions.

1. In addition to the other requirements of the chapter, the intensity of use criteria are applicable to all new land uses in the CZ, [APZ-IAC1](#), and [APZ-HAC2](#) zoning districts and shall be used to determine compatibility of proposed uses with aircraft operations hazards. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following intensities of uses:
 - a. Within the CZ zoning district, the total number of people on a site at any time shall not exceed one (1) person per four thousand three hundred fifty-six (4,356) square feet of gross site area, or ten (10) persons per acre.
 - b. Within the [APZ-IAC1](#) zoning district, the total number of people on a site at any time shall not exceed one (1) person per one thousand seven hundred forty-two (1,742) square feet of gross site area, or twenty-five (25) persons per acre.
 - c. Within the [APZ-HAC2](#) zoning district, the total number of people on a site at any time shall not exceed one (1) person per eight hundred seventy-one (871) square feet of gross site area, or fifty (50) persons per acre.

2. In addition to other requirements of the code, the following performance criteria shall be used to determine the compatibility of a use, project design, mitigation measures and/or any other requirements of the code with respect to aircraft operation hazards in the CZ, [APZ-IAC1](#), and [APZ-HAC2](#) zoning districts. The applicant shall bear the burden of proof to demonstrate compliance of a proposed development with the following performance criteria:

* * *

3. *Noise Attenuation.* Provisions for noise mitigation shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within the Clear Zone (CZ), ~~Accident Potential Zone~~Air Corridor One (APZ-AC1), and ~~Accident Potential Zone~~Air Corridor Two (APZ-AC2) zoning districts, which are located within the sixty-five (65) Ldn Noise Contour or higher, as shown in the Final Air Installation Compatible Use Zone (AICUZ) Study Update, Joint Base Lewis-McChord, May 2015, and on file with the Community and Economic Development Department.

Amendment 11. Expanding Land Use Zones Allowing Child Care Facilities.

LMC 18A.40.080

A. *Health and Social Services Land Use Table.* See LMC 18A.10.120 (D) for the purpose and applicability of zoning districts.

	Zoning Classifications																				
Health and Social Services	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Day care center in existing and new schools	-	-	-	-	-	-	-	-	-	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	-	-	-	P
Day care center in existing or new churches	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	-	-	-	-	-	<u>P</u> <u>C</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>P</u> <u>P</u>	<u>P</u> <u>P</u>	<u>P</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u>	-	-	-	-
Day care center providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site.	-	-	-	-	P	P	P	P	P	<u>C</u>	<u>C</u> <u>P</u>	C	P	P	<u>P</u>	<u>P</u>	<u>C</u>	-	-	-	-
Day care center providing care for children and/or adult relatives of employees of a separate business establishment located on the same site.	-	-	-	-	-	-	-	-	-	<u>C</u>	<u>C</u> <u>P</u>	<u>P</u>	C	C	<u>P</u>	<u>P</u>	<u>C</u>	P	-	-	C
Day care center, independent	-	-	-	-	-	-	-	-	<u>P</u>	<u>C</u>	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	<u>C</u>	-	-	-	C
Preschool/nursery school	<u>P</u> <u>C</u>	<u>C</u> <u>P</u>	<u>P</u> <u>C</u>	<u>C</u> <u>P</u>	-	-	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u>	<u>C</u> <u>P</u>	P	P	P	<u>P</u>	<u>C</u> <u>P</u>	C	C	-	-	C
	Zoning Classifications																				
Residential Land Uses	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Babysitting care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Family daycare	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	-	-	-	-

Military-Related Land Use Categories	A P Z -I	A P Z -II	C Z
Residential Uses			
Child care facility	-	-	-
Child day care center	-	-	-
Family day care provider	-	-	-

Amendment 12. Prohibit use of Accessory Dwelling Units as Short Term Rentals.
18A.10.180 Definitions.

“Permanent residential occupancy” means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

“Short-term rental” or “short term vacation rental” means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights. Short-term rental does not include any of the following:

(i) A dwelling unit that is occupied by the owner for at least six months during the calendar year and in which fewer than three rooms are rented at any time;

(ii) A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; or

(iii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease, or their family members.

“Short-term rental advertisement” means any method of soliciting use of a dwelling unit for short-term rental purposes.

“Short-term rental platform” or “platform” means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

18A.40.090 Lodging.

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

	Zoning Classifications																						
Lodging	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Bed and breakfast guest houses (B)(1)*	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hostels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	P	-	-	-	-	-	-

	Zoning Classifications																							
Lodging	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2	
Short term vacation rentals (B)(2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-

P: Permitted Use C: Conditional Use “-”: Not permitted

* Numbers in parentheses reference use-specific development and operating conditions under subsection [\(B\)](#) of this section.

B. Development and Operating Conditions.

1.

a. Bed and breakfast guest houses may be converted from existing residences or newly constructed residences, but shall not contain more than four (4) bedrooms for guests.

b. Parking for bed and breakfast guest houses shall be limited to that which can be accommodated in the guest house’s garage and driveway. No such garage or driveway shall be wider than that necessary to park three (3) vehicles abreast. No on-street parking shall be allowed.

c. The establishment shall be operated in such a manner as to give no outward appearance nor manifest any characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.

d. The owner shall operate the establishment and reside on the premises.

e. Meal service shall be limited to serving overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.

f. Signs for bed and breakfast uses in the R zones are limited to one (1) identification sign use, not exceeding four (4) square feet and not exceeding forty-two (42) inches in height.

2.

a. The property owner is required to obtain a City business license.

b. As a condition of the business license, the property owner shall provide a notification letter describing the short term rental operations, in addition to the means by which to contact the property owner.

c. The short term rental shall be inspected by the City and Fire District to ensure the facility meets all applicable building and fire code requirements. Any deficiencies shall be corrected prior to the structure being made available for rental.

[d. Accessory dwelling units of any type shall not be used as short term vacation rentals.](#)

Residential Land Uses	Zoning Classifications																					
	R 1	R 2	R 3	R 4	MR 1	MR 2	MF 1	MF 2	MF 3	AR C	NC 1	NC 2	TO C	CB D	C 1	C 2	C3	I B P	I 1	I 2	P I	
mobile/manufactured home parks (B)(8)																						
Residential accessory building (B)(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small craft distillery (B)(6), (B)(12)	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-
Specialized senior housing (B)(10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-	-
Accessory residential uses (B)(11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-

P: Permitted Use C: Conditional Use “-”: Not allowed

* Numbers in parentheses reference use-specific development and operating conditions under subsection (B) of this section.

B. Operating and Development Conditions.

1. Accessory dwelling units (ADUs) are permitted when added to, created within, or detached from a principal dwelling unit subject to the following restrictions:

a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing unit. ADUs shall not be included in the density calculations. A lot shall contain no more than one (1) ADU.

b. An ADU may be established by creating the unit within or in addition to the new or existing principal dwelling, or as a detached unit from the principal dwelling.

c. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

d. The size of an ADU contained within or attached to an existing single-family structure shall be limited by the existing structure’s applicable zoning requirements. An attached ADU incorporated into a single-family house shall be limited to one thousand (1,000) square feet, excluding garage area. The size of a living space of a detached ADU shall be a maximum of one thousand (1,000) square feet excluding garage.

- e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.
- f. Wherever practicable, a principal dwelling shall have one (1) entrance on the front, with additional entrances permitted on the side and rear. On corner lots, it is permissible to locate the entry door to the accessory dwelling unit on a street side of the structure other than the street side with the entry door for the principal dwelling unit. The entrance to an attached accessory dwelling unit may be on the front of the house only if (i) it is located in such a manner as to be clearly secondary to the main entrance to the principal dwelling unit; or (ii) it is screened from the street.
- g. The design of an attached ADU, including the facade, roof pitch and siding, shall be complementary to the principal dwelling unit, so as not to be obvious from the outside appearance that it is a separate unit from the principal dwelling unit.
- h. A minimum of one (1) off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal dwelling, pursuant to LMC [18A.80.030\(F\)](#). Such parking shall consist of a driveway, carport, garage, or a combination thereof, located on the lot they are intended to serve.
- i. For lots located within one-quarter (1/4) mile of a Pierce Transit bus route, the Sound Transit Lakewood Station, or other major transit stop, and also zoned R1, R2, R3, R4, MR1, MR2, MF1, MF2, or TOC, off-street parking may not be required provided there is adequate street capacity, and there is curb, gutter, and sidewalk, constructed to City standards, adjoining the lot where an ADU is proposed. Parking may be required if the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons to support that on-street parking is infeasible for the ADU.
- j. Any legally constructed accessory building existing prior to the effective date of the ordinance codified in this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed one thousand (1,000) square feet, excluding garage area.
- k. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet.
- l. If a structure containing an ADU was created without a building permit that was finalized, the City shall require a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and meets the requirements of this section and building code. The ADU application fee will cover the building inspection of the ADU.

[m. Accessory dwelling units of any type shall not be used as a short term rental.](#)



TO: Planning Commission
FROM: Tiffany Speir, Long Range & Strategic Planning Manager
DATE: September 20, 2023
SUBJECT: 2024 Comprehensive Plan Periodic Review: Impact of 2023 E2SHB 1181 on Energy & Climate Change, Land Use, Transportation, Parks, and Utility Element Updates
ATTACHMENT: Summary of E2SHB 1181 (Climate Change & Resiliency) Bill

DISCUSSION

As part of the 2024 Comprehensive Plan Periodic Review process, Lakewood has begun its work to review the Energy & Climate Change, Transportation and Utilities Elements.

In 2023, the State Legislature passed E2SHB 1181 that significantly affects Lakewood's ongoing 2024 Comprehensive Plan periodic review and does the following:

- **Adds Climate Change & Resiliency as a new Growth Management Act (GMA) Goal.** City development regulations must support state greenhouse gas (GHG) emissions reduction goals and per capita vehicle miles traveled (VMT) and foster resiliency to climate impacts and natural hazards, among other requirements.
- Updates the **City Land Use Element** requirements as follows:
 - o must include green spaces and, in urban growth areas, urban and community forests, in its designation of the proposed general distribution and extent of the uses of land;
 - o must give special consideration to achieving environmental justice in its goals and policies;
 - o must avoid creating or worsening environmental health disparities and reduce per capita VMT without increasing GHG emissions elsewhere in the state;
 - o must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools.
- Updates the **Capital Facilities Element** requirements as follows:
 - o The inventory of existing capital facilities owned by public entities within the Capital Facilities Plan element must include green infrastructure.
 - o Lakewood must 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.
- Updates the **Utilities Element** requirements as follows:
 - o must include the general location, proposed location, and capacity of all existing and proposed utilities, including electrical, telecommunications, and natural gas systems.

- Lakewood must make good faith efforts to obtain information required in the Utilities Element from publicly owned utilities.
- Updates the **Transportation Element** requirements as follows:
 - the traffic demand forecasts must address forecasts of multimodal transportation demands and to inform the development of a Transportation Element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods;
 - must include estimated multimodal level of service impacts:
 - priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility;
 - the facilities and services needs must 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
 - must also include an Americans with Disabilities Act (ADA) transition plan.
- Updates the **Park and Recreation Element** as follows:
 - must include an evaluation of tree canopy coverage within the city.
- Requires a new Comprehensive Plan **Climate Change and Resiliency Element**, divided into a GHG emissions reduction subelement and a resiliency subelement, that:
 - must be designed to result in reductions in overall GHG emissions;
 - must enhance resiliency to, and avoid the adverse impacts of, climate change;
 - must include efforts to reduce localized GHG emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.
 - The GHG emissions reduction subelement, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle, consistent with the guidelines published by the Department of Commerce (Commerce), that will:
 - result in reductions in overall GHG emissions generated by the transportation and land use systems within the jurisdiction, but without increasing emissions elsewhere in the state;
 - result in reductions in per capita VMT within the jurisdiction but without increasing emissions elsewhere in the state; and
 - prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

- Lakewood may not restrict population growth or limit population allocation in order to achieve the requirements of the GHG emissions reduction subelement.
- The resiliency subelement must, among other things,
 - equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science (BAS) and scientifically credible climate projections and impact scenarios.
 - A natural hazard mitigation plan, or similar plan that complies with the applicable requirements of the GMA and prioritizes actions that benefit overburdened communities, may be adopted by reference to satisfy those requirements.
 - If any of the substantive requirements of the resiliency subelement are not addressed in the natural hazard mitigation plan, a jurisdiction must supplement the plan so that the adopted resiliency subelement fully complies with the substantive requirements.

Greenhouse Gas Emissions Reduction and Vehicle Miles Traveled Reduction

Guidelines. The Washington Department of Commerce must publish an intermediate set of guidelines no later than December 31, 2023, for use by local governments whose Comprehensive Plan updates are required to occur prior to December 31, 2025. The guidelines must specify a set of measures that have a demonstrated ability to increase housing capacity within urban growth areas or reduce GHG emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs.

The guidelines:

- must prioritize reductions that benefit overburdened communities that have experienced disproportionate harm due to air pollution;
- must be developed consistent with an environmental justice assessment and must include environmental justice assessment processes;
- must specify a set of measures that counties and cities have available to them to take through updates to their Comprehensive Plans and development regulations that have a demonstrated ability to reduce per capita VMT.

Lakewood is reviewing how much of what is required by E2SHB 1181 is already included in the City's Comprehensive Plan and what is not. The City began a review of the current Energy & Climate Change Chapter in 2022 and has draft updates to the element that predate 1181, and will verify what additional updates may be required.

FINAL BILL REPORT

E2SHB 1181

C 228 L 23
Synopsis as Enacted

Brief Description: Improving the state's response to climate change by updating the state's planning framework.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger; by request of Office of the Governor).

House Committee on Local Government

House Committee on Appropriations

Senate Committee on Local Government, Land Use & Tribal Affairs

Senate Committee on Ways & Means

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes referred to as "fully planning" under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent, comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain required elements, including a transportation element, land use element, utilities element, and capital facilities plan element, among others. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute, including, for example, urban growth, housing, and economic development.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Growth Management Act—Comprehensive Plan Updates.

Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every 10 years. Counties, and the cities within them, are grouped into four classes based on the year that their obligation to review and revise their comprehensive plans commences. The next round of required comprehensive plan updates begins with King, Kitsap, Snohomish, and Pierce Counties, and the cities within those counties, in 2024.

Implementation Progress Report.

Counties and cities planning under the GMA that meet certain population criteria must provide the Department of Commerce (Commerce) with an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. If a city or county has not implemented any specific actions identified in the most recent update to their comprehensive plan, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

Greenhouse Gas Emissions and Per Capita Vehicle Miles Traveled Reductions.

In 2008 legislation was enacted that set a series of limits on the emission of greenhouse gases within the state. Those limits were modified by legislation enacted in 2020 such that Washington must limit anthropogenic emissions of greenhouse gases to achieve the following reductions for the state:

- by 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels, or 90.5 million metric tons;
- by 2030, reduce greenhouse gas emissions to 45 percent below 1990 levels, or 50 million metric tons;
- by 2040, reduce overall emissions of greenhouse gases in the state to 70 percent below 1990 levels, or 27 million metric tons; and
- by 2050, reduce overall emissions of greenhouse gases in the state to 95 percent below 1990 levels, or 5 million metric tons, and achieve net-zero greenhouse gas emissions.

The legislation enacted in 2008 also required the Department of Transportation (DOT) to adopt statewide goals to reduce annual per capita vehicle miles traveled (VMT) by 2050. Using a statewide baseline of 75 billion VMT, Washington must achieve the following reductions for the state:

- by 2020, reduce the annual per capita VMT by 18 percent;
- by 2035, reduce the annual per capita VMT by 30 percent; and
- by 2050, reduce the annual per capita VMT by 50 percent.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent, or the lead agency, completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

Comprehensive Flood Control Management Plans.

Counties may adopt comprehensive flood control management plans for any drainage basin that is located wholly or partially within the county. Whenever any river flows through two counties, the counties may contract with each other for purposes of flood control and settling disputes regarding flood control.

Shoreline Management Program.

The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of the SMA. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master programs that regulate land use activities in shoreline areas.

Technical Assistance.

Commerce is required to assist cities and counties, both with funding and with technical assistance, in the adoption of comprehensive plans. Commerce's assistance program must include a priority list for funding and technical assistance based on a county's or city's growth rate, commercial and industrial development rate, and the existence and quality of a comprehensive plan, among other factors. Commerce is also required to administer a grant program to provide direct financial assistance to local governments for the preparation of comprehensive plans. Other technical assistance required includes utilizing Commerce's staff and the staff of other agencies to assist in the development of comprehensive plans, including the provision of model land use ordinances, the adoption of procedural criteria, and regional education and training programs.

Water System Plans.

Certain water systems are required to submit water systems plans (WSP) to the Department of Health for review and approval. A WSP must develop and implement a technical, managerial, and financial plan appropriate to the system's size, complexity, and performance, as well as demographic changes, community-specific resource complaints, and planning history. A WSP must also be consistent with the GMA. The goal of a WSP is to identify current demands and future needs and apply available resources efficiently to

provide high quality service at a low cost while protecting community health.

A Group A community water system is classified as a community system with 15 or more connections that serves 25 or more people per day for 60 days or more per year. A Group A community water system must submit a WSP if it meets any of the following conditions:

- serves 1,000 or more connections;
- is a new Group A water system;
- proposes to do any of the following:
 - make infrastructure changes to increase the approved number of connections;
 - expand the service area identified in a previously approved planning document or engineering project; or
 - expand the geographical area where direct service is already provided if a planning or engineering document has not been previously approved;
- seeks to be eligible for the "document submittal exception" process;
- is directed to submit a WSP because of demonstrated operational, managerial, or financial problems;
- is municipally owned or located in a critical water supply area; or
- seeks to be eligible for the Drinking Water Revolving Fund resources and does not have a current WSP that addresses the proposed project.

Summary:

Goals of the Growth Management Act.

The goals of the Growth Management Act (GMA) are amended as follows:

- The transportation goal must encourage efficient multimodal transportation systems that will reduce greenhouse gas (GHG) emissions and per capita vehicle miles traveled (VMT).
- The open space and recreation goal must retain green space and enhance fish and wildlife habitat.
- The citizen participation and coordination goal must encourage the participation of vulnerable populations and overburdened communities in the planning process.

Climate change and resiliency is added to the goals of the GMA. Under the climate change and resiliency goal, comprehensive plans, development regulations, and regional plans must support state GHG emissions reduction goals and per capita VMT and foster resiliency to climate impacts and natural hazards, among other requirements.

Growth Management Act—Comprehensive Plan Elements.

The land use element of comprehensive plans must include green spaces and, in urban growth areas, urban and community forests, in its designation of the proposed general distribution and extent of the uses of land. It must give special consideration to achieving environmental justice in its goals and policies. In addition, the land use element must avoid creating or worsening environmental health disparities and reduce per capita VMT without increasing GHG emissions elsewhere in the state. The land use element must also 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, 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.

The inventory of existing capital facilities owned by public entities within the capital facilities plan element must include green infrastructure. Fully planning cities or counties must 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. If, after a good faith effort, the jurisdiction is unable to gather the required information, failure to include the information may not be grounds for a finding of noncompliance or invalidity under the GMA.

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. Cities and counties must make good faith efforts to obtain information required in the utilities element from publicly owned utilities. Failure to obtain the information after a good faith effort is not grounds for a finding of noncompliance with the GMA.

The forecasts of traffic demand contained within the transportation element of comprehensive plans must address forecasts of multimodal transportation demands and needs within cities and urban growth areas, and forecasts of traffic demands and needs outside of cities and urban growth areas, to inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Estimated multimodal level of service impacts must also be included. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility. The facilities and services needs under this element must 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. A development approval may not be denied for causing the level of service on a locally owned, or locally or regionally operated, transportation facility to decline below the standards adopted in the transportation element, where such impacts could be adequately mitigated through transportation systems management strategies funded by the development. The transportation element must also include an Americans with Disabilities Act transition plan.

The park and recreation element must include an evaluation of tree canopy coverage within an urban growth area.

Growth Management Act—Climate Change and Resiliency Element.

Comprehensive plans must include a climate change and resiliency element. The element must be designed to result in reductions in overall GHG emissions and must enhance resiliency to, and avoid the adverse impacts of, climate change, which must include efforts to reduce localized GHG emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities. The climate change and resiliency element is divided into two subelements: a GHG emissions reduction subelement and a resiliency subelement.

The GHG emissions reduction subelement, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle, consistent with the guidelines published by the Department of Commerce (Commerce), that will:

- result in reductions in overall GHG emissions generated by the transportation and land use systems within the jurisdiction, but without increasing emissions elsewhere in the state;
- result in reductions in per capita VMT within the jurisdiction but without increasing emissions elsewhere in the state; and
- prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

Actions not specifically identified in the guidelines developed by Commerce may be considered to be consistent with those guidelines only if they are projected to achieve GHG emissions reductions or per capita VMT reductions equivalent to what would be required of the jurisdiction under Commerce's guidelines, and they are supported by scientifically credible projections.

A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements of the GHG emissions reduction subelement.

The resiliency subelement must, among other things, equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios.

A natural hazard mitigation plan, or similar plan that complies with the applicable requirements of the GMA and prioritizes actions that benefit overburdened communities, may be adopted by reference to satisfy those requirements. If any of the substantive requirements of the resiliency subelement are not addressed in the natural hazard mitigation plan, a jurisdiction must supplement the plan so that the adopted resiliency subelement fully complies with the substantive requirements.

If a county or city intends to incorporate by reference a Federal Emergency Management Agency natural hazard mitigation plan in order to meet the requirement of the resiliency subelement, and the most recently adopted natural hazard mitigation plan does not comply

with the requirements of the resiliency subelement, Commerce may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

Ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city for the GHG emissions reduction subelement, or measures adopted by Commerce as part of updated comprehensive plans in the 2024 update cycle, are not subject to administrative or judicial appeal under the State Environmental Policy Act (SEPA).

Applicability.

The requirements of the GHG emissions reduction subelement of the climate change and resiliency element apply only to those counties that are required or that choose to plan fully under the GMA, and the cities within them with a population greater than 6,000, that meet any of the following criteria as of April 1, 2021:

- a county with a population density of at least 100 people per square mile and a population of at least 200,000;
- a county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or
- a county located to the west of the crest of the Cascade Mountains with a population of at least 130,000 people.

Once a county meets any of the sets of criteria described above, the requirement to conform with the GHG emissions reduction subelement of the climate change and resiliency element remains in effect, even if the county no longer meets one of these sets of criteria.

The resiliency subelement is mandatory for all counties and cities fully planning under the GMA and is encouraged for all other jurisdictions.

If the population of a county that previously had not been required to conform with the GHG emissions reduction subelement of the climate change and resiliency element changes such that the county meets either of the sets of criteria described above, the county, and the cities within that county, must adopt a GHG emissions reduction subelement at the next scheduled update of the comprehensive plan.

The requirements of the amendments to the transportation element of comprehensive plans apply to the counties and cities that are required to comply with the GHG emissions reduction subelement, as well as all cities planning fully under the GMA that have a population greater than 6,000.

The requirements of the amendments to the land use element of comprehensive plans apply to all counties and cities that meet the population criteria for the GHG emissions reduction subelement and counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or choose to plan under the GMA.

Population criteria must be based on data as determined by the Office of Financial Management.

Greenhouse Gas Emissions Reduction and Vehicle Miles Traveled Reduction Guidelines. Commerce, in consultation with the Department of Ecology (Ecology), the Department of Health (DOH), and the Department of Transportation (DOT), must publish guidelines that specify a set of measures that counties and cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce GHG emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize reductions that benefit overburdened communities that have experienced disproportionate harm due to air pollution. The guidelines must be developed consistent with an environmental justice assessment and must include environmental justice assessment processes.

Commerce, in consultation with the DOT, must also publish guidelines that specify a set of measures that counties and cities have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita VMT. The measures must be designed to be achievable throughout the state, including in small cities and rural cities.

Commerce must publish the full set of GHG emissions reduction and VMT reduction guidelines no later than December 31, 2025. Commerce must update the guidelines at least every five years based on the most recently available data and must provide a process for local governments and other interested parties to submit alternative actions for possible inclusion into the guidelines at least once per year. Commerce must publish an intermediate set of guidelines no later than December 31, 2023, for use by local governments whose comprehensive plan updates are required to occur prior to December 31, 2025.

In any updates to the guidelines published after 2025, Commerce must include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local GHG emissions and per capita VMT reduction goals. The updates must also include an estimate of the impacts that locally adopted climate change and resiliency elements will have on achieving local GHG emissions and per capita VMT reduction goals. The estimate and evaluation must also include an estimate of the impact that locally adopted GHG emissions reduction subelements will have on meeting local housing goals and targets. Commerce may also include additional measures that cities and counties should take to make additional progress on local reduction goals.

Commerce may not propose or adopt any guidelines directing local governments to regulate tax transportation service providers, delivery vehicles, or passenger vehicles.

In developing the guidelines, Commerce must provide and prioritize options that support increased housing supply and diversity of housing types and assist counties and cities in

meeting GHG emissions reduction and other requirements.

Greenhouse Gas Emissions Reduction—Process for Adoption.

A county or city required to complete the GHG emissions reduction subelement may submit the subelement to Commerce for approval, and it becomes effective when approved by Commerce. If a county or city does not seek Commerce's approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

The city or county must provide Commerce a notice of intent to apply for approval at least 120 days prior to applying for approval. A city or county may seek approval after taking final action to adopt a GHG emissions reduction subelement. Commerce may consult with other relevant state agencies in making its determination.

Commerce must publish notice of a city or county's intent to seek approval in the Washington State Register. Steps for counties and cities to seek approval are provided. Commerce must strive to issue its decision within 180 days of receipt of an application.

Commerce must approve a proposed GHG emissions reduction subelement unless it determines the proposed subelement is not consistent with the policy of the GMA or the applicable guidelines.

Greenhouse Gas Emissions Reduction—Appeals.

Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment may be appealed to the Growth Management Hearings Board (GMHB). The GMHB's decision concerning an appeal of Commerce's final decision to approve or reject a proposed GHG emissions reduction subelement or amendment must be based solely on whether the adopted or amended GHG emissions reduction subelement complies with the GMA's climate change goal, the guidelines adopted by Commerce related to GHG emissions reductions and per capita VMT reductions, or SEPA.

Technical Assistance.

In addition to other factors, priority for technical assistance shall also be based on the presence of overburdened communities. Commerce must establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

Model Climate Change and Resiliency Element.

Commerce must develop, in collaboration with the DOH, Ecology, the Department of Fish and Wildlife, the Department of Natural Resources, the Emergency Management Division of the Washington Military Department, and any federally recognized tribe that chooses to participate, and adopt by rule, a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies.

The model element must establish minimum requirements for fulfilling the requirements of the climate change and resiliency element, and should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts. The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change. The rule must recognize and promote as many cobenefits of climate resilience as possible, such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

Compilation of Vehicles Miles Traveled.

The DOT must compile, maintain, and publish a summary of the per capita VMT annually in each city in the state, and in the unincorporated portions of each county in the state.

Shoreline Master Program Guidelines.

Ecology must update its Shoreline Master Program guidelines to require master programs to address the impact of sea level rise and increased storm severity on people, property, shoreline natural resources, and the environment.

Comprehensive Flood Control Management Plan.

A comprehensive flood control management plan, if a county chooses to adopt one, must include a consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

State Environmental Policy Act—Appeals.

The adoption of ordinances, amendments to comprehensive plans, and other related nonproject actions taken by a county or city to implement the guidelines published by Commerce are not subject to appeal under SEPA.

Growth Management Act—Definitions.

Per capita VMT, active transportation, transportation system, environmental justice, active transportation facilities, greenspace, green infrastructure, wildland urban interface, overburdened community, and vulnerable populations are defined.

Funding.

Jurisdictions that are required to update their comprehensive plans in the June 2025 update cycle must include the new climate change and resiliency element in their updated comprehensive plan. Funding provided to cover applicable costs for this purpose is considered timely, notwithstanding the requirement in the GMA that funding for new elements be provided two years before comprehensive plans must be updated.

Implementation Progress Report.

Counties or cities required to include a climate change and resiliency element in their comprehensive plans, and that must review or revise their comprehensive plan by December 31, 2024, must incorporate the climate change and resiliency element into their

comprehensive plans as part of the first implementation progress report.

Water System Plans.

Beginning with any water system plan (WSP) initiated after June 30, 2024, the DOH must ensure that WSPs for Group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval. The DOH must update its Water System Planning Guidebook to assist water systems in implementing the climate resilience element and provide technical assistance. Subject to funds appropriated for this specific purpose, the University of Washington Climate Impacts Group must assist the DOH with developing the technical assistance.

To fulfill the requirements of the climate resilience element, water systems must:

- determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;
- assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and
- generate reports describing the costs and benefits of the system's risk reduction strategies and capital projects needs.

Climate readiness projects, including planning to meet the above requirements, are eligible for financial assistance through the Water System Acquisition and Rehabilitation Program. The DOH must adopt guidelines for the program. Financing provided may be in the form of grants or loans.

Votes on Final Passage:

House	57	41	
Senate	29	20	(Senate amended)
House	55	41	(House concurred)

Effective: July 23, 2023