



**Wednesday, September 18, 2024 @ 6:30 PM**

**HOW TO ATTEND**

- **In-person:** Council Chambers, Lakewood City Hall, 6000 Main St SW.
- **Virtually:** Online or by phone.  
Online: <https://us06web.zoom.us/j/81918428672>  
Phone: (253) 215-8782 and enter meeting ID: 819 1842 8672
- **Livestream:** <https://YouTube.com/CityofLakewoodWA>

*Persons requesting special accommodation or language interpreters should call 253-983-7767 as soon as possible in advance of the meeting so that an attempt to provide special accommodation can be made.*

**PUBLIC COMMENT**

Public comments or testimony on public hearings are accepted by mail, email, or by in-person or virtual attendance. Mail comments to Karen Devereaux, Planning Commission Clerk, 6000 Main Street SW Lakewood, WA, 98499 or email [kdevereaux@cityoflakewood.us](mailto:kdevereaux@cityoflakewood.us). Comments received by noon the day of the meeting will be provided to the commission electronically.

**IN-PERSON/VIRTUAL COMMENTS**

Those attending in person will be called on by the Chair. Those attending via Zoom should use the “raise hand” function to indicate they wish to speak. Once the Chair calls your name, you will be unmuted. First state your name and city of residence. Each person has 3 minutes. Attendees are allowed to speak during public comment or public hearings only.

**WELCOME/CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MEETING MINUTES** dated September 4, 2024

**AGENDA UPDATES**

**PUBLIC COMMENT**

**PUBLIC HEARING**

- Public hearing on regulatory amendments to implement 2SSB 5290, “Concerning consolidating local permit review processes.”
- Public hearing on Draft 2025 Comprehensive Plan Amendment Cycle Docket List

**UNFINISHED BUSINESS**

**NEW BUSINESS**

- Introduction to 2024 locally-initiated amendments to the Shoreline Master Program.

**NEXT STEPS**

REPORTS FROM CITY COUNCIL LIAISON, CITY STAFF, PLANNING COMMISSION MEMBERS  
UPCOMING MEETING SCHEDULE: OCTOBER 2, NOVEMBER 6,

**Attachments**

- Staff Report: Public hearing on Regulatory Amendments to Implement SB 5290, “Concerning consolidating local permit review processes.”
- Staff Report: Public hearing on Draft 2025 Comprehensive Plan Amendment Cycle Docket List
- Staff Report: Introduction to 2024 locally-initiated amendments to the Shoreline Master Program.



**Lakewood Planning Commission  
September 4, 2024 Meeting Minutes**

**WELCOME/CALL TO ORDER**

Robert Estrada, Chair, called the meeting to order at 6:30 p.m.

**ROLL CALL**

**Planning Commission Members Present** Robert Estrada, Chair; Phillip Combs, Vice Chair; Philip Lindholm, Mark Herr, Ellen Talbo, and Sharon Wallace

**Planning Commission Members Excused** Linn Larsen

**Staff** Tiffany Speir, Planning Division Manager; Angie Silva, Assistant Director, Planning & Public Works; and Karen Devereaux, Administrative Assistant, PPW

**Youth Council Liaison** None assigned at this time.

**Council Liaison** Councilmember Paul Bocchi

**APPROVAL OF MINUTES**

**MOTION:** Approval of the July 10, 2024, meeting as written. **SECONDED. PASSED 6-0**

**AGENDA UPDATES** None

**PUBLIC COMMENT**

Mr. Josh Freidmann, representing LRI, spoke in favor of reinstating the Industrial Zoning designation (which was in place from 2001 to 2019) to an easterly section of the LRI property on Sales Road that was mistakenly removed in 2019.

**PUBLIC HEARING** None

**UNFINISHED BUSINESS** None

**NEW BUSINESS**

2SSB 5290 Proposed Code Amendments

Ms. Angie Silva presented an overview of the 2SSB 5290 and the effects of the major changes to permit applications regarding the determination of completeness, notice of applications, and notice of decision timeline. Ms. Silva explained the new permit timelines would go into effect 1/1/2025 with the annual reporting requirements starting 3/1/2025.

The updated goals of improved usability of the Lakewood Municipal Code for customers, applicants and reviewers; increased transparency on permitting procedures; and streamlining processes are on-going.

2025 Comprehensive Plan Amendment Docket List

Ms. Tiffany Speir presented an overview of the current docket list. Included in the discussion was the list of seven City-initiated amendments recommended for inclusion in the 25CPA cycle docket, as well as three tentative amendments for Planning Commission consideration. Ms. Speir explained that the substantive content of each amendment will be drafted by staff and analyzed under SEPA once the City Council

takes action to finalize the 25CPA docket.

Ms. Speir presented the potential 25CPA docket list is as follows:

Recommended Amendments:

- 2025-01** Co-Living Housing Amendments for consistency with ESHB 1998
- 2025-02** Updates to Comprehensive Plan Capital Facilities Element, Parks element, and Utilities Element for consistency with 2024 ESHB 1181 (Climate Change & Resiliency)
- 2025-03** Updates to Lakewood Development Regulations for Middle Housing for consistency with 2023 E2SHB 1110
- 2025-04** Regulatory amendments for consistency with 2024 SB 5792
- 2025-05** Regulatory amendments regarding residential parking for consistency with SSB 6015
- 2025-06** Technical updates to the Municipal Code regarding civic uses
- 2025-07** Adoption of 2025-2029 Commute Trip Reduction (CTR) Plan

Tentative Amendments:

- 2025-08** Affordable Housing in commercial buildings zoning/regulations
- 2025-09** Consideration of expansion of Station District Subarea Boundaries
- 2025-10** Consideration of drafting a new subarea plan for the “District/Area North of Steilacoom Blvd and West of South Tacoma Way”

Ms. Speir reviewed the 25CPA legislative process schedule, which would run slightly earlier than past years in order to meet the state-imposed deadline of June 30, 2025, for several amendments.

**REPORTS**

**Council Liaison Comments** None.

**City Staff Comments** None.

**NEXT MEETING** September 18, 2024.

**ADJOURNMENT** Meeting adjourned at 7:40 p.m.

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Robert Estrada, Chair

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Karen Devereaux, Clerk



TO: Planning Commission  
FROM: Angie Silva, PPW Assistant Director  
DATE: September 18, 2024  
SUBJECT: 2SSB 5290 Proposed Code Amendments Staff Report

**ATTACHMENTS:**

- Attachment A (Page 15): Chapter 18A.10 LMC Amendments
  - Attachment B (Page 34): Chapter 18A.20 LMC Amendments
  - Attachment C (Page 121): Chapter 18A.30 LMC Amendments
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**EXECUTIVE SUMMARY**

On September 18, 2024 the Planning Commission will be hosting a public hearing on the proposed code amendments represented in Attachments A-C. The Department recommends opening the hearing to consider testimony on the draft amendments.

This staff report reviews the proposed code amendments to Lakewood Municipal Code (LMC) Title 18A as it pertains to 2SSB 5290. Additional amendments to promote permit streamlining and internal consistency are also proposed.

The City is required to comply with [2SSB 5290](#) which amended Chapter 36.70B RCW. This state law requires certain procedures and actions for local land use and environmental project permit review. 2SSB 5290 went into effect July 2023 with exception to revised permit timelines and reporting further described in this memorandum.

Further, the City will need to take additional implementation measures outside of the proposed code amendments to meet 2SSB 5290 requirements. This is to ensure transparency, streamline processes, improve predictability and monitor performance. These improvements include but not limited to:

- permitting operations and associated workflows;
- permitting system upgrades;
- improvements to application forms;
- general informational documents;
- standard operating procedures.

Below is a tentative legislative schedule to meet 2SSB 5290. All dates are subject to change.



**BACKGROUND**

In the 1990s, the Washington State legislature enacted Chapter 36.70B RCW. This state law sets forth requirements for local project review regarding land use and environmental permits. The intent is to recognize that several permits may be required for a proposed development project. Further, it is envisioned to remove duplication of local processes, enhance predictability while ensuring consistency with the local Comprehensive Plan. Local governments planning under the Washington State Growth Management Act,<sup>1</sup> such as the City of Lakewood, must be consistent with Chapter 36.70B RCW.

In 2023, the Washington State Legislature amended Chapter 36.70B RCW through 2SSB 5290. 2SSB 5290 went into effect **July 23, 2023**, with exception to new permit timelines and annual reporting requirements summarized further below. Specifically, 2SSB 5290 requires:

**Determination of Completeness:** Requires a written determination of application completeness within 28 calendar days. On the 29th day, if no determination is provided, an application shall be technically or procedurally complete to continue processing. This provision does not exclude the City

<sup>1</sup> Chapter 36.70A RCW

from requesting additional information or studies prior to issuing a final decision.<sup>2</sup>

**Notice of Application (NOA):** For certain application types, once an application is deemed complete, the City must provide a NOA within 14 calendar days. State law requires minimum contents of the NOA.<sup>3</sup>

**Permit Processing Timelines:** 2SSB 5290 establishes new decision timelines for certain project permits. A decision means to deny, approve, or approve with conditions a project application. New timelines go into effect **January 1, 2025** and include:

- Type I: 65 days for projects that do not require public notice.
  - *These are permits that require an administrative decision (i.e. Design Review, Tree Removal, Shoreline Exemption, Temporary Use Permit, etc).*
- Type II: 100 days for projects that require a public notice.
  - *These are permits that require an administrative decision (i.e. SEPA Determination, Binding Site Plan, Shoreline Substantial Development Permit, Short Plat, etc).*
- Type III: 170 days for project permits which requires both a public notice and public hearing.
  - *These are permits that require a Hearings Examiner decision (i.e. Preliminary Plat, Conditional Use Permit, Major Modification to an Approved Land Use permit, etc).*

These “shot clocks” start at the time of complete application and when under review by a local government. Timeframes do not include time when the City requests more information consistent with local development regulations or an administrative appeal period.<sup>4</sup> Timelines also do not include when an applicant:

- Requests suspension of review.
- Proposes a change in use or adds/removes commercial or residential elements from the original complete application.
- Nonresponsive or not making demonstratable progress.<sup>5</sup>

If timelines are not met, 2SSB 5290 requires local governments to provide a pro-rated permit fee refund.<sup>6</sup> These refunds can be avoided if the City

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<sup>2</sup> RCW 36.70B.070(1)

<sup>3</sup> RCW 36.70B.110

<sup>4</sup> RCW 36.70B.080(g)(i-iii)

<sup>5</sup> RCW 36.70B.080(h)(i)

<sup>6</sup> RCW 36.70B.080(l)(i)

incorporates at least three of the measures outlined in state law. These include but not limited to:

- Impose reasonable fees to cover costs of processing, reviewing and inspections.
- Budget new positions contingent on increased permit revenue.
- Adopt code amendments which make preapplication meetings optional rather than a requirement.
- Adopt regulations allowing housing types to be an outrighted permitted use in allowed zones.
- Adopt regulations only requiring public hearings for application that are required to have a public hearing by statute.
- Budget for on-call, 3<sup>rd</sup> party permit review assistance.<sup>7</sup>

Following initial monitoring results discussed further below and if not meeting timeframes, after January 1, 2026, the City must adopt measures in its next comprehensive plan update.<sup>8</sup>

Last, to meet required timelines, local governments are encouraged to adopt additional project review provisions to provide prompt, coordinated and objective review. This is to ensure accountability to the public and applicants, while promoting consistency with development regulations and affordable housing objectives.<sup>9</sup>

**Notice of Decision & Exemptions:** The City must provide notice to the applicant and parties of record of the decision, and if applicable, the environmental threshold determination under the State Environmental Policy Act (SEPA). This notice must also identify the appropriate administrative appeal process.<sup>10</sup>

Additionally, state law allows, through a local ordinance or resolution, to exclude certain project permits from required timelines.<sup>11</sup>

**Reporting:** Beginning **March 1, 2025**, jurisdictions who are subject to the Buildable Lands Program<sup>12</sup> and cities with a population of 20,000 people or more must produce annual performance reports. This reporting requirement applies to the City of Lakewood. Annual reports must be publicly available and submitted to the Washington State Department of Commerce.<sup>13</sup> Annual metric reporting includes but not limited to:

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<sup>7</sup> RCW 36.70B.160

<sup>8</sup> RCW 36.70B.160(2)(a)

<sup>9</sup> RCW 36.70B.160(1)

<sup>10</sup> RCW 36.70B.060(7) and 36.70B.130

<sup>11</sup> RCW 36.70B.140

<sup>12</sup> RCW 36.70A.215

<sup>13</sup> RCW 36.70B.080

- Number complete applications.
- Number of applications which notice of final decision was issued before and after required timelines.
- Number of applications which a time extension was requested/mutually agreed upon by the applicant and City.
- Average application processing times.

### Proposed Amendment Summary

Code Citation	Proposed Change	Rationale
<b>Chapter 18A.10 LMC (Attachment A)</b>		
<b>18A.10.040</b>	Revises Community & Economic Development to new, reorganized Planning & Public Works.	Housekeeping. Clarifies who is the appropriate City Department or designee.
<b>18A.10.070</b>	Removes outdated reference to Community Development department.	Housekeeping.
<b>18A.10.100</b>	Removes outdated references to Community Development and Community and Economic Development department.	Housekeeping.
<b>18A.10.135.4</b>	Removes outdated reference to Community and Economic Development department.	Housekeeping.
<b>18A.10.135.9</b>	Removes outdated reference to Community and Economic Development department.	Housekeeping.
<b>18A.10.160</b>	Redirects appropriate permit decision procedures to Chapter 18A.20 LMC.	Streamlining. Intent is to have one location in LMC for all application and permit procedures. This reduces duplication and conflicts where multiple chapters and titles address similar topics.
<b>18A.10.170</b>	Redirects appropriate permit decision procedures to Chapter 18A.20 LMC.	Streamlining.



Code Citation	Proposed Change	Rationale
<b>18A.10.175</b>	Removes outdated reference to Community and Economic Development department. Redirects appropriate permit decision procedures to Chapter 18A.20 LMC.	Housekeeping and streamlining.
<b>18A.10.180</b>	Removes outdated reference to Community and Economic Development department.  Adds definition of interior alteration.	Housekeeping and provides clarification on what are considered an interior alteration of a structure.
<b>Chapter 18A.20 LMC (Attachment B)</b>		
<b>18A.20.010</b>	Recognizes existing process of online application submittal. Includes language for accommodation consistent with federal and state laws.	Housekeeping and transparency.
<b>18A.20.015</b>	Revises language for preapplication conferences to be option rather than required.  Allows additional staff consultations regarding procedures or technical requirements as needed.	Consistency with 2SSB. Also provides optional process to assist applicants throughout the application process.
<b>18A.20.020</b>	Clarifies payment of application fees are part of determining a complete application. Notes City's adopted fee schedule will be made publicly available.	Consistency with 2SSB. Also provides clarification and transparency of requirements.
<b>18A.20.030</b>	Revises language on what is considered a complete application.	Consistency with 2SSB.

Code Citation	Proposed Change	Rationale
	Does not require site plans for interior alterations under certain circumstances.	
<b>18A.20.040</b>	Simplifies language on consolidated review requests.	Clarification.
<b>18A.20.050</b>	<p>Revises language on process and timeframe for determination of completeness.</p> <p>Sets timeframes regarding incomplete application/resubmittals.</p> <p>Defines permit review types and time periods.</p> <p>Sets timeframes when an application is deemed complete for review, when requests for information are required to be resubmitted. Allows flexibility for outside agency comments applicable to the project proposal and pertinent to the City's decision.</p> <p>Identifies exemptions to time periods and required annual reporting consistent with state law.</p>	Consistency with 2SSB. Also provides clarification, transparency and streamlining on timeframes to ensure a complete application and when complete applications are requested to provide more information to ensure compliance with city codes.
<b>18A.20.060</b>	Clarifies language regarding time periods when a complete application substantially is revised by the applicant.	Consistency with 2SSB. Also provides clarification, transparency and streamlining on timeframes.
<b>18A.20.070</b>	Deletes section as covered in 18A.20.080.	Duplicative section.
<b>18A.20.080</b>	Updates and replaces tables on appropriate review and	Consistency with 2SSB. Also provides clarification, transparency and streamlining of code requirements.

Code Citation	Proposed Change	Rationale
	appeal authorities based on permit type.	
<b>18A.20.085</b>	Defines what is considered a major or minor modification to approved permits.	Provides clarification, transparency and streamlining. Existing code provisions were not consistent in approach on all permit types, nor clear on what is the appropriate process for decision.
<b>18A.20.090</b>	Removes outdated reference to Community and Economic Development department.	Housekeeping and streamlining.
<b>18A.20.105</b>	Removes outdated reference to Community and Economic Development department.	Housekeeping and streamlining.
<b>18A.20.300</b>	Revisions on defined permit types.	Housekeeping and consistency.
<b>18A.20.310</b>	Updates and replaces table on appropriate noticing requirements based on permit type.	Consistency with 2SSB. Also provides clarification, transparency and streamlining of code requirements.
<b>18A.20.330</b>	Revises language on Notice of Application timeframes, contents and where a SEPA threshold determination is included as an optional DNS process. Clarifies language on department practices for distribution and publication.	Consistency with 2SSB. Also provides clarification, transparency and streamlining of code requirements.
<b>18A.20.340</b>	Clarifies timeframes for noticing public hearings before Hearings Examiner. Address HB 1105 regarding how to provide public comment.	Consistency with HB 1105. Provides clarification, transparency and streamlining of code requirements.

Code Citation	Proposed Change	Rationale
<b>18A.20.350</b>	Clarification revision and removes outdated references to Community Development department.	Housekeeping.
<b>18A.20.360</b>	Sets requirements of Notice of Decision, its contents, distribution and exemptions. Clarifies permit types within the Shoreline jurisdiction and filing with the Department of Ecology.	Consistency with 2SSB. Also provides clarification, transparency and streamlining of code requirements.
<b>18A.20.370</b>	Clarifies permit type.	Housekeeping.
<b>18A.20.400</b>	Clarifies administrative appeals based on permit type and timeframe for filing.	Housekeeping.
<b>Chapter 18A.30 LMC (Attachment C)</b>		
<b>18A.23.110-140</b>	Amends conditional use permit (CUP) process by allowing consideration of an administrative conditional use permit (ACUP) process that was allowed previously by the City. Does not change any proposed use permissibility's, however.	Encouraged by 2SSB 5290. Allows for future consideration of uses that instead of requiring a Hearings Examiner CUP and public hearing process, but an administratively approved decision CUP with public notice. Future review and code amendments on allowed uses and their associated permissibility will be needed to deploy ACUPs. This proposed amendment only sets forth the criteria for approval, similar to CUPs.
<b>18A.30.150</b>	Revises language to redirect minor and major modifications to approved CUPs to another LMC chapter.	Housekeeping and consistency with 18A.20.085
<b>18A.30.160</b>	Clarification of timeframes consistent with 18A.20 revisions.	Housekeeping and consistency.

Code Citation	Proposed Change	Rationale
<b>18A.30.170</b>	Deletes redundant provisions regulated in LMC Title 14 and SEPA requirements.	Housekeeping and consistency.
<b>18A.30.180</b>	References ACUPs	Housekeeping and consistency.
<b>18A.30.190</b>	References ACUPs	Housekeeping and consistency.
<b>18A.30.240</b>	Removes outdated Community Development reference to Planning & Public Works Department.	Housekeeping. Clarifies who is the appropriate City Department or designee.
<b>18A.30.270</b>	Removes outdated Community Development reference to Planning & Public Works Department.	Housekeeping.
<b>18A.30.270</b>	Redirects appropriate permit decision procedures to Chapter 18A.20 LMC.	Streamlining. Intent is to have one location in LMC for all application and permit procedures. This reduces duplication and conflicts where multiple chapters and titles address similar topics.
<b>18A.30.350</b>	Redirects appropriate permit decision procedures to Chapter 18A.20 LMC.	Streamlining.
<b>18A.30.370</b>	Redirects appropriate noticing procedures to Chapter 18A.20 LMC.	Streamlining.
<b>18A.30.380</b>	Clarifies staff reports can be prepared by the Department Director or their designee.	Housekeeping. Consistent with current practice.
<b>18A.30.410</b>	Removes outdated language.	Housekeeping.
<b>18A.30.420</b>	Revisions for consistency with 18A.20 amendments.	Housekeeping and consistency revisions.
<b>18A.30.440</b>	Recognizes new Department organizational structure.	Housekeeping.

Code Citation	Proposed Change	Rationale
<b>18A.30.460-480</b>	Revises application content language to refer to 18A.20.	Streamlining. Intent is to have one location in LMC for all application and permit procedures. This reduces duplication and conflicts where multiple chapters and titles address similar topics.
<b>18A.30.470</b>	Deletes redundant provisions regulated in LMC Title 14 and SEPA requirements.	Housekeeping and consistency. Ensure internal consistency with existing provisions.
<b>18A.30.480</b>	Redirects appropriate revisions to approved permits and associated procedures to Chapter 18A.20 LMC.	Streamlining.
<b>18A.30.540</b>	Revisions for consistency with 18A.20 amendments. Reflects current practice of electronic submittals.	Housekeeping and consistency revisions.
<b>18A.30.550</b>	Deletes redundant provisions already covered in 18A.20.	Housekeeping and streamlining revisions.
<b>18A.30.560-570</b>	Reorganization of language/non-substantive.	Housekeeping and clarification.
<b>18A.30.690</b> , <b>18A.30.730</b> , <b>18A.30.750</b> - <b>760,18A.30.840-906</b>	Redirects appropriate revisions to approved permits and associated procedures to Chapter 18A.20 LMC.  Removes outdated Department reference.	Housekeeping and streamlining.

**SEPA Determination**

The proposed amendments are procedural actions to the rules and procedures for various development applications contained in the City’s municipal code. They do not substantively change land use or environmental protections or development

requirements. These procedural actions are categorically exempt.<sup>14</sup>As such no threshold determination is necessary.<sup>15</sup>

### **Notice of Intent to Adopt & JBLM Notice**

As required by state laws and City code<sup>16</sup>, a notice of intent to adopt will be provided to the Washington State Department of Commerce and JBLM-Camp Murray Base Commander early September. Notices are required for a 60-day period and must be completed prior to taking final local action.

### **Consistency Analysis**

#### Local Project Review

Contained in this memorandum summarized key updates and requirements of 2SSB 5290.

*Department Response: The proposed amendments are intended to comply with Chapter 36.70B RCW. The draft proposal is consistent with the Washington State Local Project Review Act. Further, the draft proposal strives to clarify, organize and streamline permit review procedures throughout the Title 18A series. .*

*As mentioned previously, additional implementation and operational changes will be necessary to achieve the requirements set forth in 2SSB 5290.*

#### Growth Management Act

The GMA planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not a prioritized list. In particular, the GMA goals guiding this proposal include:

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

*Department Response: The proposed amendments are consistent with applicable planning goals. Providing a consistent, predictable process for permitting review*

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<sup>14</sup> WAC 197-11-800(19)

<sup>15</sup> WAC 197-11-310

<sup>16</sup> RCW 36.70A.106; RCW 36.70A.530; LMC 18A.10.135.7

and decision could facilitate more housing and job production consistent with the current Lakewood Comprehensive Plan and expected new 2044 growth as part of the Comprehensive Plan Periodic Update.

Further, the proposed code amendments improve the clarity and organization of the City's permit procedures in accordance to Chapter 36.70B RCW. It is anticipated these amendments will aid in the collection and analysis of data and metrics for required performance reporting.<sup>17</sup>

#### Vision 2050

The Puget Sound Regional Council's multi-county planning policies, known as Vision 2050, does not contain any specific goals or policies regarding local project review, permit streamlining, etc. While Vision 2050 does encourage consistency with the Regional Growth Strategy<sup>18</sup>, as well encourages annexation and joint planning agreements to include topics such as permitting<sup>19</sup>, it does not contain specific guidance on permit review.

*Department Response: There are no related goals or policies to the proposed amendments. As such, they are not in conflict with Vision 2050.*

#### Countywide Planning Policies

The City must be consistent with the Pierce Countywide Planning Policies (CPPs). Below are related policies to local permit review:

C-17 Jurisdictions should consider incentives for development within Centers, such as:

17.1 Streamlined permitting;

EC-4 Work to strengthen existing businesses and industries and to add to the diversity of economic opportunity and employment by:

EC-4.5 Streamlining permit processing;

EPF-6 Local policies may include standards and criteria related to:

EPF-6.4 Expediting and streamlining necessary government approvals and permits if all other elements of the County or municipal policies have been met;

*Department Response: The proposed amendments are consistent with the CPPs.*

#### Lakewood Comprehensive Plan

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<sup>17</sup> RCW 36.70B.080 (2)(b)

<sup>18</sup> MPP-DP-36

<sup>19</sup> MPP-DP-28



Upon review of the current Comprehensive Plan, below are related policies to the proposed amendments:

Policy LU-1.3: Ensure predictable and efficient permit processing.

Policy ED-2.5: Provide targeted assistance to businesses that may be unsophisticated in permitting and licensing requirements.

*Department Response: The proposed amendments are consistent as they provide clear expectations, processes and procedures. This in return also assists economic development and businesses through the permitting processes.*

#### Downtown Subarea Plan

No related policies were identified in the subarea plan.

#### Station District Subarea Plan

No related policies were identified in the subarea plan.

#### Tillicum Neighborhood Plan

Upon review of the current neighborhood plan, the following related policy was identified:

Policy 6.5: Revisit the City's adopted housing incentives program (LMC 18A.50.710) and update it as appropriate to utilize such tools as density bonuses, fee waivers, reduced zoning requirements, and expedited permitting. Consider marketing efforts to stimulate use of the program.

*Department Response: The proposed amendments are consistent as they provide clear expectations, processes and procedures to assist in the creation of an expedited permitting process.*

## **Chapter 18A.10**

### **BASIC PROVISIONS**

Sections:

<b>18A.10.010</b>	<b>Title.</b>
<b>18A.10.020</b>	<b>Purpose.</b>
<b>18A.10.030</b>	<b>Scope.</b>
<b>18A.10.040</b>	<b>Rules of code interpretation.</b>
<b>18A.10.050</b>	<b>Computation of time.</b>
<b>18A.10.060</b>	<b>Measurements.</b>
<b>18A.10.070</b>	<b>Interpretations.</b>
<b>18A.10.080</b>	<b>Authority and comprehensive plan consistency.</b>
<b>18A.10.090</b>	<b>Comprehensive plan amendments.</b>
<b>18A.10.100</b>	<b>General requirements.</b>
<b>18A.10.110</b>	<b>Severability.</b>
<b>18A.10.120</b>	<b>Establishment of zoning districts.</b>
<b>18A.10.125</b>	<b>JBLM Air Installation Compatible Use Zone (AICUZ) in relation to land use zones.</b>
<b>18A.10.130</b>	<b>Establishment of overlay districts.</b>
<b>18A.10.135</b>	<b>Establishment of military influence area.</b>
<b>18A.10.135.1</b>	<b>Purpose.</b>
<b>18A.10.135.2</b>	<b>Applicability.</b>
<b>18A.10.135.3</b>	<b>Definitions.</b>
<b>18A.10.135.4</b>	<b>Administration.</b>
<b>18A.10.135.5</b>	<b>Coordinating officials.</b>
<b>18A.10.135.6</b>	<b>Lakewood Military Coordination and Notice Area (MCNA).</b>
<b>18A.10.135.7</b>	<b>Coordination between the City of Lakewood and JBLM.</b>
<b>18A.10.135.8</b>	<b>Light emissions.</b>
<b>18A.10.135.9</b>	<b>Notice to property owners.</b>
<b>18A.10.135.10</b>	<b>Compatible use standards.</b>
<b>18A.10.135.11</b>	<b>Property records and GIS.</b>
<b>18A.10.135.12</b>	<b>No delegation of local authority.</b>
<b>18A.10.140</b>	<b>Establishment of subareas.</b>
<b>18A.10.150</b>	<b>Adoption of City-wide and subarea zoning maps.</b>
<b>18A.10.160</b>	<b>Boundaries – Administrative determination.</b>
<b>18A.10.170</b>	<b>Boundaries – Planning Commission recommendation – City Council determination.</b>
<b>18A.10.175</b>	<b>Reasonable accommodation.</b>
<b>18A.10.180</b>	<b>Definitions.</b>

**18A.10.010 Title.**

*No changes proposed.*

**18A.10.020 Purpose.**

*No changes proposed.*

**18A.10.030 Scope.**

*No changes proposed.*

**18A.10.040 Rules of code interpretation.**

See LMC [18A.10.180](#) for definitions applicable to this title. In addition:

- A. Words used in the present tense include the future tense, and a singular number includes the plural, and a plural number includes the singular, unless the context clearly indicates the contrary.
- B. The word “shall” is always mandatory and is not discretionary; the words “should” and “may” are permissive.
- C. Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, Copyright 1986, shall be considered in determining ordinarily accepted meanings.
- D. When any provision of this title refers to or cites a section of federal law, the Revised Code of Washington (RCW), Washington Administrative Code (WAC), or Lakewood Municipal Code (LMC), and that section is later amended or superseded, this title shall be deemed amended to

refer to the amended section or the section that most closely corresponds to the superseded section.

E. When any provision of this title refers to or cites a section heading within this title, that reference or cite refers to all applicable subsections of the entire section text under that heading.

F. Where the responsibility or authority is indicated in this title to lie with the [Department of Planning and Public Works](#) ~~Community and Economic Development~~ Director (hereinafter referred to as Director), City Engineer, Building Official or other authorized agent of the City, responsibility or authority shall lie equally with that individual's duly authorized designee.

G. When any provision of this title refers to "the City", the phrase refers to the government entity of the City of Lakewood or the City Lakewood as a geographic location or place, as appropriate in the context.

H. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.10.050 Computation of time.**

*No changes proposed.*

### **18A.10.060 Measurements.**

*No changes proposed.*

### **18A.10.070 Interpretations.**

A. The Director shall review and resolve any questions involving the proper interpretation or application of the provisions of this title and other City plans, codes, regulations and standards

related to project permits that may be requested by any property owner, tenant, government officer, department, board, council or commission affected. The Director's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

B. *Classification of Use.* Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, the Director may permit or condition such use if it is clearly evident that the use is in conformity with the designated principal uses of the district in which it is to be located.

C. *Interpretation of Land Use Tables.* See LMC [18A.40.020](#), Interpretation of land use tables.

D. *Interpretation of Map Boundary.* Where uncertainty exists as to any of the zone boundaries as shown on the zoning map, the following rules shall apply:

1. A boundary shown on the zoning map as approximately following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established. If, subsequent to the establishment of the zoning boundary, a lot line should be moved as a result of a legally performed boundary line adjustment (including right-of-way dedications and vacations), the zoning boundary shall be construed as moving with the lot line if the Director, in his sole discretion, determines that the boundary line adjustment is minor in nature and that the corresponding change in the zoning is consistent with goals, objectives and intent of the comprehensive plan and is consistent with the general zoning pattern in the area. In this case, the [Community Development](#) Director shall direct that the official zoning map be amended.

If the Director determines that moving the zoning line as a result of a boundary line adjustment is not clearly minor, would have a material impact on the zoning pattern of the area, or would be contrary to the goals, objectives or intent of the comprehensive plan, then the zoning boundary shall only be moved after approval through the formal zoning amendment process pursuant to Chapter [18A.20](#) LMC.

2. A boundary shown on the zoning map as approximately following a creek, lake, or other water course shall be construed as following the actual centerline of the water course. If, subsequent to establishment of the boundary, the centerline of the water course should move as a result of natural processes, the boundary shall be construed as moving with the centerline of the water course, as determined by the ordinary high water line.

3. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line shall be construed as following the actual ridge or contour line. If, subsequent to the establishment of the boundary, the ridge or contour line should move as a result of natural processes, the boundary shall be construed as moving with the ridge or contour line.

4. A boundary shown on the zoning map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or minor realignment, such as at an intersection, the boundary shall be construed as moving with the centerline.

5. Whenever any street or other public right-of-way is vacated in the manner prescribed by law, the zoning district adjoining each side of said street or other public right-of-way shall be automatically extended to the centerline of the former street or other public right-of-way, unless determined otherwise pursuant to this section, and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

6. An Open Space and Recreation (OSR) zoning district boundary shown on the zoning map as approximately following a wetland boundary line shall be construed as following the actual edge of the wetland. If, subsequent to the establishment of the zoning district boundary, a wetland delineation report is conducted by a qualified wetland biologist and said report is reviewed and accepted by the City, the boundary shall be construed as following the delineated wetland line. The appropriate wetland buffer shall not be included within the OSR zone boundary, rather the buffer area shall be included in adjacent upland zoning district, pursuant to LMC [18A.60.110](#).

7. If the specific location of a zoning boundary line cannot be determined from application of the above rules to the zoning map, it shall be determined by the use of the scale designated on the zoning map.

8. Where questions still arise concerning the exact location of a district boundary, the Director shall interpret the zone boundaries.

E. *Interpretation of Unlisted Words and Phrases.* The definition of any word or phrase, not listed in this title, which is in question when administering this title, shall be defined from one of the

following sources which are incorporated herein and adopted by reference. Said sources shall be utilized to find the desired definition in the order listed as follows:

1. City of Lakewood Land Use and Development Code.
2. City of Lakewood Comprehensive Plan.
3. Any other portion of the Lakewood Municipal Code or other City resolution, ordinance, or regulations.
4. Any statute or regulation of the State of Washington, beginning with the most applicable first.
5. Legal determinations and definitions from applicable case law.
6. Legal definitions from the most recent edition of Black's Law Dictionary.
7. Definitions from Webster's Dictionary or other common dictionary.

F. *Minimum Requirements.* When interpreting and applying the regulations of this Development Code, its provisions shall be the minimum requirements, unless otherwise stated.

G. *Easements and Private Agreements.* This title is not intended to override any easement, covenant, or any other private agreement; provided, that where the provisions of this title are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreements, the requirements of this title shall govern.

H. *Conflicts of Regulations.* Except as otherwise specifically stated, where conflicts occur within this Development Code or between the provisions of this Development Code and the Building and Fire Codes or other regulations of the City, the more restrictive shall apply.

I. *Conflicts with State Law.* The provisions of this title shall not have the effect of authorizing any activities prohibited by state law or other ordinances of the City of Lakewood.

J. *Official Zoning Map – Conflicts with LMC 18A Text.* If any conflict occurs between the City of Lakewood Zoning Map and the text of this title, then the text of this title shall prevail.

K. Requests for interpretations shall be made in writing and include cites to specific code section(s) needing interpretation as well as an explanation of the need for interpretation.

L. *Record.* A record shall be kept of all interpretations and rulings made by the Director; such decisions shall be used for future administration. The Director shall report decisions to the Planning Commission when it appears desirable and necessary to amend this title.

M. *Time Limitation.* An interpretation of the provisions of this title remains in effect until rescinded in writing by the Director, or until the subject text of this title has been amended.

N. Interpretations of the Director shall be appealable to the Hearing Examiner as set forth in Chapter [18A.20](#) LMC, Part IV. [Ord. 758 § 2 (Exh. A), 2021; Ord. 726 § 2 (Exh. B), 2019.]

### **18A.10.080 Authority and comprehensive plan consistency.**

*No changes proposed.*

### **18A.10.090 Comprehensive plan amendments.**

*No changes proposed.*

### **18A.10.100 General requirements.**

A. *Application.* All land or structures shall be used and constructed in accordance with the regulations and requirements of this Development Code including obtaining applicable permits prior to initiation of use.

B. *Conflicting Permits and Licenses to Be Voided.* All permits or licenses shall be issued in conformance with the provisions of this Development Code. Any permit or license subsequently issued and in conflict with this Development Code shall be null and void.

The ~~Community Development~~ Director is authorized and empowered to revoke any permit issued by the ~~Community and Economic Development~~ Department issued in error or based on



false or misleading information or upon failure of the permit holder thereof to comply with any provision or condition of this title.

C. *Burden of Proof.* Except as otherwise provided herein or by prevailing law, each and every applicant shall bear the burden of demonstrating compliance with the provisions of this code. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.10.110 Severability.**

*No changes proposed.*

**18A.10.120 Establishment of zoning districts.**

*No changes proposed.*

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

*No changes proposed.*

**18A.10.130 Establishment of overlay districts.**

*No changes proposed.*

**18A.10.135 Establishment of military influence area.**

**18A.10.135.1 Purpose.**

*No changes proposed.*

### **18A.10.135.2      Applicability.**

*No changes proposed.*

### **18A.10.135.3      Definitions.**

*No changes proposed.*

### **18A.10.135.4      Administration.**

The City of Lakewood ~~Community and Economic Development~~ Planning and Public Works Department (~~CEEDD~~) is responsible for implementing the provisions of this chapter. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.10.135.5 Coordinating officials.**

*No changes proposed.*

**18A.10.135.6 Lakewood Military Coordination and Notice Area (MCNA).**

*No changes proposed.*

**18A.10.135.7 Coordination between the City of Lakewood and JBLM.**

*No changes proposed.*

**18A.10.135.8 Light emissions.**

*No changes proposed.*

**18A.10.135.9 Notice to property owners.**

A. *Permit Notices.*

1. The approval documentation associated with the types of applications identified below, within the Lakewood MCNA shown in Figure 2A, shall include a notification statement in accordance with subsection [\(A\)\(2\)](#) of this section.
  - a. Building permits,
  - b. Zoning permits,

- c. Subdivision plats, and
- d. Site plans.

2. The approval documentation associated with the types of applications identified in subsection [\(A\)](#) of this section shall include a notification statement that:

- a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
- b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
- c. Information related to such regulations or limitations is available in the City of Lakewood Community and Economic Development Department.

*B. Real Estate Disclosures.*

1. At or prior to all real estate closings involving a property located in the Military Coordination and Notice Area, the buyer and seller shall sign a Real Estate Disclosure Form, which shall be filed with the deed and/or plat at the Pierce County Auditor's Recording Office.

2. The City of Lakewood ~~Community and Economic Development~~ [Planning and Public Works](#) Department shall develop and maintain a Real Estate Disclosure Form, which advises prospective lessees or tenants that:

- a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
- b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
- c. Information related to such regulations or limitations is available in the City of Lakewood ~~Community and Economic Development~~ [Planning and Public Works](#) Department.

3. All prospective lessees or tenants signing a commercial or residential lease or rental agreement for a property located within the Military Coordination and Notice Area, shall be notified by the property owner through a written provision contained in the lease or rental agreement that:

- a. The property and its subsequent occupants could experience military training impacts, including impacts related to noise, vibration, odors, flight safety hazards, and other impacts related to operations associated with JBLM;
- b. The property may be subject to additional development regulations or limitations due to the property's proximity to the installation; and
- c. Information related to such regulations or limitations is available in the City of Lakewood ~~Community and Economic Development~~ [Planning and Public Works](#) Department. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.10.135.10 Compatible use standards.**

*No changes proposed.*

**18A.10.135.11 Property records and GIS.**

*No changes proposed.*

**18A.10.135.12 No delegation of local authority.**

*No changes proposed.*

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

*No changes proposed.*

**18A.10.150 Adoption of City-wide and subarea zoning maps.**

*No changes proposed.*

**18A.10.160 Boundaries – Administrative determination.**

When uncertainty exists as to boundaries of any land use zoning classification on the zoning map, the Director following the administrative procedures [of a Process Type I](#) application as contained in [LMC Chapter 18A.20 LMC 18A.20.310](#) shall make a determination as to the location of the boundary in question based on the following rules of construction:

- A. Where zone boundaries are indicated as approximately following the centerline of street, alley or highway right-of-way, the actual centerline shall be the boundary.
- B. Where zone boundaries are indicated as running approximately parallel to the centerline of the street right-of-way, the boundary line shall be construed to be parallel to the centerline of the street right-of-way.
- C. Where zone boundaries are indicated as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundaries of such zone.
- D. Where a zone boundary divides a tract in unsubdivided property, the location of such zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on the zoning map.
- E. Zone boundaries indicated as following shorelines shall be interpreted to follow such shorelines, and in the event of change in the shoreline, shall be interpreted as moving with the actual shoreline.
- F. Where a public street or alley right-of-way is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley right-of-way.
- G. Where the zone boundaries shown on the zoning map are inconsistent with the written legal descriptions of the zoning boundary as described in the implementing ordinance, the written legal description of the zoning boundary shall prevail. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.10.170 Boundaries – Planning Commission recommendation – City Council determination.**

In case uncertainty exists in zoning designation lines that cannot be resolved by application of the administrative rules contained in LMC [18A.10.160](#), the Planning Commission shall recommend, and the City Council shall determine, the location of such zone boundaries. This action shall be considered a [legislative process and Process Type V application type](#) as outlined under [Chapter 18A.20 LMC 18A.20.310](#). The Planning Commission and City Council shall base the determination of zone classification lines on the land use designation maps and policies of the comprehensive plan. [Ord. 726 § 2 (Exh. B), 2019.]



### **18A.10.175 Reasonable accommodation.**

A. *Purpose and Intent.* The Federal Fair Housing Act (FFHA) requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling in conformance with the Federal Fair Housing Act and the Washington Housing Policy Act.

B. *Applicability.*

1. A request for reasonable accommodation may be made by any person with a disability, the person's representative, or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

C. *Application Requirement.*

1. A request for reasonable accommodation shall be submitted on an application form provided by the [Community and Economic Development Planning and Public Works](#) Department and shall contain the following information:

- a. The applicant's name, address, telephone number, and email address;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered under the Acts;
- e. The code provision, regulation, or policy from which reasonable accommodation is being requested;
- f. What specific accommodation is requested and why the accommodation is necessary to make the specific property accessible to the individual.

D. *Review Authority.*

1. If no approval is sought other than the request for reasonable accommodation, the request shall be reviewed by the ~~Community Development~~ Director or designee as outlined in Chapter [18A.20](#), ~~Article I, LMC 18A.20.070 and LMC 18A.20.080~~.
2. If a request for reasonable accommodation is submitted for review with a land use application requiring a higher level of review, the review authority making the final land use decision shall concurrently review and make a decision on the request.

E. *Review Findings.*

1. The written decision to grant, grant with modifications or deny a request for reasonable accommodation shall be based on the following findings:
  - a. The housing, which is the subject of the request, will be used by a disabled individual;
  - b. The accommodation requested is necessary to make specific housing available to a disabled individual;
  - c. Potential impact on surrounding uses;
  - d. Physical attributes of the property and structures;
  - e. Alternative accommodations which may provide an equivalent level of benefit;
  - f. The requested accommodation would not require a fundamental alteration in the nature of a City policy or law, including but not limited to the Lakewood Comprehensive Plan and zoning;
  - g. The requested accommodation would not impose an undue financial or administrative burden on the City.
2. In granting a request for reasonable accommodation, the ~~Community Development~~ Director may impose conditions of approval deemed reasonable and necessary to ensure that the accommodation complies with the findings.

F. *Appeal of Determination.* A determination by the reviewing authority to grant, grant with modifications or deny a request for reasonable accommodation may be appealed pursuant to LMC [18A.20.400](#). [Ord. 726 § 2 (Exh. B), 2019.]

## 18A.10.180 Definitions.

*Only proposed changes noted below.*

"A."

"Amendment" means a change in the wording, context, or substance of this code or the comprehensive plan; a change in the zoning map or comprehensive plan map; a change to the official controls of City code; or any change to a condition of approval or modification of a permit or plans reviewed or approved by the ~~Community and Economic Development~~ Planning and Public Works Director or Hearing Examiner.

"C."

"City of Lakewood Coordinating Official" means the Planning and Public Works ~~Community and Economic Development~~ Department Director or their designee.

~~"Community and Economic Development~~ Planning and Public Works Director" (see also "Director") means the individual who performs responsible professional, administrative and supervisory work in directing and leading the activities of the Planning and Public Works ~~Community and Economic Development~~ Department.

"D."

"Director" means the ~~Community and Economic Development~~ Planning and Public Works Director or their designee.

"I."

"Interior Alterations" means any construction activities that does not modify the existing site layout, its current use and involves no exterior work expanding the existing building footprint.

"P."

"Project permit" means any land use or environmental application or permit ~~or~~ approval required from the City for a project action, including but not limited to: subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, ~~and~~ site plan review, permit of approvals required by critical area

ordinances, and site specific rezones not requiring a Comprehensive Plan or Shoreline Master Program amendment.

~~“Public Works Director” means the Director of the Lakewood Public Works Department and/or~~

[Ord. 794 § 2 (Exh. A), 2023; Ord. 789 § 2 (Exh. A), 2023; Ord. 775 § 1 (Exh. A), 2022; Ord. 758 § 2 (Exh. A), 2021; Ord. 756 § 2, 2021; Ord. 751 § 4 (Exh. C), 2021; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

## Chapter 18A.20 ADMINISTRATION

Sections:

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18A.20.020	Application fees.
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<b>18A.20.310</b>	<b>Public notice framework.</b>
<b>18A.20.320</b>	<i>Repealed.</i>
<b>18A.20.330</b>	<b>Notice of application –<del>Permits.</del></b>
<b>18A.20.340</b>	<b>Notice of public hearing.</b>
<u><b>18A.20.345</b></u>	<u><b>Notice of decision.</b></u>
<b>18A.20.350</b>	<b>Optional public notice.</b>
<b>18A.20.360</b>	<b>Joint public hearings.</b>
	<b>Article IV.</b>
	<b>Appeals/Reconsiderations</b>
<b>18A.20.400</b>	<b>Specific appeal procedures.</b>
<b>18A.20.410</b>	<b>Appeals to hearing examiner.</b>
<b>18A.20.420</b>	<b>Reconsideration of hearing examiner decision.</b>
<b>18A.20.430</b>	<b>Clarification of hearing examiner decision.</b>
<b>18A.20.440</b>	<b>No appeals to City Council.</b>

## **18A.20.005 Definitions.**

*No changes proposed.*

## **Article I. Administration**

### **18A.20.010 Applications.**

The Director shall provide ~~describe the official form in which~~ applications ~~forms are made~~ for amendments to the comprehensive plan and the ~~d~~Development ~~c~~Code and ~~the form of~~ all project permit applications to be used for all matters which may come before the Department, Hearing Examiner, ~~the~~ Planning Commission and ~~the~~ City Council. The Department will prepare ~~and provide copies for such purposes~~ and prescribe the type of information to be provided in the application or petition by the applicant ~~or petitioner~~. No application shall be deemed complete unless it complies with such requirements and payment of applicable fees.

Applications shall be submitted through the City's online permitting system. An applicant may request to be exempt from electronic submission by providing the Director with a written request for accommodations pursuant to the provisions of the Americans with Disabilities Act

of 1990 (42 U.S.C. §§ 12101-12231), chapter 49.60 RCW, and other similar local, state, and federal laws.

~~At minimum, each form shall require the authorized signature of the landowner or their agent applicant, designation of a single person or entity to receive determinations and notices, and payment of the appropriate application fee, if any. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.20.015 Preapplication conferences and application assistance.**

The Department may assist the public in interpreting and applying the LMC to proposals. Assistance may be subject to applicable fees in the adopted fee schedule available on the Department's website. Requests for preapplication conferences and/or staff consultation must be submitted on a completed form provided by the Department with all information required and payment of fees. Failure to provide all pertinent information may prevent the Department from identifying applicable requirements or otherwise providing the most effective assistance to applicants.

- A. Preapplication meeting. The purpose of the preapplication conference is to acquaint the applicant with the technical and procedural requirements of the Code, including applicable elements of the comprehensive plan. It is not possible for the Department to provide an exhaustive review of all potential issues with a proposal at a preapplication conference. Nor shall the City be bound by the Department's discussion at the preapplication conference. The Department may suspend or revoke a permit under the provisions of the Code, whenever the permit is issued in error or based on or in reliance on information that is incorrect, inaccurate, or incomplete, or when the permit violates or permits a violation of any law.

Preapplication conferences are optional but encouraged for all permit types described in LMC 18A.20.080. The Department shall provide a written summary of the project proposal and the code requirements applicable to the proposal.

B. Staff Consultations. Applicants may request an informal meeting to discuss project feasibility, technical and procedural requirements and/or applications under review. Fees associated with a staff consultation shall be in accordance with the adopted fee schedule.

~~The purpose of the preapplication conference is to acquaint the applicant with the substantive and procedural requirements of the Lakewood Municipal Code in relation to the proposed project and the applicable elements of the comprehensive plan, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations associated with the proposed development.~~

~~A. A preapplication conference shall be required for all Process III and IV permits as described in LMC 18A.20.080 and for all Process I and II permits as described in LMC 18A.20.080 that require environmental review. A preapplication conference may also be required for any project at the discretion of the Director. A preapplication conference may also be initiated by an applicant for a project where technical review is desired. Only one preapplication conference shall be required for all project permit applications related to the same project; however, an applicant may request multiple preapplication conferences in relationship to a given project.~~

~~A preapplication conference shall precede the submittal of any project permit application, including an environmental checklist. The Director may waive, in writing, the requirement for a preapplication conference for proposals that are determined not to be of a size and complexity to require the detailed analysis of a preapplication conference, or as otherwise determined not appropriate for such review.~~

~~B. Submission of Application. To initiate a preapplication conference, an applicant shall submit a completed form provided by the City and all information pertaining to the proposal as prescribed by administrative procedures of the Community and Economic Development~~



~~Department. Failure to provide all pertinent information may prevent the City from identifying all applicable issues or providing the most effective preapplication conference.~~

~~C. *Limitations.* It is impossible for the conference to be an exhaustive review of all potential issues. The discussion at the conference or the information form given to the applicant shall not bind or prohibit the City's future application or enforcement of the applicable law; rather, it is intended to offer the applicant guidance in preparing a development proposal for submittal. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.20.020 Application fees.**

A. *Payment.* Application fees as established by the City and shall be paid to the Department upon the filing of any application or petition. An application shall not be deemed complete nor go under review without payment of applicable fees.

B. *Official Fee Schedule.* Fees for the review and processing of applications or permits pursuant to this title shall be identified on the official fee schedule for the City, adopted by the City Council. The permit fee schedule shall be made available on the Department's website. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.030 Complete application ~~form and content.~~**

~~*Permit Application Contents.* The City of Lakewood permit applications shall specify on each type of permit application the requirements necessary for complete compliance with required time periods and procedures for approval. One copy of each permit application shall be kept on file in the Lakewood Community and Economic Development Department and shall be available in electronic format where possible. Such applications specify the content necessary for timely and orderly processing of each project permit application and for reaching a determination that such application is complete as provided by LMC 18A.20.050. The Director shall be responsible for updating the permit applications as necessary. [Ord. 726 § 2 (Exh. B), 2019.]~~

A. Application submittals shall specify the content required in LMC 18A.20.010. The Department Director or their designee shall review applications for completeness prior

to acceptance and commencing review. An application shall be considered complete, unless otherwise determined by the Department, when it contains the following:

1. Signatures for legally authorized agent and landowner.
2. Engineer of record and contractor, if required.
3. Parcel identification.  
Required documents, plans, site plans and application forms signed by the applicant.
4. Detailed description of the proposed project and existing easements.
5. Related studies and reports associated with the project application.
6. For all land division actions, alterations or adjustments to existing land divisions, a completed land survey of the perimeter of the site per the application requirements of LMC Title 17 Subdivisions.
7. A completed State Environmental Policy Act checklist, if required.
8. Payment of all applicable fees in accordance with LMC 18A.20.020. In the event of insufficient funds, the application submittal shall expire.

B. Applications for interior alterations shall not require a site plan in accordance with RCW 36.70B provided that the interior alterations do not result in the following:

1. Alteration of existing egress points from the facility/structure.
2. Additional dwelling unit, sleeping quarters or bedrooms.
3. Nonconformity with federal emergency management agency substantial improvement thresholds.
4. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
5. Any change of use that requires changes to the existing site layout or building footprint.
6. Frontage or site development improvements.

Pursuant to LMC Title 15 Buildings and Construction, nothing in this section exempts interior alterations from applicable building, plumbing, mechanical, fire or electrical codes.

### **18A.20.040 Consolidated review of applications.**

Pursuant to RCW [36.70B.060](#) and [36.70B.120](#), an applicant may request in writing to the Department Director ~~elect~~ to consolidate all project related permit applications related to the same proposal as part of an integrated process. ~~submit a consolidated project permit application.~~ Following Director approval, ~~such a request shall be upon and simultaneously~~

~~with submission of all [complete](#) applications [and payment of fees pursuant to LMC 18A.20.050. to be consolidated.](#)~~ Upon [determination of application completeness, payment of the appropriate fee\(s\),](#) all consolidated applications shall be processed as one application with the final decision ~~on such application~~ [by the appropriate decision authority noted in LMC 18A.20.080.](#) ~~to be made by the Director if no public hearing is required, or the Hearing Examiner if a public hearing is required by law or by exercise of the Director's discretion.~~ [The time period for a final decision shall be the longest of the application permit time periods as established in LMC 18A.20.050\(D\).](#)

[To the extent possible, SEPA review, if applicable, shall be combined and integrated in the project application review.](#) ~~Simultaneous applications for permit approval within one category of approvals, such as solely land use, building, or engineering approval, shall not be deemed consolidated reviews, but nonetheless shall be entitled to consolidated review if so elected by the applicant.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.050 [Determination of completeness, Complete permit applications, notice and time periods.](#)**

A. *Determination of Complete Application.* An application shall be deemed complete by the ~~Department~~ [City](#) when it meets the ~~minimum~~ [City's technical procedural](#) submission requirements [in LMC 18A.20.030.](#) ~~and is sufficient for continued processing.~~ [Once deemed complete, the Department reserves the right to request even though additional information and condition a project as part of the application review process to ensure compliance with applicable development regulations.](#) ~~may be required.~~ An application ~~shall not be deemed complete unless it is accompanied by the appropriate application fee and includes all information specifically required as listed at LMC 18A.20.030, including the signature of the property owner(s) or an authorized representative thereof.~~

B. *Notice of Completeness.* The Department shall provide a written notice within twenty-eight (28) [calendar](#) days of the date of receipt of any application [submittal](#) stating whether the application is complete [or incomplete in conformance to the LMC.](#) ~~To the extent known, the Department shall, and identifying any other governmental agencies known to have jurisdiction over the proposal.~~ [; or if not complete, setting forth any deficiency of the application, and](#)

~~specifying a date upon which the application will be null and void if any deficiencies have not been corrected.~~

~~If an application is incomplete, the Department shall provide written notice to the applicant of any deficiencies pursuant to section C. Upon receipt of any required additional information, the Department shall notify the applicant within fourteen (14) days whether the application is now complete or what additional information is necessary.~~

~~In accordance to RCW 36.70B.070, if the ~~Should the~~ Department fails to provide a timely notice that an application is ~~complete or~~ incomplete, the application shall be deemed technically complete ~~vested as if complete~~ on the 29th day after submittal and upon payment of applicable fees, the Department must review the application~~go under review following payment of fees~~. The Department may ~~reserves the right to~~ request additional information and/or condition a project permit to ensure compliance with applicable development regulations pursuant to RCW 36.70B.070.~~

C. ~~Provision of Additional Information~~Incomplete Application. ~~When an application is determined to be incomplete, the Department~~review authority shall identify, in writing, the specific information necessary to constitute a complete application.

1. Any information necessary to complete or to supplement an application must be submitted within ~~six (6) months~~ninety (90) calendar days of the date of the notice describing such deficiency. If the applicant does not submit the required information within a ninety (90) day period, the project permit application shall automatically expire.
2. Prior to the expiration date, the applicant may request, in writing, to the Department, an extension to provide the required information. The Department may grant one additional ninety (90) calendar day extension if it is determined that the required studies or information warrants more time.
- ~~3. The Department shall specify the date upon which the application will be null and void in any requests for supplemental information or studies. Should such information not be timely received, the application shall be null and void on the said date.~~Within fourteen (14) calendar days after an applicant has submitted to the Department all additional information identified as being necessary for a complete application, the Department shall notify the applicant whether the application is complete or what additional information is necessary. If additional information is necessary, the applicant shall submit the required

information within a ninety (90) calendar day period. No additional extensions will be granted.

~~D. *Weekends and Holidays.* Regardless of whether any period is a minimum or maximum, when any permit review, notice or decision time limit of this title terminates upon a weekend or City holiday, such time limit shall automatically be extended to the first following nonholiday weekday.~~

~~DE. *Review Types and Time Period.* The review and processing of project permit applications shall result in a decision being rendered within time limits set forth below.~~

~~FE. *Notice of Delayed Decision.* If the City is unable to issue its final decision within the time limits listed below, the City will provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision.~~

~~FG. *Request for Timeline.* Where no time limit is specified, upon written request the City will provide an estimated time of review.~~

~~GH. *Application Time Limits.*~~

1. ~~\_\_\_\_\_Type I: Type I permit decisions are projects reviewed administratively which do not require public notice or a public hearing. The time period for issuing a final decision is sixty-five (65) calendar days. The appropriate decision authority may approve, approve with conditions, deny or modify.~~
2. ~~\_\_\_\_\_Type II: Type II permit decisions are projects reviewed administratively which do require a public notice but does not require a public hearing. The time period for issuing a final decision is one hundred (100) calendar days. The appropriate decision authority may approve, approve with conditions, deny or modify.~~
3. ~~\_\_\_\_\_Type III: Type III permits are projects which requires both a public notice and hearing. The time period for issuing a final decision is one hundred and seventy (170) calendar days. The appropriate decision authority may approve, approve with conditions, deny or modify.~~

4. ————Type IV: Type IV are not project permits. Type IV decisions are administrative clarifications not subject to a public notice, public hearing nor permit review timelines established in Chapter 36.70B RCW.
  
5. ————Type V: Type V permits are legislative actions relating to the Lakewood Comprehensive Plan, subarea plans, development regulations and the Shoreline Master Program. Public notice and public hearings before the Lakewood Planning Commission and City Council may be required in state laws and agency rulemaking. The responsibilities for review, processing and associated time periods are established in RCW 36.70A, RCW 90.58, RCW 43.21 and LMC Chapter 18A.30 Article I. Type V decisions are not subject to permit review timelines established in Chapter 36.70B RCW.

E. Notice of Delayed Decision. If the Department is unable to issue its final decision within the time periods listed for Type I, II and III permits, the Department shall provide written notice to the applicant. The notice shall include a statement of reasons why the time has not been met and an estimated date for issuance of a final decision.

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
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

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
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

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
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
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



<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
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

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
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

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
Temporary Use Permit	Y	N	N	90
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

<b>Application</b>	<b>Planning Permit</b>	<b>Engineering Permit</b>	<b>Building Permit</b>	<b>Review Time Limits (Days)</b>
Zoning Map, site specific	Y	N	N	120
Zoning amendment text only	N	N	N	120

**Notes:**

"Y" means Yes.

"N" means No.

\* A building permit is only necessary if there is: (1) new construction per LMC Title 15; (2) change of use per LMC Title 15; or (3) construction activity where a building permit is required per LMC Title 15.

Exemptions: Type I and Type II administrative approvals, categorically exempt from SEPA or for which environmental review has been completed in connection with other project permits are exempt from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130

4E. Complete Applications Requiring Responses to Corrections or Additional Information. When a complete application requires corrections or additional information, the Department shall identify, in writing, the specific correction or information necessary to continue review.

1. When corrections or additional information is required, the applicant shall have ninety (90) calendar days from the date of the written notification to submit all required corrections or information to the Department. If the applicant does not submit all required corrections or information within the ninety (90)-day period, the project permit application shall automatically expire.
2. Prior to the expiration date, the applicant may request, in writing, an extension to provide the required information. The Director may grant up to two (2) ninety (90)-day extensions if it is determined that the required information warrants additional time.

3. The Director may provide extensions beyond the two ninety-day extensions when such extension is necessary to accommodate review or comment by another local, state or federal agency or private or public utility district/provider (collectively "agency").
4. If the agency is reviewing the project, the extension must be supported by the agency, must be the minimum needed by the agency for review, the agency must indicate that all necessary materials have been provided for their respective review, and the agency must provide a date by which they will complete their review.
5. If the agency is nonresponsive to an applicant's need for additional information or corrections, the Department shall, in consultation with the applicant, temporarily waive the expiration deadline and associated review time period, or in the event of minor information or corrections needed, defer the information or correction to a subsequent and related project permit application.
6. Applications that expire shall be held for sixty (60) calendar days; after that time, they shall be voided. The Department Director shall have the discretion to refund fees paid on expired applications in accordance with the Department's adopted permit fees.
7. If a project for which an application has been submitted becomes the subject of formal mediation or arbitration, an additional extension to the time frame may be requested and granted. The time frame for decision shall consider the date of conclusion of mediation or arbitration.
8. Expired applications will not be further processed and reviewed.

I. Time ~~Period~~ ~~Limit~~ ~~Exemptions~~ ~~ceptions~~. The time periods for issuing a decision on complete applications ~~limits set forth above~~ do not include:

1. Up to the first twenty-eight (28) days after receipt of an application during ~~The time in~~ which the Department ~~City~~ determines whether the application is deemed complete.
2. Type I and Type II approvals, categorically exempt from SEPA or for which environmental review has been completed in connection with another project.
3. Time periods to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application

that would make the application fail to meet the determination of application completeness in LMC 18A.20.050.—

~~43.~~ Any period during which the applicant has been requested by the DepartmentCity to correct plans, perform studies or provide additional information requested by the DepartmentCity.

~~53.~~ If the DepartmentCity determines that ~~the~~ additional information submitted ~~to the City~~ by the applicant under ~~subsection (1)(2) of this section this Title~~ is insufficient, the DepartmentCity shall notify the applicant of the deficiencies and the procedures ~~of~~ ~~subsection (1)(2)~~ shall apply as if a new request for information has been made.

~~64.~~ ~~Any appeal period.~~ Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired. Decisions regarding appeals shall be issued by the Examiner within ninety (90) days of receipt of an appeal.

~~75.~~ Any extension of time mutually agreed upon by the applicant and the DepartmentCity. Requests to suspend review will be afforded six (6) months to restart review before —an application is deemed abandoned and expired. An application expired due to suspension can be reactivated if still within the same code cycle.

~~86.~~ The time required to prepare and issue a n final Environmental Impact Statement (EIS) in accordance with the State Environmental Policy Act.

9. Public agency capital projects.

10. The application is to rectify a code violation.

11. In the event of an emergency which is declared by federal, state or local authorities.

12. Requires a Comprehensive Plan, Subarea Plan, Shoreline Master Program or development regulation amendment.

13. Building permit applications.

14. Construction/site development and rights-of-way applications.

15. Shoreline permits requiring final decision by the Washington State Department of Ecology or other federal or state agency.

16. A variance, deviation, exception or adjustment to minimum standards as required under the LMC.

17. Certificate of appropriateness as outlined in Chapter 2.48 LMC.

J. The City shall submit an annual application timeline performance report((s)) in accordance with RCW 36.70B.080.

[Ord. 794 § 2 (Exh. A), 2023; Ord. 789 § 2 (Exh. A), 2023; Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.060 ~~Effects of P~~project permit application revisions.**

A. If, ~~in the judgment of~~ the Director ~~determines or their designee~~, the content of a ~~complete~~ application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally ~~deemed complete~~ submitted, the Director shall deem the revised proposal to be a new application and associated time periods set forth in LMC 18A.20.050 shall restart. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such complete substantial revision.

B. In reaching a decision whether a revision is substantial, the Director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record.

~~C. A determination that any revision is substantial shall result in the time periods mandated by the Regulatory Reform Act, Chapter 36.70B RCW, set forth in this title starting from the date at which the revised project application is determined to be complete. The revised project~~

~~application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such complete substantial revision. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **~~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, Type I permits, 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);~~
- ~~19. Foster care facility permit;~~
- ~~20. Home occupation permit;~~
- ~~21. Housing incentives permit;~~
- ~~22. Landscape plan review;~~
- ~~23. Land use approval;~~
- ~~24. Lot line adjustment;~~
- ~~25. Manufactured/mobile home setup permit;~~
- ~~26. New commercial permit;~~
- ~~27. New multifamily permit;~~
- ~~28. New single-family permit;~~
- ~~29. Permanent supportive housing permit;~~
- ~~30. Pre-application;~~
- ~~31. Preliminary and final short plats (creating 2 to 9 lots);~~
- ~~32. Rapid rehousing permit;~~
- ~~33. Reasonable accommodation request;~~
- ~~34. Residential addition/remodel;~~
- ~~35. Senior housing overlay permit;~~
- ~~36. Shoreline conditional use permit;~~

- ~~37. Shoreline substantial development permit;~~
  - ~~38. Shoreline exemption;~~
  - ~~39. Shoreline variance permit;~~
  - ~~40. Short plat amendment;~~
  - ~~41. Sign permit;~~
  - ~~42. Site development permit;~~
  - ~~43. Senior housing permit;~~
  - ~~44. Small cell wireless permit;~~
  - ~~45. Subdivision plat alteration;~~
  - ~~46. Temporary use permit;~~
  - ~~47. Transfer of development rights;~~
  - ~~48. Transitional housing permit;~~
  - ~~49. Transitory accommodation permit;~~
  - ~~50. Tree retention plan;~~
  - ~~51. Time extension or minor modification to a Type I permit;~~
  - ~~52. Time extension or minor modification to a Type II permit;~~
  - ~~53. Transitory accommodation permit;~~
  - ~~54. Tree removal permit;~~
  - ~~55. Unusual use(s) permit;~~
  - ~~56. Zoning certification;~~
  - ~~57. Zoning interpretations (map and/or text).~~
- ~~B. Director. Pursuant to Chapter 18A.30 LMC, Article V, Land Use Review and Approval, the Director shall have the authority to conduct pre-submission conferences and to grant,~~

~~conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the Director or by the Hearing Examiner. These are Type II permits.~~

~~C. Lakewood Hearing Examiner. Lakewood Hearing Examiner shall have the authority vested pursuant to Chapter 1.36 LMC. These include Type III permits.~~

~~D. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), Chapter 14.02 LMC, Environmental Rules and Procedures, and Chapter 14.142 LMC, Critical Areas. This can include Type II and III.~~

~~E. Shoreline Permit Review Process. See City of Lakewood Shoreline Master Program, Ordinance No. 711 or as amended hereafter. This can include Type II and Type III.~~

~~F. Subdivision Review Process. See LMC Title 17. This is a Type III. [Ord. 794 § 2 (Exh. A), 2023; Ord. 789 § 2 (Exh. A), 2023; Ord. 726 § 2 (Exh. B), 2019.]~~

### 18A.20.080 Review and approval authorities.

The following table and generalized flowchart describes development permit types, the process 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 and approved by the Department Director, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

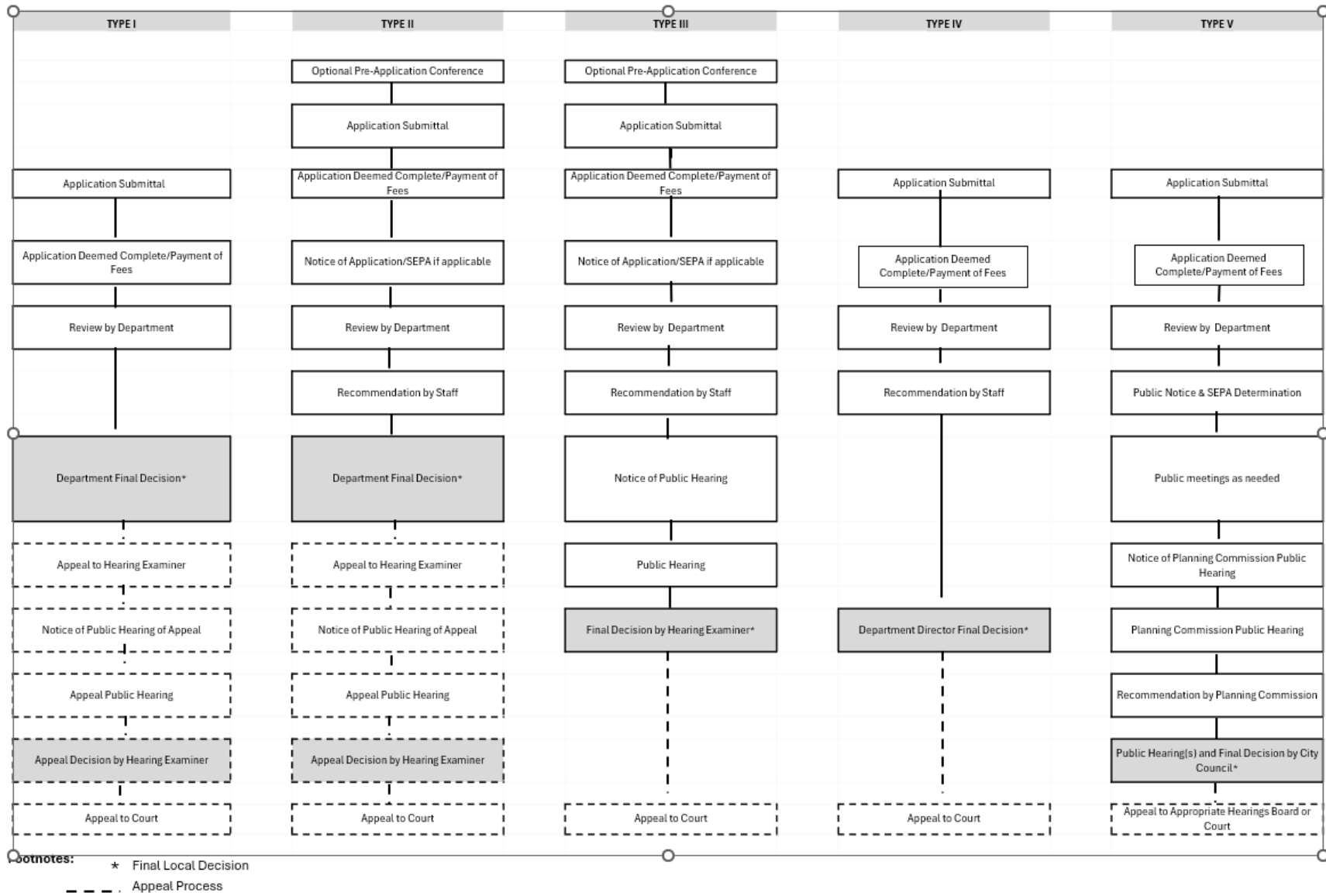
<u>Application Type</u>	<u>Review &amp; Approval Authority</u>	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>	<u>Type V</u>
<b><u>Planning (Titles 17, 18A, 18B and 18C)</u></b>						
<u>Administrative Conditional Use</u>	<u>PPW</u>		<u>X</u>			
<u>Administrative Nonconforming Determination</u>	<u>D</u>	<u>X</u>				
<u>Binding Site Plan</u>	<u>PPW</u>		<u>X</u>			
<u>Binding Site Plan Major Modification</u>	<u>PPW</u>		<u>X</u>			
<u>Binding Site Plan Minor Modification</u>	<u>PPW</u>	<u>X</u>				
<u>Boundary Line Adjustment</u>	<u>PPW</u>	<u>X</u>				

<b>Application Type</b>	<b>Review &amp; Approval Authority</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
<a href="#">Comprehensive Map Amendment, area-wide</a>	PC/CC					X
<a href="#">Comprehensive Map Amendment, site specific</a>	PC/CC					X
<a href="#">Conditional Use</a>	HE			X		
<a href="#">Consultation Meeting</a>	PPW	X				
<a href="#">Cottage Housing</a>	PPW		X			
<a href="#">Design Review</a>	PPW	X				
<a href="#">Development Agreement</a>	CC					X
<a href="#">Directors Interpretation</a>	D	X				
<a href="#">Emergency Housing</a>	PPW	X				
<a href="#">Emergency Shelter</a>	PPW	X				
<a href="#">Essential Public Facilities</a>	HE			X		
<a href="#">Home Occupation</a>	PPW	X				
<a href="#">Final Plat Alteration</a>	PPW					
<a href="#">Final Plat (10 lots or more)</a>	PPW	X				
<a href="#">Final Short Plat (9 lots or less)</a>	PPW	X				
<a href="#">Foster care facility</a>	PPW	X				
<a href="#">Land Use Variance (less than 15% deviation to standards)</a>	PPW	X				
<a href="#">Land Use Variance (greater than 15%, less than 25% deviation to standards)</a>	PPW		X			
<a href="#">Land Use Variance (greater than 25% deviation to standards)</a>	PPW			X		
<a href="#">Permanent Supportive Housing</a>	PPW	X				
<a href="#">Planned Development District</a>	HE			X		
<a href="#">Plat Alteration</a>	HE			X		
<a href="#">Preapplication conference</a>	PPW	X				
<a href="#">Preliminary plat (10 lots or more)</a>	HE			X		
<a href="#">Preliminary plat major modification</a>	HE			X		
<a href="#">Preliminary plat minor modification</a>	PPW		X			
<a href="#">Preliminary short plat (9 lots or less)</a>	PPW		X			
<a href="#">Preliminary short plat major modification</a>	PPW		X			
<a href="#">Preliminary short plat minor modification</a>	PPW	X				

<b>Application Type</b>	<b>Review &amp; Approval Authority</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
<a href="#">Public facilities master plan</a>	HE			X		
<a href="#">Similar use determination</a>	D	X				
<a href="#">Rezone, area-wide</a>	PC/CC					X
<a href="#">Rezone, site specific</a>	PC/CC					X
<a href="#">Small Cell Wireless</a>	PPW	X				
<a href="#">Special Needs Housing</a>	PPW			X		
<a href="#">Temporary Use</a>	PPW	X				
<a href="#">Time Extension</a>	PPW	X				
<a href="#">Transfer of Development Rights</a>	PPW	X				
<a href="#">Transitional Housing</a>	PPW	X				
<a href="#">Tree Removal/Emergency Tree Removal</a>	PPW	X				
<a href="#">Zoning Amendment (text only)</a>	CC					X
<a href="#">Zoning Certification</a>	PPW	X				
<a href="#">Zoning Interpretations</a>	D	X				
<b>Environmental (Titles 14 &amp; Lakewood Shoreline Master Program)</b>						
<a href="#">Critical Area Reasonable Use Exception</a>	PPW	X				
<a href="#">Critical Area Variance (less than 15% deviation to standards)</a>	PPW	X				
<a href="#">Critical Area Variance (greater than 15%, less than 25% deviation to standards)</a>	PPW		X			
<a href="#">Critical Area Variance (greater than 25% deviation to standards)</a>	HE			X		
<a href="#">Shoreline Exemption</a>	PPW	X				
<a href="#">Shoreline Conditional Use*</a>	PPW			X		
<a href="#">Shoreline Master Program Amendment*</a>	PC/CC					X
<a href="#">Shoreline Substantial Development Permit</a>	PPW		X			
<a href="#">Shoreline Permit (after approval) Major/Minor Modification*</a>	PPW		X			
<a href="#">Shoreline Variance*</a>				X		
<a href="#">SEPA Threshold Determination</a>	PPW		X			
<a href="#">SEPA Planned Action Conformance</a>	PPW	X				
<b>Building (Title 15)</b>						
<a href="#">Accessory Building</a>	PPW	X				

<b>Application Type</b>	<b>Review &amp; Approval Authority</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
<a href="#">Accessory Dwelling Unit</a>	PPW	X				
<a href="#">Adult Family Home</a>	PPW	X				
<a href="#">Building Code Interpretation</a>	CBO	X				
<a href="#">Certificate of Occupancy</a>	CBO	X				
<a href="#">Commercial Addition/Remodel</a>	PPW	X				
<a href="#">Demolition</a>	PPW	X				
<a href="#">Manufactured/mobile home</a>	PPW	X				
<a href="#">Mechanical</a>	PPW	X				
<a href="#">Multi-family</a>	PPW	X				
<a href="#">New Commercial Building</a>	PPW	X				
<a href="#">New Residential Building</a>	PPW	X				
<a href="#">Plumbing</a>	PPW	X				
<a href="#">Residential Addition/Remodel</a>	PPW	X				
<a href="#">Minor/Major modification to Approved Building Permit</a>	PPW	X				
<a href="#">Signs</a>	PPW	X				
<a href="#">Single family home</a>	PPW	X				
<b>Development Engineering (Titles 12 &amp; 13)</b>						
<a href="#">Right-of-Way</a>	PPW	X				
<a href="#">Road Vacation</a>	CC					X
<a href="#">Site Development Permit</a>	PPW	X				
<a href="#">Deviation to standards</a>	CE	X				
<a href="#">Site Development Permit Variance to standards</a>	HE			X		
<a href="#">Minor/Major modification to approved Site Development Permit</a>	PPW	X				
<a href="#">Transportation Mitigation Fee</a>	PPW	X				
<b>Miscellaneous</b>						
<a href="#">Business license</a>	PPW	X				
<a href="#">Multi-family tax exemption</a>	PPW	X				
<a href="#">Scrivener's corrections</a>	D				X	
<b>Legend:</b> D=Planning & Public Works Director PPW=Planning & Public Works Department CBO=Chief Building Official CE=City Engineer CC=Lakewood City Council HE=Hearings Examiner						

<b><u>Application Type</u></b>	<b><u>Review &amp; Approval Authority</u></b>	<b><u>Type I</u></b>	<b><u>Type II</u></b>	<b><u>Type III</u></b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>
<p><u>PC=Lakewood Planning Commission</u></p> <p><i><u>*Pursuant to RCW 90.58, following local action, final decisions are made by the Washington State Department of Ecology. Ecology’s final approval is required for amendments to the Lakewood Shoreline Master Plan (SMP), Shoreline Conditional Use permit and Shoreline Variance permit.</u></i></p>						





<b>KEY:</b>		
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

<b>Applications</b>	<b>Public– Notice of– Application</b>	<b>Director</b>	<b>HE</b>	<b>PC</b>	<b>CC</b>
<b>TYPE I ADMINISTRATIVE</b>					
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 – <a href="#">35A.21.360</a>	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
Pre-application conference permit	N	N	N	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 <u>18A.95</u> 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
<b>TYPE II ADMINISTRATIVE</b>					

<del>Binding site plan</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Binding site plan amendment</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Cottage housing</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Preliminary and final short plats (2 – 9 lots)</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Shoreline conditional use permit</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Shoreline substantial development permit</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Shoreline variance permit</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Short plat amendment</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<del>Time extension or minor modification to a Type II permit</del>	<del>Y</del>	<del>D</del>	<del>O/Appeal</del>	<del>N</del>	<del>N</del>
<b>TYPE III DISCRETIONARY</b>					
<del>Conditional use permit</del>	<del>Y</del>	<del>R</del>	<del>D</del>	<del>N</del>	<del>N</del>

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
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
<b>TYPE IV OTHER</b>					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
<b>TYPE V LEGISLATIVE</b>					
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

[Ord. 794 § 2 (Exh. A), 2023; Ord. 789 § 2 (Exh. A), 2023; Ord. 758 § 2 (Exh. A), 2021; Ord. 756 § 2, 2021; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.085 Modifications to approved permits or decisions.**

A. This section applies to proposed amendments to approved permits or decisions governed by LMC Chapter 18A.20, unless more specific amendment provisions are provided elsewhere in the Code or state laws.

#### B. Major Amendments.

1. If an applicant submits an application for a major modification to an approved permit or decision, the application shall be reviewed under the vested rules of the associated development regulations and original project permit application. Any amendment is subject to all procedural review requirements and may require additional fees or supporting information as necessary for consistent and informed review. Any changes required by conditions of approval of an application shall not be considered major modifications.

2. For the purpose of this subsection, modifications shall be considered major if one or more of the following applies:

a. The modification would (i) add more than ten percent (10%) gross square footage to a proposed or existing structure(s) on the site and (ii) result in at least one of the following (subsections (B)(2)(b) through (h) of this section); or



b. The perimeter boundary of the original site would be expanded by more than ten percent (10%) of the original lot area; or

c. The modification would increase the overall impervious surface on the site by more than twenty-five percent (25%); or

d. The modification would substantially relocate points of access or increase traffic, unless supported by a revised traffic impact analysis that demonstrates no significant increase in traffic impact; or

e. The modification would reduce designated open space by more than ten percent (10%); or

f. The modification would change the intended use of the original proposal to a new use that is of higher intensity, and would create more significantly adverse impacts than originally proposed; or

g. The modification would result in significant adverse impacts that have not been previously disclosed by the applicant or considered by the department; or

h. There is significant new information that would change a prior SEPA threshold determination.

C. *Minor Modifications.* Minor modifications are changes that do not qualify as major under the criteria above. If an applicant submits an application for a minor amendment to an approved permit or decision, the application shall be reviewed under the vested rules of the original project permit application. Any modification is subject to all procedural review requirements at the time of application for modifications and may require additional fees or supporting information as necessary for consistent and informed review.

D. *Site Development Permits.* Proposed modifications to approved site development permits shall be subject to requirements set forth in LMC Title 12 and this Title.

[E. Land Divisions. Proposed amendments to approved preliminary land divisions, or proposed alterations to approved final land divisions shall be governed by LMC Title 17, Subdivisions and this Title.](#)

### **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.

A. *Variance.* Except for variances related to LMC [18A.60.050](#) and [18A.60.060\(F\)](#), unless exercised, a variance shall expire one (1) year from the date a final decision is issued. If timely exercised, a variance shall be valid indefinitely.

B. *Conditional Use Permit.* Unless exercised or otherwise specified, a conditional use permit shall be void one (1) year from the date a notice of final decision was issued. If exercised, a conditional use permit shall be valid for the amount of time specified by the Hearing Examiner. If the use allowed by the permit is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be obtained in accordance with the provisions of this title prior to resuming operations.

C. *Home Occupation Permit.* A home occupation permit shall be valid indefinitely unless a time limitation is specified by staff or the Hearing Examiner or it is revoked for lack of compliance to conditions. A home occupation permit shall be void unless exercised within one (1) year from the date such permit was issued. If the use allowed by the permit is inactive, discontinued or abandoned for twelve (12) consecutive months, the permit is void and a new permit shall be applied for and obtained in accordance with the provisions of this title prior to resuming operations. A home occupation permit shall not be transferable to a new site or entity.

D. *Land Use Approval.* Unless exercised by complete application for necessary construction permits, any land use approval shall expire and be null and void two (2) years from the date the final approval was issued. Land use approval shall be extended two (2) additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in relevant circumstances and standards, land use approval may be

extended up to two (2) additional years by the Director pursuant to a written request submitted prior to expiration of land use approval. Upon receiving such request, notice shall be provided pursuant to the comparable notice of application procedures of LMC [18A.20.310](#). Following a comment period of at least fourteen (14) days, the Director may grant, limit or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, such extension shall be denied.

E. *Land Division Approval*. Approved land divisions regulated under LMC Title 17 shall adhere to the expiration timelines set forth in RCW 58.17.

F. *Site Development & Right of Way Approval*. Approved and issued engineering permits shall expire pursuant to LMC Title 12.

G. *Building Permit Approval*. Approved and issued building permits shall expire pursuant to LMC Title 15.

~~H~~E. Detailed design review approval shall expire simultaneously with expiration of any associated building or other construction permit.

~~I~~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~~[Planning and Public Works](#) Director determines that the sign is not being properly maintained. [Ord. 794 § 2 (Exh. A), 2023; Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.100 Licenses and building permits.**

*No proposed changes.*

### **18A.20.105 Violations and enforcement.**

A. *Violations.* It shall be a violation of this title for any person to:

1. Use, construct, locate or demolish any structure, land, sign or property within the City without first obtaining the permits or authorizations required for the use by this title.
2. Use, construct, locate or demolish any structure, land, sign or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.
3. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, Chapter [14.02](#) LMC, Environmental Rules and Procedures, or other City ordinances.
4. Misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.
5. Fail to comply with the requirements of this title.

B. *Enforcement Measures.* The City Manager is authorized and empowered to ensure compliance with and enforce the provisions of this title to the fullest extent of the law. Except as specified elsewhere, violation of any provision of this title, including failure to comply with any lawful order issued under the authority of this title, constitutes a Class 2 civil infraction, as defined in Chapter [1.48](#) LMC. Any violation of this title which is deemed to be a public nuisance or a danger to the public health and/or safety shall be addressed as specified in Chapter [1.44](#) LMC.

C. *Revocation of Permits.*

1. The ~~Community Development~~ Planning and Public Works Director is authorized and empowered to revoke any permit issued by the ~~Community and Economic Development~~ Department issued in error or based on false or misleading information or upon failure of the permit holder thereof to comply with any provision or condition of this title.
2. Any conditions or requirements placed upon a project permit by the ~~Community Development~~ Director or decision-making body as a result of the provisions of this title shall be strictly followed. In the event that the permit holder, or his assignee, fails to comply with any such conditions the project permit may be revoked or modified as set forth below or under the provisions of the International Building Code.
3. If, after an investigation, the ~~Community Development~~ Director determines that one (1) or more conditions of a permit are not being met, notice shall be mailed to the permit holder or agent by regular mail advising him of the deficiency and requiring that the deficiency be remedied within ten (10) days from the date the notice is mailed or such longer period as the ~~Community Development~~ Director may deem appropriate.
4. If the permit holder or agent fails to remedy the deficiency within this time period set, the ~~Community Development~~ Director shall mail notice to the permit holder or agent advising the intent to revoke the development permit. Such notice shall state that to avoid such action the permittee must request, in writing, a hearing before the Hearing Examiner and then appear and show cause why the permit should not be revoked. Such a hearing request must be filed within ten (10) days of the date of the notice of intent to revoke. The Hearing Examiner may uphold the permit should it be determined that all conditions have been met or no longer need to be met; may modify or add conditions to the permit; or may revoke the permit. If the permittee fails to file a timely request for hearing, then the ~~Community Development~~ Director shall send him a notice advising him the project permit has been revoked and that any further action thereon would be in violation of City of Lakewood Land Use and Development Code.
5. The provisions of this section shall apply to all project permits issued prior to the date of adoption of this code, as well as all project permits issued thereafter. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.20.110 Certificate of occupancy.**

*No proposed changes.*

**18A.20.120 Annexed land.**

*No proposed changes.*

**18A.20.130 Approval of transfer of development rights.**

*No proposed changes.*

**Article II. Nonconforming Uses and Structures**

*No proposed changes.*

**Article III. Public Notice Requirements**

**18A.20.300 Public notice procedures.**

A. The Director shall determine the proper public notification procedure for all applications. If there is a question as to the appropriate process, the Director shall resolve it in favor of the higher process type number procedure. ~~Process~~ Type I ~~permits are~~ is the lowest number procedure and ~~Process~~-Type V ~~permits is~~ are the highest.

B. An application that involves two (2) or more procedures may be processed, at the City's sole discretion, collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this chapter. If the application is processed under the individual procedure option, the highest numbered process procedure must be processed prior to the subsequent lower numbered procedure. Joint public hearings with other agencies shall be held in accordance with LMC [18A.20.360](#).

~~C. Abbreviated findings shall be restricted to Process Types I and II, where less discretion is required to make a decision, and may serve as a permit if requirements are met.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### 18A.20.310 Public notice framework.

To inform the public of proposed project actions, the Department and applicants shall provide notice as identified in the table below. A vicinity map and basic site plan shall be included with any mailed notices. If a project is SEPA-exempt and no public hearing is required, notice ~~of application as required by RCW 36.70B.110~~ will be limited to the type of notice described below.

<b>KEY:</b>		
NOA	=	<del>Notice of Application</del>
CED	=	<del>Community and Economic Development Department</del>
NOD	=	<del>Notice of Decision</del>
PO-300	=	<del>Property owners within 300 feet of project site</del>
PR	=	<del>Parties of record on file</del>
SEPA	=	<del>State Environmental Policy Act</del>
WAC	=	<del>Washington Administrative Code</del>

<u>Type of Notice</u>	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>	<u>Type V</u>
<u>Notice of Application (NOA)</u>	No	Yes	Yes	No	<u>Yes; only for area-wide and site specific amendments and rezones.</u>
<u>Adjacent property owner mailing</u>	No	Yes	Yes	No	<u>Yes; only for area-wide and site specific amendments, rezones and annexation proposals.</u>
<u>Project Site Posting</u>	No	Yes	Yes	No	<u>Yes; only for area-wide and site specific amendments and rezones.</u>
<u>City Website</u>	No	Yes	Yes	Yes	Yes
<u>Newspaper of Record</u>	No	Yes	Yes	No	Yes
<u>SEPA Determination*</u>	<u>If applicable</u>	<u>If applicable</u>	<u>If applicable</u>	<u>If applicable</u>	<u>If applicable</u>
<u>Notice to parties of record</u>	Yes	Yes	Yes	No	Yes
<u>Notice of Decision (NOD)</u>	Yes	Yes	Yes	No	No
<u>*SEPA threshold determination is required unless categorically exempt by SEPA Washington Administrative Codes and/or LMC Title 14.</u>					



**Process: Type I Administrative**

Application Type	Notice Types	When	Who gets Notices
1. Accessory building;	NOD.	Within 90 calendar	1. Applicant; and
2. Accessory dwelling unit;			2. PR.
3. Administrative nonconforming determination;			day s- afte r the City noti fies the appl ican t that the appl icati on is com plet e.
4. Business license;			
5. Certificate of occupancy;			
6. Commercial addition/remodel;			
7. Conditional use permit – minor modification;			
8. Demolition permit;			

Application Type	Notice Types	When	Who gets Notices
9. Design review;			
10. Final subdivision plat (10 or more lots);			
11. Home occupation permit;			
12. Hosting the homeless by religious organizations;	See RCW <a href="#">35A.21.360</a>	See RCW <a href="#">35A.21.360</a>	See RCW <a href="#">35A.21.360</a>
13. Housing incentives permit;	NOD.		1. Applicant; and  2. PR.
14. Landscape plan approval;			
15. Land use approval;			
16. Lot line adjustment;			

Application Type	Notice Types	When	Who gets Notices
17. Manufactured/mobile home permit;		Within 90 calendar days after the City notifies the applicant that the application is complete.	
18. New commercial permit;			
19. New multifamily permit;			
20. New single-family permit;			
21. Pre-application permit;			
22. Preliminary and final short-plats (creating 2-9 lots);			
23. Reasonable accommodation request;			
24. Residential addition remodel;			

Application Type	Notice Types	When	Who gets Notices
25. Senior housing overlay permit;			
26. Shoreline exemption;			
27. Sign permit;			
28. Site development permit;			
29. Small cell wireless permit;			
30. Temporary use permit;			
31. Transfer of development rights;			
32. Tree retention plan;			
33. Time extension or minor modification to a Type I permit;			

Application Type	Notice Types	When	Who gets Notices
34. Tree removal permit;			
35. Zoning certification;			
36. Zoning interpretations— (map and/or text).			

**Type II Administrative**

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<b>Application Type</b>	<b>Notice Types</b>	<b>When</b>	<b>Who gets Notices</b>
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<p>1. Binding site plan;</p> <p>2. Cottage housing;</p> <p>3. Preliminary and final short-plats (2-9 lots);</p> <p>4. Shoreline conditional use permit;</p> <p>5. Shoreline substantial development permit;</p> <p>6. Shoreline variance permit;</p> <p>7. Time extension or minor modification to a Type II permit;</p>	<p>1. NOA;</p> <p>2. PO-100;</p> <p>3. Post site;</p> <p>4. Notify in new spa permit of record; and</p> <p>5. Post on the City's web site; and</p> <p>NOD.</p>	<p>1. 14 calendar days after City has made determination that application is complete; and</p> <p>2. Within 120 calendar days after the City notifies the applicant that the application is complete.</p>	<p>1. Applicant;</p> <p>2. PR;</p> <p>3. PO-100; and</p> <p>4. Agencies with jurisdiction.</p>
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Application Type	Notice Types	When	Who gets Notices
<p>8. Transitory                      accommodation                      permit.</p>			
<p><b>SEPA</b></p>			

Application Type	Notice Types	When	Who gets Notices
<p>1. Environmental checklist</p>	<p>1. NOA;</p> <p>2. PO-300;</p> <p>3. Post site;</p> <p>4. Notify in new spa per of record; and</p> <p>5. Post on the City's web site; and</p> <p>NOD.</p>	<p>1. 14 calendar days after City has made determination that application is complete; and</p> <p>2. SEPA Threshold Determination.</p>	<p>1. Applicant;</p> <p>2. PR;</p> <p>3. PO-300 depending on Proc ess; and</p> <p>4. Agencies with juris dicti on.</p>

**Type III Discretionary (Hearing Examiner)**

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<b>Application Type</b>	<b>Notice Types</b>	<b>When</b>	<b>Who gets Notices</b>
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<p><del>1. Conditional use permit;</del></p> <p><del>2. Conditional use permit—major modification;</del></p> <p><del>3. Major modification to a Type III permit;</del></p> <p><del>4. Planned development district;</del></p> <p><del>5. Preliminary plat—long;</del></p> <p><del>6. Time extension to a Type III permit;</del></p> <p><del>7. Unusual use(s) permit;</del></p> <p><del>8. Variance; and</del></p>	<p><del>1. NOA;</del></p> <p><del>2. PO-300;</del></p> <p><del>3. Post site;</del></p> <p><del>4. Notify in—</del> <del>news</del> <del>paper</del> <del>of</del> <del>record;</del> <del>and</del></p> <p><del>5. Post on the City's—</del> <del>website;</del> <del>and</del></p> <p><del>6. For public hearing, PO-300;</del></p> <p><del>7. Post site;</del></p> <p><del>8. Notify in—</del> <del>news</del> <del>paper</del> <del>of</del></p>	<p><del>1. For NOA, 14 calendar days—</del> <del>after—</del> <del>City—</del> <del>has—</del> <del>made—</del> <del>determination—</del> <del>that—</del> <del>application is—</del> <del>complete; and</del></p> <p><del>2. For public hearing, not less than 15—</del> <del>nor—</del> <del>more—</del> <del>than 30—</del> <del>days—</del> <del>prior to—</del> <del>the—</del> <del>public—</del> <del>hearing—</del> <del>requiring the—</del> <del>notice;—</del> <del>and</del></p> <p><del>3. Within 120 calendar—</del> <del>days—</del></p>	<p><del>1. Applicant;</del></p> <p><del>2. PR;</del></p> <p><del>3. PO-300; and</del></p> <p><del>4. Agencies with—</del> <del>jurisd</del> <del>iction</del> <del>.</del></p>
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Application Type	Notice Types	When	Who gets Notices
<p><del>9. Zoning Map amendment, site-specific</del></p>	<p><del>9. Post on the City's website;</del> and NOD.</p>	<p><del>after the City notifies the applicant that the application is complete.</del></p>	

~~1. Shoreline conditional  
use  
permit  
when  
referred by  
the  
Shoreline  
Administrator;~~

~~2. Substantial  
development  
permit  
when  
referred by  
the  
Shoreline  
Administrator;~~

~~Notification procedures are those that are contained in WAC 173-27-110.~~

~~3. Shoreline variance  
when  
referred by  
the  
Shoreline  
Administrator;~~

Application Type	Notice Types	When	Who gets Notices
Administrator.			

**Type IV Other**

Application Type	Notice Types	When	Who gets Notices
<del>1. Scrivener corrections to Comprehensive Plan Map and/or Comprehensive Plan Text.</del>	<del>Post on the City's web site.</del>	<del>Within 120 days after the City initiates action.</del>	<del>1. Applicant; and 2. PR.</del>

**Type V**

Application Type	Notice Types	When	Who gets Notices
<p>Annexation – 10 –                      percent                      to                      notice                      of                      intent</p>	<p>1. Post site;                      2. Notify in                      news                      paper                      of                      recor                      d;                      and                      3. Post on the City's                      webs                      ite;                      4. Mail to affected                      prop                      erty                      owne                      rs;                      and                      5. PO-300.</p>	<p>Not less than 15 nor                      more                      than 30                      days                      prior to                      the                      public                      meetin                      g                      requirin                      g the                      notice.</p>	<p>1. Applicant;                      2. PR;                      3. Property owners;                      and                      4. PO-300.</p>



Application Type	Notice Types	When	Who gets Notices
<p>Annexation – 50/60 –                      percent                      to                      petition                      A</p>	<p>1. Post site;                      2. Notify in                      news                      paper                      of                      record;                      and                      3. Post on the City's                      website;                      4. Mail to affected                      property                      owners;                      and                      5. PO-300.</p>	<p>Not less than 15 nor                      more                      than 30                      days                      prior to                      the                      public                      hearing                      requiring                      the                      notice.</p>	<p>1. Applicant;                      2. PR;                      3. Property owners;                      and                      4. PO-300.</p>

<p><del>Comprehensive Plan Map only amen dment , area wide</del></p>	<p><del>For NOA;</del></p> <p><del>1. Post site;</del></p> <p><del>2. Notify in news pape r of recor d; and</del></p> <p><del>3. Post on the City's webs ite; and</del></p> <p><del>4. NOD.</del></p>	<p><del>1. For NOA, 14 calendar days after City has made determi nation that applicat ion is comple te; and</del></p> <p><del>2. For public hearing, not less than 15 nor more than 30 days prior to the public hearing requirin g the notice; and</del></p> <p><del>3. For NOD, 180 calenda r days</del></p>	<p><del>1. Applicant;</del></p> <p><del>2. PR; and</del></p> <p><del>3. Agencies with jurisd iction</del></p>
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Application Type	Notice Types	When	Who gets Notices
		after City has made determi nation that applicat ion is comple te.	

<p>Comprehensive Plan Map only amen dment , site specifi €</p>	<p>1. NOA;  2. Post site;  3. Notify in  news pape r of recor d;  4. Post on the City's  webs ite; and  5. PO-300; and  6. NOD.</p>	<p>1. For NOA, 14 calendar days after City has made determi nation that applicat ion is comple te; and  2. For public hearing,  not less than 15 nor more than 30 days prior to the public hearing requirin g the notice; and  3. For NOD, 180  calenda r days</p>	<p>1. Applicant;  2. PR;  3. PO-300; and  4. Agencies with  jurisd iction  r</p>
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Application Type	Notice Types	When	Who gets Notices
		after City has made determi nation that applicat ion is comple te.	

<p>Comprehensive Plan, text only amendment</p>	<p>For NOA;</p> <p>1. Post site;</p> <p>2. Notify in news paper of record; and</p> <p>3. Post on the City's website; and</p> <p>4. NOD.</p>	<p>1. For NOA, 14 calendar days after City has made determination that application is complete; and</p> <p>2. For public hearing, not less than 15 nor more than 30 days prior to the public hearing requiring the notice; and</p> <p>3. For NOD, 180 calendar days</p>	<p>1. Applicant;</p> <p>2. PR; and</p> <p>3. Agencies with jurisdiction</p>
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Application Type	Notice Types	When	Who gets Notices
		after City has made determi nation that applicat ion is comple te.	

<p>Development agreement</p>	<p>1. NOA; 2. Post site; 3. Notify in news paper of recor d; 4. Post on the City's webs ite; and 5. PO-300; and 6. NOD.</p>	<p>1. For NOA, 14 calendar days after City has made determi nation that applicat ion is comple te; and 2. For public hearing, not less than 15 nor more than 30 days prior to the public hearing requirin g the notice; and 3. For NOD, 180 calenda r days</p>	<p>1. Applicant; 2. PR; 3. PO-300; and 4. Agencies with jurisd iction</p>
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Application Type	Notice Types	When	Who gets Notices
		after City has made determi nation that applicat ion is comple te.	

<p><del>Shoreline Master Program Amendment</del></p>	<p><del>For NOA;</del></p> <p><del>1. Post site;</del></p> <p><del>2. Notify in news paper of record; and</del></p> <p><del>3. Post on the City's website; and</del></p> <p><del>4. NOD.</del></p>	<p><del>1. For NOA, 14 calendar days after City has made determination that application is complete; and</del></p> <p><del>2. For public hearing, not less than 15 nor more than 30 days prior to the public hearing requiring the notice; and</del></p> <p><del>3. For NOD, 180 calendar days</del></p>	<p><del>1. Applicant;</del></p> <p><del>2. PR;</del></p> <p><del>3. Dept. of Ecology; and</del></p> <p><del>4. Other agencies with jurisdiction</del></p>
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Application Type	Notice Types	When	Who gets Notices
		<p>after—                      City has                      made—                      determi                      nation—                      that—                      applicat                      ion is—                      comple                      te.</p> <p>Amendments or—                      revision                      s to the                      SMP, as                      provide                      d by—                      law, do                      not—                      become                      effectiv                      e until—                      approv                      ed by—                      the—                      Dept. of                      Ecology                      -</p>	

<p>Zoning amendment— area— wide</p>	<p>For NOA;</p> <p>1. Post site;</p> <p>2. Notify in—  news pape r of— recor d;— and</p> <p>3. Post on the City's—  webs ite;— and</p> <p>4. NOD.</p>	<p>1. For NOA, 14 calendar— days— after— City has made— determi nation— that— applicat ion is— comple te; and</p> <p>2. For public hearing,—  not less than 15— nor— more— than 30— days— prior to the— public— hearing— requirin g the— notice;— and</p> <p>3. For NOD, 180—  calenda r days—</p>	<p>1. Applicant;</p> <p>2. PR; and</p> <p>3. Agencies with—  jurisd iction</p>
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Application Type	Notice Types	When	Who gets Notices
		<p>after                      City has                      made                      determi                      nation                      that                      applicat                      ion is                      comple                      te.</p>	

<p>Zoning amendment text only</p>	<p>For NOA;</p> <p>1. Post site;</p> <p>2. Notify in news paper of record; and</p> <p>3. Post on the City's website; and</p> <p>4. NOD.</p>	<p>1. For NOA, 14 calendar days after City has made determination that application is complete; and</p> <p>2. For public hearing, not less than 15 nor more than 30 days prior to the public hearing requiring the notice; and</p> <p>3. For NOD, 180 calendar days</p>	<p>1. Applicant;</p> <p>2. PR; and</p> <p>3. Agencies with jurisdiction</p>
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Application Type	Notice Types	When	Who gets Notices
		after City has made determi nation that applicat ion is comple te.	

[Ord. 756 § 2, 2021; Ord. 726 § 2 (Exh. B), 2019.]

**18A.20.320 Use of Pierce County Assessor’s Office taxpayer data.**

Repealed by Ord [738](#).

**18A.20.330 Notice of application –Permits.**

A. *Timing.* A notice of application shall be issued within fourteen (14) calendar days after the [Department](#) City has made a determination of completeness pursuant to LMC [18A.20.050](#). ~~for: all Process Type I and II permits that require SEPA review; all short plats and shoreline substantial development permits; and all Process Type III and IV applications. The notice of application shall be provided at least fifteen (145) calendar days prior to any required open record hearing.~~ One (1) notice of application shall be completed for all permit applications related to the same project at the time of the earliest complete permit application.

B. *SEPA Threshold Determination Exempt Projects.* ~~notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record hearing is required prior to the decision on the project.~~

A SEPA threshold determination may be issued with a notice of application; provided, that a final threshold determination of nonsignificance or mitigated determination of nonsignificance may not be issued until after the expiration of the public comment period on the notice of application when the optional DNS process is utilized in accordance to WAC 197-11-355.

C. *Contents.* The notice of application shall include:

1. ~~The Application case file~~ number(s),

~~2. the Date of application~~ submittal,

~~3. the Date of the determination of~~ application completeness ~~for the application,~~

~~and the~~ ~~4. Date of the notice of application.~~

~~52.~~ A description of the proposed project action and a list of ~~the related~~ project applications ~~permits included in the application~~ and, if applicable, a list of any studies requested by the review authority pursuant to RCW 36.70B.070.

~~63.~~ To the extent known, ~~The~~ identification of other required permits that are not included in the application, ~~to the extent known by the City.~~

~~74.~~ The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.

~~65.~~ A statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.

~~76.~~ ~~The~~ tentative date, time, place and type of hearing, if applicable or available ~~any.~~ ~~The tentative hearing date is to be set at the time of the date of notice of the application.~~

~~87.~~ ~~The~~ identification of the development regulations that will govern mitigation of any project impacts.

~~98.~~ ~~The~~ name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant.



~~109.~~ A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location.

~~110.~~ Any other information determined appropriate by the City, such as a determination of significance, ~~if complete at the time of issuance of the notice of application, or the City's statement of intent to issue a determination of nonsignificance (DNS) pursuant to the optional determination of nonsignificance (DNS) process set forth in WAC 197-11-355.~~

D. ~~Distribution and publication~~*Mailing of Notice.* The ~~Department~~City shall mail a copy of the notice of application to the following:

1. ~~The a~~Applicant.
2. ~~Service providers, A~~agencies ~~and federally recognized tribes~~ with jurisdiction.
3. Any person who requests ~~such notice~~ in writing ~~to be a party of record.~~

~~4. Using Assessor-Treasurer tax records, affected property owners within a 300 feet radius of the exterior boundaries of project site.~~

~~5. Posted on the City's website.~~

E. ~~Public Comment on the Notice.~~ All public comments on the notice of application must be received by the ~~Community and Economic Development~~ Department or postmarked by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by ~~facsimile or~~ email. Comments should be as specific as possible.

F. ~~Project Site Posted Notice.~~ ~~In addition to the mailed notice of application, the City will provide notice of application on the City's website.~~ The applicant shall be responsible for posting a notice board on the property on which ~~Department~~City notices can be placed. Public notice shall be accomplished through the use of ~~Department~~City poster boards mounted on a four (4) foot by four (4) foot plywood face generic notice board to be supplied by the applicant, to the following specifications:

1. ~~Posting.~~ Posting of the property for site-specific proposals shall consist of one (1) or more notice boards as follows:
  - a. A single notice board shall be placed by the applicant in a conspicuous location on a street frontage bordering the subject property.

- b. When the notice board is ~~installed~~~~posted~~ the applicant shall complete and return a written ~~affidavit statement~~ of posting to the Department by regular or electronic mail. An affidavit of posting shall be submitted to the Director-Department at least seven (7) calendar days prior to the hearing. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application may be postponed in order to allow compliance with this notice requirement.
- c. Each notice board shall be visible and accessible for inspection by members of the public.
- d. Additional notice boards may be required when:
- i. The site does not abut a public road; or
  - ii. Additional public notice boards are required under other provisions of the Lakewood Municipal Code; or
  - iii. The Director determines that additional notice boards are necessary to provide adequate public notice.
- e. Notice boards should be:
- i. Constructed and installed in accordance with specifications determined by the Department, including mounted and bolted onto at least two (2) four (4) inch by four (4) inch wood posts, and placed securely in the ground;
  - ii. Maintained in good condition by the applicant during the notice period;
  - iii. In place at least fifteen (15) calendar days prior to the end of any required comment period; and
  - iv. Removed by the applicant within ten (10) calendar days after the end of the notice period or final public hearing date.
- f. Notice boards that are removed, stolen, or destroyed prior to the end of the notice period may be cause for discontinuance of the departmental review until the notice board is replaced and remains in place for the specified time period. The Department~~City~~ shall notify the applicant when it comes to the City's attention that notice boards have been removed prematurely, stolen, or destroyed.

~~g. An affidavit of posting shall be submitted to the Director at least seven (7) calendar days prior to the hearing. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application may be postponed in order to allow compliance with this notice requirement.~~

~~h. SEPA information shall be added by the DepartmentCity to the posted sign within applicable deadlines.~~

~~G. Website. The Department shall publish notices on the City's website. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.20.340 Notice of public hearing.**

A. Timing. Notice of public hearing ~~are~~<sup>is</sup> required for Type III and Type V ~~all types of~~ applications for which a public hearing is held. Notices of public hearing shall be posted on the City's website and published in the newspaper of record at least fourteen (14) calendar days in advance of the hearing.

B. Notice contents. ~~The Notice of public hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under Chapter 18A.30 LMC, Articles I and VII, shall~~ contain the following information:

1. The name of the applicant or the applicant's representative.
2. Description of the affected property, which may be in the form of either a vicinity location sketch or written description, other than a legal description.
3. The date, time, and place of the hearing.
4. The nature of the proposed use or development.
5. A statement that all interested persons may appear and provide testimony.
6. When and where information may be examined, and when and how deadline of when and how to submit written comments for inclusion into the record.~~addressing findings required for a decision by the hearing body may be admitted.~~

7. The name [and contact information](#) of a City representative ~~to contact and the telephone number~~ where additional information may be obtained.

8. That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost [online](#) and will be provided at the cost of reproduction.

9. That a copy of the staff report will be available for inspection at no cost at least [seven five \(75\)](#) calendar days prior to the hearing and copies will be provided at the cost of reproduction.

**CB. ~~Mailed~~Posted Notice.**—

~~1. *Mail.*~~ The Department shall mail notice at least ~~fourteen~~[fifteen](#) (145) [calendar](#) days prior to the [public](#) hearing through the United States Postal Service to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of the subject property, any person who submitted written comments on an application, the applicant, and parties of record, if any. [For Type V permits, mailed notices are only required for certain proposed projects pursuant to LMC 18A.20.310 Public Notice Matrix.](#)

[D. \*Continuations.\* If for any reason a commenced hearing on a pending project application cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.](#)

~~2. *Website.* The Department shall publish notice on the City's website.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.350 Optional public notice.**

In addition to the required methods set forth in this chapter for providing public notice, the Director may require additional optional notification by the City, if determined necessary to ensure adequate notice to the public. ~~The City's failure to provide This~~ the optional notice as described in this subsection [is not required and](#) shall not be grounds for invalidation of any permit decision. Optional public notice includes, but is not limited to, any one or more of the following:

- A. Notify public or private individuals or groups with known interest in a certain proposal or type of proposal, or in proposals within a certain area or areas of the City;
- B. Notify the [newspaper of record](#)~~news media~~;
- C. Mail to neighboring property owners and occupants;
- D. Post notices in public places;
- E. Record notices on a telephone message line;
- F. Post notices electronically via the internet;
- G. For legislative actions, except annexations, mail via the United States Postal Service to persons who have indicated an interest in such actions and who have paid an annual subscription fee based on the cost of such mailings. The list of such persons shall be maintained by the [Planning and Public Works](#) Department ~~of Community Development~~;
- H. For legislative actions, except annexations, email to persons who have indicated an interest in such actions and a preference to be notified by email. The list of such persons shall be maintained by the [Planning and Public Works](#) Department ~~of Community Development~~. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.20.360 Notice of Decision**

A. *Timing.* Whenever a final decision has been made that requires a notice of decision as noted in LMC 18A.20.310, the Department shall issue the notice within fourteen (14) days of the final decision.

B. *Content.* The notice of decision shall include, at a minimum, the following information:

1. *The decision on the project permit application.*

2. *Any SEPA threshold determination made pursuant to Chapter 43.21C RCW, if applicable.*

3. *The procedure for administrative appeal, if any.*

4. A statement that the complete file, including findings, conclusions and any conditions of approval, is available for review, and shall list the place, days and times when the file is available and contact information of the Department representative.

5. The notice of decision may be a copy of the report or decision, if such report or decision contains the information required in this subsection (B).

C. *Distribution.* The notice of decision shall be provided by electronic mail to the following:

1. The applicant.

2. To any parties of record.

3. To any agencies with jurisdiction over the project permit application or any agencies that commented on the project permit application.

4. To any person who, prior to rendering the decision, has requested a copy of the notice of decision.

5. To the Pierce County Assessor-Treasurer.

D. *Shoreline Jurisdiction.* Notices of decisions on Type I, II and III project permits governed by the Lakewood's Shoreline Master Program shall also be immediately filed in accordance with applicable procedures governing the Washington State Shoreline Management Act, Chapter 90.58 RCW and Chapter 173-27 WAC.

### **18A.20.3760 Joint public hearings.**

A. The Director may combine any public hearing on a Type III and Type V project ~~permit~~ application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:

1. The other agency consents to the joint hearing;
2. The other agency is not expressly prohibited by statute from doing so;

3. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, [LMC Ordinance](#), or rule;
4. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
5. The hearing is held within the Lakewood City limits.

B. An applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in LMC [18A.20.090](#). In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings. [Ord. 726 § 2 (Exh. B), 2019.]

## Article IV. Appeals/Reconsiderations

### 18A.20.400 Specific appeal procedures.

A. *Administrative Decisions*. ~~Appeals on final Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed shall be heard by to the Hearing Examiner. Appeals shall be filed within fourteen (14) days after notice of decision. In accordance with RCW 43.21C.075, the appeal period shall be extended to or~~ twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final ~~Department~~ ~~staff~~ decision using procedures outlined below and in Chapter [1.36](#) LMC.

- ~~1. All administrative interpretations/determinations;~~
- ~~2. Boundary line adjustments;~~
- ~~3. Home occupation permits;~~
- ~~4. Preliminary short plats;~~
- ~~5. Preliminary SEPA threshold determination (EIS required);~~

- ~~6. Shoreline exemptions and staff-level substantial development permits;~~
- ~~7. Sign permits;~~
- ~~8. Site-specific rezones;~~
- ~~9. Variances;~~
- ~~10. Building permits;~~
- ~~11. Engineering permits;~~
- ~~12. Application or interpretations of the International Building Code;~~
- ~~13. Application or interpretations of the International Fire Code;~~
- ~~14. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings;~~
- ~~15. Land use (Director) decisions;~~
- ~~16. Appeals of drainage manual administrator decisions.~~

B. *Wireless Service Facilities Permits.* Wireless service facilities permits are administratively approved by the ~~Department~~[Director](#). Such decisions are appealable directly to the Pierce County Superior Court.

C. *SEPA.*

1. Environmental appeals are subject to the requirements of LMC [14.02.200](#), in addition to the requirements found in this subsection.
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 (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 (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 (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 (14) days following the final administrative decision.
- c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:
  - i. Findings and conclusions; and
  - ii. Testimony under oath; and
  - iii. A taped or written transcript.
- 3. The City shall give official notice under WAC [197-11-680](#) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

D. *Land Use Approval.*

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.
2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate City departments prior to the date the Hearing Examiner will consider the matter.
3. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.
4. Site-specific zoning map amendments are appealed to the City Council per Chapter [1.38](#) LMC. [Ord. 794 § 2 (Exh. A), 2023; Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]

**18A.20.410 Appeals to hearing examiner.**

*No proposed changes.*

**18A.20.420 Reconsideration of hearing examiner decision.**

*No proposed changes.*

**18A.20.430 Clarification of hearing examiner decision.**

*No proposed changes.*

**18A.20.440 No appeals to City Council.**

*No proposed changes.*

## Chapter 18A.30 DISCRETIONARY PERMITS

Sections:

- 18A.30.005**            **Definitions.**
- Article I.**  
**Comprehensive Plan Amendment**
- 18A.30.010**            **Type of action.**
- 18A.30.020**            **Plan amendment procedures – Comprehensive plan.**
- 18A.30.030**            **Preliminary review and evaluation criteria – Comprehensive plan.**
- 18A.30.040**            **Council approval of final docket – Comprehensive plan.**
- 18A.30.050**            **Final review and evaluation – Comprehensive plan.**
- 18A.30.060**            **Decision criteria for rezone requests – Comprehensive plan.**
- 18A.30.070**            **Consistency between the zoning map and the future land use map –  
Comprehensive plan.**
- 18A.30.080**            **Planning Commission and City Council review and adoption process.**
- 18A.30.090**            **Timing and exemptions.**
- 18A.30.100**            **Notice to County Assessor of changes in comprehensive plan and  
development regulations.**
- Article II.**
- Administrative Conditional Use Permit and Hearings Examiner Conditional Use Permit**
- 18A.30.110**            **Purpose –~~Conditional use permit.~~**
- 18A.30.120**            **Type of action.**
- 18A.30.130**            **Criteria for approval.**
- ~~**18A.30.140**            **Conditions of approval.**~~
- 18A.30.150**            **Minor and major modifications ~~to approved conditional use permits.~~**
- 18A.30.160**            **Time frame for submission of construction permits.**
- 18A.30.170**            **SEPA-exempt conditional uses.**
- 18A.30.180**            **Compliance –~~Conditional use permit.~~**
- 18A.30.190**            **Transferability –~~Conditional use permit.~~**
- 18A.30.200**            **Essential public facilities –~~Conditional use permit.~~**
- 18A.30.210**            **Special needs housing –~~Conditional use permit.~~**
- Article III.**  
**Cottage Housing**
- 18A.30.220**            **Purpose – Cottage housing.**
- 18A.30.230**            **Applicability.**
- 18A.30.240**            **General provisions.**
- 18A.30.250**            **Development standards.**
- 18A.30.260**            **Open space.**
- 18A.30.270**            **Building design standards.**
- 18A.30.280**            **Parking.**
- 18A.30.290**            **Common area maintenance.**
- 18A.30.300**            **Low impact development standards.**

**18A.30.310**                    **Modifications.**  
**Article IV.**  
**Development Agreement**

- 18A.30.320**                    **Authority.**
- 18A.30.330**                    **Process type of action.**
- 18A.30.340**                    **Content.**
- 18A.30.350**                    **Application.**
- 18A.30.360**                    **Timing of public hearings.**
- 18A.30.370**                    **Notice.**
- 18A.30.380**                    **Staff report.**
- 18A.30.390**                    **Public hearing and City Council action.**
- 18A.30.400**                    **Term of agreement.**

**Article V.**  
**Land Use Review and Approval**

- 18A.30.410**                    **Purpose ~~– Land use review and approval.~~**
- 18A.30.420**                    **Process type of action.**
- 18A.30.430**                    **Applicability.**
- 18A.30.440**                    **Delegation of authority.**
- 18A.30.450**                    **Application – Content.**
- 18A.30.460**                    **Application – Review process.**
- ~~**18A.30.470**                    **Site plan review log – Summary of action.**~~
- ~~**18A.30.480**                    **Notification.**~~
- ~~**18A.30.4790**                    **Reconsideration in response to SEPA comments.**~~
- 18A.30.48500**                    **Amendments.**
- 18A.30.49510**                    **Dedication, improvements and performance bond.**
- 18A.30.5200**                    **Final approval – Expiration.**

**Article VI.**  
**Planned Development**

- 18A.30.530**                    **Purpose.**
- 18A.30.540**                    **Application.**
- ~~**18A.30.550**                    **Public hearing.**~~
- 18A.30.5560**                    **Required findings.**
- ~~**18A.30.570**                    **Action of Hearing Examiner.**~~
- 18A.30.5780**                    **Minimum size.**
- 18A.30.5890**                    **Permitted modifications.**
- 18A.30.59600**                    **Permitted residential density and lot sizes.**
- 18A.30.6010**                    **Required open space and recreation facilities.**
- 18A.30.6120**                    **Multiple zoning districts.**
- 18A.30.6230**                    **Phased development.**
- ~~**18A.30.640**                    **Repealed.**~~

**Article VII.**  
**Rezone and Text Amendments**

- 18A.30.670**                    **Authority.**
- 18A.30.680**                    **Site-specific rezone procedures.**
- 18A.30.690**                    **Collection of rezone applications.**

<b>18A.30.695</b>	<b>Quasi-judicial rezone procedures.</b>
<b>18A.30.695.10</b>	<b>Purpose.</b>
<b>18A.30.695.20</b>	<b>Applicability.</b>
<b>18A.30.695.30</b>	<b>Application requirements.</b>
<b>18A.30.695.40</b>	<b>Public notice.</b>
<b>18A.30.695.50</b>	<b>Review.</b>
<b>18A.30.695.60</b>	<b>Burden of proof.</b>
<b>18A.30.695.70</b>	<b>Examiner’s authority.</b>
<b>18A.30.695.80</b>	<b>Appeals.</b>
<b>18A.30.695.90</b>	<b>Compliance with conditions.</b>

**Article VIII.**

**Temporary Use Permits**

<b>18A.30.700</b>	<b>Purpose.</b>
<b>18A.30.710</b>	<b>Permitted uses.</b>
<b>18A.30.720</b>	<b>Exemptions.</b>
<b>18A.30.730</b>	<b>Application and authorization.</b>
<b>18A.30.740</b>	<b>Standards.</b>
<b>18A.30.750</b>	<b>Criteria for granting approval.</b>
<b>18A.30.760</b>	<b>Decision.</b>

**Article IX.**

**(Reserved)**

**Article X.**

**Variance**

<b>18A.30.840</b>	<b>Purpose.</b>
<b>18A.30.850</b>	<b>Process type of action.</b>
<b>18A.30.860</b>	<b>Limitations.</b>
<del><b>18A.30.870</b></del>	<del><b>Authority.</b></del>
<b>18A.30.8780</b>	<b>Required findings.</b>
<b>18A.30.8890</b>	<b>Additional conditions of approval.</b>

**Article XI.**

**Unusual Uses**

<b>18A.30.89900</b>	<b>Purpose.</b>
<b>18A.30.9060</b>	<b>Process type of action.</b>

**18A.30.005 Definitions.**

*No changes proposed.*

**Article I. Comprehensive Plan Amendment**

**18A.30.010 Type of action.**

*No changes proposed.*

**18A.30.020 Plan amendment procedures – Comprehensive plan.**

*No changes proposed.*

**18A.30.030 Preliminary review and evaluation criteria –  
Comprehensive plan.**

*No changes proposed.*

**18A.30.040 Council approval of final docket – Comprehensive plan.**

*No changes proposed.*

**18A.30.050 Final review and evaluation – Comprehensive plan.**

*No changes proposed.*

**18A.30.060 Decision criteria for rezone requests – Comprehensive plan.**

*No changes proposed.*

**18A.30.070 Consistency between the zoning map and the future land use map – Comprehensive plan.**

*No changes proposed.*

**18A.30.080 Planning Commission and City Council review and adoption process.**

*No changes proposed.*

**18A.30.090 Timing and exemptions.**



*No changes proposed.*

### **18A.30.100 Notice to County Assessor of changes in comprehensive plan and development regulations.**

*No changes proposed.*

## **Article II. Administrative Conditional Use Permit and Hearings Examiner Conditional Use Permit**

### **18A.30.110 Purpose. ~~– Conditional use permit.~~**

The purpose of this article is to establish the ~~type of action, contents of a complete application, and~~ criteria for approval for conditional use permits, ~~whether approved administratively or by the Hearings Examiner.~~ As established in LMC Chapter 18A.40 Land Uses and Interpretation Tables, Conditional use permits, whether approved administratively or by the Hearings Examiner are required for land uses which are appropriate in a zone but typically have certain characteristics such as traffic generation or building mass which warrant imposition of special conditions to ensure compatibility with surrounding properties and overall intent of the Comprehensive Plan. ~~permitted uses in the zone.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.120 Type of action.**

~~A conditional use permit is a Type III action and shall be considered in accordance with the procedures for such permits as~~ As set forth in the procedures in Chapter 18A.20 LMC, Administration, the Department or Hearings Examiner, set forth in Chapter 18A.20 LMC, Administration may approve, approve with conditions or deny an administrative conditional use

permit or conditional use permit. The Planning and Public Works Director may delegate review and approval of Administrative Conditional Use Permits. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.130 Criteria for approval.**

An administrative conditional use permit or conditional use permit shall be granted by the appropriate review authority ~~by the City~~, only if the applicant demonstrates that the proposed project will not:

~~A. The granting of the conditional use permit will not:~~

1. Adversely affect the established character of the surrounding vicinity. For the purposes of this section, character shall mean the distinctive features or attributes of buildings and site design on adjacent properties and in the vicinity and as articulated in the comprehensive plan, including but not limited to building facade, length, building modulation, building height, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount and location of parking, fencing type, height and location, and the like;
2. Be detrimental to the public health, safety and general welfare; and
3. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

~~AB.~~ In granting the proposal, the Department or Hearings Examiner shall ensure the proposed project will be:

1. Consistent with the Lakewood Comprehensive Plan and applicable subarea plans.
2. Complies with applicable requirements as set forth in LMC at the time of application completeness.
3. The proposal is compatible with and incorporates specific features, conditions or revisions to ensure compatibility with the intensity and character of the property and the immediate vicinity.

4. The proposed use is not materially determinantal to future land uses, transportation and public facilities in which it can be adequately served.

~~The granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan.~~

~~C. The proposed use is properly located in relation to other land uses, transportation and public facilities and services in the vicinity; and further, that the capacity of the transportation system and other public facilities and services will adequately serve the proposed use without placing an undue burden on such systems, facilities and services.~~

~~D. The intensity (i.e., the nature, types and hours of human activity) and character of the proposed use are compatible with the intensity and character of the uses of adjacent property and of property in the vicinity.~~

~~E. That the site is of sufficient size to accommodate the proposed use; and further that, in the opinion of the City, all yards, open spaces, landscaping, walls and fences, parking, loading, and other necessary features are properly provided to assure the proposed use will be compatible with adjacent uses and the character of the vicinity.~~

5.F. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards.

6G. The conditions set forth are necessary to mitigate the adverse impacts of the proposed conditional project use to the environment and adjacent properties. ~~are capable of reasonable monitoring and reasonable enforcement.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.140 — Conditions of approval.**

~~The City may impose any condition of approval on a conditional use permit needed to mitigate adverse impacts to the environment, adjacent properties or the community, consistent with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.150 Minor and major modifications to approved conditional use permits.**

~~A minor Mmodification<sub>s</sub> to an approved administrative conditional use or conditional use permitsCUP is a Type I action and shall be processed in accordance with the procedures and criteria for such actions as set forth in Chapter 18A.20LMC, 18A.30.080 and in accordance with the provisions of this section. Minor modifications to an approved CUP shall be defined as those which do not increase the intensity of the use and the resulting impacts to the surrounding area.~~

~~A. The Community Development Director is authorized to allow minor modifications in accordance with subsection (B) of this section. The Community Development Director shall allow only such minor modifications as are consistent with guidelines established in subsection (B) of this section.~~

~~B. For the purposes of this section, “minor modification” means a departure from the conditions of an approved CUP which is consistent with the following criteria:~~

- ~~1. It does not in any way change the use permitted by the approved CUP;~~
- ~~2. It maintains the design intent and quality of the original approval;~~
- ~~3. The number of dwelling units in residential developments and the square footage of nonresidential structures shall not increase;~~
- ~~4. The minor modification shall not relocate a building, parking area, street or other use or built feature in such a way that visual, light, noise, vibration or other impacts as experienced from surrounding properties and public rights-of-way are intensified, and shall not reduce any required yard, setback, buffer or open space below the area or dimensions established by code or conditions of CUP approval, whichever is more restrictive;~~
- ~~5. The height of buildings and other structures shall not increase;~~
- ~~6. Traffic volumes shall not increase;~~
- ~~7. Modifications to internal circulation layout are acceptable; provided, that ingress and egress points to the subject property are not modified in such a way that external traffic patterns are affected or impacts increased;~~

~~8. Minor changes to plant species, variety, color, etc., may be made; provided, that the type of landscaping required pursuant to LMC Title 12 shall not be modified;~~

~~9. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original SEPA documents;~~

~~10. The Community Development Director determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.160 Time frame for submission of construction permits.**

A complete application of all required construction level permits shall have been submitted to the City for approval within ~~three (3) years~~ [the expirations dates established in Chapter 18A.20 LMC of the date of for administrative conditional use and](#) conditional use permits ~~approval~~. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.170 ~~SEPA-exempt conditional uses.~~**

~~The Director may authorize any conditional use that is exempt from the State Environmental Policy Act. See Chapter 197-11 WAC. Notice of such proposed use shall be sent to property owners within three hundred (300) feet of the subject site, consistent with the notice requirements specified in Chapter 18A.30 LMC, Article III. If anyone requests a public hearing in writing within the specified comment period, the Director shall refer the request to the Hearing Examiner. Copies of all Director decisions shall be mailed to everyone who commented on the project or requested a copy of the decision. Director decisions may be appealed to the Hearing Examiner consistent with LMC 18A.30.410, Appeals/reconsiderations. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.180 Compliance ~~– Conditional use permit.~~**

Noncompliance with the conditions of ~~the~~ [either an administrative conditional use or condition use](#) permits shall be grounds for rehearing before the Hearing Examiner, in addition to fines

and penalties. The Hearing Examiner may suspend or revoke a conditional use permit pursuant to this section and/or impose penalties for violation of any of the provisions of this title or original conditions of approval. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.190 Transferability – ~~Conditional use permit.~~**

An [administrative](#) conditional use permit [or conditional use permit](#) shall be transferable; provided, that the transferee complies with the conditions. If at any time the ~~conditional use permit~~ no longer complies with the conditions of [approval](#)~~the permit~~, the owner shall be declared in violation of this title and shall be subject to fines and penalties, and the Hearing Examiner may suspend or revoke the permit. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.30.200 Essential public facilities – Conditional use permit.**

*No proposed changes.*

**18A.30.210 Special needs housing – Conditional use permit.**

*No proposed changes.*

**Article III. Cottage Housing**

**18A.30.220 Purpose – Cottage housing.**

*No changes proposed.*

**18A.30.230 Applicability.**

*No changes proposed.*

**18A.30.240 General provisions.**

A. Cottage housing projects are permitted with the approval of a cottage housing development plan. Discrete ownerships may only be created through the residential binding site plan and/or

condominium declaration process pursuant to Chapter [64.34](#) RCW as applicable. Cottage housing development plans shall be subject to review and approval as an administrative review Process Type II permit procedure. Adherence to all applicable development standards shall be determined by the City's [Planning and Public Works](#)~~Community Development~~ Director as a component of the review process.

B. Individual cottage units shall contain at least eight hundred (800) and no more than one thousand five hundred (1,500) square feet of gross floor area. A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space shall not be converted into habitable space.

C. A community building of up to two thousand five hundred (2,500) square feet in size may be provided for the residents of the cottage housing development. Roof pitch, architectural themes, materials and colors shall be consistent with those of the dwelling units within the cottage housing development.

D. Accessory dwelling units shall not be permitted in cottage housing developments. [Ord. 726 § 2 (Exh. B), 2019.]



### **18A.30.250 Development standards.**

*No changes proposed.*

### **18A.30.260 Open space.**

*No changes proposed.*

### **18A.30.270 Building design standards.**

A cottage housing development is expected to reflect a coherent and high quality design concept and include architectural elements that ensure compatibility with existing neighborhood development and character. The following design elements are intended to provide compatibility with existing residential environments. Alternative designs may be submitted to the Community Development Director for review and approval, but the Community Development Director must find that any such concepts meet or exceed the design quality of the prescriptive standards, and fulfill the stated purpose and intent of this chapter.

#### *A. Building Height.*

1. The maximum building height for dwelling units shall be twenty-five (25) feet.
2. The maximum building height for garages, community buildings, and accessory structures shall be eighteen (18) feet.

#### *B. Roofs.*

1. Dwelling units shall have a minimum six to twelve (6:12) roof pitch. Up to thirty-five (35) percent of roof area may have a slope not less than four to twelve (4:12). Portions of a roof with a pitch of less than six to twelve (6:12) shall be limited to architectural features such as dormers, porch roofs and shed roofs.

2. Garages and carports shall have a minimum six to twelve (6:12) roof pitch.
3. Cottages shall be a maximum of two (2) stories. Any upper floor shall be located within the roof structure, not below it, in order to reduce building massing as much as possible.

C. *Entries and Porches.*

1. Each dwelling unit abutting a public right-of-way (excluding alleys) shall have a primary entry and covered porch a minimum of eighty (80) square feet in size, oriented toward the public right-of-way. If abutting more than one (1) public right-of-way, the developer and City shall collaborate with the project proponent to determine which right-of-way the entrance and covered porch shall be oriented toward.
2. Each dwelling unit shall have an entry and covered porch oriented toward the common open space. If the dwelling unit abuts a public right-of-way, this may be a secondary entrance, and the minimum porch size shall be fifty (50) square feet. If not abutting a public right-of-way, this shall be the primary entrance, and the minimum porch size shall be eighty (80) square feet.
3. Covered porches shall be a minimum of six (6) feet deep.

D. Dwelling units shall not include attached garages.

E. *Detached Garages.* Each dwelling unit shall have no more than one (1) detached garage. The size of the garage shall not exceed two hundred fifty (250) gross square feet in size. Garages can be combined into one (1) garage structure; however, no garage structure may exceed one thousand (1,000) square feet in size for a total not to exceed four (4) garage spaces.

F. ~~Community Development Director~~ *Planning and Public Works Review.* The ~~Community Development~~ *Planning and Public Works Director* shall consider all aspects of the project, and shall ensure that the project is well designed and compatible with existing and planned development in the vicinity. Possible topics for review by the ~~Department~~ *Community Development Director* include (but are not necessarily limited to): building materials and finishes, articulation and modulation, massing, trim details, colors, exterior lighting, special building heights, paving materials, mechanical equipment screening, fencing, tree retention and landscaping. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.280 Parking.**

*No changes proposed.*

**18A.30.290 Common area maintenance.**

*No changes proposed.*

**18A.30.300 Low impact development standards.**

*No changes proposed.*

**18A.30.310 Modifications.**

*No changes proposed.*

**Article IV. Development Agreement**

**18A.30.320 Authority.**

*No changes proposed.*

**18A.30.330 Process type of action.**

A development agreement ~~is a Process Type V legislative action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.340 Content.**

*No changes proposed.*

### **18A.30.350 Application.**

Consideration of a development agreement may be initiated by City Council, City staff, or applicant. Any person may personally, or through an agent, propose a development agreement regarding property he or she owns. The applicant shall file a complete development agreement application ~~on forms provided by the Department~~ [pursuant to Chapter 18A.20 LMC](#). At minimum, such application shall include a copy of the proposed agreement, applicable fee, names and address of all current owners of real property, and all real property within three hundred (300) feet of each boundary of the subject property as shown in the records of the County Assessor, and a vicinity map showing the subject property with enough information to locate the property within the larger area. In addition, the applicant may be required to submit any additional information or material that the Director determines is reasonably necessary for a decision on the matter. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.360 Timing of public hearings.**

*No changes proposed.*

### **18A.30.370 Notice.**

[Public notice shall be in conformance with the procedures outlined in Chapter 18A.20 LMC.](#) ~~Prior to the public hearing held by the City Council, the Director shall issue a public hearing notice describing the purpose of hearing, the date, time, and place of the public hearing, the name of the applicant and the project name (if applicable), a description of the proposed agreement, and the street address of the subject property or other description of its location, a~~

~~statement of the availability of the record, a statement of the right of any person to submit written comments to the Council and to appear at the public hearing to give comments. The Director shall distribute this notice and require at least one (1) public notification sign in accordance with LMC 18A.30.310. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.380 Staff report.**

The [Planning and Public Works](#) Director [or their designee](#) shall prepare a staff report for the public hearing by the City Council containing all pertinent application materials, all comments regarding the matter received by the Department prior to distribution of the staff report, an analysis of the application under the relevant provisions of this chapter and state law, and a recommendation on the matter. At least seven (7) calendar days before the hearing, the [Department](#) shall distribute the staff report to the applicant and [parties of record](#). ~~each person who has specifically requested it.~~ [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.390 Public hearing and City Council action.**

*No changes proposed.*

### **18A.30.400 Term of agreement.**

*No changes proposed.*

## **Article V. Land Use Review and Approval**

### **18A.30.410 Purpose – Land use review and approval.**

The purpose of this section is to allow for the placement of uses permitted by this title of the Lakewood Municipal Code through a comprehensive ~~land use~~[site plan](#) review process which insures compliance with the adopted plans, policies and ordinances of the City of Lakewood. It is further intended to provide for the examination of development proposals with respect to overall site design and to provide a means for guiding development in logical, safe and attractive manners. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.420 Process type of action.**

Land use review and approval ~~is either a Process Type I or Type II action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.430 Applicability.**

*No changes proposed.*

### **18A.30.440 Delegation of authority.**

The Director may delegate review and approval of a proposed land use and associated improvements to the Fire Marshal, Planning Manager, [Assistant Director](#), Building Official and/or City Engineer, as deemed appropriate by the Director. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.450 Application – Content.**

*No changes proposed.*

### **18A.30.460 Application – Review process.**

[A complete application shall be reviewed consistent procedures in Chapter 18A.20 LMC and applicable development regulations.](#)

~~A. Filing.~~

- ~~1. Applications for land use approval shall be made on forms provided by the Director and made available at the Department.~~
- ~~2. A complete application for land use approval shall be filed with the Department. An application shall not be considered complete if it fails to contain any of the information and material required by LMC [18A.30.040](#) and [18A.30.050](#).~~
- ~~3. Upon determination of a complete application, the Department shall notify all appropriate recognized neighborhood associations.~~

~~4. Application fee(s) as established by the City are due upon presentation of an application for land use approval.~~

~~B. Review by Director.~~

~~1. The Site Plan Review Committee is hereby established and shall consist of the Building Official, Planning Manager, City Engineer, SEPA official, and the Fire Marshal or their designees. The committee shall be chaired by the Director or his/her designee and serves in an advisory capacity to the Director, who shall be responsible for all land use related decisions. The committee shall adopt rules of procedure for the purpose of ensuring fair, lawful and timely recommendations.~~

~~2. Except when a public hearing is required or where the applicant agrees to an extension of time, the Director shall, within one hundred twenty (120) days from the date of complete application, approve, disapprove or approve with conditions any proposed land use. Notice of the Director's decision or recommendation shall be distributed as provided by LMC 18A.20.310.~~

~~3. When a public hearing is required prior to land use approval, the Director shall issue his/her recommendation to the Hearing Examiner in a manner that will provide the Hearing Examiner sufficient time to issue a notice of final decision within one hundred twenty (120) days of the date of complete application.~~

~~4. Any time required to prepare, review and issue a final environmental impact statement as required under the provisions of SEPA shall not be included under the time constraints of this subsection.~~

~~5. The Director shall review proposed projects for consistency with the standards and provisions of the City of Lakewood as expressed in the various adopted plans and ordinances, including this title.~~

~~6. Whenever the Director denies land use approval, he/she shall set forth, in writing, his/her findings which shall specify the reasons for the disapproval. Unless a public hearing is otherwise required, the decision of the Director shall be final unless appealed to the Hearing Examiner pursuant to Chapter 1.36 LMC, General Provisions, and Chapter 18A.30 LMC, Article IV.~~



~~C. *Referral to Hearing Examiner.* If in the Director's opinion a project is extraordinarily complex or presents significant environmental, design or compatibility issues, the Director may refer the project for a public hearing before the Hearing Examiner. A decision of the Director to refer a project to the Examiner may be made at any time.~~

~~D. *Hearing Examiner.* Any review by the Hearing Examiner shall be conducted according to the procedural requirements of Chapter 1.36 LMC, General Provisions, and Chapter 18A.20 LMC, Article IV. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **~~18A.30.470~~ Site plan review log – Summary of action.**

~~On the first work day following action of the Director, the Hearing Examiner or City Council on a project, the action shall be entered into the permit tracking system maintained by the Department. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **~~18A.30.480~~ Notification.**

~~Notice of the decision of the Director or Hearing Examiner shall be mailed to the applicant within seven (7) calendar days following the action. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **~~18A.30.4790~~ Reconsideration in response to SEPA comments.**

~~[Procedures for SEPA shall be in conformance with the procedures established in LMC Title 14, Chapter 18A.20 LMC and Chapter 197-11 WAC.](#) Any interested person may submit written comments and request reconsideration by the Director within fifteen (15) days of the date any decision attached to a SEPA threshold determination is issued. Unless further action is taken by the Director in response to such comments, the period in which to file an appeal shall terminate twenty one (21) days after the date the decision is issued. SEPA exempt actions of~~

~~the committee shall not be subject to reconsideration and shall be subject to only a fourteen-  
(14) day appeal period. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.48500 Amendments.**

A project approved by the ~~Department~~ ~~director~~ or Hearing Examiner may be amended at the applicant's request by the ~~same~~ procedures provided under [Chapter 18A.20 LMC](#). ~~this chapter~~  
~~for original application approval. [Ord. 726 § 2 (Exh. B), 2019.]~~

**18A.30.5010 Dedication, improvements and performance bond.**

*No changes proposed.*

**18A.30.5120 Final approval – Expiration.**

*No changes proposed.*

**Article VI. Planned Development**

**18A.30.530 Purpose.**

*No changes proposed.*

**18A.30.540 Application.**

A. *Process.* A PDD ~~is a Process Type III action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration.

B. *PDD Applications.* An application for approval of a PDD shall be submitted to the ~~Community and Economic Development Department~~ [Planning and Public Works Department in accordance to LMC 18A.20.030.](#) ~~on forms provided by the Department along with established fees.~~

1. *PDD with Subdivision.* For those planned development districts that include the division of land, a PDD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to LMC Title [17](#) and other applicable City regulations. ~~Seven (7) copies of all~~

~~associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the City.~~

2. *PDD with No Subdivision.* A binding site plan is required for all planned development districts that do not require the subdivision of land and associated preliminary plat.

Requirements for the binding site plan shall include:

- a. *Existing Plat.* All information recorded on the existing plat;
- b. *Structures.* The location of all proposed structures;
- c. *Landscaping.* A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, and the installed and mature height of all vegetation;
- d. *Schematic.* Schematic plans and elevations of proposed buildings with samples of all exterior finish materials and colors, the type and location of all exterior lighting, signs and accessory structures;
- e. *Conditions.* Inscriptions or attachments setting forth the limitations and conditions of development, as well as an outline of the documents of the owners' association, bylaws, deeds, covenants and agreements governing ownership, maintenance and operation of the planned development district, shall be submitted with the binding site plan. Planned development district covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The [City Department](#) may require that it be a third-party beneficiary of certain covenants with the right but not obligation to enforce association-related documents; and
- f. *Conformity with Site Plan and Final Plat.* Provisions ensuring the development will be in conformance with the site plan and shall include all the required certificates of a final plat.

3. *PDD with a Site-Specific Rezone.* For those planned development districts that include a site-specific rezone, a PDD application shall only be accepted as complete if it is submitted concurrently with an application for a site-specific rezone that includes all information

required per Chapters [1.36](#) and [1.38](#) LMC, LMC [18A.30.680](#), and other applicable City regulations.

C. *All PDD Applications.* An applicant for a PDD shall submit the following items to the [City Department](#), unless the Director finds in writing that one (1) or more submittals are not required due to unique circumstances related to a specific development proposal:

1. *Narrative.* A detailed narrative that includes:
  - a. *Improvement.* A description detailing how the proposed development will provide a net benefit to the City under the City's land use regulations and how the approval criteria set forth in LMC [18A.30.560](#) have been satisfied;
  - b. *Public Benefit.* A description of how the proposed PDD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
  - c. *Density Table.* A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
  - d. *Uses.* A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
  - e. *Open Space and Recreation.* A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
  - f. *Landscaping.* Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;
  - g. *Modifications.* A description of the specific City standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with Chapter [18A.20](#) LMC; and
  - h. *Impacts.* A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening, buffering and other methods;

2. *Site Plan*. A site plan with the heading “Planned Development District Site Plan” that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;
3. *Landscape Plan/Map*. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PDD site plan and narrative;
4. *Phases*. A phasing plan, if the development will occur in distinct phases, with a written schedule detailing the timing of improvements;
5. *Development Agreement*. A draft development agreement, if proposed by the applicant or as required by the City; and
6. *Conditions*. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.

D. An applicant shall provide sufficient facts and evidence to enable the Hearing Examiner to make a decision. The established fee shall be submitted at time of application.

~~E. Notice of application shall be provided pursuant to LMC 18A.30.330. [Ord. 738 § 2 (Exh. A), 2020; Ord. 726 § 2 (Exh. B), 2019.]~~

### ~~18A.30.550 Public hearing.~~

~~A. The Hearing Examiner shall hold an open record public hearing on any proposed conditional use and shall give notice thereof in accordance with the procedures established pursuant to 18A.20 LMC, Article III.~~

~~B. The hearing shall be conducted in accordance with the requirements of Chapter 18A.20 LMC, Article III, Public Notice Requirements. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.560 Required findings.**

A PDD shall only be granted after ~~the Hearing Examiner has reviewed the proposed use and has made~~ written findings have been made that all of the standards and criteria set forth below have been met or can be met subject to conditions of approval:

- A. The PDD is consistent with the comprehensive plan; and
- B. The PDD, by the use of permitted flexibility and variation in design, is a development practice that results in better urban design features than found in traditional development. Net benefit to the City may be demonstrated by one or more of the following:
  - 1. Placement, type or reduced bulk of structures, or
  - 2. Interconnected usable open space, or
  - 3. Recreation facilities, or
  - 4. Other public facilities, or
  - 5. Conservation of natural features, or
  - 6. Conservation of critical areas and critical area buffers beyond, or
  - 7. Aesthetic features and harmonious design, or
  - 8. Energy efficient site design or building features, or
  - 9. Use of low impact development techniques;
- C. The PDD results in no greater burden on present and projected public utilities and services than would result from traditional development and the PDD will be served by adequate public or private facilities including streets, fire protection, and utilities; and
- D. The perimeter of the PDD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and
- E. Landscaping within and along the perimeter of the PDD is superior to that required by LMC 18A.70.150, and landscaping requirements applicable to specific districts contained in LMC

[18A.70.160](#), and enhances the visual compatibility of the development with the surrounding neighborhood; and

F. At least one major circulation point is functionally connected to a public right-of-way; and

G. Open space within the PDD is an integrated part of the project rather than an isolated element of the project; and

H. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets; and

J. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

K. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

[L. In permitting a PDD, additional conditions may also be imposed as follows:](#)

[1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.](#)

[2. Establish a special yard or other open space or lot area or dimension.](#)

[3. Limit the height, size or location of a building or other structure.](#)

[4. Designate the size, number, location or nature of vehicle access points.](#)

[5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.](#)

[6. Designate the size, location, screening, drainage, surfacing or other improvement of parking or truck loading areas.](#)

[7. Limit or otherwise designate the number, size, location, and height of lighting of signs.](#)



8. Limit the location and intensity of outdoor lighting or require its shielding.
9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
10. Design the size, height, location or materials for a fence.
11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.
13. Require provisions for storm water drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities.
14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.
15. Require such financial guarantees and evidence that any applied conditions will be complied with.

[Ord. 726 § 2 (Exh. B), 2019.]

### **~~18A.30.570 Action of Hearing Examiner.~~**

~~A. In addition to demonstrating compliance with the criteria as determined by the Hearing Examiner, the applicant shall accept those conditions that the Hearing Examiner finds are appropriate to obtain compliance with the criteria.~~

~~B. In permitting a PDD, the Hearing Examiner may impose any or all of the following conditions:~~

- ~~1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.~~

- ~~2. Establish a special yard or other open space or lot area or dimension.~~
- ~~3. Limit the height, size or location of a building or other structure.~~
- ~~4. Designate the size, number, location or nature of vehicle access points.~~
- ~~5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.~~
- ~~6. Designate the size, location, screening, drainage, surfacing or other improvement of parking or truck loading areas.~~
- ~~7. Limit or otherwise designate the number, size, location, and height of lighting of signs.~~
- ~~8. Limit the location and intensity of outdoor lighting or require its shielding.~~
- ~~9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.~~
- ~~10. Design the size, height, location or materials for a fence.~~
- ~~11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.~~
- ~~12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.~~
- ~~13. Require provisions for storm water drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities.~~
- ~~14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.~~
- ~~15. Require such financial guarantees and evidence that any applied conditions will be complied with.~~

~~C. The decision of the Hearing Examiner is considered final and conclusive by the City. [Ord. 726-§-2 (Exh. B), 2019.]~~

**18A.30.5680 Minimum size.**

*No changes proposed.*

**18A.30.5790 Permitted modifications.**

*No changes proposed.*

**18A.30.5860 Permitted residential density and lot sizes.**

*No changes proposed.*

**18A.30.5960 Required open space and recreation facilities.**

*No changes proposed.*

**18A.30.6020 Multiple zoning districts.**

*No changes proposed.*

**18A.30.6130 Phased development.**

*No changes proposed.*

**18A.30.640 Required certificates and approvals.**

Repealed by Ord [738](#).

**Article VII. Rezone and Text Amendments**

**18A.30.670 Authority.**

*No changes proposed.*

**18A.30.680 Site-specific rezone procedures.**

*No changes proposed.*

**18A.30.690 Collection of rezone applications.**

Site-specific rezone applications may be submitted at any time. However, for review purposes, such proposals will be collected into two (2) sets in each calendar year. Unless otherwise specifically authorized by the City Council:

- A. Proposals submitted between April 1st and September 30th shall be considered collectively and voted upon by the City Council by March 31st of the following year.

B. Proposals submitted between October 1st and March 31st shall be considered collectively and voted upon by the City Council by September 30th of the same year.

C. Proposals will be considered no more than twice each year.

D. Time limits for review shall be as established in ~~LMC Chapter 18A.20 LMC.18A.20.090;~~ ~~provided, that the review period shall start on the latest submittal dates established under subsections (A) and (B) of this section and not the date of application.~~ [Ord. 726 § 2 (Exh. B), 2019.]

## **18A.30.695 Quasi-judicial rezone procedures.**

### **18A.30.695.10 Purpose.**

*No changes proposed.*

### **18A.30.695.20 Applicability.**

*No changes proposed.*

### **18A.30.695.30 Application requirements.**

A. *Preliminary Review.* The provisions for conducting a preliminary review of a proposed rezone are set forth in LMC [18A.30.030](#).

B. *Application Filing.*

1. *Completeness Review.* Rezone applications shall be reviewed for completeness in accordance ~~with Department submittal standards checklists and pursuant to LMC~~ [18A.20.050](#).

2. *Application Site Plan.* All rezone applications shall include a site plan that identifies the exact boundaries of the proposed rezone area. Such site plan shall also indicate the relationship of the proposed rezone to the related PDD proposal.
3. *Limitations on Refiling.* Applications for a rezone pursuant to this chapter shall not be accepted if a similar rezone has been denied on the same site within the past twelve (12) months from the date of final action. This time period may be waived or modified if the Director or Examiner finds that special circumstances warrant earlier reapplication.
4. *Fees.* Fees for any rezone application filed pursuant to this title are set forth in the City adopted official fee schedule. [Ord. 726 § 2 (Exh. B), 2019.]

**18A.30.695.40 Public notice.**

*No changes proposed.*

**18A.30.695.50 Review.**

*No changes proposed.*

**18A.30.695.60 Burden of proof.**

*No changes proposed.*

**18A.30.695.70 Examiner's authority.**

*No changes proposed.*

**18A.30.695.80 Appeals.**

*No changes proposed.*

**18A.30.695.90 Compliance with conditions.**

*No changes proposed.*

## **Article VIII. Temporary Use Permits**

### **18A.30.700 Purpose.**

*No changes proposed.*

### **18A.30.710 Permitted uses.**

*No changes proposed.*

### **18A.30.720 Exemptions.**

*No changes proposed.*

### **18A.30.730 Application and authorization.**

A. A temporary use permit ~~is a Process Type I action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration.

B. Temporary use applications shall be on a form prescribed by the ~~Community and Economic Development~~ [Planning and Public Works](#) Department and shall include all of the information and materials required by the application form. An applicant shall provide sufficient facts and



evidence to enable the Director to make a decision. The established fee shall be submitted at time of application.

C. Applications for temporary use permits shall be filed with the ~~Community and Economic Development~~ Department. Application shall be made at least fifteen (15) days prior to the requested date for commencement of the temporary use.

D. A temporary use authorized pursuant to this section shall be subject to all of the applicable standards of LMC [18A.30.740](#), Standards, and shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.740 Standards.**

*No changes proposed.*

### **18A.30.750 Criteria for granting approval.**

A temporary use permit shall only be granted when the ~~Community Development~~ Director, after consultation and coordination with all other applicable City departments and other agencies, has determined that:

- A. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
- B. The temporary use will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- C. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.
- D. The temporary use will comply with the requirements of the zone within which it is proposed.

E. The temporary use shall comply with all applicable standards of the Tacoma-Pierce County Health Department, if applicable.

F. In applying temporary use criteria and determination of appropriate conditions, consideration shall be given but not limited to:

1. The harmony and scale, bulk, coverage, and density;
2. The availability of public facilities and utilities;
3. The harmful effect, if any, upon a desirable neighborhood character;
4. The generation of traffic and the capacity of surrounding streets and roads;
5. The creation of noise, vibration, odors, or other similar nuisances; and
6. Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.760 Decision.**

The Director shall provide the applicant with a written decision, either approving, denying or approving the application with modifications and/or conditions [of approval consistent with the procedures set forth in Chapter 18A.20 LMC.](#) ~~within fifteen (15) days after the date of submission of a complete application.~~ [Ord. 726 § 2 (Exh. B), 2019.]

## Article IX. (Reserved)

## Article X. Variance

### 18A.30.840 Purpose.

The intent of this section is to provide an avenue of relief where, by reason of exceptional configuration, or by reason of other unique and extraordinary situations or conditions existing on a piece of property, the strict application of development regulations enacted under this title would result in peculiar, exceptional and undue hardship upon the owner of such property, which was not the result of actions of the applicant, property owner or a previous property owner or agent. [Any variance request shall follow the procedures identified in LMC Chapter 18A.20 and other applicable LMC standards for approval.](#) [Ord. 726 § 2 (Exh. B), 2019.]

### 18A.30.850 Process type of action.

A variance ~~is a Process Type III action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration. [Ord. 726 § 2 (Exh. B), 2019.]

### 18A.30.860 Limitations.

A variance shall not relieve an applicant from any of the procedural provisions of [Chapter 18A.20 LMC and applicable development regulations](#) ~~this title and~~, conditions of approval established during prior permit review, ~~or any of the provisions of the critical areas code, except for the required buffer widths.~~ The variance process shall not allow the establishment of a use that is not otherwise permitted in the zoning district in which the proposal is located or allow development that would result in an increase in density or a reduction in the minimum lot size. [Ord. 726 § 2 (Exh. B), 2019.]

### **~~18A.30.870~~ Authority.**

~~The Hearing Examiner shall have the authority to grant a variance after considering the matter at a public hearing duly called and giving notice to adjoining property owners as provided in LMC 18A.20.310, Public notice framework. [Ord. 726 § 2 (Exh. B), 2019.]~~

### **18A.30.8780 Required findings.**

A. Before any variance is granted, the [approval authority as established in LMC 18A.20.080 Hearing Examiner](#) shall find that the following circumstances exist:

1. That the proposed variance will not amount to a rezone or constitute a change in the district boundaries shown on the official zoning map;
2. That because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property the variance is necessary to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
3. That the special conditions and circumstances do not result from the actions of the applicant;
4. That granting of the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated; and
6. That the variance is the minimum variance necessary to provide the rights and privileges described above. [Ord. 726 § 2 (Exh. B), 2019.]

### **18A.30.8890 Additional conditions of approval.**

Before granting a variance, the [appropriate approval authority as established in Chapter 18A.20 LMC Hearing Examiner](#) may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this title shall not be violated. Noncompliance with the conditions of the permit shall be grounds for rehearing before the Hearing Examiner, in addition to fines and penalties under Chapter [1.44](#) LMC, General Penalties. The Hearing Examiner may suspend or revoke a variance pursuant to this section for violation of any of the provisions of this title or original conditions of approval. [Ord. 726 § 2 (Exh. B), 2019.]

## **Article XI. Unusual Uses**

### **18A.30.8990 Purpose.**

*No proposed changes.*

### **18A.30.9060 Process type of action.**

An unusual use ~~is a Process Type III action and~~ shall be considered in accordance with the procedures for such permits as set forth in Chapter [18A.20](#) LMC, Administration. [Ord. 726 § 2 (Exh. B), 2019.]



TO: Planning Commission  
FROM: Tiffany Speir, Planning Division Manager  
DATE: September 18, 2024  
SUBJECT: Draft 2025 Lakewood Comprehensive Plan and Zoning Map  
Amendment Docket

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## **BACKGROUND**

Lakewood has begun its 2025 Comprehensive Plan and Zoning Map amendment (25CPA) cycle process. There are several legally-required steps in order to complete this process once a docket of potential amendments has been approved:

- City level SEPA review;
- WA Department of Commerce review;
- Planning Commission public hearing, review, and recommendation; and
- City Council public hearing, review and action.

The period for the public to submit applications was duly noticed and open during the month of July 2024. No private applications for a Comprehensive Plan amendment were received.

The schedule for City Council action on the 25CPA docket is slightly accelerated to accommodate the required action on several of the amendments by June 30, 2025.

## **DISCUSSION**

Included below is the list of City-initiated amendments recommended for inclusion in the 25CPA cycle docket as well as several tentative amendments for Planning Commission consideration. The substantive content of each amendment will be drafted and analyzed under SEPA once the City Council takes action to finalize the 25CPA Docket.

### Recommended 25CPA Amendments:

#### **2025-01 Co-Living Housing Amendments for consistency with ESHB 1998**

This amendment would include edits to the Comprehensive Plan and development regulations per [2024 ESHB 1998](#), "Concerning co-living housing", which requires Lakewood to allow co-living housing on any lot located within an urban growth area that allows at least six multifamily residential units. The bill prohibits imposing certain regulations on co-living housing. In summary:

By December 31, 2025, Lakewood must adopt development regulations allowing co-living housing on any lot that allows at least six (6) multifamily residential units, including on a lot zoned for mixed use development. In addition, a city may not require co-living housing to:

- contain room dimensional standards larger than that required by the State Building Code, including dwelling unit size, sleeping unit size, room area, and habitable space;
- provide a mix of unit sizes or number of bedrooms; or
- include other uses.

Lakewood may not require co-living housing to provide off-street parking within 0.5 miles walking distance of a major transit stop or provide more than 0.25 off-street parking spaces per sleeping unit, unless:

- the city submits to the Department of Commerce (Commerce) an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and Commerce finds and certifies, that the application of the off-street parking limitations for co-living housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location.

Lakewood may not:

- require any standards for co-living housing that are more restrictive than those required for other types of multifamily residential uses in the same zone;
- exclude co-living housing from participating in affordable housing incentive programs;
- treat a sleeping unit in co-living housing as more than 0.25 of a dwelling unit for purposes of calculating dwelling unit density; and
- treat a sleeping unit in co-living housing as more than 0.5 of a dwelling unit for purposes of calculating fees for sewer connections, unless the city or county makes a finding, based on facts, that the sewer connection fees should exceed the one-half threshold.

Lakewood may only require a review, notice, or public meeting for co-living housing that is required for other types of residential uses in the same location, unless otherwise required by state law.

Any action taken by Lakewood to implement co-living housing requirements is not subject to a legal challenge under the GMA or the State Environmental Policy Act (SEPA).

**2025-02      Updates to Comprehensive Plan Capital Facilities Element, Parks Element, and Utilities Element for consistency with 2024 E2SHB 1181 (Climate Change & Resiliency)**

This amendment would include edits to the Comprehensive Plan as required under [2024 E2SHB 1181](#), "Improving the state's response to climate change by updating the state's planning framework." E2SHB 1181 lays out significant updates required to local Comprehensive Plans and development regulations

between 2025 and 2029; this amendment includes those edits that must be adopted by June 30, 2025, including:

- Update the Capital Facilities Element inventory of existing capital facilities owned by public entities to include green infrastructure;
- Update the Parks & Recreation Element to include a tree canopy evaluation; and
- Update the Utilities Element to include the general location, proposed location, and capacity of all existing and proposed utilities, including electrical, telecommunications, and natural gas systems.

### **2025-03      Updates to Lakewood Development Regulations for Middle Housing for consistency with 2023 E2SHB 1110**

As part of the 2024 Periodic Review, Lakewood adopted significant changes to its zoning and development regulations to allow for middle housing and accessory dwelling units in its historically single-family areas.

This amendment would include any edits to development regulations to ensure full compliance with [2023 E2SHB 1110](#), “Increasing middle housing in areas traditionally dedicated to single-family detached housing.” Relevant E2SHB 1110 excerpts follow:

Lakewood must include specific provisions related to middle housing in their development regulations. The City:

- may only apply administrative design review for middle housing;
  - may not require standards for middle housing that are more restrictive than those required for detached single-family residences;
  - must apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law;
- is not required to achieve the per-unit density on lots after subdivision below 1,000 square feet unless the city chooses to enact smaller allowable lot sizes;
- must also allow zero lot line short subdivisions where the number of lots created is equal to the unit density required;
  - may not require off-street parking as a condition of permitting development of middle housing within 0.5 miles walking distance of a major transit stop;
  - may not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and
  - may not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.



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

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

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

Lakewood is not required to update its capital facilities plan element to accommodate the increased housing until its first comprehensive plan update required on or after June 30, 2034, unless Commerce grants a timeline extension.

This amendment would also ensure consistency with [2024 EHSB 2321](#) that updated requirements in [2023 E2SHB 1110](#). [EHSB 2321](#) is summarized below:

The minimum density requirements for residential lots within 0.25 miles walking distance of a major transit stop must be applied to any bus rapid transit stop under construction.

The exemption from minimum density requirements for lots with critical areas or their buffers is limited to that portion of a lot, parcel, or tract with a critical area or buffer except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. Until June 30, 2026, any additional residential capacity required by lots, parcels, or tracts with critical areas or critical area buffers may not be considered an inconsistency with countywide planning policies, multicounty planning policies, or growth targets.

Lots created through the splitting of a single residential lot and areas designated as sole source aquifers by the United States Environmental Protection Agency on islands in the Puget Sound are exempt from the middle housing and minimum density requirements.

A city with at least 25,000 population that is subject to minimum residential density requirements must allow at least six of the nine types of middle housing. The four-unit limit in the definition of courtyard apartments is removed.

A city may not require more than one off-street parking space per unit for middle housing constructed on lots that are exactly 6,000 square feet before any zero lot line subdivisions or lot splits.

In applying objective development regulations to middle housing, fully planning cities may apply regulations related to set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements, and language related to compliance with existing ordinances intended to protect critical areas and public health and safety is removed.

#### **2025-04 Regulatory amendments for consistency with 2024 SB 5792**

This amendment would result in consistency with [2024 SB 5792](#), “Concerning the definition of multiunit residential buildings.” Buildings with 12 or fewer units that are no more than three stories are excluded from the definition of multiunit residential building if one story is utilized for above or below ground parking, or retail space.

#### **2025-05 Regulatory amendments regarding residential parking for consistency with SSB 6015**

This amendment would ensure consistency with [2024 SSB 6015](#), “Concerning residential parking configurations.” In summary:

- Garages and carports may not be required as a way to meet minimum parking requirements for residential development;
- parking spaces that count towards minimum parking requirements may be enclosed or unenclosed;
- parking spaces in tandem count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet, with any necessary provisions for turning radius;
- the existence of non-conforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting the use of existing space in the parking area to meet local parking standards;
- parking spaces may not be required to exceed 8 feet by 20 feet, except for required parking for people with disabilities; and
- parking spaces that consist of grass block pavers may count towards minimum parking regulations.

Existing parking spaces that do not conform to these requirements are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking paces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

Lakewood may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.

## **2025-06 Technical Updates to the Municipal Code regarding Civic Uses**

This amendment would correct unintentional text omissions in portions of the municipal code that occurred during the 2019 rewrite of Lakewood Municipal Code (LMC) Title 18A regarding where Civic Uses are allowed.

## **2025-07 Adoption of 2025-2029 Commute Trip Reduction (CTR) Plan**

Lakewood must submit its draft Commute Trip Reduction (CTR) plan to the WA State Transportation Demand Management (TDM) Technical Committee for review and approval no later than December 2024 and adopt its plan no later than June 2025. The CTR Law mandates four major actions to accomplish the program's purposes:

- Jurisdictions in affected areas must develop and implement a CTR ordinance and a CTR plan and engage major employers to provide CTR programs.
- WSDOT must create and implement a statewide CTR plan.
- Regional planning organizations must create and implement a CTR plan.
- The state must provide support and leadership.

The CTR Program is codified in the Washington Clean Air Act, RCW Chapter 70A.15. Rules for the program are codified in WAC 468-63.

## Tentative 25CPA amendments for Planning Commission Consideration

### **2025-08 Affordable Housing in commercial buildings zoning/regulations**

[E2SSB 6175](#) allows cities to establish by resolution a retail sales and use tax deferral program for the conversion of commercial buildings to provide affordable housing, under certain conditions. To receive a deferral under the new law:

- The project must be set aside primarily for multifamily housing units with at least 10% affordable to low-income households;
- The legislative authority must find that there are significant areas of underutilized commercial property and a lack of affordable housing in areas proximate to the land; and
- The applicant must commit to any additional affordability and income eligibility conditions adopted by the local government.

If a project maintains those qualifications for at least 10 years, the sales and use taxes don't need to be repaid.

This amendment would update the City's Comprehensive Plan and development regulations if the City Council approved a resolution per E2SSB 6175.

### **2025-09 Consideration of expansion of Station District Subarea Boundaries**

The Lakewood Comprehensive Plan includes a policy supporting the creation of new subarea plans:

Subareas (SA) 1.2: Develop and implement redevelopment and subarea plans for other areas such as Springbrook, the Downtown, the Pacific Highway SW corridor, and selected residential arterials.

In 2023, the Planning Commission held preliminary discussions regarding expanding the Station District Subarea boundaries to include Springbrook. If included in the 25CPA docket list by the City Council, this amendment would direct the Planning & Public Works (PPW) Department to begin work on updating the Station District Subarea Plan and boundaries. The City Council would also need to identify funding for the subarea plan update process.

### **2025-10      Consideration of drafting a new subarea plan for the “District/Area North of Steilacoom Blvd and West of South Tacoma Way”**

The Lakewood Comprehensive Plan includes a policy supporting a focus on the International District on South Tacoma Way:

Urban Design Strategy UD-B: Develop an individual identity for the International District through branding, visitor engagement, and city-sponsored events.

In 2023, the Planning Commission held preliminary discussions regarding the creation of a new subarea plan for part of the International District as described below. If included in the 25CPA docket list by the City Council, implementing this amendment would mean the City Council must identify funding and direct the Planning & Public Works (PPW) Department to begin work on a new subarea plan to:

“Develop a unified land use identity and function for the District/Area North of Steilacoom Blvd and West of South Tacoma Way” as a subarea plan.

### **25CPA Legislative Process Schedule**

The schedule for the 25CPA legislative process (subject to change) is as follows:

- September 4: Planning Commission review and discussion of the list of initially submitted amendments and consideration of adding its own items to the docket;
- September 18: Planning Commission public hearing on proposed docket;
- October 2: Planning Commission action on 25CPA docket recommendation;
- October 13: City Council study session on Commission-recommended 25CPA docket;
- October 20: City Council public hearing on 23CPA docket
- November 4: City Council takes action on 25CPA docket Resolution;
- Winter 2024/Spring 2025: City substantive review of the proposed 25CPAs and preparation of recommendations for each amendment;
- Spring 2025: Planning Commission substantive review and public hearing on proposed 25CPA amendments; and
- Spring/Summer 2025: City Council adopts 2025 Comprehensive Plan Amendments, some of which must be adopted by June 30, 2025 per state law.



TO: City of Lakewood Planning Commission  
FROM: Tiffany Speir, Planning Division Manager  
DATE: September 18, 2024  
SUBJECT: 2024 Locally-initiated Amendments to the Shoreline Master Program (SMP)

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Lakewood's current critical areas ordinance (CAO) and Shoreline Master Program (SMP) are interconnected:

- the CAO
  - incorporates the SMP's buffer widths for river and stream habitat protection buffers; and
  - identifies which lakes are regulated under the SMP or the CAO.

As part of the 2024 Comprehensive Plan and Development Regulation Periodic Review, the City is updating its CAO to reflect the best available science (BAS) now available about how to protect fish and wildlife habitat conservation areas (FWHCAs) and to directly regulate critical areas not governed under the SMP.

Also in 2024, the City is conducting a locally-initiated SMP update to reflect the changes made to the CAO. The update is strictly limited and does not amend any other text of the SMP.

The next full periodic update of the Lakewood SMP will be conducted in 2029 as required by state law.

2024 SMP Update Review Schedule:

- Introduction at Planning Commission: September 18 at 6:30 pm
- Public Comment Period: September 18 – October 15. Submit comments to Tiffany Speir, Planning Division Manager, at [tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us).
- **Joint City of Lakewood/Department of Ecology Public Hearing: October 2 at 6:30 pm. This is the only public hearing that will be held per state law.**
- Planning Commission action on SMP update: October 16 at 6:30 pm
- Introduction at City Council: November 24 at 7:00 pm
- Action at City Council: December 2, 2024 at 7 pm (No public hearing is required at the City Council for this SMP update process.)

The draft updates to the Lakewood SMP are included on the following pages. Comment by Department of Ecology Staff that explain the reasons for the amendments are included in the right margin.

**LMC 16.10.030**

**Chapter 3 General Shoreline Provisions**

- A. Introduction
- B. Policies and Regulations
  - 1. Universally Applicable Policies and Regulations
  - 2. Archaeological and Historic Resources
  - 3. Critical Areas**

Critical areas in shoreline jurisdiction are regulated by this SMP. As such, the Critical Areas and Natural Resource Lands Regulations, [Ordinance No. 630 § 10, December 7, 2015, and Ordinance No. 362-3\(part\), November 15, 2004, codified under Chapter 14 of the LMC, ordinance no.XXX, 2024, codified under Chapter 14 of the LMC](#) is herein incorporated by reference into this SMP (see Appendix A) with the exceptions and modifications noted below.

**Commented [HB1]:** Update to newest ordinance number and date.

**a) Applicability**

Exceptions to the applicability of the Critical Areas and Natural Resource Lands Regulations in shoreline jurisdiction are provided below.

- 1) If provisions of the Critical Areas and Natural Resource Lands Regulations and other parts of the SMP conflict, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 shall apply, as determined by the Shoreline Administrator.
- 2) The setbacks and buffer provisions for SMA water bodies contained in Chapter 4, Section C shall apply.
- 3) Provisions of the Critical Areas and Natural Resource Lands Regulations that are inconsistent with the SMA and SMP Guidelines shall not apply or are specifically modified in shoreline jurisdiction, as follows:
  - a. The provisions do not extend shoreline jurisdiction beyond the limits specified in Chapter 2, Section C of this SMP.
  - b. Provisions relating to exemptions in [LMC Section 14.142.070](#) and allowable activities such as those outlined in LMC Sections 14.154.090 and 14.162.090 do not relieve the applicant from obtaining a substantial development permit or other permit or approval required under this SMP, or meeting the specific requirements identified in other sections of the SMP, including, but not limited to, mitigation sequencing and the no net loss requirement [even when after-the-fact review and permitting is required for emergency actions. Where utility line trenching is proposed,](#)

**Commented [HB2]:** Numbering in CAO is changing, so these provisions related to exemptions should be updated.

it shall not be allowed in Category I or II wetlands, and is discouraged in Category III and IV wetlands.

c. Provisions that include a “reasonable use determination” shall not apply within shoreline jurisdiction. Specifically, LMC Sections 14.142.080 and 14.142.090 do not apply. Such uses and developments require a variance in accordance with Chapter 6 of this SMP.

d. Provisions relating to variance procedures and criteria do not apply in the shoreline jurisdiction. Specifically, LMC Section 14.142.110, which references variance procedures in the LMC, does not apply. Variance procedures and criteria within shoreline jurisdiction have been established in this SMP, Chapter 6 Section D and in WAC 173-27-170.

e. Provisions relating to nonconforming uses in LMC Section 14.142.180 shall not apply. Please see Chapter 6, Section F for nonconforming development standards within shoreline jurisdiction.

f. Geologically Hazardous Areas. Provisions contained in LMC Section 14.146.000 are hereby clarified and amended.

i. New development and the creation of new lots through subdivision shall not be allowed when it would cause foreseeable risk from geological conditions to people or improvements during the life of the development.

ii. New development that would require structural shoreline stabilization over the anticipated life of the development shall not be allowed, unless stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.

iii. All shoreline stabilization shall comply with Chapter 5, Section C(1 and 2).

g. Waughop Lake shall be subject to the setback requirements outlined in the SMP and not to the 35’ buffer requirement in the LMC Section 14.154.060(B).

h. Identification of wetlands and delineation of their boundaries

**Commented [HB3]:** The CAO already has that same “D.1” Emergency Action exemption at 14.142.070(P) so the SMP’s exception/modification (3)(b) already covers it and even mentions ‘mitigation sequencing’. Suggest adding some clarity for “after the fact.” Similarly, the CAO also already has the same “D.2” Utility Line exemption at 14.142.070(F) so again the SMP exception (3)(b) generally says all SMP provisions still apply. Suggest adding more specific language in the SMP to disallow what the CAO allows.

**Commented [HB4]:** If the intent is to delete LMC Section 14.154.060, numbering will need to be updated.

shall be done in accordance with the most recent version of the approved federal wetland delineation manual and applicable regional supplements, pursuant to WAC 173-22-035. All areas within the shoreline management area meeting the wetland designation criteria in that procedure are hereby-designated critical areas and are subject to the provisions of this SMP. See LMC Chapter 14.162.

i. Special permitted uses identified in LMC Section 14.162.060 may be authorized pursuant to the requirements herein, however, these provisions do not relieve an applicant from complying with all other procedural and substantive requirements of this SMP, including, but not limited to, mitigation sequencing, and no net loss.

~~j. Wetland Buffers. The following modifications to LMC Section 14.162.080 shall apply.~~

~~i. Buffer width averaging in LMC Section 14.162.080(B)(1) shall be limited such that the buffer at its narrowest point is no less than 75% of the standard width.~~

~~ii. Administrative buffer reductions allowed under LMC Section 14.162.080(B)(2) shall be limited to 25% of the standard buffer width.~~

~~iii. Within shoreline jurisdiction, wetland buffers as outlined in LMC Section 14.162.080 (A) for Category I wetlands shall not apply. Wetland buffers within shoreline jurisdiction for Category I wetlands shall be 300 feet.~~

~~k. Mitigation. LMC Section 14.162.100(A) shall not apply. Mitigation sequencing shall follow the requirements of Chapter 3, Section B(4)(c)(3).~~

~~l. Agricultural Activities. LMC Section 14.162.110 shall not apply.~~

m. Alternative Review Process, Corps of Engineers, Section 404 Permit. LMC Section 14.162.120 shall not be construed to modify the requirements contained in this SMP. In all cases, the buffer requirements identified herein shall apply and mitigation sequencing as required in Chapter 4, Section B(4)(c)(3) must be employed in the design, location and operation of the project.

n. In-Stream Structures. Please see Chapter 5, Section C(5)(h) for regulations pertaining to in- stream structures such as dams and weirs.

**Commented [HB5]:** CAO is being brought up to date to meet these so these can come out.



o. Channel Migration Zones (CMZ). Within the shoreline jurisdiction surrounding Chambers Creek, the Shoreline Administrator shall require a channel migration study when the City determines that a shoreline use, development or modification proposal has the potential to interfere with the process of channel migration. Potential CMZ reaches are shown on map 12 of the Shoreline Analysis Report dated October 1, 2010. The study shall include recommended measures (consistent with mitigation sequencing) that demonstrate how no net loss of ecological functions associated with channel migration will be achieved. The proposal must demonstrate how it will avoid affecting the CMZ through utilization of nonstructural flood hazard measures and avoid the need for future shoreline modifications and structural flood hazard measures.

p. Flood Hazard Overlay. LMC Section 14.158.030 incorporates the Flood Hazard Overlay provisions of LMC Section 18A.40.100 by reference. In addition to the standards contained therein, the following shall apply:

- i. Where feasible, nonstructural flood hazard reduction measures should be implemented.
- ii. Development shall not increase flood hazards significantly or cumulatively and must be consistent with adopted and approved comprehensive flood hazard management plans, other comprehensive planning efforts, the requirements of the SMA and Chapter 173-26 WAC.
- iii. New development and uses, including the subdivision of land, shall not be established when it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the CMZ or floodway.
- iv. The following uses may be authorized within the CMZ or floodway:
  - a. Ecological restoration or projects that protect ecosystem processes or ecological functions.
  - b. Bridges, utility lines and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed,

mitigation shall address impacted functions and processes in the affected area.

- c. Repair and maintenance of an existing legal use, provided such actions do not cause significant ecological impacts or increase flood hazards to other users.
  - d. Modifications or additions to an existing legal use, provided that further channel migration is not limited and the new development includes appropriate protection of ecological functions.
  - e. Development where existing structures prevent active channel movement and flooding.
  - f. Measures to reduce shoreline erosion, if it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition; the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions; and that the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.
- v. New structural flood hazard reduction measures shall be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with the requirements of Chapter 3, Section C(8).
- vi. New structural flood hazard reduction measures shall be placed landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. Such flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be

documented through a geotechnical analysis.

vii. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and immitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long- term cost of the development.

viii. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with this SMP and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

ix. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the State that evaluates cumulative impacts to the watershed system.

x. Flood hazard overlay variance criteria and requirements in LMC Section 18A.40.160 are in addition to the standard shoreline variance criteria and requirements identified in Chapter 6, Section D(1).