AGENDA
PLANNING COMMISSION

Connie Coleman-Lacadie • Don Daniels • Robert Estrada • James Guerrero • Robert Pourpasand • Paul Wagemann • Christopher Webber

Regular Meeting
Wednesday, January 21, 2015, at 6:30 pm
City Hall, Council Chambers
6000 Main Street SW, Lakewood, Washington

1. **Call to Order**

2. **Roll Call**

3. **Introduction of Planning Commission members**

4. **Election of Officers**

5. **Public Comments**
   (Members of the audience may comment on items that are not included on the agenda. Each person will be allowed 3 minutes to speak, to a total of 15 minutes per topic. Groups with a designated speaker may have a total of 10 minutes to speak.)
6. **Public Hearings**
   - Proposed Code Amendments to Change Planning Advisory Board to Planning Commission.
7. **New Business**
   - City Attorney Orientation
   - Adoption of Planning Commission Rules of Procedure
   - Proposed Work Plan
8. **Unfinished Business**
   - None
9. **Reports from Commission Members & Staff**
   (Planning Commission members and staff may make committee reports and announcements relating to items not on the agenda.)
   - Report On Visioning Project efforts
   - Revised Subdivision Code (Title 17A) amendments

10. Adjournment

Enclosures: Staff Report and Exhibits re: Establishment of Planning Commission

Members Only:
Please call Karen Devereaux at 253.983.7767 by Tuesday, January 20, 2015, if you are unable to attend. Thank you.

The next meeting is tentatively scheduled for FEBRUARY 4, 2015

CITY OF
LAKEWOOD

COMMUNITY & ECONOMIC DEVELOPMENT STAFF REPORT

TO: Lakewood Planning Commission

FROM: M. David Bugher, Assistant City Manager/Economic Development Director

MEETING DATE: January 21, 2014

SUBJECT (PUBLIC HEARING): Ordinance amending the municipal code, deleting the term Planning Advisory Board and replacing it with Planning Commission. Specific amendments include adding a new Section 02.90.060, amending Sections 14.2.040, 18A.2.215, 18A.2.410, 18A.2.415, 18A.2.440, 18A.2.445, 18A.2.502, 18A.2.560, and 18A.90.200.

SUMMARY: The City Council formed a Council Committee to examine the consolidation of city boards and committees. This Committee, in part, recommended to the full City Council that the name of the Planning Advisory Board be deleted and replaced with the term Planning Commission. On September 15, 2014, the Council considered the proposal, and approved same by adopting Ordinance No. 594. This ordnance repealed Chapters 2.12, 2.21, 2.25. 2.28 and 2.44, amending Chapter 2.38 and creating Chapters 2.26, 2.67 and 2.68 of the Lakewood Municipal Code relative to all citizens advisory boards, committees and commissions. However, there are other references to the term planning advisory board found in the City's environmental and land use and development regulations. This ordinance makes the necessary corrections to these two chapters.

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. PC-01-15 entitled:

A RESOLUTION OF THE LAKEWOOD PLANNING COMMISSION RECOMMENDING THAT THE LAKEWOOD CITY COUNCIL APPROVE AMENDMENTS TO THE LAKEWOOD MUNICIPAL CODE, CORRECTING NOMENCLATURE BY REMOVING THE TERM PLANNING ADVISORY BOARD AND REPLACING IT WITH PLANNING COMMISSION

AUTHORIZATION/GUIDLEINES: Pursuant to RCW 36.70A.106(3)(b), amendments to the City's land use and development regulations require State Department of Commerce review. Notice of the proposed amendments was submitted on December 30, 2014. To-date no comments have been received.

Lakewood Municipal Code (LMC) Section 18A.2.420 requires City Council approval of amendments to the land use and development regulations, and other sections also establish

procedures by which the Planning Commission reviews such amendments and makes recommendations to the City Council.

PUBLIC NOTICE: Public notice of the proposed Ordinance Amendment was published in The News Tribune newspaper on or about January 2, 2015. Notices were also posted at City Hall locations. City staff also contacted the Pierce County Master Builders Association. To-date, no public comments have been received.

ENVIRONMENTAL REVIEW: The proposal was reviewed for compliance with SEPA. The project was found to be categorically exempt, under WAC 197-11-800 (19):

> "(19) Procedural actions. The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:
>
> (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.
>
> (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.
>
> (c) Agency SEPA procedures."

PROJECT BACKGROUND: See Summary.

PROJECT DESCRIPTION: See Summary.

REQUIRED FINDINGS:

A. The proposed amendment is consistent with the comprehensive plan.

The proposed amendments have no effect on the adopted comprehensive plan.

B. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity.

Not applicable.

C. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

Not applicable.

D. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated.

Not applicable.

E. The proposed amendment will not adversely affect the public health, safety and general welfare of the citizens of the city.

The proposed amendments have no impact on the community's public health, safety and general welfare

F. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of subject property.

Not applicable.

G. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment.

The circumstance which has changed has been the City Council's desire to consolidate boards and committees. This process has been underway for over a year.

H. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.

The proposed amendments have no impact on surrounding neighborhoods.

ANALYSIS/STATEMENT OF THE ISSUES: On September 15, 2014, the City Council passed Ordinance 594 creating a Planning Commission and deleting the former Planning Advisory Board (PAB). However, multiple provisions within the LMC continue to cross-reference the term PAB. A new ordinance has been promulgated to rectify the current oversight. Three basic amendments are proposed.

The first amends the City's administrative title, Title 2, Section 2.90.060. It would read as follows:

> "All references to the Planning Advisory Board in other sections of the Lakewood Municipal Code, unless the context reflects otherwise, shall be construed as meaning the Planning Commission provided for in this Chapter."

The second amendment modifies the State Environmental Policy Act (SEPA), Title 14, Section 14.02.030.

The third amendment modifies the City's land use and development regulations, Title 18A. These amendments delete the term Planning Advisory Board and replace it with Planning Commission.

The three amendments make no changes in current land use policy, or modifications in procedure. This proposal is a change in nomenclature.

ATTACHMENTS/EXHIBITS:

1. Planning Commission Resolution
2. Draft Ordinance

LAKEWOOD PLANNING COMMISSION
RESOLUTION NO. PC-01-15

A RESOLUTION OF THE LAKEWOOD PLANNING COMMISSION RECOMMENDING THAT THE LAKEWOOD CITY COUNCIL APPROVE AMENDMENTS TO THE LAKEWOOD MUNICIPAL CODE, CORRECTING NOMENCLATURE BY REMOVING THE TERM PLANNING ADVISORY BOARD AND REPLACING IT WITH PLANNING COMMISSION

RESOLVED, By the Planning Commission of the City of Lakewood, Washington, that;

RECITALS

WHEREAS, the Lakewood City Council has taken action to consolidate to City boards and committees; and

WHEREAS, the Lakewood City Council, on September 15, 2014, adopted Ordinance No. 594, which in part deleted Planning Advisory Board and replaced it with Planning Commission; and

WHEREAS, follow-up action is necessary to remove the term Planning Advisory Board from various sections of the Lakewood Municipal Code and replacing it with Planning Commission; and

WHEREAS, the City Attorney's office has promulgated an ordinance to this effect; and

WHEREAS, the City provided public notice and a public hearing in accordance with prescribed standards set forth in the Lakewood Municipal Code; and

WHEREAS, the Washington State Department of Commerce was notified and sent a copy of the proposed ordinance; and

WHEREAS, the proposed ordinance was reviewed for compliance with the State Environmental Policy Act (SEPA).

NOW, THEREFORE, IT IS DETERMINED AND ORDERED, THAT:

1. The proposed ordinance has been found to be exempt from SEPA.

2. A duly noticed public hearing was conducted on January 21, 2014.

3. The proposed ordinance is neutral, or has no impact in relation to the criteria listed in the Lakewood Municipal Code, Section 18A.2.415.

Resolution adopted by the Lakewood City Planning Commission at its meeting of January 21, 2015.

AYES:
NOES:
ABSENT:

_____

Chair, Lakewood Planning Commission

Exhibits:
A. Proposed Ordinance

ORDINANCE NO. ___

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Titles 14 and 18 and creating a new section of the Lakewood Municipal Code; relative cross-references to the Planning Commission.

WHEREAS, on September 15, 2014, the City Council passed Ordinance 594 creating a Planning Commission and abolishing the former Planning Advisory Board (PAB); and

WHEREAS, multiple provisions within the Lakewood Municipal Code continue to provide cross-references to the PAB; and

WHEREAS, these provisions should be updated to direct to the responsibilities of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: A new Section 02.90.060 Lakewood Municipal Code (LMC) entitled, "Construction of "Planning Advisory Board," is created to read as follows:

All references to the Planning Advisory Board in other sections of the Lakewood Municipal Code, unless the context reflects otherwise, shall be construed as meaning the Planning Commission provided for in this Chapter.

Section 2: Section 14.2.040 LMC entitled "Additional Definitions," is amended to read as follows:

In addition to those definitions set forth in Section 14.02.030, the following words and terms shall have the following meanings, unless the context indicates otherwise:

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

B.Council means the City Council of the City of Lakewood.

C."Department" means the Department of Community Development.

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

E."Hearing Examiner" means the City Hearing Examiner as established by City of Lakewood Ordinance No. 13.

F."SEPA" means Chapter 43.21C Revised Code of Washington (RCW), as now existing or as may subsequently be amended.

G."SEPA rules" means Chapter 197-11 Washington Administrative Code (WAC) adopted by the Department of Ecology, as now existing or as may subsequently be amended.

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

I.Terms adopted by reference. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this Chapter refer to legislative body, city, county or otherwise, so long as such reference is to the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood, or an appropriate official thereof. Unless the context clearly indicates an intent otherwise, any time that the provisions of the Washington Administrative Code adopted by reference in this Chapter refer to the planning commission of the legislative body adopting and/or enforcing the environmental policies thereof, such references shall be construed to mean the City of Lakewood Planning ~~Advisory Board~~ Commission. Any reference to the position title, department, or office of the jurisdiction adopting and/or enforcing the environmental policies thereof, or an official thereof, such references shall be construed to mean the City of Lakewood SEPA responsible official.

Section 3: Section 18A.2.215 LMC entitled, "Interpretation of Uses," is amended to read as follows:

A. Land uses that are listed as primary uses in each zoning district shall be permitted subject to the review processes, standards, and regulations specified in Title 18A. If a described use is not listed as a use in a particular zoning district, it shall be considered to be a prohibited use within that district. However, it is inevitable that certain valid, justifiable uses of land will be missing from the listings of uses permitted in various zoning districts, therefore the Community Development Director is authorized to make an administrative interpretation in accordance with the procedures of this section.

B. If a proposed use is not specifically listed, an applicant may request an interpretation from the Community Development Director as to whether or not such use is a permitted use. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Community Development Director shall examine the characteristics of the development and use and shall make a determination as to what zone(s) the

development and use may be allowed as a primary permitted use or permitted with an administrative use permit or with a conditional use permit based on the following criteria:

1. The use is compatible with the applicable goals and policies of the comprehensive plan.

2. The use is consistent with the stated purpose of the applicable district or districts.

3. The requested use is most substantially similar to the listed uses permitted in the district in which the request is being sought, as opposed to its similarity to the listed uses permitted in other districts based on the following criteria:

a. The activities involved in or equipment or materials employed in the use;

b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, impacts on public services and facilities, and aesthetic appearance.

c. The use has a high degree of potential to be consistent, compatible, and homogenous with listed uses.

d. The size of the facility.

C. Unlisted developments and uses for which the Community Development Director has made an administrative interpretation as to appropriate zone and type similarity shall be considered to constitute an official interpretation and shall subsequently be applied and used for future administration in reviewing like proposals. The Community Development Director shall report such decisions to the Planning ~~Advisory Board~~ Commission when it appears desirable and necessary to amend this code.

D. The Community Development Director's determination shall be processed and subject to the applicable requirements of LMC 18A.02.540 and may be appealed as provided in LMC 18A.02.740.

Section 4: Section 18A.2.410 LMC entitled, "Initiation – Amendments," is amended to read as follows:

An amendment may be initiated as follows:

A. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the City Council. Amendments shall be heard by the Planning ~~Advisory Board~~ Commission and City Council.

B. Amendments to the text of this title may be initiated by resolution of intention by the Planning ~~Advisory Board~~ Commission, Community Development Director and by application of private citizens.

C. Official zoning map amendments may be initiated by application of one (1) or more owners, or their agents, of the property affected by the proposed amendment, or by the Planning ~~Advisory Board~~ Commission or Community Development Director.

D. The Community Development Director may, in his sole discretion, accept a citizen request or suggestion for an proposed amendment as City-initiated, and without fee to the citizen, only if it is demonstrated that the proposed amendment has significant merit and would benefit the general public, and not principally benefit only a limited number of property owners.

Section 5: Section 18A.2.415 LMC entitled, "Public Hearing – Amendments," is amended to read as follows:

At the conclusion of one (1) or more public hearings on a proposed amendment, the Planning ~~Advisory Board~~ Commission shall make a recommendation with respect to the proposed amendment and shall forward such to the City Council, which shall have the final authority to act on the amendment. The following standards and criteria shall be used by the Planning ~~Advisory Board~~ Commission and City Council to evaluate a request for an amendment. Such an amendment shall only be granted if the City Council determines that the request is consistent with these standards and criteria.

A. The proposed amendment is consistent with the comprehensive plan.

B. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity.

C. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

D. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated.

E. The proposed amendment will not adversely affect the public health, safety and general welfare of the citizens of the city.

F. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of subject property.

G. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment.

H. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.

Section 6: Section 18A.2.440 LMC entitled "Recommendation of the Planning Advisory Board - Zoning of Annexed Lands," is retitled to read, "Recommendation of the Planning Commission - Zoning of Annexed Lands" and amended to read as follows:

A. Comprehensive Plan. Upon application, the Planning ~~Advisory Board~~ Commission shall hold at least one (1) open record public hearing to consider the comprehensive plan for the area of the proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing. Upon completion of the hearing, the Planning ~~Advisory Board~~ Commission shall transmit a copy of its recommendations for the comprehensive plan to the City Council for its consideration.

B. Initial Zoning. In addition, the Planning ~~Advisory Board~~ Commission shall hold at least one (1) open record public hearing to consider the initial zoning for the area of the proposed annexation. Notice of the time, place and purpose of such hearing shall be mailed to all property owners in the area to be annexed and given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing.

Section 7: Section 18A.2.445 LMC entitled, "City Council Action - Zoning of Annexed Lands," is amended to read as follows:

A. Comprehensive Plan. Within sixty (60) calendar days of the receipt of the recommendation from the Planning ~~Advisory Board~~ Commission for the comprehensive plan land-use designation for the area of the proposed annexation, the City Council shall consider the comprehensive plan at a public meeting. The City Council may approve or disapprove the designation as submitted, modify and approve as modified, or refer the matter back to the Planning ~~Advisory Board~~ Commission for further proceedings. An affirmative vote of not less than a majority of the total members of the City Council shall be required for approval. If the matter is referred back to the Planning ~~Advisory Board~~ Commission, the City Council shall specify the time within which the Planning ~~Advisory Board~~ Commission shall report back to the City Council with findings and recommendations on the matters referred to it.

B. Initial Zoning. Upon receipt of the recommendations of the Planning ~~Advisory Board~~ Commission for the initial zoning of the area of the proposed annexation, the City Council shall hold at least one (1) public hearing. Notice of the time and place and purpose of such hearing shall be given by publication in a newspaper of general circulation in the city and the area to be annexed, at least ten (10) calendar days prior to the hearing. The ordinance adopting the initial zoning may provide that it will become effective upon the annexation of the area into the city. If annexation occurs prior to adoption of the comprehensive plan update and initial zoning designation, those areas designated and zoned under the authority and land-use provisions of Pierce County shall, upon annexation, be assigned an interim zoning designation of R3 for period

of no longer than nine (9) months or until new zoning is adopted in conformance with the comprehensive plan, whichever occurs first.

Section 8: Section 18A.2.502 LMC entitled, "Process Types – Permits," is amended to read as follows:

Permit Process Types. Permit applications for review pursuant to this section shall be classified as a Process I, Process II, Process III, or Process IV action. Process V actions are legislative in nature. Permit applications and decisions are categorized by process type as set forth in Table 3. The differences between the processes are generally associated with the different nature of the decisions and the decision-making body as described below.

TABLE 3: APPLICATION PROCESSING PROCEDURES

	Process I Administrative Action	Process II Administrative Action	Process III Hearing Action	Process IV Hearing Action	Process V Legislative Action
Permits	Zoning certification; Building permit; Design Review; Sign permit; Temporary Sign permit; Accessory Living Quarters; Limited Home Occupation; Temporary Use; Manufactured or Mobile Home permit; Boundary Line Adjustments; Minor modification of Process II and III permits; Final Site Certification;	Administrative Uses; Short Plat; SEPA; Home Occupation; Administrative Variance; Binding Site Plans, Minor Plat Amendment, Major modification of Process II permits; Shoreline Conditional Use; Shoreline Variance; Shoreline Substantial Development Permits;	Conditional Use; Major Variance; Preliminary Plat; Major Plat Amendment; Major modification of Process III permits; Shoreline Conditional Use; Shoreline Variance; Shoreline Substantial Development Permit when referred by the Shoreline Administrator; Public Facilities Master Plan	Zoning Map Amendments; Site-specific Comprehensive Plan map amendments; Specific Comprehensive Plan text amendments; Shoreline Redesignation, **Final Plat**; **Development Agreement** **No hearing required or recommendation made by Planning ~~Advisory Board~~ Commission**	Generalized or comprehensive ordinance text amendments; Area-wide map amendments; Annexation; Adoption of new planning-related ordinances;

	Certificate of Occupancy; ***Sexually Oriented Business extensions				
Impacts	Minimal or no effect on others, so issuance of permit is not dependent on others	Application of the standards may require some knowledge of impacts and effect upon others	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons	Potential significant effect on some persons or broad impact on a number of persons
Notice & Comment	Participation of applicant only	Nearby property owners invited to comment on an application	In addition to applicant, others affected invited to present initial information	In addition to applicant, others affected invited to present initial information	Anyone invited to present information
Recomm-endation	NA	NA	Community Development Department Staff	Planning ~~Advisory Board~~ Commission, except for Final Plat and Development Agreement as noted ** above	Planning ~~Advisory Board~~ Commission
Decision-Making Body	Community Development Director	Community Development Director	Hearing Examiner	City Council	City Council
Appeal	Hearing Examiner Community Development Director's decision on permits noted *** above is appealable to Superior Court.	Hearing Examiner	Superior Court	Superior Court	Superior Court

Section 9: Section 18A.2.560 LMC entitled, "Process IV – Permits," is amended to read as follows:

A. Process IV procedures are used to process site specific map revisions of the Comprehensive Plan Future Land Use Map and/or Land Use and Development Code Zoning Map; citizen-initiated and other specific text amendments to the comprehensive plan, land use and development code, or other ordinances, and other project or non-project actions as indicated in Table 3. Under Process IV, the Community Development Director shall schedule a public hearing before the Planning ~~Advisory Board~~ Commission.

B. Notice of application shall be provided to the public, pursuant to LMC 18A.02.670-675.

C. Notice of public hearing shall be provided to the public, pursuant to LMC 18A.02.700.

D. A staff report shall be provided to the public, pursuant to LMC 18A.02.710.

E. The public hearing shall be conducted, pursuant to LMC 18A.02.720.

F. At the public hearing, City staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval.

G. If criteria are involved, the Planning ~~Advisory Board Commission~~ shall make a finding for each of the applicable criteria, including whether the proposal conforms to goals and policies found in the comprehensive plan. A written staff report and the Planning ~~Advisory Board~~ Commission recommendation shall be submitted to the City Council.

H. The City Council may conduct a public meeting or a public hearing on the proposal, at its discretion, pursuant to LMC 18A.02.420.

I. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the Planning ~~Advisory Board~~ Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.

J. The City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

Section 10: Section 18A.2.565 LMC entitled, "Process V – Permits," is amended to read as follows:

A. Process V procedures are used to process extensive text or area-wide map revisions of the Comprehensive plan, the Land Use and Development Code; zoning of annexed land and adoption of new planning-related ordinances, as indicated in Table 3. Under Process V, the Community Development Director shall schedule a public hearing before the Planning ~~Advisory Board~~ Commission.

B. Notice of public hearing shall be published pursuant to LMC 18A.02.700.

C. A staff report shall be provided to the public, pursuant to LMC 18A.02.710.

D. At least one (1) public hearing shall be conducted.

E. At the public hearing, City staff, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval.

F. If criteria are involved, the Planning ~~Advisory Board~~ Commission shall made a finding for each of the applicable criteria, including whether the proposal conforms to goals and policies found in the comprehensive plan. A written staff report and the Planning ~~Advisory Board~~ Commission recommendation shall be submitted to the City Council.

G. The City Council may conduct a public meeting or a public hearing on the proposal, at its discretion, pursuant to LMC 18A.02.420.

H. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the Planning ~~Advisory Board~~ Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal.

I. The City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

Section 11: Section 18A.2.720 LMC entitled, "Open Record Public Hearings," is amended to read as follows:

A. Open record hearings shall be conducted in accordance with this section. The Community Development Director shall be responsible for the hearing and shall:

1. Schedule an application for review and public hearing.

2. Give notice; however, applicant is responsible for some of the notice requirements.

3. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the

consolidated permit process that do not require an open record pre-decision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination. In the case of a Process I or II project permit application, this report may be the permit.

4. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.

B. Conflict of interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.

C. Ex parte communications.

1. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section: a. The hearing body may receive advise from legal counsel.

b. The hearing body may communicate with staff members, except where the proceeding relates to a code enforcement investigation or prosecution. 2. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in LMC 18A.02.720.C.3, below.

3. If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record: a. All written communications received.

b. All written responses to the communications.

c. The substance of all oral communications received and all responses made; and

d. The identity of each person from whom the hearing body received any ex parte communication. 4. The hearing body shall advise all parties that these matters have been placed on the record.

5. Upon request made within ten (10) calendar days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

D. Disqualification.

1. A member of the hearing body who is disqualified may be counted for purposes of forming a quorum. Any member who is disqualified may be counted only by making full disclosure to the audience, abstaining from voting on the disqualification, vacating the seat on the hearing body and physically leaving the hearing.

2. If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be re-qualified and shall proceed to resolve the issues.

3. Except for Process VI actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

E. Burden and nature of proof. The burden of proof is on the proponent, pursuant to LMC 18A.02.150, Burden and Nature of Proof. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

F. Order of proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving information on the issue, the following shall be determined:

a. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate.

b. Any abstentions or disqualifications shall be determined.

2. The presiding officer may take official notice of known information related to the issue, such as:

a. A provision of any ordinance, resolution, rule, officially adopted development standard or state law.

b. Other public records and facts judicially noticeable by law.

3. Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting notice shall do so on the record; however, the hearing body may take notice of matters listed in this section if stated for the record. Any matter given official notice may be rebutted.

4. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.

5. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

6. When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

G. Recommendation/decision. The hearing body shall issue a recommendation or decision, as applicable, within fourteen (14) calendar days of the record being closed.

H. Reconsideration. A party of record may ask for a reconsideration of a decision by the hearing examiner for a Process III action or a recommendation by the Planning ~~Advisory Board~~ Commission for a Process IV action. Reconsideration is not authorized for Process I and Process II applications. A reconsideration may be requested if either:

1. A specific error of fact or law can be identified.

2. New evidence is available which was not available at the time of the hearing.

I. A request for reconsideration shall be filed by a party of record within five (5) working days of the date of the initial decision/recommendation. Any reconsideration request shall cite specific references to the findings and/or criteria contained in the ordinances governing the type of application being reviewed. A request for reconsideration temporarily suspends the appeal deadline. The Hearing Examiner shall promptly review the reconsideration request and within five (5) working days issue a written response, either approving or denying the request. If the reconsideration is denied, the appeal deadline of the Hearing Examiner's decision shall recommence for the remaining number of days. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued.

Section 12: Section 18A.90.200 LMC entitled, "Definitions" is amended to read as follows:

ABANDON OR ABANDONMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES (WTF). Means:

a. to cease operation for a period of sixty (60) or more consecutive calendar days;

b. to reduce the effective radiated power of an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy five (75), so long as the operator still serves essentially the same customer base;

c. to relocate an antenna at a point less than eighty (80) percent of the height of an antenna support structure; or,

d. to reduce the number of transmissions from an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days; Provided that non-operation or reduced operation for a period of sixty (60) or more consecutive calendar days to facilitate maintenance, re-design or other changes about which the City was notified in advance shall not constitute abandonment.

ABSENTEE OWNER. Any real property owner(s) who customarily resides some place other than the property (whether an estate or business) in question.

ABUTTING. Lots sharing common property lines.

ACCESS. The way or means by which pedestrians and vehicles enter and leave property.

ACCESSORY BUILDING - A detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same tract with the principal building or use.

ACCESSORY DWELLING UNIT (ADU). A habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACCESSORY LIVING QUARTERS. A single residential dwelling unit that is an attached or detached part of a commercial or manufacturing building, and which is incidental to the commercial or manufacturing use.

ACCESSORY STRUCTURE. A structure either attached or detached from a principal building and located on the same lot and which is customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACTIVITIES OF DAILY LIVING (ADL) ASSISTANCE. Provision of personal care services in a state-licensed boarding home for assisted living consisting of at least minimal assistance with the following:

a. Bathing. Reminding or cuing to wash and dry all areas of the body as needed, stand-by assistance getting into and out of the tub or shower, and physical assistance in steadying the resident during the activity; and

b. Dressing. Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and

c. Eating. Reminding or cuing to eat and drink; and physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident; and

d. Personal hygiene. Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and

e. Transferring. Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing; stand-by assistance during the activity; and physical assistance limited to steadying the resident during self-transfers; and

f. Toileting. Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads, stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity; and

g. Mobility. Reminding or cuing to move between locations on the boarding home premises; stand-by assistance during the activity; and physical assistance limited to steadying the resident during the activity.

ADEQUATE PUBLIC FACILITIES. Adequate public facilities means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

ADJACENT. Lots located across a right-of-way, railroad or street, except limited access roads.

ADMINISTRATIVE USE PERMIT. A written decision granted by the Community Development Director to authorize the development or operation of a proposed land use activity subject to special degrees of control.

AGRICULTURAL USE. Land primarily devoted to the commercial production of dairy, apiary, furbearing, vegetable, or animal products or of grain, hay, straw, turf, seed, fin fish, or livestock, and that has long-term commercial significance for agricultural production.

AIRPORT. Any land area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY. A public or private way not more than 30 feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

ALTERATION, STRUCTURAL. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls,

foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

AMATEUR RADIO STATION OPERATORS OR RECEIVE-ONLY ANTENNAS. Any tower or antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

AMENDMENT. 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 Development Director or Hearing Examiner.

ANCHOR. The device to which tie-downs are secured or fastened having a holding power of not less than 4,800 pounds. They include, but are not necessarily limited to, screw auger, expanding or concrete deadmen type anchors, and are to be constructed as to accommodate "over the top" and "frame" type tie-downs, used singly or in conjunction.

ANTENNA HEIGHT OR HEIGHT. When referring to a tower or other Wireless Telecommunications Facilities (WTF), the vertical distance measured from the finished grade of the parcel at the base of the tower pad or antenna support structure to the highest point of the structure even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

ANTENNA. Any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services.

ANTIQUE DEALER. Any person engaged, in whole or in part, in the business of selling antiques.

ANTIQUES. Works of art, pieces of furniture, decorative and household objects, and other such collectibles possessing value or commercial appeal owing to their being made during an earlier period.

APARTMENT. A dwelling unit in a multifamily building.

APPEAL. A request for review of the Community Development Director's decision concerning matters addressed by the Ordinance to the Planning ~~Advisory Board~~ Commission or a review of the Hearing Examiner's decision to the City Council.

APPLICANT FOR WIRELESS TELECOMMUNICATIONS FACILITIES (WTF). Any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a WTF within the city.

APPLICANT. Any person who makes an application to the City of Lakewood for a development permit.

ARCADE. A linear pedestrian walkway that abuts and runs along the facade of a building. It is covered, but not enclosed, and open at all times to public use. Typically, it has a line of columns along its open side. There may be habitable space above the arcade.

ARCHAEOLOGICAL RESOURCES. Districts, sites, building, structures, and artifacts with material evidence of prehistoric human life and culture.

ARCHITECTURAL BARRIERS. Constructed structures such as walls, signs, rockeries, drainage swales or similar constructed features that impact the required landscape areas.

ARCHITECTURAL CHARACTER. The architectural character of a building is that quality or qualities that make it distinctive and that are typically associated with its form and the arrangement of its architectural elements. For example, a prominent design feature may convey the architectural character of a structure. Examples are a distinctive roofline, a turret or portico, an arcade, an elaborate entry, or an unusual pattern of windows and doors.

ARCHITECTURAL ELEMENTS. The elements that make up an architectural composition or the building form, which may include such features as the roof form, entries, an arcade, porch, columns, windows, doors and other openings. "Architectural elements" is used interchangeably with "architectural features" in this chapter.

ARCHITECTURAL SCALE. The perceived height and bulk of a building relative to other forms in its context. Modulating facades and other treatments may reduce a building's apparent height and bulk.

AREA OF SHALLOW FLOODING. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

AT-RISK TIME IN THE COMMUNITY. The total time, since first being housed in a Type 4 Group Home located within Lakewood, that a person has resided in the community. This includes any time spent in a Type 4 Group Home, whether in Lakewood or elsewhere, as well as any time residing in the community whether or not under DOC supervision. At-risk time in the community does not include any time spent in confinement whether in a jail, prison, pre-release or work camp. Time spent in such facilities shall be tolled for the purpose of calculating summary recidivism rates.

AUTO WRECKING YARD. Any property where two (2) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

AUTOMOBILE AND OTHER VEHICLE SALES AREA. An open area, other than a street, used for the display, sale or rental of two (2) or more new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE BODY REPAIR. Those establishments primarily engaged in furnishing automotive vehicle bodywork and painting.

AUTOMOBILE SERVICE STATION OR GAS STATION. A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

AUTOMOBILE WRECKING OR MOTOR VEHICLE WRECKING. The dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

AWNING. A shelter extending from the exterior wall of a building for the purpose of shielding a doorway or window from the elements and composed of non-rigid materials except for the supporting framework.

AXIAL SYMMETRY. The similarity of form or arrangement on either side of a dividing line or plane through the center of an object.

BACKHAUL NETWORK. The lines that connect a provider's wireless telecommunications facilities to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BALCONY. An outdoor space built as an above ground platform projecting from the wall of a building and enclosed by a parapet or railing.

BARN. A structure used for the storage of farm products, feed, and for housing farm animals and light farm equipment.

BASE FLOOD. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

BAY WINDOW. A window that protrudes from the main exterior wall. Typically, the bay contains a surface that lies parallel to the exterior wall, and two (2) surfaces that extend perpendicular or diagonally from the exterior wall.

BEACH ACCESS, PUBLIC OR PRIVATE. Trails or roads that provide access for the public to the beach.

BED AND BREAKFAST. A lodging facility comprised of a single residential structure containing up to six units of small-scale temporary lodging which provides a single meal and where the proprietors of the service reside in the structure.

BIOSOLIDS. Municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, and septage that can be beneficially recycled and meets all applicable health regulations.

BLANK WALLS. Walls subject to "blank wall" requirements are any ground-level wall over six feet in height measured from finished grade at the base of the wall, and longer than fifty (50) feet measured horizontally. A wall subject to the requirement does not have any significant building feature, such as a window, door, modulation or articulation, or other special wall treatment within that fifty (50) foot section.

BLOCK. All land along one (1) side of a street that is between two (2) intersections or intercepting streets, or interrupting streets and a railroad right-of-way, or unsubdivided land or water course.

~~BOARD. The Planning Advisory Board.~~

BOARDING HOUSE. A single family dwelling, without an owner occupant, that is rented to a group of unrelated individuals. A boarding house excludes Types 1, 2, 3, and 4 Group Homes as defined in LMC 18.20.300, Use Types and Levels; hotels and motels as defined in LMC 18A.90.200, and excludes state-licensed foster homes.

BOAT RAMP OR LAUNCH. An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

BOATHOUSE, PRIVATE. An accessory building, or portion of a building, which provides shelter and enclosure for a boat or boats owned and operated only by the occupants of the premises, and which boathouse is erected on a pier or wharf and/or over a dock or docking slip.

BUILDING COVERAGE. The measurement of the gross footprint of all the structures, to include accessory and exempt structures, on a lot. The gross footprint includes all structural elements and projections of a building and includes, but is not limited to; eaves, projections, decks, balconies, elevated patios, breezeways, or canopies.

BUILDING DIVISION. The Building Division of the City of Lakewood Community Development Department.

BUILDING FACADE OR FACADE. The visible wall surface, excluding the roof, of a building when viewed from a public right-of-way or adjacent property. If more than one (1) wall is predominately visible, the walls may be considered one (1) facade for the purposes of signage. A building facade is measured in gross square feet (gsf) and does not include roof area.

BUILDING HEIGHT. The vertical distance from the average of the elevation of the natural, undisturbed topography or the pre-existing grade at all corners of a proposed structure to the highest point of the structure, in accordance with LMC 18A.50.130, Height Standards.

BUILDING LINE. A line on the comprehensive plan, zoning map, or plat, parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the provisions of this ordinance.

BUILDING OR OCCUPANCY FRONTAGE. The length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area or mall appurtenant to such building or occupancy, expressed in lineal feet and fractions thereof.

BUILDING, ATTACHED. A building or structure attached to another building or structure by an enclosed interior wall or walls and covered by a roof in common with both structures. A structure connected to another building or structure only by a roof or only by a wall is not considered attached.

BUILDING, DETACHED. A building or structure sharing no common wall with another structure, and generally surrounded by open space on the same lot. A structure connected to another building or structure only by a roof or only by a wall is considered to be a detached building.

BUILDING, PRINCIPAL. A building devoted to the principal use of the lot on which it is situated.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

BULKHEAD. A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

BUSINESS. The purchase, sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures, and premises by professions and trades rendering services.

CAMOUFLAGE. To disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

CAMPSITE. A space provided in a campground or recreational vehicle (RV) park which usually contains a table, stove, parking spur and space for a tent to accommodate a one-family group.

CANOPY. A permanent, cantilevered extension of a building that typically projects over a pedestrian walkway abutting and running along the facade of a building, with no habitable space above the canopy. A canopy roof is comprised of rigid materials.

CAR WASH. Mechanical facilities for the washing or waxing and vacuuming of automobiles, light trucks, and vans.

CARETAKER HOME. An on-site residential dwelling unit of up to two thousand (2,000) square feet providing living accommodations for an individual, together with his/her family, who is employed as a caretaker for a private home, public recreational or community facility, or commercial or industrial establishment. Caretaker units may not be a temporary structure or recreational vehicle and may not remain in residential use if no longer used for caretaker residence.

CARPORT. A covered automobile structure open on one (1) or more sides, with direct driveway access for the parking stall(s). A carport may be integrated with, or detached from the primary structure. An attached carport shall have common wall construction with the primary structure.

CARRYING CAPACITY. The level of development density or use an environment is able to support without suffering undesirable or irreversible degradation.

CATTERY. An enclosure or structure in which any combination of six or more cats that individually exceed seven months of age are kept for breeding, sale, or boarding purposes.

CELL SITE OR SITE. A tract or parcel of land that contains wireless telecommunications facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to Wireless Telecommunications Facilities (WTF).

CEMETERIES. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF CAPACITY. A document issued by a service provider indicating the quantity of capacity that has been reserved for a specific development project on a specific property.

CHANGE OF USE. A change of use shall be determined to have occurred when it is found that the general character of the use in question has been modified. This determination shall include review of but not be limited to: hours of operation, materials processed or sold, required parking, traffic generation, impact on public utilities, clientele, general appearance and location or a change in use type.

CITY MANAGER. The Administrative Director of the City of Lakewood or his/her designee.

CIRCULATION. The movement or flow of traffic from one place to another through available routes. Traffic includes a variety of modes of travel including pedestrian, motor vehicle and non-motorized methods such as bicycles.

CLEAR-VISION AREAS. A triangular area at intersections or public drives where visual obstructions are to be kept clear as directed by the City Engineer.

CLOSED RECORD APPEALS. Administrative appeals under Chapter 36.70B RCW which are heard by the City Council or Hearing Examiner, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appellate arguments allowed.

CLUSTER DEVELOPMENT. A development technique wherein home sites or structures are grouped together, with the remainder of the tract left in open space or common open space.

COFFEE KIOSK A coffee kiosk is a small stand-alone structure that provides drive-through service of limited food and beverage items. Coffee kiosks shall not include structures with cooking facilities that require a Type I hood, provide indoor customer seating, or exceed 400 square feet in size.

CO-GENERATION. The simultaneous production of electricity and heat energy. The heat is normally used onsite for industrial processes, space or water heating, or production steam. The electric power may be used onsite or distributed through the utility grid, or both. Co-generation units are normally fired with natural gas, but also may be fueled by oil, biomass or other fuels.

COHABITANTS. A group not more than five (5) persons not meeting the definition of "family," living together as a single housekeeping group in a dwelling unit.

COLLOCATION OF Wireless Telecommunications Facilities (WTF). The use of a WTF by more than one (1) service provider.

COMBINED USE BUILDING. Residential use types in combination with other use types.

COMMERCIAL ACTIVITY. Any activity carried out for the purpose of financial gain for an individual or organization, whether profit or non-profit.

COMMERCIAL VEHICLE. Any motorized vehicle over six thousand (6,000) gvw, including, but not limited to, a van, truck, truck trailer, utility trailer, tractor, grading machine, bulldozer, scraper, boat, motorized crane, or other construction equipment that is used in the operation of a business or in construction, road grading, or logging activities.

COMMON OPEN SPACE. A parcel of land or an area of water or a combination of land and water within a site designed or developed and intended primarily for the use or enjoyment of the residents of such development.

COMMUNITY DEVELOPMENT DIRECTOR. The Director of the Community Development Department of the City of Lakewood or his/her designee.

COMPREHENSIVE PLAN. The document, including maps, adopted by the City Council which outlines the City's goals and policies relating to management of growth and prepared in accordance with Ch. 36.70A RCW. The term also includes any adopted subarea plans prepared in accordance with Ch. 36.70A RCW.

CONCURRENCY. Ensuring that adequate public improvements or strategies are in place at the time of development, and the ability and financial commitment of the service provider to expand capacity or maintain the level-of-service for new development through capital improvements within a six year period as noted in the Transportation Capital Improvement Plan.

CONDITIONAL USE. A use conditionally permitted in a zoning district as defined by this code but which, because of characteristics particular to each such use, size, technological processes, equipment or, because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

CONDOMINIUM. Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.

CONSTRUCTED WETLANDS. Wetlands that are intentionally created on sites that are not wetlands for the primary purpose of wastewater or stormwater treatment. Constructed wetlands are normally considered as part of the stormwater/wastewater collection and treatment system and must be maintained, but are not the same as wetlands created for mitigation purposes, which are typically viewed in the same manner as natural, regulated wetlands.

CONTIGUOUS. Bordering upon, to touch upon, or in physical contact with.

CORRECTIONAL FACILITIES. Facilities for holding persons in custody or in detention, including county jails, state prisons, juvenile detention facilities, pre-release facilities, work release facilities, and other facilities to which a person may be incarcerated upon arrest or pursuant to sentencing by court.

COURTYARD, INTERIOR COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

COURTYARD. A courtyard is an open space usually landscaped, which is enclosed on at least three (3) sides by a structure or structures.

CROP AND TREE FARMING. The use of land for horticultural purposes.

CURB CUT. A curb cut is a depression in the curb for a driveway to provide vehicular access between private property and the street.

CURB LEVEL. Curb level for any building means the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

DANGEROUS WASTE. Any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means. Includes wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes.

DAYCARE CENTER. A daycare facility which operates in a place other than a residence, with no limitation as to the number of clients.

DAYCARE FACILITY. A building or structure in which care is regularly provided for a group of children or adults for periods of less than twenty-four (24) hours. Day care facilities include family day care homes and day care centers regulated by the Washington State Department of

Social and Health Services or successor agency, as presently defined and as may be hereafter amended (RCW 74.15, WAC 388-73-422).

DAYCARE, HOME. A daycare facility which operates in the provider's residence and is subject to a limitation on the number of clients.

DAYCARE, HOME-BASED. A daycare facility with no more than twelve (12) persons in attendance at any one time in the provider's home in the family living quarters, including immediate family members who reside in the home.

DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated by decibels.

DECIDUOUS TREE. A tree which loses its foliage annually.

DECK. A deck is a roofless, outdoors above ground platform projecting from the wall of a building and supported by piers or columns.

DEPARTMENT. The City of Lakewood Community Development Department.

DESIGN DETAILS. Architectural or building design details refer to the minor building elements that contribute to the character or architectural style of the structure. Design details may include moldings, mullions, rooftop features, the style of the windows and doors, and other decorative features.

DESIGN, Wireless Telecommunications Facilities (WTF). The appearance of WTF, including such features as their materials, colors, and shape.

DESIGNATED ZONE FACILITY. Any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC, and that is not a preempted facility as defined in RCW 70.105.010 or in Chapter 173-303 WAC. A hazardous waste treatment or storage facility is a designated zone facility.

DEVELOPMENT (for the purposes of Flood Hazard). Any constructed changes to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavator, or drilling operations.

DEVELOPMENT ACTIVITY. Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Most activities may take place in conjunction with a variety of uses.

DEVELOPMENT PERMIT. Any document granting, or granting with conditions, an application for a site plan, building permit, discretionary decision, or other official action of the City having the effect of authorizing the development of land.

DEVELOPMENT PLAN. A plan drawn to scale, indicating but not limited to, the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

DEVELOPMENT STANDARDS. Regulation of the location and size of development, including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.

DISCONTINUANCE. The abandonment or nonuse of a building, structure, sign or lot.

DISCRETIONARY PERMIT. A decision which requires special analysis or review due to the nature of the application or because special consideration was requested by the applicant.

DISTRICT. An area designated by this title, with specific boundaries, in which lie specific zones, or special purpose area as described in this title.

DOCK-HIGH LOADING AREAS. Truck maneuvering areas and loading or unloading areas associated with loading doors that are located above the finish grade.

DOCKS. A pier or secured float or floats for vessel moorage, fishing, or other water use.

DOUBLE-FRONTAGE LOT. A lot other than a corner lot with frontage on more than one (1) street.

DRAINAGE DITCH. A constructed channel with a bed, bank or sides which discharges surface waters into a major or minor creek, lake, pond or wetland.

DRIPLINE. A circle drawn at the soil line directly under the outermost branches of a tree.

DRIVE-THROUGH. A business establishment, building, or structure which, by design, physical facilities, or services or products format encourages or permits customers to access sales or services from a service window while remaining in their vehicles, with access provided by a dedicated lane or lanes incorporated into the site design.

DRIVEWAY. A paved or graveled surface a minimum of fifteen (15) feet in width that provides access via a paved apron to a lot from a public or private right-of-way.

DUPLEX. One (1) detached residential building, vertically or horizontally attached, containing two (2) dwelling units totally separated from each other by a one (1) hour firewall or floor, designed for occupancy by not more than two (2) families.

DWELLING UNIT. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or boarding house, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or

dwelling units which may be in the same structure or on the same property, and containing independent cooking, sleeping and sanitary facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An efficiency apartment, also known as a studio apartment, constitutes a dwelling unit within the meaning of this title.

DWELLING. A building or portion thereof designed exclusively for human habitation, but not including hotels or motel units.

EASEMENT. A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land for the purpose of and to protection from interference with this use by a public or private street, railroad, utilities, transmission lines, walkways, sidewalks, bikeways, equestrian trails, and other similar uses. An easement may be exclusive or include more than one (1) user.

EFFLUENT. With regard to water quality, treated or untreated liquid entering the estuary from a point source. With regard to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.

EQUIPMENT ENCLOSURE. A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

ERECT. The act of placing or affixing a component of a structure upon the ground or upon another such component.

ESCAPE. Unauthorized absence from the designated facility boundary or failure to return to such place at the appointed time after having been permitted to leave.

EVERGREEN TREE. A tree, often a coniferous tree, which retains its foliage and remains green year round.

EXCAVATE. The removal by man of sand, sediment, or other material from an area of land or water for other than commercial or industrial use.

EXTREMELY HAZARDOUS WASTE. Any waste which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic constitution of humans or other living creatures and is disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment. Those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes.

FACADE. Any portion of an exterior elevation of a building extending from the ground level to the top of the parapet wall or eaves, for the entire width of the building elevation. A front facade

is typically the facade facing the major public street(s). An entry facade is typically the facade with the primary public entry.

FAMILY. A person, or two (2) or more persons related by blood or marriage or law living together as single housekeeping unit in a single dwelling. In addition, the following uses shall be accepted as families pursuant to the requirements of state and/or federal law:

a. Adult family homes licensed pursuant to RCW 70.128.150;

b. Foster homes for the placement of the disabled, or expectant mothers in a residential setting including, but not limited to, foster family homes licensed pursuant to Chapter 74.15 RCW, community group care facilities licensed pursuant to Chapter 74.15 RCW and crisis residential centers pursuant to Chapter 13.32A RCW; and

c. Consensual living arrangements of the disabled protected pursuant to the Federal Fair Housing Act amendments.

Secure community transition facilities, as defined in Chapter 71.09 RCW, are not protected under the definition of "family."

Group Homes, Type 3, 4, and 5, as defined in LMC18A.20.300, Use Types and Levels, are not protected under the definition of "family."

(For unrelated persons residing together, see "Cohabitants.")

FAMILY HOME, FOSTER. An agency which regularly provides care on a twenty-four (24) hour basis to one (1) or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed.

FAMILY MEMBERS. Persons related by blood, marriage or adoption, including foster children.

FEDERAL INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for those areas.

FENCE, SIGHT-OBSCURING. A fence constructed of solid wood, masonry, metal or other appropriate material that totally conceals the subject use from adjoining uses.

FILL. The placement by man of sand, sediment or other material to create new uplands or raise the elevation of the land.

FINAL DEVELOPMENT PLAN. A plan or set of plans that comply with the conditions set forth in a preliminary approval and, once approved, authorizes the granting of a discretionary permit.

FLAGPOLE. A staff or pole which is designed to display a flag. A flagpole may be freestanding or attached to a building or to a private light standard.

FLEA MARKET. Arrangements whereby a person or persons sell, lease, rent, offer or donate to one (1) or more persons a place or area where such persons may offer or display secondhand or junk items.

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards applicable to the city of Lakewood have been designated as Zone A.

FLOOD INSURANCE STUDY. The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN. The area adjoining a stream, tidal estuary or coast that is subject to regional flooding. A regional (100-year) flood is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one (1) percent chance of occurring in any one (1) year in an area as a result of periods of higher than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.

FLOODPLAIN MANAGEMENT REGULATIONS. State or local regulations, and any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY, REGULATORY. The channel or the watercourse reasonably required to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, but not including attic space providing headroom of less than seven feet or basement if more than fifty (50) percent of the basement is less than grade.

FLOOR AREA RATIO (FAR). The floor area ratio of the building or buildings on any lot means the gross floor area of the building or buildings on that lot divided by the gross area of such lot.

FOOTCANDLE. A footcandle is a unit used for measuring the amount of illumination on a surface. The amount of usable light from any given source is partially determined by the angle of incidence of the source and the distance to the illuminated surface.

FREEWAY. Any section of a highway which has been declared to be a freeway by act or resolution of the competent establishing authority.

FRONTAGE ROAD. A street which is parallel and adjacent to an arterial, and which provides access to abutting properties while relieving them of the effect of street traffic access on to and from an arterial.

FRONTAGE. Frontage refers to length of a property line along a public street or right-of-way.

GARAGE. An enclosed automobile structure with direct driveway access principally for vehicular equipment such as automobiles, boats, etc., used by the tenants of the building(s). A garage may be integrated with, attached, or detached from the primary structure. See also PARKING STRUCTURE.

GAS ISLANDS. In conjunction with a motor vehicle service station or convenience commercial use providing gasoline, individual gas islands are comprised of single pumps dispensing single or various grades and types of motor vehicle fuel, or individual banks of pumps dispensing single or various grades and types of motor vehicle fuel, whether or not covered by a single canopy.

GATEWAYS. As used in these guidelines, the term gateway refers to those areas which are entranceways into the City of Lakewood and are so designated in the Lakewood Comprehensive Plan.

GEOLOGIC. Relating to the occurrence and properties of earth. Geologic hazards include but are not limited to faults, land and mudslides, and earthquakes.

GOVERNING AUTHORITY. The City Council of the City of Lakewood.

GRADE, AVERAGE. The average elevation of the undisturbed ground prior to construction at all exterior corners of the proposed structure.

GRADE, FINISHED. The finished surface of the ground, street, paving or sidewalk.

GRADE, PRE-CONSTRUCTION. Prior to any grade, fill or disturbance of soil or vegetation.

GROSS AREA. The total sum area of the lot minus public rights-of-way.

GROSS DENSITY. A calculation of the number of housing units that is allowed on a property based on the maximum density permitted.

GROSS SQUARE FEET (GSF). The sum of the total square footage of any building, lot, property or area.

GROUND COVER. Low-growing vegetative materials with a mound or spreading manner of growth that provides solid cover.

GUYED TOWER. A wireless communication support structure that is typically over 100 feet tall and is steadied by wire guys in a radial pattern around the tower.

HABITABLE FLOOR (for purposes of floods). Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

HABITABLE ROOM (for purposes of floods). An undivided enclosed space within a dwelling used for sleeping or kitchen facilities. This term does not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms or similar places.

HABITAT. The place or type of site where an organism lives; the place occupied by an entire community, such as a freshwater tidal marsh community.

HAZARDOUS SUBSTANCE. Any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter 70.105 RCW or in WAC 173-303-090, 173-303-100, 173-303-101, 173-303-102 or 173-303-103.

HAZARDOUS SUBSTANCE FACILITY BUFFER. A setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and storage facilities must maintain at least a fifty (50) foot buffer.

HAZARDOUS SUBSTANCE LAND USE. Any use which is permitted under this title and which includes a designated facility or the processing or handling of a hazardous substance.

HAZARDOUS SUBSTANCE LAND USE FACILITY. The projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.

HAZARDOUS SUBSTANCE PROCESSING OR HANDLING. The use, manufacture, compounding, treatment, synthesis or storage of hazardous substances in excess of the following amounts of cumulative quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, six hundred fifty (650) cubic feet of

gaseous hazardous substances, or equivalent combination thereof. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, WAC 173-303, and any pertinent local ordinances, such as sewer discharge standards.

HAZARDOUS WASTE. Any dangerous and extremely hazardous waste as designated pursuant to RCW 70.105, WAC 173-303, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.

HAZARDOUS WASTE FACILITY. The contiguous land and structures, other appurtenance and improvements on the land used for recycling, storing, treating, incinerating or disposing of hazardous waste.

HAZARDOUS WASTE STORAGE FACILITY. Any designated zone facility which holds hazardous waste for a temporary period not to exceed five (5) years; this does not include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

HAZARDOUS WASTE TREATMENT FACILITY. Any designated zone facility which processes hazardous waste by physical, chemical or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, OFFSITE. Any hazardous waste treatment or storage facility that treats or stores any waste that is generated off the site.

HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, ONSITE. Any hazardous waste treatment or storage facility that treats or stores only that waste that is generated on the site.

HEARING EXAMINER REVIEW. A process involving the judgment and discretion of the Hearing Examiner in applying specific decision criteria and other requirements unique to a particular use in the approval of an activity permitted, or permitted conditionally, within a zoning district.

HEARING EXAMINER. A person appointed by the City to carry out the functions authorized under LMC 18A.02, Administration, and Chapter 35A.63 RCW.

HOLIDAY DECORATIONS. Temporary messages, displays, lighting, or decorations celebrating national, state, local, ethnic, and religious holidays or holiday seasons.

HOME OCCUPATION. Any occupation, profession or lawful commercial activity carried on by a resident living on the premises, and in which said activity is secondary to the use of the dwelling for living purposes, provided that the occupation or profession meets the requirements of LMC 18A.70.250.A and C.

HOME OCCUPATION, LIMITED. Any occupation, profession or lawful commercial activity carried on entirely within the dwelling, solely by a resident living on the premises, and which said activity is secondary to the use of the dwelling for living purposes; provided that the limited home occupation meets the requirements of LMC 18A.70.240.A-B.

HOMEOWNERS' ASSOCIATION. An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner is automatically a member, and, each lot is automatically subject to a charge for a proportionate share of the common property, and, a charge, if unpaid, becomes a lien against the property.

HORTICULTURE. The cultivation of plants, garden crops, trees and/or stock.

HOTEL. A single building or a group of detached or semi-detached buildings containing six (6) or more guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers for a period not to exceed thirty (30) days.

HUMAN SCALE. The size of a building element or space relative to the dimensions and proportions of a human being.

IMPERVIOUS SURFACE. A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, grasscrete, and oiled, macadam or other surfaces, which similarly impede the natural infiltration of surface water. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

INCIDENTAL USE. A use that is in conjunction with, and smaller than the main part of a facility or use.

INCOMPATIBLE USES. For the purpose of community design, incompatible uses are those uses, including, but not limited to, outdoor storage, utilities equipment and apparatus, and loading and service facilities, which are considered to be visually intrusive, unsightly and which require site design and screening to mitigate the negative impacts to retail, service and office commercial uses and residential development.

INDUSTRIAL PRETREATMENT FACILITY. Treatment devices and structures used for the treatment of industrial wastewater prior to being released into a wastewater collection or conveyance system.

INTERIOR LOT AREA. Any area of a lot that is not within a required perimeter or buffer area.

JUDICIAL APPEALS. Appeals filed by a party of record in Pierce County Superior Court.

KENNEL. An enclosure or structure in which any combination of six (6) or more dogs that individually exceed seven (7) months of age are kept for breeding, sale, training, boarding, or sporting purposes.

KITCHEN. Any room or rooms, or portion of a room or rooms, used or intended or designed to be used for cooking or the preparation of food.

LAKE. A natural or artificial body of water of two (2) or more acres or where the deepest part of the basin at low water exceeds two (2) meters. Artificial bodies of water with a recirculation system approved by the City Engineer are not included in this definition.

LANDFILL, DEMOLITION. A solid waste facility for the permanent disposal of demolition wastes resulting from the demolition or razing of buildings, roads and other man-made structures, consisting of, but not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel and minor amounts of other materials. Plaster or other materials likely to produce leachate is not demolition waste.

LANDFILL, INERT. A solid waste facility for the permanent disposal of inert materials which are non-combustible and non-dangerous wastes likely to retain their physical and chemical structure including resistance to biological and chemical attack from acidic rainwater.

LANDFILL, MUNICIPAL SOLID WASTE. A solid waste facility for the permanent disposal of mixed household, commercial or industrial waste from municipal sources delivered by hauling companies or self-hauled by residents or businesses.

LANDFILL, SPECIAL WASTE. A solid waste facility for the permanent disposal of one (1) specific type of waste of limited, known and consistent composition such as an ash monofill, a landspreading disposal facility for biosolids, problem waste landfill or any facility which is not previously defined but is permitted with a state solid waste permit as a "limited purpose landfill."

LANDFILL, WOOD WASTE. A solid waste facility with two thousand (2,000) or more cubic yards of capacity for the permanent disposal of wood waste which does not contain chemical preservatives. This does not include wood waste landfills on forest lands regulated under the state Forest Practices Act but does include facilities which use wood waste as a component of fill.

LANDFILL. A solid waste facility for the permanent disposal of solid wastes in or on the land which requires a solid waste permit under RCW 70.95.

LANDSCAPING. Vegetative cover including shrubs, trees, flowers, ground cover and other similar plant material.

LARGE-SCALE COMMERCIAL FACILITIES. Principal, anchoring retail use integrated with other commercial or services uses under common ownership or use exceeding 100,000 square feet of cumulative gross floor area. For this purpose, "under common ownership or use" shall mean a single establishment which shares checkstands, management, a controlling ownership interest, or storage areas, e.g., a hardware/nursery, pharmacy, and/or grocery component associated with a general merchandise store.

LATTICE TOWER. A support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

LOADING SPACE, OFF-STREET. In space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such deliveries when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOCAL ROAD OR STREET. A road or street which is used or intended to be used primarily for providing access to abutting properties.

LOT. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, and developed or built upon as a unit. The term shall include "tracts" or "parcels".

LOT AREA. The total area, in gross square feet (gsf), within the lot lines of a lot, excluding right-of-way. For the purposes of flood regulations, any portion of a lot lying below the ordinary high water mark or lawfully constructed bulkhead shall not be included in a lot area calculation.

LOT COVERAGE. The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

LOT DEPTH. The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

LOT LINE. The property line bounding a lot.

LOT LINE, FRONT. Normally, the property line separating the lot from the street, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit shall be independent of access to the parcel. In the case of a corner lot, the front lot line shall be the property line with the narrow dimension adjacent to the street.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line and which is in the same plane and runs parallel to the front lot.

LOT LINE, INTERIOR. Any property line which is neither a front nor a rear lot line.

LOT OF RECORD. A lot that is part of a subdivision recorded, pursuant to statute, with the Pierce County Auditor, or a legally created lot under state and local subdivision on regulations in effect at the time of creation or a lot described by metes and bounds, the description of which has been so recorded.

LOT, BUILDABLE. A legal lot which is proposed for use in compliance with this title, and has received approval of the water supply and sewage disposal method as appropriate to such use.

LOT, CORNER. A lot of which at least two (2) adjacent sides abut streets other than alleys.

LOT, CUL-DE-SAC. A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac.

LOT, FLAG. A flag lot is surrounded by abutting lots with an extended access way to a street right-of-way.

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH. An interior lot having frontage on two (2) streets, and which is not a corner lot.

LOT, WIDTH. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines, except that portion of a flag lot that usually forms an extended access way to a street right-of-way.

LOWEST FLOOR. For flood purposes, any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a lowest floor.

LUMEN. A lumen is a unit used for measuring the amount of light energy given off by a light source.

MAINTENANCE. Routine upkeep of existing structure or facilities which are in current use or operation.

MAJOR COMMERCIAL OR EMPLOYMENT CENTERS. An integrated planned development within the NC2, CBD, SD, C1, C2, IBP, I1, and I2 zoning districts with contiguous ownership larger than 12 acres in size. Contiguous properties under separate control, but which function as an integrated center and when combined are larger than 12 acres in size, may be considered a major center.

MANUFACTURED HOME PARK. A tract of land that was permitted, designed, and maintained under a single ownership or unified control where two (2) or more spaces or pads are provided solely for the placement of manufactured homes for residential purposes with or

without charge. A manufactured home park shall not include manufactured home subdivisions or recreational vehicle parks.

MANUFACTURED HOME SPACE. An apportioned piece of land within a park designed to accommodate a single manufactured home, also known as a "pad."

MANUFACTURED HOME. A factory-assembled structure that was constructed in accordance with the 1976 or later HUD federal Manufactured Housing Construction and Safety Standards Act in effect at the time of construction, and displays the appropriate HUD or Department of Labor and Industries label,

a. is suitable for movement along public highways;

b. is intended solely for human habitation; and

c. has sleeping, eating and plumbing facilities.

Manufactured homes do not include modular homes or recreational vehicles as herein defined. For the purpose of flood hazard regulations only, a manufactured home is a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers that are placed on a site for more than one hundred eighty (180) consecutive days.

MAP. A representation, usually on a flat surface, of the whole or part of an area.

MARINA. Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial and fishing vessels. They are differentiated from docks and moorages by their larger scale, the provision of significant shore or land-side services and/or the use of a solid breakwater (rock, bulkheading, etc.).

MAXIMUM DENSITY. The maximum number of dwelling units allowed per gross acre (dua), excluding accessory dwelling units.

MEAN HIGH WATER (MHW). The average height of all high waters over a nineteen (19) year period.

MINI-WAREHOUSE. A facility consisting of separate storage units which are rented to customers having exclusive access to their respective units for storage of residential or commercial oriented goods. No business is conducted out of storage units.

MITIGATE. To alleviate the negative impacts of a particular action.

MITIGATION. Any action that, to some degree, softens the impact of development on critical or sensitive areas. This may include all or any one of the following actions:

a. avoiding the impact altogether by not taking a certain action or parts of an action;

b. minimizing impacts by limiting the degree or magnitude of an action and its implementation;

c. rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. reducing or eliminating the impact over time by preservation and maintenance operations; and

e. compensating for the impact by creation, restoration, or enhancement of critical or sensitive areas to maintain their functional processes, such as natural biological productivity, habitat, and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.

MOBILE HOME PAD. That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or addition.

MOBILE HOME PARK. An area under one (1) ownership designed to accommodate ten or more mobile homes (see Manufactured Home for definition of mobile home).

MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed prior to June 15, 1976 and/or does not conform to [HUD] Manufactured Housing Construction and Safety Standards Act. Mobile home does not include recreational vehicles. The appropriate HUD or Department of Labor and Industries label is displayed.

MOBILE TRANSMISSION FACILITY. A movable, non-stationary transmission facility that contains wireless telecommunications equipment including any antenna, support structure, accessory structures, and may include other uses associated with and ancillary to wireless telecommunications facilities.

MOBILE VENDING. Any for-profit or non-profit business selling food and/or drink at or adjacent to the vehicle or cart in which such items are carried and/or prepared. This definition shall not include businesses providing or offering to provide scheduled delivery of food products to individual residences.

MODERATE RISK WASTE FIXED FACILITY. A solid waste transfer facility needing a state solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators that are businesses which generate hazardous

waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations (RCW 70.105).

MODERATE RISK WASTE. Those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

MODIFICATION. The changing of any portion of a wireless telecommunications facility from its description in a previously approved permit, excluding routine maintenance and repair. Examples include, but are not limited to, changes in design or structure, changes in the heights of towers or monopoles, changes in any accessory structures or appurtenances that are affiliated with or support a wireless telecommunications facility.

MODULAR HOME. A detached dwelling that is designed for human habitation, is either entirely or substantially prefabricated at a place other than a building site, and is constructed or installed on the site in accordance with the UBC and bearing the appropriate insignia indicating such compliance. Modular homes are also commonly referred to as "prefabricated", "panelized," or "factory-built" units.

MODULATION. A stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth as a means of breaking up the apparent bulk of a structure's continuous exterior walls.

MONOPOLE TOWER. A support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

MOORAGE. Piling or a dock, or both, used to secure a boat or barge.

MOTEL. A building or group of buildings on the same lot, containing units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to transients and guests for compensation.

MOTOR VEHICLE. Motor vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway except for mopeds, bicycles and other devices moved by human or animal power or used exclusively upon stationary rails or tracks.

MOTOR VEHICLE SERVICE OR REPAIR. Those establishments engaged in fixing, engine tune-up, adjusting lights or brakes, or supplying and installing replacement parts of or for passenger vehicles and trucks.

MOTOR VEHICLE SERVICE STATION. Any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for automobiles at retail direct to the customer.

MOUNT. The structure or surface upon which wireless telecommunications facilities are mounted. There are three (3) types of mounts:

a. Building mounted. A wireless telecommunications facility mount fixed to the roof or side of a building.

b. Ground mounted. A wireless telecommunications facility mount fixed to the ground, such as a tower.

c. Structure mounted. A wireless telecommunications facility fixed to a structure other than a building, such as light standards, utility poles, water towers, and bridges.

MULTIFAMILY DESIGN REVIEW. An administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.

MULTIFAMILY DWELLING. Multiple residential units within a single residential structure, or multiple residential structures, which provide separate living accommodations for multiple individuals or families. Multifamily dwelling units are typically under common ownership and management but may be separately owned condominium units on a commonly owned parcel or cooperatively owned.

MURAL. A picture on an exterior surface of a structure. A mural is a sign only if it is related by text, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

NATURAL AREAS. All or portions of a parcel of land undisturbed by development and maintained in a manner which preserves the indigenous plant materials.

NEIGHBORHOOD PARK OR PLAYGROUND. An area for recreational activities, such as but not limited to field games, court games, crafts, playground apparatus area, skating, walking, viewing, picnicking, wading pools, swimming pools.

NET ACREAGE. The buildable area after the area of street right-of-way has been subtracted.

NOISE LEVEL REDUCTION (NLR). Difference in noise level from outside to inside of the building. NLR is a difference, in decibels, between A-weighted sound levels; it depends primarily on the nature of the walls, ceilings, windows, doors and vents and, to a lesser extent, on the amount of sound-absorbing material in the room in which the sound is received. It shall be measured, if so required, by the building official, in a completed and furnished building by application of the testing procedure described in this section.

NONCONFORMING LOT. A lot which does not conform to the design or density requirements of the zoning district in which it is located. A non-conforming lot is a lot that was legal when it was created but no longer meets the current area, width, or depth dimensional requirements for the zoning district in which the property is located. Nonconforming lots may be occupied by any permitted use in the district, provided that all other development regulations in effect at the time of development must be met.

NONCONFORMING STRUCTURE. A nonconforming structure is one which was lawfully erected in conformance with the regulations in effect at the time of its construction but which no longer conforms to current development standards including, but not limited to design, height, setback or coverage requirements of the zoning district in which it is located. A structure shall not be considered non-conforming for the purposes of this code if the only nonconforming aspect is failure to comply with the Chapter 18A.50.200, Community Design Standards.

NONCONFORMING USE. The use of land, a building or a structure lawfully existing prior to the effective date of this title or subsequent amendments thereto, which does not conform with the regulations of the district in which it is located.

NONCONFORMITY. Any land use, structure, lot or sign legally established prior to the effective date of this title or subsequent amendment, which is no longer permitted by or in full compliance with the regulations of this title.

NON-PROJECT ACTION. A decision on a policy, plan or program, which is not related to a specific project and/or which affects a significant portion of or the City of Lakewood in its entirety, including but not limited to the adoption or amendment of the comprehensive plan, development regulations, and/or subarea plans, zoning of newly annexed land, area-wide rezones, and zoning map amendments, except for site specific rezones authorized by the comprehensive plan.

NON-VEGETATIVE GROUNDCOVER. Bark mulch, gravel and other nonvegetative materials that promote vegetative growth by retaining moisture or preventing weeds.

NON-WHIP ANTENNA. An antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.

NOXIOUS MATTER. Materials that are capable of causing injury to living organisms by chemical reaction or are capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.

NURSERY, HORTICULTURAL. A place where trees, shrubs, vines, etc. are propagated for transplanting or for use as stocks for grafting and where such flora can be sold.

NURSING HOME. A multi-unit or multi-bed facility that are licensed or approved to provide living accommodations and round-the-clock health car and medical supervision.

OCCUPANCY. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

OCCUPANT. A person, family, group, or organization who is using or living in a particular building, apartment, or room.

ODOR CONTROL STRUCTURE. Equipment or structures appurtenant to wastewater conveyance facilities used to lessen the odors of the liquids being transported.

OFFICIAL CONTROLS. Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan.

OFFICIAL MAP. Maps that show the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

OFF-SITE. With respect to mitigation, an area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

OFFSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility which treats or stores wastes that are generated off the site.

ON-SITE. With respect to mitigation, an area adjacent to or near the impact area that offers a reasonable opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

ONSITE HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY. Any hazardous waste treatment or storage facility that treats or stores only those wastes that are generated on the site.

OPEN HOUSE. A temporary real estate event where a property owner or his representative opens a structure or structures on one or more contiguous Pierce County Assessor's tax parcels with single or the same ownership, to be inspected by the general public for the sole purpose of sale, rent, or lease of a structure thereon.

OPEN RECORD HEARING. A hearing held by a decision-making body who is authorized by the city to conduct such hearings, that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution.

OPEN SPACE. Land used for farm or forest uses, and any land area that would, if preserved and continued in its present use:

a. Conserve and enhance natural or scenic resources;

b. Protect air or streams or water supply;

c. Promote conservation

d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature preservations or sanctuaries or other open space.

ORDINARY HIGH-WATER MARK. That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this title, or as it may naturally change thereafter; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark shall be the line of mean high water.

ORNAMENTAL TREE. A tree that is either a conifer or deciduous tree that is accessory, decorative, enhance and accent the general landscaping of the site. Ornamental trees are generally between eight (8) and twenty (20) feet tall at maturity.

OUTSIDE STORAGE. All or part of a lot which is used for the keeping of materials, vehicles or products in an open, uncovered yard or in an unwalled building. Such materials may include tractors, backhoes, heavy equipment, construction materials and other similar items.

OVERLAY DISTRICT. A defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are in addition to those of the underlying zoning district.

OWNER. The owner of record of real property as shown on the tax rolls of the Pierce County Assessor, or a person who is purchasing a piece of property under contract.

OWNER OCCUPANT. A property owner, as reflected in title records, that makes his or her legal residence at the site, and actually resides at the site more than six months out of any given year.

OWNERSHIP. The existence of legal equitable title to land.

PACKAGE WASTEWATER TREATMENT PLANT. A pre-assembled factory built treatment plant.

PARAPET WALL. That portion of a vertical building wall that extends above the roof of the building.

PARCEL. A lot or plot of land proposed or created in accordance with this Code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of the date of incorporation of the City of Lakewood shall be used to establish what is a parcel for the purposes of this Code. For parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control.

PARKING AREA. An area accessible to vehicles, which area is provided, improved, maintained, and used for the sole purpose of accommodating a motor vehicle.

PARKING SPACE. Any off-street surface area of not less than fifteen (15) feet by eight (8) feet in size, exclusive of maneuvering and access area, permanently reserved for the storage or parking of one (1) vehicle, and connected with an access which affords ingress and egress for vehicles.

PARKING STRUCTURE. A building or structure consisting of more than one (1) level, above and/or below ground with one (1) or more common entrances, and used for the parking and/or temporary storage of motor vehicles.

PARKING, SURFACE. An off-street, ground level open area, usually improved, for the parking and/or temporary storage of motor vehicles.

PARKS AND CAMPGROUNDS. A developed area devoted to overnight temporary use for vacation, and/or recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed commercial uses such as retail stores or gas stations.

PARTIES OF RECORD. Persons with legal standing with respect to an application including the applicant, property owner as identified by the records available from the Pierce County assessor's office, or any person who testified at the open record public hearing on the application and/or; Any person who submitted written comments during administrative review or has

submitted written comments concerning the application at the open record public hearing, excluding persons who have only signed petitions or mechanically produced form letters.

PASSIVE RECREATION. An outdoor leisure time activity which usually occurs in a natural or designed urban setting. Passive recreation may occur in common open lawn areas and, where determined appropriate, critical area buffers, aquifer recharge and flood water storage areas. Activities may include picnicking, sightseeing, walking, hiking, biking, horseback riding, and nature walks. Accessory structures associated with passive recreation include: Playground equipment, picnic shelters and tables, barbecue pits, exercise stations, restroom facilities, benches, directory signs, garbage containers, and landscaped areas.

PASSIVE RESTORATION. The use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

PATIO. A recreation area adjoining a dwelling which is often paved or a wood platform of thirty (30) inches or less above finished grade.

PEDESTRIAN-ORIENTED FACADES. Facades that feature one (1) or more of the following characteristics:

a. Transparent window area or window displays along at least half the length of the ground floor facade.

b. Sculptural, mosaic or bas-relief artwork along at least half the length of the ground floor facade.

c. Pedestrian-oriented space, as defined below.

d. Other measures that meet the intent of the criteria, as approved in conjunction with overall design review approval.

PEDESTRIAN-ORIENTED SPACE. An area between a building and a public street or another building that promotes visual and pedestrian access onto the site and that provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space. Pedestrian-oriented spaces include but are not limited to outdoor plazas, arcades, courtyards, seating areas, and amphitheaters. Pedestrian-oriented spaces have:

a. Visual and pedestrian access, including handicapped access, into the site from the public right-of-way.

b. Special textured paved walking surfaces of either concrete or approved unit paving.

c. On-site or building-mounted lighting providing at least four (4) footcandles (avg.) on the ground.

d. Seating; at least four (4) feet of seating area (bench, ledge, etc.) or one (1) individual seat per sixty (60) square feet of plaza area or open space.

e. Landscaping, including trees and seasonal plantings, that defines the space but does not act as a visual barrier to views from the street or adjacent buildings.

f. Site furniture, artwork or amenities such as fountains, kiosks, etc.

g. Pedestrian weather protection or other enclosure, such as an arcade or gazebo.

Generally, pedestrian-oriented spaces shall not have:

a. Asphalt or gravel pavement.

b. Adjacent unscreened parking lots.

c. Adjacent chain-link fences.

d. Adjacent "blank walls" without "blank wall treatment".

PEDESTRIAN-ORIENTED USE. A commercial use whose customers commonly arrive on foot, or where signage, advertising, window display and entryways are oriented toward pedestrian traffic on a public sidewalk. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks (except drive-through windows), and similar establishments.

PENNANT. A tapered flag having a distinctive triangular form. (See FLAG and STRING PENNANTS)

PERFORMANCE STANDARDS. Criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERSON. Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other person or combination acting as a unit, with legal rights and duties, whether acting by themselves or by a servant, agent, employee, or guardian.

PERSONAL WIRELESS SERVICE, PERSONAL WIRELESS SERVICE FACILITIES, AND FACILITIES. (see Wireless Telecommunications Facility).

PILING. Wood, concrete or steel posts driven into the bottom in aquatic areas either as mooring devices or to support a dock, float, range marker, or other structure.

PLAT. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other division and dedications.

PLAT, PRELIMINARY. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the City subdivision regulations and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

PLAT, SHORT. A legally recorded map or drawing which subdivides a parcel of ground into four (4) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership.

PLAZA. A pedestrian space that is available for public use and is situated near a main entrance to a building or is clearly visible and accessible from the adjacent right-of-way. Typical features include special paving, landscaping, lighting, seating areas, water features, and art.

POST OFFICE, BRANCH. A government operated subdivision of a main post office serving as a base for one (1) or more carrier routes and providing customer postal service.

POST OFFICE, CONTRACT STATION. A privately operated, limited-service postal facility carried on as adjunct to a principal business or use.

PREEMPTED FACILITY. Any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in Chapter 173-303 WAC. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations:

a. Landfill,

b. Incineration,

c. Land treatment,

d. Surface impoundment to be closed as a landfill, or

e. Waste pile to be closed as a landfill.

PRE-EXISTING WIRELESS TELECOMMUNICATIONS FACILITY (WTF). Any wireless telecommunications facility for which a building permit and/or development permit has been properly issued prior to the date of adoption of this ordinance, including permitted Wireless Telelcommunications Facilities (WTFs) that have not yet been constructed, so long as that permit or approval has not expired.

PRELIMINARY APPROVAL. An approval, based upon an application and conceptual plan for a Discretionary Land Use Permit, granted by the Director or Examiner which sets forth certain conditions.

PRESCHOOL. An establishment providing exclusively educational programs for prekindergarten or preschool children, but excluding daycare uses as specified in LMC 18A.20.400, Use Types and Levels.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PROCESSING OR HANDLING OF A HAZARDOUS SUBSTANCE. The compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.

PROJECT ACTION. Any action taken or activity performed in conjunction with a development or to make a use possible, on a specific site or within a defined geographic area. Project actions do not in and of themselves constitute or result in a specific use. A project action involves a decision on a specific project located in a defined geographic area, such as agency decisions to license, permit, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract, or to purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

PROJECT PERMIT. Any land use or environmental permit or license required from the City of Lakewood for a project action, including but not limited to building permits, site development permits, grading or other land preparation permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan review, site specific rezones authorized by the comprehensive plan and other discretionary or administrative land use permits or approvals; but excluding adoption or amendment of the comprehensive plan and development regulations, zoning of newly annexed land, area-wide rezones, and zoning map amendments except as otherwise specifically included above in this definition.

PROPERTY MANAGER. A person or firm charged with the management of land and buildings as a business including renting of property, and keeping the premises and buildings in good condition.

PROPERTY LINE ADJUSTMENT. The relocation of a common property line between two (2) abutting properties.

PROVIDER. A corporation, company, association, joint stock company, firm, partnership, sole-proprietorship, limited liability company, other entity or individual which provides telecommunications services through the use of wireless telecommunications facilities.

PUBLIC ACCESS. Public access to shoreline and aquatic areas either may be achieved through

a. direct physical access to shoreland and aquatic areas (i.e. boat ramps);

b. aesthetic access (i.e. viewing opportunities); and

c. other facilities providing some degree of access to shorelands and aquatic areas.

PUBLIC FACILITIES. Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, storm waste facilities, parks and recreational facilities and schools. Such facilities include, but are not limited to, water supply electric power, gas and transportation of persons or freight.

PUBLIC GAIN. The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

PUBLIC MEETING. An informal or formal meeting, workshop, or other public gathering of persons to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision, but is not an open record hearing.

PUBLIC ON-SITE OPEN SPACE. A space that is accessible to the public at all times, predominantly open above, and designed specifically for use by the general public as opposed to serving merely as a setting for the building.

PUBLIC OR SEMI-PUBLIC USE. A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, child care centers, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section.

PUMP/LIFT STATION. The part of a water collection or distribution system that raises water from a lower to a higher elevation.

QUALIFIED ARCHITECT OR ENGINEER. An architect or engineer registered in the state of Washington who, by reason of his/her training and experience, is considered qualified to pass judgment on acoustical design, materials, and methods of construction for the attenuation of noise. The qualifications of the architect or engineer relative to acoustical design must be reviewed and found to be acceptable by the building official.

QUEUING. Specified area for vehicles awaiting service in a drive-through facility, which may include not only the space between point of ingress and the point of service, but also, where applicable, points of service internal to the drive-through operation. Where a drive-through contains not just one but separate points of ordering, payment, and/or receipt of goods, queuing is considered to apply in between all three points as well as between the ingress point and initial point of service. "Queuing" may be used interchangeably with "stacking."

RECIDIVISM. A condition that results when an offender who has served a period of incarceration is subsequently released from confinement and commits a new crime. As applied herein, a recidivating event is any event that results in the filing of criminal charges in any court of competent jurisdiction; or when an offender is administratively adjudicated and judged to have violated the terms of supervision or confinement in a manner that, had he or she been prosecuted in court, would have been equivalent to a misdemeanor, gross misdemeanor or felony crime in the state of Washington. Administrative adjudications are those conducted by DOC, the Indeterminate Sentence Review Board, their successors or their surrogates. Recidivating events include any criminal conduct including those which occur within the Type 4 Group Home.

RECORDED. Unless otherwise stated, filed for record with the Auditor of the County of Pierce, State of Washington.

RECREATION. The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

RECREATIONAL VEHICLE PARK. A plot of ground upon which two (2) or more recreational vehicles are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, education or vacation purposes.

RECREATIONAL VEHICLE. A camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit.

RECYCLING CENTER. A center for the receiving and storage of recyclable materials such as paper, glass and aluminum. The center would receive materials from the general public. This use may involve some outside storage.

RECYCLING COLLECTION SITE. A site with collection boxes or other containerized storage where citizens can leave materials for recycling.

REHABILITATION. Infrequent, extensive repair of more than routine nature to existing structures or facilities which are in current use or operation.

RELIGIOUS ASSEMBLY. An establishment whose principal purpose is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, which may include accessory uses in the main building or in separate buildings or structures such as religious educational class rooms, assembly rooms, library or reading room, recreation hall, and a single dwelling unit for caretaker or clergy and his/her immediate family.

REMOTE SWITCHING UNIT. A device or group of devices in a telephone system having the necessary equipment for terminating and interconnecting subscribers' lines, farmer lines, toll lines and inter-facilities trunks, normally dependent on one (1) or more Central Office Switching Units for full operability.

REPLAT. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

RESORT. Any area of land or water used for open land commercial or private recreation where overnight lodging, meals and related tourist services are provided in conjunction with such recreational use.

RETAIL TRADE. The sale or rental of goods and merchandise for final use or consumption.

REVEGETATION. The planting of vegetation to cover any land areas which have been disturbed during construction.

RIGHT-OF-WAY. Land owned, dedicated or conveyed to the public, used primarily for the movement of vehicles, wheelchair, bicycle, and pedestrian traffic. Right-of -way may also include land privately owned, provided that such land has been developed and constructed in compliance with all applicable laws and standards for a public right-of-way.

RIPARIAN. Of, pertaining to, or situated on the edge of the bank of a river, stream or other body of water.

RIPRAP. A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.

ROOM. Any space in a building enclosed or set apart by a partition or partitions which is habitable and shall be deemed to apply to any room used as a bedroom, a dining room, a living room, a sitting room, a parlor, a kitchen, a sewing room, a library, a den, a music room, a dressing room, a sleeping porch, a sun room, a sun porch, a party room, a recreation room, a breakfast room, a study, and similar uses.

ROWHOUSE. A three-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

SALVAGE YARD OR JUNKYARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

SCREENING. Placement of a wireless telecommunication facility such as a tower or mount among trees or other appropriate vegetation to provide a natural, aesthetic appearance to the location of such wireless telecommunication facility.

SECONDARY USE. A use subordinate to the principal or primary use of the property, such as commercial, residential, or industrial uses allowed in each zoning district, etc.

SECONDHAND DEALER. Any person engaged, in whole or in part, in the business of buying, selling, trading, or otherwise transferring for value, secondhand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.

SECONDHAND PROPERTY/GOODS. Any and all used or secondhand goods or items of personal property which can be used again for the purpose for which they were originally intended, including, but not limited to, valuable items such as coins with a value greater than their face value, precious metals, precious stones and jewelry.

SECURITY BARRIER. A wall, fence, or berm that has the purpose of securing a wireless telecommunications facilities wireless service facility from unauthorized entry or trespass.

SEPTAGE. A semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

SERVICE AREAS. Service areas refer to areas, enclosed or open, that contain equipment and uses such as ground level mechanical equipment, utility vaults, loading zones, outdoor storage areas, and trash and recycling areas.

SERVICE PROVIDER. The department, district or agency responsible for providing the specific public facility or service.

SERVICE USES OR ACTIVITIES. A business which sells the knowledge or work of its people rather than a tangible product.

SETBACK. The minimum required distance, measured from the wall line of any structure and a specified line such as a property line or buffer line that is required to remain free of structures unless otherwise provided in this title.

SEWAGE SYSTEM, ON-SITE. Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or on adjacent or nearby property under control of the user where the system is not connected to a public or approved private sewer system.

SEWAGE COLLECTION SYSTEM. Pipelines, culverts, and appurtenances which transport wastewater and sewage from points of origin to wastewater treatment plants, or which convey treated wastewater to points of discharge.

SHADING VEGETATION. Vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in LMC 18A.50.400, Landscaping.

SHED, STORAGE. A structure in which possessions are kept for future use and which is constructed on the owner's property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial production or retail sales activities.

SHOPPING CENTER. A retail shopping area designed as a unit, with a minimum of six (6) tenant spaces, and which uses a common parking area.

SHORELINE. The boundary between a body of water and the land, measured on tidal waters at the landward limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water; and on non-tidal waterways at the ordinary high water mark.

SHORELINE STABILIZATION. The protection from erosion and sloughing of the banks of tidal or non-tidal streams, rivers or lakes by vegetative or structural means:

a. Vegetative shoreline stabilization is the use of lands that anchor the soil to prevent shoreline erosion and sloughing.

b. Structural shoreline stabilization is the use of riprap, bulkheads, sea walls, or other non-vegetative material to prevent shoreline erosion.

SIGNIFICANT TREE. An existing tree which, when measured at four and one-half (4 1/2) feet above ground

a. has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;

b. has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,

c. Regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.

SINGLE FAMILY ATTACHED DWELLING. A single-family residential structure that is structurally attached to another single-family residential structure and provides living accommodations for an individual or family. Attached dwelling units may be separate structures located on individual lots or on a commonly owned parcel.

SINGLE FAMILY DETACHED DWELLING. A residential dwelling unit that is not attached to another residential dwelling unit by any means and provides living accommodations for a single individual or family. Dwelling units shall be separately located, with a maximum of one (1) dwelling unit per individual lot.

SITE PLANNING. Site planning is the arrangement of buildings, driveways, sidewalks, public open spaces, landscaping, parking, and other facilities on a specific site.

SKATING RINK. A commercial facility wherein the rental of skating equipment occurs and an enclosed skating surface for private or public use is provided.

SLOPE LINE. The line perpendicular to the contour lines crossing the property.

SOIL. Soil means the surface layer of earth supporting plant life.

SOLID WASTE INCINERATOR. The processing of solid wastes by means of pyrolysis, refuse-derived fuel or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional-scale operations and does not include solid waste incineration which is accessory to an individual principal use.

SOLID WASTE TRANSFER STATION. The transfer of solid waste materials from route collection trucks to larger capacity semi-trailers for transport to a solid waste disposal site. The transfer activities would be conducted entirely within an enclosed structure. The use may involve a service area for the repair and maintenance of trucks and an outside parking area for trucks.

SOLID WASTE. All wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants, seepage from septic tanks, wood wastes, dangerous wastes, and problem wastes.

SOUND ABSORPTION. Capacity of the materials and furnishings in a habitable room to absorb sound.

SOUND LEVEL. In decibels, the quantity measured by an instrument that satisfies American National Standard Specification for Sound Level Meters, S1.4-1971, or the most recent revision thereof. Sound level is understood to be measured with the A-weighted filter and slow response of the instrument.

SOUND TRANSMISSION CLASS (STC) OF A PARTITION. A single figure rating of the sound-isolating properties of a partition, which takes into account the relative importance of the sound transmission loss of the partition at different frequencies. The determination of the sound transmission class of a partition is described in "Determination of Sound Transmission Class," American Society for Testing and Materials, Designation E413-73.

SOUND TRANSMISSION LOSS OF A PARTITION. A measure of the sound-isolating properties of a wall, floor, ceiling, window or door, that is characteristic of the partition itself and not the room of which it is part. The determination of sound transmission loss of a partition, in the field, is described in "Measurement of Airborne Sound Isolation in Buildings," American Society for Testing and Materials, Designation E336-71 or the latest revision thereof.

SPORTING VEHICLE. A motor- or wind-powered device used in or on the water or off normal public roads for recreational or sporting purposes.

STABILIZATION. The process of controlling or stilling the movement of sand and eroding soil by natural vegetative growth, planting of grasses and shrubs, or mechanical means such as wire net or fencing.

STACKING SPACE. The space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to and away from the business establishment.

STORAGE. The parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a location for more than 72 hours or the use of a site for the parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a reoccurring or routine manner, regardless of the time interval.

STORMWATER CONVEYANCE FACILITIES. Features such as gutters, pipelines, culverts, manholes, weirs, man-made and natural channels, water quality filtration systems and drywells that convey stormwater.

STORMWATER MULTIPLE USE FACILITIES. Stormwater pond facilities that are also developed to allow uses such as parks, recreational, educational and research structures and activities.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STREAMBANK ALTERATION. Realignment of a stream bank or the entire stream, either within or without its normal high water boundaries.

STREAM BANK, TOP OF. That line along the highest elevations at the top of a slope above a channel or stream, where the slope changes to less than ten (10) percent.

STREET FURNITURE. The objects placed on or near a sidewalk for use, convenience or enjoyment primarily by pedestrians such as benches or other seating arrangements, trash receptacles, mail and newspaper boxes, kiosks, light poles, and art objects.

STREET TREE FUND. A fund established by ordinance for the purpose of allowing the transfer of street improvements including street trees, landscaping and urban design features such as sidewalks and street furniture from one site to another.

STREET TREE. A species of tree approved by the City of Lakewood to be planted along street frontages in accordance with the provisions of LMC 18A.50.400, Landscaping.

STREET WALL. The construction of buildings adjacent to the edge of the sidewalk and which abut each other or are in very close proximity to one another, to create the effect of a continuous wall of building facades along the sidewalk at the property lines.

STREET, CUL-DE-SAC. A street having only one (1) outlet for vehicular traffic, with a turnaround at the closed end and which is not planned to be extended or continued to serve future subdivisions or development on adjacent lands.

STREET, STUBBED. A street having only one (1) outlet for vehicular traffic which is constructed to the edge of a property line, and which is to be extended or continued to serve future subdivisions or development on adjacent property.

STREET. A public access way located within a thirty (30) feet right-of-way that was created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land and includes the terms road, highways, lanes, avenue, or similar designation.

STREETSCAPE. The streetscape is the visual character and quality of a street as determined by various elements located between the edge of the street and the building face, such as trees and other landscaping, street furniture, lighting, artwork, transit stops, signage, utility fixtures and equipment, and paving treatments. Where there are frequent and wide spaces between buildings, the streetscape will be defined by the pattern of building and open space and the character of that open space.

STRUCTURAL ALTERATION. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders or any structural change in the roof or in the exterior walls.

STRUCTURE (used in connection with flood regulations only). A walled and roofed building, a manufactured home, and a gas or liquid storage tank that is principally above ground.

STRUCTURE. Anything that is constructed in or on the ground or over water, including any edifice, gas or liquid storage tank, and any piece of work artificially built up or composed of parts and joined together.

SUBDIVIDER. Any person who undertakes the subdivision of land for the purpose of ownership or development at any time, whether immediate or future.

SUBDIVISION. The act of dividing a parcel or tract of land into smaller lots and tracts.

SUBDIVISION, FINAL. The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title and Chapter 58.17 RCW.

SUBSTANTIAL IMPROVEMENT (for the purposes of flood regulations only). Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

a. Before the improvement or repair is started, or

b. If the structure has been damaged and is being restored, before the damage occurred.

Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the building. The term does not, however, include:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

b. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

SURFACE MINING. Any area or areas within one-half (1/2) mile of each other, where extraction of minerals from the surface results in: Removal of five thousand (5,000) cubic yards of material; or More than three acres of disturbed area; or Mined Slopes greater than thirty (30) feet high land steeper than one (1) foot horizontal to one (1) foot vertical; or more than one (1) acre of disturbed area within an eight (8) acre or greater area when the disturbed area results from mineral prospecting or exploration activities. Surface mines include areas where mineral extraction from the surface occurs by the auger method or by reworking mine refuse or tailings, when these activities exceed the quantity, size, or height threshold listed above. Surface mining shall not include excavations and grading for the purpose of public safety or restoring the land following a natural disaster.

SURVEY AND MONUMENT. To locate and monument the boundaries of a partition parcel, road right-of-way or road easement.

TELECOMMUNICATIONS SERVICE. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

TEMPORARY USE. A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and which is intended to exist or operate for a limited period of time.

TOWER [FOR THE PURPOSES OF WIRELESS TELECOMMUNICATIONS FACILITIES (WTF)]. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, including, but not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures and other similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

TOWNHOUSE. A two-story residential structure in which individual dwelling units are attached along at least one (1) common wall to at least two (2) other dwelling units. Each dwelling unit occupies space from the ground to the roof and no portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

TOXIC MATERIALS. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRACT. Any parcel of land, lot, building site, or contiguous combination thereof devoted to or intended to be devoted to a principal use and any other uses customarily accessory thereto.

TRAILER, AUTOMOBILE COMMERCIAL. A vehicle without motor power designed to be drawn by a motor vehicle and which trailer is used or is to be used for carrying goods and property.

TRANSFER STATION, DROP-BOX. A solid waste facility requiring a state solid waste permit which is used for placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. The facility normally serves the general public with loose loads and receives waste from offsite.

TRANSFER STATION. A solid waste facility requiring a state solid waste permit which is a permanent, fixed supplemental collection and transportation facility, used by person and route collection vehicles to deposit collected solid waste from offsite into a larger transfer vehicle for transport to a disposal facility. It may include baling or compaction activities or recycling facilities.

TRANSITIONAL HOUSING. A facility operated publicly or privately to provide housing for individuals or families who might otherwise be homeless and generally have no other immediate living options available to them. Transitional housing shall not exceed a two (2) year period per individual or family.

TRANSIT-ORIENTED DEVELOPMENT. Development that is centered around and coordinated in its use and design with a transit station or other transit facility. Transit-oriented development includes a variety of different planning and development projects, but is typically compact, medium to high density, mixed-use development within walking distance of transit with a focus on pedestrian orientation and creating neighborhood centers, places and/or gathering spots.

TRANSPARENT GLASS. Windows that are transparent enough to permit the view of activities within a building from nearby streets, sidewalks and public spaces. Tinting or some coloration is permitted, provided a reasonable level of visibility is achieved. Reflective or very dark tinted glass does not accomplish this objective.

TREE REMOVAL PERMIT. An approval granted by the Community Development Department to remove a significant tree(s) within the city.

TREE. Any living woody plant characterized by one (1) main trunk and many branches.

UNIFORM BUILDING CODE (UBC). The current version of the Uniform Building Code, published by the International Conference of Building Officials.

UNIQUE AND FRAGILE AREA. An area of special environmental significance for wildlife habitat, threatened plant communities or natural scenic quality.

UNLICENSED WIRELESS SERVICES. Commercial mobile services that operate on public frequencies and are not required to have a FCC license to operate.

USE CATEGORY. A group of similar use types that are associated with each other to such an extent that they represent a general land use function.

USE TYPE. A group of similar uses that are fundamentally related to each other, contain equivalent characteristics, and which fall within the same use category.

USE, PERMITTED. Any use allowed in a zoning district and subject to the restrictions applicable to the specific use.

USE, PRINCIPAL. The primary or predominant use of any lot or parcel.

USE. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied, maintained, rented, or leased, and includes any manner of performance of such activity with respect to the performance standards of this zoning code. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

UTILITIES. Public facilities including electrical substation, electrical generation facilities, electrical transmission, telephone or communication lines, pipelines, sewer lines, water lines, natural gas lines, or similar transmission facilities, natural gas gate value and storage facilities, sewage collection and treatment facilities, waste disposal facilities, waste transfer facilities, and water supply facilities.

UTILITY VEHICLE. A utility vehicle includes those devices capable of being moved upon a public highway and in, upon, or by which any property or animal is or may be transported or drawn upon a public highway such as utility trailers, horse trailers, and other similar devices, except for devices moved by human or animal power or used exclusively upon stationary rails or tracks.

VARIANCE. A modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

VEGETATIVE GROUNDCOVER. Low growing vegetation that does not usually exceed one (1) foot in height and eventually grows together to form a continuous mass.

VETERINARY CLINIC. Any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment, care, observation or treatment of any illness or injury to domestic or exotic animals.

WAREHOUSE. A structure, or part of a structure, for storing goods, wares, and merchandise, whether for the owner of the structure or for others.

WASTE-TO-ENERGY FACILITY, MUNICIPAL SOLID WASTE. A combustion plant specializing in disposal of or energy recovery from mixed waste from municipal sources.

WASTE-TO-ENERGY FACILITY, SPECIAL. A combustion plant designed to burn more than twelve (12) tons per day and specializing in disposal of or energy recovery from a single type of waste of known and consistent composition, other than municipal waste, such as tires or infectious waste.

WASTE-TO-ENERGY FACILITY. Any solid waste facility designed as a combustion plant to dispose of solid waste or to recover energy in a useable form from mass burning, refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste which requires a state solid waste permit under RCW 70.95.

WASTEWATER TRANSFER FACILITY. Equipment, structures, driving and parking surfaces, and appurtenances used for loading wastewater for transport to wastewater treatment facilities.

WASTEWATER. Water that carries waste from domestic, commercial or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

WATER PURIFICATION FACILITY. Treatment plants or facilities for disinfecting water.

WATER SUPPLY, POTABLE. A water source that complies with appropriate state agency regulations as to quality and quantity for use as a drinking source.

WESTERN STATE HOSPITAL CAMPUS. A hospital and surrounding buildings, wards, and related and/or accessory structures, operated and maintained by the state of Washington for the care and treatment of patients affected with acute or chronic mental illness. The campus also includes the operation of an existing child study and treatment center and forensic center, both of which are located on the grounds of the Western State Hospital campus. Mental health facilities, the child study and treatment center, and the forensic center are subject to the public facilities master plan development standards listed in LMC 18A.30.850 as hereafter may be amended. The mental health facilities located at Western State Hospital are considered to constitute an Essential Public Facilities Civic use type.

WETLAND CREATION. Alteration, by excavation or other means, of upland areas to allow local hydrologic conditions to convert soils and vegetation to hydric character.

WETLAND ENHANCEMENT. An action which results in a long term improvement of existing wetland functional characteristics and processes that is not the result of a creation of restoration action.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHIP ANTENNA. An omnidirectional dipole antenna of cylindrical shape that is no more than six inches in average diameter.

WHOLESALE. Establishments primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers; or acting as agents or brokers and buying for or selling merchandise to such individuals or companies; and professional and commercial equipment suppliers.

WIRELESS TELECOMMUNICATIONS FACILITIES (WTF), INCLUDING PERSONAL WIRELESS SERVICE. Personal wireless service facilities, and facilities as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, any other services licensed by the FCC, and any other unlicensed wireless services.

YARD. An open area on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied land unobstructed from the ground upward.

YARD SALE. All temporary and intermittent sales which may be variously referred to as "garage sale," "lawn sale," "attic sale," "rummage sale," "estate sale," or any similar casual sale of tangible personal property from a residence or community use which is advertised by any

means whereby the public at large is or can be made aware of the sale, and which is clearly secondary to the primary use of the site.

YARD, FRONT. An open space on the same lot with the building, between the front wall line of the building, exclusive of steps, and the front property line, including the full width of the lot to its side line.

YARD, REAR. An open space on the same lot with the building between the rear wall line of the building, exclusive of steps and accessory buildings, and the rear line of the lot, including the full width of the lot to its side lines.

YARD, SIDE. An open, unoccupied space on a lot, between the side wall line of the main building, exclusive of steps, and the side property line of the lot.

ZONING CERTIFICATION. A certificate, issued prior to a project permit, stating that the proposed use is in accordance with the requirements and standards of this title

ZONING DISTRICT. An area accurately defined as to boundaries and location, and classified by the Zoning Code as available for certain types of uses and within which other types of uses are excluded.

ZONING. The regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and distinct zoning districts, and the specific use and development standards that regulate development. Such regulation shall also govern those public and quasi-public land use and buildings that provide for government activities and proprietary type services for the community benefit, except as prohibited by law. State and federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious city development.

Section 13: Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 14: Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this ___ day of January, 2015.

CITY OF LAKEWOOD

_____

Don Anderson, Mayor

Attest:

_____

Alice M. Bush, MMC, City Clerk

Approved as to Form:

_____

Heidi A. Wachter City Attorney

CITY OF
LAKEWOOD

COMMUNITY & ECONOMIC DEVELOPMENT STAFF REPORT

TO: Lakewood Planning Commission

FROM: M. David Bugher, Assistant City Manager/Economic Development Director

MEETING DATE: January 21, 2014

SUBJECT: City Attorney's Orientation

At my request, the City Attorney is scheduled to provide an orientation on the role of the planning commission, in addition to a general overview of the City's Code of Ethics, Open Public Meetings Act, potential conflicts of interest, what constitutes a public record, appearance of fairness doctrine, & the difference between a public hearing and a public meeting. This presentation is designed to familiarize commission members with the legal requirements for conducting open meetings, in addition to fostering public confidence in the integrity of the commission, and the City as a whole.

(NOTE: Under Agenda Update, City staff will request that the Commission move the City Attorney's presentation to take place immediately following the Public Comment section of the agenda.)

CITY

OF LAKEWOOD

PLANNING COMMISSION

Rules of Procedure, Regulations, and By-Laws

DRAFT

The Lakewood Planning Commission is established pursuant to City of Lakewood Ordinance No. 594, adopted September 15, 2014, and Lakewood Municipal Code (LMC) Section 02.90. The Lakewood Planning Commission shall consist of not more than seven (7) members, appointed by majority vote of the City Council, but a smaller number, not less than four (4) shall constitute a lawful Commission.

Pursuant to LMC 02.90.050, we, the members of the City of Lakewood Planning Commission do hereby adopt, publish and declare the rules, regulations and procedures set forth herein. These rules and procedures shall govern the conduct of meetings, maintenance of order, and order of business at regular meetings. In the event of a conflict between these rules and the express provisions of the municipal code, the municipal code shall prevail.

ARTICLE I - NAME

The name of this board is and shall be the CITY OF LAKEWOOD PLANNING COMMISSION hereinafter referred to as the "Planning Commission" or "Commission".

ARTICLE II - OFFICERS AND DUTIES

SECTION 1: OFFICERS

The Officers of the Planning Commission shall consist of a Chair and Vice-Chair. Officers shall be elected each year for a one-year term at the first regular meeting of each calendar year.

SECTION 2: CHAIR

The Chair shall preside over the meetings of the Planning Commission and exercise all the powers usually incident to the office, retaining, however, to himself/herself as a member of the Planning Commission, the full right to have his/her own vote recorded in all deliberations of the Commission. He/she shall enforce the by-laws and execute the will of the Commission. He/she shall appoint all committees and/or task force members.

SECTION 3: ***VICE CHAIR***

The Vice-Chair, in the absence of the Chair from any meeting, shall perform all the duties incumbent upon the Chair. In the absence of the Chair and Vice-Chair, the members present shall elect, for that meeting only, a Chair Pro-Tem who shall have full powers of the Chair. (See Section 4)

SECTION 4: ***CHAIR PRO-TEM***

In the absence of the Chair and the Vice-Chair, a Chair pro-tem shall be elected informally by the members present to conduct the meeting.

SECTION 5: ***SECRETARY***

A Secretary shall be provided by the Community Development Department to prepare minutes and keep such records, attend to correspondence of the Commission, and perform such other duties as may be deemed necessary, including but not limited to:

A. Take roll at regular, special and public meetings and hearings.
B. Keep a record of all correspondence.
C. Preserve all manuscripts and records.
D. Keep a current roster of all members.
E. Prepare and circulate the monthly agenda and staff reports regarding Planning Commission business.
F. Record, transcribe and publish the minutes of all meetings of the Planning Commission.
G. Publish public notice of meetings.

SECTION 6: ***SPECIAL ELECTION OF OFFICERS***

Should any officer resign, be removed, or otherwise vacate his office, his/her term shall be filled by result of an election at the next regular meeting or as soon as possible.

SECTION 7: ***TASK FORCES***

1. The Planning Commission may establish special task forces to investigate community issues within the scope of its authority. The Commission may initiate a task force on their own or at the direction of the City Council.
2. Task forces will be composed of five (5) members. A maximum of three (3) members shall be from the Planning Commission.
3. Task forces shall operate under the following Section of the Planning Commission by-laws.

Article II - Section 2:	Chair
Article II - Section 3:	Vice-Chair
Article II - Section 4:	Chair - Pro-Tem

Article II - Section 5:	Secretary
Article III - Section 5:	Attendance
Article III - Section 6:	Rules of Meeting
Article III - Section 7:	Voting/Parliamentary Procedures and Motions
Article III - Section 11:	Meeting Decorum
Article III - Section 12:	Debates

4. Task forces are charged with researching the basic topic, identifying issues, gathering information from experts, proponents, opponents, and the general public either in work sessions or public meetings.
5. Task forces will make a clear, concise written report that includes alternatives and recommendations to the Planning Commission.

SECTION 8: STANDING OR TEMPORARY COMMITTEES

The Chair shall have full power to create standing or temporary committees of one or more members, charged with such duties of examination, investigation, and inquiry relative to one or more subjects of interest to the Commission, and within the scope of its authority. No standing or temporary committee shall have the power to commit the Commission to the endorsement of any plan or program prior to its submission to, and approved by the Planning Commission. Committee reports should be very brief, giving subject matter and date(s) during which the subject was discussed. Standing and temporary committees shall use the same rules and regulations of the Commission in their deliberations.

ARTICLE III - MEETINGS

SECTION 1: REGULAR MEETINGS

Regular meetings of the Planning Commission shall be held the first and third Wednesday of each month at 6:30 p.m. in Lakewood City Hall Council Chambers or at such other place as the Commission may determine. Any regular meeting may be canceled or rescheduled by the Chair, or in his absence, by the Vice-Chair. If, in any given month there is no business which requires Commission action, the regular meeting will be canceled. Every effort will be made to conduct each meeting as efficiently as possible in order to adjourn the meeting no later than 11 p.m.

SECTION 2: LEGAL HOLIDAYS

If a regular meeting falls on a legal holiday, that meeting shall be rescheduled or canceled by the Chair.

SECTION 3: SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by any of the following: Chair, or in his absence, by the Vice-Chair; or by a majority vote of the Commission members. The scheduling and holding of all Planning Commission meetings is to be done in accordance with Washington State Law. Every effort shall be made to set up work sessions or special meetings with City of Lakewood City Council and other Advisory Boards in order to create effective communication between these bodies.

SECTION 4: QUORUM

A majority of the current membership of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission shall be deemed the official action of the Commission.

SECTION 5: ATTENDANCE

Attendance of regular and special meetings is expected of all Planning Commission members. Any member anticipating absence from a meeting should notify the Chair or the Community Development Department in advance of any meeting.

If a member shall miss three consecutive meetings without there being reasonable cause, the Commission may recommend to the City Council the removal of the member.

SECTION 6: RULES OF MEETINGS

1. Participation. In keeping with Parliamentary Procedures, discussion by the members should be concise, to the point, and relevant to the business pending before the Commission.

2. Staff Participation. The Chair may call on a City employee, qualified to give expert testimony and/or a presentation on a matter, to address the Planning Commission.

3. Public Participation. The Rules of Procedure for Public Participation are identified in Section 11. Time limits for the maximum duration of Audience Comments and Public Hearings at any one meeting may be imposed, if necessary, at the discretion of the Chair.

4. Robert's Rules of Order, Newly Revised, shall govern the deliberations of the Commission except when in conflict with any of the rules contained herein.

SECTION 7: VOTING/PARLIAMENTARY PROCEDURES AND MOTIONS

VOTING:

1. Each member present has a duty and obligation to vote on all questions put before the Commission unless that member has a conflict of interest or an appearance of fairness concern in the case of quasi-judicial matters. If a member does not vote on a question before the Commission (without a conflict of interest or appearance of fairness exclusion), the vote of such member shall be counted as a vote with the prevailing side. It is provided, however, that a new member to the Commission who is attending his or her first or second meeting may, at the member's discretion, be excused from voting on issues if the member believes he or she does not have sufficient information or background on the question to make an informed vote.

2. Any time a member of the Planning Commission believes he or she may have a conflict of interest or appearance of fairness concern which should or may disqualify that member from voting on a particular issue shall apprise the Chair of such potential conflict of interest or appearance of fairness concern, and the Chair shall determine whether or not the member is entitled to vote, provided that the decision of the Chair may be overruled by a majority of the remaining members of the Commission (excluding the member whose vote is subject of the decision).

3. In advance of any quasi-judicial matter coming before the Planning Commission, the Chair shall request of the members present whether any of them believe they have an appearance of fairness concern or a conflict of interest which would disqualify them from participating in the quasi-judicial matter. Additionally, the Chair shall inquire of people in attendance of the quasi-judicial hearing whether any member of the public in attendance believes that a member of the Commission has a conflict of interest or an appearance of fairness concern which would disqualify such member from voting on the quasi-judicial matter. If any concerns or questions are raised regarding the eligibility of a member to vote, the decision shall be made on the member's eligibility to vote as set forth in Paragraph 2, above.

PARLIAMENTARY PROCEDURES AND MOTIONS

1. If a motion does not receive a second, it dies. Matters that do not constitute a motion include nominations, withdrawal of motion by the person making the motion, request for a roll call vote, and point of order or privilege, therefore a second is not needed.
2. A motion that receives a tie vote is deemed to have failed.
3. When making motions, be clear and concise and not include arguments for the motion within the motion.
4. After a motion has been made and seconded, the Commission members may discuss their opinions on the issue prior to the vote.

5. A motion may be withdrawn by the maker of the motion with agreement of the second prior to the calling of the question without the consent of the Commission.
6. A motion to table is nondebatable and shall preclude all amendments or debates of the issue under consideration. A motion to table is to be used in instances where circumstances or situations arise which necessitate the interruption of the Planning Commission members' consideration of the matter then before them. A motion to table, if passed, shall cause the subject matter to be tabled until the interrupting circumstances or situations have been resolved, or until a time certain, if specified in the motion to table. To remove an item from the table in advance of the time certain requires a two-thirds' majority vote.
7. A motion to postpone to a certain time is debatable, is amendable and may be reconsidered at the same meeting. The question being postponed may be considered at a later time at the same meeting, or to a time certain at a future Regular or special Planning Commission meeting.
8. A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
9. A motion to call for the questions shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' vote; debate is reopened if the motion fails.
10. A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
11. Motions that cannot be amended include: Motion to adjourn, lay on the table, roll call vote, reconsideration and take from the table. A motion to amend an amendment is not in order.
12. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
13. Debate of the motion only occurs after the motion has been moved and seconded.
14. The Chair's Secretary should repeat the motion prior to voting.
15. The Secretary will take a roll call vote, if requested by the Chair, a Planning Commission member , or as required by law.
16. When a question has been decided, any Commission member who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made until the next Regular Planning Commission meeting.
17. A representative from the Community Development Department and/or the City Attorney shall act as the Commission's parliamentarian and shall decide all questions of interpretation of these rules which may arise at a Planning Commission meeting.

SECTION 8: AGENDA AND STAFF REPORTS

An agenda for every regular meeting shall be prepared and distributed by the Community Development Department to each Commission member not less than five (5) days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and such other material, illustrations, petitions, etc., as may pertain to the agenda.

SECTION 9: ORDER OF BUSINESS

1. The order of business for each regular meeting of the Planning Commission shall be as follows:

A. Call to order.
B. Roll Call.
C. Approval of minutes of preceding meeting.
D. Agenda Update.
E. Public Comments.

Under the "Public Comments" period, any member of the public may comment on items relating to Commission business but which are **NOT** on the agenda as a separate agenda item. Comments are limited to three (3) minutes per person; a total of fifteen (15) minutes per topic. Groups who have a designated speaker may have a total of ten (10) minutes to speak. Public comments sign-up forms will be available at the Secretary's desk at each meeting for use by those citizens wishing to address the Commission. The secretary shall serve as timekeeper. Any person making personal, impertinent or slanderous remarks while addressing the Planning Commission shall be barred from further audience participation by the Chair unless permission to continue is granted by a majority vote of the Commission. If the Planning Commission determines that an issue requires long debate, the Commission may extend the timelines.

F. Public Hearings.

The public hearings section of the agenda allows for local citizens to submit testimony on projects where public notice provisions are required pursuant to the Lakewood Municipal Code. Testimony shall be received in the same manner for each project duly noticed and as outlined above under the public comments section.

G. Business Items.

The business items section deals with matters before the Planning Commission that do not require a Public Hearing.

H. Reports.

City Council Actions

Staff will report on actions taken by the City Council that followed Planning Commission actions and other matters of interest.

Written Communications

Staff will review pertinent written communication on planning related topics.

Future Agenda(s)

Planning Commission members may request items to be placed on future agendas. Staff may report on items planned for future agendas.

Area Wide Planning/Land Use Updates

Staff will report on actions taken by the Growth Management Coordinating Committee (GMCC), the Pierce County Regional Council (PCRC), the Pierce County Council, or the Puget Sound Regional Council (PSRC), on any planning or land use issues affecting Lakewood.

I. Reports of Standing or Temporary Committees.

J. Adjournment.

2. Recess - The foregoing agenda may be interrupted for a stated time as called by the Chair to recess for any reason.

SECTION 10: MEETINGS OPEN TO THE PUBLIC

Any regular or special meeting of the Planning Commission shall be appropriately noticed per Washington State Statute, and be open to the public.

SECTION 11: MEETING DECORUM

To provide a fair and efficient form for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed:

A. No person including Planning Commission members shall address the Commission or a presenter without first obtaining recognition from the Chair.

B. The order of business shall be as prescribed on the agenda. Changes to the agenda order shall be approved by the Chair or by majority vote of Commission members present.

C. In instances where a written staff report has been prepared, the staff representative, upon recognition by the Chair, shall present the staff report.

D. Following the presentation of the staff report, the Commission shall be afforded the opportunity to question the staff regarding the material in the report.

E. After questioning of the staff is completed, the Chair may recognize the applicant or proponent of that item to speak, if any. Following the proponent's remarks, any other person wishing to speak on the matter may be recognized by the Chair.

F. Once any person has spoken in regard to a specific matter before the Planning Commission, he or she shall not be recognized to speak again until all persons wishing to speak have been given the first opportunity to do so.

SECTION 12: DEBATES

1. Speaking to the Motion. - No member of the Planning Commission, including the Chair, shall speak more than twice on the same motion except by consent of the majority of the Planning Commission members present at the time the motion is before the Commission.
2. Interruption. - No member of the Commission, including the Chair, shall interrupt or argue with any other member while such member has the floor, other than the Chair's duty to preserve order during meetings.
3. Courtesy. - All speakers, including all members of the Commission, in the discussion, comments, or debate of any matter or issue shall address their remarks to the Chair, be courteous in their language and deportment, and shall not engage in or discuss or comment on personalities, or indulge in derogatory remarks or insinuations in respect to any other member of the Planning Commission, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant to the question or matter under discussion.
4. Transgression. - If a member of the Planning Commission shall transgress these rules on debates, the Chair shall call such member to order, in which case such member shall be silent except to explain or continue in order. If the Chair shall transgress these rules on debate or fail to call such member to order, any other member of the Commission may, under a point of order, call the Chair or such other member to order, in which case the Chair or such member, as the case may be, shall be silent except to explain or continue in order.

5. Challenge to Ruling. - Any member of the Planning Commission, including the Chair, shall have the right to challenge any action or ruling of the Chair, or member, as the case may be, in which case the decision of the majority of the Commission present, including the Chair, shall govern.

ARTICLE IV - REPORTS

SECTION 1: ***PLANNING COMMISSION REPORTS***

1. Reports of official Planning Commission reviews or official recommendations based on public hearing shall be considered the majority report of the Commission. All Planning Commission reports shall include a finding of facts. The reports will be prepared by the Secretary of the Planning Commission and approved and forwarded to the City Council.

SECTION 2: ***ANNUAL REPORTS***

In the 1st quarter of the calendar year, the Planning Commission shall prepare a written report to be forwarded to the Mayor and City Council containing, but not limited to:

A. A comparison of the adopted annual work program, objectives, and activities with actual or anticipated accomplishments.

B. The extent to which unforeseen problems and opportunities have occurred.

C. Proposals for any new short or long range programs to implement the policies of the Comprehensive Plan.

ARTICLE IV - AMENDMENTS

These rules and regulations may be amended by a majority vote at a regular or special meeting.

The foregoing rules and regulations were approved and adopted at a regular meeting of the Planning Commission held on the 21st day of January, 2015.

Planning Commission: Attest:

_____, Chair

Dan Catron, Secretary

02.90.000 - Title Contents

Chapter 2.90
PLANNING COMMISSION

Sections:
2.90.000 Planning Commission Created.
2.90.011 Planning agency identified.
2.90.020 Appointment
2.90.030 Terms and Vacancies.
2.90.040 Jurisdiction, powers and authority.
2.90.050 Rules of procedure.

02.90.010 - Planning Commission Created

The city hereby creates a planning commission consistent with Chapter 35A.63 RCW. (Ord. 594 § 10 (part), 2014)

02.90.011 - Planning agency identified

There shall be not more than 7 members of the Board who shall be appointed by the Mayor and confirmed by the City Council, and who shall serve at the pleasure of the City Council. The members shall be residents of the City unless the Council finds that appointment of a non-resident, by virtue of business involvement or expertise, will benefit the Commission and ultimately the City. (Ord. 594 § 10 (part), 2014)

02.90.020 - Appointment

The members of the Commission shall be appointed from among members of the public to include, to the extent reasonably possible, representation from people involved with or interested in the various opportunities and projects to enhance the provision of Planning in the City. (Ord. 594 § 10 (part), 2014)

02.90.030 - Terms and Vacancies

The members of the Commission shall serve for a term of five (5) years. It is provided, however, that the first four (4) members to be appointed shall be initially appointed for four (4) year terms and the second three (3) members to be appointed shall be initially appointed for two (2) year terms. (Ord. 594 § 10 (part), 2014)

02.90.040 - Jurisdiction, powers and authority

The jurisdiction, powers and authority of the planning commission, as these relate to matters covered by LMC are established in this Chapter. In addition, the city council may, from time to time, grant to the planning commission such other jurisdiction, powers, duties and authority as City Council deems appropriate and consistent with state and city law. The planning commission shall work in accordance with a work plan as detailed in LMC Chapter 2.68. (Ord. 594 § 10 (part), 2014)

02.90.050 - Rules of procedure

The planning commission may from time to time establish and publish rules of procedure for the efficient and fair conduct of its business, consistent with state law and city ordinances. (Ord. 594 § 10 (part), 2014)

CITY OF LAKEWOOD

COMMUNITY & ECONOMIC DEVELOPMENT STAFF REPORT

TO: Lakewood Planning Commission

FROM: M. David Bugher, Assistant City Manager/Economic Development Director

MEETING DATE: January 21, 2014

SUBJECT: 2015 Planning Commission Work Plan/Joint Meeting with the City Council

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The city council and city manager have requested the community & economic development department to prepare a detailed work plan for the planning commission. A draft plan has been prepared and will be reviewed by the city council at its February 9 study session. Numerous projects have been tentatively calendared for the upcoming year:

- Updated capital facilities plan
- Revised low-impact development regulations
- Updated transportation improvement plan
- Comprehensive plan update (Chapters 1, 6, 8, 9, & 10)
- Inclusion of the community visioning process into the comprehensive plan
- Proposal to increase residential density in the R1 & R2 zoning districts
- Review of Joint Land Use Study (JLUS)
- Cottage housing ordinance
- Zoning code amendments, LMC 18A.2 and satellite parking requirements
- Map amendments to eliminate split parcels

More information on this subject will be presented to the commission on February 18.

Also, on February 23, a joint study session between the city council and the planning commission has been tentatively scheduled. That same evening the city council will also receive a report on community visioning.