



Don Anderson  
Mayor

Jason Whalen  
Deputy Mayor

Mary Moss  
Councilmember

Michael D. Brandstetter  
Councilmember

John Simpson  
Councilmember

Marie Barth  
Councilmember

Paul Bocchi  
Councilmember

John J. Caulfield  
City Manager

October 19, 2016

**NOTICE**  
**LAKWOOD CITY COUNCIL SPECIAL MEETING**  
**AND**  
**LAKWOOD CITY COUNCIL STUDY SESSION**

Notice is hereby given that the Lakewood City Council will hold a Special Meeting on Monday, October 24, 2016, at 7:00 p.m, in the City Council Chambers, Lakewood City Hall, 6000 Main Street SW, Lakewood, Washington.

The purpose of the special meeting is to consider adopting the 2017-2019 Legislative Agenda, Legislative Policy Manual, Pierce County Legislative Policy Manual and Federal Priorities.

Following the City Council Special Meeting, the City Council Study Session will be held at the same location.

Alice M. Bush, MMC  
City Clerk



## LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, October 24, 2016

*Following Special City Council Meeting*

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

---

Page No.

### **CALL TO ORDER**

### **ITEMS FOR DISCUSSION:**

- ( 5) 1. Joint Lakewood's Promise Advisory Board meeting. – (Work Plan)
- ( 7) 2. Municipal Court update. – (Memorandum)
- ( 16) 3. Third Quarter 2016 Police Report. – (Memorandum)
- ( 34) 4. Review of 2016 Comprehensive Plan and zoning amendments. – (Memorandum)
- ( 79) 5. Review of 2017-2018 Proposed Biennial Budget and 2017 fee schedule amendments. – (Memorandum)
- (112) 6. Review of the 2016 year end budget adjustments. – (Memorandum)
- (122) 7. Review of wireless telecommunications code. – (Memorandum)

### **REPORTS BY THE CITY MANAGER**

*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.*

**ITEMS TENTATIVELY SCHEDULED FOR THE NOVEMBER 7, 2016  
REGULAR CITY COUNCIL MEETING:**

1. Youth Council Report.
2. Proclamation recognizing November 11, 2016 as Veterans Day and the month of November 2016 as Veterans Appreciation Month. – *Ms. Anne Sprute, CEO, RallyPoint6*
3. Clover Park School District Report.
4. Awarding a bid for the South Tacoma Way from Steilacoom Boulevard to 88<sup>th</sup> Street sidewalk improvement project. – (Motion – Consent Agenda)
5. Awarding a bid for the Gravelly Lake Drive from Steilacoom Boulevard to 59<sup>th</sup> Street sidewalk improvement project. – (Motion – Consent Agenda)
6. Authorizing the execution of an agreement with Gordon Thomas Honeywell Governmental Affairs, in the amount of \$56,650 for State governmental relations services. – (Motion – Consent Agenda)
7. Authorizing the execution of an agreement with the Johnston Group, in the amount of \$54,000, for Federal governmental relations services. – (Motion – Consent Agenda)
8. This is the date set for a public hearing on the 2017-2018 proposed Biennial Budget and 2017 property tax levy. – (Public Hearings and Appeals – Regular Agenda)
9. This is the date set for a public hearing on the 2016 budget amendments. – (Public Hearings and Appeals – Regular Agenda)
10. Adopting right-of-way condemnation relative to the Steilacoom Boulevard safety project – (Ordinance – Regular Agenda)
11. Creating Chapter 18A.80 of the Lakewood Municipal Code relative to wireless telecommunications. – (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.*

12. Recognizing the Lakewood Community Foundation Fund. – (Resolution – Regular Agenda)
13. Authorizing the execution of an agreement for 2016 minor capital project pavement and sidewalk repairs. – (Motion – Regular Agenda)

## **COUNCIL COMMENTS**

## **ADJOURNMENT**

*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.*

## 2016-17 Lakewood's Promise Advisory Board (LPAB)

### Members:

Clayton DeNault, Chairman - Lakewood Family YMCA  
Debby Gist - St Clare Hospital  
Echo Curry - Lakewood Boys and Girls Club  
Mary Dodsworth - City of Lakewood  
Dr. Joyce Loveday, Clover Park Technical College  
Dr. Michele Johnson - Pierce College  
Debbie LeBeau - Clover Park School District  
Carolina Robles - Lakewood Youth Council  
Judi Weldy - Care Net Pregnancy and Family Services  
Ellie Wilson, Vice Chair - Community Activist

### Council Liaison:

Councilmember Mary Moss

### Meeting Schedule:

Second Thursday of each month at 7:30-8:30 a.m. in Room 1E

### LPAB Significant Accomplishments To Date:

- Created Lakewood's Promise monthly newsletter to inform Lakewood's youth about partner activities and volunteer activities.
- Brought over 20 partners onto the Memorandum of Agreement (MOA)
- Dynamic Board representing agencies that serve youth from birth through college.
- Presentations representing one of the five promises occurring in Lakewood at monthly Board meetings (CIS, CHOICE, Fish Food bank, YMCA, Pierce County Library, Communications Panel, Exceptional Families Network, Rally Point 6).
- Continue to integrate Youth Council member onto Board.
- Featured Promise activities at monthly Lakewood Community Collaboration meetings.
- Redeveloped Lakewood Promise Website showcasing Lakewood Youth/family activities and incorporating social media and other youth "links"
- Established a presence at the Farmers Market to promote Lakewood's Promise, youth activities and mentoring opportunities. Partners coordinated a weekly youth "scavenger hunt" to explore the market and learn about health choices.
- Developed "takeovers" of City Hall to support and promote Youth Council activities and recognize volunteer service.

### Current Work Plan:

#### 1st Promise (Caring Adults)

**Vision:** Every youth has ongoing relationships with mentors from an early age through high school graduation and beyond

- Identify and support mentoring opportunities in Lakewood.
- Identify and support successful mentoring programs which can reach kids outside of school and can be taken to their neighborhoods.

#### 2<sup>nd</sup> Promise (Safe Places)

**Vision:** Every youth has safe places to go that include safe structured activities, within walking distance from home or with access to transportation to and from this place, during all their school years.

- Promote safe place activities via the monthly newsletter.

- Support the regular late night programs for teens and middle-schoolers by encouraging partner participation and cross-marketing. Encourage more late night events, including the possibility of “floating” teen late nights..
- Inventory and map safe place resources within Lakewood
- Maintain website/calendar/blog and promote connections to social media and text messaging for teen activities
- Identify successful after-school and summer programs which could be made “portable”. Support and encourage the partnerships which could export these programs to Lakewood’s neighborhoods.

### **3rd Promise (A Healthy Start)**

**Vision:** A culture of healthy start basics ranging from access to medical/dental care, a healthy diet and physical activity is prevalent in Lakewood, both in and out of the home.

- Utilize the Healthy Start Task Force (HSTF) to meet the “community committee” needs for the CPSD Food Services.
- The HSTF will support best practices and successful programs/goals to address school based healthy eating and reduction of food waste in the school.
- Support healthy choice activities and new ideas that occur after school and in the summer which go to where the kids are.

### **4<sup>th</sup> Promise (Effective Education)**

**Vision:** Every youth is given opportunities to gain marketable skills to help them choose their own career paths of interest.

- Partner with the Clover Park School District, Pierce College and Clover Park Technical College to support community based programs.
- Support the College Access Corps (CAC) program at Pierce College to promote college-readiness prior to entering high school.
- Continue the support of “maker activities” for youth, encouraging programs that support STEM.
- Work on partnerships with organizations and neighborhood groups, schools, churches and parks to bring educational opportunities into Lakewood’s underserved neighborhoods.

### **5th Promise (Opportunities to Help Others)**

**Vision:** A culture of “giving back to the community” is instilled in youth as they move through middle and high school by presenting a greater number of youth volunteer opportunities.

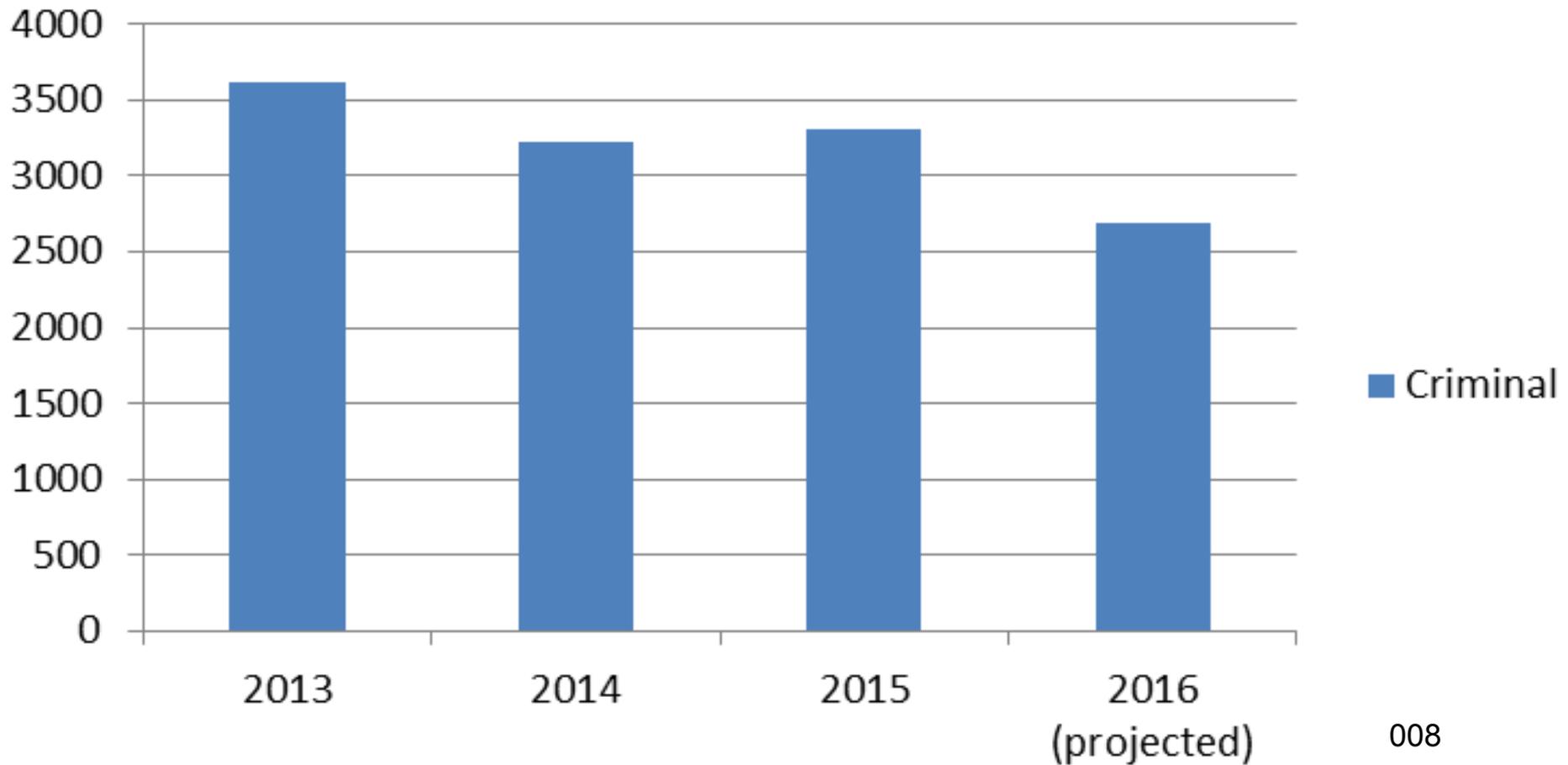
- Identify and map out volunteer opportunities in Lakewood. Make this information available online, on phone apps, and through social media.
- Encourage sharing databases, tracking of volunteer hours, promoting opportunities and recognition for teen volunteers with partners.
- Identify ways, and encourage partners to create opportunities where young people, teens especially, can give back in a meaningful way in their own neighborhoods.



**Municipal Court**

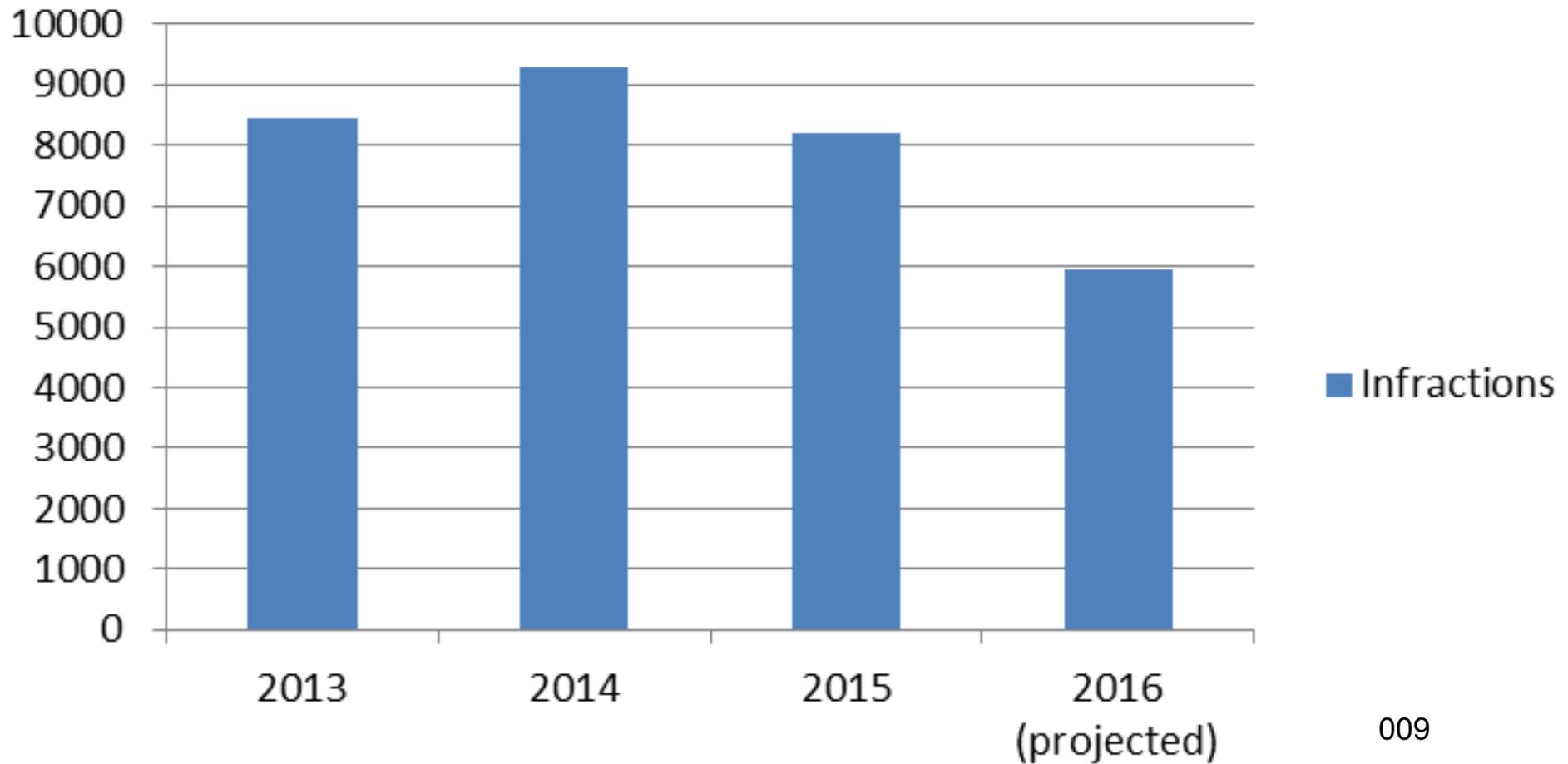
# Trends in court filings

## Criminal Filings



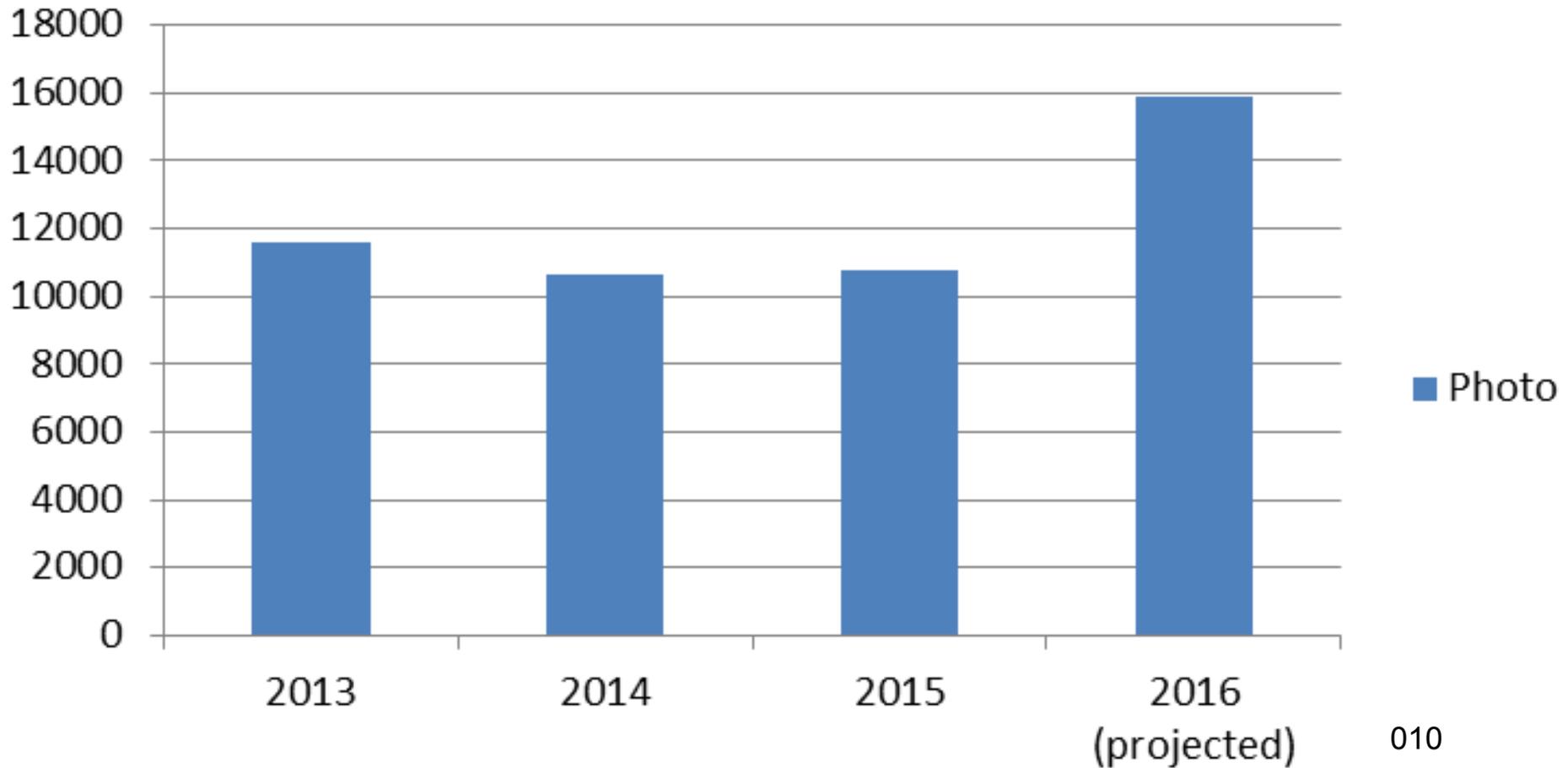
# Trends in court filings

## Infractions

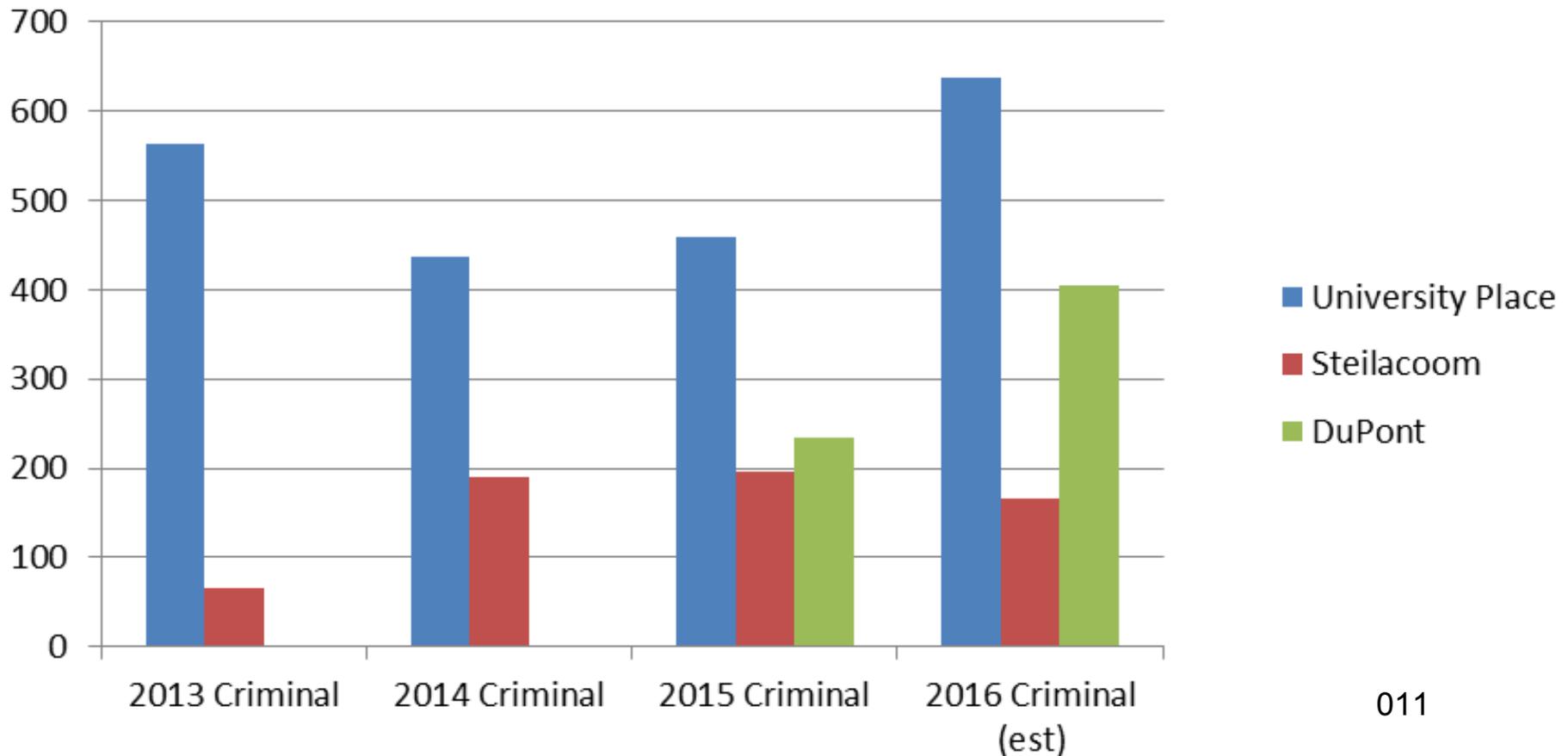


# Trends in court filings

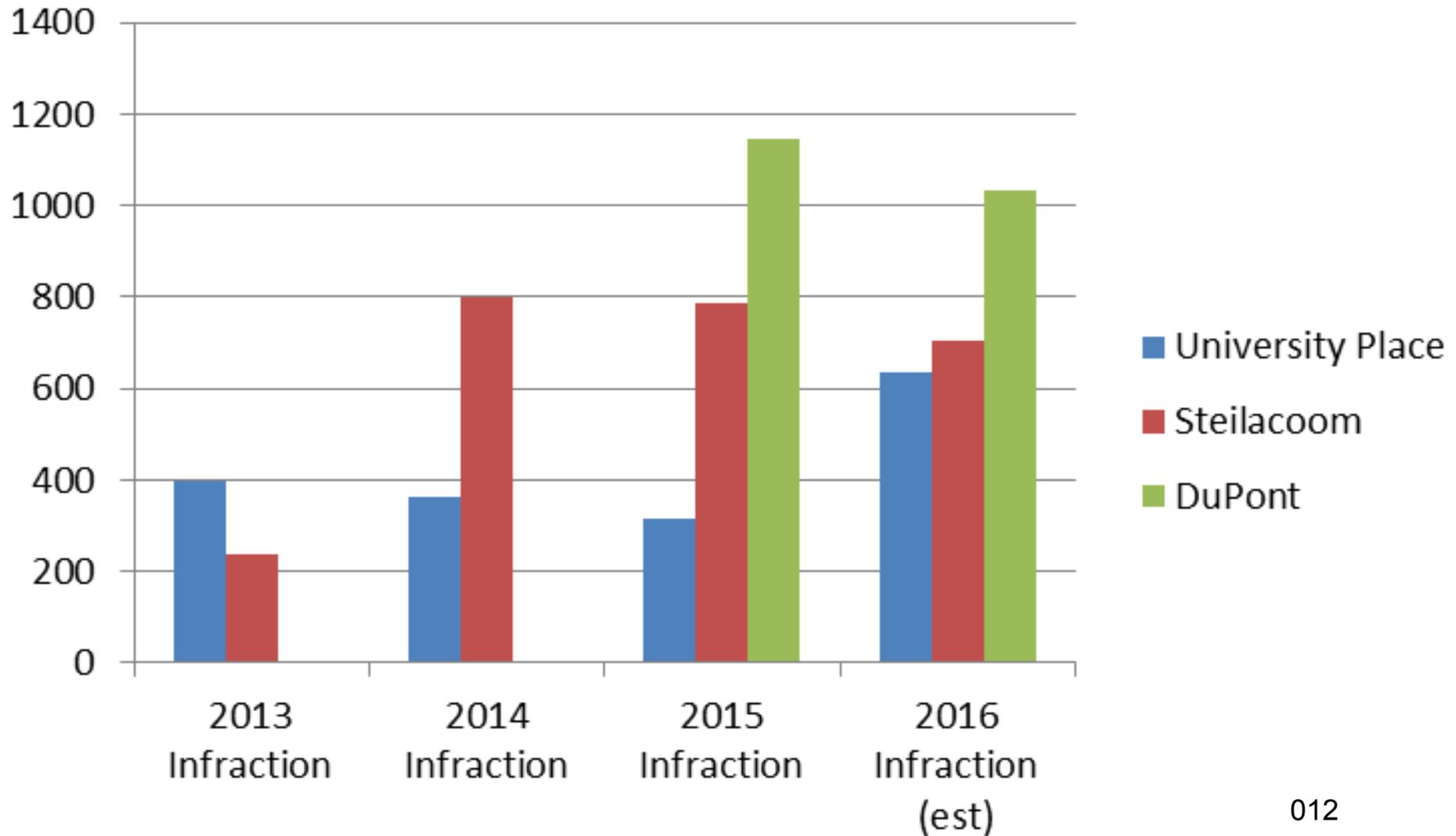
## Photo



# Trends in court filings



# Trends in court filings



# Veterans' Court

- What it provides
  - Structure
  - Evidence based treatment & accountability
  - Close supervision
  - Peer network
  - A way to reduce recidivism

# Veterans' Court

- What it is NOT
  - Easy way out
  - A way to avoid accountability

Judge Grant Blinn

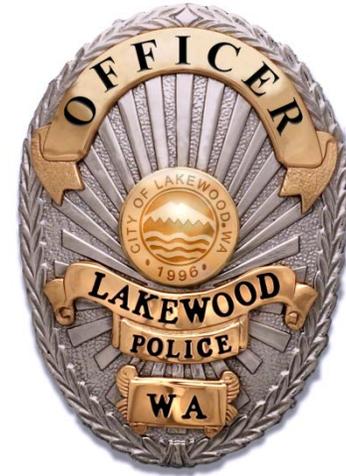
(253) 983-7747

[gblinn@cityoflakewood.us](mailto:gblinn@cityoflakewood.us)

# Lakewood Police Department Monthly Crime Report



- NIBRS Monthly Report  
(Group A Offenses)
- 2015-2016 Comparison Charts
- Gang Arrests
- 2015-2016 Traffic Stops
- 2015-2016 Traffic Accidents



**3rd Quarter 2016**



## Lakewood Police Department

**3rd Quarter 2016 Calls For Service: 16,129**

**Lakewood PD Arrests (Felony): 185**

**Lakewood PD Arrests (Gross Misdemeanor): 2**

**Lakewood PD Arrests (Misdemeanor): 266**

**Warrant Arrests: 170**

**3rd Quarter 2016**



# Lakewood Apartment Report 2016

Top Ten Apartments Total Calls For Service 3rd Qtr 2016	CFS	No. of Units	CFS/Units	District
Kelly Place Apts	41	5	8.2	LD05
McChord Tudor Haus Apts	105	27	3.89	LD02
Whispering Firs Apts	42	22	1.91	LD02
Tyee Apts	15	8	1.88	LD02
Colonial Court Apts	13	11	1.18	LD05
Lake Huson Apts	7	6	1.17	LD04
Cascade Apts	15	14	1.04	LD04
Village Court Apts	36	36	1.00	LD04
Montgrove Manor Apts	16	16	1.00	LD02
Legacy Park (Sage Terrace)	103	107	0.96	LD03

Top Ten Apartments Serious Calls For Service 3rd Qtr 2016	SCFS	No. of Units	CFS/Units	District
Kenmar Apts	2	10	0.2	LD04
Forest Hills Apts	1	5	0.2	LD01
Creekside Apts	3	19	0.16	LD02
McChord Tudor Haus Apts	4	27	0.15	LD02
Cascade Court Apts (Lochburn Villa)	1	10	0.1	LD06
Dean Street Apts	1	12	0.08	LD06
Pineridge Apts	2	26	0.08	LD02
Avalon Place Apts	2	26	0.08	LD04
Catalina Court Condos	1	15	0.07	LD05
Montgrove Manor Apts	1	16	0.06	LD02
Lakewood Estates	2	32	0.06	LD02

# Mobile Home Report

## Total Calls For Service

Top Ten Mobile Home Park Total Calls For Service 3rd Qtr 2016	CFS	No. of Units	CFS/Units	District
Karwan Village MHP	47	38	1.24	LD03
Jamestown Estates MHP	46	44	1.05	LD01
Alpine Place MHP	10	11	0.91	LD01
Rancho Villa MHP	41	55	0.75	LD04
Washington Park Rentals MHP	8	13	0.62	LD01
Wagons West MHP	6	10	0.60	LD01
Woodbrook MHP	20	38	0.53	LD01
Glen Mar MHP	23	48	0.48	LD03
Tillicum Manor MHP	12	27	0.44	LD01
Village Green MHP	50	167	0.30	LD03

## Serious Calls For Service

Top Ten Mobile Home Park Serious Calls For Service 3rd Qtr 2016	SCFS	No. of Units	CFS/Units	District
Karwan Village MHP	1	38	0.03	LD03
Fairfield Estates MHP	1	60	0.02	LD03
Jamestown Estates MHP	1	44	0.02	LD01
Rancho Villa MHP	1	55	0.02	LD04

# Motel Report 2016

Motel Name	1st Qtr	2nd Qtr	3rd Qtr	2016 Total CFS		Motel Name	1st Qtr	2nd Qtr	3rd Qtr	2016 Serious CFS
Western	53	69	72	194		Western	5	3	6	14
Lakewood Inn	27	16	21	64		Biltmore	6	3	5	14
Biltmore	22	22	18	62		Holiday Inn Express	2	0	3	5
Madigan	19	14	25	58		Candlewood Suites	1	2	1	4
Fort Lewis	27	20	8	55		Golden Lion	3	1	0	4
Holiday Inn Express	15	13	18	46		Best Western	0	1	2	3
Best Value	11	14	19	44		Fort Lewis	1	1	0	2
Candlewood Suites	7	6	7	20		Madigan	0	0	1	1
Best Western	5	3	8	16						
Colonial	0	0	9	9						

# Bar Report 2016

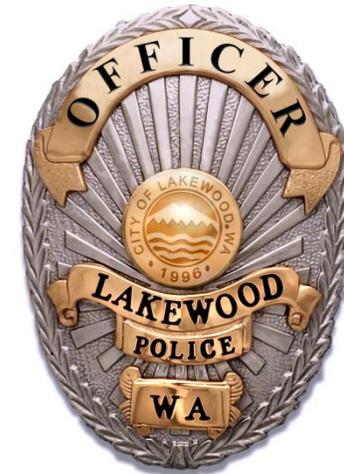
Bar Name	1st Qtr	2nd Qtr	3rd Qtr	2016 Total CFS
Oaktree Food & Drink	31	11	15	57
Dennys (100th St)	10	21	16	47
Chips Casino & Palace Casino	9	19	13	41
Great American Casino	11	10	14	35
Schooners Tavern	14	13	3	30
Applebee's (Gravelly)	7	10	7	24
Fan Club (Pounders Pub & Grill)	6	6	9	21
Macau Casino	7	7	5	19
Cheers	7	6	5	18
Champions	6	7	5	18

Bar Name	1st Qtr	2nd Qtr	3rd Qtr	2016 Serious CFS
Chips Casino & Palace Casino	3	2	3	8
Dennys (100th St)	3	3	1	7
Oaktree	0	3	2	5
Champions	3	0	1	4
Fan Club (Pounders Pub & Grill)	3	0	1	4
Schooners Tavern	1	3	0	4
Cheers	1	2	0	3
Great American Casino	1	1	1	3
Applebees	0	0	3	3
Bowlero	0	0	2	2

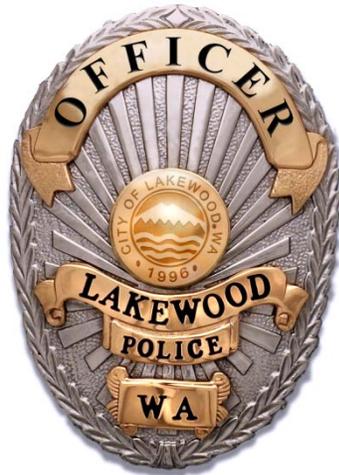


## **Lakewood Police Department 2015-2016 Quarterly Crime Comparison Charts**

**January - December 2015-2016**

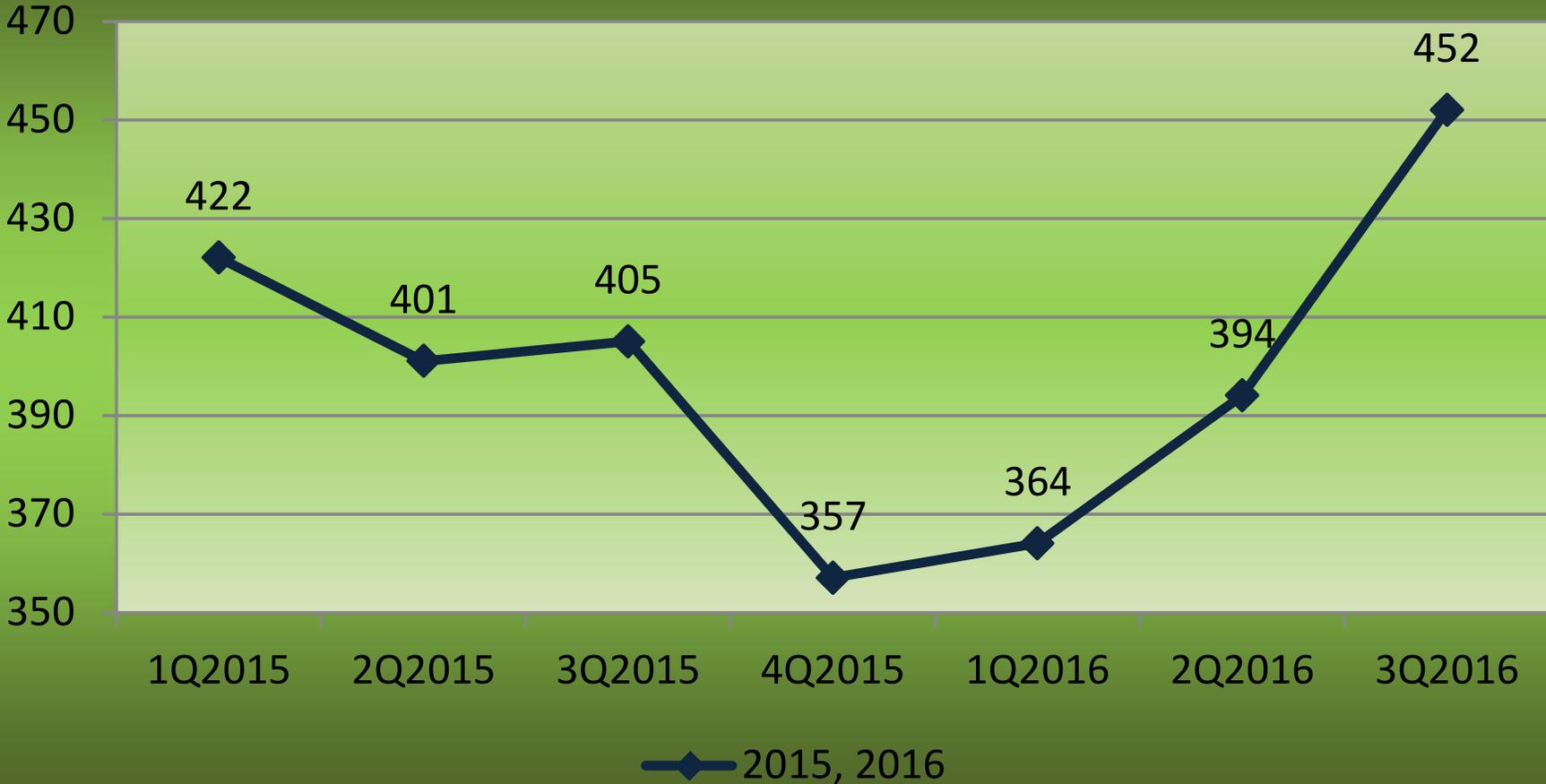


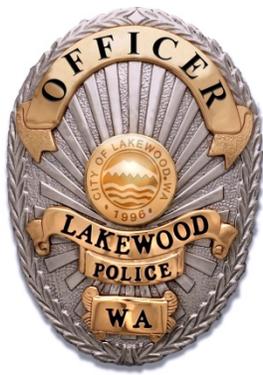
# NIBRS Report 3Q2016



	 <b>Crime and Incident Report</b> <b>3rd Quarter 2016</b>		
	Quarter Total Prior Year	Quarter Total Report Year	Percent of Change
<b>Person Crimes</b>			
Aggravated Assault	103	126	22.33%
Simple Assault	260	274	5.38%
Homicide	1	0	-100.00%
Kidnapping	8	5	-37.50%
Sex (Forcible)	12	15	25.00%
Sex (NonForcible)	21	28	33.33%
<b>Totals and Averages</b>	405	448	10.62%
<b>Property Crimes</b>			
Arson	1	2	100%
Bribery	0	0	0%
Burglary	156	161	3%
Counterfeiting	28	37	32%
Vandalism	260	220	-15%
Embezzlement	0	0	0%
Extortion	0	0	0%
Fraud	70	65	-7%
Larceny	556	521	-6%
Motor Vehicle Theft	71	104	46%
Robbery	18	22	22%
Stolen Property	0	0	0%
<b>Totals and Averages</b>	1160	1132	-2%
<b>Society Crimes</b>			
Drug	151	105	-30.46%
Pornography	0	1	100.00%
Prostitution	8	10	25.00%
Weapon Law Violations	29	35	20.69%
<b>Totals and Averages</b>	188	151	-19.68%
<b>Grand Totals and Average</b>	1753	1731	-1.25%

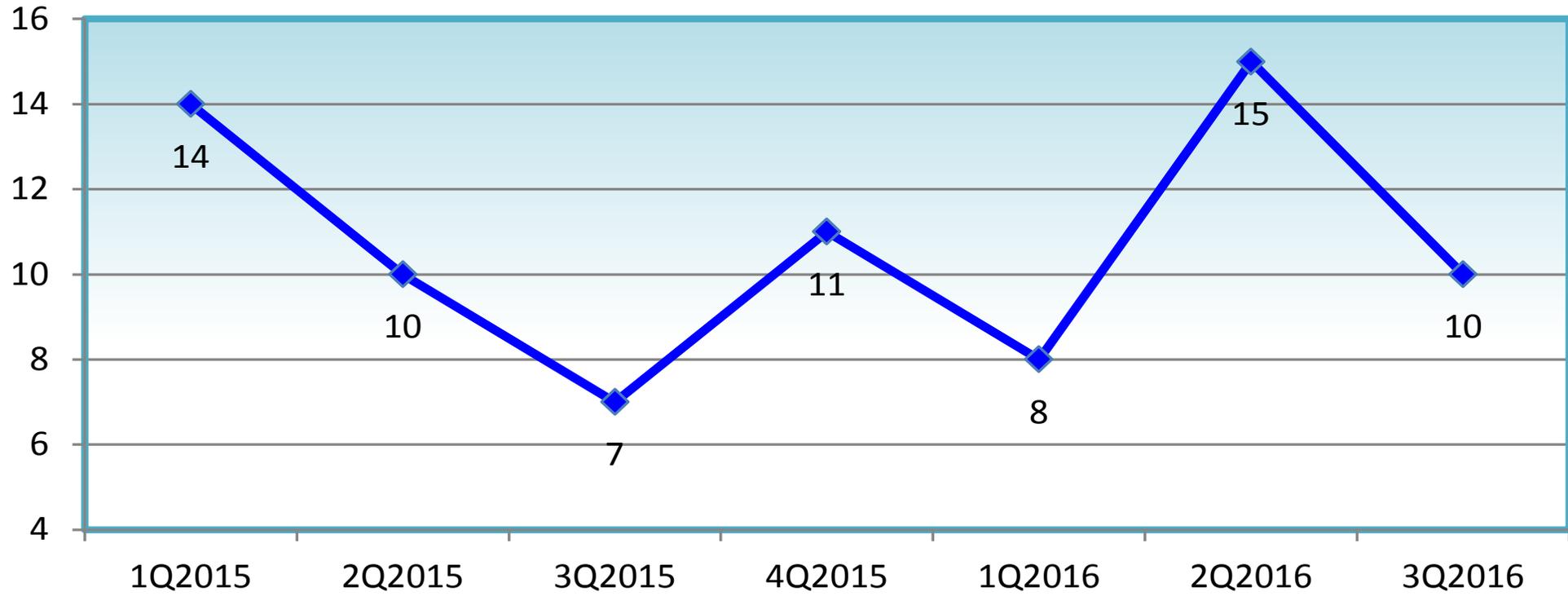
### NIBRS Person Crimes By Quarter 2015-2016





# Lakewood PD Quarterly Gang Related Arrests 2015- 2016YTD

Gang Arrests 2015 Thru 2016 By Quarter



2015 - 2016

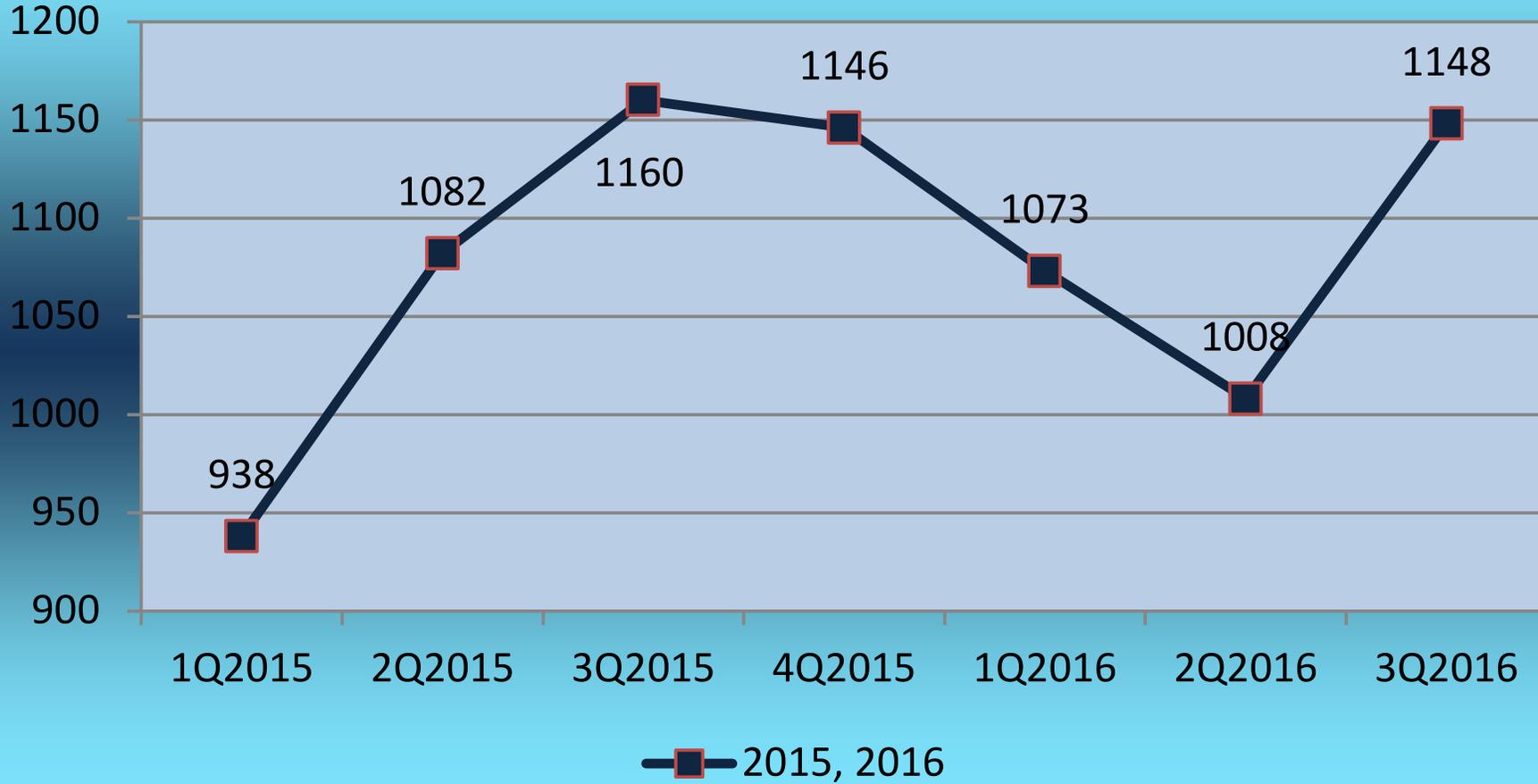


These numbers are Warehouse derived and accurate as of 11 October 2016

# Crimes Against Person Analysis

- Include drive-by shootings with no injuries
- Increase in gun crimes, gun possession, gun presence
- At least 30% of all persons crimes are DV related (as much as 50% for aggravated assaults)
- Several assaults related to drugs

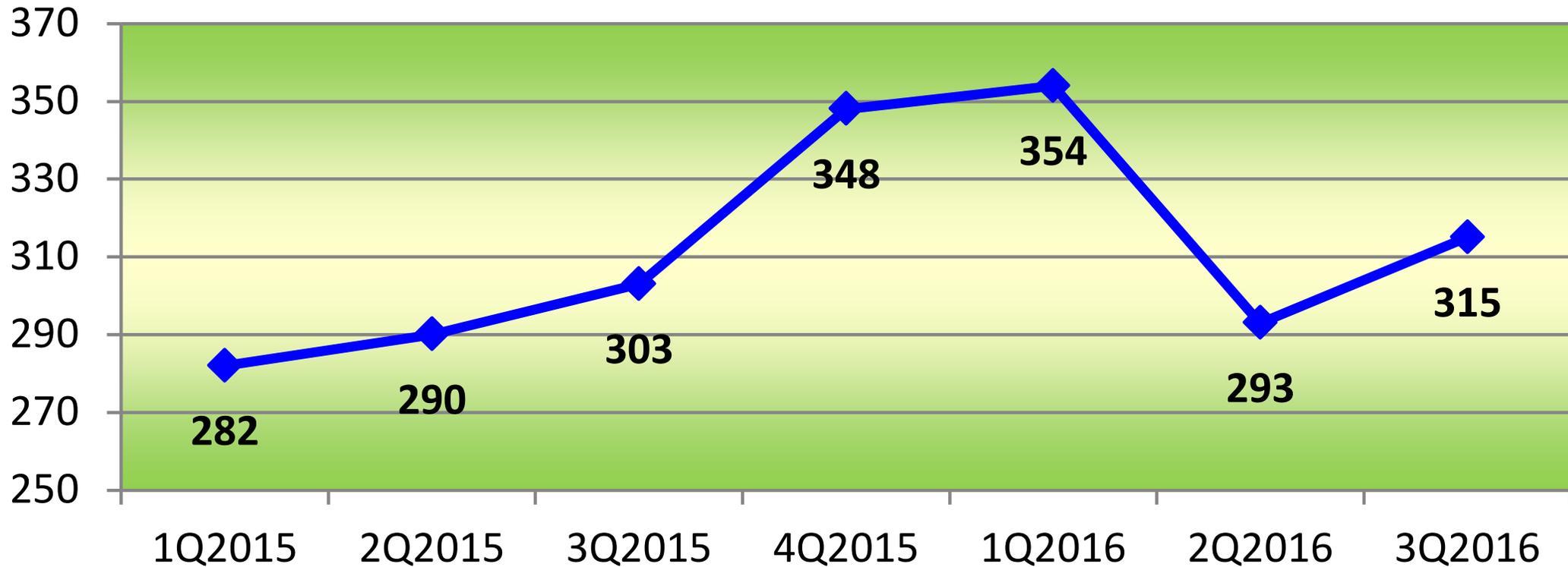
### NIBRS Property Crimes By Quarter 2015-2016



### NIBRS Total Group A Crime By Quarter 2015-2016



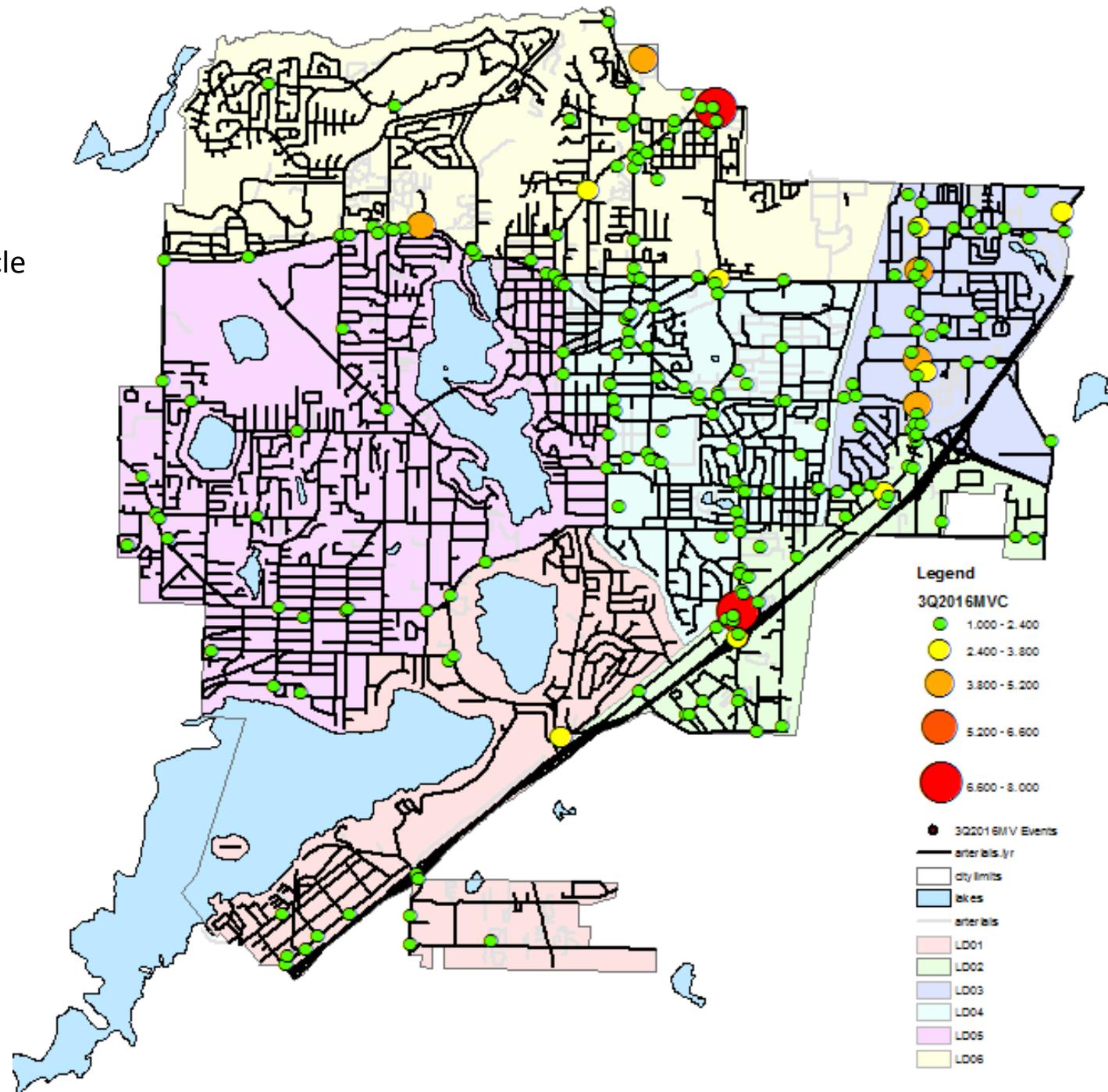
# Total Accidents By Quarter (Reports) 2015 and 2016



◆ Total Accidents By Quarter (Reports) 2015 and 2016



3<sup>rd</sup> Quarter 2016 Motor Vehicle Accidents (RMS derived)



# Fair and Impartial Policing

- Hosted at the station on June 10<sup>th</sup> and 11<sup>th</sup>
- Attended by community members and Police Department Command
  - Civil Service Commission
  - Tacoma Chapter of the NAACP
  - Tacoma Commission on Human Rights
  - Department of Justice
  - Clover Park School District
  - Bethlehem Baptist Church
  - Tacoma Police Department
  - Lakewood Police Department

# Phlebotomy

- Merriam-Webster: the letting of blood for transfusion, diagnosis, or experiment...
- 6 officers certified through the State Department of Health
- Brought about by delay and reluctance by hospital staff
- No other options for law enforcement than the hospitals
- We are the first in Washington, not the first in the country
- Very controlled process, done in a safe and sterile environment, under strict policies
- Covered by WCIA
- Supported and funded by the Washington State Traffic Safety Commission's Council on Impaired Driving.

# Hiring and Departures

## Departures

- Lt. Hoffman- retired
- Sgt. Estes- retired
- Sgt. Brown- took a position as Chief Deputy with the WWCSO
- Officer Brown- resigned (spouse of Matt Brown)

## Hires

- Officer Melissa Calder
- Officer Zachary Schueller
- Officer Jonathan Beard
- Officer Joseph Arbiol
- Officer Robert Taylor
- Officer Roberto Casas
- Evidence Custodian Donna Odell



TO: Mayor and City Councilmembers  
FROM: Dave Bugher, Assistant City Manager, and Courtney Casady,  
Assistant to the City Manager  
THROUGH: John J. Caulfield, City Manager *John J. Caulfield*  
DATE: October 24, 2016  
SUBJECT: 2016 Comprehensive Plan/ Zoning Text Amendments

---

**BACKGROUND:**

On October 17, 2016 the Lakewood City Council held a public hearing to review the 2016 Comprehensive Plan map and zoning code text amendments. This year's amendments include fifteen City-sponsored amendments and two privately-sponsored amendments. In addition to the 2016 amendments, the City Council is continuing the review of CPA-2015-02, which was tabled during last year's amendment cycle pending the review of a proposed Planned Development Overlay zone. During the meeting, the Public and City Council asked several questions involving the amendments. The purpose of this memo is to review the topics discussed during the October 17, 2016 Public Hearing in order to receive further guidance from the City Council.

**DISCUSSION:**

1. CPA-2016-16, the City is proposing to establish a Planned Development (PD) Overlay Zone which would be applicable in any zoning district on sites greater than two (2) acres in size.
  - a. Mr. Pfeiffer, Lakewood Resident, provided testimony suggesting Council add additional language to Section 27, Part B (pg. 28 of 34) of the proposed Ordinance, to include a tenth bullet to address mitigations for vehicle and pedestrian impacts. Mr. Pfeiffer also suggested the new ordinance include language requiring developers to address all nine (or ten) items and to invite them to address other concerns as they arise to increase the attractiveness of the project.  
Considering Mr. Pfeiffer's comments, Staff believes that the current ordinance is adequately strenuous for developers. Staff has no opposition to adding the 10<sup>th</sup> bullet to address traffic mitigation, but recommends that the applicant only be required to address one of the nine (9) listed items. If the Council prefers to make the ordinance more strenuous, Staff would recommend requiring the applicant to address two of the listed items.

- b. Staff recommends revising the ordinance to remove all text that states “Planned Unit Development” and replace it with “Planned Development District”.
2. CPA-2015-02, the City Council tabled this comprehensive plan amendment in 2015, pending the proposal of a Planned Unit Development District. During the Public Hearing on October 17, 2016, Council received testimony from Mark Pfeiffer, Lakewood resident, suggesting that Council hold an additional public hearing on this comprehensive plan amendment, now that the Planned Unit Development District has been proposed. A public hearing was held to discuss CPA-2015-02 in 2015. Should the Council decide to hold an additional public hearing, it would be scheduled for the first quarter of 2017.
- If the Council would like to move forward without an additional public hearing there are several ways to proceed:
- A. Deny CPA-2015-02 (No changes in the comprehensive plan & zoning designations).
  - B. Change the current comprehensive plan land-use designation from Residential Estate to Single Family, and change the zoning designation for the property from Residential One (R1) to Residential Three (R3). (Planning Commission’s previous recommendation.)
  - C. Change the land-use designation (zoning only) from Residential One (R1) to Residential Two (R2).
3. CPA-2016-14, which would amend the Lakewood Municipal Code, Title 18A.30, to allow for Warehousing, Distribution and Fright Movement (Level three) in the Industrial Business Park (IBP) zone subject to an Administrative Use permit. The City Council requested additional information about the differences between Administrative Use and Conditional Use Permits. City Staff is providing the following chart in order to illustrate the differences between a Conditional Use and Administrative Use permit:

	<b>Administrative Use Permit</b>	<b>Conditional Use Permit</b>
<b>Notice &amp; Comment</b>	Notice posted on subject property; mailed to property owners within 100 feet; mailed to parties of known interest as determined by Community Development Director, public invited to comment on an application	Requires a public hearing: Notice posted in TNT, posted on subject property, mailed to property owners within 300 feet, mailed to parties of known interest as determined by Community Development Director, public invited to comment on an application.
<b>Recommendation</b>	The Community Development Director shall determine whether or not the proposed development meets the required development standards and may obtain technical assistance from a review committee or local or state agencies.	At the public hearing, City staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, give reasons why the application should or should not be approved or propose modifications and state the reasons the person believes the modifications are necessary for approval.
<b>Decision-Making Body</b>	Community Development Director	Hearing Examiner
<b>Appeal</b>	Hearing Examiner	Superior Court

**NEXT STEPS:**

The Comprehensive Plan Amendments are scheduled to come before Council on November 21, 2016, at that time City Council will be able to continue to discuss the proposed amendments, or vote to adopt, amend or reject each of the proposed 2016 Comprehensive Plan Amendments.

**ATTACHMENTS**

1. Draft Comprehensive Plan Updates Ordinance
2. Exhibit A- CPA-2016-01
3. Exhibit B- CPA-2016-02
4. Exhibit C- CPA-2016-03
5. Exhibit D- CPA-2016-04
6. Exhibit E- CPA-2016-05
7. Exhibit F- CPA-2016-06
8. Exhibit G- CPA-2016-07
9. Map of Air Corridor Zone- CPA-2016-08

ORDINANCE NO. XXX

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the City of Lakewood Comprehensive Plan, including the Future Land-Use and Zoning Maps of the City; amending the City of Lakewood Comprehensive Plan; amending Title 18A, and establishing an effective date.

**WHEREAS**, the Washington State Legislature, through Chapter 36.70A RCW, the state Growth Management Act (GMA), intends that local planning be a continuous and ongoing process; and

**WHEREAS**, the GMA requires that the City of Lakewood adopt a comprehensive plan; and

**WHEREAS**, in accordance with RCW 36.70A.130, the adopted comprehensive plan shall be subject to continuing evaluation and review, and amendments to the comprehensive plan shall be considered no more frequently than once every year; and

**WHEREAS**, in compliance with the requirements of the GMA and following abundant public outreach and involvement, the Lakewood City Council adopted the City of Lakewood Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood Planning Commission that incorporated public input, has subsequently amended the City of Lakewood Comprehensive Plan periodically, including a review required by law in 2004, and 2015; and

**WHEREAS**, following public meetings and discussions, the Lakewood City Council adopted Title 18A of the Lakewood Municipal Code (“Land Use and Development Code”) via Ordinance No. 264 on August 20, 2001; and

**WHEREAS**, the Lakewood City Council, based on review and recommendations of the Lakewood Planning Commission following public input, has subsequently amended Title 18A of the Lakewood Municipal Code periodically, either in conjunction with comprehensive plan amendments or on a standalone basis; and

**WHEREAS**, it is appropriate for a local government to adopt needed amendments to its comprehensive plan to ensure that the plan and implementing regulations provide appropriate policy and regulatory guidance for growth and development; and

**WHEREAS**, the Lakewood Planning Commission, acting as the City’s designated planning agency, has reviewed a series of proposed amendments to the City of Lakewood Comprehensive Plan and related development regulations including proposed amendments to the

Future Land-Use Map, Zoning Map, and related changes to Title 18A of the Lakewood Municipal Code; and

**WHEREAS**, public participation opportunities, as required by RCW 36.70A.130(2)(a), appropriate to the level of the amendments being reviewed, have been afforded to interested parties via numerous open public meetings, mailings and site postings, and a public comment/hearing period, and public input received through these channels has been duly considered by the Lakewood Planning Commission; and

**WHEREAS**, environmental review as required under the Washington State Environmental Policy Act has resulted in the issuance of a determination of environmental non-significance; and

**WHEREAS**, a 60-day notice has been provided to state agencies prior to the adoption of this Ordinance, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

**WHEREAS**, a 60-day notice has been provided to Joint Base Lewis-McChord (JBLM) prior to the adoption of this Ordinance, and JBLM has been afforded the opportunity to comment per RCW 36.70A.530(5); and

**WHEREAS**, following public hearing, the Lakewood Planning Commission forwarded a set of recommendations relative to the 2016 amendments package to the Lakewood City Council via Planning Commission Resolution No. BLANK; and

**WHEREAS**, the Lakewood City Council has reviewed materials relevant to public input and staff and Planning Commission recommendations leading up to the proposed 2016 amendments package; and

**WHEREAS**, in accordance with the issues and concerns considered by the Lakewood Planning Commission as reflected in its recommendations, the Lakewood City Council has considered the recommendations of the Lakewood Planning Commission and has determined that it is appropriate to provide for the amendment of certain portions of the City of Lakewood Comprehensive Plan and related sections of Titles 12A and 18A of the Lakewood Municipal Code as herein specified; and

**WHEREAS**, the Lakewood City Council has considered the required findings in LMC 18A.02.415 as related to each independent zoning map amendment, and hereby finds that the requirements of LMC 18A.02.415 are satisfied; and

**WHEREAS**, after review of the record and recommendations of the Lakewood Planning Commission, the Lakewood City Council finds that the amendments to the City of Lakewood Comprehensive Plan as identified within this Ordinance comply with the requirements of the state Growth Management Act;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

***COMPREHENSIVE PLAN & ZONING MAP CHANGES***

Section 1. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property are hereby amended as follows, as shown in Exhibit A hereto.

CPA-2016-01– MAP AMENDMENT (Land adjacent to Springbrook Park)

1. Amend the comprehensive plan land-use map to designate the subject property *Open Space and Recreation*; and
2. Amend the zoning map to correspondingly zone the subject property *Open Space and Recreation One (OSR1)*.

Location: 4713 127<sup>th</sup> Street SW, Lakewood WA

Assessor's tax parcel no: 0219123015

Tax Description: Section 12 Township 19 Range 02 Quarter 33 : PARCEL "A" DBLR 91-03-12-0097 DESC AS FOLL BEG AT A PT 361 FT N & 1037.40 FT E OF SW COR TH W 31 FT TH N 415.86 FT TH N 71 DEG 14 MIN 09 SEC W 211.01 FT TH N 194.35 FT M/L TO C/L OF CLOVER CREEK TH S 55 DEG 42 MIN 31 SEC E ALG C/L OF CLOVER CREEK 297.11 FT TH S 0 DEG 41 MIN 55 SEC E 187.36 FT M/L TH N 89 DEG 17 MIN 05 SEC W 20 FT TH S 0 DEG 12 MIN 28 SEC E 338.73 FT TO POB OUT OF 3-080 & 3-079 SEG C0090SG 7/19/91BO

Section 2. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit B hereto.

CPA-2016-02– MAP AMENDMENT (City of Lakewood Stormwater Pond)

1. Amend the comprehensive plan land-use map to designate the subject property *Open Space and Recreation*; and
2. Amend the zoning map to correspondingly zone the subject property *Open Space and Recreation One (OSR1)*.

Location: 12502 47<sup>th</sup> Avenue SW, Lakewood WA

Assessor's tax parcel no: 0219123082

Tax Description: Section 12 Township 19 Range 02 Quarter 33 PER ROS 2009-10-22-5003 FOR BLA PER RCW 58.04.007(1) COM AT SW COR OF SEC 12 TH N 331 FT TH E 805.8 FT TH N 726.8 FT TO C/L OF CLOVER CREEK & POB FOR THIS DESC TH S 54 DEG E 147.46 FT ALG C/L OF SD CREEK TH N 688.6 FT TH E 388 FT TH

S 980 FT TO C/L OF CLOVER CREEK TH N 54 DEG W ALG C/L OF CREEK TO POB EXC N 30 FT FOR R/W TO CY OF LAKEWOOD ALSO EXC POR LY N OF FOLL DESC LI COM AT SW COR OF SD SEC TH ALG S LI OF SEC 1312.57 FT TO SE COR OF SW OF SW TH N ALG E LI OF SD SUBD 1111.40 FT TH W 30 FT TO WLY MAR OF 47TH AVE SW & POB TH S 83 DEG 57 MIN 52 SEC W 152.29 FT TH N 89 DEG 18 MIN 08 SEC W 207.04 FT SEG G 6038 TP DC6/3/10BB

Section 3. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit C hereto.

CPA-2016-03– MAP AMENDMENT (Pierce County properties located in Springbrook)

1. Amend the comprehensive plan land-use map to designate the subject property *Industrial*; and
2. Amend the zoning map to zone the subject property *Industrial Business Park (IBP)*.

Location: XXXX 47<sup>th</sup> Avenue SW

Assessor's tax parcel nos: 0219122156, 0219122160, 0219123112

Tax descriptions (in order of tax parcel no.):

Section 12 Township 19 Range 02 Quarter 24 : BEG SW COR L 1 IN SE OF NW SEC TH ELY ALG N LI GEORGE GIBBS DLC TO WLY LI OF NP RR R/W, PORTLAND BRANCH, TH NELY ON SD WLY LI TO S LI OF I-5 FREEWAY TH SWLY ALG SD S LI OF FREEWAY TO POB OUT OF 2-105 SEG S-0592 WJ ES.

Section 12 Township 19 Range 02 Quarter 24 : BEG AT SE COR GOVT L 2 IN SW OF NW OF 12-19-02E TH S 590 FT M/L TO INTER A LI PAR/W & 70 FT S OF N LI OF SW SD SEC TH E 690 FT M/L TO INTER WLY ROW LI OF N PAC RR TH NLY ALG SD WLY LI TO INTER N LI OF GEORGE GIBBS DLC EXTEND E TH W ALG SD EXTENSION TO NE COR SD DLC TH CONT W ALG N LI SD DLC 729.40 FT TO POB EXC 47TH AVE SW (CARLYLE RD) SEG'D FOR TAX PURPOSES REQ BY P CO PUBLIC WKS OUT OF 2-061 SEG M0124BL08-17-00BL.

Section 12 Township 19 Range 02 Quarter 31 : BEG SE COR LOT 2 TH S 2003 FT E 586.6 FT TO N P R/W TH N ALG SD R/W 2010 FT TO NE COR GIBBS DC TH W 729.40 FT TO BEG LESS 16/AC CO RD W 30 FT RESERVED FOR PUBLIC RD EXC S 200 FT THEREOF ALSO EXC FOLL DESC PROP: BEG AT SE COR GOVT L 2 IN SW OF NW OF 12-19-02E TH S 590 FT M/L TO INTER A LI PAR/W & 70 FT S OF N LI OF SW SD SEC TH E 690 FT M/L TO INTER WLY ROW LI OF N PAC RR TH NLY ALG SD WLY LI TO INTER N LI OF GEORGE GIBBS DLC EXTEND E TH W ALG SD EXTENSION TO NE COR SD DLC TH CONT W ALG N LI SD DLC 729.40 FT TO POB EXC 47TH AVE SW (CARLYLE RD) SUBJ TO EASE TO USA SEG'D

FOR TAX PURPOSES REQ BY P CO PUBLIC WKS OUT OF 2-061 SEG  
M0124BL08-17-00BL

Section 4. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit D hereto.

CPA-2016-04– MAP AMENDMENT (BNSF properties located in Springbrook)

1. Amend the comprehensive plan land-use map to designate the subject property *Industrial*; and
2. Amend the zoning map to zone the subject property *Industrial Business Park (IBP)*.

Location: No address (Railroad right-of-way located north of I-5 and south of McChord Drive SW)

Assessor's tax parcel no: None.

Tax descriptions: None.

Section 5. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit E hereto.

CPA-2016-05– MAP AMENDMENT (TPU Substation)

1. Amend the comprehensive plan land-use map to designate the subject property *Industrial*; and
2. Amend the zoning map to zone the subject property *Industrial Business Park (IBP)*.

Location: 12415 47TH AV SW

Assessor's tax parcel no: 0219123046

Tax description: Section 12 Township 19 Range 02 Quarter 34 : A STRIP OF LD 200 FT IN WIDTH OFF S SIDE OF FOLL BEG AT SE COR OF LOT 2 TH S PAR WITH W LI OF SEC 2003 FT TH E AT R/A 586.6 FT TO N P R/W TH NLY ALG R/W 2010 FT M/L TO NE COR OF GIBBS DC TH W 729.4 FT TO BEG LESS W 30 FT FOR RD

Section 6. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit F hereto.

CPA-2016-06– MAP AMENDMENT (WSDOT I-5 right-of-way)

1. Amend the comprehensive plan land-use map to designate the subject property *Industrial*; and
2. Amend the zoning map to zone the subject property *Industrial Business Park (IBP)*.

Location: No address

Assessor's tax parcel no: None.

Tax description: None.

Section 7. The official Future Land-Use Map and Zoning Maps of the City for the below-referenced property is hereby amended as follows, as shown in Exhibit G hereto.

CPA-2016-07– MAP AMENDMENT (Map Correction)

1. Amend the comprehensive plan land-use map to designate the subject property *Multi Family*; and
2. Amend the zoning map to zone the subject property *Multi Family Two (MF2)*.

Location: No address

Assessor's tax parcel no: 0219123116

Tax description: Section 12 Township 19 Range 02 Quarter 34 PARCEL B OF BLA 2012-10-16-5003 DESC AS COM AT SW COR OF SE OF SW TH N 88 DEG 43 MIN 04 SEC E 256.4 FT TH N 01 DEG 46 MIN 54 SEC E 559.10 FT TO POB TH CONT TH N 01 DEG 46 MIN 54 SEC E 519.32 FT TH S 88 DEG 34 MIN 12 SEC W 258.05 FT M/L TO ELY R/W LI OF 47TH AV SW AT PT WHICH IS 1078 FT FROM SW COR OF SE OF SW TH NLY ALG SD R/W 24.99 FT TO PT WHICH IS 2003 FT S OF SE COR OF GOVT LOT 2 TH E AT R/A 547.29 FT M/L TO WLY LI OF NPPR R/W TH S 05 DEG 00 MIN 47 SEC W ALG SD R/W 563.85 FT M/L TO C/L OF CLOVER CREEK TH N 84 DEG 24 MIN 56 SEC W 257.46 FT TO POB EASE OF RECORD OUT OF 3-029 & 3047 SEG 2013-0270 BB 2/15/13 BB

### ***COMPREHENSIVE PLAN TEXT CHANGES***

Section 8. CPA-2016-08 The current Chapter 3.6, titled “Military Lands” of the Comprehensive Plan is deleted in its entirety as follows:

#### **3.6 Military Lands**

~~Military lands are the portions of the federal and state military installations within or adjacent to the City. The autonomy associated with federal and state ownership of the military installations, in combination with the unique character of the military operations and support structures, are not typical of civilian land uses and requires special consideration by the City as a host community for the installations.~~

~~In addition, the recent growth at JBLM has been of keen interest to the local communities, and in early 2010, the Department of Defense, Office of Economic Adjustment awarded a grant for the region to study the military growth impacts in the area. This study known as the JBLM Growth Coordination Plan generated detailed analyses and recommendations on economics and workforce development, transportation and infrastructure, education, and healthcare and wellness.~~

~~Upon completion of the study, the South Sound Military Communities Partnership (SSMCP) was established. The SSMCP is made up of multiple partners whose responsibility is to provide the region with a single point of contact to communicate military-related activities that could affect the South Sound and the State of Washington.~~

~~In December 2013, SSMCP members signed a new Memorandum of Agreement, taking on more responsibility for funding and directing the Partnership's efforts beginning in 2014. One of the Partnership's major projects in 2014-2015 will be coordinating the JBLM Joint Land Use Study (JLUS).~~

~~GOAL LU-34: Recognize that military installations, whether federal or state, are unique in character with operations and support structures not typical of civilian land uses.~~

~~Section 9. The current Chapter 3.6, titled "Air Corridor" of the Comprehensive Plan is deleted in its entirety as follows:~~

~~LU-34.1: The legislative jurisdiction, unique character of the land uses, and installation planning processes require unique consideration and coordination by the City.~~

~~LU-34.2: The Official Federal Military Installation Master Plans (established in accordance with applicable federal regulations and Joint Planning Agreements) addressing land use, infrastructure, and services for the portions of federal military installations within the City are adopted by reference to this plan as autonomous subarea plans.~~

~~LU-34.3: The Official State Military Installation Master Plans (established in accordance with applicable state regulations and Joint Planning Agreements) and administrative use permit addressing land use, infrastructure, and services for the portions of state military installations within the city are adopted by reference as subarea plans.~~

~~LU-34.4: Recognize that unanticipated short-term or permanent changes to the Official Military Installation Master Plans and operations may occur due to national and state emergencies, new military missions, or new technologies, and, thus, the Installation Master Plans are subject to change.~~

~~LU-34.5: Support the presence and continued existence of JBLM. The City shall respond to Base Realignment and Closure (BRAC) Commission observations and recommendations, or similar type organizations, to minimize encroachment issues around the base in order to avoid potential base closure.~~

~~LU-34.6: In cooperation with surrounding cities and counties, the State of Washington, federal agencies, tribal organizations, and JBLM, promulgate a Joint Land Use Study (JLUS); the goal of the study is to encourage each jurisdiction to practice compatible development and redevelopment of the areas surrounding military installations which balances military mission requirements with community needs. The JLUS is anticipated to be completed by 2015.~~

~~LU-34.7: Continue Lakewood's support of the South Sound Military Communities Partnership.~~

~~GOAL LU 35: Facilitate the host community relationship with the military installations through City wide planning for the provision of housing, services, and civilian employees to support the operations on the military installations and to provide a high quality of life for military personnel and their families who live, work, shop, learn, and play in Lakewood.~~

~~Policies:~~

~~LU 35.1: Provide for a variety of housing options in the City to support the housing requirements of the military personnel and their families.~~

~~LU 35.2: Promote an active planning and funded mitigation effort to address needs in Centers of Local Importance directly impacted by proximity to military installations.~~

~~Section 10. The current Chapter 3.7, titled “Air Corridor” of the Comprehensive Plan is deleted in its entirety as follows:~~

### ~~3.7 Air Corridor~~

~~The air corridor areas extend northward from the McChord Field runway and are subject to noise and safety impacts of military flight operations. The potential risk to life and property from the rather unique nature of hazards that may be associated with military aircraft operations, as distinguished from general/commercial aviation, corridors necessitates control of the intensity, type, and design of land uses within the designation.~~

~~GOAL LU 36: Minimize the risk to life and property from potential hazards associated with aircraft flight operations associated with McChord Field.~~

~~Policies:~~

~~LU 36.1: Upon completion of the Joint Land Use Study, coordinate with JBLM to establish the extent and nature of the air corridors and potential mitigation measures to minimize the risk to life and property.~~

~~LU 36.2: Control the type, intensity, and design of uses within the air corridors to minimize risks and impacts.~~

~~LU 36.3: Identify areas restricted from development due to aircraft accident potential and promote the acquisition of the Clear Zone by the Department of Defense.~~

~~LU 36.4: Coordinate with JBLM to maximize responsiveness of emergency services, including development of joint response teams.~~

~~GOAL LU 37: Identify appropriate land uses within the air corridors.~~

~~Policies:~~

~~LU 37.1: Promote the conversion of existing higher density housing, including mobile home parks and apartments and other high occupancies, to less intensive land uses.~~

~~LU 37.2: Encourage the siting of warehousing, storage, open space, and other appropriate land uses within the air corridors.~~

~~GOAL LU 38: Minimize the negative impacts of aircraft noise through the manner in which buildings within the air corridors are designed and constructed.~~

~~LU 38.1: Work with JBLM to identify noise impact contours.~~

~~LU 38.2: Establish corresponding design and construction development regulations to minimize exposure to noise for persons living and working within the air corridors.~~

Section 11. The current text of Chapters 3.6 and 4.7, titled “Military Lands” and “Air Corridor” of the Comprehensive Plan is replaced with the following:

### **3.6 Military Lands**

Military lands are the portions of the federal and state military installations within or adjacent to the City. These installations include Joint Base Lewis McChord (JBLM) including McChord Field and Camp Murray. The autonomy associated with federal and state ownership of the military installations, in combination with the unique character of the military operations and support structures, are not typical of civilian land uses and requires special consideration by the City as a host community for these installations.

#### **3.6.1 JBLM Installation Profile**

JBLM was formally established in 2010, combining Fort Lewis and McChord Air Force Base into a single administrative unit. JBLM is home to the U.S. Army I Corps and 7<sup>th</sup> Infantry Division, the U.S. Air Force 62nd Airlift Wing, Madigan Army Medical Center, 1st Special Forces Group, U.S. Navy and U.S. Marine Corps elements, and other commands and tenant organizations. JBLM reports that, as of June 2015, the on-base population stands at 23,700. Region-wide, the JBLM-supported population, which includes full-time military, family members, and dependents; DoD employees; and civilian contractors; living on base and in neighboring communities, stands at more than 130,000. JBLM is the largest military installation on the west coast, encompassing over 90,000 acres including the main cantonment area (approximately 10,000 acres) and close-in training ranges (approximately 80,000 acres). There are two airfields on the installation: McChord Field, which is home to C-17 transport fleet, and Gray Army Airfield (GAAF), which supports mainly helicopter operations. JBLM has a rail loading complex that connects to the Burlington Northern-Santa Fe (BNSF) line. The training lands on JBLM include 115 live-fire training ranges. Convoy routes to Yakima Training Center (YTC) use I-5 to State Route (SR 18) to I-90 to I-82. The ports of Olympia, Tacoma, and Seattle provide deep water seaport capabilities.

JBLM is a power projection platform with many strategic advantages, including its location on the Pacific Rim, home to the I Corps and its historical Asia/Pacific focus, deep water port access, global airlift capabilities, and extensive training ranges.

### **3.6.2 JBLM Economic Profile**

JBLM is also a major economic engine in Washington State and, as of 2014, is the second largest employer in the state and the largest employer in Pierce County. The economic impact of JBLM includes wage and salary payments to military and civilian employees, construction contractor payments, and operating costs such as rent and lease payments for various types of equipment, utilities, telephone services, office supplies, and non-construction contracts. It is estimated that 70-75 percent of JBLM Soldiers live off base, bringing large revenue and jobs to surrounding communities.

The Washington Economic Development Commission conducted an analysis in 2010 to determine the economic impact of Washington's military bases and defense-related economy, identify new and emerging business opportunities, and build on the state's significant military presence.

According to the report, DoD spending in 2014 resulted in an estimated \$12.7 billion of economic activity within Washington State, including payroll, contracts, pensions, and other expenditures. DoD contracting produced an estimated \$3.7 billion in total output. The total defense activity created nearly \$12.2 billion in total output in the state and supported approximately 191,600 jobs and nearly \$10.5 billion of labor income. At JBLM specifically, payroll and other expenditures equalled \$3.5 billion in 2009. In the same year, businesses in Pierce County also received \$862,361,235 in defense contracts.

Aside from quantifiable economic impacts, military-related activity provides numerous benefits to the state and regional economies, including generating employment opportunities for a wide range of individuals, providing skilled workers in the form of retiring military personnel, creating supplementary markets for firms, whose principal focus is not defense, offering relative insulation from the volatility of market demand, and spurring technological innovation.

### **3.2.3 1992 JLUS**

In 1992, a Joint Land Use Study (JLUS) was completed for Fort Lewis and McChord Air Force Base. During the more than 20 years since that study, the two military installations have formed a joint base and grown considerably, missions have changed, and significant urban growth has occurred in the region. While some specific compatibility issues addressed in the previous study are no longer relevant, there are several persistent issues.

The 1992 JLUS resulted in several successful implementation actions. Most significantly, both Pierce County and the City of Lakewood have addressed land use impacts related to JBLM within their comprehensive plans and development regulations, particularly with regard to land uses in the McChord North Clear Zone (NCZ) and Aircraft Potential Zones (APZs). Acquisition of private property by the U.S. Air Force and Pierce County within the NCZ has occurred to

mitigate the presence of incompatible land uses. However, incompatible private development in the McChord Field NCZ remains, incompatible land uses still exist, regional transportation impacts continue to pose a significant challenge, and noise impacts remain as missions have evolved.

The Washington State Legislature recognized the importance of military installations to Washington's economic health that it is a priority of the state to protect the land surrounding military installations from incompatible development, and that priority is expressed by RCW 36.70A.530 mandating that Comprehensive Plans and development regulations shall not allow incompatible development in the vicinity of military installations.

The region surrounding JBLM is expected to experience continued economic and population growth, thus a coordinated effort is needed to ensure that the growth which occurs allows the installation to maintain its essential role in the nation's defense while concurrently remaining a vital member of the local community and a major contributor to the local economy.

### 3.2.4 2015 JLUS

During 2014, the South Sound Military & Communities Partnership, which Lakewood is a member, coordinated an update to the 1992 Fort Lewis JLUS for the recently formed Joint Base Lewis-McChord (JBLM). The update was completed in October 2015. The revised JLUS consists of three documents, the Existing Conditions Report; a Compatibility Report which identifies points of conflict or encroachment; and an Implementation Plan that lists strategies to solve current conflicts, or avoid future ones. The JBLM JLUS findings are advisory in nature and are intended to identify and suggest resolution for impacts generated by military training and operations on communities, and in turn, community growth and activities on or near military installations.

The goals and policies below lay the groundwork to eliminate or diminish compatibility issues and improve coordination between JBLM. These Goals and Policies are as follows:

**GOAL LU-34:** Protect the long-term viability of JBLM and assure flight safety in the vicinity of McChord Field while protecting the public's health and safety.

#### Policies

LU-34.: Air Corridors Established.

The air corridor areas extend northward from the McChord Field runway and are subject to noise and safety impacts of military flight operations. Figure 1 shows the Air Corridor boundaries. The potential risk to life and property from the rather unique nature of hazards that may be associated with military aircraft operations, as distinguished from general/commercial aviation, corridors necessitates control of the intensity, type, and design of land uses within the designation.

A. Air Corridor I comprises the Clear Zone (CZ) and the Accident Potential Zone Designation I (APZ I) as identified through the Air Installation Compatible Use Zone (AICUZ) program. The

CZ is a 3,000 by 3,000 foot zone at the end of the runway where there is the highest statistical possibility of aircraft accidents. Any existing or future development in the CZ is of concern. USAF analysis indicates that 28% of all air accidents occur within the CZs. Development in the CZ increases the likelihood of flight obstructions such as physical structures, smoke, and glare, and challenges the military's ability to safely carry out missions. Development should be prohibited in this zone. Any use other than airfield infrastructure (e.g., approach lighting) is incompatible in the CZ. The APZ I designation has somewhat lower accident potential than the CZ, but it is high enough that most types of development in this zone are discouraged, including residential uses.

B. Air Corridor II comprises the Accident Potential Zone Designation II (APZ II), again, as identified through the Air Installation Compatible Use Zone (AICUZ) program. The APZ II designation has a lower accident potential, and some compatible uses are appropriate; however, uses that concentrate people in the APZ II, including residential uses at densities greater than two dwelling units per acre, are considered incompatible per federal guidance.

C. Special Note on Air Corridor I and II boundaries: There are minor discrepancies in boundary locations between the Air Corridors and the CZ, APZ I and APZ II. The Air Corridor boundaries follow property lines whereas the CZ, APZ I and APZ II are based in imaginary surface areas. The CZ is 3,000 feet by 3,000 feet, measured along the extended runway centerline beginning at the end of the runway; APZ I is 3,000 feet wide by 5,000 feet long; APZ II is 3,000 feet wide by 7,000 feet long

LU-34.2: Compatibility with JBLM Missions.

Evaluate all proposed amendments to the Comprehensive Plan, capital facilities plan, and Urban Growth Area (UGA) that will potentially encourage incompatible land uses or create the potential for incompatible development in the vicinity of JBLM.

LU-34.3: Restrict Residential Uses.

Future Comprehensive Plan amendments and zone reclassifications within Air Corridors I and II that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial designation to a residential designation or allow residential uses in commercial or industrial zones will be prohibited.

LU-34.4: Compatible Land Use and Densities Policies.

Regulate land uses and/or activities that could adversely impact present and/or future base operations and protect JBLM and McChord Field from further incompatible encroachment.

LU-34.5: Industrial Designations.

Existing Industrial uses in the AC I and AC II zones are to be preserved and industrial uses that complement aviation facilities are encouraged.

LU-34.6: Land Use Regulations.

Regulate land use within the AC I and AC II zones to protect public health and safety, ensure a compatible mix of land uses, and support ongoing McChord Field operations, consistent with the JBLM Joint Land Use Study recommendations.

LU-34.7: Non-Residential Density Limitations.

Sensitive uses that have a high concentration of people such as, but not limited to, schools, religious institutions, theaters, public assembly facilities and day care facilities are not allowed to locate near McChord Field and/or within the AC I and AC II zones.

LU-34.8: Noise Abatement.

Require the application of noise abatement through acoustical analysis, structure design and construction techniques and materials in residential developments within the AC I and AC II zones per FAA regulations (FAR Part 150).

LU-34.9: Protection Strategies.

Develop criteria, standards and land use designations that will protect JBLM and McChord Field from incompatible development by adopting a combination of zoning techniques, including but not limited to, special overlay zoning, height restrictions, building restrictions in high noise areas and development siting criteria in key areas adjacent to these military installations.

LU-34.10: Operational Hazards.

Prohibit uses near McChord Field which attract birds, create visual hazards, discharge particulate matter into the air which could adversely alter atmospheric conditions, emit transmissions which would interfere with military aviation communications and instrument landing systems, otherwise obstruct or conflict with airport operations or aircraft traffic patterns or result in potential hazard for off-base land uses.

LU-34.11: Protected Airspace.

Protect military airspace by preventing structural penetration of Imaginary Surfaces as described in UFC 3-260-01 and in the most recently published McChord Field Air Installation Compatible Use Zone (AICUZ) Report.

Discussion: Telecommunications, broadcast towers, hobby communication towers shall be reviewed by JBLM officials. Developments within the AC I and AC II zones which may affect UFC 3-260--01 imaginary surfaces shall obtain necessary approvals from the Federal Aviation Administration (FAA). Operators of construction cranes within the AICUZ Accidental Potential Zones shall coordinate with JBLM and the Federal Aviation Administration prior to commencing operations.

LU-34.12: Light and Glare.

Control light and glare in the AC I and AC II zones to protect the operational environments near McChord Field.

LU-34.13: Review.

Refer all applications for commercial development, subdivision review, variances, conditional uses, special exceptions and proposed amendments to Comprehensive Plans and development

regulations proposed within MIA 2 and 3/4 to JBLM official(s) for review and comment in accordance with RCW 36.70A.530.

**LU-34.14: Considerations.**

Land use decisions regarding proposals located in the AC I and AC II zones shall consider regional and national needs as well as local concerns.

**LU-34.15: Consultation.**

Invite JBLM representatives to advise the Planning Commission on community and economic development issues which have the potential to impact base military operations.

**LU-34.16: Coordination.**

Coordinate the protection of JBLM with the South Sound Military & Communities Partnership (SSMCP) by developing planning policies and development regulations that are consistent with the JLUS and Air Installation Compatible Use Zone (AICUZ) recommendations and other best management practices for encouraging compatible land uses in the general vicinity of JBLM. It is important to initiate and maintain collaborative and cooperative relationships with JBLM regarding all municipal activity potentially affecting JBLM's military mission and long term viability.

**LU-34.17: Title Notice.**

Require Title Notice for new development or substantial redevelopment of lots, buildings, and structures in the AC I and AC II zones that may experience low overhead flights, odor, vibrations, noise and other similar aviation impacts.

**LU-34.18: Public Information.**

Through the SSMCP, encourage the dissemination of information to the public regarding JBLM mission activity and associated impacts through such means as website postings, distribution of brochures, distribution of information to the regional print and broadcast media, providing notices on new site plans, subdivisions and binding site plans.

**LU-34.19: Air Installation Compatible Use Zone Study (AICUZ).**

Review proposed Comprehensive Plan and zoning amendments for compatibility with the JBLM Air Installation Compatible Use Zone program and the JBLM Joint Land Use Study.

**LU-34.19: Accident Potential Zones.**

Reduce and or eliminate incompatible land uses and densities that exist within the Air Corridors, by identifying priority areas for acquisition programs, such as property purchase, alternative housing or relocating housing to resolve inconsistencies with the Department of Defense, Air Installation Compatible Use Zone (AICUZ) regulations.

**GOAL LU-35:** Continue to support and fund the South Sound Military & Communities Partnership (SSMCP).

Policies

LU-35.1: Business Plan.

In consultation with its partners, develop, and maintain a business plan for the SSMCP.

LU-35.2: SSMCP Funding.

In consultation with its partners, work to establish a permanent funding source for the SSMCP.

LU-35.3: Fiduciary Agent.

The City of Lakewood shall remain the fiduciary agent of the SSMCP and remains responsible for all budgetary activities.

LU-35.4: Executive Leadership.

The City of Lakewood shall retain its membership on the SSMCP Executive Leadership Team (ELT). The ELT acts for and on behalf of the SSMCP Steering Committee when the Steering Committee is not in session. The SSMCP Steering Committee is the primary decision-making body of the organization. It provides broad oversight to the implementation of the recommendations, strategies and action items outlined in the Growth Coordination Plan and successor documents.

**GOAL LU-36:** Work with the SSMCP to develop a land acquisition program for the McChord North Clear Zone.

Policy

LU-36.1: Funding.

Identify potential funding sources and/or partnerships among public agencies, and/or private entities to leverage funds for property acquisition.

LU-36.2: Land Valuations.

Engage JBLM and Pierce County in determining land valuations and business relocation costs for properties and businesses.

LU-36.3: Joint Land Use study (JLUS) Implementation.

Using funds from the Office of Economic Adjustment (OEA), develop a strategy and plan to resolve encroachment in the McChord North Clear Zone (This policy is distinctly separate from Policy LU-36.2.)

LU-36.4: JBLM Land Swap.

Continue negotiations with JBLM to explore potential methods of financing the acquisition of privately held properties in the Clear Zone at the north end of McChord Field. One option under study is to surplus lands on JBLM and thereafter relocate existing private businesses located in the North Clear Zone to this new location.

Section 12. CPA-2016-09. Add a new figure to the Chapter 3, Land Use, of the Comprehensive Plan as shown in Exhibit H attached hereto.

Section 13. The Land Use Chapter, Chapter 3, of the Comprehensive Plan is amended to add a goal and related policies encouraging healthy food:

**GOAL LU-47:** Promote food security, food systems, local food production, and public health by encouraging locally based food production, distribution, and choice through urban agriculture, community gardens, farmers markets, and food access initiatives.

Policy:

LU-47.1: Allow community gardens as a permitted use in all residential zoning districts, particularly those high-density and mixed-use areas, to advance active lifestyles and healthy eating.

LU-47.2: Promote inter-agency and intergovernmental cooperation to expand community gardening opportunities.

LU-47.3: Support the development and adoption of joint-use agreements on publicly-owned sites or institutional facilities to allow gardens, distribution and sales.

LU-47.4: Prioritize underserved communities, including communities with “food deserts” e.g. lack of grocery stores, as areas for potential locations for community gardens, farmers markets, and local food access programs.

LU-47.5: Consider allowing alternative food retail models including temporary pop-ups, also known as flash retailing, and mobile markets.

LU-47.6: Develop and adopt a “healthy food policy” to encourage healthy food choices at city sponsored programs, meetings and events.

Section 14. Renumber existing GOAL 47 and related Policy LU-47.1 to GOAL 48 and Policy 48.1.

Section 15. Renumber existing GOAL 48 and related Policies LU-48.1, 48.2, 48.3, and 48.4, to GOAL 49 and related Policies LU-49.1, 49.2, 49.3, and 49.4.

Section 16. CPA-2016-10. Chapter 6, Transportation, of the Comprehensive Plan is amended to include a complete street goal and related policies as follows:

**GOAL T-10:** Ensure Lakewood’s transportation system is designed to enable comprehensive, integrated, safe access for all users of all ages and abilities including pedestrians, bicyclists, motorists, transit riders and operators, and truck operators.

Policy:

T-10.1: The Lakewood Engineering Design Standards is the primary vehicle for executing the Complete Streets Objective and should include standards for each roadway classification to guide implementation.

T-10.2: Context and flexibility in balancing user needs shall be considered in the design of all projects and if necessary, a deviation from the Lakewood Engineering Design Standards may be granted to ensure the Complete Streets Objective and supporting policies are achieved.

Section 17. CPA-2016-11. Chapter 10 of the Comprehensive Plan, titled “Sustainability” is created:

## **Chapter 10 Sustainability**

### **10.1 Introduction and Purpose**

Lakewood’s quality of life depends on the preservation and enhancement of its environment. The City recognizes the sensitive interface between the natural and built environments and as such will promote balanced and sustainable practices in the community in order to accommodate the needs of the present without compromising the ability of future generations to meet their needs.

In part, Lakewood’s Comprehensive Plan already encourages some sustainable practices. These practices and policies help ensure that the residents, businesses, and property owners live and function in a way that considers the livelihood of future generations. In addition to this theme of environmental stewardship, the sustainability chapter focuses on sustainable policies and guidelines directed toward the City’s human activities and built environment. This will be accomplished through the development of goals that will serve as important building blocks to future sustainable policies and implementation strategies which will assist Lakewood in feasibly obtaining those goals.

However, one of the more challenging aspects of meeting sustainability goals is that Lakewood is a mixed-service city. Water, power, sewers, and refuse services are provided by other public and private agencies. The City is constrained in its ability to have an effective sustainability program. To be successful, Lakewood must develop successful partnerships with local utility providers.

### **Sustainability and Decision Making**

**GOAL S-1:** Decision makers should have the knowledge and tools necessary to assess sustainability in their plans and decisions.

#### **Policy**

S-1.1: The City should consider sustainability in all decisions.

S-1.2: Decision makers should set an example for the rest of the city in its sustainability efforts.

## **Community Participation**

**GOAL S-2:** An informed and active community will be a cornerstone of the City's sustainability efforts.

### **Policy**

S-2.1: The community and community groups should assist in both the creation and implementation of the City's sustainability strategy program.

S-2.2: The City should promote community awareness, responsibility and participation in its sustainability efforts.

**GOAL S-3:** Conserve energy and reduce the amount of carbon dioxide released into the atmosphere.

### **Policy**

S-3.1: The City should evaluate energy use and carbon emissions and develop targets for conservation.

S-3.2: The community should work to become more efficient in our daily lives and our usage of resources.

## **Protection of Ecosystems**

**GOAL S-4:** Prevent the loss and damage of currently functioning or distressed habitats.

### **Policy**

S-4.1: Emphasis should be put on both the protection of current ecosystems, and the restoration of distressed or suffering ecosystems.

S-4.2: Maintain and care for the land and resources which we currently have, and preserve them for the benefit of both the environment and the community in the present, and in the future.

## **Improved Quality of Life and Sustainable Development**

**GOAL S-5:** Work towards creating an attractive, vibrant, and liveable community

### **Policy**

S-5.1: The City and Community should work towards creating an attractive, vibrant, and liveable community.

S-5.2: The City should continue supporting compact urban development in the central business district.

## Climate Change

**GOAL S-6:** Reduce greenhouse gas emissions within the City and mitigate impacts where reasonably feasible.

### Policy

S-6.1: Lakewood should take actions to both mitigate and adapt to climate change. Actions may include maximizing energy efficiency by increasing use of renewable energy resources, supporting green building initiatives, reducing greenhouse gas emissions of City vehicles, reducing motor vehicle miles travelled by improving convenience and safety of non-polluting transportation modes such as bicycling and walking, protecting and enhancing the natural landscape and vegetation, and support recycling and waste reduction.

S-6.2: Continue to partner with regional agencies and organizations to monitor, establish base lines, and take actions to reduce impacts of climate change.

### City Operations

**Goal S-7:** As a municipal corporation, Lakewood should take the lead in developing sustainable practices.

### Policy

S-7.1: Take an inventory of current City operation efforts that make progress toward sustainability and be frank about areas that need improvement.

S-7.2: Create a green team made up of representatives from the City and utility providers to propose recommendations and implementation measures for sustainable practices within all areas of City operations.

S-7.3: Establish goals for reduction of greenhouse gasses within all aspects of the City's operations including such things as a "no idle" policy, increasing the fuel efficiency of City fleet vehicles, and the conversion of vehicles that operate with environmentally sustainable alternative fuels.

S-7.4: Increase recycling efforts at multi-tenant buildings and schools.

S-7.5: Encourage employees to commute to work by alternative modes of transportation than single-car commuting.

S-7.6: Become paperless in City operations where feasible.

S-7.7: Measure the carbon footprint of City operations and take measures to reduce carbon emissions where feasible.

S-7.8: Modify the City’s operating procedures and annual budgets to implement the sustainability strategies found to be feasible.

S-7.9: Develop a sustainable urban forest management program through partnerships with local colleges.

S-7.10: Expand Lakewood’s street tree system by adding low maintenance trees, including native species, to alleviate greenhouse gas emissions.

Section 18. The current Chapter 10 of the Comprehensive Plan, titled “Implementation” is renumbered to read Chapter 11. All headings, sub-headings shall be renumbered from “10” to “11.”

### ***ZONING & PUBLIC WORKS CODE TEXT AMENDMENTS***

Section 19. CPA-2016-12. Section 18A.50.550 F. LMC is deleted as follows:

#### **A. Transit Support Facilities.**

1. For developments that generate a parking demand of greater than twenty (20) parking spaces, the developer shall fund the purchase and installation of one (1) or more transit shelters and/or other related transit support facilities as determined by the Community Development Director and Pierce Transit operational criteria, based on the size and nature of the use.
2. For developments that generate a parking demand of fewer than twenty parking spaces, the developer shall install a bench and a concrete pad adjacent to the sidewalk at a bus stop where at least five transit riders are expected to board buses on an average weekday, and a shelter shall be provided at a bus stop where at least ten (10) transit riders are expected to board buses on an average weekday.
3. Any single-family development with fifty to two hundred (50-200) units, or multi-family residential with thirty to one hundred (30-100) units that will be located on a street where regularly scheduled transit service is provided shall be required to provide a transit shelter with all required transit support facilities.
4. Any single-family development with over two hundred (200) units, or multi-family residential with over one hundred (100) units that will be located on a street where regularly scheduled transit service is provided shall be required to provide two (2) transit shelters with all required transit support facilities.
5. Transit facilities shall be sited in accordance with the requirements of Pierce Transit and this title. Transit shelters and related facilities shall be provided for transit stops that are located adjacent to or within six hundred (600) feet of the development site on each

side of the street that has a transit route. This requirement may be waived when Pierce Transit has determined that current and projected ridership do not warrant the installation of a shelter within the six hundred (600) foot distance.

6. When a transit shelter is required to be installed, a concrete pad, seating, garbage receptacles, and lighting shall also be provided. When a transit shelter is not required to be installed, transit stops shall include design features or changes in materials that demarcate the stop.

7. Transit pullouts shall be provided as an element of street improvements if Pierce Transit and the City determine that a pullout is necessary to provide a safe refuge for transit vehicles or to minimize conflicts with other vehicles.

B. Mixed Occupancies. In the case of two (2) or more uses in the same building or on the same site, the total requirements for off-street parking facilities shall be the sum of the requirements for all of the uses calculated separately. Off-street parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in LMC 18A.50.540.E and F.

C. Parking Incentives.

1. When residential uses are combined with commercial or industrial uses in the same building, parking requirements may be reduced by twenty (20) percent, except when located within the CBD or TOC zoning districts for which parking requirements are reduced by thirty five (35) percent.

2. A structured parking space shall count as one and one-fourth (1.25) parking spaces towards the required number of parking spaces.

3. When affordable housing is constructed pursuant to LMC 18A.50.700, Housing Incentives Program, the parking space requirements shall be calculated employing any available modifications based upon LMC 18A.50.750(B).

D. Shared Use Parking. Joint use of required parking spaces may be permitted where two (2) or more uses on the same site or separate sites in close proximity to one another are able to share the same parking spaces because their parking usage does not materially overlap (e.g. uses primarily of a daytime vs. night time, or weekday vs. weekend nature). Shared parking shall be legally encumbered and shall meet all of the applicable standards of this section pursuant to LMC 18A.50.550.F, Off-Site Parking.

E. Off-Site Parking. Joint use of required parking spaces may be authorized by the Community Development Director if the following documentation is submitted in writing to the Community Development Department:

1. The names and addresses of the owners and/or tenants that are sharing the parking.

2. The uses that are involved in the shared parking.
3. The location and number of parking spaces that are being shared.
4. An analysis showing that the peak parking times of the uses occur at different times and/or that the parking area will be large enough for the anticipated demands of both uses.
5. A legal instrument such as an easement or deed restriction that guarantees continuing access to the parking for both uses which shall be subject to review and approval by the Community Development Director and the City Attorney.

~~F. Satellite Parking Lots. Satellite parking lots may be allowed upon approval of an administrative use permit by the Community Development Director. Satellite lots may operate for a total of six (6) months during any calendar year and shall only be located in commercial zones within one-half (1/2) mile of the sending site. Satellite parking lots may be permitted for a maximum of five (5) years from initiation of the parking site. The design and layout of satellite parking lots shall comply with the following standards:~~

- ~~1. Paving of satellite parking lots shall be two (2) inches of asphalt over compacted soil, or other surface as approved by the City Engineer.~~
- ~~2. Satellite parking lots shall be improved with curbs, gutters, sidewalks, street trees, and stormwater drainage systems.~~
- ~~3. Access to such lots shall be secured by chain or cable, with posts a minimum of three (3) feet in height, solidly built. At a minimum, posts shall consist of four (4) inch by four (4) inch wood or equivalent metal posts a minimum of one and one-half (1-1/2) inches in diameter securely set in the ground and placed no more than four (4) feet apart. The posts shall be connected with at least one (1) strand of one-half (1/2) inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Satellite lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day.~~
- ~~4. Satellite parking lots shall have Type I, Perimeter Landscaping along all property lines, and Type II, Streetscape Landscaping along the public rights-of-way. Landscaping shall be protected from vehicle and pedestrian damage by concrete curbs. Wheel stops may be required as specified in 18A.50.530.F, as determined by the Community Development Director.~~
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the

~~parking lot and shall not exceed twelve (12) square feet and six (6) feet in height. Signs shall be removed from the site after each seasonal usage period.~~

~~6. Automatic entry devices or fee collection points shall be set back a minimum of sixty (60) feet from the public right-of-way, or shall provide for queuing lanes at a distance recommended by the City Engineer and approved by the Community Development Director.~~

~~7. An attendant shall be on duty at all times during business hours of seasonal parking lots.~~

~~8. An approved fire extinguisher shall be provided on the premises during business hours.~~

~~9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot.~~

~~10. Prior to approval of an application for any satellite parking lot, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of one million (1,000,000) dollars per occurrence shall be filed with the City. A hold harmless agreement holding the City harmless shall also be filed with the City Attorney.~~

~~11. Subsequent to approval of an application for any satellite parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall be inspected and approved by the Community Development Director prior to issuance of an Authorization to Operate.~~

Section 20. CPA.2016-13. Section 18A.2.810 A. 5. is deleted as follows:

18A.2.810- Applicability - Nonconformities

A. This section shall apply to legally existing nonconformities, except the following:

1. Nonconforming signs as defined in LMC 18A.50.600, Signs, which shall instead be governed by standards set forth in that section.
2. Nonconforming wireless telecommunications facilities as defined in LMC 18A.70.600, Wireless Telecommunications Facilities, which shall instead be governed by standards set forth in that section.
3. Nonconforming mobile home parks as defined in LMC 18A.70.400, Manufactured Home Parks, which shall instead be governed by standards set forth in that section.

4. Permit applications at the time of this title's passage that constitute vested development as defined in LMC 18A.02.350, Vested Rights, which shall instead be governed by standards set forth in that section. Future plans to further develop property shall not constitute a basis for nonconformity status, whether or not documented in public record, except when they constitute a vesting. Nothing in this section shall be construed to require a change in plans, construction, or intended use related to vested development, though it may thereafter be regulated as a nonconformity.

~~5. Public/institutional uses previously within the Public/Semi-Public Institutional future land use designation and Public Institutional zoning district which have been redesignated and rezoned in anticipation of surplus sale or other action intended to result in ownership transition to a non-public entity. Existing uses shall be considered conforming for regulatory purposes until the ownership transfer is complete.~~

Section 21. CPA-2016-14. Section 18A.30.640. A and Section 18A.30.650.A are amended as follows:

#### 18A.30.640- Administrative Uses - Industrial Zoning Districts

The following uses are permitted within the Industrial zoning districts, subject to approval of an administrative use permit and all applicable development permits:

##### A. Industrial Business Park (IBP)

1. Pipelines
2. Bulk Fuel Dealers
3. Motor Vehicle Service and Repair (Level 4)
4. Pet Sales and Services (Level 3)
5. Secondary Manufacturing and Major Assembly (Level 2)
6. Research, Development, and Laboratories (Level 3)
7. Warehousing, Distribution, and Freight Movement (Level 3)

#### 18A.30.650- Conditional Uses - Industrial Zoning Districts

The following uses are permitted within the Industrial zoning districts, subject to approval of a conditional use permit and all applicable development permits:

##### A. Industrial Business Park (IBP)

1. Outdoor Recreation (Level 4)

2. Public Maintenance Facilities (Level 3)
3. Public Safety Services (Level 1/2)
4. Transportation (Level 4)
5. Electrical Generation Facilities
6. Sewage Treatment Facilities
7. Stormwater Facilities (Level 3)
8. Amusement and Recreation (Level 4)
9. Contractor Yards (Level 2)
10. Warehousing, Distribution, and Freight Movement (Level 3)

Section 22. CPA-2016-15. Section 18A.50.420 (A.) (20.) is amended as follows:

20. Landscape areas adjacent to required biofiltration systems that do not exceed one to three (1:3) slope may be counted toward a portion of any required landscaping areas if they meet the following:

- ~~a. Landscaping shall not be permitted within the treatment area of a biofiltration system. The chosen vegetation shall not result in any disruption of bioswale functions at any time.~~
- a. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of storm water systems and plant species and location are subject to approval of the City Engineer and Community Development Director.

Section 23. CPA-2016-16. Section 18A.40.500 LMC which is title-only, uncaptioned “Planned Unit Development” is created.

Section 24. Section 18A.40.510 LMC entitled “Purpose” is created to read as follows:

18A.40.510- Purpose - Planned Unit Development

A Planned Unit Development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety and welfare. A Planned Unit Development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, protection of critical areas and critical area buffers, the use of low impact development techniques, conservation of energy, and efficient utilization of open space.

Section 25. Section 18A.40.520 LMC entitled “Application for a Planned Unit Development (PUD)” is created to read as follows:

A. A PUD is a Process III application type and subject to all the procedural requirements applicable to this application type.

B. An application for approval of a PUD shall be submitted to the community development department on forms provided by the department along with established fees. For those Planned Unit Developments that include the division of land, a PUD application shall only be accepted as complete if it is submitted concurrent with an application for preliminary plat approval that includes all information required pursuant to Chapter 17 LMC and other applicable city regulations. Twenty-five copies of all associated application materials must be submitted in hard copy format. Digital application materials (e.g., CD copies) may fulfill a portion of the required hard copy applications as approved by the city.

An applicant for a PUD shall submit the following items to the City, unless the director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

1. A detailed narrative that includes:
  - a. A description detailing how the proposed development will be superior to or more innovative than conventional development methods as allowed under the city’s land use regulations and how the approval criteria set forth in 18A.40.540 LMC have been satisfied;
  - b. A description of how the proposed PUD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
  - c. A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
  - d. A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
  - e. A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
  - f. Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;
  - g. A description of the specific city standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with LMC 19.66.050; and

h. A description of potential impacts to neighbouring properties and how impacts have been mitigated through site design, screening, buffering and other methods;

2. A site plan with the heading “Planned Unit Development Site Plan” that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

3. Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;

4. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PUD site plan and narrative;

5. A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

6. A draft development agreement, if proposed by the applicant or as required by the city; and

7. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.

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

D. Notice of application shall be provided pursuant to LMC 18A.02.670.

Section 26. Section 18A.40.530 LMC entitled “Public hearing – Planned Unit Development” is created to read as follows:

A. The Hearing Examiner shall hold an open record public hearing on any proposed conditional use and shall give notice thereof in accordance with the procedures established pursuant to LMC 18A.02.700.

B. The hearing shall be conducted in accordance to the requirements of LMC 18A.02.720.

Section 27. Section 18A.40.540 LMC entitled “Required findings – Planned Unit Development” is created to read as follows:

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

A. The PUD is consistent with the Comprehensive Plan; and

B. The PUD, by the use of permitted flexibility and variation in design, is a development practice that results in better urban design features than found in traditional development. Net benefit to the City may be demonstrated by one or more of the following:

1. Placement, type or reduced bulk of structures, or
2. Interconnected usable open space, or
3. Recreation facilities, or
4. Other public facilities, or
5. Conservation of natural features, or
6. Conservation of critical areas and critical area buffers beyond, or
7. Aesthetic features and harmonious design, or
8. Energy efficient site design or building features, or
9. Use of low impact development techniques.

C. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development and the PUD will be served by adequate public or private facilities including streets, fire protection, and utilities; and

D. The perimeter of the PUD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and

E. Landscaping within and along the perimeter of the PUD is superior to that required by LMC 18A.50.425-430, and landscaping requirements applicable to specific districts contained in LMC 18A.50.430, and enhances the visual compatibility of the development with the surrounding neighborhood; and

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

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

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

- I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets; and
- K. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and
- L. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

Section 28. Section 18A.40.550 LMC entitled “Action of hearing examiner – Planned Unit Development is created to read as follows:

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

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

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
2. Establish a special yard or other open space or lot area or dimension.
3. Limit the height, size or location of a building or other structure.
4. Designate the size, number, location or nature of vehicle access points.
5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
6. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
7. Limit or otherwise designate the number, size, location, and height of lighting of signs.
8. Limit the location and intensity of outdoor lighting or require its shielding.
9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
10. Design the size, height, location or materials for a fence.

11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
12. Require provisions for public access, physical and visual, to natural, scenic and recreational resources.
13. Require provisions for stormwater drainage including designating the size, location, screening, or other improvements of detention ponds and other facilities
14. Impose special conditions on the proposed development to ensure that development is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification.
15. Require such financial guarantees and evidence that any applied conditions will be complied with.

C. The decision of the Hearing Examiner is considered final and conclusive by the City.

Section 29. Section 18A.40.560 LMC entitled “Minimum size” is created to read as follows:

Planned unit developments may be located on lots of two (2) acres or greater; when necessary, the applicant must demonstrate the preservation of a significant natural feature (examples: wetlands, tree preservation, creeks and steep slopes), enhanced urban design, or amenity by the use of the planned unit development process.

Section 30. Section 18A.40.570 LMC entitled “Permitted modifications” is created to read as follows:

A. All zoning, site development, and subdivision requirements may be modified in a planned unit development in the interest of the expressed purposes above except:

1. Permitted uses, administrative, and conditional uses;
2. Street setbacks on exterior streets in residential zones;
3. Surveying standards; and
4. Engineering design and construction standards of public improvements but not including street right-of-way width.

Section 31. Section 18A.40.580 LMC entitled “Permitted residential density and lot sizes” is created to read as follows:

A. The number of dwelling units permitted in a planned unit development may exceed the development standards found in LMC 18A.30.160. The permitted density shall be the maximum number of dwelling units allowed per gross acre (dua) and shall be as follows:

1. R1 zoning district: 2 dua;
2. R2 zoning district: 4 dua;
3. R3 zoning district: 7 dua;
4. R4 zoning district: 9 dua.

B. The minimum lot sizes for the Residential zoning districts subject to the planned unit development overlay shall be as follows:

1. R1 zoning district: 20,000 gsf;
2. R2 zoning district: 10,000 gsf;
3. R3 zoning district: 6,000 gsf;
4. R4 zoning district: 4,800 gsf.

C. The residential density and lot size standards of all other zoning districts are not subject to change.

Section 32. Section 18A.40.590 LMC entitled “Required open space and recreation facilities” is created to read as follows:

In planned unit developments, 20 percent of the net development area shall be established as open space and/or planned unit development community recreation facilities. Upon approval of the hearing examiner, up to five percent of the unbuildable land may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for a specified recreational purpose.

Section 33. Section 18A.40.600 LMC entitled “Multiple zoning districts” is created to read as follows:

If a planned unit development is proposed within two or more zoning districts, the maximum number of dwelling units will be the total allowed in each zone combined. The permitted land uses of the more restrictive zone shall apply to the entire planned unit development.

Section 34. Section 18A.40.610 LMC, entitled, “Binding site plan” is created to read as follows:

A binding site plan is required for all planned unit developments and shall include:

- A. All information required on a preliminary plat;
- B. The location of all proposed structures;

C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, and the installed and mature height of all vegetation;

D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

E. Inscriptions or attachments setting forth the limitations and conditions of development;

F. An outline of the documents of the owners' association, bylaws, deeds, covenants and agreements governing ownership, maintenance and operation of the planned unit development shall be submitted with the binding site plan. Planned unit development covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The city may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce association-related documents; and

F. The provisions ensuring the development will be in conformance with the site plan.

Section 35. Section 18A.40.620 LMC, entitled, "Phased development" is created to read as follows:

If a planned unit development is planned to be completed in more than two years from the date of preliminary plat/site plan approval, the planned unit development will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The binding site plan for each phase shall be approved separately. Each division of development in a multiphase planned unit development shall meet all the requirements of a planned unit development independently.

Section 36. Section 18A.40.630 LMC, entitled, "Required certificates and approvals" is created to read as follows:

Binding site plans shall include all the required certificates of a final plat. PUDs shall be subject to design review in accordance with LMC 18A.50.200-241.

Section 37. Section 18A.40.640 LMC, entitled, "Expiration" is created to read as follows:

Approval of a binding site plan expires unless recorded by the county auditor within three years from the date of approval. An applicant who files a written request with the city clerk within 30 days of the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the site plan.

Section 38. CPA-2016-17. Section 18A.30.530 (A.) (1.) and 18A.30.540 (A.) are amended as follows:

#### 18A.30.530- Primary Permitted Uses- Commercial Zoning Districts

The following uses are permitted within the Commercial zoning districts, subject to approval of a zoning certification and all applicable development permits:

##### A. TOC Zoning District

1. Multifamily Dwelling (Level 2/3)
2. Assisted Living Facilities
3. Nursing Home
4. Community and Cultural Services (Level 1/2/3)
5. Daycare Facilities (Level 1/2)
6. Health Services
7. Outdoor Recreation (Level 1/2)
8. Postal Services (Level 1/2)
9. Public Maintenance Facilities (Level 1/2)
10. Religious Assembly (Level 1/2/3)
11. Social Services (Level 1/2)
12. Transportation (Level 1/2/3)
13. Communication Facilities (Level 1/2)
14. Electrical Facilities (Level 1)
15. Natural Gas Facilities (Level 1)
16. Sewage Collection Facilities
17. Stormwater Facilities (Level 1)
18. Waste Transfer Facilities (Level 1)
19. Water Supply Facilities (Level 1)
20. Amusement and Recreation (Level 1/2/3/4)
21. Business Services
22. Convenience Commercial (Level 1)
23. Eating and Drinking Establishment (Level 1/2/3/4)
24. Food Stores (Level 1/2)
25. Lodging (Level 3)
26. Motor Vehicle Services and Repair (Level 1/2)
27. Personal Services (Level 1/2)
28. Professional Offices (Level 1/2/3)
29. Sales of General Merchandise (Level 1/2/3)
30. Civic Accessory Uses
31. Commercial Accessory Uses

#### 18A.30.540- Administrative Uses- Commercial Zoning Districts

The following uses are permitted within the Commercial zoning districts, subject to approval of an administrative use permit and all applicable development permits:

##### A. TOC Zoning District

- 1. Multifamily Dwelling (Level 2)
- ~~1-2.~~ Type 2 Group Home (Level 3)
- ~~2-3.~~ Drive-Through Facilities
- ~~3-4.~~ Motor Vehicle Sales and Rental (Level 1/2/3)

Section 39. Remainder Unchanged. The rest and remainder of Title 18A of the Lakewood Municipal Code and the Comprehensive Plan Future Land-Use and Zoning Maps shall be unchanged and shall remain in full force and effect.

Section 40. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 41. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after final passage.

ADOPTED by the city council of the City of Lakewood this TO BE DETERMINED DATE.  
(November 2016)

CITY OF LAKEWOOD

\_\_\_\_\_  
Don Anderson, Mayor

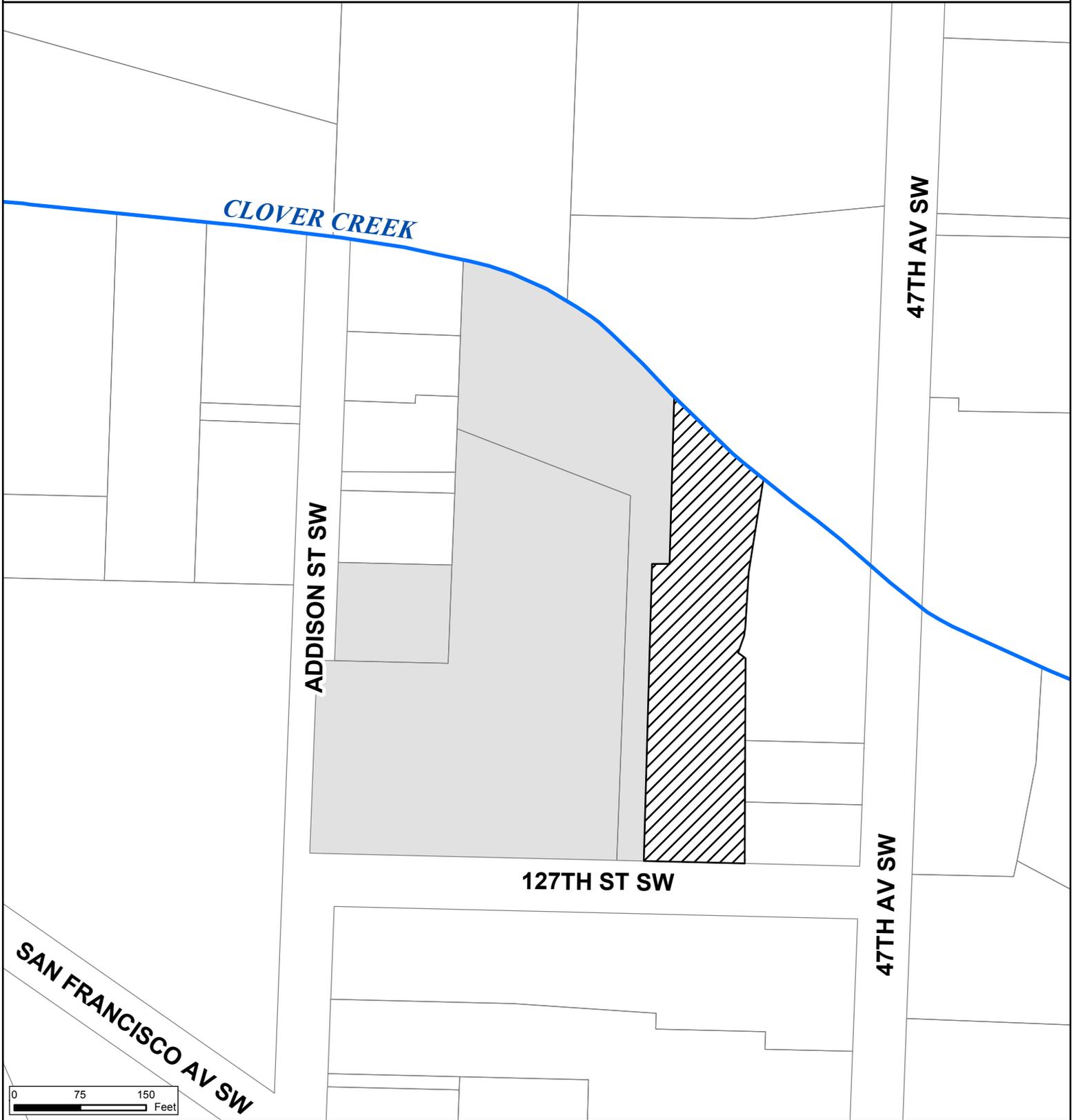
Attest:

\_\_\_\_\_  
Alice M. Bush, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney

# Exhibit A



Map Date: May 23, 2016

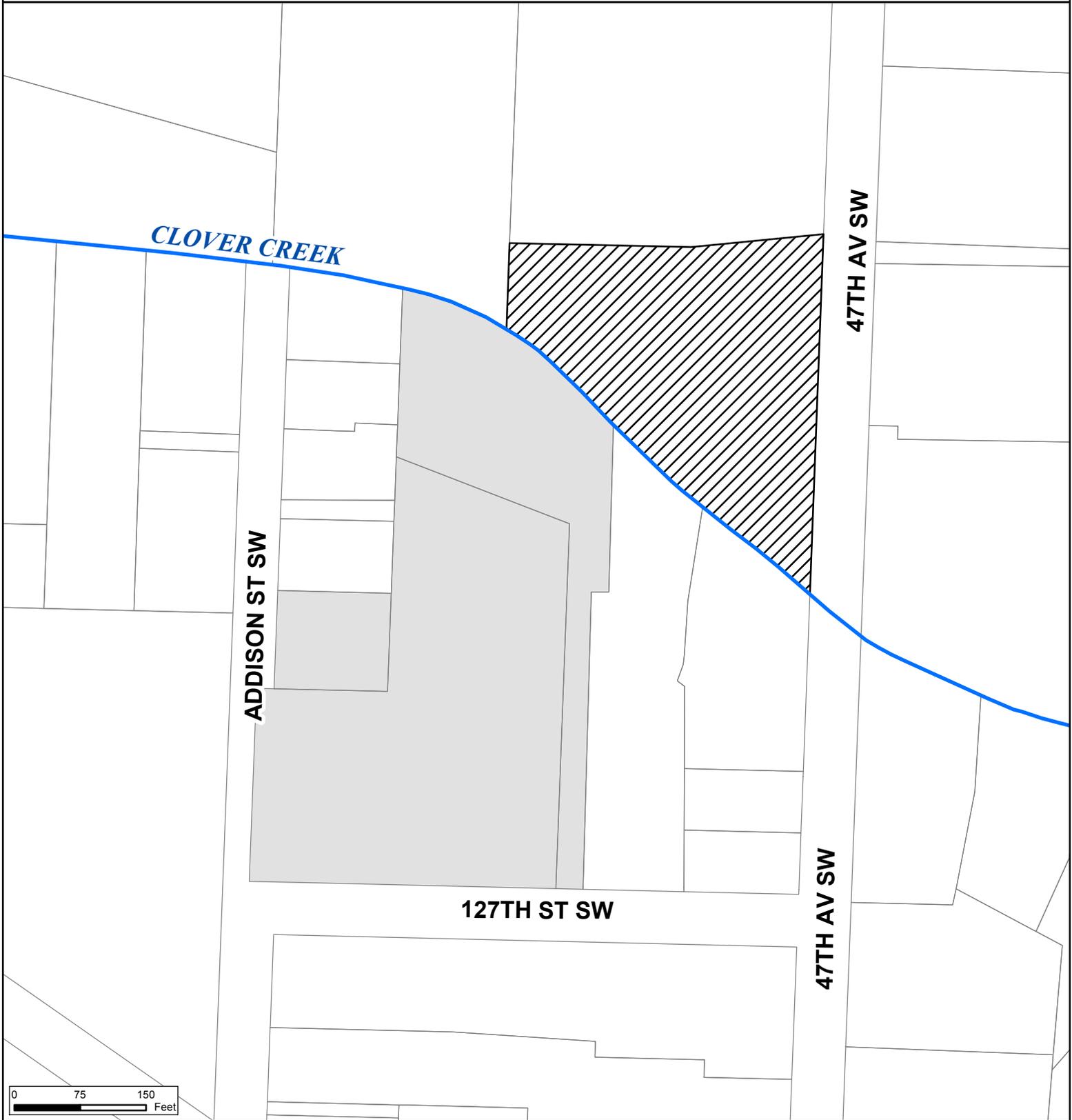
\\Projects\CD\CompPlan\Amendments\2016\Exhibit A.mxd

-  Tax Parcel 0219123015
-  Springbrook Park
-  Tax Parcel

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.

071

# Exhibit B



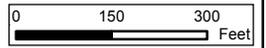
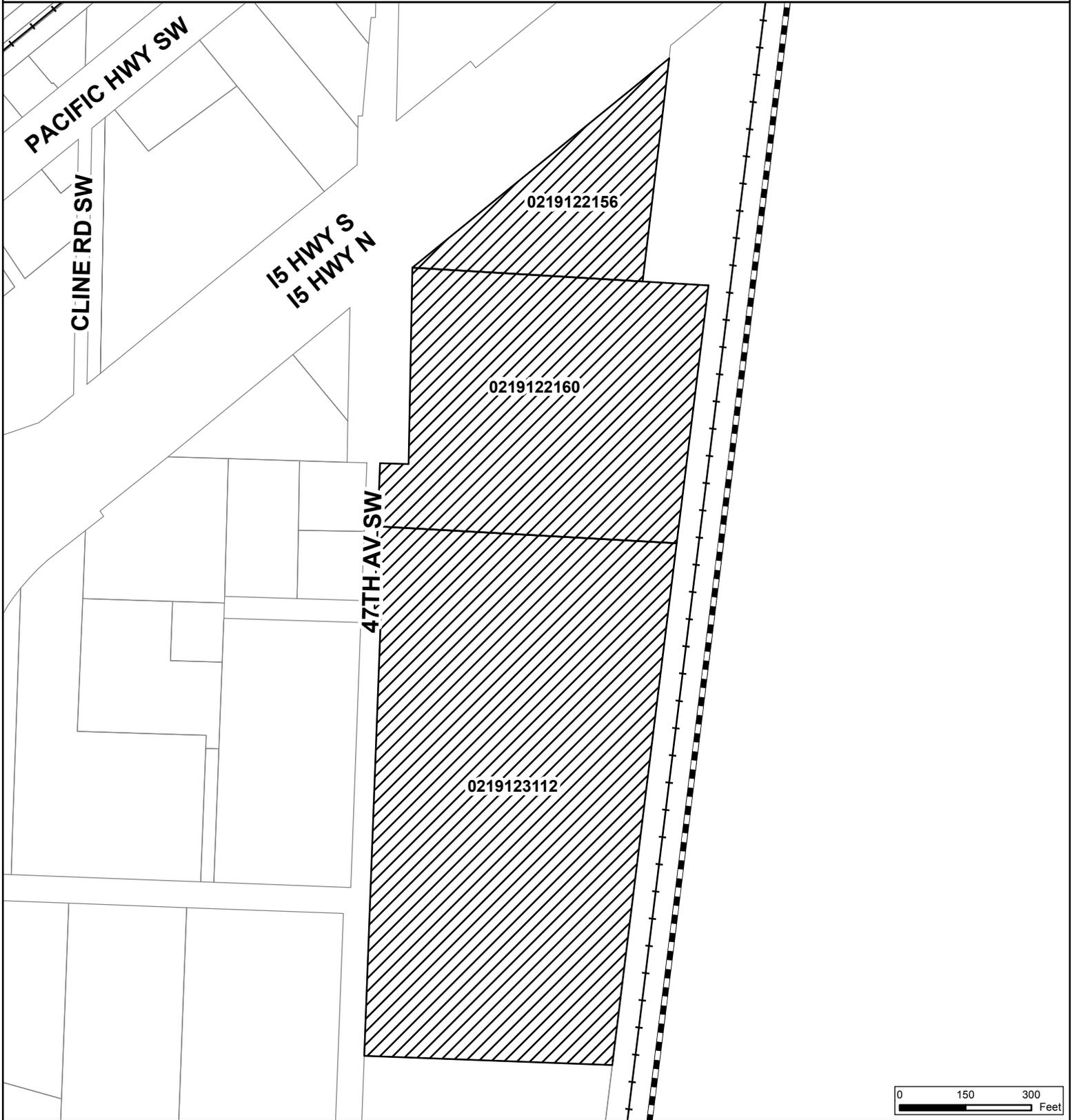
-  Tax Parcel 0219123082
-  Springbrook Park
-  Tax Parcel

Map Date: May 27, 2016

\\Projects\CD\CompPlan\Amendments\2016\Exhibit B.mxd

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.

# Exhibit C



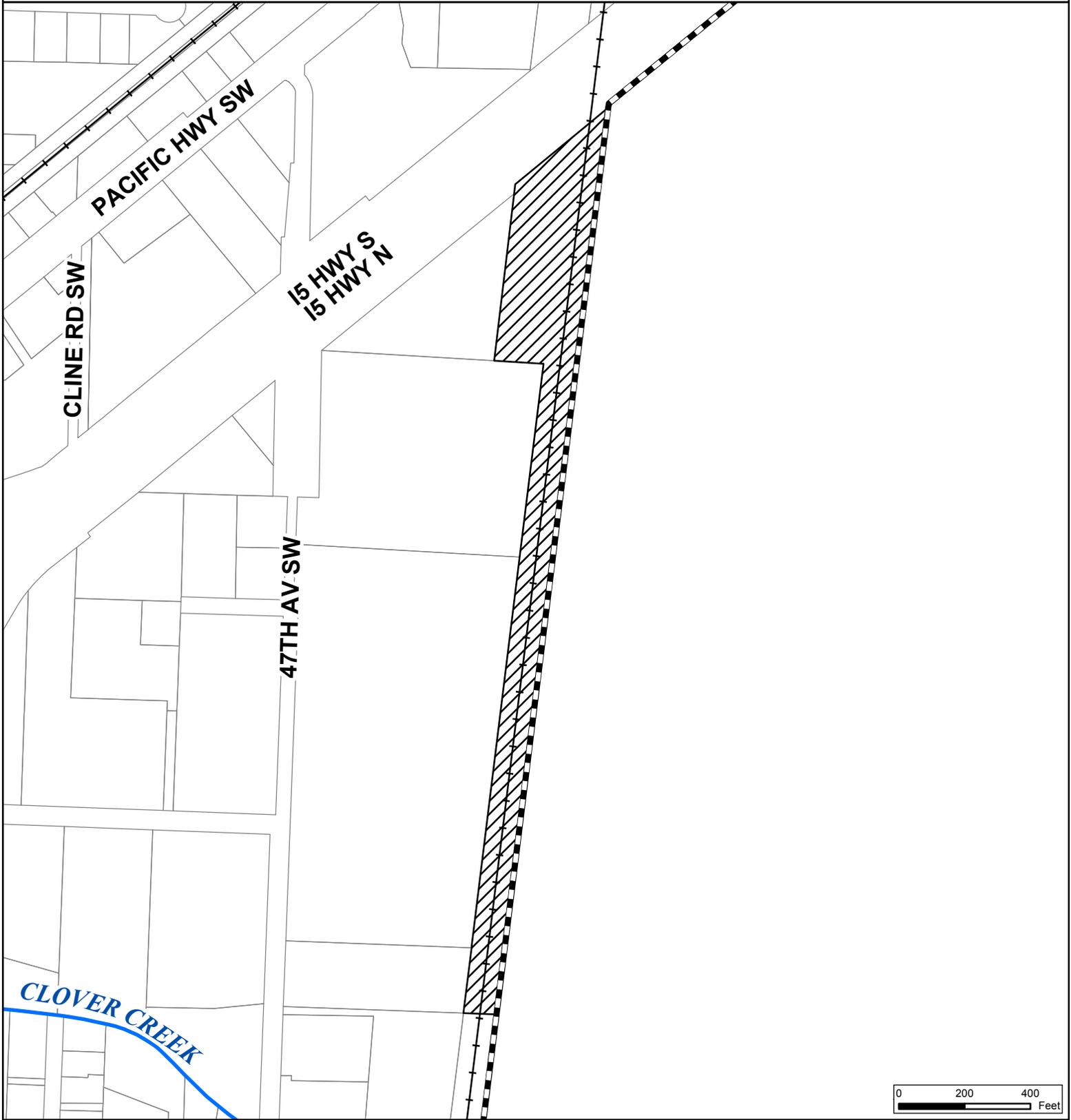
Map Date: May 27, 2016

-  Tax Parcels 0219122156, 0219122160, 0219123112
-  Tax Parcel
-  Railroad Track
-  Lakewood City Limit

\\Projects\CD\CompPlan\Amendments\2016\Exhibit C.mxd

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.

# Exhibit D



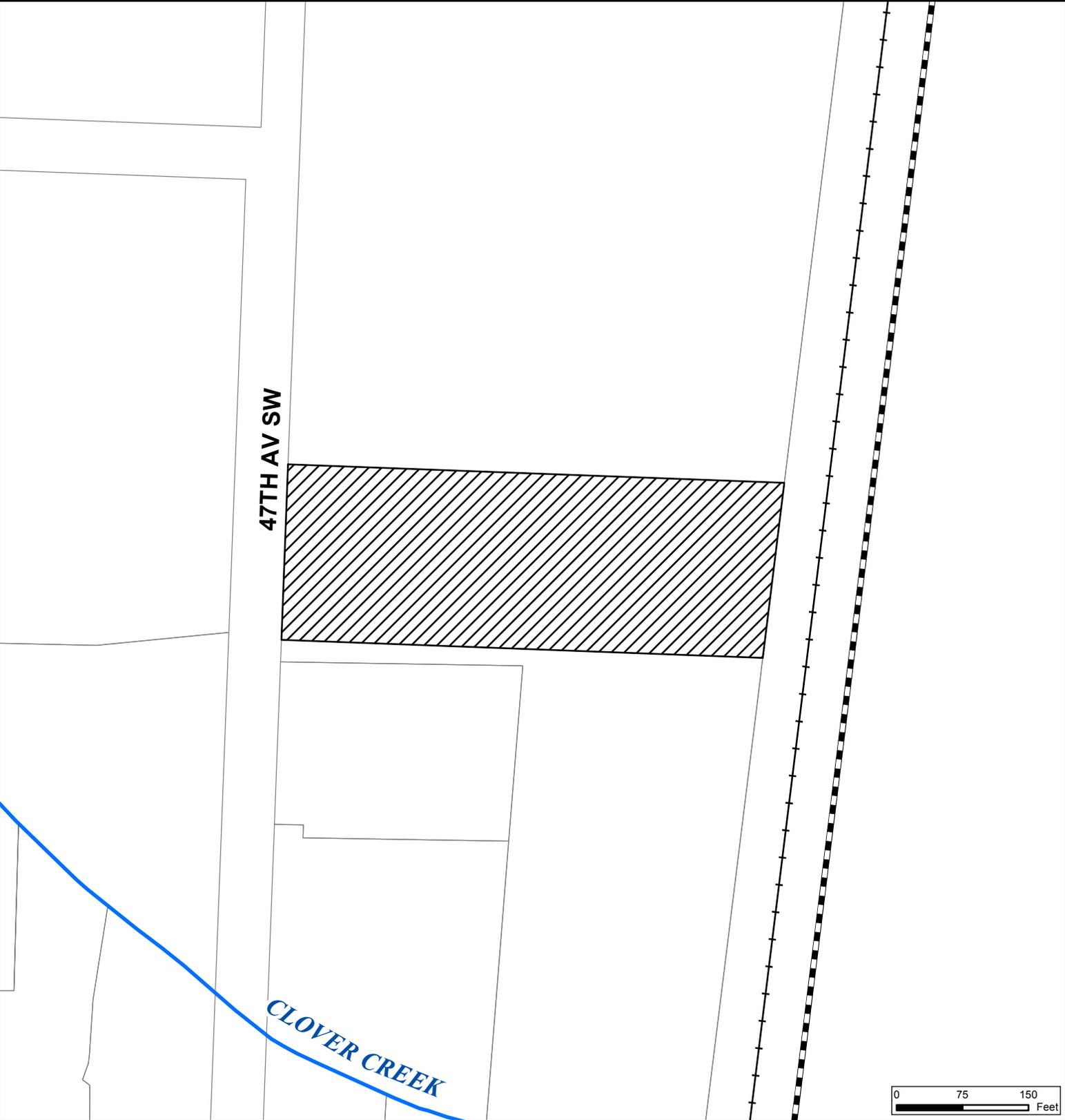
Map Date: June 02, 2016

\\Projects\CD\CompPlan\Amendments\2016\Exhibit D.mxd

-  **BNSF Property**
-  Tax Parcel
-  Railroad Track
-  Lakewood City Limit

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.

# Exhibit E



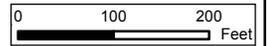
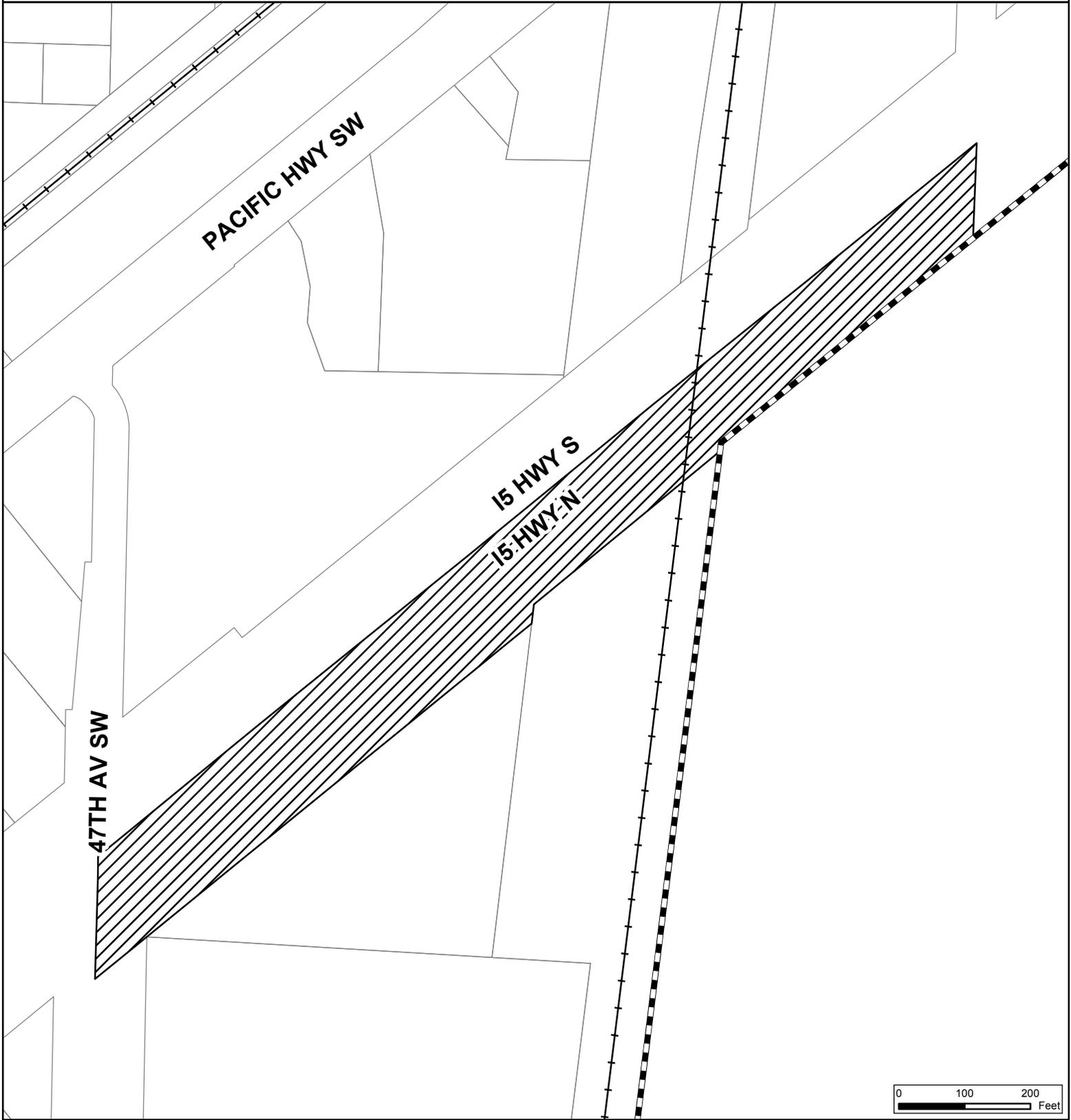
- Tax Parcel 0219123046
- Tax Parcel
- Railroad Track
- Lakewood City Limit

Map Date: May 27, 2016

\\Projects\CD\CompPlan\Amendments\2016\Exhibit E.mxd

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.

# Exhibit F



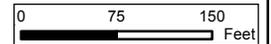
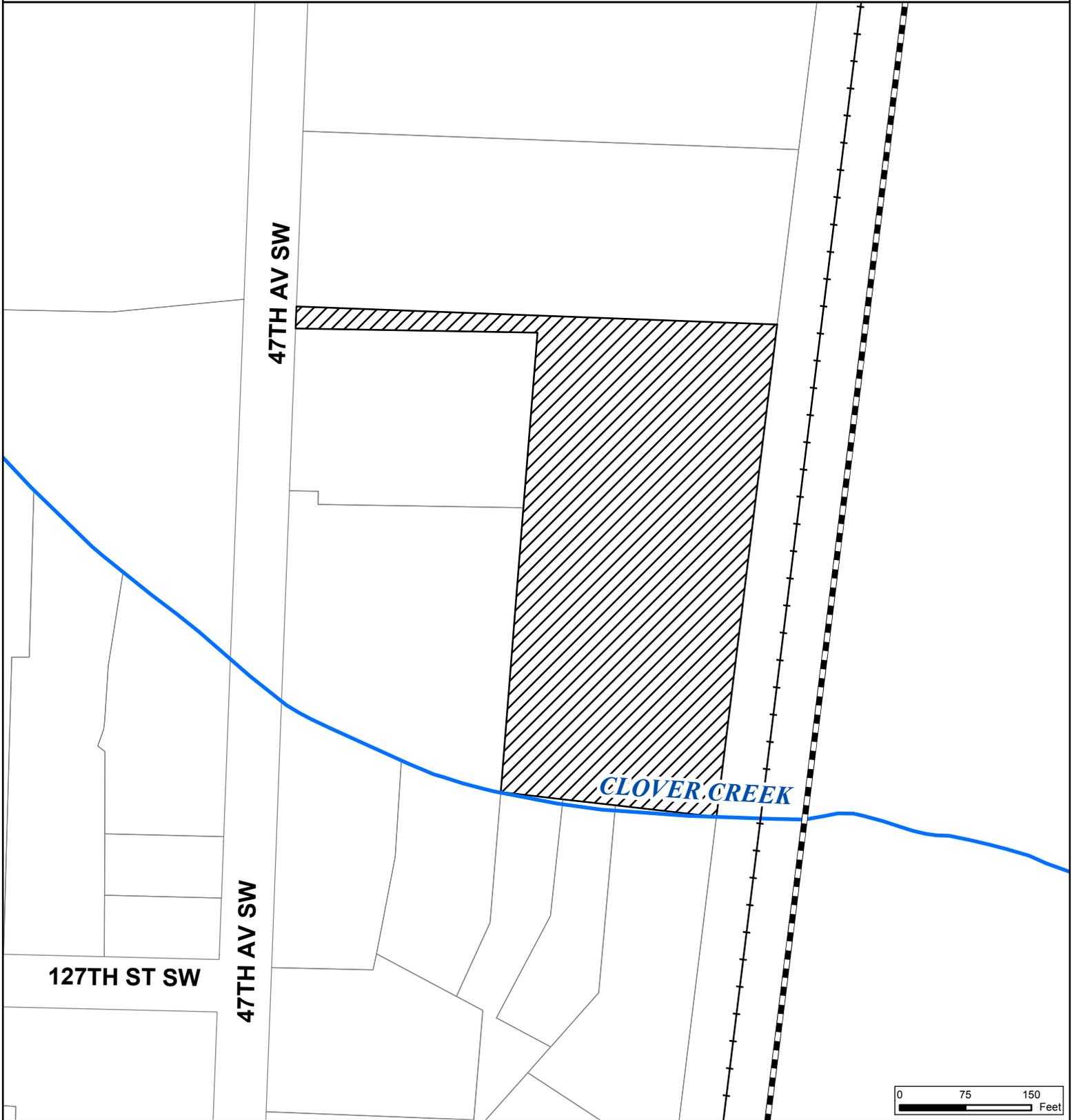
Map Date: May 27, 2016

-  **WSDOT I-5 Right-of-Way**
-  Tax Parcel
-  Railroad Track
-  Lakewood City Limit

\\Projects\CD\CompPlan\Amendments\2016\Exhibit F.mxd

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.

# Exhibit G



Map Date: May 31, 2016

-  Tax Parcel 0219123116
-  Tax Parcel
-  Railroad Track
-  Lakewood City Limit

\\Projects\CD\CompPlan\Amendments\2016\Exhibit G.mxd

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: Tho Kraus, Assistant City Manager/Administrative Services  
 Through: John J. Caulfield, City Manager *John J. Caulfield*  
 Date: October 24, 2016  
 Subject: 2017 Proposed Fee Resolution

---

**Background**

On an annual basis, the proposed fee schedule for the upcoming year is presented to the City Council for consideration and approval.

**Proposed Changes**

The following changes in red are proposed for the 2017 fee schedule:

Fee Type	Fee Amount
<b>A. Copies/Duplication/NWFT Fees</b>	
Non Sufficient Funds (NSF) Fee	\$25.00

*Add NSF Fee to cover the bank assessed NSF fee plus administrative costs.*

Fee Type	Fee Amount
<b>C. PLANNING AND DEVELOPMENT FEES</b>	
<b>Appeals &amp; Reconsiderations</b>	
Appeal of SEPA Determination	\$450.00 <del>plus \$1,000.00 hearing-examiner deposit</del>
<b>Other Fees</b>	
Written Zoning Determination by the Assistant City Manager for Development Services <del>request for written determination by the Community</del>	\$50.00
<del>to requests for a written determination by the</del>	<del>\$50.00</del>
Reasonable Use Exception <del>other than residential (RUE)</del>	\$1,840.00 plus \$500.00 hearing examiner costs

*Remove portion of the appeal of SEPA determination fee that is not charged but was not removed from the previous fee resolution, correct description for written zoning determination; eliminate fee line error; and added clarification and acronym to reasonable use exception fee.*

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>Special Use Permit*</b>	
	Small events <del>(100-200 guests)</del>	\$200.00
	Large events <del>(201-500 guests)</del>	\$500.00
	Major events <del>(over 500 guests)</del>	\$1,000.00

Remove the number of guests for determining the cost of a special use permit. When some customers apply for a special use permit, they look at the fees and give inaccurate estimates to reduce their fees. There are many factors that go into determining an event fee and the number of guests is just one. Removing the numbers of guests would provide the City with some flexibility in determining the appropriate fee to charge.

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>Alcohol Permit Fee</b>	
	Small events <del>(100-200 guests)</del>	\$200.00
	Large events <del>(201-500 guests)</del>	\$500.00
	Major events <del>(over 500 guests)</del>	\$1,000.00

A special use permit is required in order to obtain an alcohol permit. These two go hand in hand. So whatever the special use permit fee is determined to be, that is what the alcohol permit would be. When some customers apply for a special use permit, they look at the fees and give inaccurate estimates to reduce their fees. There are many factors that go into determining an event fee and the number of guests is just one. Removing the numbers of guests would provide the City with some flexibility in determining the appropriate fee to charge.

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>Lakewood Senior Activity Center</b>	
	Rainier Room	
	<del>-Half of room (Section A or B)</del>	<del>\$25.00 per hour</del>
	- Full room (Sections A and B)	<del>\$50.00-\$65.00 per hour</del>
	<del>Seeley Lake Room Classroom</del>	<del>\$20.00-\$30.00 per hour</del>
	<del>Lakewood Room Artroom</del>	<del>\$15.00-\$30.00 per hour</del>

The City does not have the flexibility to separate the Rainier Room into half a room so the fee for half of a room is not relevant. The Seeley Lake and Lakewood room names have been changed to Classroom and Artroom, respectively, to coincide with what they are called at the senior center. The proposed changes reflect the appropriate fees to cover the cost.

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>Boat Launch</b>	
	Per launch <del>(Credit/Debit Cards Only)</del>	\$15.00

Payment for boat launch is limited to credit and debit cards only. The change was made to increase efficiency, reduce cost and minimize risk.

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>Fort Steilacoom Park</b>	
	<b>Large Picnic Shelter</b>	
	<b>Small Picnic Shelter</b> <i>(near playground)</i>	
	<b>Sport Soccer and Baseball Field Use Fees</b>	

The City is building a new shelter near the lake. The proposed change emphasizes which fee goes with which shelter. Also, the fields are used for other sports such as lacrosse, flag football and Gaelic football. The change to the title makes the field use more generic and covers such sports.

	Fee Type	Fee Amount
<b>G.</b>	<b>PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
	<b>Parks, Recreation &amp; Community Services</b>	
	<b>McGavick Center Facility Use/Rental</b>	
	Non-profit organizations may rent the entire facility for a flat fee of <del>\$1,000.00</del> \$1,500.00. The City's available days for rental/use are limited in number each year.	

The fee increase for use of the McGavick Center more closely reflects the actual cost of the use of the facility. It has been several years since rates were last increased. Future increases in rental fees will take place when the Clover Park Technical College increases its rental fees.

	Fee Type	Fee Amount
<b>I.</b>	<b>BUSINESS LICENSE FEE SCHEDULE</b>	
	<del>Rental Housing Complex License</del>	<del>\$53.00</del>

Remove rental housing complex license fee that the City is currently not charging.

	Fee Type	Fee Amount
<b>J.</b>	<b>RENTAL HOUSING SAFETY PROGRAM - To Be Determined</b>	
	<b>Community &amp; Economic Development</b>	

Add fees related to rental housing safety program, proposed fees to be determined.

**Attachments:**

- 2017 Proposed Fee Resolution

**Next Steps:**

- November 21, 2016 – Adopt 2017 Fee Resolution

RESOLUTION NO. 2016-XX

A RESOLUTION of the City Council of the City of Lakewood, Washington, setting the City of Lakewood Fee Schedule for 2017.

WHEREAS, in connection with the municipal functions and operations of the City of Lakewood, the City requires certain fees; and

WHEREAS, it is appropriate to review such fees and make adjustments to appropriately address cost; and

WHEREAS, in keeping with the philosophy of setting City fees in amounts reflective of actual costs, it is appropriate at this time to revise certain fees to compensate the City for costs associated with various City functions and facilities; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

Section 1. That the 2017 Fee Schedule of the City of Lakewood is adopted as set forth in Exhibit A.

Section 2. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

Section 3. This Resolution shall be in full force and effect January 1, 2017.

PASSED by the City Council this 21st day of November, 2016.

CITY OF LAKEWOOD

---

Don Anderson, Mayor

Attest:

---

Alice M. Bush, MMC, City Clerk

Approved as to Form:

---

Heidi A. Wachter City Attorney

**EXHIBIT A**  
**2017 PROPOSED FEE SCHEDULE**  
**Resolution 2016-XX Adopted by City Council on November 21, 2016**

Fee Type		Fee Amount
<b>All</b>		
Taxes and Pass-Through Costs		All appropriate taxes and pass-through costs are added to fees when they are incurred, even if not specified in the fee schedule.
<b>A. Copies/Duplication/NWFT Fees</b>		
<b>Legal/City Clerk</b>		
Certification of documents and Affixing City Seal		\$0.15 per page + \$3.00
Preparation of verbatim City Council minutes		\$50.00/hour
Reproduction of City Council audio tapes		\$5.00
CD-ROMs		\$1.00
<b>Various Departments</b>		
Copies of resolutions, minutes of meetings, full municipal code, contracts, reports and other disclosable public records. <i>(No fee charged for copies of ordinances.)</i>		\$0.15 per page + mailing container, shipping/postage. Staff may in its discretion send copy jobs for outside printing, in which case, actual cost is charged.
<b>Non Sufficient Funds (NSF) Fee</b>		<b>\$25.00</b>
<b>Public Works</b>		
Engineering Standards Manual		Cost plus 15%
<b>B. City Hall Rental Fees - Two-hour minimum reservation required for facility use</b>		
	Cleaning Fee (non-refundable)	\$50.00 (Saturday & Sunday only)
	City staff attendant	Hourly rate of City staff attendant.
Up to a 15% Administrative charge may be added to actual expenses. In addition, an hourly rate fee will be charged for repairs or additional cleaning that is required as a result of an event.		

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>C. PLANNING AND DEVELOPMENT FEES</b>	
<b>Administrative Fee</b>	
Technology Fee	2% of the total planning permit cost
<b>Plat/Subdivision Fees</b>	
Preliminary Plat	\$3,850.00 plus \$100.00 per lot; plus \$2,500 hearing examiner deposit
Plat Amendment (before final plat approval)	
Major	\$1,320.00 plus \$100 per lot; plus \$2,500.00 hearing examiner deposit
Minor	\$660.00 plus \$100 per lot; \$1,000.00 hearing examiner deposit
Final Plat	\$2,750.00 plus \$50.00 per lot
Plat Alterations (after final plat approval)	\$2,500.00 plus \$1,000 hearing examiner deposit
Binding Site Plans	\$2,200.00
Short Plat	\$3,500.00
Short Plat Amendments	\$1,000.00
Boundary Line Adjustments (BLA)/Lot Combination	\$600.00
Recording Fees	Fees Not Included
<b>Discretionary Land Use Permits</b>	
Conditional Use Permits	\$2,200.00 plus \$2,500.00 hearing examiner deposit
Major Variances	\$1,200.00 plus \$500.00 hearing examiner deposit
Major Variances for single family dwelling <i>(where project valuation does not exceed \$12,000)</i>	\$660.00
Administrative Variances	\$400.00
Administrative Use Permits	\$1500.00
Temporary Use Permits	\$200.00
Major Modifications of Permit Approval	1/2 of original permit cost
Minor Modifications of Permit Approval	1/4 of original permit cost
Shoreline Substantial Development Permit	\$2,300.00 plus \$1,000 hearing examiner deposit
Shoreline Conditional Use Permit/Shoreline Variance	\$3,100.00 plus \$1,000 hearing examiner deposit
Written Shoreline Exempt Determination <i>(The fee applies only to requests for a written determination by the Community and Economic Development Department that the project is exempt from the Shoreline Master Program.)</i>	\$150.00
<b>Appeals &amp; Reconsiderations</b>	
Reconsideration of a Decision of the Hearing Examiner	\$300.00 plus hearing examiner cost
Appeal of the Administrative Officer's Decision	\$450.00
Appeal of SEPA Determination	\$450.00 <del>plus \$1,000.00 hearing examiner deposit</del>
<b>Amendments to Plans &amp; Regulations</b>	
Amendments to the Comprehensive Plan & other policy documents	\$850.00
Amendments to Development Regulations	\$850.00 plus consultant fees over 4 hours
Amendments to the Shoreline Master Program	\$1,800.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount	
<b>Zoning Certification/Site Plan Review</b>		
Single family dwelling construction in residential zones are subject to the following fee schedule:		
<b>Construction Value:</b>		
\$0 - \$74,999	\$50.00	
\$75,000 - \$124,999	\$100.00	
\$125,000 - \$224,999	\$150.00	
Over \$225,000	\$300.00	
Other Developments: All new buildings or exterior tenant improvements in commercial or industrial zones, and all other construction and development activity, other than single-family dwelling construction, are subject to the following fee:		
<b>Construction Value</b>	<b>Zoning Certification Fee</b>	<b>Compliance check w/ AUP, CUP, etc.</b>
\$0 - \$99,999	\$260.00	\$50.00
\$100,000 - \$249,999	\$530.00	\$200.00
\$250,000 - \$499,999	\$790.00	\$450.00
\$500,000 - \$999,999	\$1,000.00	\$700.00
\$1,000,000 - \$4,999,999	\$2,000.00	\$1,200.00
\$5,000,000 - \$10,000,000	\$2,500.00	\$1,700.00
Over \$10,000,000	\$3,000.00	\$2,200.00
Site Plan Review without a Building Permit. The zoning certification and site plan review fee for those development projects for which no building permit is required but which requires site plan review and a zoning certification, shall be based on the value of the proposed development to be undertaken. The value of the proposed construction/development shall be determined based on professional estimates by a licensed engineer, architect, landscape designer or contractor. These estimates may include but are not limited to, grade and fill of the site, paving, placement of utilities, lighting, landscaping, and other site improvements. The combined total of the cost estimates for all development on the site shall be the established value basis for the zoning certification and site plan review fee found in the table above.		
Zoning Certification with No Site Plan Review Required	A \$20.00 fee applies to zoning certifications where only a business license is required.	
	A \$50.00 fee applies to projects where the proposed land use must be reviewed with respect to development standards, but there is no requirement for submitting a site plan, e.g. an interior tenant improvement.	
Mixed Use Buildings	Site plan review and/or zoning certification application fees may be reduced by 50% if the application is for the construction of a mixed use building. Fee waivers do not apply to SEPA, short plat, subdivision or other permit requests associated with the development of a site, nor does fee reduction apply to mixed use development where the commercial and residential uses are not located within the same building.	

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type		Fee Amount
<b>Miscellaneous Planning Fees</b>		
Accessory Living Quarters		\$100.00
Design Review		\$200.00
	Application fees may be reduced by 50% if the application is for a mixed use building. Fee reduction applies to site plan review/zoning certification and design review. Fee waivers do not apply to SEPA, short plat, subdivision or other permit requests associated with the development of a site, nor does fee reduction apply to mixed use development where the commercial and residential uses are not located within the same building.	
Time Extensions		\$240.00
Annexation Petition		
	Notice of Intent to Commence Annexation	\$320.00
	Petition to Annex	\$2,500.00
Hearing Examiner Fees		
Where Examiner Review is required for any related use permit, appeal, etc., the applicant is responsible for and required to pay actual Hearing Examiner costs, which may be higher or lower than the deposit amount.		
<b>Other Fees</b>		
Staff Review Fees		\$51.00 per hour
Development Agreement		\$2500.00
Pre-Application Conference		\$150.00 - Of this amount, \$100.00 can be applied to related permits filed within sixty (60) days of the preapplication conference
Final Certification of Occupancy/Site Certification		\$100.00
Home Occupation		\$200.00
Limited Home Occupation		\$50.00
Written Zoning Determination by the Assistant City Manager for Development Services	<del>request for written determination by the Community</del>	\$50.00
	<del>to requests for a written determination by the Community</del>	<del>\$50.00</del>
WTF Administrative Use Permit		\$800.00
WTF Conditional Use Permit		\$2,000.00
Non-Conforming Sign Permit Fees (LMC 18A.50.675)		
	- If the permit is obtained within ninety (90) days of receipt of notification by the City advising the applicant of the need to obtain a permit	No permit fee
	- If the permit is obtained after the ninety (90) day time period following notification by the City.	\$84.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>SEPA &amp; Wetland Fees</b>	
Written SEPA Exempt Determination (The fee applies only to requests for a written determination by the Community Development Department that the project is exempt from the requirements of SEPA.)	\$50.00
Environmental Checklist	\$480.00
Environmental Impact Statement (EIS)	\$3,200.00 plus preparation at contract rate to be determined
Reasonable Use Exception <b>other than residential (RUE)</b>	\$1,840.00 plus \$500.00 hearing examiner costs
Residential RUE	\$500.00
Additional SEPA Review (See WAC 197-11-335)	No charge, except any third-party consultant costs to the City.
<b>Multi-Family Tax Exemption Applications (LMC 3.64.030)</b>	
Conditional Certificate Application	\$800.00
Extension of Conditional Certificate of Application	\$500.00
Final Certificate of Application	\$500.00
<b>Tree Removal/Replacement Permit Fees</b>	
Significant Tree Removal Permit	No Fees
Off-Site Tree Replacement Permit (when trees are not being replaced onsite)	\$400.00 for each replacement tree
<b>D. GENERAL REQUIREMENTS FOR ALL CONSTRUCTION-RELATED PERMITS</b>	
Building Permit fees shall be based upon valuation. The valuation shall be determined by the Building Official. For most projects the square footage costs in the most current Building Valuation Data Table published by the International Code Council (ICC) may be employed. For projects not covered by the table construction estimation tools such as Construction Cost Data by R.S. Means or the BNI <i>Construction Costbook</i> may be referenced as a guide.	
Administrative Fee - Includes a technology fee equal to 2% of the total building permit cost.	
Permit fees shall be calculated from valuation in the following manner:	
<b>Valuation</b>	<b>Corresponding Permit Fee</b>
\$0 - \$500	\$30.00
\$501 - \$2,000	\$30.00 for the first \$500.00 plus \$4.00 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 - \$25,000	\$90.00 for the first \$2,000.00 plus \$17.50 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 - \$50,000	\$492.50 for the first \$25,000.00 plus \$12.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 - \$100,000	\$805.00 for the first \$50,000.00 plus \$9.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 - \$500,000	\$1,255.00 for the first \$100,000.00 plus \$7.25 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 - \$1,000,000	\$4,155.00 for the first \$500,000.00 plus \$6.00 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 - \$5,000,000	\$7,155.00 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to an including \$5,000,000.
\$5,000,001 and up	\$23,155.00 for the first \$5,000,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof.

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type		Fee Amount
<b>Plan Review Fees</b>		
Plan review fees shall be 65 percent (65%) of the Building Permit Fee with a minimum fee of one hour (\$85.00)		
Other Fees		
	Demolition Fees	
	Single Family (including duplex)	\$200.00
	Residential Accessory Building	\$100.00
	Commercial/Multi-Family (including mobile home parks	
	Less than 10,000 square feet	\$200.00
	10,000 to 100,000 square feet	\$400.00
	100,000 square feet or more	\$600.00
	State Building Code Council (SBCC) Surcharge	\$4.50 for each building permit issued, plus an additional surcharge of \$2.00 for each residential unit over one, in accordance with RCW 19.27.085
<b>General Comments</b>		
1)	Any person who commences any work on a building, structure, gas, mechanical, or plumbing system before obtaining the necessary permits may be subject to an investigative fee.	
2)	Additional inspection outside of normal business hours or investigative fe rates are calculated at \$51.00 per hour (2 hour minimum).	
3)	A reinspection fee shall be calculated at \$51.00 per occurrence.	
4)	Additional plan review resulting from revisions, resubmittals and other documents shall be calculated at \$51.00 per hour of staff time expended.	
5)	Additional hourly rates for which no specific fee is identified shall be calculated at \$51.00 per hour.	
6)	The use of outside consultants for plan checking and/or inspections will be the actual plus overhead adjustments as determined by the Building Official.	
7)	The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees as assessed.	
8)	Temporary Certificate of Occupancy (TCO): \$200.00 application filing fee (nonrefundable), plus a cash guarantee or other appropriate security, including letters of credit, in the amount of 150% of the estimated work remaining. The cash guarantee or other appropriate security, shall be forfeited to the City if the work is not completed within the time period specified on the application as agreed to between the City and the property owner or authorized person acting on the property's owners behalf. In the case where such cash guarantee or other appropriate security is forfeited to the City, the proceeds therefrom shall be placed in the City's general fund.	
9)	Any time the use of a building or tenant space is changed, a change of use permit is required. The fee for a change of use permit is \$250.00. If alterations to the space are to be performed, additional permits and fees may be required such as building permit, plumbing permit, mechanical permit, etc. Please note that an electrical permit may be required for changes to the electrical service or wiring.	

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>Mechanical Permit Fees</b>	
New Single Family Residences and Duplex (per unit) Flat Fee	\$175.00
Residential (Prescriptive Design)	\$175.00
Commercial and Non-Prescriptive Residential	Per Valuation w/ Minimum \$175.00
New Commerical Building and Major Tenant Improvements permit fees will be based upon the following valuation table using the project valuation. Valuation based upon the prevailing market value including materials, labor and equipment.	
<b><u>Project Valuation</u></b>	<b><u>Fee</u></b>
Up to \$5,000	\$85.00
\$5,000 - \$100,000	\$85.00 for the first \$5,000 plus \$17.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
> \$100,000	\$1,700.00 for the first \$100,000 plus \$12.00 for each additional \$1,000 or fraction thereof.
<b>Mechanical Review Fees</b>	
When plan reviews and/or specifications are required, the plan review fee shall be calculated at 25% of the Permit Fee.	
Small Tenant Improvements (mechanical < \$5,000) and equipment replacement or adding of new equipment shall use the equipment unit table below:	
<b><u>Equipment Unit Schedule Description</u></b>	<b><u>Fee</u></b>
Permit Issuance	\$34.00
	\$12.00
Furnaces up to and including 100,000 BTU	\$22.00
Furnaces over 100,000 BTU	\$29.00
Appliance vents	\$12.00
Repair or additions to A/C systems	\$22.00
Boilers, compressors and absorption systems up to and including 3 horsepower	\$29.00
Boilers, compressors and absorption systems over 3 horsepower and including 15 horsepower	\$53.00
Boilers, compressors and absorption systems over 15 horsepower and including 30 horsepower	\$76.00
Boilers, compressors and absorption systems over 30 horsepower and including 50 horsepower	\$100.00
Boilers, compressors and absorption systems over 50 horsepower	\$123.00
Air handlers up to and including 25 tons	\$18.00
Air handlers over 25 tons	\$29.00
Evaporative coolers	\$41.00
Ventilation and exhaust (fans and hoods)	\$18.00
Incinerators, domestic type	\$29.00
Incinerators, international type	\$41.00
Each gas piping from 1 to 5 outlets	\$12.00
- Additional outlets per outlet	\$3.00
Miscellaneous	\$18.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>PLUMBING PERMIT FEES</b>	
New Single Family Residences and Duplex (per unit) flat fee	\$225.00
New Commercial Buildings and Major Tenant Improvements permit fees will be based upon the following valuation table using the project valuation. Valuation based upon the prevailing market value including materials, labor and equipment.	
<b><u>Project Valuation</u></b>	<b><u>Fee</u></b>
Up to \$5,000	\$85.00
\$5,000 - \$100,000	\$85.00 for the first \$5,000 plus \$17.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,000 and up	\$1,700.00 for the first \$100,000 plus \$12.00 for each additional \$1,000 or fraction thereof.
<b>PLUMBING REVIEW FEES</b>	
When plans and/or inspections are required, the plan review fee shall be calculated at 25% of the Permit Fee.	
Small Tenant Improvements (mechanical < \$5,000) and equipment replacement or adding of new equipment shall use the equipment unit table below.	
<b><u>Equipment Unit Schedule</u></b>	<b><u>Fixture Fee</u></b>
Permit Issuance	\$34.00
Issuing supplemental permits	\$12.00
Furnaces up to and including 100,000 BTU	\$22.00
Each plumbing fixture with one trap	\$12.00
Each building sewer	\$22.00
Each drain for indoors rainwater system	\$12.00
Each cesspool	\$35.00
Each private sewage disposal system	\$59.00
Each water heater and vent	\$12.00
Each gas piping from 1 to 5 outlets	\$12.00
- Additional outlets per outlet	\$3.00
Each waste incinerator	\$12.00
Water piping or water treating system	\$12.00
Repair or alteration of drainage or vent	\$12.00
Backflow device for lawn sprinklers	\$12.00
Vacuum breakers from 1 to 5	\$12.00
- Additional units over 5 per each	\$3.00
Backflow device for other systems over 2 inches in diameters	\$24.00
Cross connection of reclaimed water system	\$47.00
Each graywater system	\$59.00
Medical gas system from 1 to 5 outlets	\$71.00
- Additional outlets over 5 per each	\$12.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>E. GEOGRAPHICAL INFORMATION SYSTEMS AND OTHER FEES</b>	
<b>Geographical Information Systems (GIS)</b>	
LABOR COSTS: Labor costs for preparation of requested GIS information shall be billed on a quarter of an hour (15-minute) basis, at the rate of \$12.50 per fifteen (15) minute period of labor, in addition to any applicable mapping and/or electronic media costs, set forth below:	
<b>Standard Mapping Products</b>	
Photo Quality Paper (11 X 17)	\$15.00 each
Wall Map (22 X 34)	\$20.00 each
Wall Map (33 X 44)	\$25.00 each
<b>ELECTRONIC MEDIA: CD-ROM</b>	\$15.00
<b>Administrative Services</b>	
Extra Duty Contracts - Administrative Fee	\$2.00 per hour
Extra Duty Contracts - Processing Fee	\$10.00 per invoice
Lien Filing Fee	\$50.00 plus all recording fees
<b>F. PUBLIC WORKS PERMIT FEES</b>	
<b>Administrative Fee</b>	
Technology Fee	2% of the total public works permit cost
<b>Permits</b>	
<b>Site Development Permit</b> (covers site work, including erosion control, clearing, grading and drainage)	
<b>Project Value</b>	<b>Permit Fee</b>
\$0 - 15,000	\$500.00
\$15,001 - \$50,000	\$1,000.00
\$50,001 - \$150,000	\$2,500.00
\$150,001 - \$1,000,000	\$4,500.00
Over \$1,000,001	\$9,000.00
<i>Project Value is defined as the value of all improvements outside the building footprint.</i>	
<b>Right-of-Way Permit</b> (authorization to use right-of-way for minor construction, parking or other non-intrusive use)	\$150.00 plus any staff time in excess of 2 hours at \$51.00 per hour
<b>Right-of-Way Vacation Permit</b> ("Sale" or vacation of city right-of-way to abutting property owners)	\$1000.00
<b>Street Opening Permit</b> (Used to install new or repair/upgrade existing private and public facilities located in a street right-of-way; includes pavement cuts, excavation, traffic control, etc.)	\$500.00 plus any staff time in excess of 10 hours at \$51.00 per hour
<b>Oversize Load Permit</b> (all vehicles in excess of legal weight or size limitations according to RCW 46.44 shall obtain an oversize load permit prior to operating on Lakewood streets)	Individual \$100.00 Annual \$300.00  Additional costs shall apply if police escorts or signal technician work is required.
<b>Right-of-Way Tree Cutting Permit</b> (for residential or commercial cutting on or along a lot or in an area zoned for more than one single family home)	\$200.00
<b>Reinspection Fee</b> (to cover cost of each reinspection, required in conjunction with a Right-of-Way Permit, necessary to assure compliance with the requirements of the permit)	\$51.00
<b>General Inspection Fee</b> (for inspection not otherwise listed)	\$51.00 per hour
<b>Miscellaneous Permits</b> (any Public Works permit not covered by the fee schedule, if performed by an employee)	Rate will be based on actual hourly costs, plus benefits (30%), operating costs (16%) and central services costs (16%)
<b>Professional Services Contracts</b> (any private or public professional service contract needed)	Rate will be billed 100%, plus 10% administrative charges

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>G. PARKS AND RECREATION PROGRAMS (Facility/Use)</b>	
<b>Parks, Recreation &amp; Community Services</b>	
<b>Special Use Permit*</b>	
Small events <del>(100—200 guests)</del>	\$200.00
Large events <del>(201—500 guests)</del>	\$500.00
Major events <del>(over 500 guests)</del>	\$1,000.00
Additional event fees and services (plus 15% of gross private event revenue)	Market rate + 15%
* permit fee + extra costs associated with event (garbage, staff support, notification, sanitation, security, etc)	
<b>Alcohol Permit Fee</b>	
Small events <del>(100—200 guests)</del>	\$200.00
Large events <del>(201—500 guests)</del>	\$500.00
Major events <del>(over 500 guests)</del>	\$1,000.00
<b>Facility Use Cancellation Fees</b>	
- Recreation Administrative Fee	\$10.00 (non-refundable)
- Special Use Permit - less than 30 days prior to	(0%) 100% retained by City
- Special Use - 31-60 days prior to use	(50% refunded) 50% retained by City
- Special Use - more than 61 days prior to use	(75% refunded) 25% retained by City
<b>Lakewood Senior Activity Center</b>	
Rainier Room	
<del>- Half of room (Section A or B)</del>	<del>\$25.00 per hour</del>
- Full room (Sections A and B)	<del>\$50.00</del> \$65.00 per hour
<del>Seeley Lake Room Classroom</del>	<del>\$20.00</del> \$30.00 per hour
<del>Lakewood Room Artroom</del>	<del>\$15.00</del> \$30.00 per hour
American Lake Room	\$20.00 per hour
Kitchen	\$15.00 per hour
Facility Deposit	\$150.00
Cleaning Fee	Varies
Additional Staffing Fee	\$15.00 per hour
<b>Cancellation Fees</b>	
- Facility Deposit/Fees (less than 30 days)	(0%) 100% retained by City
- Facility Deposit/Fees (31-60 days prior)	(50% refunded) 50% retained by City
- Facility Deposit/Fees (more than 61 days prior)	(75% refunded) 25% retained by City
<b>Boat Launch</b>	
Per launch <del>(Credit/Debit Cards Only)</del>	\$15.00
Resident Season Pass	\$100.00
Non-Resident Season Pass	\$130.00
Overnight Pass	\$50.00
Commercial Pass	\$250.00
<b>Farmers Market</b>	<b>Daily Rate/Farmers Mrkt</b>
Regular Stall 10x10	\$25.00
10x10 Stall W/ Electricity	\$30.00
Pull-Through Stall	\$40.00
Payment Plan Processing	\$35.00
<b>Neighborhood Parks</b>	
Field Preparation Fees	\$15.00
Fields use	\$20 per hr (no prep); \$50.00 per game fee (2.5 hrs. and one prep per day)

**2017 PROPOSED FEE SCHEDULE** (continued)

Fee Type	Fee Amount	
<b>Fort Steilacoom Park</b>		
Single Field no preparation	\$35.00 per 60 minutes	
<b>Large Picnic Shelter</b>		
- Half Day - 10:00 a.m. - 2:00 p.m. OR 3:00 p.m. - 7:00 p.m.	\$100.00	
- Full Day (10:00 a.m. - 7:00 p.m.)	No full day rate	
<b>Small Picnic Shelter (near playground)</b>		
- Half Day - 10:00 a.m. - 2:00 p.m. OR 3:00 p.m. - 7:00 p.m.	\$50.00	
- Full Day (10:00 a.m. - 7:00 p.m.)	\$75.00	
<b>Sport Soccer and Baseball Field Use Fees</b>		
	<b><u>With one field preparation, per field, per 1/2 day (5 hours or less)</u></b>	<b><u>With one field preparation, per field, per day</u></b>
- 1 Field	\$150.00	\$200.00
- 2 Fields	\$200.00	\$275.00
- 3 Fields	\$250.00	\$325.00
- 4 Fields	\$300.00	\$375.00
- 5 Fields	\$350.00	\$425.00
<b><u>With second field preparation, per field, per day</u></b>		
- 1 Field	Add \$40.00	
- 2 Fields	Add \$80.00	
- 3 Fields	Add \$120.00	
- 4 Fields	Add \$160.00	
- 5 Fields	Add \$200.00	
	<b><u>Without field preparation, per 1/2 day (5 hours or less)</u></b>	<b><u>Without field preparation, per day</u></b>
- 1 Field	\$100.00	\$150.00
- 2 Fields	\$125.00	\$200.00
- 3 Fields	\$150.00	\$200.00
- 4 Fields	\$175.00	\$225.00
- 5 Fields	\$200.00	\$250.00
<b>Tournament Deposit and Cancellation Fee (A full refund or credit less</b>		
- Nonrefundable tournament reservation fee (does not go towards tournament fees)		\$100.00
- Tournament Deposit Fee (will go towards tournament fees)		\$100.00 per field
- Tournament cancelled less than 30 days prior		50% of deposit refunded
- Tournament cancelled 31-60 days prior		75% of deposit refunded
<b>Other Fees</b>		
Ft. Steilacoom Park Open Space		\$100.00
Jumpy Houses		\$20.00 each
Advertising banner		\$100.00 per day
Concessions		\$25.00 - \$50.00 per day
Parking, camping and other revenue collected by renter for event		15% of gross revenue

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>Neighborhood Shelters</b>	
- Half day (resident/nonresident): 10:00 a.m. - 2:00 p.m. OR 3:00 p.m. - 7:00	\$40.00 / \$50.00
- Full Day (resident/nonresident): 10:00 a.m. - 7:00 p.m.	\$60.00 / \$75.00
Youth Soccer Teams not associated with our city leagues, but who use our fields for league play, per team. Field availability may vary and field prep fees apply.	
- Age 10 years and under	\$100.00
- Age 11 - 18 years	\$125.00
- Adult, age over 18 years	\$0
Youth Baseball Teams not associated with our city leagues, but who use our fields for league play. Field availability may vary.	\$50.00 per game fee (2.5 hrs. and one prep per day)
Field Preparation (all sports)	\$45.00 per field per prep
<b>Special Event Fee</b>	
Vendor Application Fee	\$25.00
<b>McGavick Center Facility Use/Rental</b>	
Non-profit organizations may rent the entire facility for a flat fee of <del>\$1,000.00</del> \$1,500.00. The City's available days for rental/use are limited in number each year.	

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>H. FIRE CODE OFFICIAL &amp; INTERNATIONAL FIRE CODE (IFC) FEES</b>	
<b>Community &amp; Economic Development</b>	
<b>Site Development Plan Review</b> (plats, short plats, commercial projects, residential infill's etc.)	
Basic review fee	\$250.00
- Additional review (over two hours)	\$125.00 per hour
Vehicle Gates (includes plan review, inspection and testing)	\$125.00 per hour
<b>Construction Plan Review</b> - A plan review fee will be charged for fire department review of requirements for construction and inspection of the IFC requirements for buildings classified as Group A, B, E, F, H, I, M, R, S and U. The plan review fee shall be:	15% of the plan review fee established for Building Permit Plan Review with a minimum fee of \$125.00
<b>Fireworks Fees</b>	
1) Fees for temporary fireworks stand permit	\$100.00
2) Fees for a public display permit	\$245.00
3) A liability insurance policy(ies) is/are required in accordance with the Fireworks Ordinance for both fireworks stands and public displays as follows:	
- \$500,000 for injuries to any one person in one accident or occurrence;	
- \$1,000,000 for injuries to two or more persons in any one accident or occurrence;	
- \$500,000 for damage to property in any one accident or occurrence; and/or	
- \$1,000,000 combines single limit for any one accident or occurrence	
4) A bond for clean-up is required in accordance with the Fireworks Ordinance for all fireworks stands (in a bond or cashiers check)	\$500.00
<b>Fire Alarm Systems</b>	
<b>Tenant Improvements</b> (1st four zones)	\$215.00 plus \$6.00 (per
- Additional zones	\$54.00 (each)
<b>Residential</b> (one and two-family dwellings)	\$215.00 plus \$6.00 (per
<b>Commercial and Multi-Family</b> (1st four zones)	\$325 plus \$6.00 (per device)
- Additional zones	\$54.00 (each)
- Sprinkler supervision only	\$270.00
<b>Fire Alarm Permit Fee</b> for upgrading of an existing system	50 percent (50%) of the fee
Fire Alarm Plan Review Fee	25 percent (25%) of the
<b>Underground Sprinkler Supply</b> (includes plan review,	\$325.00
<b>New Suppression Systems (Halon, CO2, Dry Chemical, FM200, Integren, etc.):</b>	
- 1 to 5 nozzles	\$200.00
- Over 5 nozzles	\$200.00 plus \$20.00 per nozzle over 5
- Bottle(s)	\$30.00 per bottle

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>Above Ground Fire Sprinkler Systems</b>	
The fee for fire sprinkler systems shall be based on the Building Permit Fee Table. The valuation shall be based on the per square foot figure of sprinkler systems as established by policy in accordance with nationally-recognized standards.	
<b>Plan Review Fee</b> <i>(for the fire sprinkler systems are in addition to the permit fee)</i>	25 percent (25%) of the permit fee, with a minimum of \$125.00.
<b>Tenant Improvements</b> <i>(relocation and addition to existing system)</i>	valuation 20 percent (20%)
<b>System</b>	\$270.00
<b>Standpipes</b> (includes review, inspection and testing fees)	
Temporary Standpipe	\$162.00
Class I	\$184.00
Class II	\$297.00
Class III	\$318.00
<b>Other Fees</b>	
- Additional inspection fees may be imposed after	\$50.00 for each additional inspection
- After hours inspections	\$75.00 hour (1-hour minimum)
Fire Pump Installations (includes review, inspection and testing fees)	\$540.00
Commercial Power Generator Installations (includes review, inspection and testing fees)	\$350.00
Battery Systems - Capacity over 50 Gallons	\$125.00
Compressed Gas Systems - Install, Modify, Repair or Abandon	\$200.00
Crogenic Fluids - Install or Modify	\$200.00
Emergency Responder Radio Coverage System - Install or Modify	\$200.00
<b>Flammable and Combustible Liquids</b>	
Installation of Modification of Commercial Tank, Piping or Distribution System	\$250.00
Installation of Modification to Pipeline System	\$125.00
Removal of Abandoned Tank in Place of Residential Tank	No Fee
Removal or Abandoned in Place of Residential Tank	\$55.00
Hazardous Materials - Installation, Repair, Abandon or Remove a Facility	\$125.00
Industrial Ovens - Installation	\$125.00
LP Gas - Installation of Storage and/or Distribution System	\$200.00
Solar/Polarvoltaic Power Systems (Commercial) - Intallation and Modification	\$125.00
Spraying or Dipping Operations - Installation or Modification of Spray Booths, Room or Dip Tank	\$200.00
<b>False Fire Alarms</b>	
In the event of more than two false alarms in any 12 month period, the Fire chief may charge a fee for fire department response as specified below:	
- First and Second False Alarms	No Fee
- Third False Alarm	\$100.00
- Fourth and Additional False Alarms	\$250.00
EXCEPTION: False alarms resulting from the failure of a fire alarm service technician notifying the central, proprietary or remote monitoring station shall be billed at the rate of \$250.00 for each occurrence.	\$270.00 for each occurrence

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>Fire Code Permit Fees</b>	
The following are annual fees, except where noted, in accordance with Section 105 of the International Fire Code.	
Permit charges may be waived by the Fire Chief or Fire Marshal for the following: Activities of Washington State non- profit corporations and/or civic or fraternal organizations which possess an IRS tax exempt status. Proof of IRS tax exempt shall be presented at the time of permit application. Non-profit organizations may be charged 1/2 of the listed occupancy permit fees. However, any group shall be assessed a full permit fee if the approved conditions of the permit are modified or not adhered to by the applicant.	
Permit Type	Fee
Aerosol products	\$110.00
Aircraft Refueling Vehicle	\$110.00
Amusement Buildings	\$110.00
- Haunted House - Commercial (Limited)	\$110.00
- Bizaars, Boutiques, Booths or Displays	\$110.00
- Flee Markets	\$110.00
Aviation Facilities	\$110.00
Carnivals and Fairs	
- Commercial	\$110.00
- Fairs, Bazaars, Famers Market, Etc.	\$110.00
- Special Events - Outdoors	\$110.00
Cellulose Nitrate Film	\$110.00
Combustible Dust Producing Operations	\$110.00
Combustible Fiber Storage	\$110.00
Compressed Gases	\$110.00
Covered and Open Mall Buildings	\$110.00
- Kiosks, Concessions, Booths, Etc.	\$110.00
- Used for Assembly (Limited)	\$110.00
- Use of Open Flame (Limited)	\$110.00
- Display of Flammable Liquid or Gas Filled	\$110.00
Cryogenic Fluid	\$110.00
Cutting and Welding	\$110.00
Dry Cleaning	\$110.00
Dust Producing Operations	\$110.00
Explosives - Manufacture, Store, Handling, Sale or Use	\$110.00
Fireworks Stand, Limited	\$110.00
Flammable/Combustible Liquids	\$110.00
Fruit and Crop Ripening	\$110.00
Fumigation and/or Insecticidal Fogging	\$110.00
Hazardous Material - Store, Transport, Dispense, Use of Handle	\$110.00
HPM Facilities	\$110.00
High Pile Storage	\$110.00
Hot Work Operations	\$110.00
Industrial Ovens	\$110.00
Liquid or Gas-Filled Vehicles/Equipment in Assembly Bldgs.	\$110.00
Lumber Yards and Woodworking Plants	\$110.00
Magnesium	\$110.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>Fire Code Permit Fees (continued)</b>	
<b>Permit Type (continued)</b>	<b>Fee</b>
Mall (Covered)	\$110.00
- Kiosks, Concessions, Booths, etc.	\$110.00
- Used for Assembly (Limited)	\$110.00
- Use Open Flame, etc. (Limited)	\$110.00
- Display Flammable Liquid or Gas Filled Equipment	\$110.00
Motor Vehicle Fuel Dispensing Station	\$110.00
Organic Coatings	\$110.00
Ovens- Industrial	\$110.00
Parade Floats (limited)	\$110.00
Place of Assembly	\$110.00
Haunted House - Commercial (limited)	\$110.00
Bazaars, Boutiques, Booths or Displays	\$110.00
Flea Markets	\$250.00
Other Special Events (Limited)	\$110.00
Pyrotechnical Special Effects Material	\$110.00
Radioactive Material	\$110.00
Refrigeration Equipment (Commercial)	\$110.00
Repair Garages	\$110.00
Spraying and Dipping	\$110.00
Tents and Canopies	\$110.00
Tire and Storage	\$110.00
Welding and Cutting	\$110.00
<b>Tax Incentive Urban Use Center Fees</b>	
- Application Fee	\$150.00 plus \$25.00 per multi-family unit, up to a maximum fee not to exceed \$300.00
- Pierce County Assessor Processing Fee (specific to the Tax Incentive Urban Use Center Application Fee)	\$100.00
- Extension to Conditional Certificate	\$50.00

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>I. BUSINESS LICENSE FEE SCHEDULE</b>	
<b>Community &amp; Economic Development</b>	
General Business License (GBL)	\$60.00
Renewal of GBL	\$60.00
Temporary Business License	\$60.00
Temporary Business License Renewal	\$60.00
Pawnbroker Pawnshops	\$750.00
Second-hand and/or salvage dealers	\$150.00
Junk and/or salvage dealers	\$300.00
Transient Trader in second-hand property	\$53.00
Private Sales	No Fee
Flea Markets	\$750.00
Adult Cabaret Manager and Entertainer	\$150.00
Adult Entertainment Establishment	\$1,125.00
Panoram Premises License	\$1,125.00
Panoram Device License	\$75.00 per device
Panoram Owner License	\$1,125.00
Panoram Manager License	\$113.00
Carnivals and Circuses	\$150.00 per day
- Five or less machines or devices	\$75.00 per week*
- Five or more	\$15.00 per week per device*
* Alternative to device fees	\$150.00 annual fee
Wrecker License	\$150.00
Public Dances, Cabarets, Dance Halls and Teenager Dances	
- Cabaret	\$750.00
- Public Dance Hall	\$150.00
- Public Dances (per night)	\$53.00
- Public Dances (annually)	\$150.00 (maximum of four
- Teenager Dances	Same as Public Dances
Massage Businesses	
- Massage Business License	\$75.00
- Massage Manager	\$75.00
Bathhouses	
- Public Bathhouse	\$750.00
- Bathhouse Attendant	\$113.00
- Bathhouse Manager	\$113.00
Outdoor Public Music Festivals	\$1,125.00 per day of festival
Bondsmen	\$750.00
Theaters	\$150.00 per screen per year
<i>Transfer of license fee (commercial kennel or cattery, hobby kennel, foster kennel, private kennel, grooming parlor, or pet shop)</i>	No fee
Commercial Kennel/Cattery (6-50 dogs/cats)	\$100.00 plus \$2.00 per dog/cat
Commercial Kennel/Cattery (over 50 dogs/cats)	\$100.00 plus \$200.00
Solicitors and Peddlers	\$75.00 per solicitor or peddler
<del>Rental Housing Complex License</del>	<del>\$53.00</del>

**2017 PROPOSED FEE SCHEDULE (continued)**

Fee Type	Fee Amount
<b>J. RENTAL HOUSING SAFETY PROGRAM - To Be Determined</b>	
<b>Community &amp; Economic Development</b>	
<b>J.K. ANIMAL CONTROL LICENSING FEES</b>	
<b>Police</b>	
The annual license fees for the ownership, keeping, or having control of dogs and/or cats in the City shall be as follows:	
- Dogs (altered)	\$20.00
- Dogs (unaltered)	\$55.00
- Cats (altered)	\$12.00
- Cats (unaltered)	\$55.00
Reduced rates for physically disabled and senior citizens, 65 years of age or older:	
- Dogs (altered)	\$10.00
- Dogs (unaltered)	\$30.00
- Cats (altered)	\$4.00
- Cats (unaltered)	\$30.00
Animals exempted from payment of fee - Guide Dog or Service Animal (with proof)	No Fee
In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.	
<b>K.L. BURGLAR/SECURITY ALARM PERMIT FEES</b>	
<b>Police</b>	
The fee for burglar/security alarm systems operating within the City of Lakewood as defined in Chapter 9.31 of the Lakewood Municipal Code are as follows:	
Annual Permit Fee	\$24.00
- for Senior Citizens or Physically Disabled	\$12.00
General False Alarm Fee	\$100.00 each incident
Robbery False Alarm Fee	\$200.00 each incident
Supplemental False Alarm Fee for Unregistered Alarm	\$100.00 each incident
Late Fee if False Alarm Fee is not paid in 30 days of invoice	\$25.00
Appeal Fee (refundable if fee is overturned)	\$50.00
Alarm Company Fee for Failure to Verify Alarm Signal	\$100.00
Alarm Company Fee for false statements concerning the inspection of an alarm site or alarm performance	\$200.00

**City Council Ordinance/Resolutions Approving the Fee Schedule**

Ordinance No. 18

- Resolution No. 1996-4
- Resolution No. 1996-5
- Resolution No. 1996-14
- Resolution No. 1996-32
- Resolution No. 1997-7
- Resolution No. 1997-14
- Resolution No. 1997-18
- Resolution No. 1997-31
- Resolution No. 1997-32
- Resolution No. 1998-10
- Resolution No. 1998-14
- Resolution No. 1998-16
- Resolution No. 1999-17
- Resolution No. 2000-18
- Resolution No. 2001-08
- Resolution No. 2001-11
- Resolution No. 2001-24
- Resolution No. 2001-30
- Resolution No. 2002-11
- Resolution No. 2002-28
- Resolution No. 2003-02
- Resolution No. 2003-04
- Resolution No. 2003-16
- Resolution No. 2003-21
- Resolution No. 2004-10
- Resolution No. 2006-21
- Resolution No. 2006-26
- Resolution No. 2006-34
- Resolution No. 2007-15
- Resolution No. 2008-14
- Resolution No. 2008-36
- Resolution No. 2009-25
- Resolution No. 2012-09
- Resolution No. 2012-32
- Resolution No. 2014-03
- Resolution No. 2015-14
- Resolution No. 2015-34
- Resolution No. 2016-xx



TO: Mayor and City Councilmembers

FROM: David Bugher, Assistant City Manager, Development Services

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

DATE: October 24, 2016 (Study Session)

SUBJECT: Amending the City's Master Fees Schedule; incorporating a fee structure for the City's Rental Housing Safety Program Fees

---

#### **BACKGROUND -**

On August 1, 2016, the Lakewood City Council adopted Ordinance No. 644 establishing the City's Rental Housing Safety Program. This ordinance allows the City to proactively inspect rental housing units throughout the City based on standards set by state law, chapter 59.18 RCW, and in particular, RCW 59.18.125.

The subject of rental housing fees has been a topic of discussion at several meetings occurring throughout 2016.

On May 9, 2016, the Council received information on rental housing fees for Bellingham and Pasco, Washington.

On June 6, 2016, the Council received a preliminary rental housing budget. Additional information was provided on the specific fee structures for Bellingham, Pasco, and Mountlake Terrace. At that time, a base annual budget of \$175,000 was suggested by CED staff. However, since then, revised budget numbers have been submitted as part of the biennial budget.

On July 25, 2016, the Council discussed the specific details of the rental housing programs for the cities of Bellingham, Pasco, Mountlake Terrace, Tacoma, and Tukwila. Again, registration fees and inspection services were discussed at length. Table 1, which is found on the next page, summarized base registration fee data.

**TABLE 1**  
**Base Rental Registration Fees**

Bellingham	Mountlake Terrace	Pasco	Tukwila	Tacoma
<ul style="list-style-type: none"> <li>▪ 1 to 20 units; \$10 per unit</li> <li>▪ 21 or more units; \$8 per unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ Annual rental housing business license; \$40</li> <li>▪ Additional RHBL fee per rental housing unit; \$1.50</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$30 for the first unit + \$3 for each additional unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ \$ 60 for properties with up to four units</li> <li>▪ \$175 for properties with five or more units</li> </ul>	<ul style="list-style-type: none"> <li>▪ Annual gross rental income of \$12,000 or greater, the license fee is \$90 annually.</li> <li>▪ Annual gross rental income less than \$12,000, the license fee is \$25 annually.</li> </ul> <p>(Gross income is defined as total rent received, including rent from Section 8.)</p>

Fee information was acquired by a review of various cities' websites.

On August 15, 2016, under the City Manager's report, CED staff presented six different options for fees<sup>1</sup>:

- Option 1: Charge a base fee for the first unit and, thereafter, a lesser fee for each additional unit. Properties subject to the rental housing safety program would not pay the current general business license fee of \$60.
- Option 2: Base the fee on the number of total rental units divided by program costs.
- Option 3: Charge the general business license base fee of \$60 and have no per unit charge. This scenario, however, has the single family rental owner subsidizing the rental housing safety program.
- Option 4: Subsidize the entire program, but then the Council would need to move funds from another General Fund account.
- Option 5: The City reduces program services fees by not offering City inspections free of charge. In this scenario, the City would not hire a housing inspector, but

<sup>1</sup> In a memo to the Council dated August 15, 2016, staff presented 7 options, not 6. However, in preparing this memo two of the previous options, 1 and 7, were quite similar, just worded differently. In this report, Option 7 is now part of Option 1.

instead a part-time administrative position. If a property is required to be inspected for that year, landlords would be responsible for hiring their own private inspectors. The cost for the inspections would be market-rate.

Option 6: Contract out rental housing inspections. This option is being recommended as part of the biennial budget.

Options 1, 2, 3, 5, and 6 can be incorporated into a cost recovery system.

## **AUGUST 15 CITY COUNCIL COMMENTS -**

This last meeting generated a significant amount of comments from all councilmembers. The following is a summary of questions/inquiries. After each one, a response has been provided.

1. What is the cost for private inspections?

Response: In Tacoma, private inspections can vary between \$75 and \$120 per rental unit.

2. Current business license code requires a separate license for each location. As proposed under the rental housing program, if a person owned five different single family residences they would have to obtain five different licenses and pay the appropriate fee amount. Some councilmembers did not like this approach.

Response: There are a number of concerns with this proposal.

Concern 1 - The existing business regulations require a separate business license for each separate location. For example, there are four McDonald's restaurants in Lakewood. Each restaurant is required to obtain four separate business licenses. If the Council were to establish a rule that only one license is required for single family rentals, no matter the number, it would be carving out a special exception to the City's standard business licensing practices.

Concern 2 - Further, the manner in which the CED staff has approached fees in the development of the program is to keep the system as simple as possible, particularly as it relates to the development of an online registration system. This exception, if accepted by the Council, increases the complexity in software development which is currently underway. Assigning a license with a uniform amount to a specific property location is the most straightforward system.

Concern 3 - Another concern is the amount of the single family registration fee in relation to equity. Under the proposed fee schedule,

fees for single family and multifamily, while separate, are balanced where no one category is subsidizing the other.

Concern 4 – CED staff is anticipating that there could be problems with property transfers or sales. Based on current trends, there will be about 520 changes in rental ownership annually. At any one time, 11 percent of the City's rental housing stock could be changing hands. This proposal would result in increased staff time during the registration process for new property owners.

3. Renting housing is a business, *separate from the rental licensing program*. As such, rental properties should pay a general business license fee, IN ADDITION to rental housing licensure fees.

Response: Based on current information, CED staff estimates there are 12,937 multifamily, and 3,085 single family rentals for a total of 16,022. These rentals are found on 4,707 properties. For this exercise, the properties represent potential business license accounts. Taking this number, 4,707, and multiplying it by the \$60 general business license yields \$282,420.

Concern 1: If the Council were to move in this direction, it would more than double the number licenses processed by CED annually from about 3,500 to over 8,000. Additional resources would be provided to support this increase in work though a portion of the additional fees could be used to address this.

There are several significant policy issues and sub-options that come with this proposal. The City could: a) use this financial mechanism to pay for the rental housing program; b) use the fees to offset this year's costs in the rental housing program development; c) place the fees collected directly into the General Fund; d) use the fees to offset future housing relocation costs; e) use the fees to offset increased administrative costs in processing additional licensures; or f) a combination of the sub-options listed above.

4. The rental housing program provides intrinsic value to a surrounding neighborhood, improving the quality of life and property values. Thus, it would be appropriate to subsidize the program. A 50 percent cost recovery rate was suggested.

Response: This is a policy decision for the City Council. Assuming program costs at \$140,000, a 50 percent cost recovery rate would be \$70,000.

5. Fees should be based on graduated amounts as in the City of Auburn.

Response: Many cities use a graduated fee system; however, one a property-by-property comparison that system may not always hold true. A flat fee per unit charge can result in a better distribution of equity.

6. There was discussion of business license fees for mobile home parks. The City of Kent's program was mentioned, and again, fees should be based on a sliding scale.

Response: The rental housing program is not addressing mobile home parks. It appears the City Council may want to examine business license fees for these specific types of uses. If that is the case, this is a separate discussion. CED staff would suggest a general discussion of mobile home parks at a future Council Study Session. Topics could include the number and conditions of mobile home parks in Lakewood, regulatory authority, agency partners, business licensing including conditional licensing, fees, penalties, etc.

7. Waive fees if an apartment complex has a successful crime prevention program in place.

Response:

Concern 1: Having a crime prevention program in place at an apartment complex does not necessarily mean the housing units are in good condition.

Concern 2: Increases the complexity of rental housing registration.

Concern 3: Increased staff time in processing registration applications.

8. Increase business license fees by \$1,000 for each code violation from the previous year.

Response: This is a separate discussion item not directly related to the rental housing safety program. CED staff would recommend that this topic be a part of a future Council Study Session related to CSRT.

9. Fee system should include fees for missed inspections and re-inspections.

Response: CED staff would recommend a fee system that incorporated these two items.

10. There was some discussion about not having too many miscellaneous fees and charges.

Response: Fees for certificates of compliance, certificates of compliance transfer to new owner, inspector registration, missed inspections and reinspections are fairly common. CED staff is recommending the establishment of some miscellaneous fees. Further discussion of this item is found elsewhere in this report.

11. Regarding pricing, the fees that are adopted should remain the same for a period of five years.

Response: After the first year of operation, since this is a new program, the City may want to adjust fees. Thereafter, CED staff would agree that the fee structure should remain relatively stable.

12. The Mayor attempted to summarize comments by suggesting that there should be a focus on either Options 1 and/or 7.

Response: None.

**NEW BUDGET INFORMATION –**

The 2017-2018 Proposed Biennial Budget, which was presented to the City Council on October 3, 2016, included a recommended rental housing budget. Excerpts of that budget are contained in Table 2.

<b>TABLE 2 Proposed Rental Housing Safety Program (RHSP) Budget 2016, 2017, &amp; 2018</b>			
<b>Budget Description</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Personnel			
Program Manager (0.35 FTE in 2017)		\$29,971	\$29,971
Assistant to City Manager (0.50 FTE)	<i>These are positions that are currently involved in the implementation, or the future operations of the Rental Housing Safety Program, and whose personnel costs are either a part of the existing or proposed Lakewood 2017/2018 budget. These positions and their representative salaries are imbedded costs within the RHSP program. City can either choose to subsidize these costs or seek full or partial cost recovery.</i>		
Economic Development Manager (0.05 FTE)			
IT Manager (0.10 FTE)			
GIS/IT Specialist I (0.10 FTE)			
Permit Technician (0.10 FTE)			
Contract Office Assistant (1 <sup>st</sup> 6 months, full time; 2 <sup>nd</sup> 6 months half time; base rate \$22 per hour)	\$0	\$34,320	\$22,880
Contract Rental Housing Safety Inspector	\$0	\$50,000	\$50,000
Technology/Work Station:			
Automated registration system – Capital & M&O	\$50,000	\$0	\$0
Tablet	\$1,600	\$0	\$0
Smart phone	\$50	\$0	\$0
Automated Kiosk			
Base price	\$5,000	\$0	\$0
Setup, training & customization	\$1,500	\$0	\$0

**TABLE 2**  
**Proposed Rental Housing Safety Program (RHSP) Budget**  
**2016, 2017, & 2018**

<b>Budget Description</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Maintenance & warranty (\$150/month)	\$1,800	\$1,800	\$1,800
Automated registration system – M&O	\$5,000	\$5,000	\$5,000
Automated registration system – reserves	\$3,300	\$3,300	\$3,300
Smart phone	\$720	\$720	\$720
Postage, printing, forms, office supplies	\$10,000	\$10,000	\$10,000
<b>Total</b>	<b>\$78,970</b>	<b>\$135,111</b>	<b>\$123,671</b>

**RENTAL HOUSING BUILDING BLOCKS –**

CED staff has identified some basic concepts from which to consider a fee system for a rental housing safety program. These concepts are based on past Council comments, in addition to basic financial practices. They are:

- The program should be fee-based.
- The City will subsidize the program’s startup costs in 2016.
- After year one, the City would continue the program based on a cost recovery model. It is assumed that of this writing, cost recovery would be at 100 percent.
- Given the City’s constrained revenue sources, develop a system using contract for services where appropriate. Anticipated contract for services would be for inspections and administrative support.
- Provide for transparency in how fees are used to cover the cost of the plan features and services.
- The fee structure should not be too complicated or costly to either the City or users.
- Limit the number of miscellaneous fees to late fees in the second year, missed-inspections, re-inspection fees, and rental housing inspectors’ annual renewals.
- Rental registration expires on December 31<sup>st</sup> of the calendar year following the registration or renewal.
- A residential rental business license is renewed annually during the first quarter of each calendar year.

**RECOMMENDATIONS -**

**General Business Licensing:** Based on the business definition contained in Title 5 (... all lawful activities engaged in with the object of gain, benefit, or advantage, directly or indirectly, whether part-time, full-time or seasonal.) charge a general business license fee of \$60 for rental properties. It is estimated that this proposal would generate \$282,420 in fees annually.

- Alternative to the \$60 flat fee: If the Council finds that the licensing fees for rental properties is burdensome, it could amend the fee schedule and reduce the general business license fee for rental properties to a lesser amount.

**Rental Housing Program:** For single family and multifamily rental properties, initiate a flat fee of \$9.00 per unit per site.

The single family rental fees would generate \$26,600, and the multifamily rental fees would generate \$113,400, for a total of \$140,000 which based on the most recent budget numbers, is the anticipated annual revenue needed to operate the program.

Establish re-inspection fees. The proposed fees are purposely high as an incentive to not have re-inspections. The amount of the fees is based on the experiences of other communities with rental housing programs. The number of miscellaneous fees has been kept to a minimum. Since this is a new program, it is recommended that the Council reserve the right to adjust fees in 2018 if necessary.

Table 3 is the worksheet by which proposed fees have been calculated.

<b>TABLE 3 Rental Fees Worksheet</b>	
<b>Total number of rental units in Lakewood as of <u>October 19, 2016:</u></b>	
Single family dwelling units	3,085 (19%)
<u>Multifamily dwelling units</u>	<u>12,937</u> (81%)
Total	16,022
Single family rental parcels	3,085 (66%)
<u>Multifamily rental parcels</u>	<u>1,622</u> (34%)
Total	4,707
<b>Estimated annual operating costs for the rental housing inspection program:</b>	\$140,000
<b>Rental registration costs for single family dwelling units:</b>	

**TABLE 3  
Rental Fees Worksheet**

\$140,000 x .19 = \$26,600  
 \$26,600 / 3,085 units = **\$8.62 per unit**

**Rental registration costs for multifamily units:**

\$140,000 x .81 = \$113,400  
 \$113,400 / 12,937 units = **\$8.77 per unit**

Table 4 lists the proposed rental housing safety program fees to be incorporated into the City's Master Fee schedule.

**TABLE 4  
Proposed Fee Schedule for the Rental Housing Safety Program**

<b>Description</b>	<b>Calendar Year 2017 Fee</b>	<b>Calendar Year 2018 Fee <i>(Unless Amended)</i></b>
Rental fee per unit	\$9	\$9
Late fee for rental housing license (up to one month past due)	No charge	\$15
Certificate of Compliance	No charge	No charge
Certificate of Compliance transfer to new owner	No charge	No charge
Initial safety inspection	No charge	No charge
1 <sup>st</sup> re-inspection	\$90	\$90
2 <sup>nd</sup> re-inspection	\$125	\$125
3 <sup>rd</sup> or subsequent re-inspection	\$200	\$200
Rental housing inspectors' initial registration	No charge	No charge
Rental housing inspectors' annual renewal	\$10	\$10



To: Mayor and City Councilmembers  
From: Tho Kraus, Assistant City Manager/Administrative Services  
Through: John J. Caulfield, City Manager *John J. Caulfield*  
Date: October 24, 2016  
Subject: 2016 Year-End/Housekeeping Budget Adjustment

---

**BACKGROUND:**

The proposed budget adjustment makes the following types of modification to the current biennium:

- Revise the beginning fund balance by adjusting the estimated amount to reflect the final 2015 ending fund balance
- Housekeeping adjustments to incorporate items previously approved by the City Council
- Appropriate projects funded by grants and contributions
- Continuation of capital projects
- New allocations, on an exception basis.

**PROPOSED BUDGET AMENDMENTS – SUMMARY:**

The proposed budget adjustment:

- Increases total beginning fund balance for all funds by \$210K, resulting in a revised beginning fund balance of \$23.14M;
- Increases total revenues for all funds by \$5.98M, resulting in a total revised revenue budget of \$86.82M;
- Increases total expenditures for all funds by \$7.15M, resulting in a total revised expenditure budget of \$93.67M; and
- Decreases total ending fund balance for all funds by \$962K, resulting in a revised projected ending fund balance of \$16.30M.

Fund Group	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance		
	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget	Current Budget	Proposed Adjustment	Proposed Revised Budget
<b>Total Year 2016</b>	\$ 22,933,042	\$ 210,324	\$ 23,143,366	\$ 80,844,485	\$ 5,977,933	\$ 86,822,418	\$ 86,517,635	\$ 7,150,090	\$ 93,667,725	\$ 17,259,889	\$ (961,833)	\$ 16,298,056
General	5,848,859	-	5,848,859	36,706,744	10,776	36,717,520	36,803,763	201,945	37,005,708	5,751,840	(191,169)	5,560,671
Special Revenue	2,889,177	-	2,889,177	7,474,578	510,649	7,985,227	9,298,985	510,649	9,809,634	1,064,767	-	1,064,767
Debt Service	1,495,833	-	1,495,833	1,249,296	1,884,032	3,133,328	1,894,210	1,884,032	3,778,242	850,919	-	850,919
Capital Projects	2,704,594	210,324	2,914,918	26,826,742	3,372,476	30,199,218	28,004,610	3,972,476	31,977,086	1,526,726	(389,676)	1,137,050
Enterprise	5,801,450	-	5,801,450	2,979,449	-	2,979,449	5,458,341	380,988	5,839,329	3,322,558	(380,988)	2,941,570
Internal Service	4,193,129	-	4,193,129	5,607,676	200,000	5,807,676	5,057,726	200,000	5,257,726	4,743,079	-	4,743,079

### GENERAL FUND ENDING FUND BALANCE

The 2016 estimated General/Street O&M Funds ending fund balance of \$5.56M equates to roughly 15% of General/Street O&M Funds operating revenues.

In support of the City's financial integrity, the City Council originally adopted on September 15, 2014, a set of financial policies including fund balance reserves totaling 12% of General/Street O&M Funds operating revenues. The goal date for meeting this target is no later than 2016 and is met with the 2015/2016 Adopted Biennial Budget and continues to be met with the proposed year-end/housekeeping budget adjustments.

- *2% General Fund Contingency Reserves:* The purpose of this reserve is to accommodate unexpected operational changes, legislative impacts, or other economic events affecting the City's operations which could not have been reasonably anticipated at the time the original budget was prepared. A 2% reserve fund based on the General/Street O&M Funds operating revenues equates to roughly \$740K.
- *5% General Fund Ending Fund Balance Reserves:* The purpose of this reserve is to provide financial stability, cash flow for operations and the assurance that the City will be able to respond to revenue shortfalls with fiscal strength. A 5% reserve fund based on the General/Street O&M Funds operating revenues equates to roughly \$1.85M.
- *5% Strategic Reserves:* The purpose of this reserve is to provide some fiscal means for the City to respond to potential adversities such as public emergencies, natural disasters or similarly major, unanticipated events. A 5% reserve fund based on the General/Street O&M Funds operating revenues equates to roughly \$1.85M.

### **PROPOSED BUDGET AMENDMENTS – DETAILS:**

The narrative below provides detailed information on the proposed budget adjustments. A summarized list is included as an attachment to this memo.

### **Fund 001 General**

*Implement LPIG Collective Bargaining Contract, Ongoing* – Add net increase of \$201,945 for implementation of LPIG collectively bargaining contract. The total estimated impact of \$856,000 is offset by General Fund savings in personnel cost of \$276,120 and internal service charges of \$377,935.

*Pierce County Sex Offender Residency Verification, 1-Time* – Remove the original 2016 revenue appropriation of \$12,685 and replace it with the actual of \$23,461. The purpose of this contract is to aid in the verification of all registered sex offenders' places of residence for level I offenders every twelve months, level II offenders every six months, and level III offenders every three months in Pierce County.

### **Fund 102 Real Estate Excise Tax**

*Transfer to Fund 301 Parks Capital, 1-Time* – Add \$47,000 transfer to Springbrook Demolition/Abatement funded by increase in real estate excise tax revenue estimate.

### **Fund 103 Transportation Benefit District**

*Annual Audit Costs, Ongoing* – Increase audit costs by \$1,000 funded by increase in \$20 vehicle licensing fee revenue estimate.

### **Fund 105 Property Abatement/Rental Housing Safety Program**

*Eliminate Original Budget Estimate and Replace with Updated Estimate, 1-Time* – Remove original and increase 2016 expenditure allocations to \$193,200. Add anticipated abatement revenue of \$8,869.

The Property Abatement Fund accounts for projects that the City has identified and processed through the abatement program. All revenues from the rightful recovery of those project expenses, along with all revenues from fees, fines, and interest, and other rightful recoveries from those projects are deposited into the fund for the purpose of funding additional abatement.

### **Fund 180 Narcotic Seizures**

*Drug Enforcement Agency (DEA) Tahoma Narcotics Enforcement Team, 1-Time* – Appropriate a total of \$17,753 in revenue and expenditures. Allocate \$14,203 in overtime wages and \$3,550 in benefits. The contract with the DEA in the amount of \$17,753 is for the period from 10/1/2016 – 9/30/2017. The purpose of these funds is to disrupt the illicit drug traffic in the Pierce County Washington area by immobilizing targeted violators and trafficking organizations, to conduct undercover operations, and to gather and report intelligence data related to trafficking narcotics and dangerous drugs.

### **Fund 192 Office of Economic Adjustment/South Sound Military Communities Partnership**

*Office of Economic Adjustment – Joint Land Use Implementation, 1-Time* - Appropriate a total of \$310,277 in revenues and expenditures in 2016. The City of Lakewood along with the South Sound Military Communities Partnership is working in conjunction to carry out the recommendations of the Joint Land Use Study. The local match of \$34,476 for this project is provided from SSMCP wages and benefits paid for the program manager and coordinator positions. The grant period is from 5/1/2016 – 4/30/2018.

*WA State Department of Commerce – North Clear Zone, 1-Time* – Appropriate a total of \$48,500 in revenues and expenditures in 2016. This grant funding is for partial reimbursement of a Property

Valuations and Relocation Alternatives analysis of the Joint Base Lewis McChord (JBLM) North Clear Zone performed by Montro and Johnston Consulting. The funding period for this project is 4/18/16 to 6/30/17.

*Pierce County – North Clear Zone – 1-Time* – Appropriate a total of \$50,000 in revenue and expenditures in 2016. This funding is for partial reimbursement of a Property Valuations and Relocation Alternatives analysis for the Joint Base Lewis McChord (JBLM) North Clear Zone. This funding will provide reimbursement to the City of Lakewood and the South Sound Military Communities Partnership who engaged Montro and Johnston Consulting to perform the analysis.

### **Fund 195 Public Safety Grants**

*Bulletproof Vest Grant, 1-Time* – Appropriate a total of \$8,632 in revenues and expenditures in 2016. This grant is for the purpose of funding ballistic vests. The grant period is from FFY 2016 – 2018. This grant requires a 50% match which is already budgeted in the General Fund. Grant balances at the end of 2016 will be carried forward into 2017.

*Pierce County Sheriff STOP Violence Against Women – 1-Time* - Appropriate \$3000 in revenue and expenditures in 2016. This grant provides law enforcement training related to crimes involving adult or youth victims (ages 11 and older) of domestic violence, sexual assault, dating violence, and or stalking. The grant period is from January 1 through December 31, 2016.

*Washington Traffic Safety Commission – Pedestrian Safety Zones – 1 – Time* - Appropriate a total of \$10,000 in revenue and expenditures in 2016. No local match is required. The grant provides funding for overtime wages and related benefits for law enforcement personnel to implement Pedestrian Safety Zones. The grant period is from October 1, 2016 through September 30, 2017. The grant balance at the end of 2016 will be carried forward into 2017.

### **Fund 201 General Obligation Debt Service**

*Bond Refund* – On April 4, 2016, the City Council approved an ordinance authorizing the refund of the 2009 LTGO Bond for the Police Station. On April 19, 2016, the City issued refunding bonds (2016 LTGO Refunding Bond). The 2009 LTGO bond callable on June 1, 2019 is \$1,630,000. The total 2016 LTGO Refunding Bond issued is \$1,884,032. The net present value savings from refunding is \$131,222 or 8.05%.

### **Fund 301 Parks Capital**

*Springbrook Park Expansion-Phase II* – Add \$47,000 in construction costs for demolition of building adjacent to Springbrook Park. Funded by \$47,000 in REET transfer in.

*Fort Steilacoom Park Parking Lot* – Add \$249,290 construction costs. Funded by \$249,290 new Department of Commerce grant.

### **Fund 302 Transportation Capital**

*Low Income Streetlights* – Add \$43,000 construction costs. Funded by \$43,000 CDBG transfer in, already included in CDBG budget.

*Madigan Access Improvements* – Increase construction costs by \$180,988, actual construction cost was higher than budgeted. Funded by \$180,988 in SWM transfer in.

*108<sup>th</sup> St/Main St to Bridgeport Way* – Increase personnel costs by \$15,433 and construction costs by \$56,765. Funded by \$72,198 in CDBG transfer in, already included in CDBG budget.

*Lakeview Ave Sidewalk Improvements* – Add \$2,180,000 construction costs. Funded by \$1,980,000 new WSDOT Grant and \$200,000 SWM transfer in.

### **Fund 311 Sewer Project CIP**

*Woodbrook Sewer Extension* – Increase construction costs by \$600,000, actual construction cost was higher than budgeted. Funded by \$600,000 Sewer Project Debt transfer in.

### **Fund 401 Surface Water Management**

*Transfers to Fund 302 Transportation CIP Projects* – Increase by \$380,988 for SWM’s share of project costs.

- \$200,000 for Lakeview Avenue Sidewalk Improvements
- \$180,988 for Madigan Access Improvements

### **Fund 501 Fleet & Equipment**

*Replace Police Vehicle #40831* – Add \$50,000 for the replacement of vehicle involved in collision. Funding source is insurance proceeds and replacement reserves if needed.

*Replace Police Vehicle #41051* - Add \$50,000 for the replacement of vehicle involved in collision. Funding source is insurance proceeds and replacement reserves if needed.

### **Fund 504 Risk Management**

*Transfer to Fleet & Equipment Fund* – Transfer up to \$100,000 to Fleet & Equipment Fund for the replacement of police vehicles involved in collision. Funding source is insurance proceeds.

#### **NEXT STEPS:**

- November 7, 2016 - Public Hearing
- November 21, 2016 – Adoption

#### **ATTACHMENTS:**

- Summary of Proposed Adjustments
- Draft Budget Ordinance & Related Exhibits
  - Exhibit A – Current Revised Budget By Fund- Year 2016 Per Ord. 640 Adopted May 16, 2016
  - Exhibit B – Proposed Revised Budget By Fund- Year 2016

**2016 Year-End/Housekeeping  
Summary of Proposed Requests**

	Adjustment Type	/	1-Time	Year 2016	
				Revenue	Expenditure
<b>Grand Total - All Funds</b>				<b>\$ 5,977,933</b>	<b>\$ 7,150,090</b>
<b>Total - Fund 001 General</b>				<b>\$ 10,776</b>	<b>\$ 201,945</b>
Implement LPIG Contract	Housekeeping		Ongoing	-	201,945
Sex Offender Residency Verification - Funded by Pierce County Sheriff	Contract		1-Time	10,776	-
<b>Total - Special Revenue Funds</b>				<b>\$ 510,649</b>	<b>\$ 510,649</b>
<b>Total - Fund 102 Real Estate Excise Tax</b>				<b>47,000</b>	<b>47,000</b>
Transfer to Parks CIP - Demolition of Properties Adjacent to Springbrook Park, Increase REET Revenue	Capital		1-Time	47,000	47,000
<b>Total - Fund 103 Transportation Benefit District</b>				<b>1,000</b>	<b>1,000</b>
Audit Cost Increase - Funding Source is \$20 Vehicle Licensing Fee Increase in Revenue Estimate	Housekeeping		Ongoing	1,000	1,000
<b>Total - Fund 105 Property Abatement/Rental Housing Safety Program</b>				<b>\$ 14,487</b>	<b>\$ 14,487</b>
Property Abatement - Funding Source is Abatement Charges	Housekeeping		Ongoing	14,487	14,487
<b>Total - Fund 180 Narcotic Seizure</b>				<b>\$ 17,753</b>	<b>\$ 17,753</b>
Tahoma Narcotics Enforcement Team - Funded by Drug Enforcement Agency	Contract		1-Time	17,753	17,753
<b>Total - Fund 192 Office of Economic Adjustment (OEA)</b>				<b>\$ 408,777</b>	<b>\$ 408,777</b>
Joint Land Use Implementation - Funded by Office of Economic Adjustment	Grant		1-Time	310,277	310,277
North Clear Zone - Funded by Washington Department of Commerce	Grant		1-Time	48,500	48,500
North Clear Zone - Funded by Pierce County	Grant		1-Time	50,000	50,000
<b>Total - Fund 195 Public Safety Grants</b>				<b>\$ 21,632</b>	<b>\$ 21,632</b>
Bulletproof Grant Program - Funded by Department of Justice	Grant		1-Time	8,632	8,632
STOP Violence Against Women Training - Funded by Pierce County Sheriff	Grant		1-Time	3,000	3,000
Pedestrian Safety Zones - Funded by Washington Traffic Safety Commission	Grant		1-Time	10,000	10,000
<b>Grand Total - Debt Service Funds</b>				<b>\$ 1,884,032</b>	<b>\$ 1,884,032</b>
<b>Total - Fund 201 GO Bond Debt Service</b>				<b>\$ 1,884,032</b>	<b>\$ 1,884,032</b>
Bond Refund	Debt		1-Time	1,884,032	1,884,032
<b>Total - Capital Improvement Project Funds</b>				<b>\$ 3,372,476</b>	<b>\$ 3,972,476</b>
<b>Total - Fund 301 Parks CIP</b>				<b>\$ 296,290</b>	<b>\$ 296,290</b>
Demolition of Building Adjacent to Springbrook Park - Funding Source is REET Transfer In	Capital		1-Time	47,000	47,000
Fort Steilacoom Park Parking Lot - Funding Source is Dept. of Commerce Grant	Capital		1-Time	249,290	249,290
<b>Total - Fund 302 Transportation CIP</b>				<b>\$ 2,476,186</b>	<b>\$ 2,476,186</b>
Low Income Streetlights - Funding Source is CDBG (Already in CDBG budget)	Capital		1-Time	43,000	43,000
108th St-Main St to Bridgeport Way - Funding Source is CDBG (Already in CDBG budget)	Capital		1-Time	72,198	72,198
Lakeview Ave Sidewalks - Funding source is WSDOT State Grant \$1.98M & SWM \$200K	Capital		1-Time	2,180,000	2,180,000
Madigan Access Improvements - Funding Source is SWM Transfer In	Capital		1-Time	180,988	180,988
<b>Total - Fund 311 Sewer Project CIP</b>				<b>\$ 600,000</b>	<b>\$ 600,000</b>
Woodbrook Sewer Extension - Funding Source is Transfer In from Sanitary Sewer Connection	Capital		1-Time	600,000	600,000
<b>Total - Fund 312 Sanitary Sewer Connection CIP</b>				<b>\$ -</b>	<b>\$ 600,000</b>
Transfer to Sewer Project CIP - Woodbrook Sewer Extension	Capital		1-Time	-	600,000
<b>Total - Enterprise Funds</b>				<b>\$ -</b>	<b>\$ 380,988</b>
<b>Total - Fund 401 Surface Water Management</b>				<b>\$ -</b>	<b>\$ 380,988</b>
Transfer to Transportation CIP for SWM's Share of Project - Lakeview Ave Sidewalk	Capital		1-Time	-	200,000
Transfer to Transportation CIP for SWM's Share of Project - Madigan Access Improvements	Capital		1-Time	-	180,988
<b>Total - Internal Service Funds</b>				<b>\$ 200,000</b>	<b>\$ 200,000</b>
<b>Total - Fund 501 Fleet &amp; Equipment</b>				<b>\$ 100,000</b>	<b>\$ 100,000</b>
Replacement of Totaled Police Vehicle # 40831 2016 Ford Explorer - Funding Source is Insurance Proceeds & Replacement Reserves	Housekeeping		1-Time	50,000	50,000
Replacement of Totaled Police Vehicle #41051 2011 Chevy Caprice - Funding Source is Insurance Proceeds & Replacement Reserves	Housekeeping		1-Time	50,000	50,000
<b>Total - Fund 504 Risk Management</b>				<b>\$ 100,000</b>	<b>\$ 100,000</b>
Transfer to Fleet & Equipment Fund for Replacement of Totaled Police Vehicle #40830 - Funding Source is Insurance Proceeds	Housekeeping		1-Time	50,000	50,000
Transfer to Fleet & Equipment Fund for Replacement of Totaled Police Vehicle #41050 - Funding Source is Insurance Proceeds	Housekeeping		1-Time	50,000	50,000

ORDINANCE NO.

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the 2015-2016 Biennial Budget.

WHEREAS, the tax estimates and budget for the City of Lakewood, Washington, for the 2015-2016 fiscal biennium have been prepared and filed on October 1, 2014 as provided by Titles 35A.34 and 84.55 of the Revised Code of Washington; and

WHEREAS, the budget was printed for distribution and notice published in the official paper of the City of Lakewood setting the time and place for hearing on the budget and said notice stating copies of the budget can be obtained on-line and at the Office of the City Clerk; and

WHEREAS, the City Council of the City of Lakewood having held a public hearing on November 3, 2014, and having considered the public testimony presented; and

WHEREAS, per RCW 35.34.130, the City is required to adopt by ordinance a mid-biennial review and modification of the biennial budget. The review and modification shall occur no sooner than September 1, 2015 and no later than December 31, 2015. A review and evaluation of the Community Safety Resource Team (CSRT) Program shall occur as part of this process; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 597 on November 17, 2014 implementing the 2015 and 2016 Biennial Budget; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 608 on May 4, 2015 implementing the 2015 Carry Forward Budget Adjustment; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 627 on November 16, 2015 implementing the 2015-2016 Mid-Biennium Budget Adjustment; and

WHEREAS, the City Council of the City of Lakewood adopted Ordinance 640 on May 16, 2016 implementing the 2016 Carry Forward Budget Adjustment; and

WHEREAS, the City Council of the City of Lakewood finds it necessary to revise the 2016 Budget to incorporate year-end and housekeeping adjustments.

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

Section 1. Budget Amendment. The 2016 Budget, as set forth in Ordinance 640, Section 1, is amended to adopt the revised budget for in the amounts and for the purposes as shown on Exhibits A Current Revised Budget by Fund – Year 2016 and B Proposed Revised Budget by Fund – Year 2016.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3. Copies of the Budget to Be Filed. A complete copy of the budget adjustment as adopted herein shall be transmitted to the Office of the State Auditor, the Association of Washington Cities and to the Municipal Research and Services Center of Washington. Copies of the final budget as adopted herein shall be filed with the City Clerk and shall be made available for use by the public.

Section 4. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

ADOPTED by the City Council this 21<sup>st</sup> day of November, 2016.

CITY OF LAKEWOOD

---

Don Anderson, Mayor

Attest:

---

Alice M. Bush, MMC, City Clerk

Approved as to Form:

---

Heidi Ann Wachter, City Attorney

**EXHIBIT A**  
**CURRENT ADOPTED REVISED BUDGET BY FUND - YEAR 2016**

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Fund (001)</b>	\$ 3,752,416	\$ 2,096,443	\$ 5,848,859	\$ 36,576,221	\$ 130,523	\$ 36,706,744	\$ 35,887,542	\$ 916,221	\$ 36,803,763	\$ 5,751,840
<b>Special Revenue Funds - Total:</b>	\$ 1,855,677	\$ 1,033,500	\$ 2,889,177	\$ 5,552,443	\$ 1,922,135	\$ 7,474,578	\$ 6,047,893	\$ 3,251,092	\$ 9,298,985	\$ 1,064,767
101 Street Operations & Maintenance	\$ -	\$ -	\$ -	\$ 2,164,943	\$ 30,731	\$ 2,195,674	\$ 2,164,943	\$ 30,731	\$ 2,195,674	\$ -
102 Real Estate Excise Tax	\$ 69,847	\$ 406,707	\$ 476,554	\$ 1,224,000	\$ -	\$ 1,224,000	\$ 1,205,500	\$ 460,805	\$ 1,666,305	\$ 34,249
103 Transportation Benefit District	\$ -	\$ -	\$ -	\$ 685,000	\$ -	\$ 685,000	\$ 685,000	\$ -	\$ 685,000	\$ -
104 Hotel/Motel Lodging Tax Fund	\$ 1,251,707	\$ 21,433	\$ 1,273,140	\$ 600,000	\$ -	\$ 600,000	\$ 903,850	\$ -	\$ 903,850	\$ 969,290
105 Property Abatement	\$ -	\$ 149,331	\$ 149,331	\$ 35,000	\$ 8,869	\$ 43,869	\$ 35,000	\$ 158,200	\$ 193,200	\$ -
106 Public Art	\$ 33,389	\$ 686	\$ 34,075	\$ 10,000	\$ -	\$ 10,000	\$ 33,000	\$ -	\$ 33,000	\$ 11,075
180 Narcotics Seizure	\$ 274,721	\$ 206,864	\$ 481,585	\$ 110,000	\$ 6,828	\$ 116,828	\$ 289,750	\$ 308,663	\$ 598,413	\$ -
181 Felony Seizure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
182 Federal Seizure	\$ 171,787	\$ 35,060	\$ 206,847	\$ -	\$ -	\$ -	\$ 10,000	\$ 196,847	\$ 206,847	\$ -
190 CDBG Grants	\$ 11,537	\$ 55,730	\$ 67,267	\$ 500,000	\$ 1,668,937	\$ 2,168,937	\$ 500,000	\$ 1,736,201	\$ 2,236,201	\$ -
191 Neighborhood Stabilization Prog	\$ -	\$ 152,875	\$ 152,875	\$ -	\$ 38,885	\$ 38,885	\$ -	\$ 191,760	\$ 191,760	\$ -
192 OEA/SSMCP Grant	\$ 42,689	\$ 4,814	\$ 47,503	\$ 223,500	\$ 4,750	\$ 228,250	\$ 220,850	\$ 4,750	\$ 225,600	\$ 50,153
195 Public Safety Grants	\$ -	\$ -	\$ -	\$ -	\$ 163,135	\$ 163,135	\$ -	\$ 163,135	\$ 163,135	\$ -
<b>Debt Service Funds - Total:</b>	\$ 949,710	\$ 546,123	\$ 1,495,833	\$ 1,249,296	\$ -	\$ 1,249,296	\$ 1,418,128	\$ 476,082	\$ 1,894,210	\$ 850,919
201 GO Bond Debt Service	\$ -	\$ -	\$ -	\$ 444,808	\$ -	\$ 444,808	\$ 444,808	\$ -	\$ 444,808	\$ -
202 LID Debt Service	\$ 33,207	\$ 451,189	\$ 484,396	\$ 204,488	\$ -	\$ 204,488	\$ 205,463	\$ 476,082	\$ 681,545	\$ 7,339
204 Sewer Project Debt	\$ 524,708	\$ 92,229	\$ 616,937	\$ 600,000	\$ -	\$ 600,000	\$ 497,857	\$ -	\$ 497,857	\$ 719,080
251 LID Guaranty	\$ 391,795	\$ 2,705	\$ 394,500	\$ -	\$ -	\$ -	\$ 270,000	\$ -	\$ 270,000	\$ 124,500
<b>Capital Project Funds - Total:</b>	\$ 2,261,389	\$ 443,205	\$ 2,704,594	\$ 22,197,002	\$ 4,629,740	\$ 26,826,742	\$ 22,810,174	\$ 5,194,436	\$ 28,004,610	\$ 1,526,726
301 Parks CIP	\$ 305,276	\$ (218,171)	\$ 87,105	\$ 1,870,274	\$ 478,784	\$ 2,349,058	\$ 2,045,550	\$ 367,057	\$ 2,412,607	\$ 23,556
302 Transportation CIP	\$ 904,140	\$ 490,064	\$ 1,394,204	\$ 20,024,728	\$ 3,618,766	\$ 23,643,494	\$ 20,729,624	\$ 4,024,559	\$ 24,754,183	\$ 283,515
311 Sewer Project CIP	\$ 106,070	\$ 203,732	\$ 309,802	\$ -	\$ 532,190	\$ 532,190	\$ -	\$ 802,820	\$ 802,820	\$ 39,172
312 Sanitary Sewer Connection	\$ 945,903	\$ (32,420)	\$ 913,483	\$ 302,000	\$ -	\$ 302,000	\$ 35,000	\$ -	\$ 35,000	\$ 1,180,483
<b>Enterprise Fund - Total:</b>	\$ 5,371,282	\$ 430,168	\$ 5,801,450	\$ 2,893,110	\$ 86,339	\$ 2,979,449	\$ 5,228,926	\$ 229,415	\$ 5,458,341	\$ 3,322,558
401 Surface Water Management	\$ 5,371,282	\$ 430,168	\$ 5,801,450	\$ 2,893,110	\$ 86,339	\$ 2,979,449	\$ 5,228,926	\$ 229,415	\$ 5,458,341	\$ 3,322,558
<b>Internal Service Funds - Total:</b>	\$ 4,063,493	\$ 129,636	\$ 4,193,129	\$ 5,224,584	\$ 383,092	\$ 5,607,676	\$ 4,299,514	\$ 758,212	\$ 5,057,726	\$ 4,743,079
501 Fleet & Equipment	\$ 3,840,118	\$ (155,181)	\$ 3,684,937	\$ 2,222,479	\$ 32,800	\$ 2,255,279	\$ 1,247,409	\$ 204,494	\$ 1,451,903	\$ 4,488,313
502 Property Management	\$ 223,375	\$ 223,870	\$ 447,245	\$ 749,800	\$ -	\$ 749,800	\$ 799,800	\$ 162,479	\$ 962,279	\$ 234,766
503 Information Technology	\$ -	\$ 60,947	\$ 60,947	\$ 1,235,825	\$ 196,630	\$ 1,432,455	\$ 1,235,825	\$ 237,577	\$ 1,473,402	\$ 20,000
504 Risk Management	\$ -	\$ -	\$ -	\$ 1,016,480	\$ 153,662	\$ 1,170,142	\$ 1,016,480	\$ 153,662	\$ 1,170,142	\$ -
<b>Total All Funds</b>	\$ 18,253,967	\$ 4,679,075	\$ 22,933,042	\$ 73,692,656	\$ 7,151,829	\$ 80,844,485	\$ 75,692,177	\$ 10,825,458	\$ 86,517,635	\$ 17,259,889

**EXHIBIT B**  
**PROPOSED REVISED BUDGET BY FUND - YEAR 2016**

Fund	Beginning Fund Balance			Revenue			Expenditure			Ending Fund Balance
	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	Prior Amount	Adjustment	Revised	
<b>General Fund (001)</b>	\$ 5,848,859	\$ -	\$ 5,848,859	\$ 36,706,744	\$ 10,776	\$ 36,717,520	\$ 36,803,763	\$ 201,945	\$ 37,005,708	\$ 5,560,671
<b>Special Revenue Funds - Total:</b>	\$ 2,889,177	\$ -	\$ 2,889,177	\$ 7,474,578	\$ 510,649	\$ 7,985,227	\$ 9,298,985	\$ 510,649	\$ 9,809,634	\$ 1,064,767
101 Street Operations & Maintenance	\$ -	\$ -	\$ -	\$ 2,195,674	\$ -	\$ 2,195,674	\$ 2,195,674	\$ -	\$ 2,195,674	\$ -
102 Real Estate Excise Tax	\$ 476,554	\$ -	\$ 476,554	\$ 1,224,000	\$ 47,000	\$ 1,271,000	\$ 1,666,305	\$ 47,000	\$ 1,713,305	\$ 34,249
103 Transportation Benefit District	\$ -	\$ -	\$ -	\$ 685,000	\$ 1,000	\$ 686,000	\$ 685,000	\$ 1,000	\$ 686,000	\$ -
104 Hotel/Motel Lodging Tax Fund	\$ 1,273,140	\$ -	\$ 1,273,140	\$ 600,000	\$ -	\$ 600,000	\$ 903,850	\$ -	\$ 903,850	\$ 969,290
105 Property Abatement/ Rental Housing Safety Program	\$ 149,331	\$ -	\$ 149,331	\$ 43,869	\$ 14,487	\$ 58,356	\$ 193,200	\$ 14,487	\$ 207,687	\$ -
106 Public Art	\$ 34,075	\$ -	\$ 34,075	\$ 10,000	\$ -	\$ 10,000	\$ 33,000	\$ -	\$ 33,000	\$ 11,075
180 Narcotics Seizure	\$ 481,585	\$ -	\$ 481,585	\$ 116,828	\$ 17,753	\$ 134,581	\$ 598,413	\$ 17,753	\$ 616,166	\$ -
181 Felony Seizure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
182 Federal Seizure	\$ 206,847	\$ -	\$ 206,847	\$ -	\$ -	\$ -	\$ 206,847	\$ -	\$ 206,847	\$ -
190 CDBG Grants	\$ 67,267	\$ -	\$ 67,267	\$ 2,168,937	\$ -	\$ 2,168,937	\$ 2,236,201	\$ -	\$ 2,236,201	\$ -
191 Neighborhood Stabilization Prog	\$ 152,875	\$ -	\$ 152,875	\$ 38,885	\$ -	\$ 38,885	\$ 191,760	\$ -	\$ 191,760	\$ -
192 OEA/SSMCP Grant	\$ 47,503	\$ -	\$ 47,503	\$ 228,250	\$ 408,777	\$ 637,027	\$ 225,600	\$ 408,777	\$ 634,377	\$ 50,153
195 Public Safety Grants	\$ -	\$ -	\$ -	\$ 163,135	\$ 21,632	\$ 184,767	\$ 163,135	\$ 21,632	\$ 184,767	\$ -
<b>Debt Service Funds - Total:</b>	\$ 1,495,833	\$ -	\$ 1,495,833	\$ 1,249,296	\$ 1,884,032	\$ 3,133,328	\$ 1,894,210	\$ 1,884,032	\$ 3,778,242	\$ 850,919
201 GO Bond Debt Service	\$ -	\$ -	\$ -	\$ 444,808	\$ 1,884,032	\$ 2,328,840	\$ 444,808	\$ 1,884,032	\$ 2,328,840	\$ -
202 LID Debt Service	\$ 484,396	\$ -	\$ 484,396	\$ 204,488	\$ -	\$ 204,488	\$ 681,545	\$ -	\$ 681,545	\$ 7,339
204 Sewer Project Debt	\$ 616,937	\$ -	\$ 616,937	\$ 600,000	\$ -	\$ 600,000	\$ 497,857	\$ -	\$ 497,857	\$ 719,080
251 LID Guaranty	\$ 394,500	\$ -	\$ 394,500	\$ -	\$ -	\$ -	\$ 270,000	\$ -	\$ 270,000	\$ 124,500
<b>Capital Project Funds - Total:</b>	\$ 2,704,594	\$ 210,324	\$ 2,914,918	\$ 26,826,742	\$ 3,372,476	\$ 30,199,218	\$ 28,004,610	\$ 3,972,476	\$ 31,977,086	\$ 1,137,050
301 Parks CIP	\$ 87,105	\$ -	\$ 87,105	\$ 2,349,058	\$ 296,290	\$ 2,645,348	\$ 2,412,607	\$ 296,290	\$ 2,708,897	\$ 23,556
302 Transportation CIP	\$ 1,394,204	\$ 210,324	\$ 1,604,528	\$ 23,643,494	\$ 2,476,186	\$ 26,119,680	\$ 24,754,183	\$ 2,476,186	\$ 27,230,369	\$ 493,839
311 Sewer Project CIP	\$ 309,802	\$ -	\$ 309,802	\$ 532,190	\$ 600,000	\$ 1,132,190	\$ 802,820	\$ 600,000	\$ 1,402,820	\$ 39,172
312 Sanitary Sewer Connection	\$ 913,483	\$ -	\$ 913,483	\$ 302,000	\$ -	\$ 302,000	\$ 35,000	\$ 600,000	\$ 635,000	\$ 580,483
<b>Enterprise Fund - Total:</b>	\$ 5,801,450	\$ -	\$ 5,801,450	\$ 2,979,449	\$ -	\$ 2,979,449	\$ 5,458,341	\$ 380,988	\$ 5,839,329	\$ 2,941,570
401 Surface Water Management	\$ 5,801,450	\$ -	\$ 5,801,450	\$ 2,979,449	\$ -	\$ 2,979,449	\$ 5,458,341	\$ 380,988	\$ 5,839,329	\$ 2,941,570
<b>Internal Service Funds - Total:</b>	\$ 4,193,129	\$ -	\$ 4,193,129	\$ 5,607,676	\$ 200,000	\$ 5,807,676	\$ 5,057,726	\$ 200,000	\$ 5,257,726	\$ 4,743,079
501 Fleet & Equipment	\$ 3,684,937	\$ -	\$ 3,684,937	\$ 2,255,279	\$ 100,000	\$ 2,355,279	\$ 1,451,903	\$ 100,000	\$ 1,551,903	\$ 4,488,313
502 Property Management	\$ 447,245	\$ -	\$ 447,245	\$ 749,800	\$ -	\$ 749,800	\$ 962,279	\$ -	\$ 962,279	\$ 234,766
503 Information Technology	\$ 60,947	\$ -	\$ 60,947	\$ 1,432,455	\$ -	\$ 1,432,455	\$ 1,473,402	\$ -	\$ 1,473,402	\$ 20,000
504 Risk Management	\$ -	\$ -	\$ -	\$ 1,170,142	\$ 100,000	\$ 1,270,142	\$ 1,170,142	\$ 100,000	\$ 1,270,142	\$ -
<b>Total All Funds</b>	\$ 22,933,042	\$ 210,324	\$ 23,143,366	\$ 80,844,485	\$ 5,977,933	\$ 86,822,418	\$ 86,517,635	\$ 7,150,090	\$ 93,667,725	\$ 16,298,056



TO: Mayor and City Councilmembers  
THROUGH: John Caulfield, City Manager   
FROM: Heidi Ann Wachter, City Attorney  
DATE: October 24, 2016  
SUBJECT: Wireless Telecommunications Code Changes, Amending LMC 18A.

---

**BACKGROUND:** Council received a recommended draft ordinance based on one available model which is fairly specific in the regulation of the administrative process for “substantial changes” to existing wireless facilities (the “Kenyon Disend”).<sup>1</sup> As the study session on October 10 approached, a wireless carrier as well as counsel to a wireless consortium contacted the City to voice concerns.

The City is proposing to amend the Lakewood Municipal Code pertaining to Wireless Telecommunication Facilities (WTF) in order to achieve compliance with recent Federal Communications Commission (FCC) regulations. Options and a recommendation follow.

The most recent changes to Federal law pertaining to wireless communications occurred as part of the Middle Class Tax Relief and Jobs Creation Act adopted in 2012 by the United States Congress (particularly Section 6409(a) of the Act). The Federal Communications Commission (FCC) subsequently issued updated implementing regulations in 2015. This legislation requires local agencies to administratively approve (with any applicable conditions of approval) minor modifications to existing “eligible” wireless communications facilities that would not “substantially change” the original project. The administrative review process includes specific processing timelines that must be followed to avoid potential automatic approval of the application.

Given that the City averages less than two requests per year since incorporation which would be described as “wireless” related (much less subject to the proposed ordinance) and the intent to comply with the new regulations rather than create a new standard or process,

---

<sup>1</sup> The “Kenyon Disend” proposed Ordinance was reviewed by the Planning Commission and referred to the City Council with a recommendation for adoption. The City Council is the final authority with regard to the recommendation of the Planning Commission.

the matter was set over to more fully explore alternatives that would be better received by the wireless community.

There is no question that the alternative endorsed by the wireless community complies with the new regulations. See the attached table to compare the “Kenyon Disend”, “AT&T as adopted” and “AT&T as proposed”. The “Kenyon Disend” includes a process with significant detail which alleviates any need to negotiate gaps in the process when a permit is submitted. The “AT&T as proposed” adheres more strictly to the specifics of the new regulation. The original representation was that Olympia and Spokane negotiated a hybrid of the “AT&T as proposed” that is acceptable to the wireless community.

The Olympia and Spokane versions of compliance with the new regulation do not appear to have been negotiated so much as adopted into and harmonized with existing City Code. The “AT&T as proposed” language is there almost entirely.

### **Options**

1. Retain existing Code. This option leaves the City of Lakewood without documented compliance with new federal regulations which could result in targeting for litigation.

The original recommendation involved a repeal of existing Code language, including that which regulates initial siting of wireless facilities. Because the new regulations relate to modification of existing facilities, this option leaves the City without regulation of location. It is recommended that any ordinance adopted supplement rather than replace existing Code. Within that recommendation are the following options:

2. Add the “Kenyon Disend” model to existing Code. This would add an additional process to current permitting processes, specifically tailored for the modification of wireless facilities. It also has drawn the attention of the wireless community which could result in challenges at the time of permitting.
3. Follow the “AT&T as adopted” model, blending the language from the wireless community into existing code. This would satisfy the concerns of the wireless community but may not be as straight forward as Option 4.
4. Adopt “AT&T as proposed” as an independent chapter of the Lakewood Municipal Code. There is no question that the wireless community is comfortable with this option and it is the most easily referenced and straight forward way to demonstrate compliance with the new regulation.

### **Recommendation**

Given the infrequent requests for this type of permit and the interest in focusing on the City’s work plan, the recommendation is Option 4 – Adopt “AT&T as proposed” as an independent chapter of the Lakewood Municipal Code. This would be in addition to existing Code regulating wireless facility location in the City. This Option satisfies compliance with the new regulation without the disruption of making the City a target for litigation as the result of an aggressive approach.

While the City has demonstrated both the willingness and the ability to defend an aggressive approach, it has also reserved such effort for those matters which align with the work plan for the City. Option 4 gains compliance without compromising resources dedicated to the work plan.

#### Attachments

1. Table Comparing Proposed Ordinances
2. The “Kenyon Disend”
3. “AT&T as adopted”, here, by Spokane (it has also been adopted in this fashion by Olympia and in a consolidated fashion by Kennewick)
4. “AT&T as proposed”
5. Wireless Telecommunication Locations Map

	<b>Kenyon Disend</b>	<b>AT&amp;T Model as adopted</b>	<b>AT&amp;T Model as proposed</b>
<b>Cities</b>	<ul style="list-style-type: none"> <li>- Puyallup</li> <li>- Bainbridge</li> <li>- Oak Harbor</li> </ul>	<ul style="list-style-type: none"> <li>- Olympia</li> <li>- Spokane</li> </ul>	
<b>Insurance</b>	WCIA	WCIA	WCIA
<b>Providers</b>		Providers	Providers
<b>Purpose</b>	Implement new FCC regulations (lots of detail)	Never actually explains the purpose of implementing FCC regulations	Implement new FCC regulations (brief)
<b>Definitions</b>	Potpourri (Authorized Person, City, etc.)	Potpourri (Antenna, Commission, etc.)	Generally focused on transmission equipment (Base station, Eligible support structure, etc.)
<b>Specific Clauses</b>	<ul style="list-style-type: none"> <li>- Relationship to Other Rules/Regulation</li> <li>- Permit Classification</li> <li>- Review of Application; Approval</li> <li>- Substantial Change Criteria</li> <li>- Non-conforming structure; termination</li> <li>- Enforcement; Violation</li> <li>- Applicability; Nonconformities</li> <li>- Accessory Use Categories/ Land Use Types and Levels</li> <li>- Utilities Use Category/ Land Use Types and Levels</li> </ul>	<ul style="list-style-type: none"> <li>- Towers</li> <li>- Collocation of Antennas</li> <li>- Tower Sharing Collocation and Preferred Tower Locations</li> <li>- Application submittal requirements</li> <li>- General Development Standards Applicable to WCF's</li> <li>- Regulations for Facilities subject to a Conditional Use Permit</li> <li>- Exception from standards</li> <li>- Final Inspection</li> <li>- Discontinuation of Use</li> <li>- Independent Technical Review</li> <li>- Exempt Facilities</li> <li>- Indemnification</li> </ul>	<ul style="list-style-type: none"> <li>- Application Review</li> </ul>

ORDINANCE NO.XXX

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the City of Lakewood Land Use and Development Code, Title 18A, establishing revised telecommunications regulations and establishing an effective date.

WHEREAS, in October 2014, the Federal Communications Commission (FCC) adopted a "Report and Order" that takes steps to increase broadband deployment; and

WHEREAS, in January 2015, a Final Wireless Infrastructure Order issued by the FCC was published in the Federal Register that includes new mandatory requirements for how local governments, including the City of Lakewood; and

WHEREAS, this Order is intended to promote the deployment of wireless infrastructure to support wireless communications by eliminating what the FCC considers "unnecessary reviews" by jurisdictions that have authority to act on applications for such uses; and

WHEREAS, this Order curtails or eliminates some review procedures that the FCC has deemed not necessary for small-size facilities collocating on existing structures that are in compliance with local zoning requirements and concealment measures; and

WHEREAS, the City of Lakewood's insurance carrier, Washington Cities Insurance Association (WCIA) has strongly encouraged the City of Lakewood to amend its current wireless telecommunications ordinance; and

WHEREAS, the City of Lakewood has initiated a Land Use and Development Code text amendment; and

WHEREAS, pursuant to the provisions of the State Environmental Policy Act (SEPA), together with related state and local implementation guidelines, including Titles 14 and 14A of the Lakewood Municipal Code, the provisions of this Ordinance have been found to not constitute a project under SEPA, municipal code amendments that involve no changes to the physical environment; and

WHEREAS, on September 21, 2016, the Lakewood Planning Commission conducted a Public Hearing on the proposed changes to the City of Lakewood's telecommunications regulations; and

WHEREAS, following the Public Hearing, the Lakewood Planning Commission forwarded a set of recommendations to the Lakewood City Council via Planning Commission Resolution No. BLANK; and

WHEREAS, the Lakewood City Council has reviewed materials relevant to public input, and staff, and Planning Commission recommendations; and

WHEREAS, the Lakewood City Council has considered the recommendations of the Lakewood Planning Commission; and

WHEREAS, the Lakewood City Council has considered the required findings in LMC 18A.02.415; and

WHEREAS, the municipal code text amendments are in conformity with the public convenience, general welfare, and good zoning practice, in that they would further implement land use policies, eliminate existing inconsistencies in the municipal code and in general, adherence to good planning practices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Chapter 18A.80 Lakewood Municipal Code, is hereby created as follows:

Chapter 18A.80  
Eligible Facilities Modification Code (Wireless Telecommunications)

18A.80.010	Title.
18A.80.020	Adoption of Findings and Conclusions.
18A.80.030	Purpose and Intent.
18A.80.040	Definitions.
18A.80.050	Applicability - Relationship to other Rules and Regulations.
18A.80.060	Permit Classification.
18A.80.070	Application Submittal Requirements.
18A.80.080	Review of Application; Approval.
18A.80.090	Substantial Change Criteria.
18A.80.100	Nonconforming Structure; Termination.
18A.80.110	Enforcement.

18A.80.010 Title.

This Chapter shall be known and referred to as the “Eligible Facilities Modification Code” or “EFM Code”. Unless the context indicates otherwise, a reference herein to “this code” or “this chapter” shall mean and refer to the Eligible Facilities Modification Code.

18A.80.020 Adoption of findings and conclusions.

The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the City Council.

18A.80.030 Purpose and intent.

The purpose and intent of this chapter are as follows:

- A. To implement § 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. § 1455(a)) which requires the City to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;
- B. To implement the FCC rules set forth at 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) new Subpart CC § 1.40001 (Wireless Facility Modifications), which rules implement § 6409 of the Spectrum Act;
- C. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;
- D. To ensure that application submittal requirements are related to information reasonably necessary to determine whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;
- E. To exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;
- F. To preserve the City’s right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;
- G. To promote timely decisions under this chapter;
- H. To ensure that decisions are made consistently and predictably;
- I. To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030(2)(c), (State Environmental Policy Act);
- J. To recognize that Section 6409(a)(1) of the Spectrum Act operates to preempt any provision of the State Environmental Policy Act (RCW Ch. 43.21C) to the extent that any such provision, including RCW 43.21C.030(2)(c), would prohibit a City from approving any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

K. To provide for termination of eligible facilities modifications approved pursuant to this chapter, as nonconforming structures in the event that § 6409(a) of the Spectrum Act is found to be unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in derogation of development regulations in place at the time of receipt of a completed application.

#### 18A.80.040 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless the context clearly requires otherwise. Any term or phrase not defined herein, shall have the meaning that is given to that term or phrase in chapter 18A.90 of the Lakewood Municipal Code. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory and the word “may” is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein are renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.

“Approval authority” is the public official, or designee, who has authority under this title to administratively issue project permit approvals.

“Applicant” shall mean and refer to the person, and such person’s successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.

“Authorized person” is the person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit an eligible facilities modification application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the City regarding the application.

“Base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

A. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

C. The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the City under this Chapter, supports or houses equipment described in paragraphs A. and B. above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

D. The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in paragraphs A. and B. above.

“City” shall mean and refer to the City of Lakewood.

“Collocation” shall mean and refer to the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Conceal” or “Concealment” shall mean and refer to eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station.

“Deemed approved” shall mean and refer to an eligible facilities modification application that has been deemed approved upon the City’s failure to act, and has become effective, as provided pursuant the FCC Eligible Facilities Request Rules.

“Eligible facilities modification application” or “application” shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the City pursuant to this chapter for review and approval of a proposed facilities modification.

“Eligible facilities modification” shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure.

“Eligible facilities modification permit” or “permit” shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.

“Eligible support structure” shall mean and refer to any existing tower or base station as defined in this chapter, provided that it is in existence at the time the eligible facilities modification application is filed with the City under this chapter.

“Existing” shall, for purpose of this chapter and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process; provided that, a tower that has not been

reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“Proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

- A. Collocation of new transmission equipment;
- B. Removal of transmission equipment; or
- C. Replacement of transmission equipment.

“FCC” shall mean and refer to the Federal Communications Commission or its successor.

“FCC Eligible Facilities Request Rules” shall mean and refer to 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Subpart CC § 1.40001 as established pursuant to its Report and Order in, In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

“Site” shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

“Small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:

- A. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- B. Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

“Small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

“Spectrum Act” shall mean and refer to the “Middle Class Tax Relief and Job Creation

Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

“Substantial change criteria” shall mean and refer to the criteria set forth in this Chapter at LMC 18A.80.090.

“Transmission Equipment” shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Tower” shall mean and refer to any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

18A.80.050 Applicability - Relationship to other Rules and Regulations.

A. Sole and Exclusive Procedure. Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the City Code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this Chapter and may be subject to review under other applicable provisions of the City Code.

B. Non-conforming Structures. This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal nonconforming, structure at the time a completed eligible facilities modification application is filed with the City. To the extent that the non-conforming structures and use provisions of the City code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

C. Replacement of Eligible Support Structure. This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.

D. First Deployment; Base Station. This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.

E. Interpretation. Interpretations of this Chapter shall be guided by Section 6409 of the Spectrum Act; the FCC Eligible Facilities Request Rules, the FCC's Report and Order in, In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153; and Sections 18A.80.020 (Adoption of Findings and Conclusions) and 18A.80.030 (Purpose and Intent) of this Code.

F. SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if any of the following apply

1. The proposed facilities modification would not increase the height of the eligible support structure by more than ten percent, or twenty feet, whichever is greater; or
2. The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater;\* or
3. The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

\*Note: See, RCW 43.21C.0384 and WAC 197-11-800(25)

G. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

#### 18A.80.060 Permit classification.

An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority.

#### 18A.80.070 Application submittal requirements; determination of completeness.

A. Purpose. This section sets forth the submittal requirements for an eligible facilities modification application. The purpose of the submittal requirements is to ensure that the

City has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.

B. Submittal Requirements. No eligible facilities modification application shall be deemed complete unless it is in writing, accompanied by the applicable application and review fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:

1. The following contact information for the Authorized Person:
  - a. Name;
  - b. Title;
  - c. Mailing Address;
  - d. Phone Number; and
  - f. Electronic Mail Address (Optional).
2. The legal and dba names, mailing address, Washington tax number, and contact phone number(s) of Applicant.
3. If a corporation, the name and address of the registered agent of Applicant in the Washington State, and the state of incorporation of Applicant.
4. If Applicant is an entity, other than a corporation, such as a partnership or limited liability company, the names and business addresses of the principals.
5. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
6. If the applicant is not the owner or person in control of the eligible support structure and/or site, the following shall be required: An attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right of way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right of way.
7. If the applicant proposes a modification involving collocation of transmission equipment or the replacement of transmission equipment, the following shall be required: Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure.
8. If the applicant proposes a modification that will result in an increase in height of the eligible support structure, the following shall be required: Record drawings, as-built

plans, or the equivalent, showing the height of the eligible support structure, (a) as originally constructed and granted approval by the City or other applicable local zoning or similar regulatory authority, or (b) as of the most recent modification that received city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.

9. If the applicant proposes a modification to an eligible support structure, which structure or proposed modification of the same, is subject to pre-existing restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the City Code, or an ordinance or a municipal code of another local government authority, the following shall be required:

A copy of the document (e.g., CUP or SUP) setting forth such pre-existing restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided that, such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.

10. If the applicant proposes a modification to an eligible support structure, which structure or proposed modification of the same, is subject to pre-existing concealment restrictions or requirements, or was constructed with concealment elements, the following shall be required:

Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

11. If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure, the following shall be required: Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.

12. If the applicant proposes a modification to an eligible support structure that will (a) include any excavation, (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or (c) would protrude from the edge of a non-tower eligible support structure, the following shall be required:

A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

13. If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement, the following shall be required:

A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed collocation, removal, or replacement of transmission equipment and conforms to applicable code requirements. The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.

14. If the applicant proposes a modification to a tower, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:

- a. The number and type of antennas that can be accommodated;
- b. The basis for the calculation of capacity; and
- c. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

15. If the applicant proposes a modification to a base station, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes.

16. If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required:

A detailed site plan and drawings, showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting:

- a. The location, elevation and dimensions of the existing eligible support structure,
- b. The location, elevation and dimensions of the existing transmission equipment,
- c. The location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment,
- d. The location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each,
- e. Any proposed modification to the eligible support structure,
- f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features, and
- g. The location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

17. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

C. Waiver of Submittal Requirement. The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A waiver, to be effective, must be in writing and signed by the approving authority.

D. When Received. An eligible facilities modification application and any supplemental submittals shall be deemed received by the City upon the date such application, or supplemental submittal, is filed with the Community Development Director or designee. An application, and any supplemental submittals, must be filed in person during regular business hours of the City and must be accompanied by the applicable permit review fee(s). Any application received by the City without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.

E. Completed Application; Determination; Tolling.

1. Determination of Completeness. The approval authority shall, within twenty-eight (28) days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable permit review fee(s) and contains all

of the applicable submittal requirements set forth at LMC 18A.80.070(B) of this chapter, unless waived by the approval authority pursuant to LMC 18A.80.070(C).

The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.

2. **Incomplete Application.** The approval authority shall notify the applicant within thirty (30) days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.
3. **Tolling Timeframe for Review.** The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The timeframe for review is not tolled by a moratorium on the review of eligible facility modification applications.
  - a. To toll the timeframe for review for incompleteness, the approval authority must provide written notice to the applicant within twenty-eight (28) days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in LMC 18A.80.070(B) and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.
  - b. The timeframe for review begins running again when the City is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.
  - c. Following a supplemental submission, the approval authority shall have ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (3)(c). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
  - d. A notice of incompleteness from the City will be deemed received by the Applicant upon the earlier of the following: personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three (3) days from deposit of the notice in the

United States Mail, postage prepaid, and in an envelope properly addressed to the authorized person using the address set forth in the application.

4. **Modification of Application.** In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided that, applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the City to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

18A.80.080 Review of application; approval.

A. **Review of Application.** The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

B. **Timeframe for Review.** Within sixty 60 days of the date on which the City receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approving authority, the approving authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

C. **Approval; Denial.** An eligible facilities application shall be approved, and an eligible facilities permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this chapter and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities application shall be denied upon determination by the approving authority that the proposed facilities modification is not subject to this chapter or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.

D. **Deemed Approved Application.** An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification permit issued pursuant to this chapter.

E. **Denial of Application.** A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.

F. Code Requirements. Any eligible facilities modification permit issued pursuant to this chapter, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.

G. Term of Eligible Facilities Modification Permit. An eligible facilities modification permit issued pursuant to this chapter, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is deemed approved.

H. Remedies. Notwithstanding any other provisions in the City code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the City retain any and all remedies that are available at law or in equity, including by way of example and not limitation, those remedies set forth in the FCC Eligible Facilities Request Rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy shall be brought within thirty (30) days following the date of denial or following the date of notification of the deemed approved remedy.\*

\*Note: The FCC Report and Order in, In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, Par's 234 – 236, provides that the City shall have 30 days from the date of notification by the applicant of a deemed granted remedy to bring a legal action in a court of competent jurisdiction to challenge the deemed granted remedy, and that the applicant shall have 30 days from the date of denial to bring a legal action in a court of competent jurisdiction challenging a denial of the application.

18A.80.090 Substantial change criteria.

A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or

base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.\*

B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

1. It entails any excavation or deployment outside the current site;
2. It would defeat the concealment elements of the eligible support structure; or
3. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this section LMC 18A.80.090.

\*Note: The FCC rules refer to the date of passage of the Spectrum Act. The Spectrum Act was enacted on February 22, 2012. Presumably the FCC intended to refer to the date of enactment as the date of passage.

18A.80.100 Non-conforming structure; termination.

A. Application. The provisions of this section LMC 18A.80.100 shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed.

B. Non-Conforming Structure Determination. A facilities modification to which this section applies is subject to termination as a non-conforming structure upon the following conditions: a. Final, Non-Appealable Decision. An appellate court, in a final and nonappealable decision, determines that § 6409(a)(1) of the Spectrum Act is unconstitutional or otherwise determined to be invalid or unenforceable; and b. Notice of

Non-Conforming Structure Determination. The City provides written notice to the applicant that the City has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a non-conforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.

C. Conformance; Termination. Upon receipt of notice of the City's non-conforming structure determination, applicant shall abate the non-conformance by either conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed, or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one (1) year from the date of the City's notice of the non-conforming structure determination.

D. Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

E. Administrative Appeal. Appeal Process subject to LMC 18A.2.740.

#### 18A.80.110 Enforcement; violation.

Compliance with the provisions of this chapter is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions set forth, at the City's election, LMC 08.32.030 or LMC 18A.2.475, or both.

Section 2. Section 18A.2.810 Lakewood Municipal Code entitled "Applicability – Nonconformities," is amended to read as follows:

#### 18A.2.810- Applicability – Nonconformities

- A. This section shall apply to legally existing nonconformities, except the following:
1. Nonconforming signs as defined in LMC 18A.50.600, Signs, which shall instead be governed by standards set forth in that section.
  2. Nonconforming wireless telecommunications facilities as defined in LMC ~~18A.70.600~~ 18A.80, Wireless Telecommunications Facilities, which shall instead be governed by standards set forth in that section.
  3. Nonconforming mobile home parks as defined in LMC 18A.70.400, Manufactured Home Parks, which shall instead be governed by standards set forth in that section.
  4. Permit applications at the time of this title's passage that constitute vested development as defined in LMC 18A.02.350, Vested Rights, which shall instead be governed by

standards set forth in that section. Future plans to further develop property shall not constitute a basis for nonconformity status, whether or not documented in public record, except when they constitute a vesting. Nothing in this section shall be construed to require a change in plans, construction, or intended use related to vested development, though it may thereafter be regulated as a nonconformity.

5. Public/institutional uses previously within the Public/Semi-Public Institutional future land-use designation and Public Institutional zoning district which have been redesignated and rezoned in anticipation of surplus sale or other action intended to result in ownership transition to a non-public entity. Existing uses shall be considered conforming for regulatory purposes until the ownership transfer is complete.

Section 3. Section 18A.20.900 Lakewood Municipal Code entitled, “Accessory Use Category - Land Use Types and Levels” is amended to read as follows:

The Accessory use category includes those uses which are customarily and routinely found in conjunction with, and which are clearly incidental and secondary to, other listed uses, except as may be specifically limited by use levels otherwise listed herein.

A. Residential Accessory. Uses accessory to a primary permitted residential use or in conjunction with a residential use requiring a discretionary permit, subject to LMC 18A.50.140, Residential Accessory Buildings, and all applicable construction permits.

1. Accessory dwelling unit, subject to the provisions of LMC 18A.70.310.
2. Boarding Houses, subject to the provisions of LMC 18.70.320.
3. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
4. Storage.
  - a. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
  - b. Detached carports or garages are allowed in conjunction with an approved access and driveway.
  - c. In addition to attached carports or garages, detached carports, garages, and other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed.
5. Outdoor storage of two (2) recreational/sporting/utility vehicles, subject to LMC 18A.50.145, Outdoor Storage of Recreational, Utility and Sporting Vehicles Accessory to Residential Uses.

6. Home occupations and limited home occupations, subject to the provisions of LMC 18A.70.200.

7. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC 18A.50.155, Vehicle Service and Repair Accessory to Residential Uses.

8. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis, as distinguished from Outdoor Recreation uses.

9. Civic use types, limited to “pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.

10. On-site underground fuel storage tanks to serve a residential use.

11. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC ~~18A.70.600~~ 18A.80, Wireless Telecommunications Facilities.

12. Decks and patios.

13. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.

14. On-site soil reclamation in accordance with state regulations.

15. Retaining walls, freestanding walls, and fences.

16. Yard sales.

17. Eating and Drinking Establishment Level 1, limited to ice cream trucks but excluding their storage.

18. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

B. Civic Accessory. Uses accessory to a primary permitted civic use or in conjunction with a civic use requiring a discretionary permit, subject to all applicable construction permits.

1. Professional Offices Level 1

2. Daycare Facilities Level 3

3. Eating and Drinking Establishment Level ½
  4. Storage buildings and outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards, for maintenance equipment and goods utilized in the primary use.
  5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC ~~18A.70.600~~ 18A.80, Wireless Telecommunications Facilities.
  6. Facilities used in on-site grounds maintenance.
  7. On-site soil reclamation treatment in accordance with state regulations.
  8. Retaining walls, freestanding walls, and fences.
  9. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.
  10. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
  11. Community and Cultural Services Level 1/2, in conjunction with an Outdoor Recreation use type.
  12. Amusement and Recreation Level 1, in conjunction with an Outdoor Recreation use type.
  13. Lodging Level 2, in conjunction with an Outdoor Recreation use type.
- C. Commercial Accessory. Uses accessory to a primary permitted commercial use or in conjunction with a commercial use requiring a discretionary permit, subject to all applicable construction permits.
1. Professional Offices Level 1
  2. Daycare Facilities Level 3
  3. Eating and Drinking Establishment Level ½
  4. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
  5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC ~~18A.70.600~~ 18A.80, Wireless Telecommunications Facilities.
  6. Facilities used in on-site grounds maintenance.

7. On-site soil reclamation treatment in accordance with state regulations.
8. Retaining walls, freestanding walls, and fences.
9. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.
10. Unloading of shipping containers and semi-truck trailers may occur in non-residential zoning districts. Railroad cars, shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the Community Development Director via the zoning certification process outlined in LMC 18A.02.140.

D. Industrial Accessory. Uses accessory to a primary permitted industrial use or in conjunction with an industrial use requiring a discretionary permit, subject to all applicable construction permits.

1. Professional Offices Level 1
2. Daycare Facilities Level 3
3. Eating and Drinking Establishment Level ½
4. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
5. Antennae and satellite dishes for private telecommunication services, subject to specific standards, including siting criteria, set forth in LMC ~~18A.70.600~~ 18A.80, Wireless Telecommunications Facilities.
6. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.
7. Facilities used in on-site grounds maintenance.
8. On-site soil reclamation treatment in accordance with state regulations.
9. Retaining walls, freestanding walls, and fences.
10. Accessory caretaker's dwelling, subject to the provisions of LMC 18A.70.350.

E. Agricultural Accessory. Uses accessory to a primary permitted agricultural use or in conjunction with an agricultural use requiring a discretionary permit, subject to all applicable construction permits.

1. Retail sales of products grown on site.
2. Wholesale nursery activities on the site.
3. Outdoor storage, subject to the provisions of LMC 18A.50.170, Outdoor Storage and Commercial Yard Surfacing Standards.
4. Incidental hazardous materials storage or use, limited to agricultural chemicals, subject to applicable federal and state regulations.
5. Retaining walls, freestanding walls, and fences.
6. Barns and outbuildings, except in the CZ zoning district.

Section 4. Section 18A.20.500 Lakewood Municipal Code entitled, “Utilities Use Category - Land Use Types and Levels” is amended to read as follows:

The Utilities use category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of water, natural gas, electricity, telecommunication services, for the collection of stormwater, and for the collection and disposal of sewage and refuse.

A. Communication Facilities. Facilities used in the transmission of information by wire, radio, optical cable, electromagnetic or other similar means. Examples include central office switching units, remote switching units, telecommunications radio relay stations and cellular communication facility support structures.

Level 1: Local cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae, wireless telecommunications facilities, structures, or private antenna and satellite dishes.

Level 2: Regional cable, fiber optics, traffic control, or telephone transmission lines, poles, or apparatus, not including antennae or wireless telecommunications facilities.

Level 3: Stand-alone emergency services dispatch facilities (“com centers”) that provide service to multiple jurisdictions or entire regions.

Level 4: Commercial or non-profit radio and/or television broadcasting stations.

Level 5: Wireless telecommunications facilities, subject to specific standards, including siting criteria, set forth in LMC ~~18A.70.600~~ 18A.80.

Section 5. Section 18A.90.200 entitled, “Definitations,” Lakewood Municipal Code is amended to read as follows:

*18A.90.200 - Definitions*

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

- ~~a. to cease operation for a period of sixty (60) or more consecutive calendar days;~~
- ~~b. to reduce the effective radiated power of an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy five (75), so long as the operator still serves essentially the same customer base;~~
- ~~c. to relocate an antenna at a point less than eighty (80) percent of the height of an antenna support structure; or,~~
- ~~d. to reduce the number of transmissions from an antenna by seventy five (75) percent for sixty (60) or more consecutive calendar days; Provided that non-operation or reduced operation for a period of sixty (60) or more consecutive calendar days to facilitate maintenance, re-design or other changes about which the City was notified in advance shall not constitute abandonment.~~

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

**ABUTTING.** Lots sharing common property lines.

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

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

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

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

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

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

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

- a. Bathing. Reminding or cuing to wash and dry all areas of the body as needed, stand-by assistance getting into and out of the tub or shower, and physical assistance in steadying the resident during the activity; and
- b. Dressing. Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required; stand-by assistance during the activity;

and physical assistance limited to steadying the resident during the activity; and

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

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

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

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

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

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

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

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

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

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

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

**ALTERATION, STRUCTURAL.** Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

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

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

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

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

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

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

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

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

**APARTMENT.** A dwelling unit in a multifamily building.

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

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

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

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

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

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

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

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

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

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

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

**AT-RISK TIME IN THE COMMUNITY.** The total time, since first being housed in a Type 4 Group Home located within Lakewood, that a person has resided in the community. This includes any time spent in a Type 4 Group Home, whether in Lakewood or elsewhere, as well as any time residing in the community whether or not under DOC supervision. At-risk time in the community does not include any time spent in confinement whether in a jail, prison, pre-release

or work camp. Time spent in such facilities shall be tolled for the purpose of calculating summary recidivism rates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD.** The Planning Advisory Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**DAYCARE FACILITY.** A building or structure in which care is regularly provided for a group of children or adults for periods of less than twenty-four (24) hours. Day care facilities include family day care homes and day care centers regulated by the Washington State Department of Social and Health Services or successor agency, as presently defined and as may be hereafter amended (RCW 74.15, WAC 388-73-422).

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

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

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

**DECIDUOUS TREE.** A tree which loses its foliage annually.

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

**DEPARTMENT.** The City of Lakewood Community Development Department.

**DESIGN DETAILS.** Architectural or building design details refer to the minor building elements that contribute to the character or architectural style of the structure. Design details may include

moldings, mullions, rooftop features, the style of the windows and doors, and other decorative features.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**DWELLING UNIT.** One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or boarding house, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking, sleeping and sanitary facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An efficiency apartment, also known as a studio apartment, constitutes a dwelling unit within the meaning of this title.

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

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

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

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

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

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

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

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

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

**FACADE.** Any portion of an exterior elevation of a building extending from the ground level to the top of the parapet wall or eaves, for the entire width of the building elevation. A front facade is typically the facade facing the major public street(s). An entry facade is typically the facade with the primary public entry.

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

- a. Adult family homes licensed pursuant to RCW 70.128.150;
- b. Foster homes for the placement of the disabled, or expectant mothers in a residential setting including, but not limited to, foster family homes licensed pursuant to Chapter 74.15 RCW, community group care facilities licensed pursuant to Chapter 74.15 RCW and crisis residential centers pursuant to Chapter 13.32A RCW; and
- c. Consensual living arrangements of the disabled protected pursuant to the Federal Fair Housing Act amendments.

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

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

(For unrelated persons residing together, see “Cohabitants.”)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**HAZARDOUS SUBSTANCE LAND USE FACILITY.** The projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for

agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.

**HAZARDOUS SUBSTANCE PROCESSING OR HANDLING.** The use, manufacture, compounding, treatment, synthesis or storage of hazardous substances in excess of the following amounts of cumulative quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, six hundred fifty (650) cubic feet of gaseous hazardous substances, or equivalent combination thereof. Hazardous substances shall not be disposed on-site unless in compliance with Dangerous Waste Regulations, WAC 173-303, and any pertinent local ordinances, such as sewer discharge standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT LINE.** The property line bounding a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

(see next Section for Additional Definitions)

*18A.90.200A - Definitions*

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

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

**MANUFACTURED HOME PARK.** A tract of land that was permitted, designed, and maintained under a single ownership or unified control where two (2) or more spaces or pads are provided solely for the placement of manufactured homes for residential purposes with or without charge. A manufactured home park shall not include manufactured home subdivisions or recreational vehicle parks.

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

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

- a. is suitable for movement along public highways;
- b. is intended solely for human habitation; and
- c. has sleeping, eating and plumbing facilities.

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

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

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

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

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

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

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

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

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

- b. minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- c. rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. reducing or eliminating the impact over time by preservation and maintenance operations; and
- e. compensating for the impact by creation, restoration, or enhancement of critical or sensitive areas to maintain their functional processes, such as natural biological productivity, habitat, and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.

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

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

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

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

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

**MODERATE RISK WASTE FIXED FACILITY.** A solid waste transfer facility needing a state solid waste permit which specializes in the collection of household hazardous waste for packaging for transport to a disposal facility for recycling. It may collect limited amounts of hazardous waste from small quantity generators that are businesses which generate hazardous waste in quantities below the threshold for regulation under Washington Dangerous Waste Regulations (RCW 70.105).

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

the disposal of substances identified by the Department of Ecology as hazardous household substances.

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

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

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

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

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

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

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

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

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

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

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

~~b. Ground mounted. A wireless telecommunications facility mount fixed to the ground, such~~

~~as a tower.~~

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

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

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

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

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

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

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

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

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

**NONCONFORMING STRUCTURE.** A nonconforming structure is one which was lawfully erected in conformance with the regulations in effect at the time of its construction but which no longer conforms to current development standards including, but not limited to design, height,

setback or coverage requirements of the zoning district in which it is located. A structure shall not be considered non-conforming for the purposes of this code if the only nonconforming aspect is failure to comply with the Chapter 18A.50.200, Community Design Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Conserve and enhance natural or scenic resources;
- b. Protect air or streams or water supply;
- c. Promote conservation
- d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature preservations or sanctuaries or other open space.

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

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

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

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

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

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

**OWNERSHIP.** The existence of legal equitable title to land.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Transparent window area or window displays along at least half the length of the ground floor facade.
- b. Sculptural, mosaic or bas-relief artwork along at least half the length of the ground floor facade.
- c. Pedestrian-oriented space, as defined below.
- d. Other measures that meet the intent of the criteria, as approved in conjunction with overall design review approval.

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

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

- b. Special textured paved walking surfaces of either concrete or approved unit paving.
- c. On-site or building-mounted lighting providing at least four (4) footcandles (avg.) on the ground.
- d. Seating; at least four (4) feet of seating area (bench, ledge, etc.) or one (1) individual seat per sixty (60) square feet of plaza area or open space.
- e. Landscaping, including trees and seasonal plantings, that defines the space but does not act as a visual barrier to views from the street or adjacent buildings.
- f. Site furniture, artwork or amenities such as fountains, kiosks, etc.
- g. Pedestrian weather protection or other enclosure, such as an arcade or gazebo.

Generally, pedestrian-oriented spaces shall not have:

- a. Asphalt or gravel pavement.
- b. Adjacent unscreened parking lots.
- c. Adjacent chain-link fences.
- d. Adjacent “blank walls” without “blank wall treatment”.

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

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

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

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

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

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

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

**PLAT, PRELIMINARY.** A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the City subdivision regulations and Chapter 58.17 RCW.

The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

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

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

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

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

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

- a. Landfill,
- b. Incineration,
- c. Land treatment,
- d. Surface impoundment to be closed as a landfill, or
- e. Waste pile to be closed as a landfill.

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

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

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

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

**PROCESSING OR HANDLING OF A HAZARDOUS SUBSTANCE.** The compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous

substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.

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

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

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

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

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

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

- a. direct physical access to shoreland and aquatic areas (i.e. boat ramps);
- b. aesthetic access (i.e. viewing opportunities); and
- c. other facilities providing some degree of access to shorelands and aquatic areas.

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

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

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

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

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

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

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

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

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

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

**RECREATION.** The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife. Facilities

included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECONDHAND PROPERTY/GOODS.** Any and all used or secondhand goods or items of personal property which can be used again for the purpose for which they were originally

intended, including, but not limited to, valuable items such as coins with a value greater than their face value, precious metals, precious stones and jewelry.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Vegetative shoreline stabilization is the use of lands that anchor the soil to prevent shoreline erosion and sloughing.
- b. Structural shoreline stabilization is the use of riprap, bulkheads, sea walls, or other non-vegetative material to prevent shoreline erosion.

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

- a. has a minimum diameter of nine (9) inches for evergreen trees and deciduous trees;
- b. has a minimum diameter of six (6) inches for Garry Oaks, also known as Oregon White Oaks, and,
- c. regardless of the tree diameter, is determined to be significant by the Community Development Director due to the uniqueness of the species or provision of important wildlife habitat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STORAGE.** The parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a location for more than 72 hours or the use of a site for the

parking of vehicles or machinery and/or the placement of equipment, inventory, goods or materials in a reoccurring or routine manner, regardless of the time interval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

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

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**YARD SALE.** All temporary and intermittent sales which may be variously referred to as “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “estate sale,” or any similar casual sale of tangible personal property from a residence or community use which is advertised by any means whereby the public at large is or can be made aware of the sale, and which is clearly secondary to the primary use of the site.

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

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

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

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

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

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

federal governmental activities are strongly encouraged to cooperate under these regulations to secure harmonious city development.

Section 6. Section 18A.90.300 Lakewood Municipal Code entitled, “Abbreviations,” is amended to read as follows:

The following abbreviations are used throughout this title:

DOC. Washington State Department of Corrections

DOE. Washington State Department of Ecology

DOT (or WSDOT). Washington State Department of Transportation

DNS. Determination of Non-Significance

DS. Determination of Significance

DSHS. Washington State Department of Social and Health Services

DUA. Dwelling units per gross acre

EFM. Eligible Facilities Modification

EIS. Environmental Impact Study

FCC. Federal Communications Commission

FEMA. Federal Emergency Management Agency

FIRM. Federal Insurance Rate Map

FHBM. Flood Hazard Boundary Map

GSF. Gross square feet

GVW Gross Vehicle Weight

HUD. U.S. Department of Housing and Urban Development

LMC. Lakewood Municipal Code

MDNS. Mitigated Determination of Non-Significance

OHWL Ordinary High Water Mark

SEPA. State Environmental Policy Act

RCW. Revised Code of Washington.

UBC. Uniform Building Code.

WAC. Washington Administrative Code.

~~WTF. Wireless telecommunications facilities~~

Section 7 The following Sections of the Lakewood Municipal Code are repealed: Sections 18A.70.600, 18A.70.610, 18A.70.615, 18A.70.620, 18A.70.625, 18A.70.630, 18A.70.640, 18A.70.645, 18A.70.650, 18A.70.655, 18A.70.660, 18A.70.665, 18A.70.670, 18A.70.675, 18A.70.680, 18A.70.685, 18A.70.690, and 18A.70.695.

Section 8. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 9. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after final passage.

ADOPTED by the City Council of the City of Lakewood this 17th day of October, 2016.

CITY OF LAKEWOOD

\_\_\_\_\_  
Don Anderson, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Alice M. Bush, MMC, City Clerk

\_\_\_\_\_  
Heidi Ann Wachter, City Attorney



# Spokane Municipal Code

 Search[Home](#)[Title 17C](#)[Chapter 17C.355A](#)[Sections 17C.355A.010...](#) Highlight Word

Title 17C Land Use Standards

Chapter 17C.355A Wireless Communication Facilities

Section 17C.355A.010 Purpose

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;
- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;

- H. To preserve the opportunity for continued and growing service from the wireless industry;
- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;
- M. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures; and
- N. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.020 Definitions

- A. "Antenna" means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omnidirectional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. "Antenna Array" means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- C. "Base Station" means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does

not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
  3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.
- D. "Collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- E. "Commission" means the Federal Communications Commission ("FCC").
- F. "Distributed Antenna System" or "DAS" means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
- G. "Small Cells" mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (1) and (2). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.
1. Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
  2. Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.
- H. "Stealth design" means technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth

- design include but are not limited to facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.
- I. "Tower" means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
  - J. "Tower Height" means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.
  - K. "Transmission Equipment" means equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - L. "Utility Support Structure" means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
  - M. "Wireless Communication Facilities" or "WCF" means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.030 Towers

- A. Towers shall be located only in those areas and pursuant to the process described in SMC Tables 17C.355A-1 and 17C.355A-2, provided that towers that are proposed to be located in a residential zone or within 150 feet of a residential zone shall be subject to the siting priorities set forth for preferred tower locations in SMC 17C.355A.050.

**Table 17C.355A-1  
New Wireless Communication Tower Criteria  
Allowed by Type II Permit**

<b>Zone Category</b>	<b>Located in Public Right-of-way (ROW)</b>	<b>Maximum Tower Height</b>	<b>Stealth Design</b>	<b>Setback from Property Lines (does not apply within ROW)[2]</b>
O & OR [1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
NR, NMU	Yes	60'	Optional[1]	N/A
CC & CA [1]	No	60'	Optional[1]	20'
CB & GC [1]	Yes or No	70'	Optional[1]	20'
All DT[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'
Industrial [1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then a Type III process and stealth design are required. If an applicant wants to construct a tower within 51' - 150' of a residential zone, then a Type II process and stealth design are required. If an applicant wants to construct a tower beyond 150' of a residential zone, then the review process is that which is required in the zone in which the tower is to be located.

[2] See exception for locations adjacent to a residence in SMC 17C.355A.070 (B).



**Table SMC 17C.355A-2  
New Wireless Communication Tower Criteria  
Allowed by Type III Conditional Use Permit**

<b>Zone Category</b>	<b>Located in Public Right-of-way (ROW)</b>	<b>Maximum Tower Height</b>	<b>Stealth Design</b>	<b>Setback from Property Lines[2] (does not apply within ROW)</b>
All R[1]	Yes or No	60'	Required	20'
O, OR, NR, NMU, CC & CA [1]	Yes or No	61' - 70'[3]	Optional [1]	20'
CB & GC[1]	Yes or No	71' - 90'[4]	Optional [1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then stealth design is required.

[2] See exceptions for locations adjacent to a residence in SMC 17C.355A.070 (B).

[3] An additional 20 feet in height is allowed if applicant uses stealth design.

[4] An additional 30 feet in height is allowed if applicant uses stealth design.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells

- A. To the extent not otherwise covered by Chapter 17C.356 (Eligible Facilities Requests), collocation and new wireless communication antenna arrays are permitted in all zones via administrative approval provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than 15 feet above the structure.
- B. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC.
- C. For antenna arrays on City-owned property, the execution of necessary agreements is also required.

- 
- D. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 15 feet above the existing structure, the proposal is subject to Type II review. The limitation to 15 feet applies to cumulative increases and any previously approved additions to height made under this section must be included in its measurement.
  - E. Any equipment shelter or cabinet and other ancillary equipment are subject to the general development standards of SMC 17C.355A.070.
  - F. Distributed Antenna Systems and Small Cells.
    - 1. Distributed Antenna Systems (DAS) and Small Cells are allowed in all land use zones, regardless of the siting preferences listed in SMC 17C.355A.050.
    - 2. DAS and small cells are subject to approval via administrative review only unless their installation requires the construction of a new utility support structure or building. Type II review is required when the applicant proposes a new utility support structure or building.
    - 3. Multiple Site DAS and Small Cells.
      - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
      - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations

- A. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of a similar height within 1/2 mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.
- B. Preferred Tower Locations. All new towers proposed to be located in a residential zone or within 150 feet of a residential zone are permitted only

after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (8);

1. City-owned or operated property and facilities, not including right-of-way and right-of-way facilities, that are not in residential zones or located within 150 feet of residential zones;
2. industrial zones and downtown zones;
3. City-owned or operated property and facilities in any zone, as long as the tower is inconspicuous from a public street, public open areas, or property that is being used for residential purposes;
4. Community Business and General Commercial zones (CB & GC);
5. office and other commercial zones;
6. other City-owned or operated property and facilities;
7. parcels of land in residential zones;
8. sites in residential zones on or within 150 feet of a designated historic structure or district.

The applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis meeting the requirements of section 17C.355A.060 below.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

#### Section 17C.355A.060 Application Submittal Requirements

In addition to the application materials identified in SMC 17G.060.070, Type II and Type III applications submitted under this chapter shall include the following materials.

- A. Requirement for FCC Documentation. The applicant shall provide a copy of:
  1. its documentation for FCC license submittal or registration, and
  2. the applicant's FCC license or registration.
- B. Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and

after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.

- C. Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.
- D. Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Washington-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.
- E. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- F. Collocation and alternative sites analysis.
  - 1. All Towers. All applications for a new tower will demonstrate that collocation is not feasible, consistent with SMC 17C.355A.050.
  - 2. Towers in a residential zone or within 150 feet of a residential zone.
    - a. For towers in or within 150 feet of a residential zone, the applicant must address the City's preferred tower locations in SMC 17.355A.050 with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative site analysis that shows at least five (5) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the

applicant rejected the alternative candidate. An applicant may reject an alternative tower site for one or more of the following reasons:

1. preclusion by structural limitations;
2. inability to obtain authorization by the owner;
3. failure to meet the service coverage objectives of the applicant;
4. failure to meet other engineering requirements for such things as location, height and size;
5. zoning constraints, such as the inability to meet setbacks;
6. physical or environmental constraints, such as unstable soils or wetlands; and/or
7. being a more intrusive location despite the higher priority in this chapter as determined by the Planning Director or Hearing Examiner, as applicable.

b. A complete alternative sites analysis provided under this subsection (F)(2) may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) potentially available, higher ranked, alternative sites.

3. Required description of coverage objectives. For purposes of disqualifying potential collocations and/or alternative sites for the failure to meet the applicant's service coverage objectives the applicant will provide (a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency and/or technology; (b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

G. DAS and small cells. As outlined in SMC 17C.355A.010, the City encourages, but it does not require, the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.

H. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative

analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

- I. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment in accordance with the Spokane Municipal Code.
- J. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- K. Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.070 General Development Standards Applicable to WCFs

The following criteria shall be applied in approving, approving with conditions or denying a WCF. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

- A. Height. Refer to SMC Tables 17C.355A-1 and 2.
- B. Setback Requirements. Refer to SMC Tables 17C.355A-1 and 2 for towers. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided for in Tables 17C.355A-1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:
  - 1. The setback is waived by the owner of the residence; or
  - 2. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback

requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at eighty [80] feet, the minimum setback distance would be twenty-two [22] feet [110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.) Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of building permits for the tower shall be conditioned upon approval of the tower design by a structural engineer.

C. Landscaping. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and/or improved, and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.

1. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CC, CA, CB, GC, Downtown, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2 landscaping as described in SMC 17C.200.030. Street Frontage and perimeter property landscaping where required shall follow standards set forth in SMC 17C.200.040 Site Planting Standards.
2. If fencing is installed, it shall consist of decorative masonry or wood fencing. Chain link is not allowed in residential, O, OR, NR, NMU, CC, and CA zones, except that in a CB and GC zone up to 3 strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade. In Downtown and industrial zones, three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. Electrified fences are not permitted in any zone. Razor or concertina wire is not allowed.
3. Applicant shall meet the irrigation requirements of SMC 17C.200.100 where feasible and ensure the full establishment of plantings for two years in accordance with SMC 17C.200.090.

D. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other

- natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.
- E. Use of Stealth Design/Technology. The applicant shall make an affirmative showing as to why they are not employing stealth technology. More specifically:
1. Stealth design is required in residential zones and to the extent shown in Tables A-1 and A-2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communications facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the Pacific Northwest.
- F. Lighting. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential, O and OR zones or adjacent to residences.
- G. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in SMC 10.08D.070.
- H. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- I. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- J. Building-mounted WCFs.
1. 1. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing

underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.

2. 2. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.
3. 3. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.

K. WCFs in the public rights-of-way.

1. *Preferred locations.* Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot separation from other wireless facilities (except with respect to DAS or Small Cells), except when collocated or on opposite sides of the same street.
2. *Pole-mounted or tower-mounted equipment.* All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the pole or tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.
3. For all WCFs to be located within the right-of-way, prior to submitting for a building permit, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law, to the extent consistent with RCW 35.21.860.

L. *Accessory Equipment.* In residential zones, all equipment shall be located or placed in an existing building, underground, or in an equipment shelter that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.

M. *Spacing of Towers.* Towers shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities or that collocation is not feasible under SMC 17C.355A.050.

N. *Site Design Flexibility.* Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could

have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend into the setting and/or host structure, upon approval by the Planning Director or the Hearing Examiner, as applicable. The design flexibility allowed under this subsection includes additional height for a tower located within tall trees on (i) City property or (ii) other parcels at least 5 acres in size, so that the impact of the tower may be minimized by the trees while still allowing for the minimum clearance needed for the tower to achieve the applicant's coverage objectives. A formal exception from standards under SMC 17C.355A.090 is not required for proposals meeting this subsection by being a less intrusive design option.

- O. Structural Assessment. The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

- A. Approval criteria. In addition to the development standards in this chapter and the approval criteria in SMC 17G.060.170, the following additional approval criteria apply:
  - 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
  - 2. The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.
- B. Public Notice. In addition to the notice requirements of SMC 17G.060.120, for proposals in residential zones and within 150 feet of a residential zone, public notice shall include:

1. A black and white architectural elevation and color photo simulation rendering of the proposed WCF.
2. The sign required by SMC 17G.060.120(B) shall include that same architectural elevation and color photo simulation combination selected by the City that depicts the visual impact of the WCF.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.090 Exception from Standards

- A. **Applicability.** Except as otherwise provided in this chapter (under Site Design Flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this Section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance and design deviation provisions in SMC Title 17, provided this section does not provide an exception from this chapter's visual impact and stealth design requirements or the approval criteria set forth in Section 17C.355A.080.
- B. **Procedure Type.** A wireless communications facility exception is a Type III procedure.
- C. **Submittal Requirements.** In addition to the general submittal requirements for a Type III application, an application for a wireless communication facility exception shall include:
  1. A written statement demonstrating how the exception would meet the criteria.
  2. A site plan that includes:
    - a. Description of the proposed facility's design and dimensions, as it would appear with and without the exception.
    - b. Elevations showing all components of the wireless communication facility as it would appear with and without the exception.
    - c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
- D. **Criteria.** An application for a wireless communication facility exception shall be granted if the following criteria are met:

1. The exception is consistent with the purpose of the development standard for which the exception is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
3. The applicant demonstrates the following:
  - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
  - b. The gap can only be filled through an exception to one or more of the standards in this chapter; and
  - c. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.
4. Exceptions in Residential Zones. For a new tower proposed to be located in a residential zone or within 150 feet of a residential zone, unless the proposal qualifies as a preferred location on City-owned or operated property or facilities under SMC 17C.355A.050(B)(3), the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive on the values that this chapter seeks to protect.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.100 Final Inspection

- A. A Certificate of Occupancy will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
- B. Failure to Comply. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

## ORD C35312 Section 2

## Section 17C.355A.110 Maintenance

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.
- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF as provided in SMC 10.10.090.
- D. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

## ORD C35312 Section 2

## Section 17C.355A.120 Discontinuation of Use

- A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
- B. There shall also be a rebuttable presumption that any WCF that is regulated by this chapter and that is not operated for a period of six (6) months shall be considered abandoned. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. For those WCFs deemed abandoned, all equipment, including, but not limited to, antennas, poles, towers, and equipment shelters associated with the WCF shall be removed within six (6) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of a building or land upon which the WCF is located, shall be jointly and severally responsible for the removal of abandoned WCFs. If the WCF is not thereafter removed within ninety (90) days of written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorneys' fees. If there are two or more wireless communications

providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of six (6) months.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.130 Independent Technical Review

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, radio frequency technical expert of its choice to provide technical evaluation of permit applications for WCFs, including administrative and conditional use permits. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.140 Exempt Facilities

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt

from the provisions of this chapter for up to one week after the duration of the state of emergency; and

- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this chapter for up to one week before and after the duration of the special event.
- E. In locations more than 150 feet from a residential zone, other temporary, commercial WCFs installed for a period of 90 days, subject to renewals at the City's discretion; provided, that such temporary WCF will comply with applicable setbacks and height requirements.
- F. Eligible Facilities Requests permitted under Chapter 17C.356 SMC.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2

Section 17C.355A.150 Indemnification

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF on City property or in the public right-of-way.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35312 Section 2



# Spokane Municipal Code


[Home](#)
[Title 17C](#)
[Chapter 17C.356](#)
[Sections 17C.356.010...](#)



Title 17C Land Use Standards

Chapter 17C.356 Eligible Facilities Modifications

Section 17C.356.010 Purpose

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35313 Section 1

Section 17C.356.020 Definitions

For the purposes of this Chapter, the terms used have the following meanings:

- a. **Base Station.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
  - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
- iii. Any structure other than a tower that, at the time the relevant application is filed with the department under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the department under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- b. Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - i. Collocation of new transmission equipment;
  - ii. Removal of transmission equipment; or
  - iii. Replacement of transmission equipment.
- d. Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this section.
- e. Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- f. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

- g. Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - iv. It entails any excavation or deployment outside the current site;
  - v. It would defeat the concealment elements of the eligible support structure; or
  - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.
  - vii. For purposes of this section, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR § 1.40001(b)(7)(i)(A).

- h. Transmission Equipment. Equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. Tower. Any structure built for the sole or primary purpose of supporting any FCC- licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35313 Section 1

Section 17C.356.030 Application Review

- a. Application. The department shall prepare and make publicly available an application form which shall be limited to the information necessary for the department to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the department shall review such application to determine whether the application so qualifies.
- c. Timeframe for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the department shall approve the application unless it determines that the application is not covered by this Chapter.
- d. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the department and the applicant, or in cases where the department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
  - i. To toll the timeframe for incompleteness, the department must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

- ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the department's notice of incompleteness.
- iii. Following a supplemental submission, the department will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- e. Interaction with Section 332(c)(7). If the department determines that the applicant's request is not covered by Section 6409(a) as delineated under this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the department's decision that the application is not a covered request. To the extent such information is necessary, the department may request additional information from the applicant to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.
- f. Failure to Act. In the event the department fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Date Passed: Monday, November 2, 2015

Effective Date: Monday, November 2, 2015

ORD C35313 Section 1

## Wireless Facility Siting: Model Chapter Implementing Section 6409(a)

Note: Use of this model chapter is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

### I. PURPOSE

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”),<sup>1</sup> as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order,<sup>2</sup> which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

### II. DEFINITIONS<sup>3</sup>

For the purposes of this Chapter, the terms used have the following meanings:<sup>4</sup>

- a. *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
  - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
  - iii. Any structure other than a tower that, at the time the relevant application is filed with [jurisdiction] under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved

---

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub. L. 96, *codified at* 47 U.S.C. 1455.

<sup>2</sup> Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd 12865 (2014) (“2014 Infrastructure Order”).

<sup>3</sup> These definitions were adapted from the FCC’s own definitions. *See generally* 47 CFR § 1.40001(b). For a discussion of these definitions, see 2014 Infrastructure Order ¶¶ 145-204.

<sup>4</sup> A jurisdiction may wish to incorporate these definitions, which are specific to Section 6409(a), into its wireless facilities ordinance more broadly; alternatively, these can be stand-alone definitions solely for Eligible Facilities Requests under Section 6409(a).

under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with [jurisdiction] under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- b. *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - i. Collocation of new transmission equipment;
  - ii. Removal of transmission equipment; or
  - iii. Replacement of transmission equipment.
- d. *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with [jurisdiction] under this section.
- e. *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- f. *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted t that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;<sup>5</sup>

---

<sup>5</sup> Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR § 1.40001(b)(7)(i)(A).

- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - iv. It entails any excavation or deployment outside the current site;
  - v. It would defeat the concealment elements of the eligible support structure; or
  - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.<sup>6</sup>
- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

---

<sup>6</sup> See 2014 Infrastructure Order ¶ 200. This section identifies the limited number of prior conditions of site approval that may not be used to determine whether a modification qualifies as a substantial change. *Id.*

### III. APPLICATION REVIEW<sup>7</sup>

- a. *Application.* [Jurisdiction] shall prepare and make publicly available an application form which shall be limited to the information necessary for [jurisdiction] to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, [identify appropriate department– e.g., Public Works, Planning] shall review such application to determine whether the application so qualifies.<sup>8</sup>
- c. *Timeframe for Review.* Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, [jurisdiction] shall approve the application unless it determines that the application is not covered by this Chapter.
- d. *Tolling of the Timeframe for Review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by [jurisdiction] and the applicant, or in cases where [jurisdiction’s reviewing body] determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
  - i. To toll the timeframe for incompleteness, [jurisdiction] must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
  - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to [jurisdiction’s] notice of incompleteness.
  - iii. Following a supplemental submission, [jurisdiction] will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- b. *Interaction with Section 332(c)(7).*<sup>9</sup> If [jurisdiction] determines that the applicant’s request is not covered by Section 6409(a) as delineated under this Chapter, the

---

<sup>7</sup> This section was adapted from the FCC’s rules. *See generally* 47 CFR § 1.40001(c). For a discussion of application review processes, see 2014 Infrastructure Order ¶¶ 205-236.

<sup>8</sup> The jurisdiction may wish to review whether existing processes meet the requirements of the 2014 Infrastructure Order. *See, e.g.,* 47 CFR § 1.40001(c)(1); 2014 Infrastructure Order ¶ 214.

<sup>9</sup> *See* 47 U.S.C. § 332(c)(7); *In re* Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify

presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of [jurisdiction's] decision that the application is not a covered request. To the extent such information is necessary, [jurisdiction] may request additional information from the applicant to evaluate the application under Section 332(c)(7)<sup>10</sup>, pursuant to the limitations applicable to other Section 332(c)(7) reviews.<sup>11</sup>

- c. *Failure to Act.* In the event [jurisdiction] fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- d. *Remedies.* Applicants and [jurisdiction] may bring claims related to Section 6409(a) to any court of competent jurisdiction.

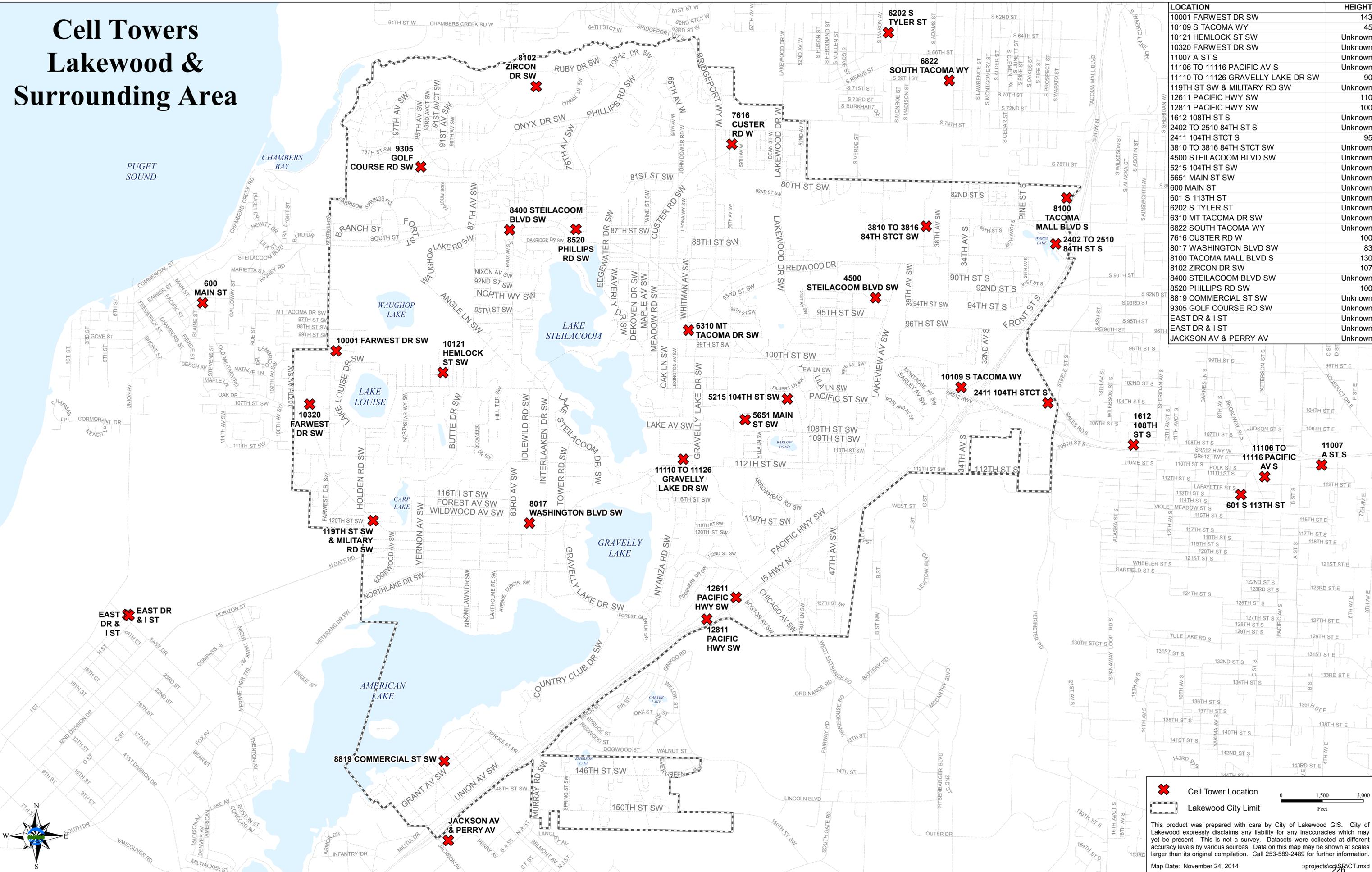
---

All Wireless Siting Proposals as Requiring a Variance, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009) ("Shot Clock Ruling"), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-99A1\\_Rcd.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1_Rcd.pdf).

<sup>10</sup> See 2014 Infrastructure Order ¶ 220. For example, an applicant may submit a request for review under Section 6409(a) asserting the modification does not substantially change the physical dimensions of the facility, when in fact the application proposes a substantial change and is therefore not covered under Section 6409(a). See *id.*

<sup>11</sup> See 2014 Infrastructure Order ¶¶ 258-260 (prescribing limits on application review and tolling for applications under Section 332(c)(7)).

# Cell Towers Lakewood & Surrounding Area



LOCATION	HEIGHT
10001 FARWEST DR SW	143
10109 S TACOMA WY	45
10121 HEMLOCK ST SW	Unknown
10320 FARWEST DR SW	Unknown
11007 A ST S	Unknown
11106 TO 11116 PACIFIC AV S	Unknown
11110 TO 11126 GRAVELLY LAKE DR SW	90
119TH ST SW & MILITARY RD SW	Unknown
12611 PACIFIC HWY SW	110
12811 PACIFIC HWY SW	100
1612 108TH ST S	Unknown
2402 TO 2510 84TH ST S	Unknown
2411 104TH STCT S	95
3810 TO 3816 84TH STCT SW	Unknown
4500 STEILACOOM BLVD SW	Unknown
5215 104TH ST SW	Unknown
5651 MAIN ST SW	Unknown
600 MAIN ST	Unknown
601 S 113TH ST	Unknown
601 S TYLER ST	Unknown
6202 S TACOMA DR SW	Unknown
6310 MT TACOMA DR SW	Unknown
6822 SOUTH TACOMA WY	Unknown
7616 CUSTER RD W	Unknown
7616 CUSTER RD W	Unknown
8100 TACOMA MALL BLVD S	Unknown
8107 WASHINGTON BLVD SW	83
8100 TACOMA MALL BLVD S	130
8102 ZIRCON DR SW	107
8400 STEILACOOM BLVD SW	Unknown
8520 PHILLIPS RD SW	100
8819 COMMERCIAL ST SW	Unknown
9305 GOLF COURSE RD SW	Unknown
EAST DR & I ST	Unknown
EAST DR & I ST	Unknown
JACKSON AV & PERRY AV	Unknown

Cell Tower Location  
 Lakewood City Limit

0 1,500 3,000  
 Feet

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.

Map Date: November 24, 2014

