



LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, January 26, 2015

7:00 P.M.

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (4) 1. Overview of the Community Development Block Grant, HOME Investment Partnership Act, Neighborhood Stabilization Program and Section 108 programs. – (Memorandum)
- (26) 2. Review of Substitute Ordinance No. 591 relative to subdivisions. - (Memorandum)
- (96) 3. Review of Residential Target Areas and proposed amendments to the Tax Incentive Urban Use Center boundaries. – (Memorandum)
- (137) 4. Review of Pacific Highway redevelopment fiscal analysis. – (Memorandum)
- (160) 5. Review of Lakewood Towne Center site development. – (Memorandum)

BRIEFING BY THE CITY MANAGER

ITEMS TENTATIVELY SCHEDULED FOR THE FEBRUARY 2, 2015 REGULAR CITY COUNCIL MEETING:

- 1. Item Nos. 2-3 above.
- 2. 2-2 Stryker Brigade Combat Team presentation. – *Colonel Louis Zeisman, Commander, 2nd Stryker Brigade Combat Team*
- 3. Amending the Lakewood Municipal Code relative to Planning Commission name change. – (Ordinance – Regular Agenda)

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

4. Declaring Koda Lakewood Police canine as surplus property. – (Resolution – Regular Agenda)
5. Authorizing the execution of an agreement with the Greater Lakes Mental Healthcare for professional mental health services. – (Motion – Regular Agenda)

COUNCIL COMMENTS

ADJOURNMENT

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CITY OF LAKEWOOD (CITY HALL)
 6000 Main Street SW, Lakewood, WA 98499-5027
 (253) 589-2489

WEEKLY MEETING SCHEDULE
January 26, 2015 – January 30, 2015

Date	Time	Meeting	Location
Jan.26	7:00 P.M.	City Council Study Session	Lakewood City Hall Council Chambers
Jan.27	5:30 P.M.	Parks and Recreation Advisory Board	Lakewood City Hall 1 st Floor, Conference Room 1E
Jan.28	No Meetings Scheduled		
Jan.29	6:00 P.M.	Landmarks & Heritage Advisory Board	Lakewood City Hall 3 rd Floor, Conference Room 3A
Jan.30	No Meetings Scheduled		

TENTATIVE WEEKLY MEETING SCHEDULE
February 2, 2015 – February 6, 2015

Date	Time	Meeting	Location
Feb. 2	4:30 P.M.	Arts Commission	Lakewood City Hall 3 rd Floor, Conference Room 3A
	6:00 P.M.	Youth Council	Lakewood City Hall 3 rd Floor, Conference Room 3A
	7:00 P.M.	City Council	Lakewood City Hall Council Chambers
Feb. 3	No Meetings Scheduled		
Feb. 4	5:15 P.M.	Public Safety Advisory Committee	Pierce County Department of Emergency Management 2501 S. 35 th St. Suite D Tacoma, WA 98409
	5:30 P.M.	Community Services Advisory Board	Lakewood City Hall 3 rd Floor, Conference Room 3A
	6:30 P.M.	Planning Commission	Lakewood City Hall Council Chambers
Feb. 5	9:30 A.M.	Civil Service Commission	Lakewood City Hall 1 st Floor, Conference Room 1E
	6:30 P.M.	Tillicum/Woodbrook Neighborhood Association	Tillicum Community Center 14916 Washington Blvd. SW
Feb. 6	No Meetings Scheduled		

NOTE: The City Clerk's Office has made every effort to ensure the accuracy of this information. Please confirm any meeting with the sponsoring City department or entity.



TO: Mayor and City Councilmembers

FROM: Jeff Gumm, Program Manager

THROUGH: John J. Caulfield, City Manager *John J. Caulfield*

DATE: January 26, 2015 (Council Study Session)

SUBJECT: HUD-Funded Programs Recap - Neighborhood Stabilization Program; HOME Investment Partnership Act (HOME); Community Development Block Grant (CDBG); Section 108; and Abatements

Introduction: The purpose of this memorandum is to provide a general recap of the various HUD-funded programs, including general regulations and program highlights. Additional detail is provided through accompanying PowerPoint presentation.

Background: Since becoming an entitlement city in 2000, the City of Lakewood has received approximately \$20.96 million dollars in various HUD programmatic funding, with approximately 79 percent (\$16.52 million) coming from the CDBG and HOME programs. Additional funds totaling \$1.51 million in NSP funding and \$2.88 million in Section 108 funds have added to the city's recent HUD allocations. See Table 1 below for a breakdown of funding since 2000.

YEAR	CDBG	HOME	ADDI	NSP1	NSP3	SECTION 108	TOTAL
2000	\$913,000.00	\$464,000.00					\$1,377,000.00
2001	\$943,000.00	\$513,009.00					\$1,456,009.00
2002	\$897,000.00	\$493,907.00					\$1,390,907.00
2003	\$806,000.00	\$472,463.00					\$1,278,463.00
2004	\$785,000.00	\$470,391.00					\$1,255,391.00
2005	\$741,650.00	\$446,682.00	\$15,701.00				\$1,204,033.00
2006	\$663,950.00	\$421,890.00	\$7,835.00				\$1,093,765.00
2007	\$660,268.00	\$420,595.00	\$7,870.00				\$1,088,733.00
2008	\$635,302.00	\$407,963.00	\$3,180.00				\$1,046,455.00
2009	\$641,051.00	\$452,294.00		\$626,793.00			\$1,720,138.00
2010	\$691,806.00	\$451,333.00					\$1,143,139.00
2011	\$577,790.00	\$397,519.00			\$640,000.00		\$1,615,309.00
2012	\$470,895.00	\$254,347.00				\$2,888,000.00	\$3,613,242.00
2013	\$481,598.00	\$236,999.00		\$164,080.00			\$882,677.00
2014	\$471,752.00	\$242,800.00			\$82,887.48		\$797,439.48
TOTAL	\$10,380,062.00	\$6,146,192.00	\$34,586.00	\$790,873.00	\$722,887.48	\$2,888,000.00	\$20,962,600.48

Historical CDBG, HOME, NSP and Section 108 Expenditures:

HOME:

In accordance with HOME federal regulations, expenditures for the HOME program have primarily focused investment in the creation of, maintenance of, or acquisition of affordable housing for low and moderate income individuals. Programs funded include the Housing Rehabilitation Program (single family homeowner rehabilitation), Down Payment Assistance, and the Affordable Housing Fund (investments primarily with Habitat for Humanity and various non-profit housing providers). The Housing Rehabilitation, Down Payment, and Affordable Housing Fund all have corresponding Revolving Loan Funds (RLF) established in accordance with HUD regulations which allow for the recapture and reuse of loan funds for similar housing activities.

CDBG:

Unlike HOME, CDBG funding may be used to fund an array of projects and activities qualifying under any of four categories: 1) Physical/Infrastructure Improvements; 2) Public Service; 3) Housing; and 4) Economic Development. Investments made in various housing programs (Major Home Repair/Sewer Loan Program, Down Payment Assistance, and Multifamily Housing), and economic development activities (Microenterprise Loan Program) have created multiple RLF funds for each of the funded activities.

NSP 1 & 3:

Funding for the NSP programs was enacted through the Housing and Economic Recovery Act of 2008 and the Wall Street Reform and Consumer Protection Act of 2010; no additional allocations have been awarded. NSP funding was awarded primarily to Habitat for Humanity to acquire blighted properties for the purpose of constructing 18 new single family residences in the Tillicum neighborhood. A total of \$192,300 was retained by the City to create an abatement revolving loan fund which can be used to abate blighted homes that are either vacant or abandoned.

SECTION 108:

The Section 108 program represents Lakewood's most recent funding allocation totaling \$2,888,000 which is to be used to fund large-scale economic development projects throughout Lakewood. This funding source most closely mirrors CDBG program regulations and requirements, in that, it must meet the national objective of serving low and moderate income individuals (primarily thorough the creation or retention of jobs for low and moderate income persons). Funding is to be awarded to qualifying projects as "gap funding" and is typically the final piece of the financing puzzle required to complete a project's budget. Funds are to be provided as loans with terms up to 20 years and carry standard underwriting and collateralization requirements. Section 108 loans require the borrower (jurisdiction) to pledge current and future CDBG allocations as principal security for the loan guarantee with additional collateral security being provided to the City by the final borrower (business or end user).

DANGEROUS BUILDING ABATEMETN PROGRAM:

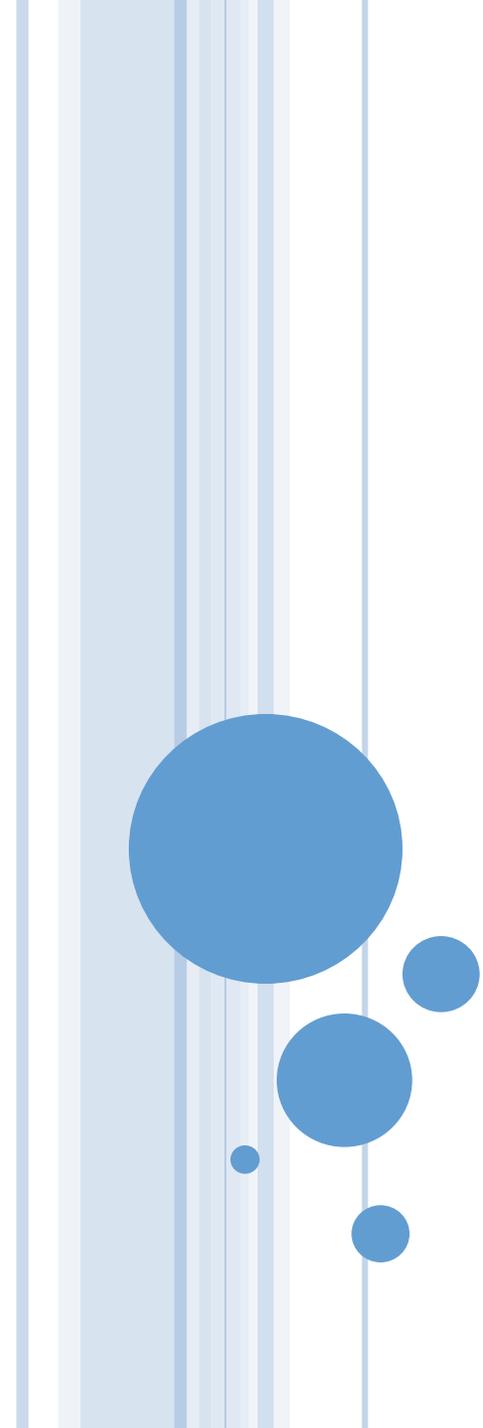
In 2015, the abatement program was moved from CSRT to the community services division of the community & economic development department (CED). There are currently 12 active abatements in progress. They cover a wide range of locations throughout the City. They are not specific to any particular land use. Three properties are zoned industrial, two are commercial, and the remainder is residential including a mobile home park. Each

abatement project is unique; none of these are the same. Often, the most difficult are hoarder homes. Staff calculates that there are about 30 hoarder homes in the City.

There are also 14 pending cases. Two were added late last week. There is one property of significance, the Eastwood Apartments, located in Springbrook. This apartment may have to be closed. This situation is not atypical in this neighborhood. Springbrook has some of the oldest apartment complexes in Lakewood.

There are also another 20 cases on the “watch list.” One of these is the Karwan Village Mobile Home Park. As of this week, CSRT performed a thorough property inspection. The owner had made significant strides in cleaning up the property. LPD was on the scene. One person was arrested for vehicle theft. The mobile home park will require consistent monitoring by CSRT. There has been discussion to require a conditional business license. The owner has stated she wants to sell the park. The CED has recommended that the owner contact the state and initiate the process to close the mobile home park.

Removing derelict buildings and cleaning up neighborhoods was a high priority identified in the community visioning process. Staff recognizes the importance of this program, and the need to expedite dangerous building abatements, yet still provide property owners the opportunity to clean up their properties before intervention on the part of the City.



CED PROGRAMS

**NEIGHBORHOOD STABILIZATION PROGRAMS
(NSP 1, 2 & 3)**

**HOME INVESTMENT PARTNERSHIP ACT
(HOME)**

**COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG)**

SECTION 108

DANGEROUS BUILDING ABATEMENTS

PROGRAM AUTHORITY



NSP

- Three separate legislative actions:
 - NSP1- Housing and Economic Recovery Act of 2008
 - NSP2- American Recovery and Reinvestment Act of 2009
 - NSP3- Wall Street Reform and Consumer Protection Act of 2010

HOME

- Title II of the Cranston-Gonzalez National Affordable Housing Act (the HOME Investment Partnership Act) of 1990

CDBG

- Title I of the Housing and Community Development Act of 1974

SECTION 108

- Section 108 of the Housing and Community Development Act of 1974



NEIGHBORHOOD STABILIZATION PROGRAM

- Funding allocations by predetermined HUD formula to areas with greatest need (% foreclosure rates/ % subprime mortgages/ # homes in delinquency)
- Funding provided through State (Dept. of Commerce)
- Funding must target properties that are either foreclosed, vacant or abandoned
- Funding must benefit individuals at or below 120% of area median income (25% of total funding must benefit individuals at or below 50% of area median income)
- Eligible Activities:
 1. Financing Mechanisms (*i.e.* DPA, soft-seconds, etc.)
 2. Acquisition and rehabilitation
 3. Demolition of blighted properties
 4. Redevelop demolished/vacant properties



NEIGHBORHOOD STABILIZATION PROGRAM

NSP 1

- Total Received = \$790,873
- Awarded \$566,603 to Habitat to acquire, demolish, and redevelop 2 properties with up to 7 new single family homes.
- Funded NSP1 Abatement Fund a total of \$192,930 for 8 individual abatement actions. Funds being recaptured for future NSP1 eligible abatements.
- Administration (\$31,340)

NSP 3

- Total Received = \$722,887.48
- Competitive award with preference for projects serving persons \leq 50% AMI.
- Awarded \$690,887.48 to Habitat to acquire, demolish, and redevelop 7 properties with up to 11 new single family residences.
- Administration (\$32,000)

HOME PROGRAM

Primary Focus- Investment in the creation of, maintenance of, or acquisition of affordable housing for low and moderate income persons.

- HOME Program = four housing programs in one:
 1. Homeowner Rehabilitation
 2. Homebuyer
 3. Rental Development (new const/rehab)
 4. Rental Subsidy
- Minimum and maximum investment in project based on number of HOME-units provided.
- Affordability requirements for HOME-units required (minimum 5 years, maximum 20 years).
- Minimum construction and maintenance standards apply.
- Lakewood receives HOME funds through Tacoma-Lakewood HOME Consortium



HOME PROGRAM – ELIGIBLE ACTIVITIES

- **Must support affordable housing activities**
- Homeowner rehabilitation
- Down payment assistance
- Construction, acquisition or rehabilitation of affordable housing (rental/homeownership)
- Tenant-based rental assistance
- Conversion of an existing structure from another use to affordable housing
- Acquisition of property or vacant land
- On-site improvements
- Demolition
- Relocation costs
- Refinancing
- Capitalization of project reserves (opening deficit reserve for initial rent-up period)
- Project related-soft costs (architectural, engineering, environmental review, tenant/homebuyer counseling, affirmative marketing and fair housing services, etc.)



HOME PROGRAM – ANNUAL ALLOCATIONS

HOME Allocations	
2000	\$464,000.00
2001	\$513,009.00
2002	\$493,907.00
2003	\$472,463.00
2004	\$470,391.00
2005	\$446,682.00
2006	\$421,890.00
2007	\$420,595.00
2008	\$407,963.00
2009	\$452,294.00
2010	\$451,333.00
2011	\$397,519.00
2012	\$254,347.00
2013	\$236,999.00
2014	\$242,800.00
TOTAL	\$6,146,192.00



HOME PROGRAM

Since 2000, Lakewood has invested \$5,531,572.00 into affordable housing throughout Lakewood.

- 3 HOME revolving loan funds:
 1. Housing Rehabilitation- 48 loans > \$2,120,000
 2. Down Payment Assistance- 23 loans > \$112,000
 3. Affordable Housing Fund- 13 loans > \$635,000

- Habitat for Humanity has been funded in excess of \$1,308,000 to construct 28 single family residences.

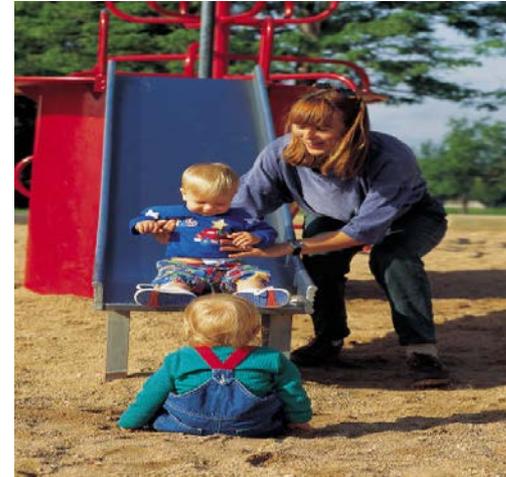
- Most recent HOME-funded project – LASA Prairie Oaks (\$250,000 HOME investment).



CDBG PROGRAM

Primary Focus- Benefit low and moderate income persons, eliminate slums and blight, or meet an urgent need.

- CDBG Program allows for multiple activities under 4 primary categories:
 1. Affordable Housing
 2. Public Services
 3. Physical Infrastructure/Improvements
 4. Economic Development
- Program requires 70% of expenditures benefit low and moderate income persons.
- Activities that benefit specific populations require 51% of participants be LMI.
- Area benefit activities require 51% LMI population and are must be primarily residential.



CDBG PROGRAM – ELIGIBLE ACTIVITIES

Affordable Housing

- Homeowner rehabilitation
- Down payment assistance
- Rental rehabilitation
- Acquisition and demolition
- Lead paint activities
- New construction, if carried out by CBDO

Public Facilities/ Infrastructure

- Acquisition, construction, rehab, or installation of public or community facilities
- Infrastructure installation or improvements (eg. roads, sidewalks, sewers, street lighting, etc.)

Public Services

- Employment and education services
- Child care
- Health care and substance abuse services
- Services for seniors
- Fair housing counseling
- Services for homeless

Economic Development

- Micro-enterprise assistance
- Commercial rehabilitation
- Job training and technical assistance
- Special economic development-acquisition, construction, rehab, installation of property or equipment



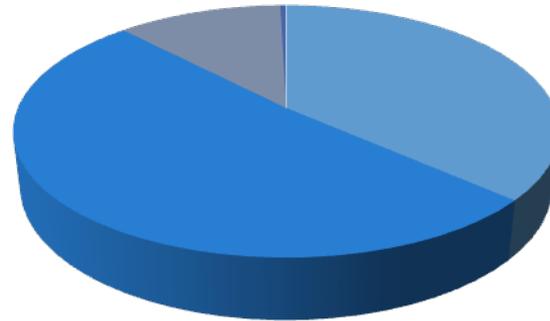
CDBG PROGRAM – ANNUAL ALLOCATIONS

CDBG Allocations	
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2009	\$641,051.00
2010	\$691,806.00
2011	\$577,790.00
2012	\$470,895.00
2013	\$481,598.00
2014	\$471,752.00
TOTAL	\$10,380,062.00



CDBG PROGRAM

Program Investment 2000 - 2014



- Infrastructure/Public Facilities - \$3,088,411.32
- Affordable Housing - \$4,331,801.38
- Public Service - \$897,009.68
- Economic Development - \$34,998.17

- 4 CDBG revolving loan funds:
 1. Major Home Repair- 61 loans/ in excess of \$909,000
 2. Down Payment Assistance- 18 loans/ in excess of \$69,000
 3. Multifamily Housing Fund- 1 loan/ \$250,0000 balance
 4. Microenterprise Loan Fund- 1 loan/ \$24,384 balance



ELIGIBLE PARTNERS

CDBG

- Non-profit and govt. organizations
- Community Based Development Organizations (CBDO)
- Authorities
- Non-profit and for-profit housing developers
- Private lenders
- Community Development Financial Institutions (CDFI)
- Faith-based organizations

HOME

- Community Housing Development Organizations (CHDO)
- Non-profit and for-profit housing developers
- Private lenders
- Private owners of property/housing



Who qualifies as Low- and Moderate-Income?

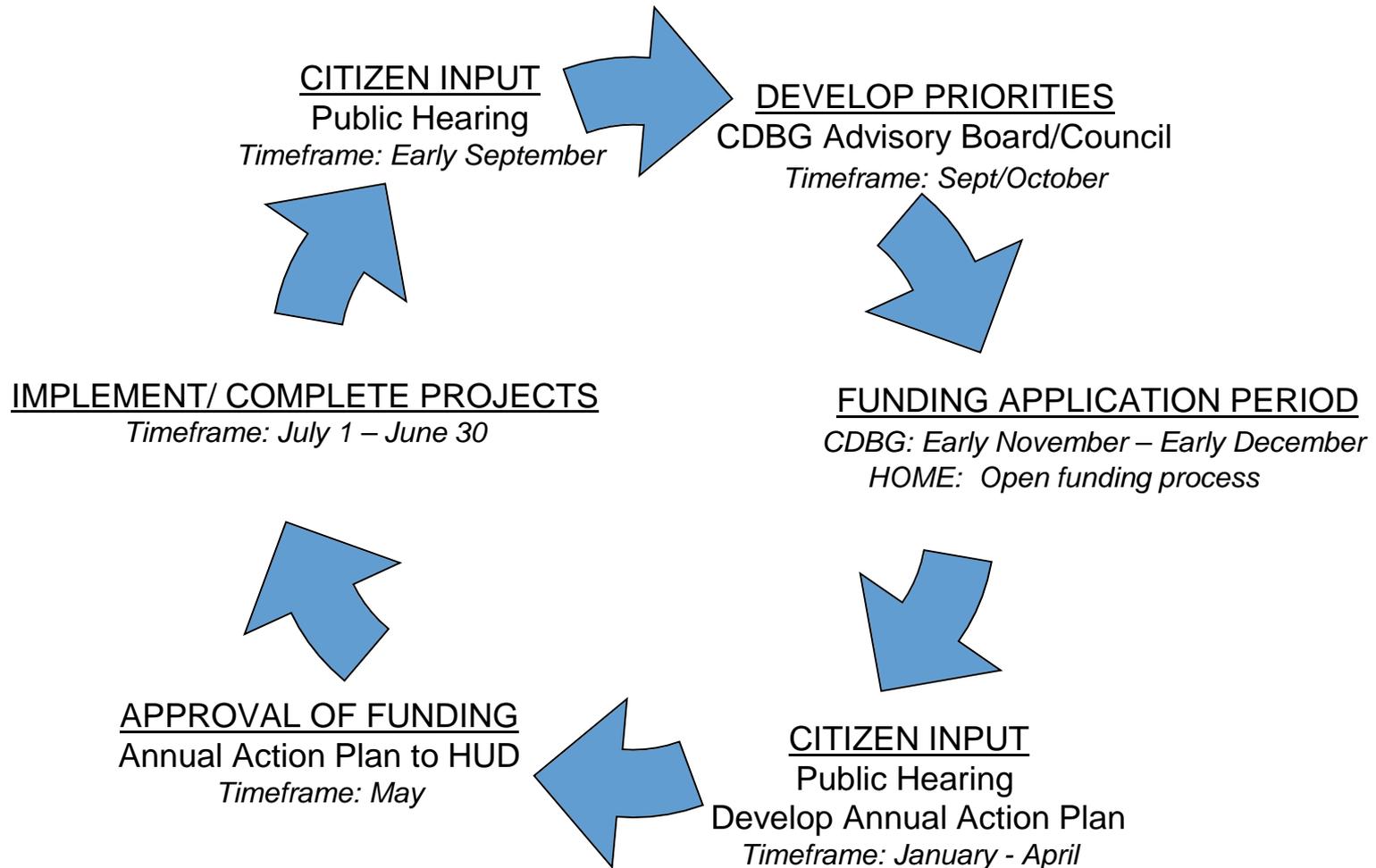
- Lakewood Area Median Income = \$46,900 year*
- HUD defines Low and Moderate Income as households that are at or below 80% of the Area Median Income.
- Approximately 51% of Lakewood's households qualify as Low/Mod*

*US 2010 Census/ HUD Area Median Income- 1 Family member

Family Size	Median Income	30% Median	50% Median	80% Median
1	\$46,900	\$14,100	\$23,450	\$37,550
2	53,600	16,100	26,800	42,900
3	60,300	18,100	30,150	48,250
4	67,000	20,100	33,500	53,600
5	72,400	21,750	36,200	57,900
6	77,800	23,350	38,900	62,200
7	83,100	24,950	41,550	66,500
8	88,500	26,550	44,250	70,800



CDBG/HOME FUNDING PROCESS



SECTION 108

- Program authorized under Section 108 of the Housing and Community Development Act of 1974.
- Objectives same as CDBG program- Benefit low and moderate income persons, eliminate slums and blight, or meet an urgent need.
- Follows CDBG program rules and requirements. Principal objective to create or retain jobs for low and moderate income persons.
- Eligible activities:
 1. Property acquisition
 2. Rehab of property or housing
 3. Economic development activities
 4. Public facilities/Infrastructure
 5. Interest payment/debt service of 108 loan
 6. Demolition/clearance activities
- Loans may be up to 20 years with rates based on LIBOR and Treasury rates.
- Applicant pledges current and future CDBG allocation as principal security for loan guarantee. Additional collateral of borrowers taken.



SECTION 108 – LAKEWOOD LOAN FUND

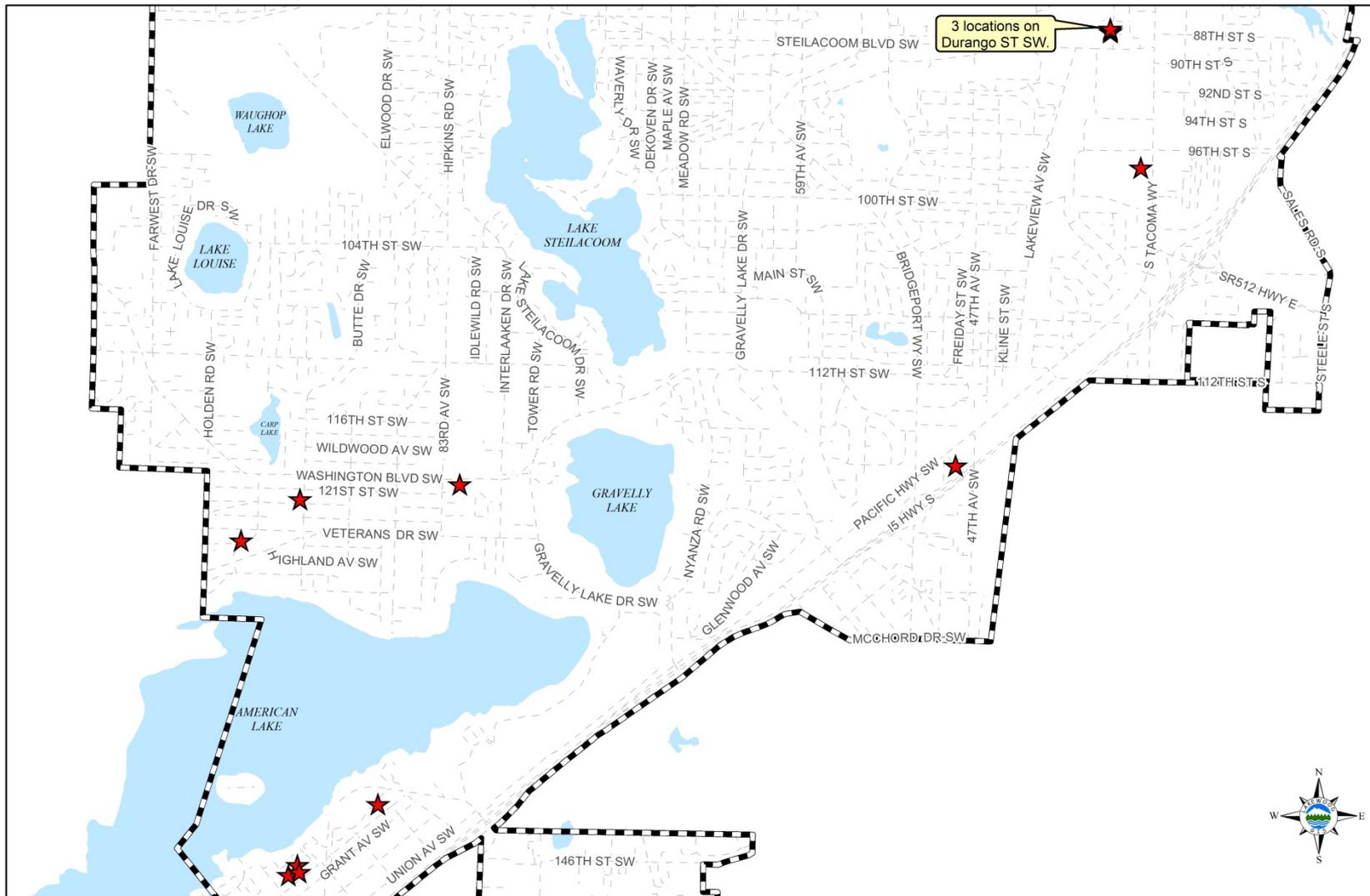
- \$2,888,000 loan pool established July 27, 2012
- Loan Pool to be used as “gap financing” for key economic development projects throughout Lakewood.
- Eligible Activities:
 1. Acquisition
 2. Demolition/clearance
 3. Site preparation
 4. Public facilities/Infrastructure
 5. Economic development activities
- General program underwriting requirements; loans provided up to 20 year terms; collateral LTV not to exceed 80 percent; loan spread on interim and fixed rate financing; city fee up to 2% of loan amount.
- Must commit all funds by September 30, 2017.
- Current loans:
 1. Curbside Motors - \$700,000
 2. LASA Prairie Oaks - \$310,000
 3. City of Lakewood 108th Street Road Improvements - \$675,000



DANGEROUS BUILDING ABATEMENT

- Jan. 1, 2015 - Abatement Program moved from CSRT to the community services division of the Community and Economic Development Department (CED).
- Program funded with two separate abatement funds:
 1. Fund 105 – General Fund allocation (approx. \$250,000 fund balance)
 2. Fund 191 – NSP1 Abatement Fund (\$184,365 fund balance)
- 12 active abatements in process throughout City.
- 14 pending cases.
- 20 watch list cases.





-  Abatement Location
-  Lakewood City Limit

Active Abatements

1/22/15



Map Date: January 22, 2015
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This product was prepared with care by City of Lakewood GIS. City of Lakewood expressly disclaims any liability for any inaccuracies which may yet be present. This is not a survey. Datasets were collected at different accuracy levels by various sources. Data on this map may be shown at scales larger than its original compilation. Call 253-589-2489 for further information.



TO: Mayor and City Councilmembers

FROM: Dan Catron, Principal Planner, & Dave Bugher, Assistant City Manager/Community Development Director

THROUGH: John Caulfield, City Manager 

MEETING DATE: January 26, 2015

SUBJECT: City Initiated Update to Lakewood Municipal Code, Title 17, Regarding Subdivision of Land, & Sewer Connection Policies

Background: At its August 4, 2014, meeting regarding amendments to the City's subdivision code, the Council raised questions regarding the City's sewer connection policies. The Council inquired if connection to a public sanitary sewer should be mandatory for all subdivisions, not just those within a certain distance of an existing sewer line. On August 18, 2014, the Council directed staff to contact the Pierce County Sewer Utility and the Health Department to discuss sewer connection policies. These agencies have since advised that they have no objection to the City adopting its own policies for sewer connection, which may be different from the policies of the Health Department or the County sewer utility, as long as the City policies do not conflict with the minimum standards of these agencies.

Existing regulatory environment: RCW 36.94.020 states that sewer systems are a "county purpose". RCW 36.94.110 states that municipal corporations (such as cities) must follow the sewerage general plan adopted by the county. Pierce County Code Section 13.04.030.B.2.a provides that developments shall be required to connect to the county sewer system if the property is within 300 feet of a sewer line¹. The County has since advised that it does not object to local jurisdictions adopting connection policies that are more strict than the County policy.

¹ There are some exceptions to the 300 foot rule when the Tacoma Pierce County Health Department (TPCHD) determines that: the existing on-site septic system cannot be repaired or replaced; that there is a proposed change in use of any facility, residence, or other structure that exceeds the wastewater strength or capacity of the existing on-site septic system; and that the continued use of the existing on-site septic system threatens public health.

Sewer Connection Policy:

City policies regarding sanitary sewers are found in Section 7.3 of the City's Comprehensive Plan. Goal U-7 is to ensure that new growth is served by sewers and pursue a citywide system to eliminate current service deficits. Policy U-7.1 is to ensure that public sewage treatment and collection systems are installed and available for use coincident with new development. Policy U-7.3 requires that "projects located beyond the reasonable reach of existing sewer service construct dryline sewers within roadways and adopt covenants requiring that they connect to sewers when available."

Lakewood Municipal Code Section 12A.15 addresses sanitary sewer connections, including mandatory connections when sewer becomes available to a developed area. LMC 18A.50.195 addresses sewer service in the context of concurrency of utility infrastructure for new development. Staff is recommending that these code sections be amended to require sewer connection for all subdivision actions and condominium conversions as indicated in the proposed draft ordinance.

In the current proposal, development of a single home on an existing individual lot would still be allowed to use an individual septic system consistent with the existing County and Health Department policies (i.e. using the 300-foot rule). Staff believes that this is appropriate to avoid regulatory takings claims. In addition, state law provides exemptions from sewer connection to manufactured housing parks unless their on-site septic system fails in which case there is a mandatory sewer connection requirement. However, the proposed amendments would require connection to the public sewer whenever these properties are proposed to be subdivided.

Finally, Comprehensive Plan Policy U-7.3, which requires the construction of dry-line sewer lines when properties are beyond the "reasonable reach of existing sewer service", should be revised to require sewer connection for all subdivision actions. Staff recommends that this issue be placed on the slate of comprehensive plan amendments to be considered in 2015.

Legal Lots:

Staff has also noted that proposed amendments regarding legal lots of record do not adequately outline provisions for moving forward when unlawful lots are encountered. Staff is proposing three possible courses of action:

- Apply for a subdivision (short plat or preliminary plat) to formally create the lots pursuant to State law;
- Issuance of a conditional certificate of compliance which would apply appropriate requirements to bring the lot into conformance with appropriate development standards (as indicated in proposed code section LMC 17.04.050.E). ; or
- If the unlawful lot is found to be a public nuisance or otherwise substantially detrimental to the public health safety and welfare in a manner which cannot be

appropriately mitigated, then the City would pursue appropriate legal action to remedy the violation and eliminate the separate lot.

These provisions are proposed to be added to the end of the proposed Section 17.04.060 in Section 15 of the draft ordinance.

Substitute Ordinance:

Since the last City Council discussion of this topic, a substitute ordinance has been prepared. The revisions in the substitute ordinance include:

- A subpart (E) was added to Section 15 to address illegal lots.
- New Sections 76-79 are added to address sewer connection requirements.
- The severability clause and effective date are renumbered accordingly.
- The Ordinance Title identifies the changes above.
- A footer has been added to the draft substitute ordinance.

Recommendation: Based on Council direction, staff recommends that the Council adopt the draft substitute ordinance updating the City's subdivision regulations (Title 17), and adjusting other sections of the municipal code to make sewer connection mandatory whenever a property is subdivided or divided into condominium units. Staff further recommends that Comprehensive Plan Policy U-7.3 be re-evaluated in 2015.

Attachment:

Draft substitute ordinance

SUBSTITUTE ORDINANCE NO. 591

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapters 17.02, 17.06, 17.10, 17.14, 17.18, 17.22, 17.30, 17.34, 17.38, 17.42, 12A.10, 12A.15 and 18A.50 and creating Chapters 17.04 and 17.16 of the Lakewood Municipal Code relative to the Subdivision of Land.

WHEREAS, the City of Lakewood initially promulgated its subdivision code within Title 17 LMC in 1996; and

WHEREAS the provisions of Title 17 LMC are designed to implement and effectuate many of the provisions within the corresponding state subdivision code found within chapter 58.17 RCW; and

WHEREAS, since 1996 multiple amendments have been enacted into law affecting chapter 58.17 RCW, but the Lakewood Municipal Code has not been significantly updated to correspond to those changes; and

WHEREAS, the City of Lakewood Planning Advisory Board reviewed the City's subdivision code, holding public hearings on May 7 and May 21, 2014 and unanimously recommended to the City Council that Title 17 Lakewood Municipal Code be updated and revised,

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

Section 1: Section 17.2.010 LMC entitled "City of Lakewood Interim Subdivision Regulations," is amended to read as follows:

| This title shall be known as the City of Lakewood ~~Interim~~ Subdivision Regulations, hereafter referred to as "this Title."

Section 2: Section 17.2.015 LMC entitled "Authority," is amended to read as follows:

| This Title is adopted ~~by the City of Lakewood Ordinance No. 60,~~ pursuant to Chapter 58.17 of the Revised Code of Washington (RCW).

Section 3: Section 17.2.020 LMC entitled "Purpose," is amended to read as follows:

The intent of this section is to provide criteria, regulations and standards to govern the subdividing of land within the City and to:

A. Promote the public health, safety and general welfare in accordance with standards established by the State and the City;

B. To implement the Comprehensive Plan;

C. Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, parks and recreation areas, or other public services, or excessive expenditure of public funds for such services;

D. Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;

E. Provide for adequate light and air;

F. Provide for proper ingress and egress;

G. Provide for the housing and commercial needs of the community;

H. Provide uniform monumenting of land divisions and conveyance of accurate legal descriptions; and

I. Protect environmentally sensitive areas;

J. Encourage the conservation of non-renewable energy resources.

K. Provide for adequate roadway and utility infrastructure with provisions for on-going maintenance and operations costs.

Section 4: Section 17.2.025 LMC entitled “Applicability,” is amended to read as follows:

Every subdivision shall comply with the provisions of Chapter 58.17 Revised Code of Washington, this Title and all future amendments or applicable Federal, State or local laws. After final plat, ~~or short plat,~~ or binding site plan approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions shall be allowed only if the procedures of this Title ~~or the short plat ordinance~~ are first followed, and these requirements shall be applicable to all plats approved prior to the effective date of this Title. ~~Except for the large lot division procedure specified herein, t~~The provisions of this Title shall not apply to the following:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land into lots or tracts each of which is one thirty-second (1/32) of a

Section of land, or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a Section of land; PROVIDED, the division meets the minimum lot size zoning requirements for the area involved and provided further, that for the purpose of computing the size of any lot under this item which borders on a street or public way, the lot size shall be expanded to include that area which would be bounded by the center line of the street or public way and the side lot lines of the lot running perpendicular to such center line;

C. Divisions made by testamentary provisions or the laws of descent, provided that each lot shall meet all applicable minimum lot size requirements.

~~D. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan which authorizes specific uses of said land in accord with the Chapter 17.30 of this Code; PROVIDED, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the County Auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of lot, parcel, or tract; AND PROVIDED FURTHER, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW;~~

~~E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan in accordance with City Codes.~~

DF. The transfer of contiguous unplatted lots if:

1. The lots were created in compliance with all applicable State and City subdivision regulations in effect at the time of the creation of said lots; or

2. The lots transferred and remaining lots are improved with dwellings. Provided that transfers pursuant to item 1. or 2. shall not be effective until the proponent is issued a certificate of compliance from the Community Development Department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.

EG. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, the Horizontal Property Regimes Act (Condominiums), or 64.34 RCW (the Condominium Act) if the City has approved a binding site plan for all of such land.

FH. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally

licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

Section 5: Section 17.2.030 LMC entitled "Division of Land by Streets or Rights of Way," is amended to read as follows:

The City declares that the following shall not, of themselves, result in the division of a parcel: a parcel has NOT been divided into separate, legal lots by any one of the following:

- A. ~~Aa~~ State or Federal road or highway; or
- B. ~~Aa~~ City street that has been adopted as part of the City street system; or
- C. ~~Aa~~ City street right-of-way that has been acquired or accepted by the City but is an unopened City street as defined in Section 2.00 of the City Site Development Regulations, or as amended.

Section 6: Section 17.2.035 LMC entitled "Definitions," is amended to read as follows:

As used in this Title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

A. "Binding Site Plan." A Binding Site Plan is an alternative method for subdividing land where the property interests created continue to collectively function as one site with regard to elements such as access, circulation, open space, landscaping, drainage, maintenance, or parking. A binding site plan is used primarily in conjunction with commercial and industrial developments and the establishment of residential condominium projects. A binding site plan includes ~~means~~ a drawing to a scale as specified by the Community Development Department. The site plan shall:

1. Identify and show the area and location of all streets, improvements, utilities, open space;
2. Contain inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City Hearing Examiner or other appropriate City Department or government body having authority to approve the site plan;
3. Contain provisions requiring that all development occurring within the proposal's boundaries be in conformity with the site plan.
4. Delineate proposed lots or units intended to be created as discrete

ownership interests subject to sale or transfer. If appropriate, such delineation shall be subject to the provisions of RCW 64.34 (the Condominium Act).

B. "Block" is a group of lots, tracts or parcels within well defined and fixed boundaries, often surrounded by roadways.

C. "Council" means the City Council.

D. "County Assessor-Treasurer" shall be as defined in the Pierce County Charter.

E. "County Auditor" shall be as defined in the Pierce County Charter.

F. "City Engineer" shall be the person appointed by the City Manager as the City Engineering Manager.

G. "Dedication" is the deliberate appropriation of land by an owner for any general ~~and~~ ~~or~~ public uses, reserving ~~to himself~~ no other rights than those such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. Dedications may be accomplished by showing the dedication on a final plat, short plat or binding site plan presented to the City for final approval and recordation. Dedications may also be accomplished via transfer by separate deed. Unless otherwise specifically indicated, title to the dedicated land shall vest in the appropriate governmental unit. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

H. "Developer" shall mean the person, party, firm or corporation who applies for approval of a subdivision, short plat or ~~large lot subdivision~~ binding site plan.

I. "Examiner" means the land use hearing examiner who is herein authorized to approve subdivisions, and hear appeals on short subdivisions and ~~large lot divisions~~ binding site plans.

J. "Final Plat" is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals one hundred feet (1" = 100') unless approval of another scale is given by the Community Development Director, on standard 18" x 24" sheet size, prepared for filing for record with the County Auditor and containing all elements and requirements set forth in State law and in this Title.

K. "Geological Hazard" means any hazard caused by natural or artificial causes which may damage persons or property and which would include but not be limited to slides, slippage or instability of earth, rock and soil. Geological hazards are generally addressed in the City's Critical Areas and Resource Lands regulations (LMC Title 14A).

L. "Improvement" shall mean any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, water lines, services, and mains, and storm drainage containment facilities.

M. ~~"Large Lot Divisions" means any number of divisions of land into lots, tracts or parcels for any purpose, the smallest lot size of which is five (5) acres or larger or one one hundred twenty eighth (1/128) of a Section or larger, except those divisions exempted by Section 17.02.010 of this Code.~~ "Legal Lot of Record" means a legally created lot. A person may establish that a lot has been legally created, by providing one (1) of the following:

1. A copy of a recorded formal plat, short plat, binding site plan, or subdivision approved by Pierce County or the City of Lakewood pursuant to RCW 58.17 or RCW 58.16 separately describing the lot.

2. A copy of the recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot.

3. Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.

4. A recorded deed, contract of sale, mortgage, survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.

The most recent recorded action or instrument establishing the boundary of a lot shall control. Any point within the interior of a lot shall be considered to be within one, and only one, legal lot of record.

N. ~~"Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels, recognized unit of property with a written or platted legal description that addresses permissions or constraints upon its development. A "legal lot of record" is a lot that has been legally created as demonstrated by compliance with LMC 18A.50.115.A. Alternatively, a legal lot of record may be established through the Certificate of Land Division Compliance provisions of this title. A "parcel" is an identification of land for taxation purposes. A parcel may or may not be a legal lot of record.~~

O. "Model Home." A model home for the purpose of this Code shall be defined as a dwelling in accordance with the City Zoning Code.

P. "Original Tract" means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership and the

configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including the applicant or applicants; PROVIDED, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.

Q. "Planning Agency" means the City Community Development Department together with the Planning Commission.

R. "Planning Commission" means that body as defined in Chapter 35A.63 RCW as designated by the Council to perform a planning function, or if the Council does not appoint a Planning Commission, the Council shall act as the Planning Commission.

S. "Plat" is 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 divisions and dedications.

T. "Preliminary Plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

U. "Reserved Street Area" means a defined area of land within the short plat or subdivision which is required by the City Engineering Manager to be reserved for a future street, and said area shall be dedicated to the City at the time of approval, but the street need not be constructed by the applicant or developer until such time as stated in the ordinance. Setbacks shall be established as if the reserved street area were dedicated.

V. "Short Plat" is the map or representation of a short subdivision.

W. "Short Subdivision" is any ~~voluntary or involuntary~~ division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease or transfer of ownership.

X. "Subdivision" is any ~~voluntary or involuntary~~ division or redivision of land into ten (10) or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership except as provided in Subsection M. of this Section.

Section 7: A new Section 17.2.040 LMC entitled "Subdivisions in Flood Areas," is created to read as follows:

The city shall consider the physical characteristics of any proposed subdivision site and may disapprove a proposed plat or short plat because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

No plat shall be approved for the subdivision of any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the Department of Ecology of the state of Washington.

Section 8: A new Section 17.2.045 LMC entitled “Subdivisions Adjacent to State Highways,” is created to read as follows:

Pursuant to RCW 58.17.155, whenever the city receives an application for the approval of a plat or short plat that is located adjacent to the right-of-way of a state highway, the Community Development Department shall give written notice of the application, including a legal description of the subdivision or short subdivision and a location map, to the Washington State Department of Transportation. The Department of Transportation shall, within fourteen days after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information that the Department of Transportation deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

Section 9: A new Chapter 17.04 LMC entitled “Legal Lots,” is created as follows

Chapter 17.04
Legal Lots

Sections:

17.04.10 Purpose and Intent

17.04.20 Definition

17.04.30 Certificate of Land Division Compliance

17.04.40 Application

17.04.50 Review and Processing Procedures

17.04.60 Certificate of Noncompliance

17.04.70 Non-buildable Lots

Section 10: A new Section 17.04.010 LMC entitled “Purpose and Intent,” is created to read as follows:

The purpose of this chapter is to advance the purposes and intent of RCW 58.17; namely, to “regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of

the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

This chapter seeks to ensure that the subdivision and development of land is accomplished in a thoughtful and orderly manner. This section seeks to balance the ability to develop private property with the public interest in ensuring that any such development does not adversely affect the community, the environment, or surrounding land uses.

Section 11: A new Section 17.04.020 LMC entitled “Definition,” is created to read as follows:

A legal lot is a lot with specific fixed boundaries which was created consistent with applicable state law and which remains consistent with applicable state law. LMC 18A.50.115.A sets forth requirements to establish a legal lot of record. To establish that a lot has been legally created, an applicant shall provide one (1) of the following:

A. A copy of a recorded formal plat, short plat, binding site plan, or subdivision approved by Pierce County or the City of Lakewood pursuant to RCW 58.17 or RCW 58.16 separately describing the lot.

B. A copy of the recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood separately describing the lot. This does not include actions taken by the County Assessor’s Office for tax purposes only.

C. Documentation that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.

D. A deed, contract of sale, mortgage, recorded survey, or tax segregation executed prior to August 13, 1974 that separately describes the lot.

Section 12: A new Section 17.04.030 LMC entitled “Certificate of Land Division Compliance,” is created to read as follows:

In the event that an asserted lot was not created pursuant to a formal plat action, or where there is a question of a lot’s legality, a property owner may apply for a Certificate of Land Division Compliance.

Although a certificate of compliance certifies the legality of the parcel, it neither ensures that it is a buildable parcel, nor entitles the parcel owner to a construction permit or other development permits or approvals. To obtain a construction permit or other land use approval for the parcel, the owner must complete the appropriate application process and meet all existing regulations.

If the City determines that the parcel was created in compliance with the provisions of RCW 58.17 and local ordinances at the time of its creation, a certificate of compliance

may be issued. If the parcel was not created in compliance with those provisions, a conditional certificate of compliance or a notice of violation may be issued. A Notice of Violation is a recorded document notifying the owner and subsequent owners that the parcel was created in violation of RCW 58.17 and local ordinances. A landowner, upon receipt of the city's intent to file a notice of violation may apply for a conditional certificate of compliance. The conditions which must be satisfied before a property is declared to be a legal lot, or before issuance of any permit or other approval, will typically be the same as those that would have been applied if the parcel had been legally created using the land division process. The city will not record the notice of violation if a conditional certificate is issued.

Section 13: A new Section 17.04.040 LMC entitled "Application," is created to read as follows:

Application for a certificate of compliance shall be made to the community development department on forms provided by the department, accompanied by the required filing fee. An application for a certificate of compliance shall be accompanied by the following:

A. One copy of grant deeds or other conveyance documents establishing the ownership of the property on the date of its creation;

B. One copy of the grant deed (s) or other conveyance documents showing the current owner of the parcel;

C. The assessor's parcel number for the property;

D. Legal description of the parcels;

E. Current preliminary title report(s) for the subject property, not more than six months old, issued by a title company;

F. One copy of any plat map(s) which depict the property involved in the request.

Section 14: A new Section 17.04.050 LMC entitled "Review and Processing Procedures," is created to read as follows:

The community development director shall review the application and shall issue a certificate of compliance, conditional certificate of compliance, or notice of violation. The determination shall be based on the following criteria:

A. A certificate of compliance shall be issued for a parcel created prior to August 13, 1974, which resulted from a division of land in which fewer than five parcels were created; or,

B. A certificate of compliance shall be issued for any lot created as part of a recorded

formal plat, short plat, binding site plan, or subdivision approved by Pierce County or the City of Lakewood pursuant to RCW 58.17 or RCW 58.16; or,

C. A certificate of compliance shall be issued for any lot created as the result of a recorded boundary line adjustment or lot combination approved by Pierce County or the City of Lakewood; or

D. A certificate of compliance may be issued where documentation is provided showing that the creation of the lot was exempt from the provisions of the Pierce County or City of Lakewood Subdivision Regulations.

E. A conditional certificate of compliance shall be issued for any parcel which does not, or at the time of creation did not, comply with the provisions of state law and local ordinances regulating the division of land. A conditional certificate of compliance may include conditions as follows:

1. If the current owner was not the owner at the time of the initial land division, the conditional certificate of compliance shall impose conditions which would have been applicable to a division of land on the date the current owner acquired the property; or

2. If the current owner was the owner at the time of the initial land division, the conditional certificate of compliance shall impose conditions which would be applicable to a current division of land.

Section 15: A new Section 17.04.060 LMC entitled “Notice of Violation,” is created to read as follows:

A. If the community development director has knowledge that real property has been divided in violation of the provisions of this title or RCW 58.17, a notice of intention to record a notice of violation shall be mailed by certified mail with return receipt to the current owner of record of the property. The notice shall describe the property in detail, name the owner(s), describe the violation with an explanation as to why the property is not lawful, and state that the owner will be given an opportunity to present evidence to the contrary. The notice shall specify the date, time, and place for a meeting at which the owner may present evidence to the community development director why a notice of violation should not be recorded. The meeting shall take place no sooner than 30 days and no later than sixty days from the date of mailing. The owner shall have fifteen days to indicate whether or not he or she has any objections to the notice and would like to avail him or herself of the opportunity to meet with the community development director.

B. An owner may apply for a conditional certificate of compliance per Section 17.04.030 of this title. If, however, after the owner has presented evidence, the community development director determines that the property has in fact been illegally divided, the city clerk shall record the notice of violation with the county recorder. If, within fifteen days of receipt of the notice, the owner of the real property fails to inform the city of his or her objection to the notice of violation, the city clerk shall record the notice of

violation with the county auditor. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in the subject property. Pursuant to LMC 18A.50.115 and RCW 58.17.210, development shall be permitted only on a legally created lot.

C. If, after the owner has presented evidence, it is determined that there has been no violation, the City shall issue a certificate of compliance or a conditional certificate of compliance, and shall mail a clearance letter by certified mail with return receipt to the then current owner and shall record the clearance statement or certificate of compliance with the County Auditor.

D. A determination that a violation has been sustained is appealable to the City's Hearing Examiner in accordance with the provisions of chapter 1.36 LMC.

E. In the event that a Notice of Violation is sustained, the following courses of action are possible:

1. A preliminary plat or short plat application may be filed. If approved, legal lots would be created upon recordation of the final plat or final short plat.

2. A conditional certificate of compliance could be issued noting appropriate requirements to be fulfilled pursuant to LMC 17.04.050.E. Upon fulfilment of the conditions, a clearance statement and/or certificate of compliance shall be issued by the City and recorded with the County Assessor. The property shall thereafter be considered a legal lot of record. If a conditional certificate of compliance is issued, the Community Development Director shall, at a minimum, provide a scaled graphic depiction and accurate legal description to utility companies, service providers, and other agencies with jurisdiction over, or interest in, the subject property.

3. If the property does not conform to City zoning requirements or is otherwise found to be a public nuisance or code violation which cannot be appropriately mitigated, the Notice of Violation shall be sustained and the City shall pursue appropriate legal action to remedy the violation and eliminate the separate lot.

Section 16: A new Section 17.04.070 LMC entitled "Non-buildable Lots," is created to read as follows:

There may be situations where a legal lot of record may be deemed unbuildable because of size, dimension, topography, lack of access, environmental constraint or other factors. When anticipated, information regarding limitations and constraints may be required to be noted on the certificate of compliance, or the city may issue some other appropriate form of notice.

Section 17: Chapter 17.06 LMC entitled "Preliminary Plat Procedure – General/Prefiling Procedure -- SEPA," is retitled to read, "Preliminary Plat Procedure – General," as follows:

17.6.000 - Preliminary Plat Procedure – General Prefiling Procedure – SEPA

Chapter 17.06

Preliminary Plat Procedure - ~~General Prefiling Procedure~~ - SEPA

Sections:

17.06.010 Explanation of ~~Prefiling~~ Preliminary Plat and Final Plat Approval.

17.06.020 Plans Required.

17.06.030 Recommendations on Street, Drainage, ~~Sewer, Water~~ Utility and Fire Systems.

Cross-reference: Chapter 86. RCW

Section 18: A Section 17.06.010 LMC entitled “Explanation of Prefiling Plat and Final Plat Approval,” is retitled, “Explanation of Preliminary Plat and Final Plat Approval,” and amended to read as follows:

The City of Lakewood utilizes a two part review procedure for subdivision projects. The first part- the preliminary plat- is used to communicate the scope and specific details of the proposed subdivision. Environmental review under SEPA is performed at this stage. Specific requirements for the implementation of the subdivision are crafted in response review comments by responsible agencies and the environmental review.

A preliminary plat application is acted upon by the City’s hearing examiner. The hearing examiner’s decision is the primary discretionary action by the City on the subdivision proposal. After final conclusion with regard to the preliminary plat, the developer is required to install subdivision improvements and utilities, and take other actions as required by the conditions of approval of the preliminary plat in order to implement the subdivision.

Upon completion of required infrastructure improvements and satisfaction of the requirements of the preliminary plat approval, the applicant shall file a final map following the procedures in Chapter 17.16 of this title. The proposed final plat map is reviewed by the Community Development Director and City Engineer for conformance with the terms of the preliminary plat approval. The City Council shall thereafter review the final plat as indicated in LMC 17.16.040.

Upon review and approval by the City Council, the final map shall be signed by all responsible agencies and shall be duly recorded with Pierce County. Legal lots are created upon recordation of the final plat map.

~~Certain steps are required of the developer and of the City prior to the actual filing date of the preliminary plat. These steps include the developer’s completion of the Environmental Checklist and submitting nine (9) copies of the proposed preliminary plat to the Community Development Department and eight (8) copies of the Environmental Checklist.~~

Section 19: Section 17.06.020 LMC entitled “Plan Required,” is retitled “Plans Required,” and amended to read as follows:

Whenever it is essential for purposes of evaluating environmental or other concern, the City Community Development Director or City Engineer ~~Engineering Manager~~ may require the developer to submit certain specific concept drawings or studies (e.g. traffic impact analysis) prior to preliminary plat approval.

Section 20: Section 17.06.030 LMC entitled “Recommendations on Street, Drainage, Sewer, Water and Fire Systems,” is retitled “Recommendations on Street, Drainage, Utility and Fire Systems,” and amended to read as follows:

The City Engineer ~~City Engineering Manager~~, the County Health Officer, utility providers, and the Fire Chief shall review and certify-communicate to the Hearing Examiner; their respective recommendations as to the adequacy of the proposed street system, ~~and storm drainage system, the proposed sewage disposal, and water supply~~ and other utility systems, and fire protection services for the subdivision. The recommendations of the City Engineer ~~City Engineering Manager~~, the County Health Officer and the Fire Chief shall become part of the record and shall be included with the Hearing Examiner's decision, ~~if said matter is appealed to the Council.~~

Section 21: Section 17.10.020 LMC entitled “Filing,” is amended to read as follows:

A preliminary plat of a proposed subdivision ~~and/or~~ dedication of land located in the City shall be submitted to for approval by the Examiner by filing with the City Community Development Department, and shall include a completed application, paying the application fee, filing sixteen (16) seven (7) paper copies, one 11” X 17” paper copy, and one (1) reproducible electronic copy of the proposed preliminary plat, submitting a list of adjacent landowners as specified herein, submitting and an approved-completed Environmental Checklist, and when appropriate, an application for a Comprehensive Plan or zone amendment. Said application for Comprehensive Plan or zone amendment may be considered with the application for preliminary plat approval. For purposes of RCW 58.17.033, a complete application for preliminary plat approval must contain the information and documents required by the following section.

Section 22: Section 17.10.025 LMC entitled “Preliminary Plat,” is amended to read as follows:

A. Application Submittal: ~~Whenever it is possible~~ Any property owner wishing to subdivide land into five (5) ten (10) or more lots, tracts, sites or divisions, the applicant shall file with the City Community Development Department one 8-1/2” x 11” clear plastic reduction, one 11” X 17” reduced paper copy, and seven (7)7 legible paper copies of the preliminary plat map on sheets 18” x 24” in size. Preliminary plat maps shall include, or be accompanied by the following:

1. A completed general application form and environmental checklist. Said form and checklist to be obtained from the Community Development Department.

2. The filing fee required pursuant to the City ordinance adopting building and development related permit fees schedule, and in accordance with the fee schedule available from the Community Development Department.

3. Names and addresses of all property owners within 300 feet of the subject property, available from the County Assessor's Office. [This requirement may be waived if the City provides the list of adjacent landowners.](#)

4. A vicinity map extending at least 800 feet in each direction from the proposed subdivision, or further if necessary to assist in locating the subdivision. The vicinity map shall be drawn to a scale of one inch equals 800 feet (1":800'). The vicinity map shall show the following:

- a. Street layout in the subdivision;
- b. Existing and tentatively approved street layout within 800 feet of the subdivision;
- c. Zoning designations within, and adjacent to, the subdivision;
- d. All property lines within 800 feet of the subdivision;
- e. Streams or watercourses, and public facilities such as schools and parks;
- f. All 100-year floodplain and designated shoreline boundaries in, and within 800 feet of, the proposed subdivision;
- g. Any other pertinent information that will assist in locating the proposed subdivision.

5. A title block in the lower right corner of the preliminary plat map, showing:

- a. The proposed name of the subdivision;
- b. The scale of the drawing;
- c. The date of the drawing;
- d. The name and address of the engineer, surveyor or other individual responsible for laying-out the subdivision.

6. A detailed plan of the proposed subdivision drawn to the scale of one inch equals ~~50~~ 100 feet (1":~~100~~50') or larger, ~~with the provision that for subdivisions of 50 acres or more the Community Development Director may authorize a smaller scale, when an entire subdivision cannot be shown on a single sheet.~~ The detailed plan shall clearly show the following information:

- a. North arrow;
- b. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;
- c. The location, names and right-of-way widths of all proposed streets and their proposed paved width;
- d. Lot layout with lot line dimensions, the area in the square feet contained in each lot;

- e. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;
- f. The use and approximate location of all buildings within 150 feet of the boundaries of the proposed subdivision;
- g. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;
- h. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision [to include any existing easements](#);
- i. Location and disposition of any wells, creeks, drainage courses, drainageways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;
- j. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one (one) acre or less, elevations at each existing and proposed property corner. One foot or two foot contours may be required, at the Community Development Director's discretion;
- k. Topography and at least ten foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (U.S.G.S.), or other survey approved by the Community Development Director;
- l. The location of all significant trees (as defined in the Lakewood Zoning Code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets (Individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown. For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the Community Development Director, and which do not require the applicant to trespass on adjacent property;
- m. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;
- n. The location of identified hazards or development limitation areas identified by the City of Lakewood Critical Areas Map;
- o. The location of any state shorelines and associated wetlands within the subdivision, as defined by State law and the City of Lakewood Shoreline Master Program.

7. Profiles of all proposed streets within the proposed subdivision, showing grades to which the streets will be built, and the existing groundline of the proposed streets including the probable future extensions of any stub (dead-end) streets for a maximum distance of 150 feet beyond the proposed subdivision boundaries. As an alternative, the preliminary plat map may show topography in two foot (2') contours within 50 feet of

each side of the centerline of all probable future extensions of any stub (dead-end) streets for a distance of 150 feet beyond the boundaries of the proposed subdivision. The contour information shall be certified by a registered engineer or surveyor.

8. Slope analysis indicating areas where existing grades within the subdivision exceed 15%, 25% and 40%. The percentage and area in square feet of the subdivision with slopes of 0 - 15%, 15 - 25%, 25 - 40% and 40% and above categories.

9. Such additional information as the Community Development Director deems necessary.

Section 23: Section 17.10.030 LMC entitled "Staff Procedure," is amended to read as follows:

If the preliminary plat, as filed, is [consistent with the City's comprehensive plan, and is](#) in conformance with all of the City's land use codes and is otherwise acceptable in form and substance, the Community Development Department shall receive the application and shall promptly forward copies of the preliminary plan to appropriate governmental agencies for their review.

[If the application is not consistent with the comprehensive plan land use designation, the application shall be returned to the applicant, and shall not be accepted unless the comprehensive plan land use designation is amended to be consistent with the proposed subdivision.](#)

Section 24: Section 17.10.040 LMC entitled "Notice," is retitled, "Notice to Agencies," and amended to read as follows:

A. Notice of Filing. Notice of the filing of a preliminary plat shall be given to the State, municipalities, public utilities and school districts in the following cases and manner:

1. When a proposed subdivision which contemplates the use of any public utilities, notice shall be given to the public utilities governing body.

2. When a proposed subdivision which is to be located adjacent to the right-of-way of a State highway, notice shall be given to the State Department of Highways or its successor.

3. Notice shall be given to the school district within which the subdivision is proposed.

4. When the proposed subdivision lies within a designated flood control zone pursuant to [Chapter Title 86](#), RCW, notification shall be given to the Department of Ecology of the State of Washington, or its successor.

5. When a subdivision is located within the jurisdiction of the Shoreline Management Act, notification shall be given to the Department of Ecology of the State of Washington, or its successor.

Notice of filing as above required, shall be accomplished by the Community Development Director or his authorized ~~designees assistant's~~ notifying the proper agencies by letter of the proposed subdivision filing, which letter shall include its legal description, a small map showing location, subdivision acreage, number of home or building lots, ~~and the hour and location of the first hearing on the preliminary plat.~~ The City may require that any review fees payable to outside agencies be made directly with that agency prior to submittal of the preliminary plat application. The initial review by the departments/agencies of the proposed plat shall be completed within fifteen (15) calendar days, unless, upon the request of the Community Development Department, the applicant consents to an extension of such time period. Each department or official shall either recommend approval, disapproval, or revision of the preliminary plat within the fifteen day initial review period.

The reviewing departments shall have a fourteen (14) day review period to consider any revised plans. At the conclusion of the review period, the reviewing department directors or authorized representatives shall recommend approval, approval with conditions, or denial of the preliminary plat.

B. The City shall provide a Notice of Public Hearing to all agencies commenting on a project and to the Washington State Departments of Transportation and Ecology when notice is required to be given to such agencies because of a project's location near flood hazard areas or state highways. Said ~~letter notice~~ shall be mailed or delivered at least fourteen (14) days before the date for the initial hearing.

~~B. List of Adjacent Landowners. The developer shall obtain and submit to the Community Development Department Director, the names and addresses of all persons of record, who own or who are contract purchasers of the real property to within 300 feet of the exterior boundary of the proposed subdivision site and outside of the developer's ownership or partial ownership. The names and addresses herein required shall be obtained from the Assessor Treasurer's records.~~

Section 25: Section 17.10.050 LMC entitled "Determination of Completeness," is amended to read as follows:

Within 28 days of receiving an application for preliminary plat approval containing all information required by Section 17.10.020 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW ~~36.70.A.440~~ 36.70B.070. The Community Development Department is responsible for complying with all other requirements of RCW ~~36.70.A.440~~ 36.70B.070, provided that any applicable time limitations for processing an application, including time limits set forth in RCW 36.70B, RCW 58.17, LMC Title 18A, or this title, shall be tolled while

the applicant responds to requests for revision or additional information within the timeframes set forth in this section.

Section 26: A new Section 17.10.060 LMC entitled “Public Notice,” is created to read as follows:

Upon receipt of a complete application, a Notice of Application shall be given as required by RCW 36.70B and LMC 18A.02.670. Public notice is also required as part of the environmental review process under SEPA. SEPA notices shall be issued as required by WAC 197-11-340, and may be combined with the Notice of Application as provided for in WAC 197-11-355.

A Notice of Public Hearing shall be issued prior to the public hearing as required by RCW 58.17.090 and LMC 18A.02.700. Notice shall be mailed, posted and first published not less than fifteen (15) nor more than thirty (30) days prior to the public hearing requiring the notice.

Section 27: Section 17.14.010 LMC entitled “Notice of Hearing,” is retitled, “Review Process,” and amended to read as follows:

Preliminary Plat applications shall be reviewed as a Process III Hearing Action as outlined in LMC 18A.02.502 and 18A.02.550. Preliminary plat applications are subject to a hearing before the City’s Hearing Examiner. The Hearing Examiner’s decision on a preliminary plat application is considered final and conclusive.

If a Comprehensive Plan or zoning ordinance amendment is required for a subdivision project, the amendment shall be processed and approved prior to processing of the subdivision application. Site specific comprehensive plan and zoning ordinance amendments shall be reviewed as a Process IV Hearing Action as outlined in LMC 18A.02.502 and 18A.02.560. Amendment applications are subject to a hearing before the Planning Advisory Board and final approval by the City Council.

~~A. General. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of a vicinity location sketch or a location description in non-legal language.~~

~~B. Newspaper Notice. Upon receipt of an application for preliminary plat and after completion of a Final Environmental Impact Statement, if necessary, or Negative Declaration, the Community Development Department staff shall set a date for a public hearing before the Examiner and shall give notice by arranging publication of at least one (1) notice not less than ten (10) days prior to the hearing in the newspaper of general circulation in the City.~~

~~C. Notice to Adjacent Ownership. The Community Development Department shall notify by letter, the persons who own or are contract purchasers of the real property, as shown by the records of the County Assessor-Treasurer, located within three hundred (300) feet,~~

~~but not less than two (2) parcels deep, around the perimeter of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. Said notice shall specify the particulars of the initial hearing on the proposed subdivision and shall include a description of the location of the proposed subdivision in non-legal language or a vicinity location sketch and shall be mailed not less than twenty-one (21) days before said hearing.~~

~~D. Posting Requirements. After acceptance of a preliminary plat application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right of way, as determined by the Community Development Department. Notice shall be posted on a 3 foot by 4 foot waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City (see drawing No. 1, appendix A) If desired, a sign may be purchased from the City at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Community Development Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Community Development Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or City Council.~~

Section 28: Section 17.10.020 LMC entitled “Review of Preliminary Plat,” is amended to read as follows:

A. Upon receipt of a complete preliminary plat application, the Community Development Department shall begin its review of the application consistent with RCW 36.70B, and relevant provisions of the Lakewood Municipal Code. The Department shall transmit a copy of the plat map, easements, and application materials to relevant city departments, utilities providing services to the subdivision, and any other government agencies with jurisdiction as required by LMC 17.10.040. At a minimum, the Department shall transmit the application to the City Engineer, the Building Official, Lakewood Water District, Pierce County Sewer Utility, West Pierce Fire and Rescue, the appropriate electric utility provider, the Pierce County Assessor’s Office, and the Tacoma-Pierce County Health Department. The Community Development Director shall also transmit a copy of the application to other agencies with an interest in the project including, but not limited to, Washington State Department of Transportation, Washington Department of Fish and Wildlife, Washington State Department of Ecology, Joint Base Lewis McChord, and

Camp Murray. The Community Development Department shall also issue a Notice of Application pursuant to LMC 18A.02.600 et seq. and shall commence environmental review under SEPA. Responsible agencies shall provide comments as provided in LMC 17.10.040.

B. The Hearing Examiner shall review all proposed preliminary plats and shall take such action thereon as to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the City. ~~The approval of any preliminary plat may be conditioned upon the developer's obtaining proper Comprehensive Plan or zoning designation for the subdivision.~~

BC. The decision by the Examiner is a final and conclusive decision ~~but said decision may be appealed to the Council as specified herein.~~ The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. Each final decision of the Examiner, ~~unless a longer period is mutually agreed to by the applicant and the Examiner,~~ shall be rendered within ten (10) working days following the conclusion of all testimony and hearings unless a longer period is mutually agreed to by the applicant and the Examiner.

Section 29: Section 17.14.030 LMC entitled "Required Written Findings and Determinations," is amended to read as follows:

~~A.~~ The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. ~~The Examiner shall determine:~~

~~1. If appropriate provisions are made for, but not limited to the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and~~

~~2. whether the public interest will be served by the subdivision and dedication.~~

~~B.~~ A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:

A.1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

B.2. The public use and interest will be served by the platting of such subdivision and

dedication. If the Examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the Examiner shall approve the proposed subdivision and dedication.

Section 30: Section 17.14.040 LMC entitled "Time Limitations," is amended to read as follows:

A. In General. A final plat meeting all of the requirements of law shall be submitted to the City within ~~five (5) years of the date upon which the approval of the preliminary plat is final, ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW (Shoreline Management Act) and the date of preliminary plat approval is on or before December 31, 2007, within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.~~ The approval of a preliminary plat shall be automatically null and void if final plat approval is not obtained within the time limitations specified herein.

In addition, pursuant to RCW 58.17.170 (3)(b), a subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of ten years after final plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW (Shoreline Management Act) and the date of final plat approval is on or before December 31, 2007, unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. Otherwise, any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing if the date of filing is on or before December 31, 2014, and for a period of five years from the date of filing if the date of filing is on or after January 1, 2015. (RCW 58.17.170).

B. Extension Procedure.

1. Time for Filing. A written application for any extension of time under the provisions of this Section shall be filed with the Community Development Department at least thirty (30) days prior to the expiration of the existing period of approval currently applicable. The applicable time period shall be tolled from the date of filing the application for extension until the date of the final decision by the City. Each application shall be accompanied by payment of a filing fee in an amount established by separate Resolution.

2. Additional Extensions-Changed Conditions. Upon filing of an application for extension, a copy shall be sent to each party of record together with governmental departments or agencies as were involved in the process of preliminary plat approval. By letter, the Examiner shall request that written comments, if any, be delivered to the Examiner's office within ten (10) working days of the date of the Examiner's letter. If any comment requests the alteration or expansion of conditions of approval, the applicant

shall be provided with a copy of such proposal and a period of ten (10) working days in which to file objections, if any, ~~and~~ or a request for formal hearing. In the absence of such objection, the Examiner may conclude that the proposed change in conditions is acceptable to the applicant and proceed to a decision in accordance with procedures set forth in this Section.

3. Hearing Examiner-Hearing. If, in the opinion of the Examiner, substantial issues have been raised concerning the application for extension, the Examiner may schedule a public hearing. In the case of a request for extensions of time beyond the initial one (1) year period, if a proposal is made to alter or expand the conditions of approval, a public hearing shall be held upon written request by the applicant or any party of record upon a determination by the Hearing Examiner that there are substantial issues which necessitate a public hearing.

4. Hearing Examiner Decision.

a. With hearing. If a public hearing is held under the provisions of Section ~~BD~~.3 above, the Examiner shall issue a decision together with findings and conclusions in support thereof within ten (10) working days of the date of the hearing.

b. Without hearing. If no public hearing is held, the Examiner shall issue his decision with ten (10) working days of the date upon which written comments were to be filed with the Examiner.

Hearing Examiner Decision-~~Appeal~~. The decision of the Examiner to grant or deny extensions of time shall be final, ~~unless appealed under the provisions of Sections 17.14.050, 17.14.060, and 17.14.070.~~

C. Stages. If the developer desires to develop said subdivision in stages, each stage or division must be approved within the time limits specified herein.

Section 31: Section 17.14.060 LMC entitled "Appeal of Examiner's Decision," is amended to read as follows:

The decision of the Hearing Examiner is final and conclusive, subject only to judicial appeal.

~~The final decision by the Examiner on a preliminary plat may be appealed to the Council, by any aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:~~

~~A. The appellant must file written notice of appeal with the Community Development Department and the appeal fee within ten (10) working days of the date of mailing of the~~

~~Examiner's final decision; provided, that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final order or decision on the reconsideration request.~~

~~B. The notice of appeal shall concisely specify such error and/or issue which the Council is asked to consider on appeal.~~

~~C. Upon the filing of an appeal, the Community Development Department shall forward to the Council the original tape contain ing a verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.~~

~~D. The approval of a final plat is strictly limited to the questions of whether the final plat is consistent with the findings, conclusions and conditions specified for the preliminary plat. Environmental considerations and satisfaction of review criteria specified by Section 17.14.030 and RCW 58.17.110 which are not relevant to the findings, conclusions or decision for the preliminary plat cannot be raised during the review of a final plat but must be raised at the time for reviewing the preliminary plat or they are waived. (Ord. 60 ? 1 (part), 1996.)~~

Section 32: The following section is repealed: LMC 17.14.070

~~17.14.070 – Council Action on Appeals~~

~~A. General. For Examiner decisions which an appeal is properly filed, the Community Development Department shall forthwith forward nine (9) copies of the Examiner's decision plus nine (9) copies of the official file and the recorded record to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.~~

~~B. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner to apprise them of the meeting date before the Council. Parties of record are those persons who have:~~

- ~~1. Testified before the Examiner, or~~
- ~~2. Listed their names on a sign up sheet which is available during the Examiner's hearings, or~~
- ~~3. Advised the Community Development Department in writing of their desire to be a party of record.~~

~~C. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council may impose a time limit on oral presentations. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together,~~

~~provided that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.~~

~~D. Council Decision on Appeal.~~

~~1. The Council's decision on any appeal from the Examiner shall be based on the record of the hearing held by the Examiner. The Council may not accept or consider any additional~~

~~2. The Council shall consider whether each of the findings of fact entered by the Examiner are supported by substantial evidence in the record. The Council may reverse any finding which is not so supported. Beyond this, the Council may not enter its own findings of fact;~~

~~3. The Council shall consider issues of law *de nova* in making its decision;~~

~~4. The Council may affirm or reverse the decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision by the Council shall be supported by adequate findings of fact based on the record and by conclusions of law.~~

~~E. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person files an appropriate action in Superior Court for the purpose of reviewing the action taken, and serves all necessary parties.~~

~~F. Reconsideration by the Council. Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with the Clerk of Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:~~

~~1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration;~~

~~2. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing;~~

~~3. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.~~

~~Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper, including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one request for reconsideration may be filed by any one person or party;~~

~~even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.~~

~~In the event that a request for reconsideration is filed with the Council, the thirty (30) day appeal period to Superior Court as set forth in this Title shall be deemed to commence on the date of the Council's final action relative to the request for reconsideration.~~

~~(Ord. 60 ? 1 (part), 1996.)~~

Section 33: The following sections is repealed: LMC 17.14.080

~~17.14.080 Requirement for Each Plat Filed for Record~~

~~Each and every plat of any property filed for record shall:~~

~~A. Contain a legal description of the plat which shall match the description on the title insurance report.~~

~~B. Contain a dedication for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organizations.~~

~~C. Be acknowledged by the person filing the plat before the County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.~~

~~D. Contain certification from the Assessor-Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.~~

~~E. Contain a statement of approval from the City Engineering Manager as to the construction of all streets and associated storm drainage systems for public streets. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain a provision for maintenance of the private streets by the individual lot owners.~~

~~F. Contain a certification from the sewerage provider as to the means of sewage disposal for the lots if required.~~

~~G. Contain a certification from the County Health Department as to the means of sewage disposal and water availability if required.~~

~~H. Contain a certification from the Community Development Department approving the plat and stating that the platting fee has been paid.~~

~~I. Be accompanied by a complete survey of the section or sections in which the plat or replat is located with all survey work being done in compliance with RCW 58.24.040. The~~

~~final plat shall follow the format as shown on the City Formal Plat Standards as now enacted or hereafter amended.~~

~~J. Be submitted to the City Community Development Department along with the following:~~

~~1. Twelve (12) paper prints.~~

~~2. Two (2) copies of a title report, prepared not more than thirty (30) days prior to the date of written approval by the Director of the Community Development Department, from a title insurance company containing the complete and correct legal description of the plat, listing all easements of record which affect the property and confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the dedication.~~

~~3. Final Plat Land Use Breakdown sheet.~~

~~4. One (1) copy of the plat boundary, individual lots and street centerline computer closures for the plat.
(Ord. 60 § 1 (part), 1996.)~~

Section 34: The following sections is repealed: LMC 17.14.090

~~17.14.090 Certificate Giving Description, Statement of Owners, and Dedication Requirements~~

~~Every formal subdivision, short subdivision or large lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat document and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.~~

~~Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quit claim deed to the said donee or donees and/or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid. (Ord. 60 § 1 (part), 1996.)~~

Section 35: The following sections is repealed: LMC 17.14.100

~~17.14.100 Review of Final Plats~~

~~The City Community Development Director or authorized assistant shall review applications for the proposed final plat and be satisfied that the following conditions exist:~~

~~A. The final plat meets all standards established by State law and this Title relating to final plats;~~

~~B. The proposed final plat bears the certificates and statements of approval required by this Title and State law;~~

~~C. A title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate;~~

~~D. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a performance bond, or cash deposit in lieu thereof, or other security commonly used by banking and lending institutions; provided further that the bond, cash deposit, or other security, as hereinabove required, shall be filed with the Engineering Manager and shall be in a form acceptable to the City Attorney and in an amount and with sureties commensurate with improvements remaining to be completed and securing to the City the construction and installation of the improvements within a fixed time.~~

~~(Ord. 60 § 1 (part), 1996.)~~

Section 36: The following sections is repealed: LMC 17.14.110

~~17.14.110 Council Review of Final Plats~~

~~The City Council shall review final plats in accordance with Chapter 58.17 RCW. When the Engineering Manager finds that the subdivision meets the following criteria, he or she shall recommend approval the proposed final plat if:~~

~~A. The plat conforms to all terms of preliminary plat approval;~~

~~B. The bond, if there is one, by its essential terms assures completion of improvements;~~

~~C. The plat meets the requirements of State law and this Title in effect at the time of preliminary plat approval.~~

~~After the City Council approves the plat, the Community Development Department shall forward the original to the County Auditor for filing, who shall, after~~

~~recording, forward two reproducible copies thereof to the Engineering Manager and one paper copy to the County Assessor-Treasurer.
(Ord. 60 § 1 (part), 1996.)~~

Section 37: A new Chapter 17.16 LMC entitled, Final Plats – Review Procedure,” is created,

Chapter 17.16
Final Plats- Review procedure

17.16.010 Requirement for Each Plat Filed for Record

17.16.020 Certificate Giving Description, Statement of Owners, and Dedication Requirements

17.16.030 Review of Final Plats

17.16.040 Council Review of Final Plats

Section 38: A new Section 17.16.010 LMC entitled “Requirement for Each Plat Filed for Record,” is created to read as follows:

Each and every plat ~~of any property~~ filed for record [pursuant to RCW 58.17.160](#) shall:

A. Contain a legal description of the plat which shall match the description on the title insurance report.

B. Contain a dedication [statement](#) for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organiza-tions.

C. Be acknowledged by the person filing the plat before the County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

D. Contain certification from the Assessor-Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

E. Contain a statement of approval from the City Engineering Manager as to the construction of all streets and associated storm drainage systems for public streets. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain a provision for maintenance of the private streets by the individual lot owners.

F. Contain a certification from the sewerage provider as to the means of sewage disposal for the lots if required.

G. Contain a certification from the County Health Department as to the means of sewage disposal and water availability if required.

~~H. Contain a certification from the Community Development Department approving the plat and stating that the platting fee has been paid.~~

~~HI. Be accompanied by a complete survey of the section or sections in which the plat or re-plat is located with all survey work being done in compliance with RCW 58.24.040.~~
The final plat shall follow the format as shown on the City Formal Plat Standards as now enacted or hereafter amended. All survey work shall be performed in compliance with RCW 58.24.040.

I. Be submitted to the City Community Development Department along with the following:

1. Twelve (12) paper prints.

2. Two (2) copies of a title report, prepared not more than thirty (30) days prior to the date of written approval by the Director of the Community Development Department, from a title insurance company containing the complete and correct legal description of the plat, listing all easements of record which affect the property and confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the dedication.

3. Final Plat Land Use Breakdown sheet.

4. One (1) copy of the plat boundary, individual lots and street centerline computer closures for the plat.

Section 39: A new Section 17.16.020 LMC entitled “Certificate Giving Description, Statement of Owners, and Dedication Requirements,” is created to read as follows:

Every formal subdivision, short subdivision or ~~large lot subdivision~~ binding site plan filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat document and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

Any dedication, donation or grant as shown on the face of the plat shall be considered ~~to~~ for all intents and purposes, as a quit-claim deed to the said donee or donees and/or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

Section 40: A new Section 17.16.030 LMC entitled “Review of Final Plats,” is created to read as follows:

The City Community Development Director or authorized designee shall review applications for the proposed final plat and be satisfied that the following conditions exist:

A. The final plat meets all standards established by State law and this Title relating to final plats;

B. The proposed final plat bears the certificates and statements of approval required by this Title and State law;

C. A title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate;

D. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a performance bond, or cash deposit in lieu thereof, or other security commonly used by banking and lending institutions; provided further that the bond, cash deposit, or other security, as hereinabove required, shall be filed with the City Engineer and shall be in a form acceptable to the City Attorney and in an amount and with sureties commensurate with improvements remaining to be completed and securing to the City the construction and installation of the improvements within a fixed time.

E. That all conditions of the preliminary plat approval have been satisfied and that all platting fees have been paid.

Section 41: A new Section 17.16.040 LMC entitled “Council Review of Final Plats,” is created to read as follows:

The City Council shall review final plats in accordance with Chapter 58.17 RCW. Council review of a final plat is strictly limited to the questions of whether the final plat is consistent with the findings, conclusions and conditions specified for the preliminary plat. Environmental considerations and satisfaction of review criteria specified by Section 17.14.030 and RCW 58.17.110 which are not relevant to the findings, conclusions or decision for the preliminary plat cannot be raised during the review of a final plat but must be raised at the time for reviewing the preliminary plat or they are waived. When the Engineering Manager ~~Community Development Director~~ finds that the subdivision

meets the following criteria, he or she shall recommend approval the proposed final plat if:

- A. The plat conforms to all terms of preliminary plat approval;
- B. The bond, if there is one, by its essential terms assures completion of improvements;
- C. The plat meets the requirements of State law and this Title in effect at the time of preliminary plat approval.

After the City Council approves the plat, the Community Development Department shall forward the original to the County Auditor for filing, who shall, after recording, forward two reproducible copies thereof to the City Engineer and one paper copy to the County Assessor-Treasurer.

Section 42: A new Section 17.18.005 LMC entitled “Conditions of Approval and Construction of Subdivision Infrastructure,” is created to read as follows:

The creation of new lots and building sites requires that certain infrastructure be provided to serve the planned development. In addition, provisions must be made for maintenance of common infrastructure and implementation of development controls. It is the responsibility of the subdivision developer to install the infrastructure to serve the subdivided land. Infrastructure will normally include roadways to serve the lots of the subdivision, utilities (including electricity, gas, water and sanitary sewage disposal), stormwater management, and fire protection. Additional improvements may be required to mitigate environmental or other impacts of a subdivision. Prior to the approval and recordation of the Final Map, the City will require that all of the conditions of approval for the preliminary plat be satisfied.

Section 43: Section 17.18.010 LMC entitled “Dedications,” is amended to read as follows:

A. General. Dedication of land for road right-of-way and other purposes may be required. All dedications shall be clearly and precisely indicated on the face of the plat as approved by the City. Improvements and easements to maintain such improvements may be required to be dedicated.

B. Access to Public Waters. Plats of subdivisions containing land ~~adjacent to publicly owned or controlled bodies of water~~ subject to the provisions of the Shoreline Management Act shall contain dedications of public access to, around or beside the regulated waterbody such bodies of water consistent with the City’s Shoreline Master Program, unless the Examiner determines the public use and interest will not be served thereby. Such dedications shall be of a size and nature as determined by the Examiner and shall be established when the preliminary plat is approved. Such dedications may be required only when in compliance with all standards governing regulatory takings.

C. Constructed to City Standards. All streets, bridges, drains, culverts and related structures and facilities which are dedicated, shall be designed and constructed in accordance with current standards promulgated by the Engineering Manager and in effect at the time of construction.

Section 44: Section 17.18.020 LMC entitled "Improvements Required," is amended to read as follows:

A. ~~Plan and profiles required.~~ Permits required. All subdivision improvements shall be constructed in accordance with an approved site development permit.

Prior to the construction of an improvement, the developer shall submit to the City Engineer, ~~two (2) an application for a site development permit including~~ copies of the plan, profiles and specifications for said streets, drainage, utilities and other proposed improvements to be constructed in the proposed subdivision. Plans and profiles shall be drawn upon standard 22" x 36" ~~Federal Aid Plan~~ profile sheets or such other sheets as may be acceptable to the City Engineer. Prior to construction, the construction plans for any dedicated improvement must be approved by the City Engineer and construction plans for other improvements may be required to be approved. A site development permit or other appropriate permission shall be secured prior to commencement of construction.

B. Flood or Geological Hazard. If any portion of the land within the boundaries ~~shown on any map or plat of a division of land whether formal plat or short plat or large lot division plat~~, is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, as such conditions may be, but need not be, indicated in the most recent national flood insurance program, flood hazard boundary map (FHBM) for Pierce County, Washington or other authoritative data, and the probable use of the property will require structures thereon or nearby, the Hearing Examiner or departmental reviewer may disapprove the subdivision, ~~short subdivision or large lot division or that portion of the subdivision, short subdivision or large lot division~~ so affected, and/or require protective improvements to be constructed as approved by the City, as a condition precedent to final approval and recordation of the subdivision, short subdivision or ~~large lot division~~ binding site plan map. If any portion of a lot or parcel of a subdivision is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any portion is shown. No subdivision, short subdivision or ~~large lot division~~ binding site plan shall be approved by the Examiner or departmental reviewer which is situated wholly or partially within a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology.

C. Storm Drainage Containment. The City shall, as a condition of approval of any division of land, whether formal subdivision or short subdivision or ~~large lot division~~ binding site plan, require the developer to construct storm drainage facilities in conformance with the City's surface water design standards.

D. Fire Protection. The developer shall, at the developer's expense, provide water sources

~~and~~/or facilities as required by law. Subdivisions shall provide fire hydrants (or other adequate means) with adequate capacity and spacing to provide for fire protection.

E. Sanitary Sewer Pipe Installations. The City may condition the approval of any plat upon the developer's installation of sanitary sewer connections and pipes properly constructed according to City standards.

Section 45: Section 17.18.030 LMC entitled “Names and Numbers of Subdivisions, Streets, Blocks and Lots,” is amended to read as follows:

A. General. In order to promote an orderly and coherent street and property location system, street names and numbers in subdivisions, short subdivisions and ~~large-lot divisions-binding site plans~~ shall be assigned in accordance with the procedures and guidelines established herein.

B. Subdivision Names and Numbers. Subdivision names shall be chosen by the applicant subject to approval by the Community Development Department. The Community Development Department shall approve the proposed name if it is reasonably distinguishable from previously established subdivision names. The legal identification of short plats and binding site plans ~~large-lots~~, if any, shall be designated by number and assigned by the County Auditor at the time of recording.

C. Street Names and Numbers. All public and private streets established by subdivision, short subdivision or binding site plan ~~large-lot division~~ shall have street names or numbers assigned and clearly shown on the plats prior to approval and recording. Street names and numbers shall be assigned by the Community Development Director. Private streets shall be clearly labeled on the face of the plat.

D. Blocks and Lots. Blocks and lots established for purposes of legal description of subdivided property shall be named and numbered in accordance with procedures and guidelines established by the City Engineer.

E. Addresses in new subdivisions shall be assigned by the Building Official pursuant to Section 501 of the International Building Code.

Section 46: Section 17.18.050 LMC entitled “Bonds – Construction and Guarantee,” is amended to read as follows:

The City, in lieu of actual construction of any improvement by the developer of any formal subdivision, short subdivision or ~~large-lot division~~ binding site plan, ~~shall require~~ may accept a bond in an amount and with surety and conditions satisfactory to it or other secure methods providing for and securing to the City, the actual construction and installation of such improvements within a two year period. The City Engineer may refuse to accept a security in lieu of actual construction where redemption of the security is seen to be problematic, or where the improvements are required immediately to ensure public safety and proper functioning of the development. All improvements such as

structures, streets, sewers, drainage facilities and water systems shall be designed and the construction certified by, or under the supervision of, a registered civil engineer prior to the acceptance of such improvements. [Improvements must be completed prior to final building inspection approval and occupancy of any new structures within the subdivision.](#)

The developer shall be responsible for correcting any defect in an improvement for a period of eighteen months after acceptance by the City Engineer.

The City shall require a bond to guarantee that the developer will correct any defect in a dedicated improvement caused by faulty design, construction or other reason as determined by the City Engineer. Said bond shall be in an amount equal to 125% of the estimated cost of the City completing the improvements, as determined by the City Engineer, and shall extend for a period of eighteen months after City acceptance of said improvement.

Section 47: Chapter 17.22 LMC entitled “Short Subdivisions – Large Lot Divisions,” is retitled, “Short Subdivisions,” as follows:

17.22.000 - Short Subdivisions ~~-Large Lot Divisions~~

Chapter 17.22
Short Subdivisions ~~Large Lot Divisions~~

Sections:

17.22.010 Applicability.

17.22.020 Filing Procedure and Fee.

17.22.025 ~~Short Plat Approval~~ [Determination of Complete Application.](#)

17.22.030 Owner's Free Consent.

17.22.035 Posting Requirements.

17.22.040 Survey.

17.22.050 Departmental Review.

17.22.060 Review Criteria.

17.22.070 ~~Summary Preliminary~~ [Approval.](#)

17.22.080 Notice.

17.22.090 Appeal Procedure.

[17.22.095 Final Short Plat Approval](#)

17.22.100 Amendments.

~~17.22.110 Large Lot Division.~~

Cross-references: Chapter 58.09 RCW, Chapter 332-130 WAC

Section 48: Section 17.22.010 LMC entitled “Applicability,” is amended to read as follows:

Every short plat and short subdivision shall comply with the provisions of this Chapter.

A. Exemptions. The provisions of this Chapter are not applicable to the following:

1. All exemptions listed in Section 17.02.010.

2. Deed releases, for the purpose of obtaining building financing, provided that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.

3. Divisions which were surveyed in accordance with the Survey Recording Act and are recorded with the Auditor prior to August 13, 1974.

4. Up to four Model Homes may be ~~established~~constructed on a single tract of land without short platting provided the City has approved a preliminary subdivision which includes the specific lots upon which the Model Homes are to be located. The subdivision shall be completed and the final map recorded prior to the sale of any of the model home units.

5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.

6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

7. Any division or divisions of land for the sole purpose of enabling the City or other public agency to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

B. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application.

C. Further divisions. Land within a short subdivision shall not be further divided in any manner for a period of five (5) years from the date said approved short plat is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided, except that when the short plat contains fewer than nine parcels, the owner who filed the short plat may file an alteration with the five (5) year period to create a total of up to nine (9) lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

Section 49: Section 17.22.020 LMC entitled "Filing Procedure and Fee," is amended to read as follows:

An application for a short subdivision shall include a completed application form, ~~Eleven~~ six (6) full size paper prints and six (6) 11"x 17" reduced copies of ~~the~~ -proposed short

plat ~~showing all required information shall be filed with the Community Development Department~~ along with a non-refundable application fee as set forth in separate Resolution.

For purposes of RCW 58.17.033, a complete application for short plat approval must contain the information and documents required by this section.

A short plat shall meet the following standards:

A. Drawn in ink to a scale not smaller than one inch equals one hundred feet (1" = ~~100~~ 50') or other approved scale on ~~mylar~~, a sheet size of 18" x 24".

B. The Plat shall show the boundary and dimensions of the "original tract" including its Assessor's parcel number, section, township and range, and all adjoining public or private streets and identifying names as such.

C. A vicinity map drawn to a scale of four inches equals one mile (4"= 1 mile) or other approved scale of sufficient detail to orient the location of the original tract.

D. Name and address of the owner of record of the "original tract," scale of the drawing, and north directional arrow.

E. All lots shall be identified by numerical designation. The dimensions of each lot shall be shown.

F. Width and location of access to all short platted lots.

G. The location and use of all existing buildings on the original tract.

H. Space on a second 18" x 24" ~~mylar~~ plat map sheet shall be reserved for comments and appropriate City signatures.

I. Where a survey is required, the form of the plat shall be as required by the Survey Recording Act. (Chapter 50 Washington Laws of 1973, or as amended.)

Section 50: Section 17.22.025 LMC entitled "Short Plat Approval," is retitled, "Determination of Complete Application," and amended to read as follows:

Within 28 days of receiving an application for preliminary plat approval containing all information required by Section 17.22.020 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW ~~36.70.A.440~~ 36.70B.070. The Community Development Department is responsible for complying with all other requirements of RCW ~~36.70.A.440~~ 36.70B.070.

Section 51: Section 17.22.035 LMC entitled "Posting Requirements," is amended to read as follows:

After acceptance of a short plat application, notice of application shall be posted ~~by the applicant on the property at its principal entry point to the nearest right of way, as determined by the Community Development Department in accordance with the provisions of LMC 18A.02.670.~~

~~Notice will be posted on a 1 1/2' x 2' waterproof sign (see drawing #16 in Appendix A). The sign shall be made of corrugated plastic to specifications provided by the City. If desired, a sign may be purchased from the City at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Community Development Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Community Development Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or City Council. (Ord. 60 ? 1 (part), 1996.)~~

Section 52: Section 17.22.040 LMC entitled "Survey," is amended to read as follows:

Recordable surveys shall be required for all short plats and short subdivisions. All surveys shall be accomplished as required by WAC 332-130 and the "Survey Recording Act," (RCW 58.09), except an additional recording will not be required for the "Survey Recording Act."

All lot staking shall be completed by the certifying professional land surveyor prior to the recording of the short plat.

All short plat corners, including interior lot corners, shall be staked with steel rebar or metal pipe with a cap which permanently bears the land surveyor's registration number. When the plat corner(s) or lot corner(s) falls in a body of water, over the edge of a steep slope or other inaccessible area, an offset corner will be permitted. When the boundary line of a short plat follows a meandering line, corners shall be set as directed by the City. A pre-submittal meeting with City staff to discuss corner locations is recommended.

When the legal description of the short plat utilizes a partial or complete section subdivisional breakdown to establish the short plat boundaries, section subdivision survey information in accordance with the requirements of WAC 332-130-030 shall be shown on the short plat ~~mylar map~~.

All reference monuments used in the establishment of the short plat corners shall be identified, described, and noted as set or found on the short plat ~~mylar map~~. When

appropriate, the short plat survey shall reference the recorded or previous survey that was the basis for the short plat survey.

When the short plat is adjacent to a constructed City street and the short plat corner(s) or its offset represents a 1/16th corner, quarter corner, section corner, or donation land claim corner that is not of record or is lost or obliterated, a City standard monument(s) shall be placed in the City street. In cases where a monument of record is found, the existing corner does not have to be replaced.

Whenever a short plat is adjacent to an existing City street ~~and~~/or right-of-way, the centerline of that street shall be located on the short plat drawing. If the existing constructed City street or maintained street section falls outside of the documented right-of-way, the surveyor shall identify the existing edge of pavement and limits of the maintained street section on the short plat drawing and show its relationship to said centerline.

Section 53: Section 17.22.050 LMC entitled “Departmental Review,” is amended to read as follows:

A. The Engineering Manager's Office shall review a short plat for adequacy of access, storm water drainage facilities, public sewer system, survey accuracy, and feasibility for building sites.

B. The Community Development Department shall review the proposed short plat for conformance with the Land Use and Development Code (LMC Title 18A), other applicable land use zoning-laws, the comprehensive plan and the subdivision code.

C. The Tacoma-Pierce County Health Department shall review the proposed short plat for adequacy of potable water supply, and ~~septic tank conditions~~ provisions for sanitary sewage disposal. The Lakewood Water District, or other water provider, shall provide information regarding the public water system. This will typically be in the form of a Letter of Water Availability from the District.

D. The Fire Chief shall review the proposed short plat for adequacy of the fire protection water system and access for fire fighting equipment.

E. The Pierce County Assessor’s Office shall review the proposed short plat with regard to map and document format, tax status, and legal description.

F. The Pierce County Sewer Utility shall review the project with regard to sanitary sewer availability, appropriate easements, and details of any sanitary sewer infrastructure and connections.

The City may require that any review fees payable to outside agencies be made directly with that agency prior to submittal of the short plat application.

Section 54: Section 17.22.060 LMC entitled “Review Criteria,” is amended to read as follows:

A. Access.

1. General. The proposed short plat shall be reviewed for adequate ingress and egress to all proposed lots. Extension of streets or access rights from property line to property line of the short subdivision land may be required so that the street may be extended in the future. If there is other reasonable access available, the Engineering Manager may limit the location of direct access to City arterials or other City streets. When an adjoining landowner will be obligated to construct or maintain a future street, a note to this effect shall be stated on the face of the short plat.

2. Street Reserved Areas. Where a City arterial may, or is being planned for a short subdivision land area, the Engineering Manager may require that a sixty foot (60') wide right-of-way area be reserved as a street reserved area for a future street, if all legal requirements for such a dedication are met.

3. Private Streets. Private streets are not normally permitted, but may be allowed when the Community Development Director and City Engineer determine that the most logical development of the land requires that the lots be served by private streets or easements. Private street plats shall be reviewed per Chapter 17.26 of this title. Unless the City has existing plans, maps, sketches or studies for a City arterial on the properties in issue, the Engineering Manager shall approve private streets if all persons and their successors, who own the land adjoining the street within the short plat, have equal legal rights to use said private street area. Said developer and/or adjoining landowners and their successors shall bear the expense of constructing and maintain said street and a note to this effect shall be made on the face of the short plat. Where the short plat or land beyond the short plat have the potential of being divided into twenty (20) or more lots, then said private street shall be required to have a right-of-way width equivalent to city standards.

B. Drainage. The proposed short plat shall be reviewed for adequate drainage facilities. Requirements for any necessary facilities may be required to be written on the face of the short plat ~~mylar~~ map.

C. Sewers or Septic Tanks. The proposed short plat shall be reviewed for potential sewer or septic tank adequacy. If known local conditions exist which may affect future building sites, these conditions may be required to be stated on the face of the short plat.

D. Feasibility for Building Sites. Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche, may be noted on the face of the short plat.

E. Water Supply and Fire Protection. The proposed plat shall be reviewed for potential adequacy of water supply and fire protection. Items A through E above may be

considered as criteria for which a short plat may be denied. Existing City standards shall be used during the review process.

Section 55: Section 17.22.070 LMC entitled “Summary Approval,” is retitled, “Preliminary Approval,” and amended to read as follows:

A. Procedure.

An application for a short plat shall be reviewed as a Process II permit type, which does not require a public hearing but does provide for public notice and comment. (See LMC 18A.02.545). The initial decision on a short plat application is made by the Community Development Director. The Director’s decision may be appealed to the City’s hearing examiner.

1. Upon receipt of a complete application for a short plat, The Community Development Department shall forward ~~two paper prints~~ copies of the application and short plat map to the ~~Engineering Manager and/or~~ Public Works ~~Department~~ Director, the Fire Marshal, the Pierce County Assessor’s Office, the Pierce County Public Works Sewer Utility, the Lakewood Water District, any affected public utility agencies, ~~the Fire Chief,~~ and the Tacoma-County Health Department. The initial review by the departments/agencies of the proposed short plat shall be completed within fifteen (15)~~thirty~~ days ~~after the short plat is filed~~, unless, upon the request of the Community Development Department, the applicant consents to an extension of such time period. The proposed preliminary short plat shall be considered under the subdivision regulations and zoning or other land use control ordinances in effect at the time a fully completed application for preliminary short plat approval has been submitted to the city.

2. Each department or official shall either recommend approval, disapproval, or ~~revision~~turn of the short plat ~~for change~~ within the fifteen~~thirty~~ day initial review period. The Community Development Director shall have the final authority to approve, approve with conditions or deny a short plat application.

3. If returned for revision ~~change~~, the applicant or representative shall submit six prints ~~and the mylar~~ to the Community Development Department reflecting the required revisions ~~changes~~ within one hundred eighty ~~sixty~~ days; after any said notice of correction is given ~~review comments are provided~~ by the reviewing agencies ~~City departments~~. Should the applicant require an extension of time to satisfy the requirements that were requested during the initial fifteen~~thirty~~-day review, ~~an~~ additional one hundred eighty days ~~shall time may~~ be granted upon written request.

4. Due to the complexity of the proposal, the applicant may desire to request the following to extend the life of the application.

a. Request in writing from the applicant that the application for the proposed short plat be placed on hold for due cause. "Due cause" would constitute a situation that was beyond the applicant's controls; i.e., required environmental checklist,

Health Department requirement for viewing high water table on the site prior to review for waste disposal, ~~and/or~~ water availability report required by the State.

The request shall be accompanied by an estimated time line for completion of the required additional material, studies, or review. The hold will be placed upon the application for a specified period of time.

b. Request in writing by the applicant that a time extension would be necessary to provide the reviewing departments the necessary material, documents, and studies, as requested in the initial ~~thirty-day~~ City review. The Community Development Department may provide a second additional extension, not to exceed one hundred eighty days ~~extension~~. A fee ~~would~~ may be charged for the extended time, per the fee schedule.

c. Any applicable time limitations for processing an application, including time limits set forth in RCW 36.70B, RCW 58.17, LMC Title 18A, or this Title, shall be tolled while the applicant responds to requests for revision or additional information within the timeframes set forth in this section.

5. The applicant is required to submit the revisions as requested, at the expiration of the allowable time line, along with six prints ~~and the mylar~~ to the Community Development Department. ~~The submittal shall be considered the "FINAL REVIEW" and all previous extensions that were granted to the applicant shall be considered void.~~ The reviewing departments shall have a ~~thirty-day~~ fourteen (14) day review period to consider the revised plans. At the conclusion of the review period, the reviewing department directors or authorized representatives shall notify the applicant whether the application is complete or what additional information is necessary (RCW 36.70B.070 (4)(b)). ~~approve or deny the short plat.~~

6. If the project applicant does not respond to requests for project amendments or additional information within the timeframes specified herein, the Community Development Department may deny the application without prejudice.

B. Required Written Findings for Short Subdivisions. The Community Development Director or designee shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision and dedication. ~~The Director or designee shall determine:~~

~~1. If appropriate provisions are made for, but not limited to the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and~~

~~2. Whether the public interest will be served by the short subdivision and dedication.~~

~~C.~~A proposed short subdivision and dedication shall not be approved unless the Director or designee makes written findings that:

1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies time limits, sanitary wastes, parks and recreation, play-grounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication. If the Director or designee finds that the proposed short subdivision make such appropriate provisions and that the public use and interest will be served, then the Director or designee shall approve the proposed short subdivision and dedication.

~~CD.~~ Notice of Return to Applicant for Cause. If a short plat is not in proper order or cannot be approved in its present form, a letter ~~accompanied by said print~~, postmarked prior to the expiration of said thirty-day period, shall be sent to the applicant (by the disapproving department) to notify him of why approval cannot be given in its present form.

~~DE.~~ Effect of Approval. The Community Development Director's initial approval shall set forth the findings required by Section B above, and may include specific conditions of approval. All required improvements must be installed and a copy of the final short plat map that responds to any conditions of approval must be submitted within three (3) years of the date of the initial approval for final review and recording. An additional one year extension of time may be granted by the Community Development Director upon a showing of good cause beyond the control of the applicant that has delayed the ability of the applicant to complete the subdivision. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area and a notation to this effect shall be stated on the face of the short plat. Provided further that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a preliminary and final plat, except that when the short plat contains fewer than nine parcels, the owner may file a short plat alteration or new short plat application within the five-year period to create up to a total of nine lots within the original short plat boundaries. Any such alteration application shall be reviewed *de novo* on its own merits.

Section 56: A new Section 17.22.095 LMC entitled "Final Short Plat Approval," is created to read as follows:

Upon completion of any and all conditions of the preliminary short plat approval, or alternatively, the posting of an appropriate performance bond or cash deposit in lieu thereof to the satisfaction of the City Engineer, the developer shall present to the Community Development Department one copy of the approved short plat map for final approval and recordation. The final short plat map shall contain a certificate giving a full

and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and any other required dedications as required by LMC 17.16.020. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

The Community Development Department shall arrange for all responsible agencies to sign the plat map, provided that the applicant may secure required approval signatures on the final plat map prior to submittal to the Community Development Department.

Pursuant to RCW 58.17.140(2), a final short plat map shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

Development of lots created in a final short plat shall be regulated by the land use controls in effect at the time that the complete preliminary short plat application was filed, for a period of two (2) years from the date of the final short plat recordation. After two years, the lots created by the short plat shall be regulated by the land use controls then in effect.

Section 57: Section 17.22.110 LMC entitled “Large Lot Division,” is repealed

17.22.110 – Large Lot Division

~~A. Departmental Review. Large lot divisions shall be reviewed by all departments and agencies herein specified for short plats and in accordance with procedures herein specified for short plats, provided that approval shall not be automatic.~~

~~B. Approval Standards. Large lot divisions shall be subject to the same review criteria as herein specified for short plats. Approvals shall comply with 58.17.060 and 58.17.110 RCW.~~

~~C. Posting Requirements. After acceptance of a large lot application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Department of Community Development. Notice will be posted on a 1 1/2' x 2' waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City (see drawing No 1, Appendix A). If desired, a sign may be purchased from The City at cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Department of Community Development. When the sign(s) is posted, the applicant shall complete and~~

~~return a notarized affidavit of posting to the Department of Community Development. The sign(s) shall be erected and maintained by the applicant within seven (7) days of the date of application and continue through the appeal period or until a decision is rendered on the appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision on the application or appeal.~~

~~D. Preparation. Large Lot divisions shall be drawn and shall meet the drafting standards as herein specified for short plats.~~

~~E. Recording of Surveyed Divisions. After obtaining the reviewing authorities' approval, the County Assessor-Treasurer's Office approval must be obtained to verify that the real estate taxes are current. After obtaining said approvals all large lot divisions shall be recorded with the County Auditor and the Auditor shall collect the applicable recording fee. Each lot within the large lot division shall be numbered. Thus, future legal descriptions of a certain recorded large lot division may be referred to as "Lot of Large Lot Division No. ." The latter blank space will be the description assigned to the large lot division by the Auditor.~~

~~F. Fees, Appeals and Amendments. A non-refundable filing fee, as set forth by separate Resolution, shall accompany a large lot division when it is filed for approval with the Community Development Department. Appeals of any reviewing decision on a large lot division may be made by the Examiner. The appeal procedure and fee is the same as that herein set forth for short plats. Amendments to a large lot division shall be processed in the same manner as that herein set forth for short plats.~~

~~G. Five-Year Short Plat Restriction. Large lot divisions, or any portion thereof, shall not be further divided by short subdivision within five (5) years of the date of large lot division approval.
(Ord. 60 ? 1 (part), 1996.)~~

Section 58: Section 17.30.010 LMC entitled "Purpose," is amended to read as follows:

The purpose of this chapter is to create a permit an alternative method for dividing commercially and industrially zoned property, as authorized by RCW 58.17.035. On sites which are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access; interior circulation; open space; landscaping and drainage; facility maintenance; and coordinated parking.

Section 59: Section 17.30.020 LMC entitled "Applicability," is amended to read as follows:

A. Any person seeking the use of a binding site plan to divide the person's property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned

property is required to apply for, complete and have approved a binding site plan prior to any property division, as provided in RCW 58.17 and as required by this chapter.

B. The site which is subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.

C. The site which is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial site development permit application for undeveloped land; or in conjunction with a valid commercial site development permit.

D. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon. Improvements shall be authorized through separate zoning and building permit processes. New improvements shall be incorporated into the binding site plan as appropriate.

Section 59: Section 17.30.030 LMC entitled “Complete Application,” is amended to read as follows:

A proposed binding site plan shall be considered under the zoning and other land use control ordinances in effect on the land at the time a fully completed application is filed with the department. A complete application for binding site plan ~~application-approval~~ shall consist of:

A. A completed application form provided by the department, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to RCW 43.21C, SEPA as implemented by WAC 197-11; Surface Water Management; Roads Standards; Fire Code; City Environmental Procedures; Zoning; Shoreline Management; and administrative rules adopted to implement any such code or ordinance provision; Tacoma-Pierce County Health Department Board of health rules and regulations; and City approved utility comprehensive plans;

B. Six (6) full size and six (6) 11”x 17” reductions of an An-approved commercial site development permit; or, a proposed site plan prepared by a professional land surveyor, licensed in the State of Washington, in a form prescribed by the Director. At a minimum, the proposed site plan shall include:

1. The location and size of all proposed units or lots;
2. Proposed and existing structures including elevations and floor plans as known, (plans which show building envelopes rather than footprints must address include post-construction treatment of unoccupied areas of the binding envelopes);
3. All proposed or existing uses;

4. The location of proposed or existing open space including any required landscaped areas.
 5. The location and identification of critical areas;
 6. The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;
 7. The number and location of proposed or existing parking spaces on and off the site;
 8. A drainage plan which will accommodate the maximum proposed square footage of impervious surface and the maximum proposed square footage of impervious surface exposed to vehicular use, subject to the requirements of City's Surface Water Design Manual or other city surface water design standards.
 9. The location and size of utility trunk lines [and service laterals](#) serving the site;
 10. The location and size of water bodies and drainage features, both natural and manmade;
 11. A grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to five-foot contours, unless smaller contour intervals are otherwise required by the City Code or rules and regulations promulgated thereunder;
 12. A layout of sewers and the proposed water distribution system;
 13. Proposed easements and access; and
- C. A completed environmental checklist, if required by the State Environmental Policy Act and implementing ordinances;
- D. A downstream drainage analysis or any other requirement specified in the City's Surface Water Design Manual, Site Development Regulations or Surface Water Policy Ordinance;
- E. All covenants, easements, maintenance agreements or other documents regarding mutual use of parking and access;
- F. Copies of all easements, deed restrictions or other encumbrances restricting the use of the site;
- G. A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;

H. Documentation of the date and method of segregation for the subject property ([original tract](#)) verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

I. A list of any other development permits or permit applications having been filed for the same site; and

J. The payment of fees;

K. The Community Development Director may waive specific submittal requirements determined to be unnecessary for review of the application.

Section 60: Section 17.30.040 LMC entitled “Determination of Completeness,” is retitled, “Determination of Complete Application,” and amended to read as follows:

Within 28 days of receiving an application for binding site plan approval containing all information required by Section 17.~~0630~~.030 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW ~~36.70.A.440~~ [36.70B.070](#). The Community Development Department is responsible for complying with all other requirements of RCW ~~36.70.A.440~~ [36.70B.070](#).

Section 61: Section 17.30.045 LMC entitled “Approval,” is retitled, “Review and Approval,” and amended to read as follows:

A. Procedure.

An application for a binding site plan shall be reviewed as a Process II permit type, which does not require a public hearing but does provide for public notice and comment. (See LMC 18A.02.545). The initial decision on a binding site plan application is made by the Community Development Director. The Director’s decision may be appealed to the City’s hearing examiner.

1. Upon receipt of a complete application for a binding site plan, the Community Development Department shall forward copies of the application and binding site plan map to the Public Works Department, the Fire Marshal, the Pierce County Assessor’s Office, the Pierce County Public Works Sewer Utility, the Lakewood Water District, any affected public utility agencies, and the Tacoma-County Health Department. The initial review by the departments/agencies of the proposed binding site plan shall be completed within fifteen (15) days, unless, upon the request of the Community Development Department, the applicant consents to an extension of such time period.

2. Each department or official shall either recommend approval, disapproval, or revision of the binding site plan application within the fifteen day initial review period.

3. If returned for revision , the applicant or representative shall submit six prints to the Community Development Department reflecting the required revisions within sixty days after any review comments are provided by the reviewing agencies. Should the applicant require an extension of time to satisfy the requirements that were requested during the initial thirty-day review, additional time may be granted upon written request.

4. Due to the complexity of the proposal, the applicant may desire to request the following to extend the life of the application.

a. Request in writing from the applicant that the application for the proposed binding site plan be placed on hold for due cause. "Due cause" would constitute a situation that was beyond the applicant's controls; i.e., required environmental checklist, Health Department requirement for viewing high water table on the site prior to review for waste disposal, or water availability report required by the State.

The request shall be accompanied by an estimated time line for completion of the required additional material, studies, or review. The hold will be placed upon the application for a specified period of time.

b. Request in writing by the applicant that a time extension would be necessary to provide the reviewing departments the necessary material, documents, and studies, as requested in the initial City review. The Community Development Department may provide a second additional extension, not to exceed one hundred eighty days. A fee may be charged for the extended time, per the fee schedule.

c. Any applicable time limitations for processing an application, including time limits set forth in RCW 36.70B, RCW 58.17, LMC Title 18A, or this Title, shall be tolled while the applicant responds to requests for revision or additional information within the timeframes set forth in this section.

5. The applicant is required to submit the revisions as requested, at the expiration of the allowable time line, along with six prints to the Community Development Department. The reviewing departments shall have a fourteen (14) day review period to consider the revised plans. At the conclusion of the review period, the reviewing department directors or authorized representatives shall recommend approval, approval with conditions, or denial of the binding site plan.

B. Review Criteria

The Community Development Director shall consider and base a decision to approve with or without conditions, deny, or return the application for modifications, based on:

1. A finding that the newly created lots or units will continue to function and operate as one site, for fully developed sites; or

2. Conformity of the proposed site plan with the adopted rules and regulations

listed in Section 17.30.030.A as represented in the approved site development plan, if the binding site plan is being considered with a site development plan.

3.B. The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

4.C. The Director may modify lot-based or lot line requirements contained with the building, fire and other similar uniform codes adopted by the City.

5.D. The Director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

6.E. The decision of the Director ~~shall be final~~ may be appealed to the City's hearing examiner per LMC 18A.02.740.

Section 62: Section 17.30.050 LMC entitled "Recording and Binding Effect" is amended to read as follows:

A. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those items prescribed by RCW 58.09.060, records of survey, contents - record of corner, information;

B. The approved binding site plan recording forms shall include the following, in the format prescribed by the Director:

1. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the land surveyor who prepared the binding site plan;

3. Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;

5. Notarized signatures of all persons having an ownership or security interest in the land being divided;

6. Approval of the City Engineer ~~Engineering Manager~~;

7. Approval of the Director.

C. The Director shall examine and sign the approved binding site plan if it conforms with the commercial site development permit or the approved site plan and all conditions of approval. Binding site plans shall be recorded with the Pierce County ~~Records and Elections Division~~ Auditor's Office with a record of survey.

D. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

E. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

F. Property subject to a binding site plan shall be governed by the terms of approval of the binding site plan, and the statutes and ordinances, and regulations in effect at the time of preliminary approval for a period of one (1) year. Any building permits issued pursuant to a binding site plan shall vest the specific improvement during the period that the building permit is active and valid. After one year, any new improvements shall be subject to the land use regulations and building codes then in effect, unless otherwise specified in the terms of the binding site plan approval.

Section 63: Section 17.30.070 LMC entitled "Administrative Rules," is amended to read as follows:

As part of the binding site plan approval, the Director may promulgate administrative rules and regulations to implement the provision and the requirements of this chapter the terms of the binding site plan approval with regard to future land uses and development on the subject property.

Section 64: Section 17.34.010 LMC entitled "Applicability," is amended to read as follows:

17.34.010 – Applicability

Binding site plans are required for residential condominium projects which propose to subdivide (overtly or in effect) land into separate lots. Binding site plans are not required for condominiums which hold the underlying land as a single undivided parcel.

A. This process may be used to divide land by the owner of any legal lot which is to be developed for residential condominiums pursuant to RCW 64.32. A binding site plan for a residential condominium project shall be based on either a recorded final planned unit development, a building permit issued for the entire project, or a conceptual site plan as

~~set forth in Section 17.34.040 of this chapter.~~

~~B. This process is separate from other site plan review processes including the mobile home park plan, the planned unit development, and the manufacturing park site plan provisions of the Zoning Code, and shall not be construed to substitute for the requirements of such processes.~~

Section 65: Section 17.34.020 LMC entitled “Planned Unit Developments,” is repealed as follows:

~~Whenever a binding site plan for a residential condominium development is proposed on a parcel for which a final planned unit development has been recorded, a copy of the planned unit development site plan shall be recorded as the binding site plan upon verification by the Director that the binding site plan is the same as or contains the relevant details of the planned unit development site plan.~~

Section 66: Section 17.34.030 LMC entitled “Building Permits,” is retitled, “Binding Site Plan for Approved Residential Project,” and amended to read as follows:

Whenever a binding site plan for a residential condominium development is proposed on a parcel of land for which a building permit has been issued for the entire project, the following must be satisfied prior to recording:

A. A plan shall be prepared in a form prescribed by the Director which is adequate for permanent retention by the Pierce County ~~Auditor’s Office records and elections division.~~

B. The plan must be prepared by a registered land surveyor or civil engineer.

C. The plan must substantially reflect the site plan approved for the building permit. Specific details not relevant to the division of land may be omitted.

D. The plan must be verified by the ~~D~~irector for compliance with the approved building permit. The Director may require dedication of additional right-of-way for public streets.

E. The legal description and map must be verified by the ~~City Engineer Engineering Manager.~~

Section 67: Section 17.34.040 LMC entitled “Conceptual Plans,” is amended to read as follows:

Whenever a binding site plan for a residential condominium project is proposed on a parcel of land for which ~~neither a planned unit development nor a building permit a development plan~~ has ~~not yet~~ been approved for the entire parcel, the following ~~must be satisfied prior to recording plans must be submitted with the application:~~

A. A conceptual site plan shall be prepared in a form prescribed by the Director which includes the following information:

1. Maximum number of dwelling units permitted.
2. Approximate size and location of all proposed buildings.
3. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
4. Approximate location of proposed open space, including required landscaped areas, if any.
5. Approximate location of proposed parking areas.
6. Location and size of utility trunk lines serving the site.
7. Topography detailed to five-foot contours.

B. Upon application the Director shall distribute copies to public agencies having pertinent expertise or jurisdiction for review and comment.

C. The Director shall consider, and base his decision to approve with or without conditions, deny or return the [binding site plan](#) application on the following:

1. Conformance of the proposed site plan with ~~any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances~~ of the State of Washington and the City. The Director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety, and welfare. Such preliminary conditions ~~shall may~~ not be binding at the time of building permit approval, ~~unless they would be required for the same project being developed without a binding site plan.~~

2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.

3. The Director may require dedication of additional road right-of-way pursuant to city ordinance.

D. Additional documents shall be submitted as necessary for review and approval which may include a plat certificate, boundary survey, agreements, easements and covenants.

E. The [development](#) plan must be approved and signed by the ~~City Engineer Engineering Manager.~~

F. Prior to recording, the Director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions ~~or of~~ approval. Approval of a conceptual plan ~~does not give will provide~~ the applicant a vested right to build the approved project without regard to subsequent changes in zoning or building codes or other applicable land use regulations for a period of one (1) year from the date of the preliminary approval prior to application for a building permit on the subject property. Any building permits issued pursuant to the approved binding site plan shall vest the specific improvement during the period that the building permit is active and valid. After one year, any new improvements shall be subject to the land use regulations and building codes then in effect unless otherwise specified in the terms of the binding site plan approval. A statement shall be placed on the binding site plan map that notes the vesting status.

Section 68: Section 17.34.060 LMC entitled “Recording,” is amended to read as follows:

The proposed binding site plan approved by the Director shall be recorded with the Pierce County Auditor’s Office Records and Elections Division within thirty days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site. Divisions shall only be permitted upon the filing of a declaration under the Horizontal Regimes Act, Chapter 64.32 or 64.34 RCW, provided the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.

Section 69: Section 17.34.070 LMC entitled “Amendments and Rescindment,” is amended to read as follows:

A. Amendment of a recorded residential condominium binding site plan shall be accomplished by following the same process as required for a new application as set forth in this chapter.

B. Upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan, the Director shall rescind all or a portion of a binding site plan, provided that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short subdivision.

C. Signatures of owners of portions of a binding site plan which are not altered by an amendments or rescission are not required on the amended binding site plan or application for rescission.

Section 70: Section 17.38.010 LMC entitled “Purpose,” is amended to read as follows:

The purpose of this Chapter is to clearly delineate the criteria used by City departments to review boundary line adjustments. Boundary line adjustments provide a procedure for

~~minor or insignificant~~ changes in property lines where no new lots, units, or parcels are created. A boundary line adjustment is generally exempt from the provisions of RCW 58.17. intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line, or to remedy adverse topographical features. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable City land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision. This Chapter is also intended to insure compliance with the Survey Recording Act.

Section 71: Section 17.38.020 LMC entitled “Scope,” is amended to read as follows:

The boundary lines separating two lots of record may only be adjusted under the provisions of this Chapter. Extinguishing such lot lines or the merger of lots is ~~not also~~ considered a boundary line adjustment subject to the requirements of this Chapter. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the Subdivision Regulations. Boundary line adjustments shall not:

- A. Create any additional lot, tract, parcel, site, or division;
- B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations. This provision shall not be construed to require correction or remedy of pre-existing non-conformities or substandard conditions;
- C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site, or division;
- D. Create or diminish any easement or deprive any parcel of access or utilities;
- E. Increase the nonconforming aspects of an existing nonconforming lot;
- F. Replat, alter, or vacate a plat or short subdivision; ~~or~~
- G. Amend the conditions of approval for previously-platted property;-
- H. Reduce the overall area in a plat or short plat devoted to open space;
- I. Involve lots which do not have a common boundary;
- J. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a

manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment; or

K. Be inconsistent with applicable city code.

Section 72: Section 17.38.030 LMC entitled “Application,” is amended to read as follows:

A. Applications for boundary line adjustments shall be made on forms provided by the City Community Development Department and shall be submitted to the Community Development Department with one original ~~Mylar~~ (may be deferred) and five paper copies of a plan signed and stamped by a professional land surveyor, drawn to scale with accurate dimensions, clearly showing the following information:

1. The proposed lines for all affected lots, indicated by heavy solid lines;
2. The existing lot lines proposed to be changed, indicated by heavy broken lines;
3. The location ~~and dimensions~~ of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;
4. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as Parcel A, Parcel B, etc.;
5. The position of Rebar and caps set at each new property corner;
6. All parcel numbers of affected lots;
7. The location of the property to Quarter/Quarter Section;
8. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
9. The area and dimensions of each lot following the proposed adjustment;
10. The existing, and if applicable, proposed future method of sewage disposal for each affected lot.

B. Zoning Designations shall follow boundary lines of separate lots and parcels. Where a zoning map or comprehensive plan map appears to reflect a division of a ~~separate single~~ lot or parcel into two zoning districts, ~~the zoning district covering the majority of the lot or parcel shall control and shall be the zoning district for the entire parcel each portion of that lot shall be subject to all the regulations applicable to the district in which it is located; except, lands which fall partially into and partially out of the McChord Air~~

Corridors, as designated in the comprehensive plan, shall be exempt from this interpretation.

C. Where a boundary line adjustment is sought to facilitate development of the affected property, the City shall be entitled to require compliance with the subdivision, zoning, and site development standards of the City as a condition of approval of the boundary line adjustment.

D. The total change(s) in lot size resulting from one or more boundary line adjustments shall not produce a lot smaller than the minimum developable lot size for the zoning district in which the lot is located as of the time of the completion of the boundary line adjustment(s).

~~E. Record of Survey for Boundary Line Adjustments.~~

~~1. The Mylar shall be titled on the top of the page, in large capital letters, as follows:
RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT~~

~~2. A note shall be placed on the Mylar that reads as follows:~~

~~THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION.~~

~~APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.~~

~~3. All requirements of Chapter 58.09 RCW and 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads as follows:~~

~~THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND 332-130 WAC.~~

~~F. Boundary line adjustment applications shall be submitted to the Community Development Department with a preliminary title report on forms approved by that Department with liability for errors not to exceed the value of the affected lots, as determined by the assessed value on the date of approval. The preliminary title report shall set forth all persons having an interest in the lots affected by the boundary line adjustment. The preliminary title report must be dated no more than 30 days prior to application and must be updated to the date of boundary line adjustment approval, without cost to the City.~~

~~G. The Mylar for recording in the Auditor's Office shall contain all survey information required for a Record of Survey under the "Survey Recording Act", Chapter 58.09 RCW~~

~~and 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:~~

~~SURVEYOR'S CERTIFICATE~~

~~This map correctly represents a survey made by me or under my direction in conformance with the requirements of Survey Recording Act at the request of on _____, 19__.~~

~~Certificate Number~~

~~Surveyor~~

~~COMMUNITY DEVELOPMENT DEPARTMENT~~

~~Community Development Director Date~~

~~CITY ASSESSOR-TREASURER~~

~~I hereby certify that all state and city taxes heretofore levied against the property described hereon, according to the books and records of my offices, have been fully paid.~~

~~Deputy Assessor/Treasurer Date~~

~~Reviewed for Segregation~~

~~Deputy Assessor/Treasurer Date~~

~~H. A Free Consent Statement, as shown below, shall be inked on the Mylar. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property. Owners' names shall also be lettered below the signatures.~~

~~The undersigned agree that the boundary line adjustment set forth herein is made with the free consent and in accordance with the desires of the owners.~~

~~(Black Ink Seal. Paper Press Seals Will Not Be Accepted)~~

~~Notary Seal~~

~~I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.~~

~~Given under my hand and seal this _____ day of _____, 20____.~~

~~_____, NOTARY PUBLIC, in and for the State of Washington, residing at _____.~~

~~I. An application for a boundary line adjustment shall be accompanied by a non-refundable Planning review fee as set forth in separate Resolution.~~

Section 73: A new Section 17.38.035 LMC entitled “Record of Survey,” is created to read as follows:

A. The Plat map shall be titled on the top of the page, in large capital letters, as follows: *RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT*

B. A note shall be placed on the plat map that reads as follows:

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION.

APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.

C. All requirements of Chapter 58.09 RCW and 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the plat map that reads as follows:

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND 332-130 WAC.

D. Boundary line adjustment applications shall be submitted to the Community Development Department with a preliminary title report on forms approved by that Department with liability for errors not to exceed the value of the affected lots, as determined by the assessed value on the date of approval. The preliminary title report shall set forth all persons having an interest in the lots affected by the boundary line adjustment. The preliminary title report must be dated no more than 30 days prior to application and must be updated to the date of boundary line adjustment approval, without cost to the City.

E. The plat map submitted for recording in the Auditor's Office shall contain all survey information required for a Record of Survey under the "Survey Recording Act", Chapter 58.09 RCW and 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of Survey Recording Act at the request of on
, 20 .

Certificate Number

Surveyor

COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director Date

CITY ASSESSOR-TREASURER

I hereby certify that all state and city taxes heretofore levied against the property described hereon, according to the books and records of my offices, have been fully paid.

Deputy Assessor/Treasurer Date

Reviewed for Segregation

Deputy Assessor/Treasurer Date

F. A Free Consent Statement, as shown below, shall be inked on the Plat map. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property. Owners' names shall also be lettered below the signatures.

The undersigned agree that the boundary line adjustment set forth herein is made with the free consent and in accordance with the desires of the owners.

(Black Ink Seal. Paper Press Seals Will Not Be Accepted)

Notary Seal

I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and seal this _____ day of _____, 20__.

_____, NOTARY PUBLIC, in and for the State of Washington, residing at _____.

G. An application for a boundary line adjustment shall be accompanied by a non-refundable Planning review fee as set forth in separate Resolution.

Section 74: Section 17.38.040 LMC entitled “Administrative Review,” is amended to read as follows:

~~An completed~~ application for a boundary line adjustment shall be processed as a Process I permit action, approved, returned to the applicant for modifications, or denied within 30 days of its receipt by the Community Development Department. The Department shall not be considered to be in receipt of a complete application unless and until such time as the applicant meets the requirements of Section 17.38.030, as determined by the Community Development Director or his/her designee.

A. The Community Development Department may forward a copy of the proposed boundary line adjustment to the ~~Engineering/Public Works Department City Engineer,~~ to the Fire Chief Marshal, ~~and to the Tacoma-Pierce Health Department, and or~~ to any other County Department or Division which may be affected.

B. A copy of the proposed boundary line adjustment shall be forwarded to the Assessor-Treasurer's Office. The Assessor-Treasurer's Office shall review the boundary line adjustment for accuracy of legal description, ownership, lot dimensions, and improvements on the lots.

C. The Departments shall review the proposed boundary line adjustment against the purpose and scope described in 17.38.010 and 17.38.020 respectively and submit any comments to the Community Development Department no later than 30 days ~~of date of application~~ from the date of the agency transmittal.

D. If the Department of Community Development determines that an application for boundary line adjustment may impair drainage, water supply, existing sanitary sewage

disposal, access or easement for vehicles, utilities, or fire protection for any lot, tract parcel, site, or decision, it shall refer the application to the appropriate department for review.

E. Following receipt of the comments of consulted departments under Subsection A. above, but in no case later than ~~30-60~~ days from receipt of completed application, the Director or his/her designee shall approve or deny the requested adjustments.

F. After approval, the applicant's surveyor must record the survey of boundary line adjustment, together with deeds of conveyance signed by parties disclosed in the title report when the adjusted boundary separates different ownerships. If the record of survey and required deeds of conveyance have not been recorded within 30 days of boundary line approval, the boundary line adjustment shall be null and void.

G. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the boundary line adjustment.

H. An aggrieved person may appeal the Director's decision on a boundary line adjustments to the Hearing Examiner, in accordance with procedures described in [LMC 18A.02.740 City Codes](#). The Hearing Examiner's decision shall be final, ~~unless appealed to the City Council.~~

Section 75: Section 17.42.010 LMC entitled "Record of Proceeding," is amended to read as follows:

17.42.010 - Record of Proceedings

A summary of all hearings and public meetings before the ~~Hearing Examiner and the Council~~ shall be preserved in a reasonable manner as required by law, which may include a tape recorded record.

The appellant shall be responsible for paying all reasonable costs for transcribing the record of relevant hearings or meetings.

Section 77: A new Section 17.42.045 LMC entitled "Affidavit of Correction," is created to read as follows:

A. Any map page or document on file with the Pierce County Auditor/Recorder's Office under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

1. Any bearing, distance or elevation omitted from the recorded document;

2. An error in any bearing, distance or elevation shown on the recorded document;

3. An error in the description of the real property shown on the recorded document;

4. An error in the field location of any shown easement; or

5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.

E. The affidavit of correction form, as provided by the community development department, shall be submitted to the department for review and approval and shall include signatures of the development engineer, the director of the department, and the Pierce County Assessor. After department approval, the affidavit shall be recorded with the Pierce County Auditor's Office Submittals shall include payment of applicable fees.

F. Should a nonsurvey-related error occur on the recorded document as a result of information required to be placed on the document by the department, the department's responsible land surveyor may prepare the affidavit providing the original land surveyor has no objections. The seal and signature of the department's responsible land surveyor making the correction shall be affixed to the affidavit. A copy of the affidavit shall be mailed by the department to the original land surveyor following recording.

Section 76: Section 12A.10.020 LMC entitled "Wastewater Disposal," is amended to read as follows:

All development proposals shall be served by a wastewater disposal system, including both collection and treatment facilities as follows.

A. For the issuance of a building permit, preliminary plat approval, or other land use approval for an existing lot of record, documentation shall be provided indicating that the disposal system for the project site is consistent with adopted rules and regulations of Pierce County Sewer Utility and/or the Tacoma Pierce County Health Department;

B. Prior to the issuance of a certificate of occupancy for a building or change of use permit, the applicant shall provide documentation to the City that an approved wastewater disposal system has been properly installed to serve each building, unit, tenant space, or lot; and

C. All new subdivisions, including short plats, preliminary and final plats, binding site plans and condominium conversions shall require connection to the public sewer system prior to recordation of the subdivision instrument. An appropriate financial guarantee may be posted with the sewer utility, health department, or the City of Lakewood prior to physical connection at the discretion of the City Engineer and Community Development Director.

~~C. Prior to recording a final plat, final short plat, or binding site plan the approved wastewater disposal system shall be installed to serve each lot respectively, or an appropriate financial guarantee shall be posted with the sewer utility or Health Department.~~

Section 77: Section 12A.15.060 LMC entitled "Mandatory Connection," is amended to read as follows:

A. After service and recording of a Notice of Availability, as described in section 12.15.030, an interim on-site septic system may be allowed to remain in use for five years from the date of recording. An interim on-site septic system will be allowed to remain in use after the passage of that five year period only if the property owner applies for and receives a deferral of the requirement to connect as outlined in LMC 12A.15.090 and 12A.15.100. No deferral of connection shall extend use of an interim on-site septic system longer than eight years after the recording of a Notice of Availability.

B. Use of interim on-site septic systems on property within the City of Lakewood shall be discontinued, and connection to the public sewer system mandated, upon the occurrence of any the following events:

1. When a septic tank, drain field or other private sewerage disposal system becomes inoperable in accordance with the provisions determination of the authorized public health official or authority;
2. Should the City receive a permit or application proposing a change that intensifies in the use of a structure or residence served by an interim on-site septic system, connection to the public sewer system will be mandated prior to issuance of a certificate of occupancy or prior to issuance of any applicable permit, license or approval;
3. Prior to issuance of a certificate of occupancy for a newly constructed structure upon a property;
4. Upon the sale of a property within the City, the purchaser shall be required to connect to the public sewer system prior to occupancy or use of a structure;
5. As necessary to meet planning and development regulations, including issuance of discretionary permits, land use variances, ~~subdivisions, condominium formation, lot combinations and binding site plans,~~ and site development permits where the public health, safety and welfare would be served by mandating connection to the public sewer system;
6. Should lands, buildings or structures be found to exist in a state of public nuisance or in a condition that violates any applicable public health or building code, law or regulation, through issuance of an order to repair or remove such condition, in the discretion of the City Manager, or designee thereof, the owner may be ordered to connect to an available public sewer in order to cure such condition or violation.

7. At the time that any property is proposed to be subdivided, subjected to a binding site plan, or subject to the formation of a condominium.

Section 78: Section 12A.15.100 LMC entitled “Criteria for Granting Deferrals,” is amended to read as follows:

A. Upon receipt of a written request for a deferral, the City Manager, or designee, shall evaluate such a request under the following criteria or any combination of the following criteria:

1. Whether mandatory connection would be a hardship to an elderly or disabled person, which hardship would be lessened by allowance of a deferral.

2. Whether the requestor, by virtue of age or disability, has qualified for government subsidies, or reduced tax or utility payments.

3. Whether the application evidences that the useful life of the structure or structures upon the property is shorter than the period of deferral requested.

4. Whether the property owner has provided sufficient evidence that structures upon the property will be improved, demolished or rehabilitated, and that deferral is appropriate to facilitate future work contemplated upon the structures or property within the term of the deferral.

5. Whether the cost of connection to an available sewer system, when compared to the combined assessed value of the property and improvements upon the property, exceeds more than 10% of the value of the property.

6. Whether a public entity or agency plans to sell, decommission or close facilities or structures.

B. Upon receipt of a request for a deferral under this section, the City Manager, or designee, shall act within a reasonable period of time in responding to said request. For the purposes of this section, City action upon a deferral request includes requesting additional information from the requester or scheduling an interview with the requestor.

C. A determination of a deferral request shall be made in writing and mailed to the requestor at the mailing address provided in the request.

D. A determination on a request for deferral may impose conditions upon the requestor. Within the discretion of the City Manager, or designee, the requestor may be required to file a voluntary compliance agreement in the public records, acknowledging that the requestor will connect to the public sanitary sewer system upon occurrence of a specific event or upon expiration of the deferral period. Further, approval of a deferral requires the requestor to pay the Availability Charge. Additional conditions may, within the discretion of the City Manager, or designee, be added that are lawful and relevant to the nature of any deferral.

E. A determination of a deferral request shall be considered an administrative order of the City.

F. No deferral may be granted for a period of time that extends beyond eight years from the City's recording of a Notice of Availability, absent an application to and approval by the City Manager, or the designee thereof.

G. No deferrals shall be granted where connection to the public sewer system is required pursuant to LMC 12A.15.060.B.

Section 79: Section 18A.50.195 LMC entitled “Concurrency,” is amended to read as follows:

A. All new development and improvements, expansion, or intensification of an existing use shall be connected, at applicant expense, to a public primary infrastructure system to support the use.

B. If primary infrastructure is not available to the site or the existing infrastructure does not contain sufficient capacity to support the proposed development, the City may not:

1. Issue development permits which would allow for an increase in the amount of infrastructure demand generated from the site.

2. Permit the division of the property that provides for increased potential for development or demand for infrastructure. All new subdivisions, including short plats, preliminary/final plats, binding site plans and condominium conversions shall require connection to the public sewer system prior to recordation of the subdivision instrument.

C. Primary infrastructure includes, but is not limited to:

1. Sanitary sewer.
2. Water.
3. Transportation and transit facilities.
4. Stormwater.
5. Electrical.
6. Police, fire, and emergency medical.

D. The use of septic systems shall be limited to system replacement or as otherwise permitted by the Pierce County Health Department and approved by the City Engineer.

Section 80: 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.

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Section 81: 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 February, 2015.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi A. Wachter City Attorney



TO: Mayor and City Councilmembers

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

THROUGH: John J. Caulfield, City Manager *John J. Caulfield*

DATE: January 26, 2015 (Council Study Session)

SUBJECT: Review of Tax Incentive Urban Use Centers and accompanying Residential Target Areas

Background: In the fall of 2014, the City Council wanted to review the boundaries of the existing Tax Incentive Urban Use Centers (TIUUCs) and accompanying Residential Target Areas (RTAs). That review was placed on hold while the Council took action on other higher-priority items, namely, the budget, and the 2014 comprehensive plan and zoning amendments.

The purpose of this memorandum, and the PowerPoint which is a part, provides an examination of the Central Business District and the Springbrook TIUUCs and RTAs, respectively. Additionally, a third TIUUC and RTA have been proposed by staff for Lakeview.

On the maps contained in the PowerPoint, for ease of readability, staff has chosen to use the term RTA rather than TIUUC. There are three geographic areas: RTA 1 (red); RTA 2 (brown); and RTA 3 (yellow). Data on the land and physical improvements found within each RTA has been collected and placed on maps. These maps contain the following information:

1. TIUUC boundary (existing in the Central Business District & Springbrook; proposed in Lakeview)
2. Locations of existing buildings
3. Existing land use
4. Existing nonconforming uses
5. Physical age of improvements
6. Historical abatements
7. Sidewalks by curb type
8. Sanitary sewer
9. Storm drainage
10. Street lights & ownership

11. Water mains
12. Vacant & underutilized parcels

(Special Note: As of last month, FEMA placed a large section of Springbrook within a flood zone. A special flood zone map has been provided as part of this report and incorporated into the PowerPoint presentation.)

This data was collected based on the criteria established under code provisions for designating TIUUC and RTAs.

A TIUUC must contain:

1. Several existing or previous existing, or a combination of existing and previously existing, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
2. Adequate public facilities, including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
3. A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial and/or office use.

The overall purpose of an RTA is to provide sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live within an urban center, if the affordable, desirable, attractive, and livable places to live were available. Part of this equation relies on the provision for adequate infrastructure, and thus, the focus on roads and streets, sewer, water, storm drainage systems, and streetlights.

Summary Findings:

Central Business District RTA 1

- Lack of open space
- Fewer nonconforming uses
- Excepting for existing residential development, the building/structures within RTA 1 are fairly new
- Only three abatements to-date
- Lakewood Towne Center Boulevard SW is a private road even though it functions as a collector street
- There is a transit center located within the Lakewood Towne Center
- Sidewalks are fairly uniform in construction design
- Sidewalks are found along the periphery of RTA 1, and not within its interior
- No apparent sewer problems
- Storm drainage within the Towne Center is complex and will likely impact redevelopment efforts
- Additional streetlights are needed along Gravelly Lake Drive SW
- No apparent water main issues
- Vacant & underutilized parcels are generally concentrated in three areas (Gravelly Lake Drive SW & Steilacoom Boulevard SW; the Colonial Center; and Gravelly Lake Drive SW near Lake Grove Street SW)

Springbrook RTA 2

- Springbrook is a mix of multifamily and single family uses
- There is a park in Springbrook
- High percentage of nonconforming uses (single family) in Springbrook
- Many of the residential structures within Springbrook are older buildings, between 30 and 50+ years of age
- High number of historical abatements
- A dearth of sidewalk improvements throughout RTA 2
- Lack of sidewalks across the Bridgeport Way Bridge
- No apparent sewer problems, although the sewer alignment is unusual in certain locations
- The northeasterly section of Springbrook has no storm drainage facilities
- Streetlights have been installed although the northeasterly section of Springbrook seems to lack the intensity found in other locations within the City
- Water pressure in the northeasterly section of Springbrook is not sufficient to support redevelopment efforts
- Significant sections of Springbrook remain vacant and underutilized
- 123rd Street SW is not a fully developed right-of-way
- Large sections of Springbrook are now potentially located in a special flood hazard area

Lakeview RTA 3 (Proposed)

- Lakeview has a variety of land use types
- Saint Clare Hospital, Sound Transit, and the Department of Transportation own a significant amount of land within Proposed RTA 3
- The nearest open space is located at Lakeview Elementary School
- Existing nonconforming uses are generally confined to single family uses
- Many of the older uses are residential in nature; newer uses are found along major arterial corridors
- Historically, enforcement actions were confined to illegal automotive operations, hotels/motels, and selected apartment complexes
- Sidewalks are found along the periphery of proposed RTA 3, and not within its interior
- No apparent sewer problems
- Storm drainage facilities are found throughout Proposed RTA 3
- Proposed RTA 3 appears to have a sufficient number of streetlights
- The water mains within Proposed RTA 3 are old and in need of replacement
- The majority of vacant and underutilized parcels are located between Pacific Highway SW and Interstate 5

Status of Existing Tax Agreements: There are two tax agreements in place. The first was with Gravelly Lake Townhomes LLC, 8911 Gravelly Lake Drive SW. This first exemption was for 24 units. The exemption has been in place for two years.

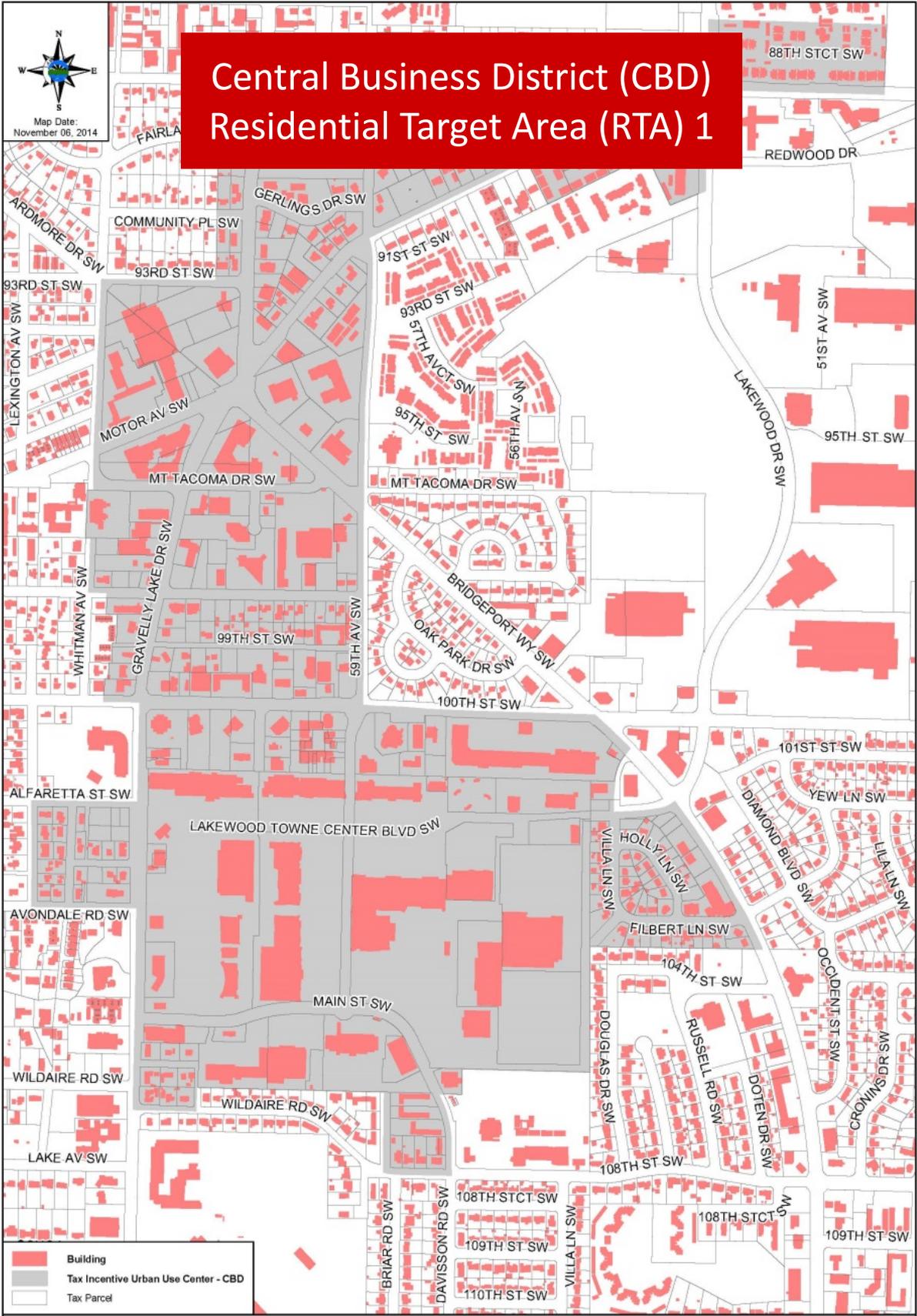
The second is the Lakewood Project, LLC, 5901 88th Street Court SW (Echelon Apartments). This exemption applies to 250+ units. The exemption has been in place for five years.

There is a third application pending for the Fir Acres property located in Springbrook.

Recommendations: Staff is NOT recommending any changes to the current boundaries found in RTA1 and RTA 2. Staff is recommending that the City Council consider establishing RTA 3 for a portion of the Lakeview Neighborhood.



Central Business District (CBD) Residential Target Area (RTA) 1



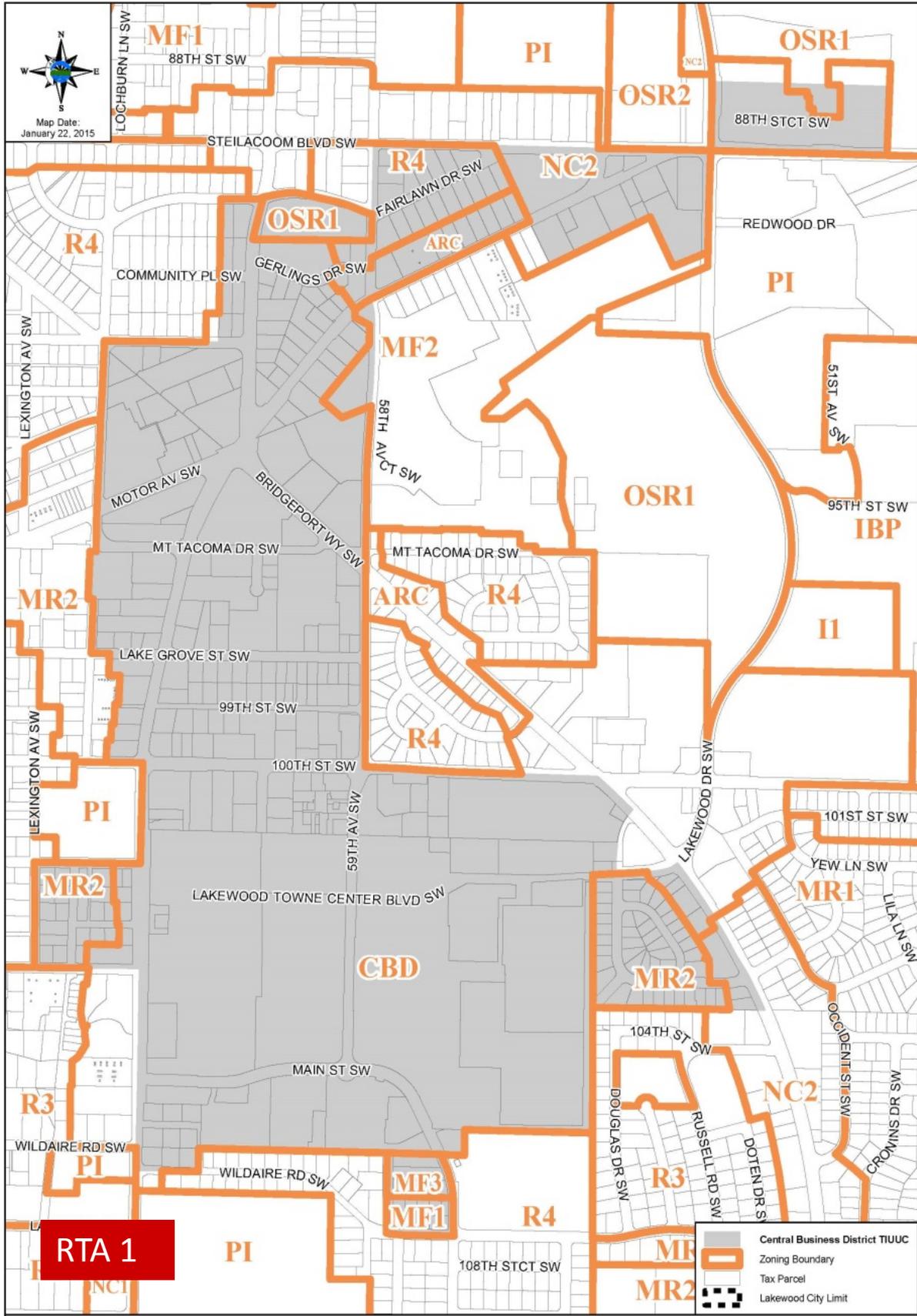
	Building
	Tax Incentive Urban Use Center - CBD
	Tax Parcel

Buildings City of Lakewood



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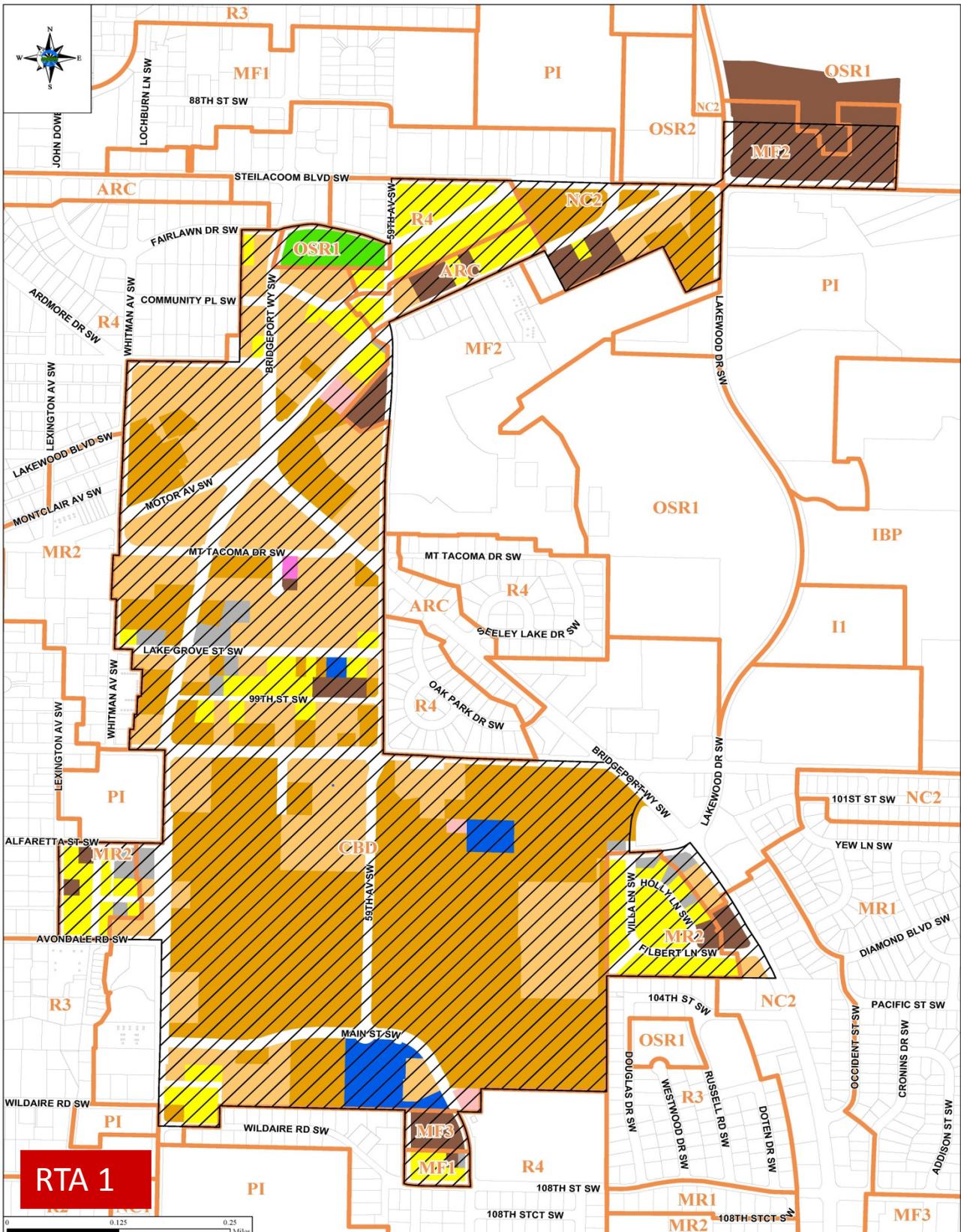
RTA 1

- Central Business District TIUUC
- Zoning Boundary
- Tax Parcel
- Lakewood City Limit

Central Business District TIUUC - Zoning City of Lakewood

0 Feet 500

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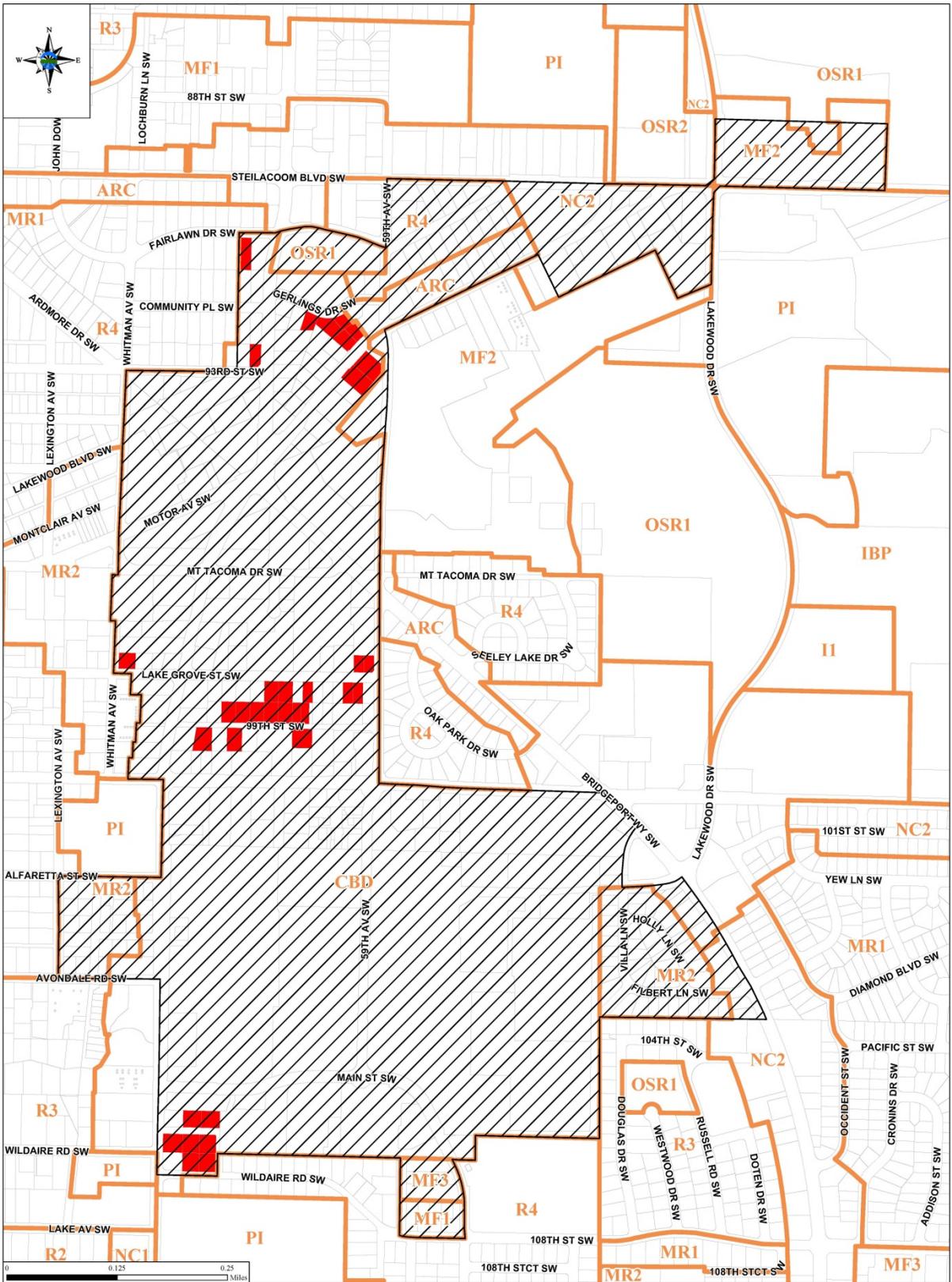
Land Use Category*

- Multi-Family
 - Office Commercial
 - Parks/ Open Space
 - Private School
 - Public Buildings
 - Religious/ Cultural Activities
 - Retail Commercial
 - Single Family
 - Vacant Land
-
- Tax Incentive Urban Use Center - Central Business District
 - Zoning Boundary
 - Tax Parcel

City of Lakewood Urban Center Land-Use

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Map Date: October 29, 2014

*Land Use Category determined by Economic Development.



RTA 1

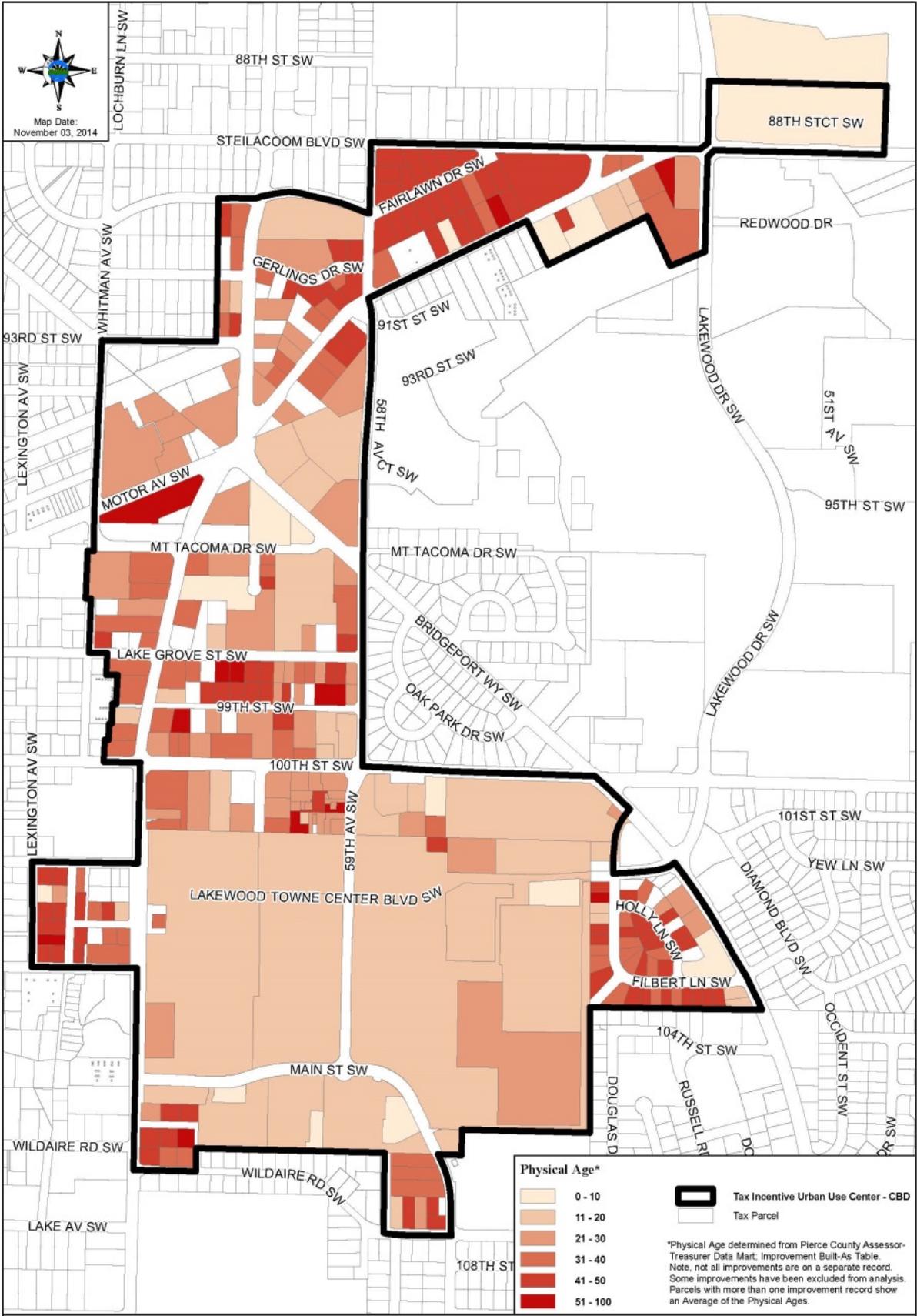
City of Lakewood Urban Center Land-Use Non-Conforming

Land Use Category*

- Non-Conforming Single Family Residence
- Tax Incentive Urban Use Center - Central Business District
- Zoning Boundary
- Tax Parcel

*Land Use Category determined by Economic Development.

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Map Date: November 03, 2014 #Projects/EconDev/Analysis/LCLU/HC.mxd



RTA 1

Physical Age of Improvements By Parcel

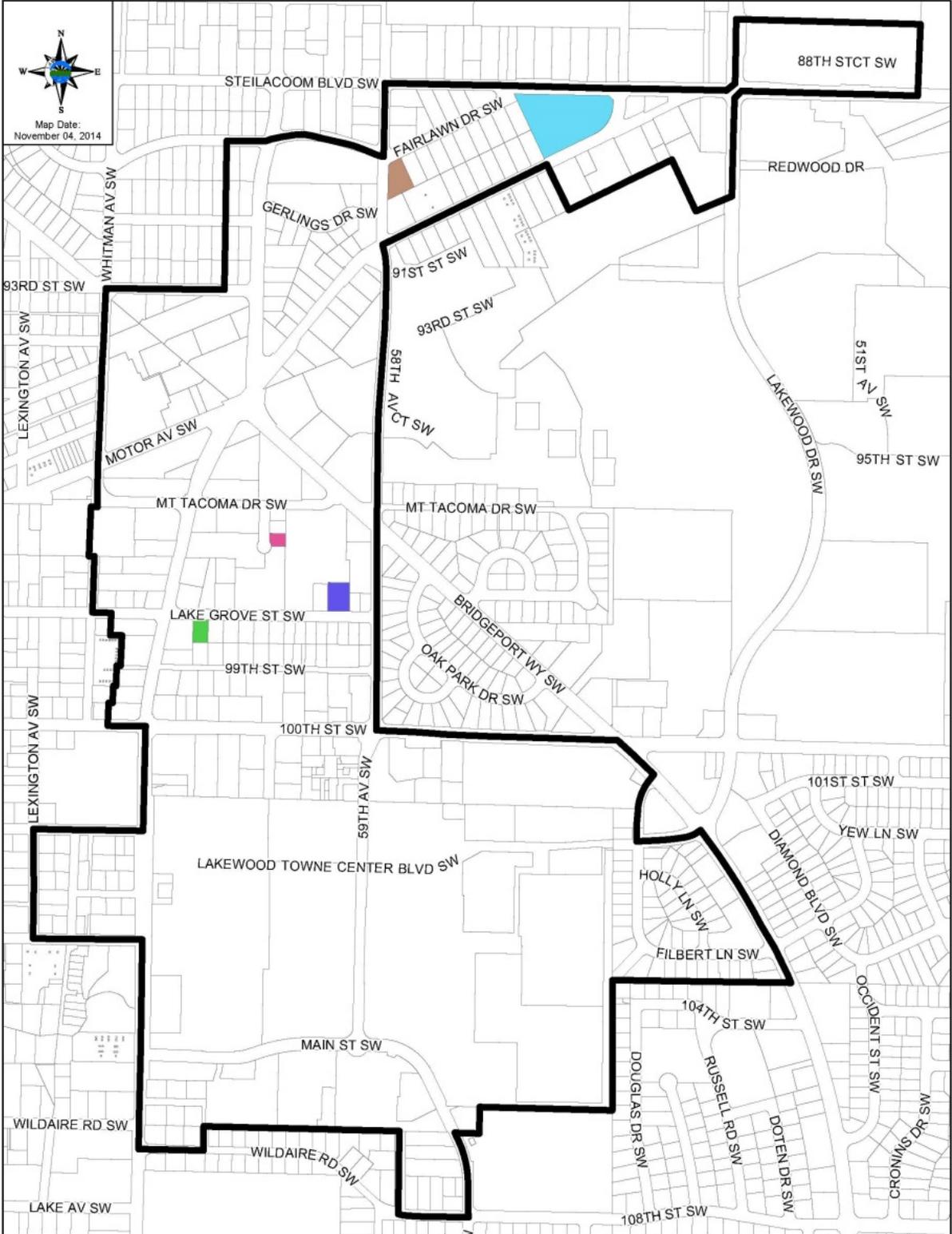
City of Lakewood

104

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	5520 FAIRLAWN DR SW - Dumping, public nuisance abatement order.		Tax Incentive Urban Use Center - CBD
	5915 LAKE GROVE ST SW - Chronic dumpsite, demolition.		Tax Parcel
	6124 LAKE GROVE ST SW - Closed automotive business for zoning and license violations.		
	8920 GRAVELLY LAKE DR SW - Cleanup, nuisance conditions.		
	9615 BRISTOL AV SW - Dangerous building, demolition.		

RTA 1

Abatement Parcels

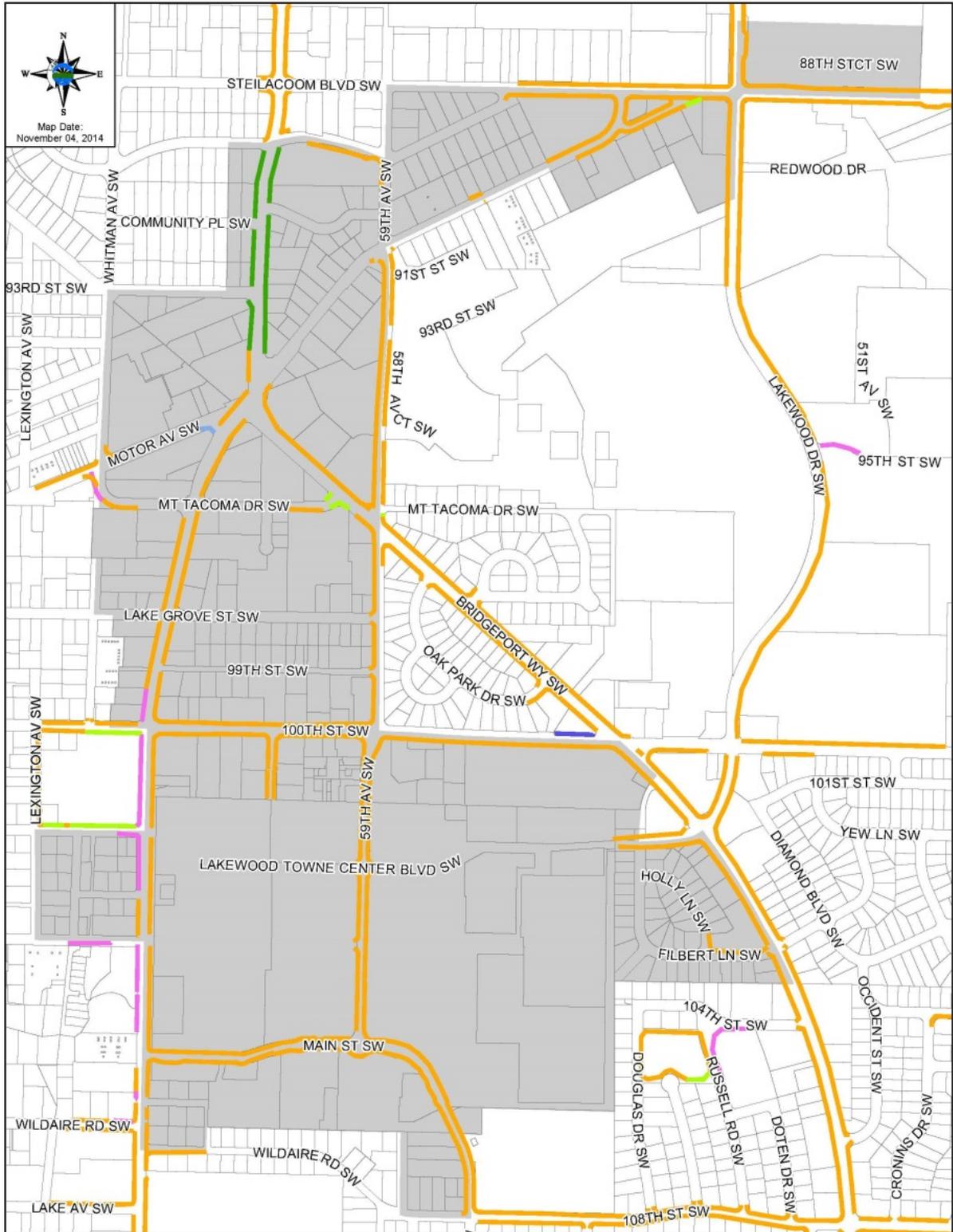
City of Lakewood

105

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Sidewalks

(By Curb Type)

- No Type Listed
- Asphalt Wedge Curb
- Concrete Rolled Curb
- Open Shoulder
- Other
- Vertical Curb/Gutter
- Vertical Curb/No Gut

- Tax Incentive Urban Use Center - CBD
- Tax Parcel

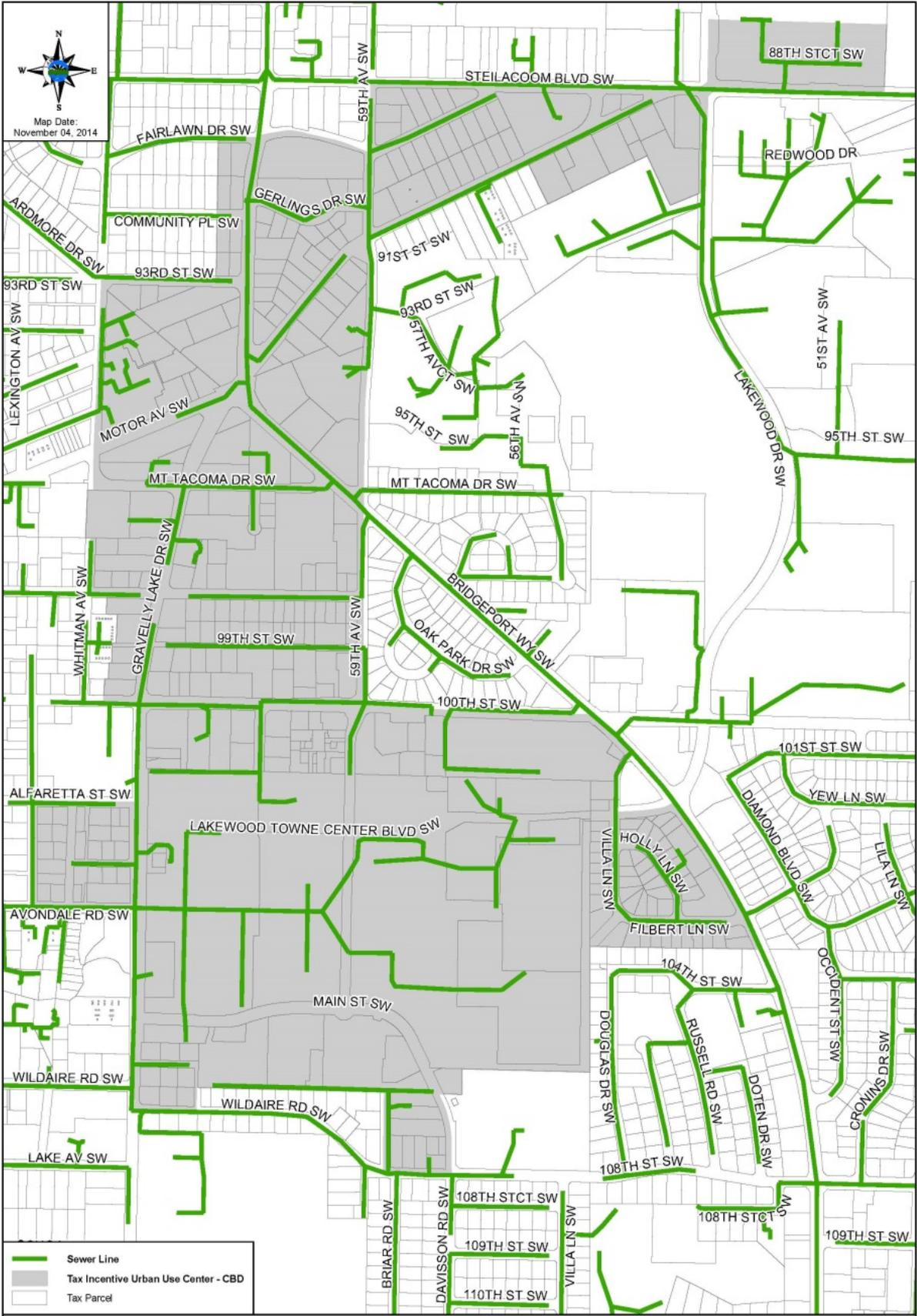
RTA 1

**Sidewalks
City of Lakewood**



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	Sewer Line
	Tax Incentive Urban Use Center - CBD
	Tax Parcel

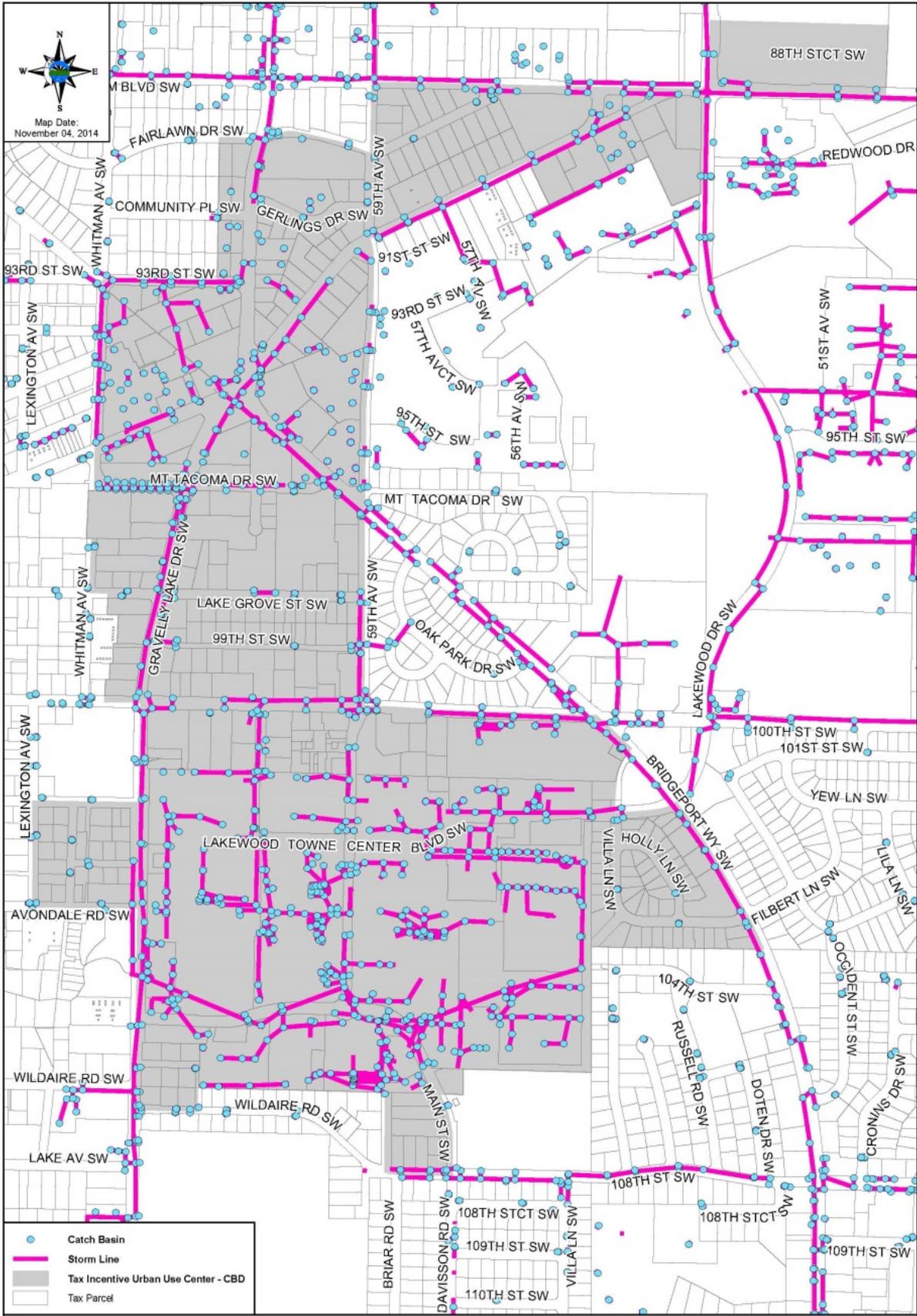
RTA 1

Sanitary Sewer City of Lakewood

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- Catch Basin
- Storm Line
- Tax Incentive Urban Use Center - CBD
- Tax Parcel

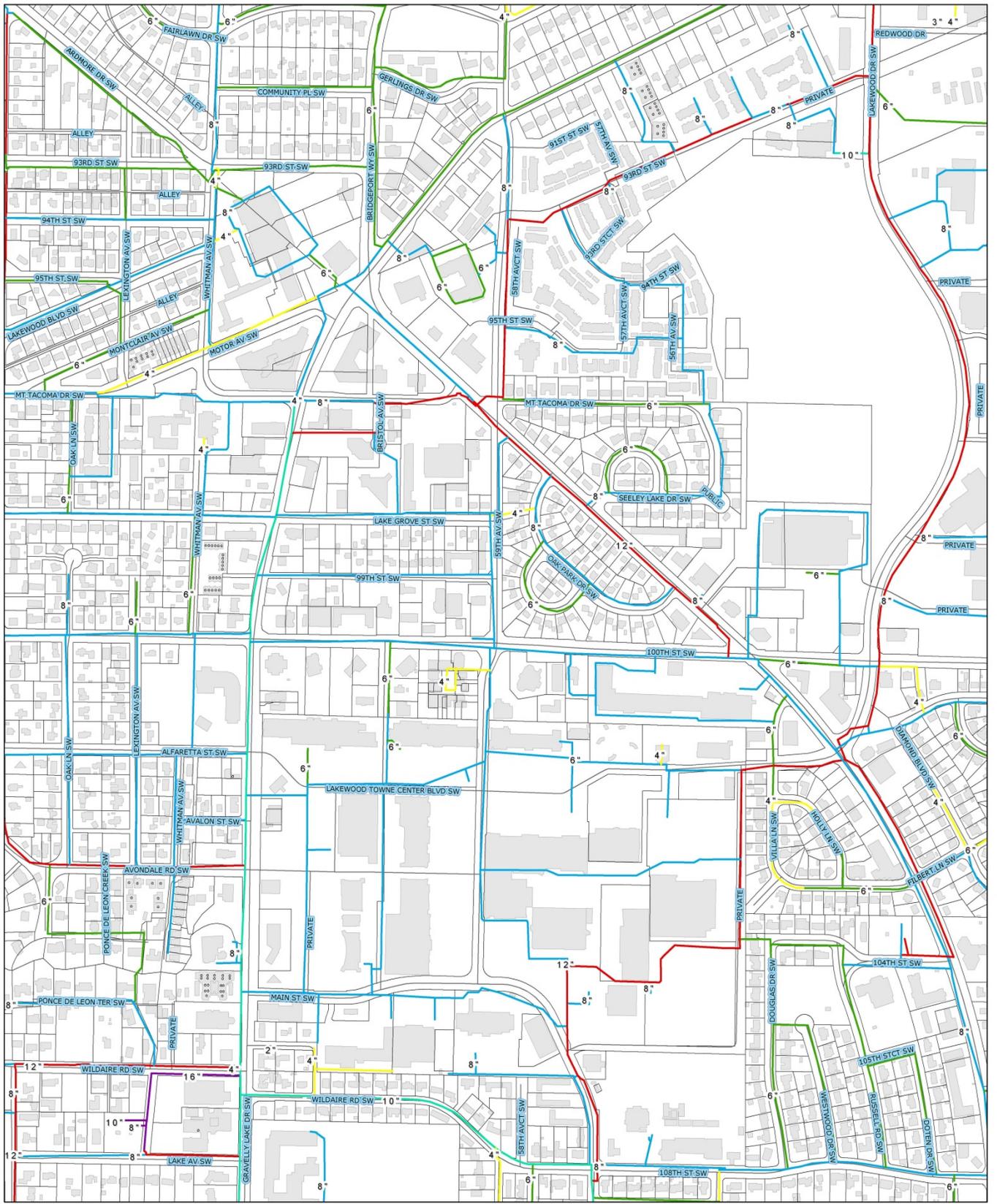
RTA 1

Storm Drainage City of Lakewood

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Central Business District Water Main

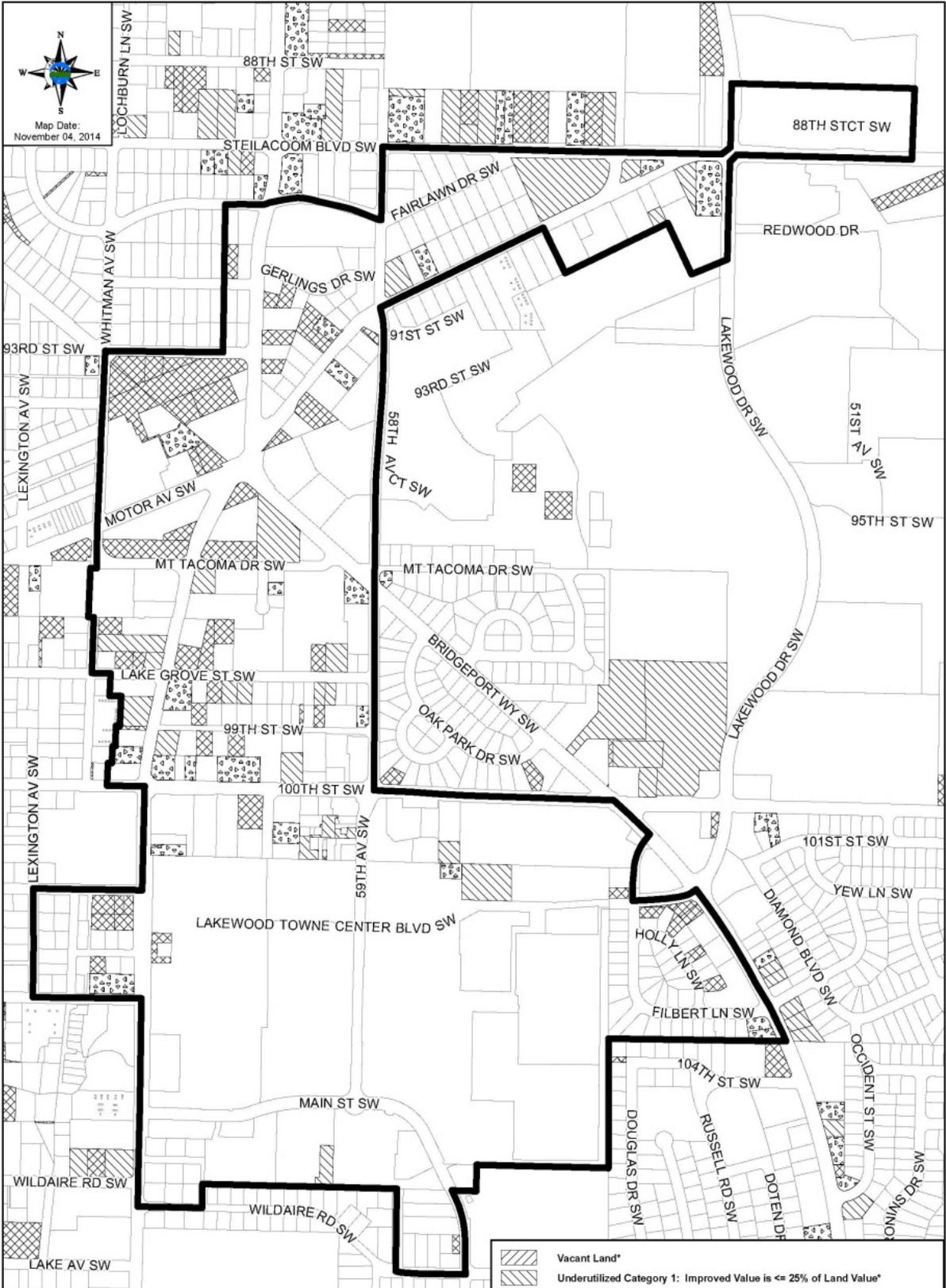
RTA 1

- Water Main Diameter**
- 10" (light blue line)
 - 8" (medium blue line)
 - 16" (purple line)
 - 6" (green line)
 - 12" (red line)
 - 4" (yellow line)

N
▲

110

0 200 500 1,100 Feet



-  Vacant Land*
-  Underutilized Category 1: Improved Value is <= 25% of Land Value*
-  Underutilized Category 2: Improved Value is > 25% and <= 50% of Land Value*
-  Tax Incentive Urban Use Center - CBD
-  Tax Parcel

Existing Residential Unit Density - CBD		
Number of Acres	Number of Units	Density/Acre
256	131	.51

* Vacant & Underutilized Land determined by CD/ED analysis - Jan/Feb 2014.

RTA 1

Vacant & Underutilized Land

City of Lakewood

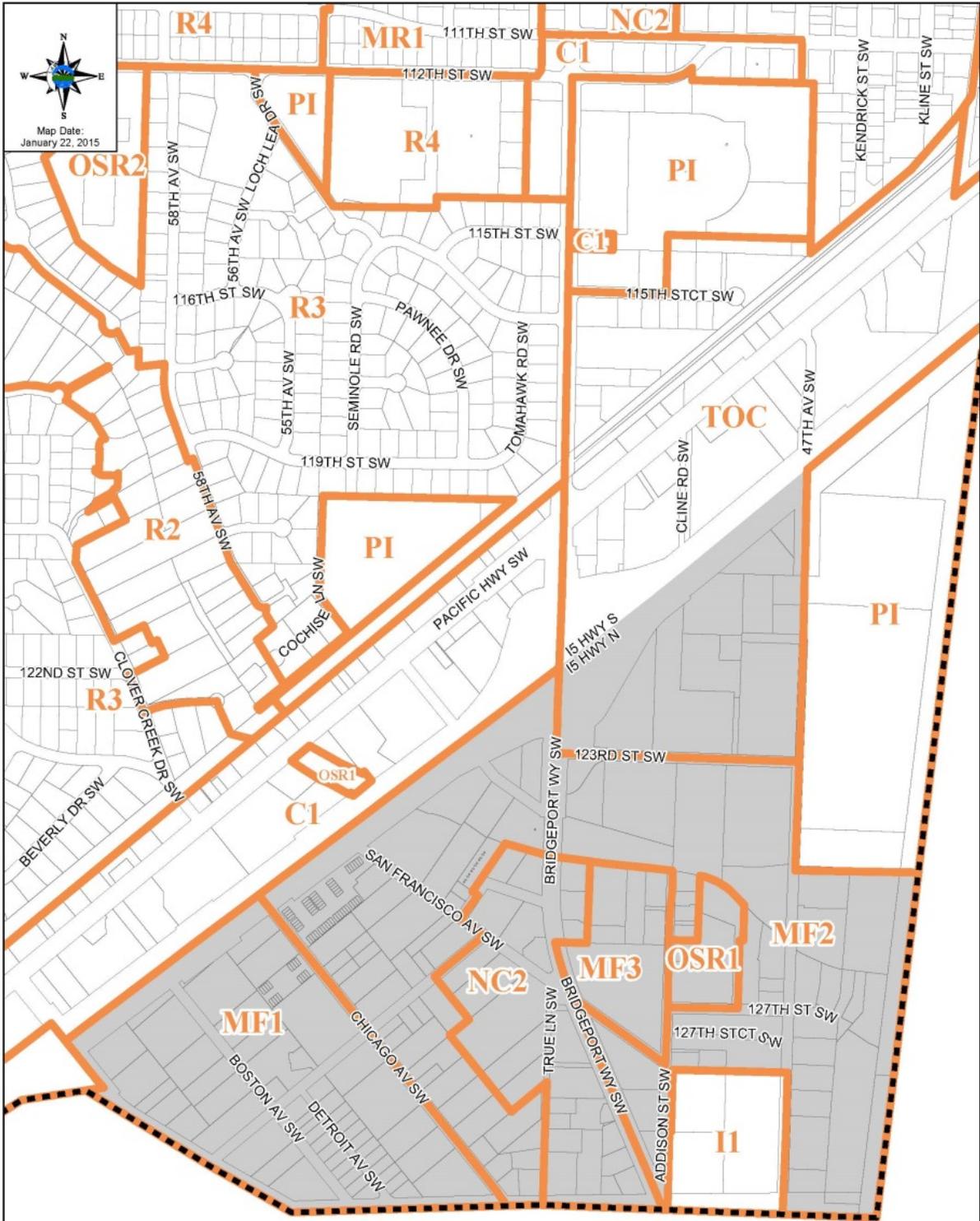
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111



RTA 2

-  Springbrook TIUUC
-  Zoning Boundary
-  Tax Parcel
-  Lakewood City Limit

Springbrook TIUUC - Zoning City of Lakewood

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- Land Use Category***
- Multi-Family
 - Office Commercial
 - Parks/ Open Space
 - Religious/ Cultural Activities
 - Retail Commercial
 - Single Family
 - Vacant Land

- Tax Incentive Urban Use Center - Springbrook
- Zoning Boundary
- Tax Parcel
- Lakewood City Limit

*Land Use Category determined by Economic Development.

City of Lakewood Urban Center Land-Use Springbrook

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Map Date: November 04, 2014 :Projects\EconDev\Analysis\UCLU-SB.mxd



City of Lakewood Urban Center Land-Use Non-Conforming: Springbrook

Non-Conforming Use*

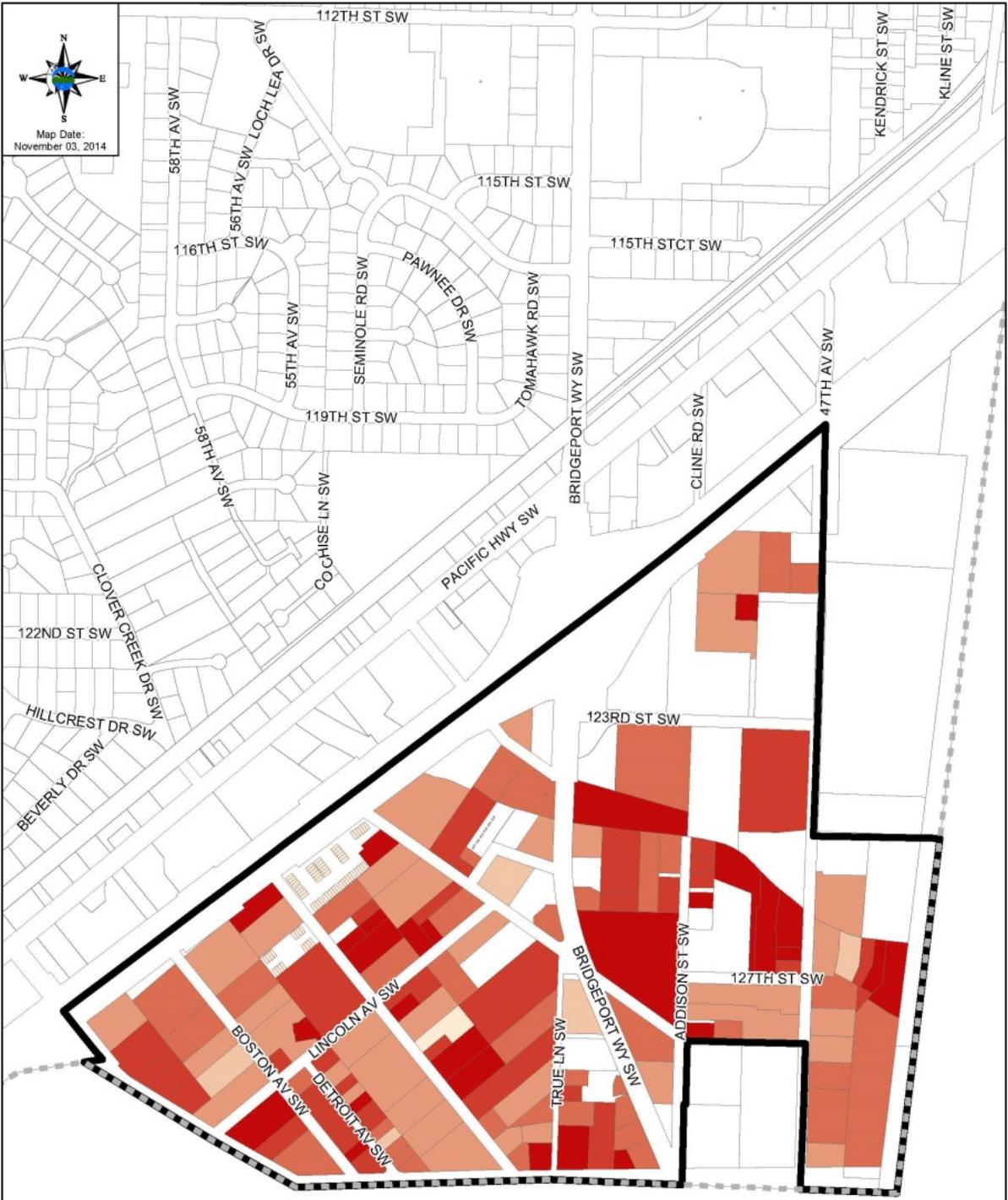
- | | |
|---|---|
| MF2 | Tax Incentive Urban Use Center - Springbrook |
| SF1 | Zoning Boundary |
| SF2 | Tax Parcel |
| SF4 | Lakewood City Limit |

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*Non-Conforming Use determined by Economic Development.

Map Date: November 14, 2014

Projects\EconDev\Analysis\WC-SB.mxd



RTA 2

Physical Age*

Lightest Orange	0 - 10
Light Orange	11 - 20
Orange	21 - 30
Dark Orange	31 - 40
Red-Orange	41 - 50
Dark Red	51 - 100

Tax Incentive Urban Use Center - Springbrook
 Tax Parcel
 Lakewood City Limit

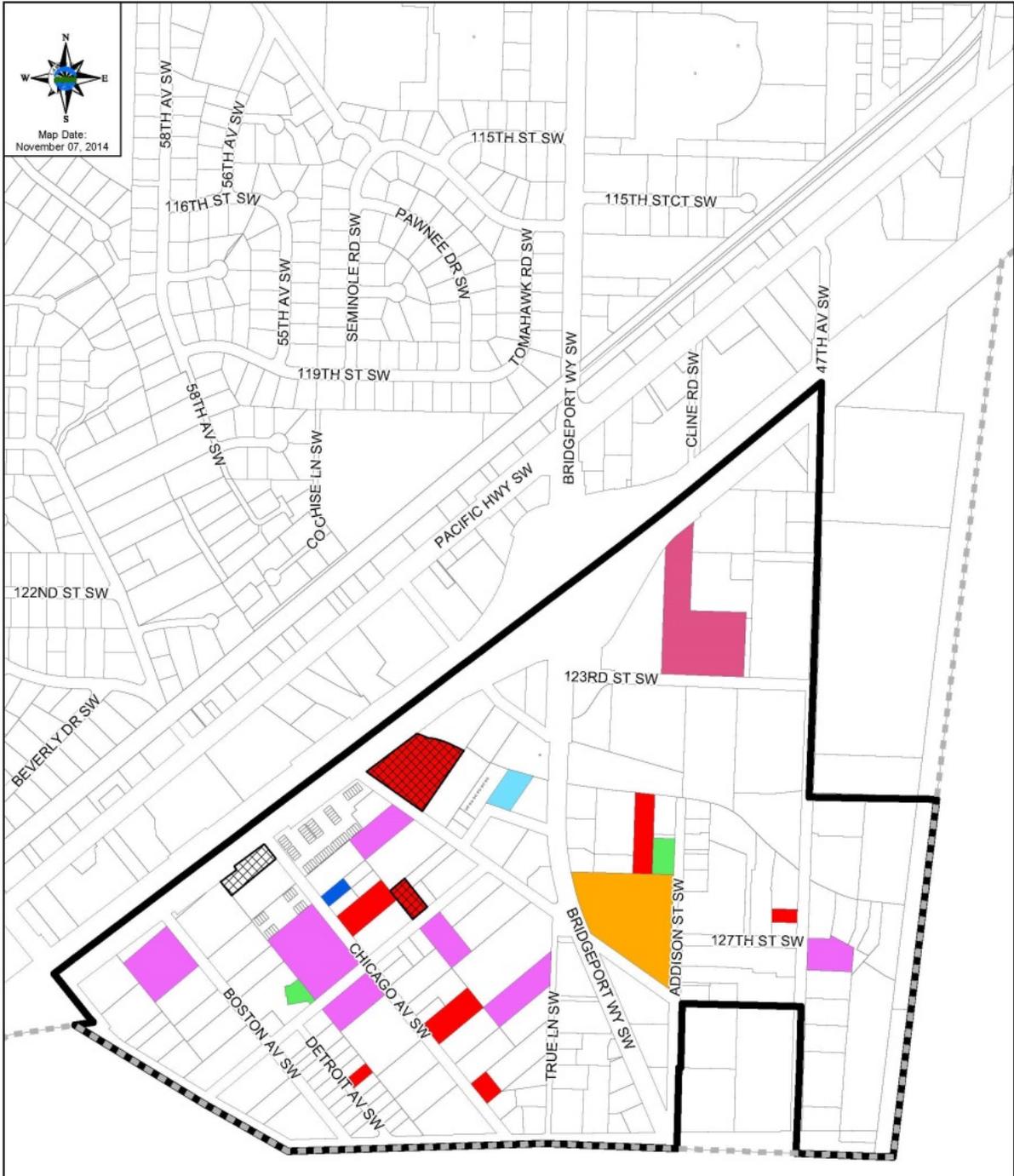
*Physical Age determined from Pierce County Assessor-Treasurer Data Mart; Improvement Built-As Table. Note, not all improvements are on a separate record. Some improvements have been excluded from analysis. Parcels with more than one improvement record show an Average of the Physical Ages.

Physical Age of Improvements By Parcel City of Lakewood

0 Feet 500

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- Significant nuisance cleanups via tickets and threat of abatement.
- Cleanup of property and securing buildings by City staff and contractors.
- Demolition of abandoned house by owner, under enforcement by City. (Approx. 1997.)
- Demolition of dangerous or unpermitted accessory structures, by owners, under abatement orders or other enforcement.
- Demolition of dilapidated house and cleanup of property.
- Demolition of dilapidated house and garage and cleanup of property. Property currently vacant.
- Removed 66 mobile homes and other structures under a third abatement order.
- Very serious building, management, and crime issues through Weed and Seed, business license actions, and abatement orders.
- Tax Incentive Urban Use Center - Springbrook
- Tax Parcel
- Lakewood City Limit

RTA 2

Abatement Parcels City of Lakewood



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-  Lakeview Light and Power Street Light (Jan. 2009)
-  Tax Incentive Urban Use Center - Springbrook
-  Tax Parcel
-  Lakewood City Limit

RTA 2

Street Lights City of Lakewood

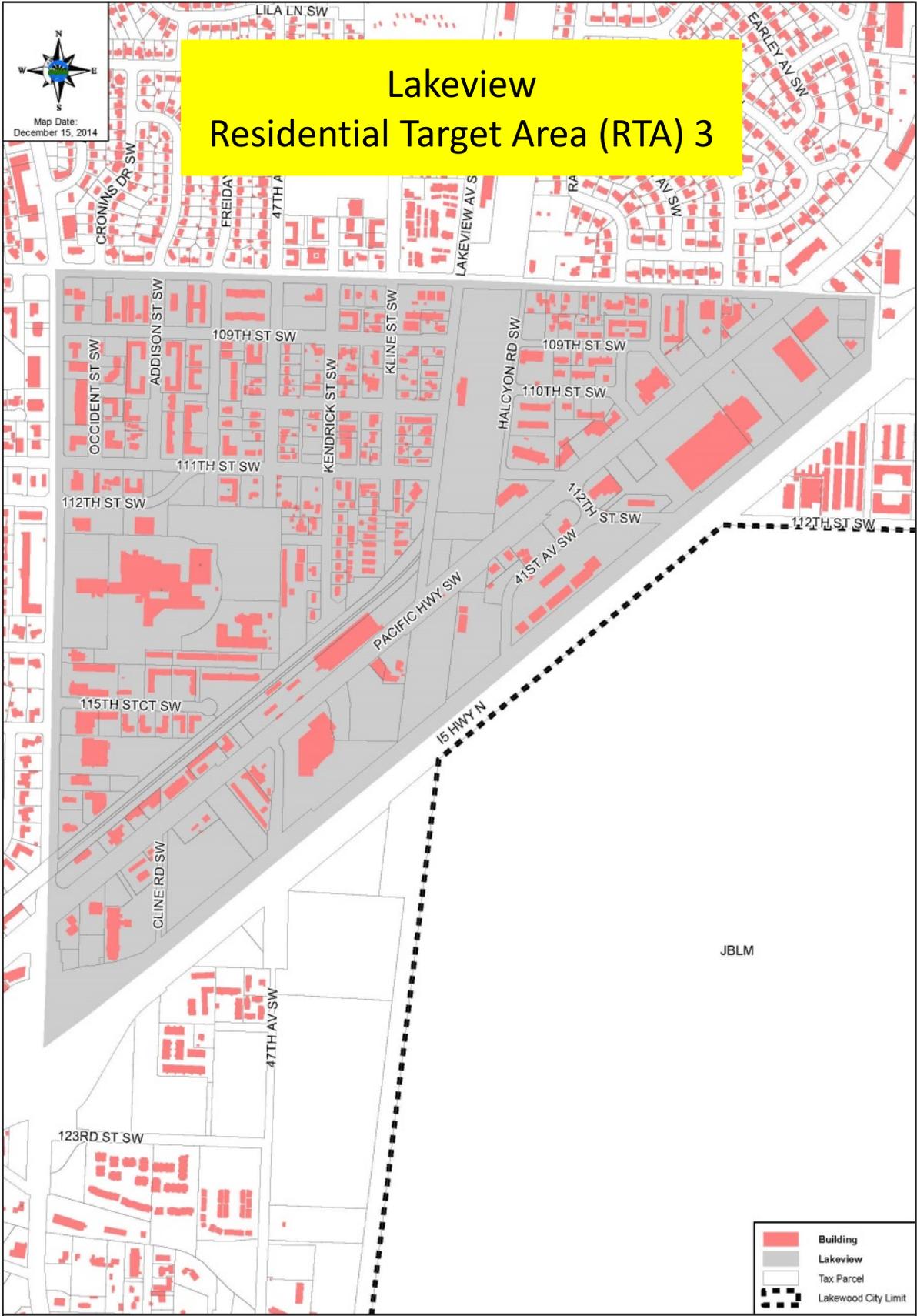
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Lakeview Residential Target Area (RTA) 3



	Building
	Lakeview
	Tax Parcel
	Lakewood City Limit

Lakeview - Buildings City of Lakewood

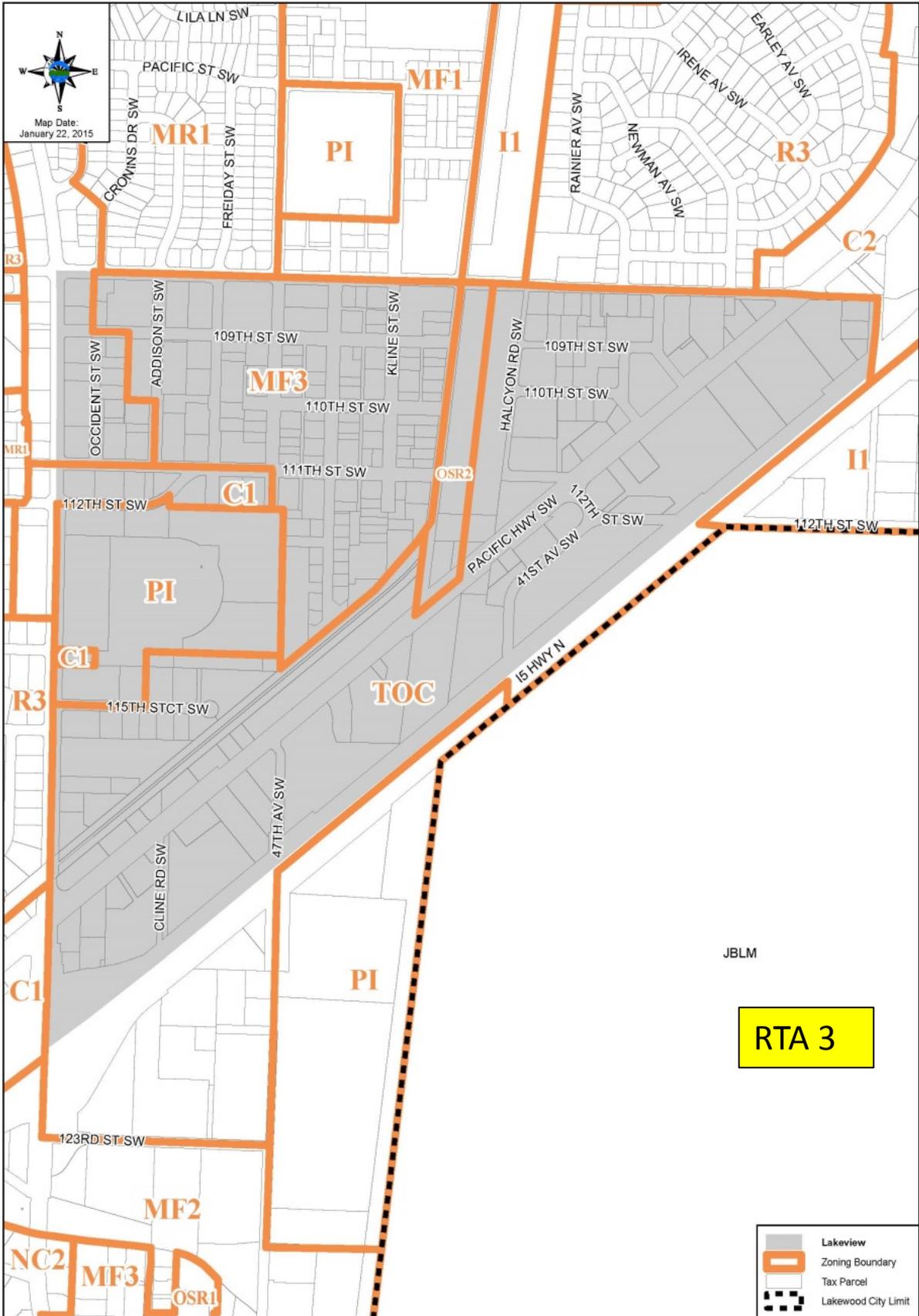
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Map Date:
January 22, 2015



JBLM

RTA 3

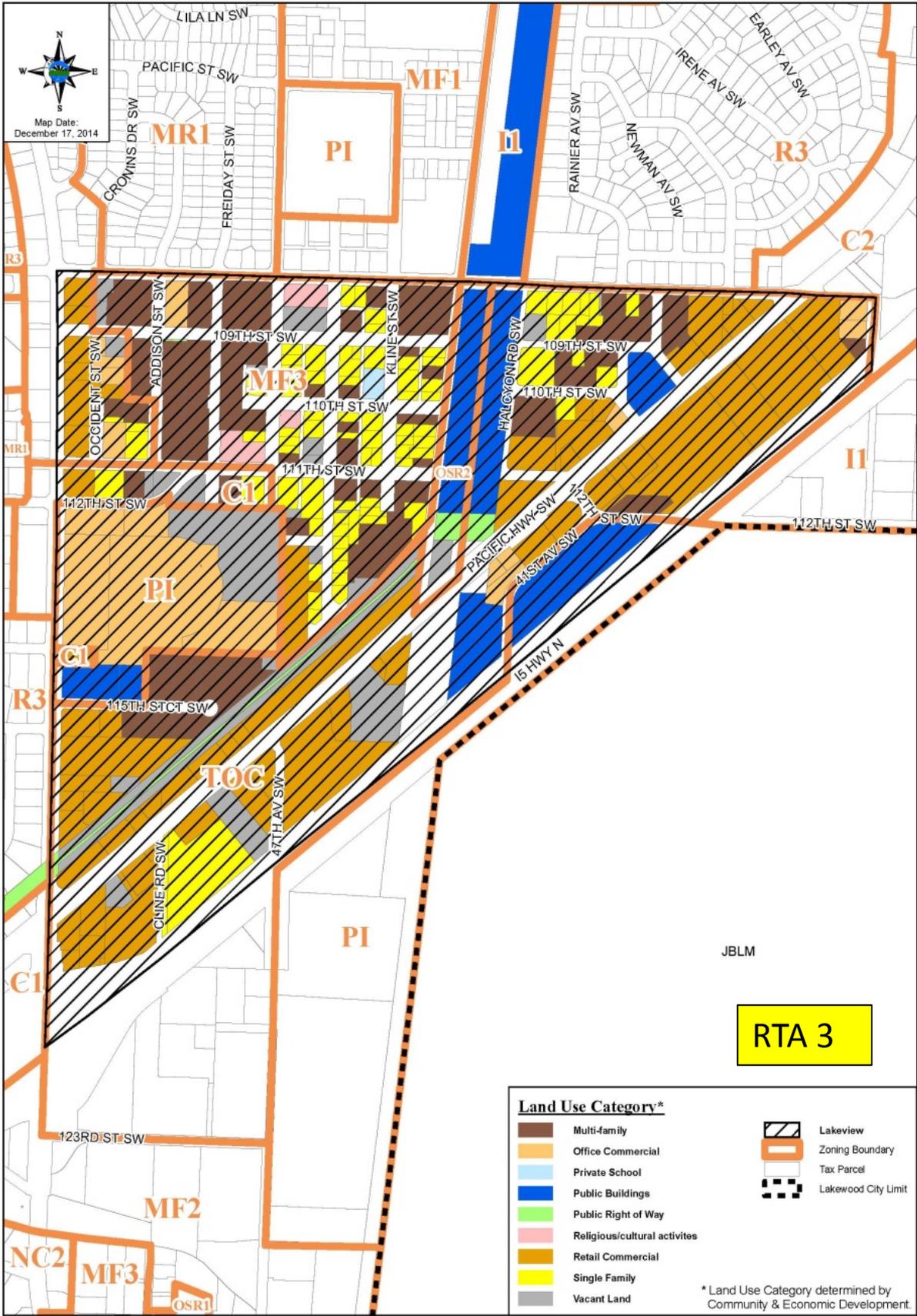
-  Lakeview
-  Zoning Boundary
-  Tax Parcel
-  Lakewood City Limit

Lakeview - Zoning City of Lakewood

0 Feet 500

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RTA 3

Land Use Category*	
	Multi-family
	Office Commercial
	Private School
	Public Buildings
	Public Right of Way
	Religious/cultural activities
	Retail Commercial
	Single Family
	Vacant Land
	Lakeview
	Zoning Boundary
	Tax Parcel
	Lakewood City Limit

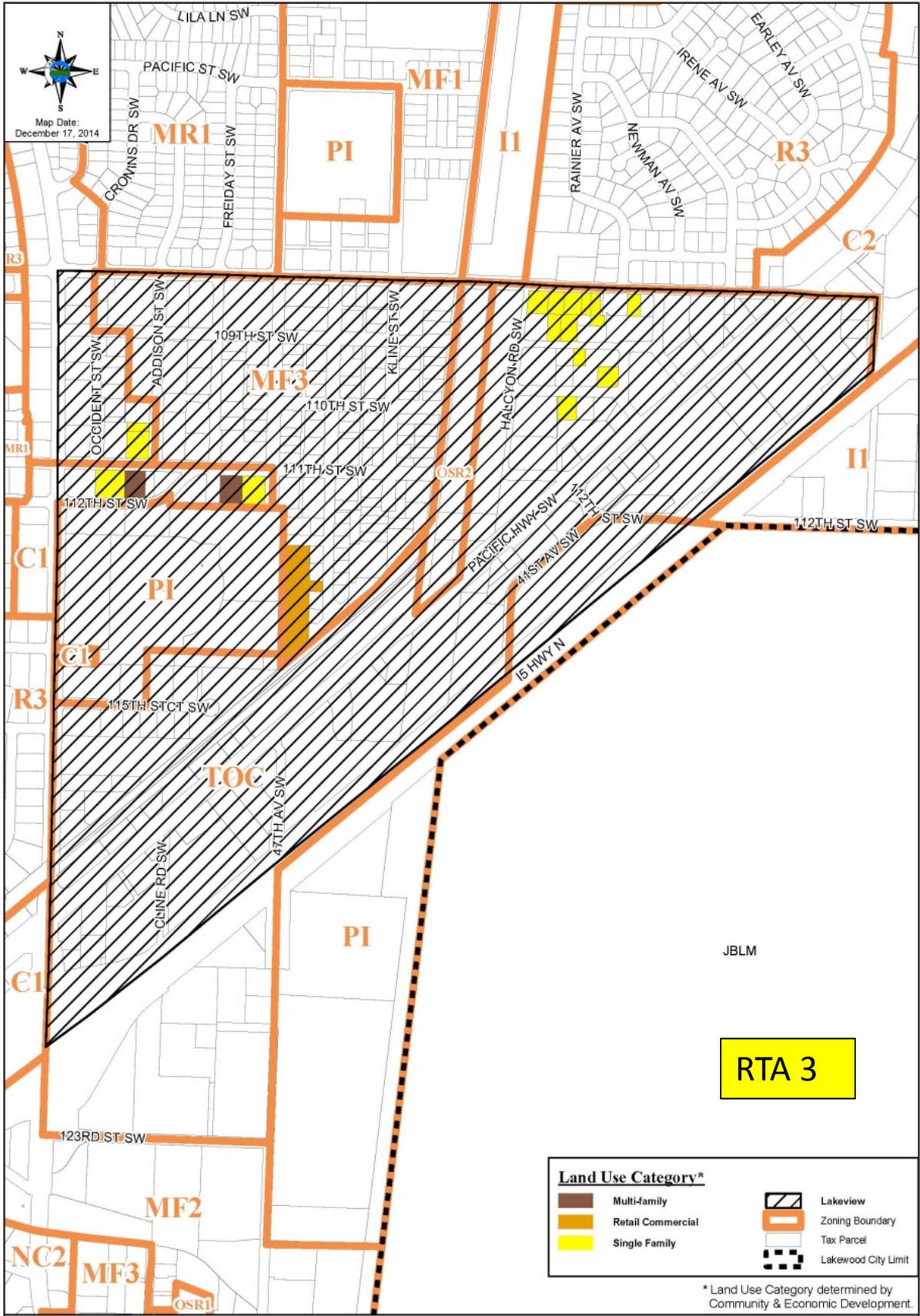
* Land Use Category determined by Community & Economic Development.

Lakeview - Land Use City of Lakewood

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Land Use Category*	
	Multi-family
	Retail Commercial
	Single Family
	Lakeview
	Zoning Boundary
	Tax Parcel
	Lakewood City Limit

* Land Use Category determined by Community & Economic Development.

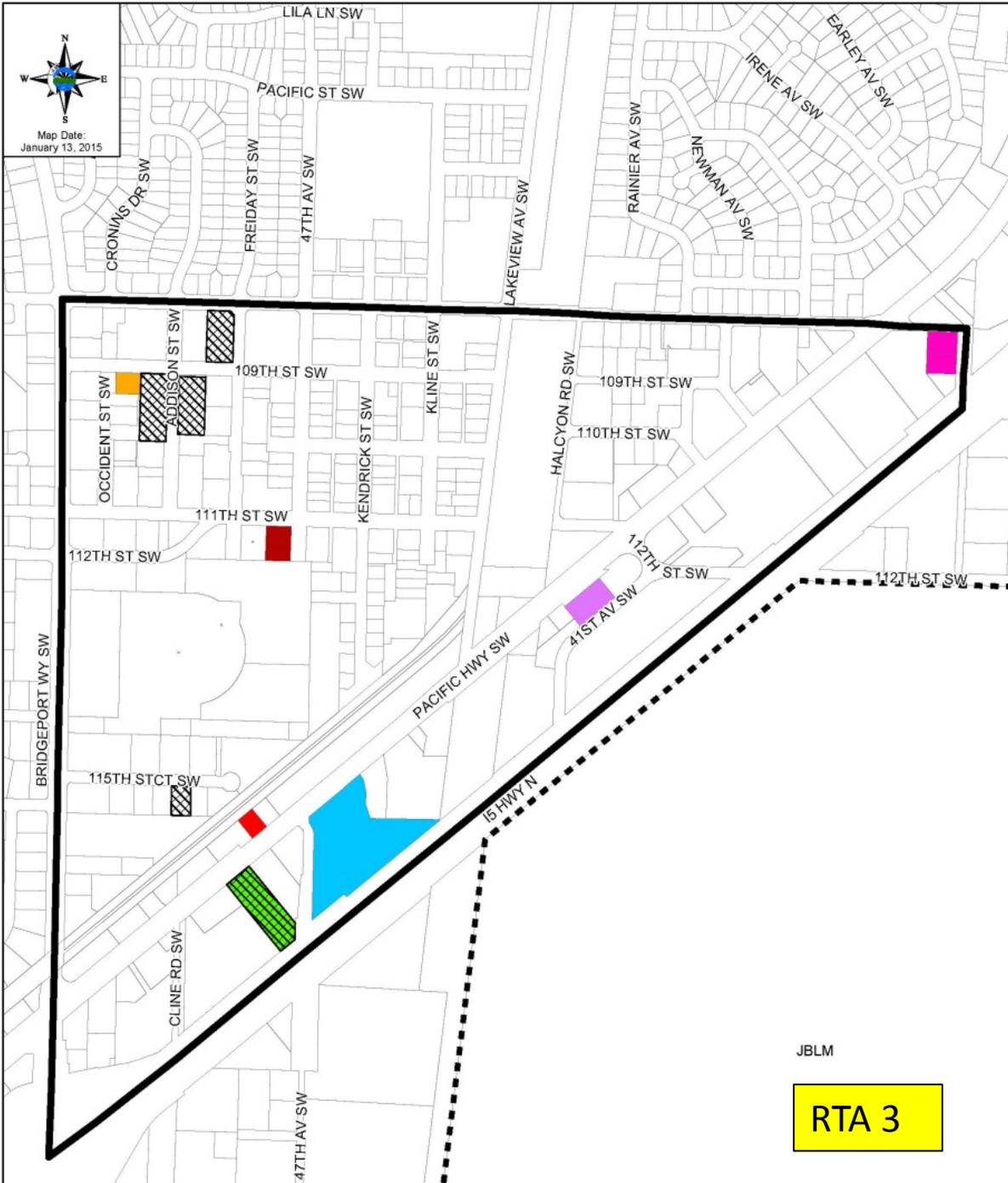
Lakeview - Non Conforming Land Use

City of Lakewood

0 Feet 500

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JBLM

RTA 3

-  Weed & Seed and Multi-Agency Enforcement.
-  Closed by City. Demolished (5 buildings) by owner under abatement order. Unpermitted mobile home / RV park closed and abated by City.
-  Closed by owner in lieu of inspection and closure by City. Demolished (8 buildings) by owner in lieu of abatement by City.
-  Closure & cleanup of large illegal wrecking yard. Closure & cleanup of 2nd illegal wrecking yard & removal of 6 bldgs by owner in lieu of abatement.
-  Closure of illegal chop-shop and nightclub.
-  Dilapidated coin-op car wash demolished by owner under abatement order.
-  Owner demolished two buildings, repaired two buildings, and cleaned up property under abatement order.
-  Owner removed junk, overgrown vegetation, and numerous junk vehicles, and secured building under abatement order.
-  Lakeview
-  Tax Parcel
-  Lakewood City Limit

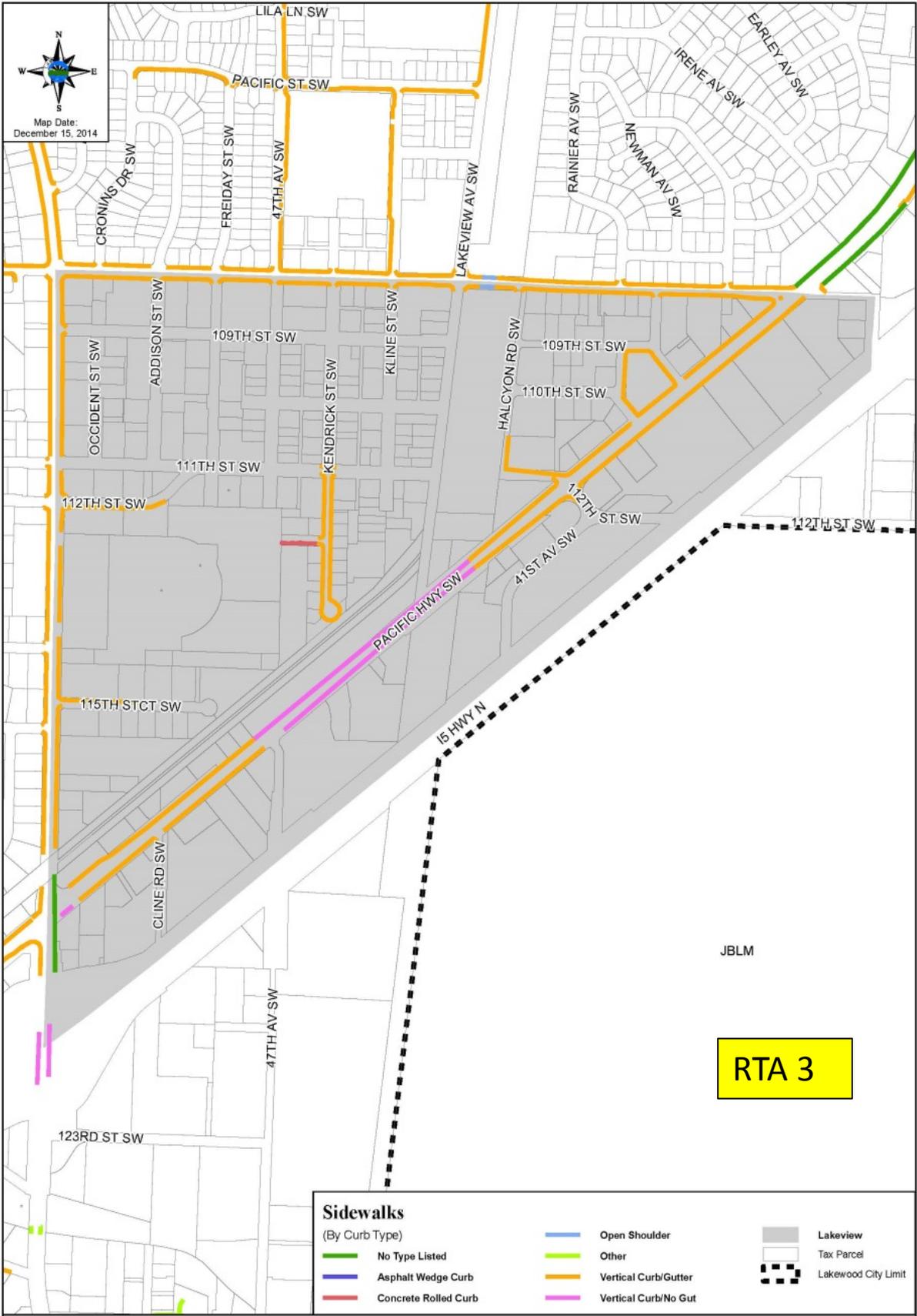
Lakeview - Enforcement Activity

City of Lakewood

0 Feet 500

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Sidewalks
(By Curb Type)

- | | | |
|----------------------|----------------------|---------------------|
| No Type Listed | Open Shoulder | Lakeview Tax Parcel |
| Asphalt Wedge Curb | Other | Lakewood City Limit |
| Concrete Rolled Curb | Vertical Curb/Gutter | |
| | Vertical Curb/No Gut | |

Lakeview - Sidewalks
City of Lakewood

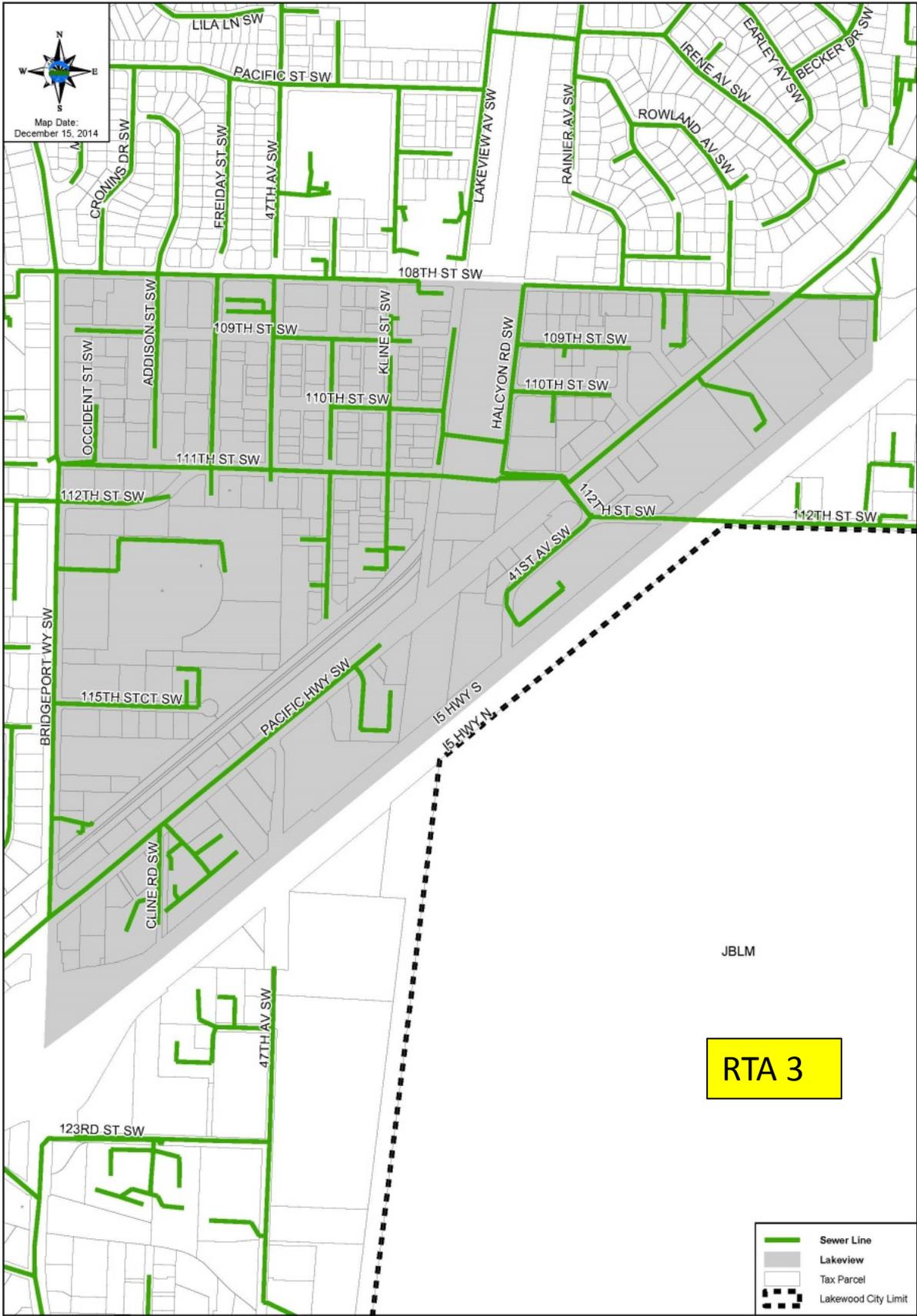
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Map Date:
December 15, 2014



JBLM

RTA 3

-  Sewer Line
-  Lakeview
-  Tax Parcel
-  Lakewood City Limit

Lakeview - Sanitary Sewer City of Lakewood

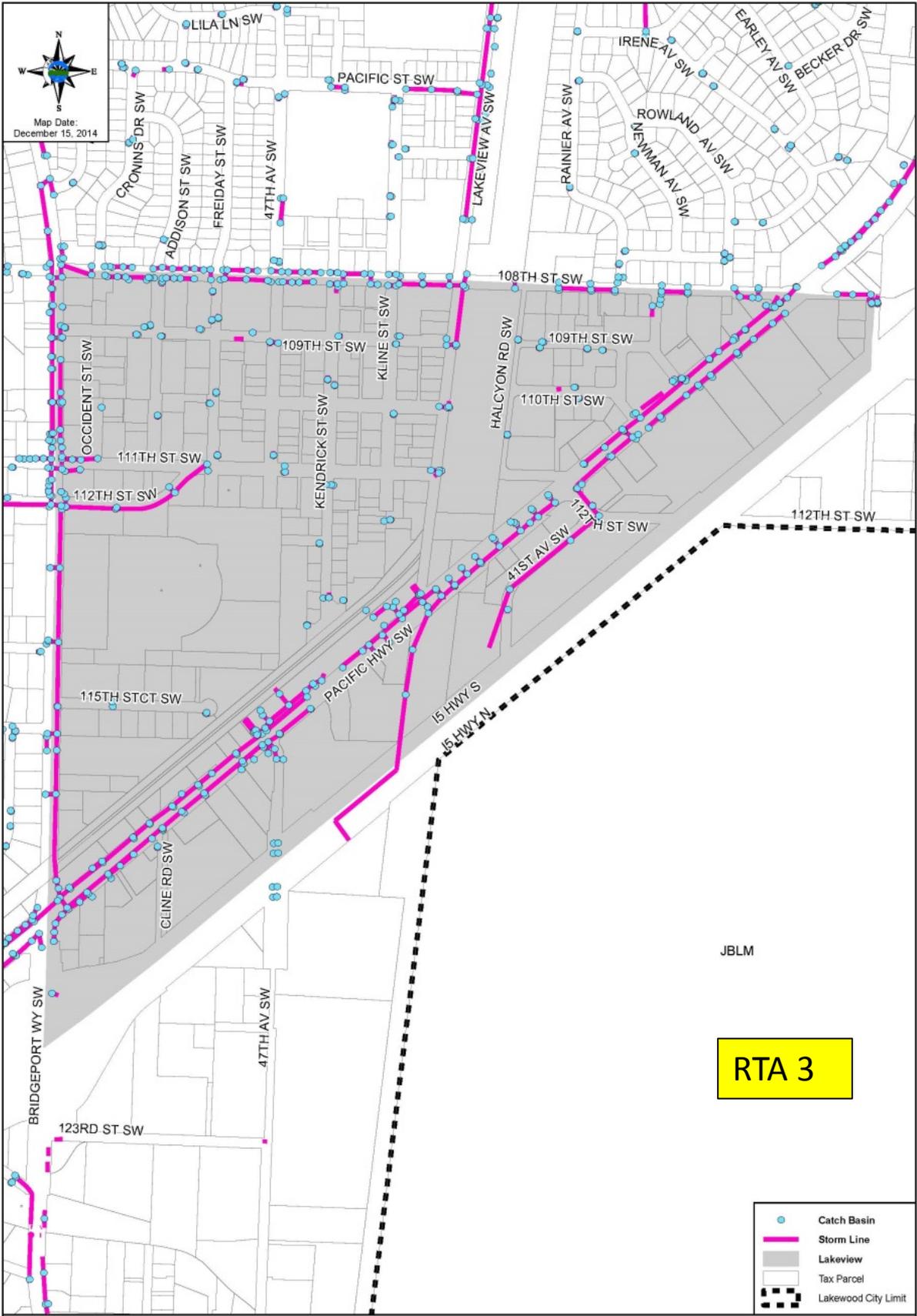
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Map Date:
December 15, 2014



JBLM

RTA 3

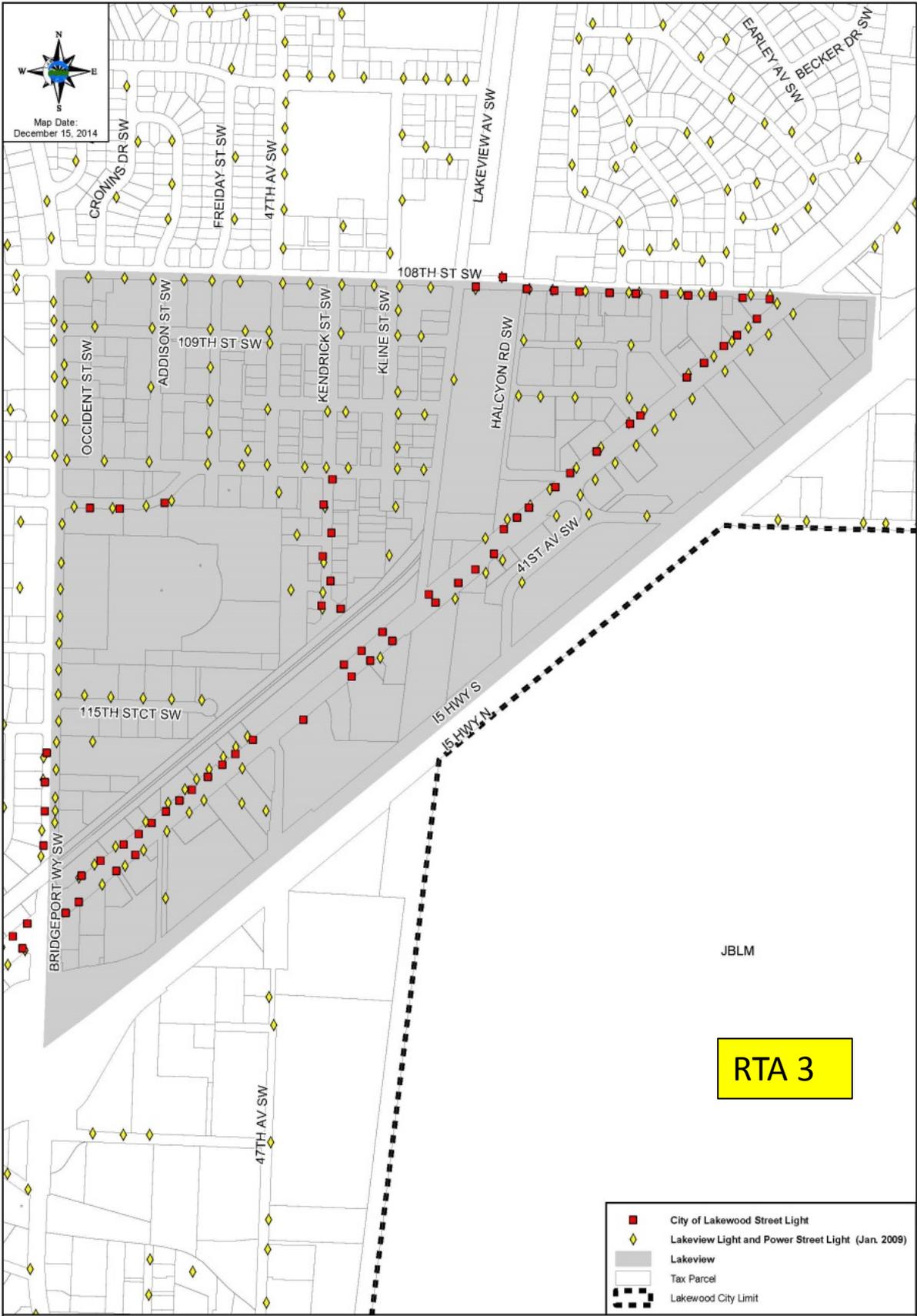
-  Catch Basin
-  Storm Line
-  Lakeview
-  Tax Parcel
-  Lakewood City Limit

Lakeview - Storm Drainage City of Lakewood

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JBLM

RTA 3

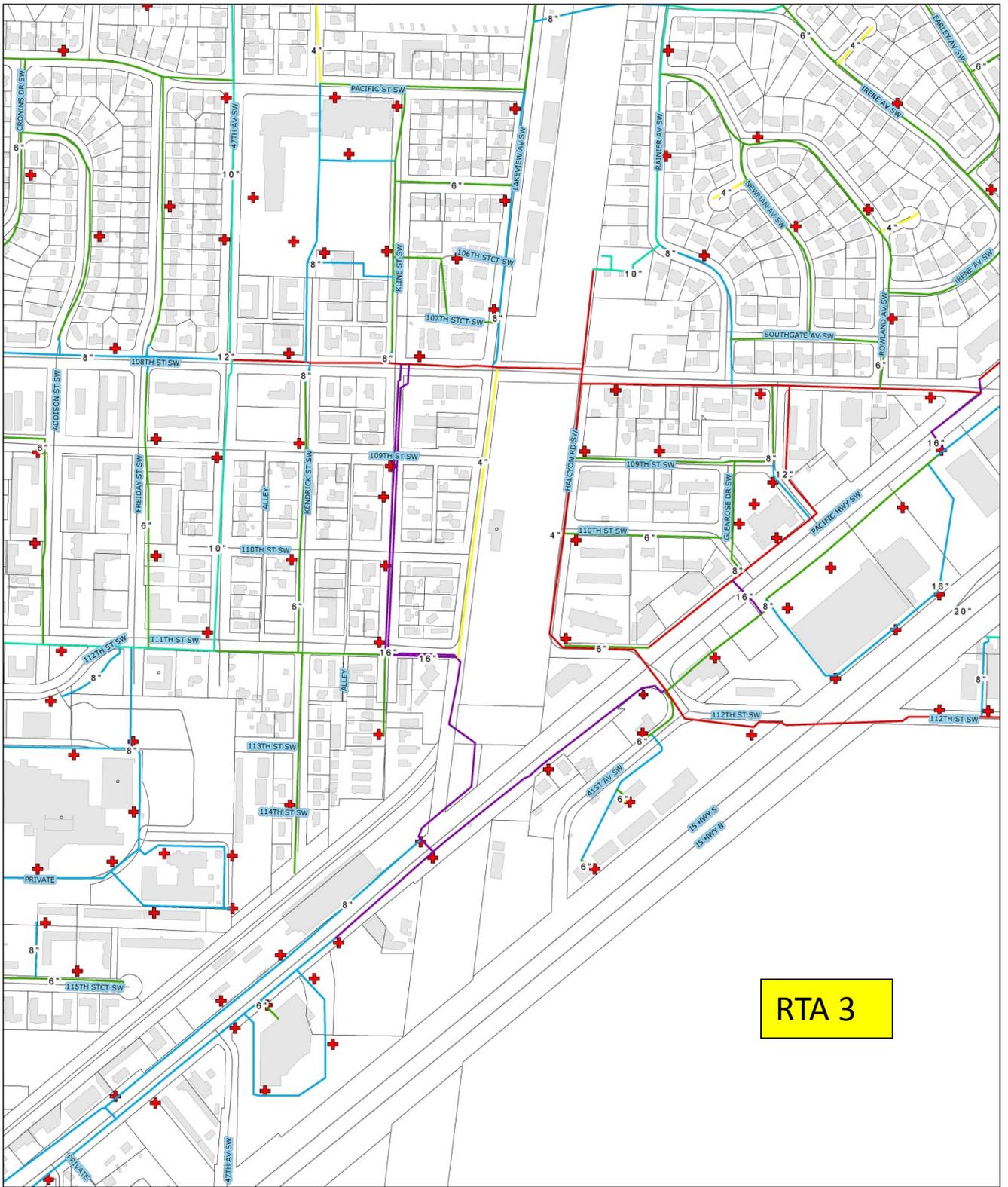
- City of Lakewood Street Light
- ◆ Lakeview Light and Power Street Light (Jan. 2009)
- Lakeview
- Tax Parcel
- Lakewood City Limit

Lakeview - Street Lights City of Lakewood

0 Feet 500

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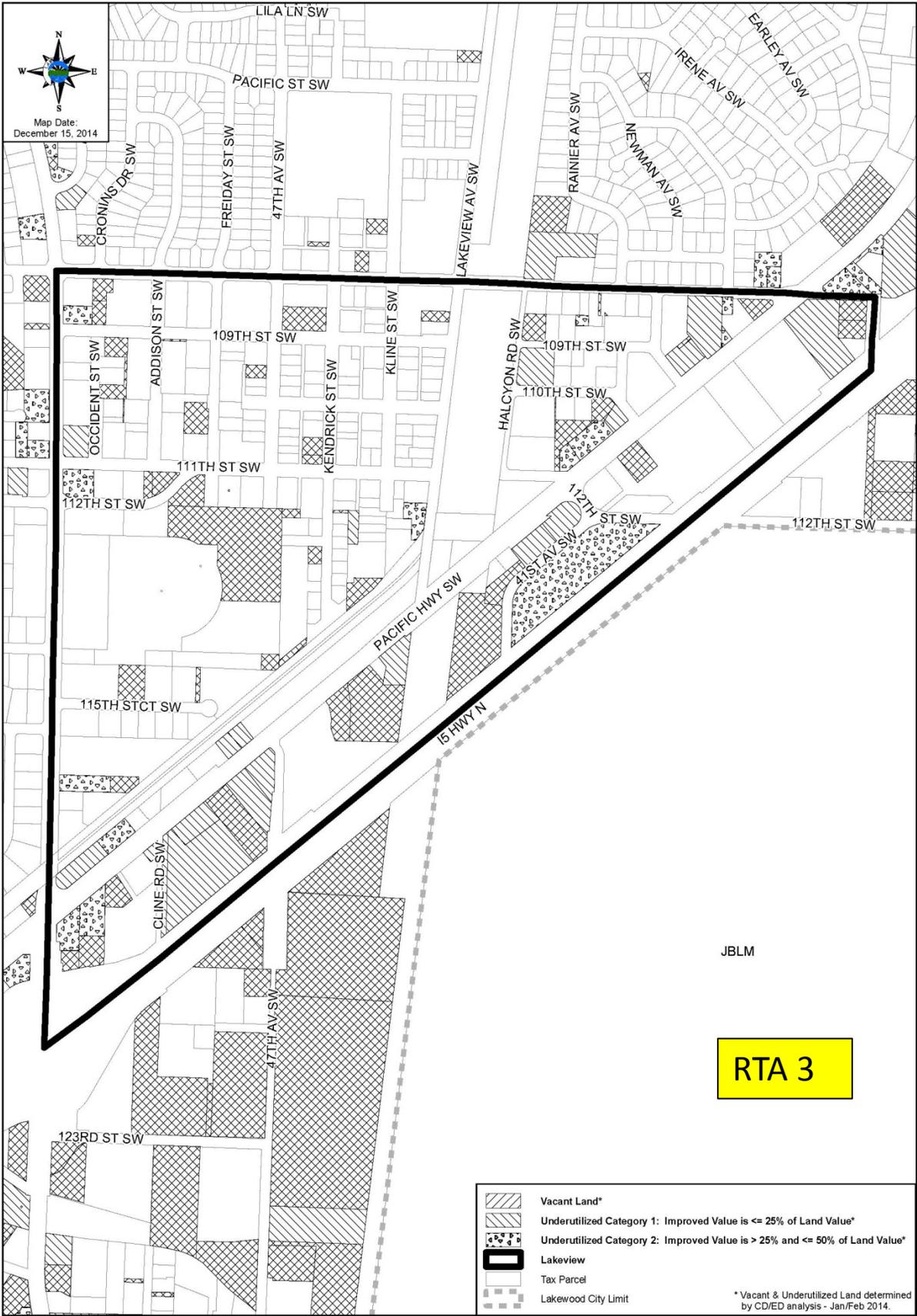
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Lakeview Area Water Assets

Water Main		Hydrants	
10"			CAD
8"			GPS
16"			
12"			
6"			
4"			





	Vacant Land*
	Underutilized Category 1: Improved Value is <= 25% of Land Value*
	Underutilized Category 2: Improved Value is > 25% and <= 50% of Land Value*
	Lakeview
	Tax Parcel
	Lakewood City Limit

* Vacant & Underutilized Land determined by CD/ED analysis - Jan/Feb 2014.

Lakeview - Vacant & Underutilized Land

City of Lakewood



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To: Mayor and City Councilmembers

From: Becky Newton, Economic Development Manager

Through: John J. Caulfield, City Manager

A handwritten signature in black ink that reads 'John J. Caulfield'.

Meeting Date: January 26, 2015

Subject: Pacific Highway Redevelopment

The City of Lakewood engaged Berk Consulting to evaluate the fiscal benefits of redeveloping properties on Pacific Highway. The potential project site is on the southeast side of Pacific Highway along I-5, just South of 108th Street and includes the current WSDOT property. There are two documents for review and discussion:

1. Site Cost Analysis and WSDOT Relocation Options
2. Redevelopment Fiscal Impacts and Retail Development Options

The purpose of the project is to realize highest and best uses for the property that provide long term fiscal benefits to the City of Lakewood.

Attachments:

Pacific Highway Site Cost Analysis and WSDOT Relocation Options;
City of Lakewood Pacific Highway Site Redevelopment Fiscal Impacts and Retail Development Options

FINAL MEMORANDUM

DATE: January 6, 2014

TO: John Caulfield and Becky Newton, City of Lakewood

FROM: Michael Hodgins, Emmy McConnell, & Annie Saurwein, BERK Consulting

RE: Pacific Highway Site Cost Analysis and WSDOT Relocation Options

INTRODUCTION

Background

The City of Lakewood (City) is in discussion with the Washington State Department of Transportation (WSDOT) regarding a property in Lakewood near Interstate 5 that is currently owned by WSDOT. This property, along with several adjacent parcels, may present an opportunity to foster a catalyst-type redevelopment project in the City.

The project site is currently being used for industrial purposes, as a WSDOT maintenance site. The City does not believe that this is the highest and best use for the site, as the site's prime Interstate 5 (I-5) frontage, heavy daily traffic loads, and proximity to the Lakewood Station-Sound Transit make it particularly suited for retail development. Additionally, residential development (including multifamily and single family residential) and the construction of a new hotel (proximate to the site) is already planned elsewhere in the City, which will increase demand for nearby retail services. Retail development is also aligned with community interests and the fiscal goals of the City.

There are many stakeholders involved in this project. The city has a financial interest in achieving highest and best use for its properties, to generate tax revenue to support city services. WSDOT has an interest in having a cost effective and easily accessible maintenance site for delivery of its services. Additionally, there are multiple current property owners at the site the City is considering for redevelopment who would need to be willing to sell their properties in order for this type of development to occur.

Project Overview

The City is seeking assistance in evaluating the possible fiscal benefits that a redevelopment project at this location might generate. That type of redevelopment project would only be possible if the WSDOT maintenance site is relocated to a different property, to allow the parcels at the Pacific Highway Site to be sold together. This memo outlines the estimated costs of transferring locations, and assesses the reasonability of cost estimates that have been developed to-date.

Since relocating the WSDOT maintenance facility will have significant costs, including current site environmental clean-up and demolition, new site acquisition, and new facility construction, the purpose of this memo is to describe and assess the potential costs associated with relocation.

COSTS ASSOCIATED WITH SITE TRANSFER

Summary of Current Project Cost Estimates

WSDOT and the City’s public works department have estimated site acquisition will cost about \$3.25 million and construction costs will total approximately \$16.2 million, as shown in Exhibit 1. The construction cost estimate comes from the State of Washington Agency/Institution Project Cost Estimate form. The site acquisition estimate and current site clean-up and demolition costs are based on analysis previously conducted by the City’s public works department.

Exhibit 1
Current Estimated Site Development Costs (from WSDOT and Lakewood Public Works)

Item	Est. Cost
Consultant Services	\$820,533
Pre-Schematic Design Services	\$45,000
Construction Documents	\$423,320
Extra Services	\$55,000
Other Services	\$190,187
Design Services Contingency	\$107,026
Construction Contracts	\$13,081,957
Site Work	\$3,049,179
Primary Construction Costs	\$6,191,449
Construction Contingencies	\$2,772,188
Sales Tax (8.90%)	\$1,069,141
Equipment	\$235,889
Equipment	\$216,611
Sales Tax (8.90%)	\$19,278
Other Costs	\$1,500,615
Project Management	\$529,529
Total Construction Cost	\$16,168,523
New site acquisition and clean up (10 acres)	\$3,250,000
Current site clean up and demolition	\$1,025,000
Total Cost Including Site Costs	\$20,443,523

Source: WSDOT, 2014; City of Lakewood, 2014; and BERK, 2014.

- The largest drivers of construction costs are primary construction contracts (\$13.1 million), including facility construction (\$6.2 million), site work (\$3.0 million), contingencies (\$2.3 million) and sales tax (\$1.1 million); and “other costs,” primarily site mitigation and security, (\$1.5 million).
 - It’s important to note that WSDOT’s estimate includes an assumption of a 16% increase in building space over the existing facility, which adds about \$1.5 million to the cost of the project.
- The City’s public works department estimated site acquisition costs at \$3.3 million.

- Demolition of existing buildings on the current site (\$500,000) and clean-up of the current site (\$525,000) are estimated to total an additional \$1.0 million.

Review of Estimated Costs

This section builds on the summary above to determine the reasonableness of the estimates that have been put together so far by WSDOT and City public works staff. It’s important to understand if these estimates should form the basis for continued discussions regarding project feasibility and decision making.

Below, this assessment considers the three largest components of the project’s cost estimate: building costs, site preparation costs, and “soft costs” such as design, contingencies, and project management.

Building Construction Costs

The table below provides a more detailed summary of the facility construction cost estimate developed by WSDOT.

Building	SF	Cost/SF	Estimated Cost
Heated Office	9,417	\$ 164	\$ 1,547,684
Service Bay	5,022	\$ 138	\$ 690,776
Heated Storage	7,254	\$ 136	\$ 988,358
Unheated Storage/Vehicle	19,801	\$ 123	\$ 2,431,563
Truck Washbay	1,945	\$ 181	\$ 352,068
Decant Facility	2,500	\$ 60	\$ 181,000
Total	45,939	\$135	\$6,191,449

WSDOT used RSMeans construction cost data indices to develop their cost estimates. Costs per SF were selected for each separate type of facility they are considering for construction. Given the square footage provided by WSDOT and the independent estimate of cost per SF, it is likely that this estimate is reasonable for a facility of this size. While these are reasonable estimates, actual costs can, and likely will, vary from the RSMeans estimate, and could come in either higher or lower than the estimates above. Factors that can create substantial variation in actual construction costs include fluctuating materials and transportation costs, and construction industry demand at the time of construction.

It’s important to note that the project estimate provided by WSDOT assumes a total building square footage of 45,939, which is approximately 16% or 6,445 SF larger than the existing facility. If WSDOT were to build strictly a replace facility more similarly sized to the existing maintenance yard, building construction costs could be closer to \$5.3 million.

This \$0.9 million in additional building cost would be an incremental value to WSDOT of moving to a new location. This value would go toward meeting WSDOT’s current needs for maintenance facilities more closely than the current building does.

Site Preparation Costs

The site preparation costs are based on an estimate of \$7 per SF of land area to develop the site, and include all 10.2 acres of the potential site. This per square foot cost estimate is inclusive of site preparation, improvements, mechanical and electrical utilities, stormwater, drainage, and paving.

One variable that the City is interested in studying as part of this analysis is if the project were sited on smaller lot sizes, potentially ranging from as small as five acres up to the size of the current facility's lot, which is about eight acres.

Assuming similar land preparation costs per SF, site preparation costs under a smaller site size assumption could range from between \$1.5 million and \$2.4 million, which would be a significant savings from the \$3.0 million estimated for the full 10 acre site.

Design, Contingencies, and Project Management

The design, contingencies, and project management costs included in the estimate are calculated using standard project assumptions about each of these cost components as a percentage of actual facility construction costs. This section describes the factors included in the WSDOT estimate, and the reasonableness of each.

Design (consultant) costs. The estimate provided by WSDOT assumes that consultant fees related to design and bidding will be approximately \$0.8 million, or about 8.9% of the Maximum Allowable Construction Cost (MACC) of the project, which is defined as the site work and primary construction costs (\$9.2 million).

Construction Contingencies. The estimate provided by WSDOT uses standard WSDOT estimate practices to ensure there are adequate costs built into the estimate to deal with unforeseen circumstances. The estimate includes the following contingency amounts:

- **15% for management reserve.** This allowance provides flexibility to respond to potential scope changes throughout the project lifetime.
- **15% for allowance for change orders.** This contingency provides flexibility to address unknown conditions and changes that will have to be addressed during construction, such as quantity differences or variations in materials prices.

These contingency amounts are consistent with other estimates for WSDOT public works projects. It's important to note that contingencies may not be spent, and these may not represent "real" project costs unless unforeseen circumstances result in cost increases.

Agency Project Management. The estimate provided by WSDOT assumes about \$0.5 million in agency project management costs. It is unclear from the structure of the estimate how this amount was calculated. However, it represents about 3% of total project costs, which is reasonable compared to similar construction projects.

Potential Range of Site Development Costs

Our review of WSDOT's site estimates finds that the assumptions used by WSDOT and the city's public works staff are generally reasonable. Therefore, the main opportunities for reducing the cost of this project would come from adjustments in the scope of the project, such as reducing the amount of land acquired and developed from 10 acres to something less, or reducing the scale of the building to closer to the size of the current facility.

Exhibit 2 shows how costs may vary if the new maintenance facility were sited on either a 5-acre site or an 8-acre site. All estimates shown assume the same, larger building size as proposed by WSDOT. Please note that these estimates would require working with WSDOT to determine feasibility of each scenario. At this time, they are presented to show the general magnitude of the differences in cost.

Exhibit 2
Potential Range of Site Development Costs (Not Including Land Acquisition)

	WSDOT Budget Estimate	Potential Cost Range for Smaller Site	
	10.2 acre site	~5 acre site	~8 acre site
Consultant Services	820,533	820,533	820,533
Site Work	3,049,179	1,494,696	2,391,513
Facility Construction	6,191,449	6,191,449	6,191,449
Contingencies	2,772,188	2,305,843	2,574,889
Sales Tax	1,069,141	889,287	993,049
Equipment	235,889	235,889	235,889
Other Costs	1,500,615	1,034,270	1,303,315
Project Management	529,529	529,529	529,529
Grand Total	16,168,523	13,501,496	15,040,165
Costs Related To Increased Facility SF	1,493,084	1,493,084	1,493,084
Replacement Cost Value	14,675,439	12,008,412	13,547,081

Source: WSDOT, 2014; City of Lakewood, 2014; and BERK, 2014.

The main differences in the cost estimates come from two major drivers: the cost of site improvements and the cost of land acquisition for different site sizes (five to ten acres). Some costs, such as contingencies and sales tax, scale proportionally with those changes to further reduce the overall project cost estimate. According to this analysis, a smaller scale project could cost between \$13.5 million and \$15.0 million for construction, compared to WSDOT's original estimate of \$16.2 million.

It's important to note that WSDOT's estimate includes an assumption of a 15% increase in building space over the existing facility, which adds about \$1.5 million to the cost of the project. Cost estimates using assumption of a similar sized building are shown in the bottom line of the table, labeled "Replacement Cost Value."

Land Acquisition and Alternatives

The cost estimate developed by WSDOT assumed the purchase of a specific 10-acre site for the new maintenance facility location. The cost estimate was based on the assessed value of the site in mind at that time – about \$3.25 million.

Actual site acquisition costs will vary significantly based on the eventual site location and the size of the site that is selected. In this analysis, we have considered sites ranging from five to eight acres, as well as the original 10-acre estimate.

Acquisition of land may end up being the final consideration in whether or not the project is feasible. Once all other project costs are understood, it may make sense to think of land acquisition from a "what can we afford?" perspective. WSDOT would need to understand its available funding to support such a relocation, and if there are opportunities to minimize land acquisition costs. If the new location can be acquired at a minimal price, revenues from the Pacific Highway Site sale could offset land acquisition costs as well as some project construction costs.

Benefits and Fiscal Impacts of Relocation

This section identifies some of the additional benefits that decision makers should take into consideration that are not easily quantified and therefore not included directly in the above analysis.

Benefits for WSDOT

For WSDOT, most of the potential benefits will likely come from improved operating effectiveness of a more modern and tailored facility. Potential benefits may include:

- The proposed facility includes more building square footage than the current facility, which will provide additional value to WSDOT over their current operating capacity at this maintenance facility. Also, it will set them up to better manage growth going forward.
- New facilities will likely operate more efficiently than older facilities. This may result in reduced utility costs to WSDOT, as well as reduced ongoing maintenance costs of the buildings themselves.
- WSDOT will be able to design from the ground up a maintenance facility that is optimized for their current operations and fleet of vehicles. They can “right size” the buildings on the site, and improve the layout for better flow of operations.
- A site further from I-5 and existing high levels of retail activity may result in less traffic and easier movement of WSDOT fleet vehicles.

Benefits for Other Jurisdictions

In addition to benefits for WSDOT, retail development on this side would benefit multiple jurisdictions through increased retail sales tax and property tax revenues. The City of Lakewood, Pierce County, Washington State, Pierce Transit, the Port of Tacoma, and Pierce County Library all stand to receive additional tax revenues from retail use of the site.

ADDITIONAL CONSIDERATIONS FOR FURTHER ANALYSIS

This range of potential outcomes suggests that the City would need to answer some key questions about this project before moving forward with a decision. Such questions should include:

- **Could a new WSDOT’s site be acquired at no cost by trading existing city properties to WSDOT?** If so, site acquisition costs would be minimal.
- **For how much would WSDOT be able to sell the Pacific Highway Site to a developer?** The approximate assessed land value of the Pacific Highway Site is about \$2.8 million. If WSDOT were to acquire new land at little to no cost and sell the current site for \$2.8 million, this would create some revenue to be used to support the relocation more generally.
- **Does WSDOT need a larger facility?** The project WSDOT has estimated includes a 16% increase in building space over the existing facility, which adds about \$1.5 million to the cost of the project.
- **Are there financing options, such as public-private partnerships, or deal structures that could minimize costs, or cost risk to WSDOT?** There are a number of alternatives for how the new WSDOT facility could be developed. One option that is gaining increasing popularity as a way to efficiently and effectively build public facilities is through a 63-20 financing mechanism. This alternative method of obtaining tax-exempt financing allows public bonds to be used if secured by a lease agreement to construct public facilities.

A nonprofit corporation issues tax-exempt debt on behalf of a political subdivision for the purpose of financing facilities. Generally, these bonds require a credit-worthy private developer that is willing to enter into a lease to support the bond offering. The nonprofit corporation also manages and operates the building over the lease term. The facility is transferred to the government entity once the debt is retired. The tenant is required to be either a governmental entity or a charitable organization. A minimum 90% of the space must be occupied by the governmental entity, as specified by “private use” requirements.

63-20 financed bonds have higher financing costs, such as a higher interest rate and issuance fees, due to the perceived higher level of risk compared to the more traditional general obligation bond, which has the full backing of the governmental jurisdiction. 63-20 financed bonds also have a small asset management fee associated with them.

Benefits of 63-20 financing include the ability to realize construction cost savings through using a general contractor/construction manager (GC/CM) project delivery process compared to the design-bid-built model typically used for government facilities construction. Under this project delivery method, the general contractor guarantees a fixed price for the work. As a result, the contractor takes on additional construction risk of subcontracting the project work. In addition, the contractor provides specialized project management, scheduling, budgeting, and other advice early on and throughout the project design process, which can result in a more efficient construction process and less costly project. This project delivery process is especially advantageous for unique or complex projects that managing governmental agencies may not have much experience doing. The cost savings are not guaranteed, and they vary from project to project depending on the situation. Lastly, 63-20 bonds are also not counted towards a jurisdiction’s debt limit, which is advantageous for jurisdictions with debt capacity issues.

Next Steps

Capacity Analysis. A capacity analysis should be conducted to determine WSDOT’s site need specific to relocating the maintenance facility. This analysis should also identify potential sites within Lakewood and surrounding areas that would meet this need.

FINAL MEMORANDUM

DATE: January 6, 2014

TO: John Caulfield and Becky Newton, City of Lakewood

FROM: Michael Hodgins, Emmy McConnell, & Annie Saurwein, BERK Consulting

RE: **City of Lakewood Pacific Highway Site Redevelopment Fiscal Impacts and Retail Development Options**

EXECUTIVE SUMMARY

Introduction and Approach

The City of Lakewood (City) is in discussion with the Washington State Department of Transportation (WSDOT) regarding a property in Lakewood near Interstate 5 that is currently owned by WSDOT. This property, along with several adjacent parcels, may present an opportunity to foster a catalyst-type redevelopment project in the City.

The purpose of this memo is to identify the potential fiscal impacts of relocating the WSDOT maintenance facility to allow retail development on this site. Since there is no specific retail project plan in place for the potential site, we developed four generalized scenarios that demonstrate plausible futures for the site. Additionally, we have modeled each of the four examples both with and without an auto dealership, a specific amenity that the City of Lakewood would like to attract to its community.

Estimated Fiscal Impacts

This section summarizes how the estimated one-time and annual fiscal impacts combine to create financial benefit for the City in the long-term, specific to the redevelopment of the site for retail purposes. Exhibit 1 shows the estimated net present value (NPV) to the City of each of the development scenarios for a 15-year and 25-year time horizon. We have subtracted out the 15-year and 25-year NPV of the existing developments on the site, in order to provide a net impact picture.

Exhibit 1
Estimated Net Present Value of Potential Development Scenarios

Scenarios Including an Auto Dealership		
	15-Year NPV (6% discount rate)	25-Year NPV (6% discount rate)
Scenario 1: High-End Retail	\$ 15.7 M	\$ 21.9 M
Scenario 2: Mid-Level Retail	\$ 12.9 M	\$ 17.9 M
Scenario 3: Outlet w/Grocery	\$ 17.5 M	\$ 24.5 M
Scenario 4: Outlet Mall	\$ 16.7 M	\$ 23.2 M

Scenarios Not Including an Auto Dealership		
	15-Year NPV (6% discount rate)	25-Year NPV (6% discount rate)
Scenario 1: High-End Retail	\$ 9.6 M	\$ 13.3 M
Scenario 2: Mid-Level Retail	\$ 8.1 M	\$ 11.3 M
Scenario 3: Outlet w/Grocery	\$ 12.8 M	\$ 17.8 M
Scenario 4: Outlet Mall	\$ 11.8 M	\$ 16.5 M

Source: BERK, 2014.

Note: NPV estimates are net of revenues that would have been earned from existing developments on the Pacific Highway Site, in order to reflect the net impact of the potential redevelopment scenarios.

- Estimated NPV of potential development over a 15-year time horizon ranges from \$8.1 million for a mid-level retail development without an auto dealership, up to \$17.5 million for an outlet mall with a grocery and an auto dealership.
- Estimated NPV of potential development over a 25-year time horizon ranges from \$11.3 million for a mid-level retail development without an auto dealership, up to \$24.5 million for an outlet mall with a grocery and an auto dealership.

Key Questions

This range of potential outcomes suggests that the City would need to answer some key questions about this project before moving forward with a decision. Such questions should include:

- Would it benefit the City and eventual developers to improve accessibility to the site via transportation improvements?
- Can the City attract retail uses that are complementary to the Lakewood Towne Center development, rather than uses that may cannibalize some existing retail sales activity at Towne Center?

Next Steps

Conduct a Market Assessment. The City should conduct a market assessment to understand the plausibility of any given project scenario. This assessment will be important to better understanding the risk inherent in the type of development that occurs, and the likelihood of an auto dealership at the site in the future. The results of this market assessment can guide the City toward a narrower range of potential impacts.

Determine Land Assembly Process. The City should begin talking with property owners at the current site, as the proposal would necessitate that WSDOT as well as multiple other owners sell their land so it can be sold as one lot to a potential developer. The City should begin conversations to determine owners' willingness to sell.

INTRODUCTION

Background

The City of Lakewood (City) is in discussion with the Washington State Department of Transportation (WSDOT) regarding a property in Lakewood near Interstate 5 that is currently owned by WSDOT. This property, along with several adjacent parcels, may present an opportunity to foster a catalyst-type redevelopment project in the City.

The project site is currently being used for industrial purposes, as a WSDOT maintenance site. The City does not believe that this is the highest and best use for the site, as the site's prime Interstate 5 (I-5) frontage, heavy daily traffic loads, and proximity to the Lakewood Station-Sound Transit make it particularly suited for retail development. Additionally, residential development (including multifamily and single family residential) and the construction of a new hotel (proximate to the site) is already planned elsewhere in the City, which will increase demand for nearby retail services. Retail development is also aligned with community interests and the fiscal goals of the City.

There are many stakeholders involved in this project. The city has a financial interest in achieving highest and best use for its properties, to generate tax revenue to support city services. WSDOT has an interest in having a cost effective and easily accessible maintenance site for delivery of its services. Additionally, there are multiple current property owners at the site who would need to be willing to sell their properties in order for this type of development to occur.

The City is seeking assistance in evaluating the possible fiscal benefits that a redevelopment project at this location might generate.

Project Overview

The purpose of this project is to help the City understand the potential net fiscal impact of new retail development on this site. Since the opportunity for retail development and site relocation is still conceptual, the approach was designed to develop planning-level estimates of the impacts of multiple potential futures, in order to provide the City with a comprehensive range of alternatives. This report includes the following sections:

- **Project Site Overview.** This section provides a description of the site, including location, current use, and important features.
- **Potential Redevelopment Scenarios.** As an initial step of this work, we have selected and evaluated several peer retail sites to determine what kinds of projects might be feasible at the Pacific Highway Site. We have assessed each peer site's potential as a retail site by how it aligns with community interests and with the fiscal goals of the City. All of the options we explored were retail power centers¹.
- **Estimated Fiscal Impacts of Development.** This section summarizes the impacts that the City may experience under each development alternative, including the additional revenues the City may receive and the additional service costs the City may incur.

¹ Retail Power Center: An unenclosed shopping center made up of about 250,000-600,000 SF of leasable area. Generally designed to allow for the movement and access of vehicles over pedestrian foot traffic.

PROJECT SITE OVERVIEW

The Project Site is located along Pacific Highway, to the west side of Interstate 5 south of the intersection of State Route 512. The site includes a mix of industrial and commercial uses including a current WSDOT Maintenance Site. The closest main thoroughfare is Interstate 5 to the east with an average daily traffic count of 141,000 vehicles per day in both directions.

The existing site is 25.04 acres or 1,090,870 square feet. Existing buildings on the site are, cumulatively, 213,965 square feet, for an existing floor-to-area ratio (FAR) of 0.20, which is below the site’s realistic potential. Exhibit 2 shows the location of the site in question, with key nearby points of interest such as Lakewood Towne center and the Sounder Rail Station also labeled.

**Exhibit 2
Pacific Highway Site Map**



Source: BERK, 2014.

POTENTIAL REDEVELOPMENT SCENARIOS

Examples of Peer Sites

We evaluated several retail sites to establish peers to the Lakewood WSDOT site. This analysis included comparing sites by several key characteristics, including lot size, building square feet, floor-to-area ratio (FAR), average daily traffic count, and the demographics of the surrounding community. The retail sites that we evaluated were:

Site	Lot Size (acres)	Building Square Feet
Centralia Outlet and Retail Mix	23.2	206,440
Kelso Three Rivers Mall	34.1	375,950
Marysville Kohl's Retail Mix	27.9	288,877
North Bend Outlets	24.9	223,780
Spanaway Retail Mix	24.8	229,363
Tukwila Best Buy	29.7	615,305
Tukwila Costco and Home Depot	30.9	396,619
Tukwila Nordstrom Rack and Kohl's	21.1	229,762

When evaluating which scenarios were most attractive as potential redevelopment models for the Pacific Highway site, we considered many things. First, we considered what kind of assets and amenities were most attractive to the City of Lakewood. The City suggested that they were interested in bringing a large anchor store to the site, as well as some restaurants which would get drivers off the freeway and into Lakewood. Secondly, we considered what might be most likely for Lakewood. It is unlikely that the City would be able to attract an Ikea, however, it is plausible they could attract a Nordstrom Rack or Kohl's store.

Based on these considerations, four of the peer sites resonated as potential redevelopment options for the Pacific Highway site, these include:

Site	Lot Size (acres)	Building Square Feet
Centralia Outlet and Retail Mix	23.2	206,440
Marysville Kohl's Retail Mix	27.9	288,877
North Bend Outlets	24.9	223,780
Tukwila Nordstrom Rack and Kohl's	21.1	229,762

Illustrative Development Scenarios

From the resonant peer sites, we developed four generalized scenarios that demonstrate the City of Lakewood’s redevelopment options and the impacts of each of those options. Additionally, we have added the option to model each of the four examples both with and without an auto dealership, a specific amenity that the City of Lakewood would like to attract to its community. These four scenarios are summarized in Exhibit 3.

Exhibit 3
Potential Redevelopment Scenarios

Scenarios Including an Auto Dealership				
Type of Retail Space	Scenario 1: High-End Retail	Scenario 2: Mid-Level Retail	Scenario 3: Outlet w/Grocery	Scenario 4: Outlet Mall
Anchor Retail Tenant SF	47,000	126,000	30,000	-
Inline Retail SF	180,000	-	125,000	227,500
Detached Retail SF	15,000	15,000	30,000	-
Restaurant SF	-	4,000	9,800	12,700
Grocery SF	-	-	45,000	-
Discount Grocery SF	-	95,000	-	-
Auto Dealership SF	30,000	30,000	30,000	30,000
Total SF	272,000	270,000	269,800	270,200
<i>Floor Area Ratio (FAR)</i>	<i>0.22</i>	<i>0.22</i>	<i>0.22</i>	<i>0.22</i>

Scenarios Not Including an Auto Dealership				
Type of Retail Space	Scenario 1: High-End Retail	Scenario 2: Mid-Level Retail	Scenario 3: Outlet w/Grocery	Scenario 4: Outlet Mall
Anchor Retail Tenant SF	143,000	126,000	30,000	-
Inline Retail SF	135,000	50,000	170,000	277,500
Detached Retail SF	15,000	20,200	45,000	-
Restaurant SF	-	-	2,900	9,800
Grocery SF	-	-	45,000	-
Discount Grocery SF	-	95,000	-	-
Total SF	293,000	291,200	292,900	287,300
<i>Floor Area Ratio (FAR)</i>	<i>0.24</i>	<i>0.24</i>	<i>0.24</i>	<i>0.24</i>

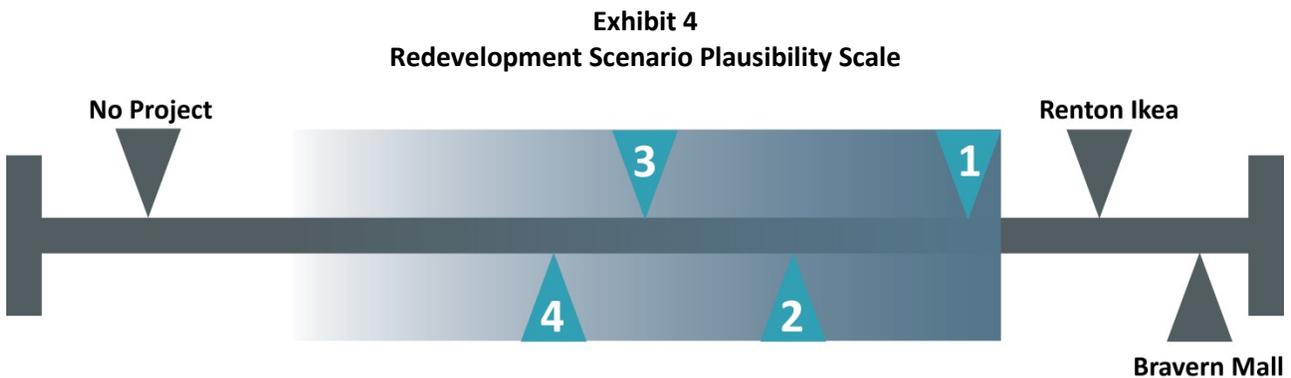
Source: BERK, 2014.

- Scenario 1: High-End Retail.** This scenario was modeled based on the Tukwila Nordstrom Rack and Kohl’s retail site that is located east of I-5 on the northeast corner of Minkler Blvd and Southcenter Parkway. Nordstrom Rack and Kohl’s Department store are the two anchors within a larger retail complex that includes Designer Shoe Warehouse (DSW).
- Scenario 2: Mid-Level Retail.** This scenario was modeled on the Marysville Kohl’s Retail Mix located on the northeast side of the I-5 and 116th St NE intersection in Marysville. The site is anchored by a Kohl’s Department Store, and a WinCo Grocery. Other retailers include a Ross Dress for Less.
- Scenario 3: Outlet Mall w/Grocery.** This scenario was modeled on the North Bend Outlet Mall, which has a significant collection of outlet retail stores. The North Bend Outlet Mall is considered a destination for the many travelers who cross Snoqualmie pass every year, as well as many travelers who visit the Cascade Mountains recreationally for hiking and snow sports, because it is the last significant retail site on the West side of the pass.

- Scenario 4: Outlet Mall.** This scenario was modeled on the Centralia Outlet Mall, which has a smaller collection of outlet retail stores. Like the North Bend Outlet Mall, this mall was also envisioned as a stop-off for travelers (in this case people traveling from the Seattle to Portland). The auto dealership alternative of this site includes less retail space to allow for the land space necessary for the dealership.

For all scenarios, the auto dealership alternative of the site includes less retail space to allow for the land space (about 6 acres) necessary for the dealership.

As we did while evaluating the initial peer sites, we have plotted these four sites on an overall plausibility scale, Exhibit 4, below. We have added a few outliers, the Bravern Mall in Bellevue and the Ikea Site in Renton as outliers beyond likely possibilities at the Lakewood site, and “no project” as an outlier of a project toward the lowest side of the scale.



Source: BERK, 2014.

It’s important to remember that this scale reflects BERK’s consideration of the plausibility of any given development, but does not mean that projects on either end are impossible. The City and the eventual developer may pursue high-revenue retailers such as Ikea for the eventual project, but that type of retailer was not considered in this analysis, in order to provide a conservative estimate of realistic and likely benefits.

Auto Dealership

As part of the redevelopment scenario brainstorming process, the City of Lakewood expressed some interest in earmarking part of the Pacific Highway site for an auto dealership. The City believes it may be advantageous to have more than one new auto dealership within this area of the I-5 corridor, to create synergy with a similar use – Lakewood Ford. Therefore, each scenario is analyzed both with and without an auto dealership.

ESTIMATED FISCAL IMPACTS OF DEVELOPMENT

This section summarizes the impacts that the City may experience under each potential development scenario. This section analyzes both the potential revenues the City may receive from the new development, as well as the potential costs the City may incur from increases in City services.

Changes to operating costs will be driven by how the development will impact the City's public services, such as law enforcement, parks and street maintenance, and general city administration. Changes to operating revenues will depend on how the different development types drive general fund tax revenues.

Estimated Revenue Impacts

To understand the directionality and magnitude of the impacts on operating revenues, this section describes the impacts from new retail development on the City's general fund tax revenues. Revenues that constitute a minor portion of the City's budget or that would not be impacted by site use changes are not analyzed. Exhibit 5 provides an overall summary of the estimated revenue impacts for each potential development scenario.

Exhibit 5

Estimated One-time and Annual Revenue Impacts from Retail Development at Pacific Highway Site

Scenarios Including an Auto Dealership				
	Scenario 1: High-End Retail	Scenario 2: Mid-Level Retail	Scenario 3: Outlet w/Grocery	Scenario 4: Outlet Mall
Total Retail SF	272,000	270,000	269,800	270,200
Estimated Revenue Impacts (annually, in 2014\$)				
Retail Sales & Use Tax	1,109,000	902,000	1,066,000	1,181,000
Property Tax	73,000	72,000	72,000	72,000
Utility Tax	48,000	48,000	47,000	48,000
Estimated Gross Annual Revenue Impact	1,230,000	1,022,000	1,185,000	1,301,000
<i>Loss of current use</i>	<i>(74,000)</i>	<i>(74,000)</i>	<i>(74,000)</i>	<i>(74,000)</i>
Estimated Net Annual Revenue Impact	1,156,000	948,000	1,111,000	1,227,000
Estimated One-time Sales Tax from Construction	370,000	367,000	367,000	367,000
Scenarios <u>Not</u> Including an Auto Dealership				
	Scenario 1: High-End Retail	Scenario 2 - Mid- Level Retail	Scenario 3: Outlet w/Grocery	Scenario 4: Outlet Mall
Total Retail SF	293,000	291,200	292,900	287,300
Estimated Revenue Impacts (annually, in 2014\$)				
Retail Sales & Use Tax	646,000	543,000	703,000	815,000
Property Tax	78,000	78,000	78,000	77,000
Utility Tax	55,000	55,000	55,000	54,000
Gross Annual Estimated Annual Revenue Impact	779,000	676,000	836,000	946,000
<i>Loss of current use</i>	<i>(74,000)</i>	<i>(74,000)</i>	<i>(74,000)</i>	<i>(74,000)</i>
Net Annual Estimated Annual Revenue Impact	705,000	602,000	762,000	872,000
Estimated One-time Sales Tax from Construction	398,000	396,000	398,000	391,000

Source: BERK, 2014.

- For scenarios including an auto dealership, **one-time tax impacts from construction** are estimated to be approximately \$370,000. For scenarios without an auto dealership, one-time tax impacts from construction are slightly higher due to additional retail square footage. Estimates range from \$391,000 up to \$398,000. All values are expressed in 2014 dollars, assuming construction in calendar year 2015.
- **Ongoing annual tax revenues** from sales, property, and utility taxes are estimated to range from \$1,022,000 up to \$1,301,000 for the different scenarios which include an auto dealership. For scenarios without an auto dealership, annual revenue estimates range from \$676,000 up to \$946,000.

Estimated annual revenues from the existing developments on the site, which the City would lose under redevelopment, are about \$74,000 per year. Therefore, potential ongoing net revenues to the City would range from approximately \$948,000 to \$1,227,000.

The following descriptions explain how the estimates in Exhibit 5 were calculated, and the important nuances inherent in each type of revenue estimate.

Sales Tax

Sales tax is generated from the taxable sales of goods occurring within the City's boundaries. Sales tax revenues comprise the largest single revenue source for the City's general fund. For the 2013-14 biennium, sales tax revenues from the basic and local option sales tax and criminal justice sales tax are projected to average \$8.8 million annually, or about 26% of the total general fund budget².

Sales tax impacts from potential site development will be generated in two ways:

- **One-time Construction Expenditures.** The initial construction of the development will generate sales tax for the full cost of supplies, material, and labor used in construction. Rider Levett Bucknall's (RLB) *Fourth Quarter 2012 Quarterly Construction Report* provides the average cost of construction in the Seattle metro area for office, retail, and residential construction. Although there is not a specific project yet planned under any scenario to pinpoint accurate construction costs, the report allows us to estimate the range of impacts for the different scenarios.

RLB states that the average cost of building retail is between \$115 to \$200 per SF, depending on the quality of construction. This analysis uses the midpoint of this range (\$160 per SF) to estimate the construction cost of the potential retail developments.

Based on this assumption and the square footage included in each scenario, one-time revenues from construction could range from as little as \$367,000 for a mid-level retail or outlet mall development that includes an auto dealership, up to as much as \$398,000 for a high-end retail or outlet mall development without an auto dealership.

- **Retail Square Feet Included in the Development.** The scenarios range from 269,800 SF of retail space up to 293,000 SF of retail space, depending on the scenario and whether it is being analyzed with an auto dealership. Given this range in retail square footage and the variation in types of businesses included in each scenario, it is not surprising that there is a significant range of possibilities for the amount of sales tax that will be generated annually by these scenarios.

² City of Lakewood Adopted 2013-14 Budget

The amount of taxable retail sales generated by development varies based on the type of retail included in the development. This analysis created different assumptions for anchor retail tenants, inline retail tenants, detached retail tenants, restaurants, grocery stores, and auto dealerships. This level of detail creates a unique mix of tax generation across each of the scenarios.

Based on these assumptions, annual ongoing sales tax revenue could range from as little as \$543,000 per year for a mid-level retail development without an auto dealership up to \$1,181,000 per year for an outlet mall that includes an auto dealership.

Property Tax

The second largest source of general fund revenue comes from the City's property tax levy. For the 2013-14 biennium, the property tax levy is projected to generate approximately \$6.3 million annually, or about 18% of total general fund revenue³.

When new construction is built, the City can add that assessed value (AV) to its tax rolls and collect revenues on it. In this way, AV from new construction is the only way for a jurisdiction to increase its property tax revenues by more than 1% per year without increasing its property tax levy.

To estimate AV of these future scenarios, we used an assumption that construction costs would represent approximately 80% of the development's taxable AV upon completion. This assumption is based on previous analyses of the relationship between construction costs and taxable AV conducted by BERK.

Based on these assumptions, annual ongoing property tax revenue generated by the site could range from \$72,000 per year for multiple types of development that include an auto dealership and go up to \$78,000 for developments without an auto dealership.

The actual taxable AV of potential future development will depend heavily on the construction quality and finishes of the final projects, but this analysis provides a reasonable estimate of the magnitude of potential revenues across the different scenarios.

Utility Tax

The City projects it will collect approximately \$8.4 million in utility taxes and franchise fees in the 2013-14 biennium for electricity, gas, telecom, water, sewer, solid waste⁴. Utility taxes and franchise fees are charged against total utility revenues, and revenue from utility taxes that flows to the general fund scales in proportion with the quantity of utilities purchased by the site's future tenants.

The retail development on the site would be served by existing utility service providers in the City, and therefore would generate utility tax revenue for the City based on the total utility billing generated by the site's occupants.

Estimated future utility revenues are based on an assumption that utility billings will increase linearly with increases in population and employment within the City. Based on the estimated number of employees in each of the potential development scenarios, annual ongoing utility tax and franchise fee revenue could range from between \$47,000 and \$55,000 per year, depending on the type of development.

³ City of Lakewood Adopted 2013-14 Budget

⁴ City of Lakewood Adopted 2013-14 Budget

Actual utility usage will depend on the final construction design, as buildings vary significantly in energy efficiency depending on design decisions such as materials and energy sources for HVAC systems.

Estimated Cost Impacts

Impacts to the City's operating costs will be driven by how the potential development would change demand for public services provided by the City. Given that the potential developments are located in an area with reasonably similar existing development, most public services with heavily fixed components, such as utility infrastructure, will be unaffected by the minor differences in service demand between the current site use and the potential scenarios.

This appendix analyzes the public services that are more variable due to direct service needs, such as law enforcement, parks and recreation maintenance, street maintenance, and general city administration.

Law Enforcement

The City's Police Department provides law enforcement services for the City's residents. The Department currently has 120 personnel, including 101 commissioned officers and 10 civilian support staff. When assessing the impacts of a development, it's important to understand that retail uses drive demand for law enforcement in a few different ways:

- Greater vehicular and pedestrian traffic can change the demand for additional traffic enforcement.
- Additional retail spaces may result in increased shoplifting and fraud crimes at a rate similar to existing City businesses.

Regarding the demand for additional traffic enforcement, it is unlikely that this development would result in the need for additional traffic enforcement staffing. Given that the site is located near existing streets and existing retail facilities, the development would not result in significant additional lane miles or sidewalks for the Department to manage.

Similarly, increased demand for additional police services due to the retail square footage is also likely to be negligible. Even at their largest, the potential development scenarios would represent only a small fraction (<5%) of retail activity already existing in the City. Therefore, while we acknowledge there would likely be some additional calls for service generated by the development, it is unlikely that the development would have a direct impact on the need for additional police department staff.

Parks and Recreation Maintenance

Costs related to parks and recreation space maintenance are unlikely to be a factor under the potential development scenarios. Residential development is the primary driver of park and recreation space needs in the City, and none of the potential scenarios includes residential development. Therefore, it is estimated there will be no impact on parks and recreation maintenance costs from this project.

Street Maintenance

Demand for street maintenance activity is directly related to the number of lane miles in the City, as well as the complexity and maintenance needs of specific types of streetscapes and median and sidewalk landscaping.

Given that the area around the potential development site is already accessible by multiple roadways, it is unlikely that the project will require significant new lane miles of roadway to be built to support the development. However, it is likely that some minor street improvements would benefit the development

by improving access, aesthetics, and traffic flow between the site and other areas of interest, such as Lakewood Towne Center.

If the City chooses to make such improvements, there would be marginal increases in the cost of street maintenance in the City, but it is not possible to estimate these impacts at this time without further knowledge of the needs of the specific project.

General City Administration

General city administrative services include such functions as finance, information technology, legal services, and human resources. Each of these departments exists to provide other city departments, and to some extent, the public, with the business services they need to adequately and efficiently serve the Lakewood community. Given that there is not a direct relationship between the presence of retail space and the demand for administration activity, it is estimated there will be no impact on general city administrative services from this project.

Summary of Estimated Fiscal Impacts

This section summarizes how the estimated revenue and cost impacts combine to create financial benefit for the City in the long-term. Exhibit 6 shows the estimated net present value (NPV) of each of the development scenarios for a 15-year and 25-year time horizon.

**Exhibit 6
Estimated Net Present Value of Potential Development Scenarios**

Scenarios Including an Auto Dealership		
	15-Year NPV (6% discount rate)	25-Year NPV (6% discount rate)
Scenario 1: High-End Retail	\$ 15.7 M	\$ 21.9 M
Scenario 2: Mid-Level Retail	\$ 12.9 M	\$ 17.9 M
Scenario 3: Outlet w/Grocery	\$ 17.5 M	\$ 24.5 M
Scenario 4: Outlet Mall	\$ 16.7 M	\$ 23.2 M

Scenarios Not Including an Auto Dealership		
	15-Year NPV (6% discount rate)	25-Year NPV (6% discount rate)
Scenario 1: High-End Retail	\$ 9.6 M	\$ 13.3 M
Scenario 2: Mid-Level Retail	\$ 8.1 M	\$ 11.3 M
Scenario 3: Outlet w/Grocery	\$ 12.8 M	\$ 17.8 M
Scenario 4: Outlet Mall	\$ 11.8 M	\$ 16.5 M

Source: BERK, 2014.

Note: NPV estimates are net of revenues that would have been earned from existing developments on the Pacific Highway Site, in order to reflect the net impact of the potential redevelopment scenarios.

Note about the Discount Rate: 6% was chosen as the discount rate for this analysis, even though the current cost of money is a few percentage points lower. The reason this higher rate was chosen is twofold: (1) since the timing of the project is unknown, it’s important not to base the entire analysis on the current cost of money, which is relatively low compared to historical averages; and (2) given the nonstandard type of project under consideration and all the players involved, we have added a small premium above the cost of money to address the risk involved in this type of project.

- Estimated NPV of potential development over a 15-year time horizon ranges from \$8.1 million for a mid-level retail development without an auto dealership, up to \$17.5 million for an outlet mall with a grocery and an auto dealership.

- Estimated NPV of potential development over a 25-year time horizon ranges from \$11.3 million for a mid-level retail development without an auto dealership, up to \$24.5 million for an outlet mall with a grocery and an auto dealership.

Fiscal Impacts of the Project to Other Public Agencies

The revenues generated for the City by the development and increased retail activity are not the only revenues that will be generated by this project. Other public entities will also benefit. Approximate one-time and ongoing benefits to other jurisdictions are provided in the table below.

Exhibit 7
Approximate Revenue Benefits to Other Jurisdictions

Jurisdiction	Tax/Source	Approximate One-time Revenue	Approximate Annual Net Revenue
Pierce County	Sales Tax (0.15%)	\$65,000	\$85,000 to \$185,000
	Property Tax	-	\$90,000
Pierce Transit	Sales Tax (0.6%)	\$250,000	\$350,000 to \$800,000
Port of Tacoma	Property Tax	-	\$10,000
Pierce County Library	Property Tax	-	\$25,000
Washington State	Sales Tax (6.5%)	\$2.8 M	\$3.9 M to \$8.4 M
	Property Tax	-	\$135,000
	B&O Tax	\$650,000	\$425,000 to \$675,000
	Utility Tax	-	\$35,000

Note: Annual net revenue estimates are net of revenues from existing developments.

ADDITIONAL CONSIDERATIONS FOR FURTHER ANALYSIS

Street and Transit Improvements

It may benefit the City and eventual developers to improve accessibility to the site. There may be associated capital costs as well as ongoing maintenance costs of maintaining those improvements.

The City has also discussed how it could improve transit and automotive access between the potential development site and the existing Lakewood Towne Center facility. Given that the potential development site has great visibility on I-5, making easy and well-marked connections between the site and Towne Center could increase activity at Towne Center, and improve the area's reputation for a comprehensive retail experience.

Lakewood Towne Center

Lakewood Towne Center is located near the potential development site, approximately 1.5 miles west of the I-5 and State Route 512 intersection. The site occupies nearly 90 acres, comprises 917,000 SF of retail space, and contains a mix of small, medium, and large retailers mostly in an outdoor, mini-mall configuration. Major tenants at Lakewood Towne Center include: Target, Marshalls, Old Navy, Ross Dress for Less, Bed Bath and Beyond, Pier 1 Imports, Petsmart, Barnes and Noble, AMC Theaters, and Safeway. Smaller retailers include Panera Bread, Coldstone Creamery, GameStop, Rent-A-Center, Lane Bryant, 24 Hour Fitness, Red Robin, Wells Fargo, and Key Bank. Lakewood Towne Center currently contributes about 15% of the City's total taxable retail sales revenues.

With any new retail development, there is risk that existing retail centers within the community may experience a decrease in retail sales. This decrease occurs because new retail development does not generate new retail demand equal to its capacity. Therefore, some purchases that occur at the new development are purchases that would have taken place at Lakewood Towne Center if the new development did not exist.

Understanding the risk for this type of behavior is complex. This analysis does not assume any decrease in retail sales at Lakewood Towne Center, and therefore may be marginally overstating the true net revenue the development could generate. However, given the site's high visibility on I-5, it is likely that the potential development would generate sales activity that is new to the area.

A key factor in determining the potential development's impact on Lakewood Towne Center will be whether the uses in the new development are complementary to those currently at Towne Center. Complementary retail types will create synergy and increase revenue potential in both locations. However, if uses are too similar to Lakewood, it could create a situation where consumers choose between the two, rather than shop at both.

Other Risks Not Explicitly Modeled

The assumptions used in the modeling exercise, such as the discount rate and the retail sales per square foot assumptions, are meant to be reasonably conservative to create a plausible estimate of future revenues to the City. However, there are other potential risks that the City should be aware of that are not explicitly modeled. These risks should be understood, and kept in mind as decisions are made throughout the process. Careful management of these risks can improve the likelihood of a positive net benefit from the potential development.

- **Development timeline.** The model assumes construction of the development in 2015 and retail activity beginning in 2016. In actuality, it may take time to fill out all available space with active retail tenants. The City should keep this phasing in mind as it plans for improvements and financing of potential costs.
- **Retail achievement.** Different types of retail could create distinctly different amounts of revenue within the same square footage of retail space. The City should analyze the plausibility of different retail types through a thorough market assessment process, to ensure that the scenarios that create adequate revenue to support this proposal are feasible and likely on the site.

RECOMMENDATIONS FOR NEXT STEPS

Conduct a Market Assessment. The City should conduct a market assessment to understand the plausibility of any given project scenario. This assessment will be important to better understanding the risk inherent in the type of development that occurs, and the likelihood of an auto dealership at the site in the future. The results of this market assessment can guide the City toward a narrower range of potential impacts.

Determine Land Assembly Process. The City should begin talking with property owners at the current site, as the proposal would necessitate that WSDOT as well as multiple other owners sell their land so it can be sold as one lot to a potential developer. The City should begin conversations to determine owners' willingness to sell.



To: Mayor and City Councilmembers
From: Becky Newton, Economic Development Manager
Through: John J. Caulfield, City Manager *John J. Caulfield*
Meeting Date: January 26, 2015
Subject: Development at Lakewood Towne Center

The City of Lakewood engaged McCament & Rogers to evaluate and provide suggestions to spur development of the Lakewood Towne Center. The area of focus, former Gottschalks pad, surrounding area, and parking lot behind Barnes & Noble, generated four outcomes for review:

1. Housing (three site plans)
2. Hotel and Business Center
3. Park-Like Amenity – Linear Park
4. Quality Restaurant

The City is in discussions with the property owner, Real Properties of America in regard to these options. A meeting will be scheduled for late January or early February to review next steps.

Attachment:
M&R Economic Development at Lakewood Towne Center



McCament & Rogers LLC

December 19, 2014

TO: Becky Newton, Economic Development Manager, City of Lakewood
FROM: J.J. McCament and Raelene Rogers, McCament & Rogers
RE: Economic Development at Lakewood Towne Center

McCament & Rogers was engaged by the City of Lakewood to offer observations and suggestions to improve the City's economic development efforts concerning the Lakewood Towne Center in three general areas: 1) housing opportunities that could be incorporated into Towne Center; 2) provide suggested resources to identify and recruit a restaurant similar in quality to the former Lakewood Terrace; and 3) suggestions for a park or park-like amenity that could be incorporated into Towne Center.

Housing at Lakewood Towne Center

Specific conditions will determine the opportunity for residential housing at Towne Center. Among those conditions are the performance of the local residential market, the residential product types that fit the market, the amount and location of land available within the Center, the availability of the land for sale or for lease, the acceptance of the location and conditions by residential builders, the ability to finance the project, and the City's land use / building regulations and incentives. Our recommendations regarding residential development at Lakewood Towne Center are based on the following assumptions.

Assumptions

1. Residential development will add vibrancy and increased activity to the Towne Center.
2. The land for residential development may be available for lease only, dictating a long-term land lease that will make financing very difficult for the residential builder. The owner of the Center may be asked to participate in the residential development by contributing the land to a partnership of some structure.
3. The 8.67 acre parking lot located in the southeast corner of the shopping mall (behind Barnes & Noble, Lakewood Cinema, and Target) was selected as the preferred location for residential development.
4. Local market conditions will dictate the multi-family residential product types to be built; single-family residential is inappropriate for this urban setting.
5. The City will work with the residential builder to resolve land use and permitting issues as necessary.
6. The City's Multi-Family Tax Exemption program will be available for this geographic location and will be utilized by the residential builder.
7. The park or park-like amenity to be built in Towne Center will bring shoppers to the area, be used by the general public and employees in and around the Towne Center and City Hall, will support proposed high-density urban housing in the Center, and will incorporate wayfinding signage.



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Residential Market Survey

McCament & Rogers reviewed both for-sale and for-rent multi-family markets in Lakewood as outlined in the tables below.

For-Sale Market Review – Condominiums

Multiple Listing Service (MLS) condo sales data was analyzed for Lakewood and a total of 62 condominiums were sold from November 1, 2013 to October 31, 2014 with pertinent details summarized below.

Table 1 Lakewood Condominium Sales Summary November 1, 2013 – October 31, 2014				
MLS Area	No. Sold	Size	Price Range	Price / Sq. Ft.
36	37	682 – 2828	\$130,120 - \$135,000	\$44.16 - \$111.39
37	13	1077 - 1223	\$102,000- \$195,000	\$94.71 - \$159.44
38	0	--	--	--
39	7	541 – 2020	\$35,000 - \$290,000	\$64.70 - \$143.56
40	5	972 – 1484	\$57,500 - \$165,000	\$59.16- \$111.19
Total Sales	62			

As a comparison, 186 condominiums sold and closed in the city of Tacoma in the first 10 months of 2014 at an average sales price of \$221,490 (\$181.21 sq. ft.), and with an average size of 1,222 sq. ft. Both Lakewood and the Tacoma condo sales included a number of short sales and bank-owned properties as a result of the recent recession. Lakewood is perceived as a suburban residential market even though Lakewood Towne Center would provide more of an urban location.



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For-Rent Market Review

McCament & Rogers completed a telephone survey and/or made on-site visits to collect rental information for seventeen (17) rental properties. Fifteen (15) of these properties are located in the City of Lakewood and the remaining two (2) are examples of rental properties built within the last six years on the perimeter of a local retail mall (Tacoma Mall). The rental properties surveyed are actively engaged in advertising in various rental magazines, and the majority of the properties maintain a website.

Table2 Lakewood For-Rent Market Survey October 31, 2014 McCament & Rogers			
Lakewood (2,533 apartments)	Size / Sq. Ft.	Average Monthly Rent	Avg. Price / Sq. Ft.
Studio	500 - 506	\$550 - 880	\$1.10 - \$1.74
1 Bed / 1 Bath	575 - 780	\$610 - \$1465	\$1.06 - \$1.88
2 Bed / 1 Bath	760 – 970	\$725 - \$1469	\$.95 - \$1.51
2 Bed / 1.5 Bath	965 – 985	\$1,100	\$.88 - \$.89
2 Bed / 2 Bath	740 – 1115	\$765 - \$1540	\$1.03 - \$1.38
3 Bed / 3 Bath	900 – 1378	\$835 - \$2103	\$.93 - \$1.53
Tacoma Mall (381 apartments)	Size / Sq. Ft.	Average Monthly Rent	Avg. Price / Sq. Ft.
Studio	589 – 634	\$820 - \$1100	\$1.39 - \$1.74
1 Bed / 1 Bath	590 – 1534	\$795 - \$3800	\$1.33 - \$2.48
2 Bed / 1 Bath	895 – 990	\$1125 - \$1200	\$1.21 - \$1.26
2 Bed / 2 Bath	910 – 2334	\$1335 - \$3,750	\$1.47 - \$1.61
3 Bed / 2 Bath	1136	\$1395 - \$2750	\$1.09 - \$1.84
3 Bed / 3 Bath	1368	\$3,075	\$2.25



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Site Planning

McCament & Rogers engaged the services of architect Lyn Messenger, Messenger Design, to develop residential site plans for the 8.67 acre parcel now being used as a parking lot in the southeastern corner of the Lakewood Towne Center and located to the rear of Barnes & Noble, Lakewood Cinema and Target. This area would accommodate high-density residential development without interfering with traffic and parking patterns within the Towne Center, and would enhance security brought about by increased pedestrian activity and more ‘eyes on the street.’

Using the market survey results and our experience working with high-density urban residential development, three for-rent multi-family product types were selected for the site plans: garden style apartments, townhomes, and live-work units. Site plans were created for each of the for-rent product types, balancing maximization of the site with market demand and a pleasing residential experience. Appropriate urban architecture has not been addressed in this analysis.

Although Lakewood’s zoning code allows 5/2 apartment buildings (five floors of residential over 2 floors of parking, the residential site plans prepared by Messenger Design contemplate no more than two- to three floors of residential units served by a combination of tuck-under and surface parking. Multi-floor structured parking garages are quite expensive to build and finance, and are often the Achilles heel of high-density residential projects. The tuck-under/surface parking combination for apartments was pioneered in the local market at Clock Tower Village in Northwest Landing (www.clocktowervillage.com), and has been an important factor in creating an inviting streetscape and keeping vacancy low and rents at the top of the rental market. Another economic benefit of keeping buildings at two- or three stories is that the installation of an elevator is not required.

1. Residential Site Plan A –Garden-Style Apartments and Triplexes (54 units)

Site Plan A features a total of 54 units in two distinct residential pods on the 8.67 acre site with front doors facing a street through the middle of the site that provides access and parallel parking for guests.

1-A Southern portion of the site – 12 Townhomes (Triplexes) with central courtyard

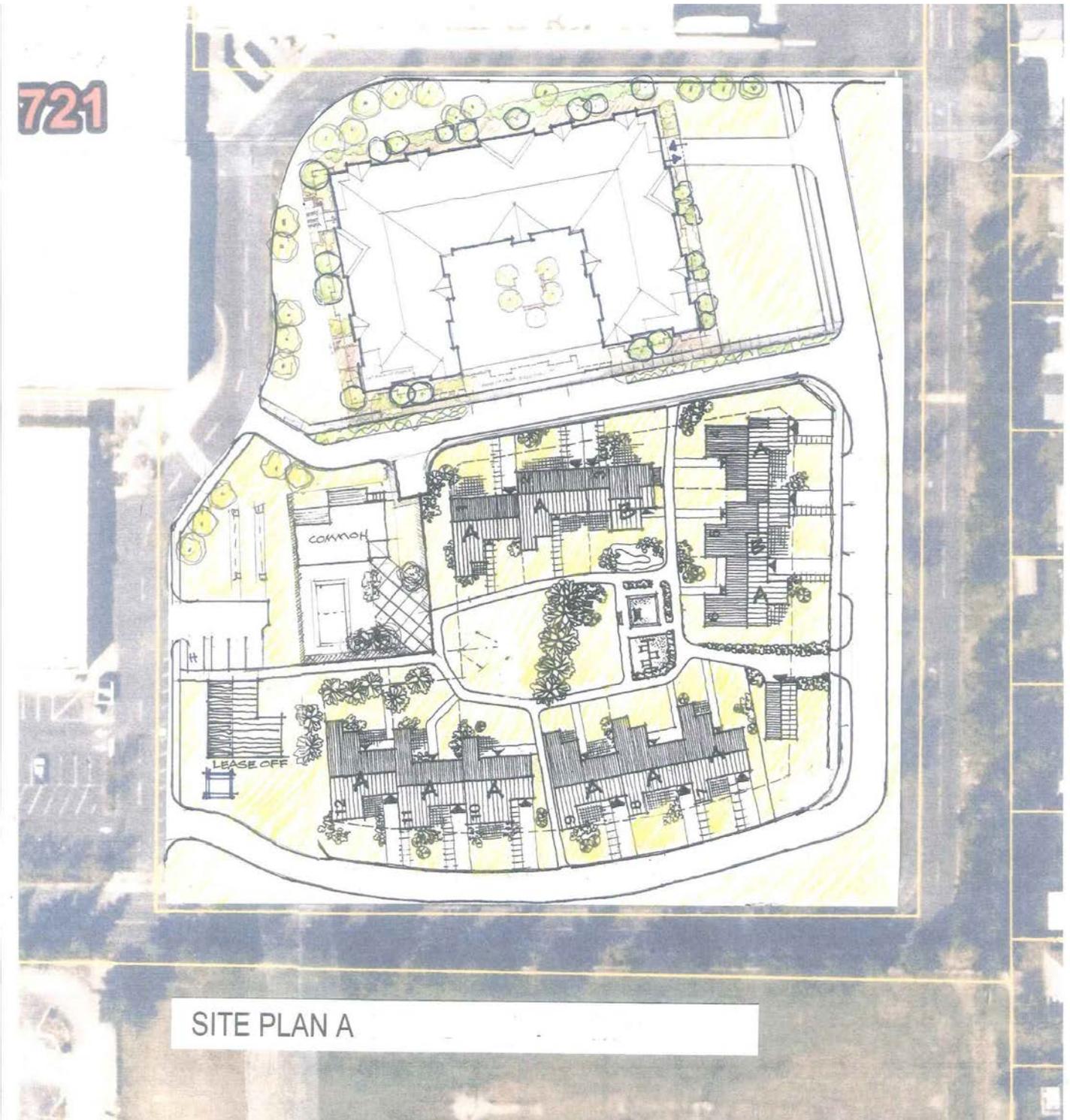
- ‘A’ apartments are 1040 sq. ft. two-story homes with 3 bedrooms and an attached garage
- ‘B’ apartments are 840 sq. ft. three story homes (3rd story loft) with surface parking
- Leasing Office and Community Room and outdoor seating / recreation area

1-B Northern portion of the site – 42 units

- Single three-story apartment building built on three sides of a landscaped entry / common space
- First floor apartments are at grade with parking under the building that takes advantage of the 5 foot drop in grade from the mid-portion of the site to the northernmost wall of the apartment building.



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2. Residential Site Plan B – Live-Work Units and Townhomes (28 units)

Site Plan B has a total of 28 units in two residential pods on the 8.67 acre site with a neighborhood street through the middle of the site to provide local access and parallel parking for guests. A single leasing / property management office and common or community room serves both product types.

2-A Southern portion of the site – 18 Townhomes

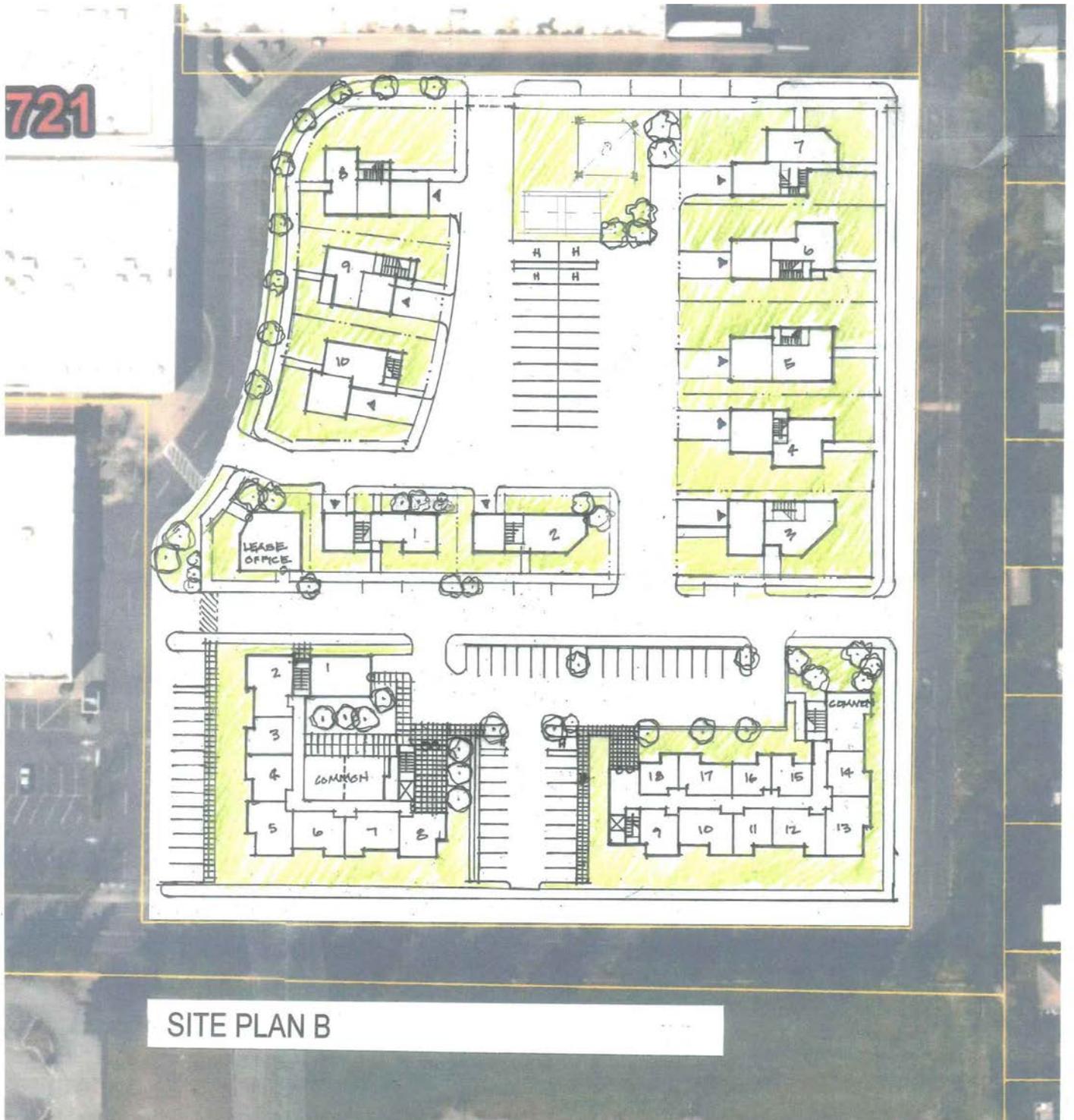
- 1 bedroom / 1 bath, 725 sq. ft.
- 2 bedroom / 1 bath, 850 sq. ft.
- 3 bedroom / 2 bath, 980 sq. ft.
- Surface parking for residents and guests
- Community / Common Room

2-B Northern portion of the site – 10 Live-Work Units

- Combination of 1-, 1 + loft, and 2-story live-work units with front doors facing the street and two-car garages accessible from the rear
- First floor footprint ranges from 1250 – 1480 sq. ft. with maximum unit size of 2,500 - 2,800 sq. ft.
- Surface Parking
 - Parallel parking on the street for customers
 - Internal parking lot with additional parking stalls for residents / guests
- Vehicle turning radii within the internal parking lot can accommodate small trucks utilized in delivery / shipping
- Leasing / Property Management Office



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SITE PLAN B



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3. Residential Site Plan C – Garden Style Apartments, Tuck-Under Parking – 68 units

Site Plan C has 68 units in two-story buildings with 4-12 apartments in each building. Front doors face the street with curbside parking for guests. All units have assigned garages. Ground level apartments have direct access from their garage. Second story apartments are accessed by external stairs.

- A Buildings – 985 sq. ft. ground floor and 690 sq. ft. 2nd story apartments
- B Buildings – 890 sq. ft. ground floor and 650 sq. ft. 2nd story apartments
- C Buildings – 980 sq. ft. ground floor and 750 sq. ft. 2nd story apartments

Note: Site Plan C shows four units per building; however, buildings can be combined to provide anywhere from 4 – 12 apartments in individual buildings thus providing a more varied street appearance.



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SITE PLAN C



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4. Site Plan D –Hotel and Business Center

In addition to high-density urban housing, a hotel with an associated executive business center could be a solid addition to Towne Center as supply-and-demand for hotel rooms makes additional hotels economically feasible. Although Towne Center doesn't have immediate access and visibility from Interstate 5 as do parcels on Pac Highway a hotel in Towne Center would appeal to travelers who want a quieter night's sleep, abundant nearby shopping, dining, entertainment, access to Chambers Bay Golf Course, and an opportunity for short-term office space / services.

Site Plan D shows an 80-100 room hotel located on the now vacant retail pad where the former Gottschalk building stood along with a 14,000 sq. ft. addition that would include an executive business center as well as ballroom and meeting space for the hotel.

Executive business centers are privately owned office space available for lease on an hourly, daily, or monthly basis. Business services include phone answering, mail handling, access to meeting rooms, and private, shared or cubicle offices with internet access. Some centers offer virtual office services. The executive business center would target JBLM subcontractors, local and regional entrepreneurs, firms doing seasonal or contracted work in the South Sound, and local firms that are growing and need additional short-term office space.

There are several executive business centers in the Puget Sound region, including a Regus executive business center located in the Wells Fargo Building in downtown Tacoma at 1201 Pacific Avenue.

(<http://www.regus.com/locations/business-centre/washington-tacoma-downtown-pacific-avenue>).

Other examples of executive business centers can be found at the following web sites:

<http://www.regus.com/>

<http://www.abcn.com/>

<http://dfwoffice.com/locations/allen/>

<http://www.marincountyexecutivesuites.com/>

<http://www.denver-executive-suites.com/denver-virtual-office-programs.cfm>



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Towne Center - Public Park

McCament & Rogers reviewed possible site plans provided by city staff for a public park to be built in Towne Center. We are suggesting either an alternative park configuration or a new element to be added to a more traditional public park design -- a linear park, one mile in length, with a hard surface and attractive landscaping that would serve as a walking-running track for the general public, employees in and around Towne Center, and the residents of the proposed for-rent development. The proposed one-mile walkway or 'track' would be 15 feet in width when physical conditions permit and meet ADA requirements. The 'Center Mile' would be marked at quarter-mile intervals, preferably with a different color of concrete or an attractive marker imbedded in the sidewalk. A distinctive tree / shrub landscaping design would be selected to provide an easily identifiable visual indication of the track. Wayfinding for the Lakewood Towne Center could be incorporated into the linear park.

Naming of the track and the design for the ¼ mile markers could be public art projects that would generate civic pride and enthusiasm. Lakewood Towne Center is large enough to allow tracks to be built on both the east and west sides of the mall and that 'interlock' with one another on 59th Street. ('Interlaaken Loops')



"The Gossips of Rivertown" Hudson, New York



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Author Larry Houston describes linear parks in an Urban Land Magazine article:

“Traditional urban parks are public spaces designed for passive recreation; users sit to read, to eat, to watch other people. These parks are destinations, places to go to.

In contrast, urban linear parks take you somewhere. They are facilities for active recreation, for walking, jogging, or biking. They combine elements of transportation with recreation.

Linear parks in cities and towns are popular partly because they contribute to today’s interest in physical fitness. They offer urban populations changing vistas, including riversides, ports and cityscapes. They draw consumers to commercial places they might otherwise not visit. They increase residential real estate values, attracting new tenants and owners to homes and apartments with these nearby amenities.”



“Hartford's linear park connects Downtown with the riverfront”

<http://lhoustoun.wordpress.com/public-spaces/chapter-5urban-linear-parks-from-urban-land-magazine/>
[\(lhoustonjr@verizon.net\)](mailto:lhoustonjr@verizon.net)



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708 Broadway, Suite 150 Tacoma, WA 98402 253-284-5702



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Dining

The city has been desirous of recruiting a restaurant similar in quality to the former Lakewood Terrace. We suggest the following resources be used to identify a suitable restaurant / operator:

- Realtors that specialize in retail and higher quality restaurants owned and operated either as a franchise or as an independent restaurant.
- Local restaurateurs that have a successful track record of establishing upscale restaurants such as Charlie McManus and Jacqueline Plattner, Primo Grill (<http://www.primogrilltacoma.com>); Gordon and Steve Naccarato, The Pacific Grill (<http://www.pacificgrilltacoma.com>); and Steve Anderson, Maxwell's Speakeasy and Lounge (www.maxwells-tacoma.com).
- Staff involved in the Clover Park Vocational College Culinary Arts program (<http://www.cptc.edu/programs/culinary>).
 - Local and regional executive chefs, such as former executive chef Tom Douglas, now owner of sixteen restaurants, bakeries and eateries in the Seattle area (<http://www.tomdouglas.com>)

Next Steps

1. Discussions with the owner of Lakewood Towne Center to confirm interest in proceeding residential development. Decisions that must be made include: a) confirm interest in meeting with multi-family owners/builders to discuss residential development; b) determine whether the property owner would consider the sale or long-term lease of property within the Center for residential development; c) determine if the property owner would be open to forming a partnership or alliance with a residential builder and contributing the land to the partnership / alliance to make financing of the residential project more palatable to a financial institution.
2. Identify interested residential builders and facilitate meetings with the Towne Center owner, multi-family owners/builders, and the City. Remain open to various site plan configurations and possible phasing of residential development.
3. Approve use of the Multi-Family Tax Exemption (MFTE) program for residential development within the Towne Center.
4. Work in concert with the property owner of the Lakewood Towne Center and their tenants, as appropriate, to design and build the proposed city park.



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Sampling of Residential Housing Types (for reference)

Live-Work Units

1. Orenco Station near Beaverton, OR (3 story with offices ½ flight of stairs down and 2-3 floors of residential flight of stairs up from the street; garages on alley): <http://theorenco.com/>
2. Avalon Park, East Orlando, FL: <http://liveworkatavalonpark.com/index.htm> (Check each of the tabs)
3. Charlestown, Seattle: <http://seattle.curbed.com/tags/livework-units>
4. The Roberson, Tacoma: <http://www.theroberson.com/page/1287745/Floorplans/TheRoxy-LiveWork>
5. Olympic Square Apartments, Gig Harbor (combination of apartments and live work units on the bottom floor/front of the buildings; garages on an alley): <http://www.therushcompanies.com/olympic-square/>

Townhomes, Triplex & Duplex

6. http://www.dongardner.com/details_abc.aspx
7. Fishhawk, Florida: Two-story Triplex with tuck under parking.
<https://www.pinterest.com/pin/33777065929368665/>