

ORDINANCE NO. 696

AN ORDINANCE of the City Council of the City of Lakewood, Washington, adopting a SEPA Planned Action related to the Lakewood Downtown Subarea.

I. RECITALS

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of planned actions by jurisdictions planning under the Growth Management Act (GMA), such as the City of Lakewood (“City”); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a planned action designation under SEPA, and Section 14.02.030 of the Lakewood Municipal Code (LMC) adopts Chapter 197-11 WAC by reference as amended; and

WHEREAS, the designation of a planned action expedites the permitting process for projects of which the impacts have been previously addressed in an environmental impact statement (EIS); and

WHEREAS, a subarea of the City commonly referred to as the “Downtown”, as depicted on the map attached hereto as **Exhibit A** and incorporated herein by this reference, has been identified as a planned action area for future redevelopment to a mixed-use center (“Planned Action Area”); and

WHEREAS, the City has developed and adopted a subarea plan complying with the GMA (RCW 36.70A), dated October 1, 2018, to guide the redevelopment of the Planned Action Area (“Downtown Plan”); and

WHEREAS, after extensive public participation and coordination with all affected parties, the City, as lead SEPA agency, issued the Downtown Planned Action Final Environmental Impact Statement (“Final EIS”) dated July 12, 2018, which identifies the impacts and mitigation measures

associated with planned development in the Planned Action Area as identified in the Downtown Plan;
and

WHEREAS, The City issued an Addendum to the FPAAEIS on September 10, 2018 and a Second Addendum on September 25, 2018; and

WHEREAS, the Final EIS includes by incorporation the Downtown Planned Action Draft Environmental Impact Statement issued on March 16, 2018 (collectively referred to herein as the “Planned Action EIS”); and

WHEREAS, the City desires to designate a planned action under SEPA for the Downtown (“Planned Action”); and

WHEREAS, adopting a Planned Action for the Downtown with appropriate standards and procedures will help achieve efficient permit processing and promote environmental quality protection;
and

WHEREAS, the City is amending the Lakewood Comprehensive Plan to incorporate maps, text and policies specific to the Downtown; and

WHEREAS, the City is adopting zoning and development regulations concurrent with the Downtown Plan to implement said Plan, including this Resolution; and

WHEREAS, the City Council finds that adopting this Ordinance and its Exhibits is in the public interest and will advance the public health, safety, and welfare.

II. FINDINGS

The procedural and substantive requirements of the State Environmental Policy Act (RCW 43.21C) have been complied with.

The procedural requirements of the Growth Management Act (RCW 36.70A) have been complied with.

The proposed action is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

The proposed action is consistent with the City of Lakewood Comprehensive Plan.

The proposed amendments have been reviewed and processed in accordance with the requirements of Title 14 Environmental Protection, Title 14A Critical Areas, and Title 18A Land Use and Development of the City of Lakewood Municipal Code.

All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.

The Lakewood City Council finds and determines that the regulation of development and land use within the Downtown is within the City's regulatory authority.

The Lakewood City Council finds and determines that approval of such amendments to the Comprehensive Plan and Land Use and Development Code is in the best interests of the residents of Lakewood, and will promote the general health, safety and welfare.

The Lakewood City Council finds and determines that regulation of land use and development is subject to the authority and general police power of the City, and the City reserves its powers and authority to appropriately amend, modify and revise such land use controls in accordance with applicable law.

The Planned Action Environmental Impact Statement (EIS) adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.

The mitigation measures identified in the Planned Action EIS, attached to this Ordinance as **Exhibit B** and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.

The Downtown Plan and Planned Action EIS identify the location, type, and amount of development that is contemplated by the Planned Action.

Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.

The City provided several opportunities for meaningful public involvement and review in the Downtown Plan and Planned Action EIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.

The designated Planned Action Area is located entirely within an Urban Growth Area.

Implementation of the mitigation measures identified in the Planned Action EIS will provide for adequate public services and facilities to serve the proposed Planned Action Area.

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, including, but not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the City of Lakewood, Community and Economic Development Department at 6000 Main Street SW, Lakewood, Washington, 98499-5027. The custodian of these documents is the Assistant City Manager for Development Services of the City of Lakewood.

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

Section 1. Adoption of City Council Findings. The Findings of the City Council are adopted as part of this Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to:

A. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the Planned Action EIS to mitigate

environmental impacts and process Planned Action development applications in the Planned Action Area;

B. Designate the Downtown shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;

C. Determine that the Planned Action EIS meets the requirements of a planned action EIS pursuant to the State Environmental Policy Act (SEPA);

D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as “Planned Action Projects” consistent with RCW 43.21C.440;

E. Provide clear definition as to what constitutes a Planned Action Project within the Planned Action Area, the criteria for Planned Action Project approval, and how development project applications that qualify as Planned Action Projects will be processed by the City;

F. Streamline and expedite the land use permit review process by relying on the Planned Action EIS; and

G. Apply applicable regulations within the City’s development regulations and the mitigation framework contained in this Resolution for the processing of Planned Action Project applications and to incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

Section 3. Procedures and Criteria for Evaluating and Determining Planned Action Projects within the Planned Action Area.

A. Planned Action Area. This “Planned Action” designation shall apply to the area shown in Exhibit A of this Ordinance.

B. Environmental Document. A Planned Action Project determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Planned Action EIS. The mitigation measures contained in Exhibit B of this Ordinance are based upon the findings of the Planned Action EIS and shall, along with adopted City regulations,

provide the framework the City will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.

C. Planned Action Project Designated. Land uses and activities described in the Planned Action EIS, subject to the thresholds described in Subsection 3.D of this Ordinance and the mitigation measures contained in Exhibit B of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Subsection 3.D of this Ordinance and all other applicable laws, codes, development regulations, and standards of the City, including this Ordinance, are met.

D. Planned Action Qualifications. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: The following general categories/types of land uses are defined

in the Downtown Plan and can qualify as Planned Actions:

- i. Townhome or cottage dwelling units
- ii. Multi-family dwelling units
- iii. Commercial Office
- iv. Services,
- v. Medical
- vi. Hotel and Lodging
- vii. Retail and Eating and Drinking Establishments
- viii. Open Space, Parks, Plazas, Trails, Gathering Spaces, Recreation
- ix. Civic and Cultural Facilities
- x. Governmental and Utility Facilities

- xi. Industrial uses that are part of a mixed-use development
- xii. Other uses allowed in the Downtown Development Code, LMC 18.B.

(b) Planned Action Project Land Uses: A primary land use can qualify as a Planned Action Project land use when:

- i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;
- ii. it is within one or more of the land use categories described in Subsection 3.D(1)(a) above; and
- iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

(c) Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: onsite roads, utilities, parks, trails, and similar facilities developed consistent with the Planned Action EIS mitigation measures, City and special district design standards, critical area regulations, and the Lakewood Municipal Code.

(2) Development Thresholds:

(a) Land Use: The following thresholds of new land uses are contemplated by the Planned Action:

FEATURE	ALTERNATIVE 2
Residential Dwellings (units): Net 2018-2035	2,257
Commercial Square Feet: Net 2018-2035	2.85 million square feet
Jobs: Net 2018-2035	7,369

Action Alternative 2 is the Preferred Alternative.

(b) Shifting development amounts between land uses in identified in Subsection 3.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development

reviewed in the Planned Action EIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with Exhibit B of this Ordinance.

(c) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Planned Action EIS.

(3) Transportation Thresholds:

(a) Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action EIS for 2035 is as follows:

<u>LAND USE</u>	<u>ITE CODE</u>	<u>LAND USE QUANTITY (NET NEW)</u>				<u>PM PEAK HOUR TRIPS (NET NEW)</u>			
		<u>No Action</u>	<u>Alt. 1</u>	<u>Mod Alt. 1</u>	<u>Alt. 2</u>	<u>No Action</u>	<u>Alt. 1</u>	<u>Mod Alt. 1</u>	<u>Alt. 2</u>
Multi-family DU	220	456	1,579	1,725	2,257	283	979	1,070	1,399
Retail Jobs*	820	280	865	923	1,346	519	1,606	1,714	2,497
Office Jobs	710	1,243	3,157	3,464	5,814	572	1,452	1,593	2,674
Light Industrial Jobs	110	144	125	144	209	60	53	60	88
<i>ITE Gross PM Peak Hour Vehicle Trips</i>						<i>1,434</i>	<i>4,090</i>	<i>4,437</i>	<i>6,658</i>

Notes: ITE Trip Generation Manual, 9th Edition

*Retail jobs converted to KSF for trip generation calculations using estimate of 2 employees per KSF

Source: Fehr & Peers, 2018

i. In no case shall trips exceed Action Alternative 2. At the time each level of trips is reached – No Action, Alternative 1, Modified Alternative 1, monitoring shall be conducted by the City to ensure planned improvements are implemented concurrent with development before the final level of trips in Action Alternative 2 is authorized for development.

ii. A range of alternative results are illustrated as they may help phase desired transportation improvements. No Action level of trips is supported by the 2018 Transportation Improvement Program (TIP). All Action Alternatives require additional transportation

improvements tested in the Planned Action EIS and listed in **Exhibit D**; the improvements consider arterial throughput on Gravelly Lake Drive is retained at four lanes or more. Additional improvements are identified in the Final EIS if higher volumes are found on Bridgeport Way though not expected if improvements are implemented consistent with Exhibit D.

(b) Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in LMC 18A.50.195.

(c) Traffic Impact Mitigation. Transportation mitigation shall be provided consistent with mitigation measures in Exhibit B-1 and Exhibit D of this Ordinance, attached hereto and incorporated by this reference.

(d) The responsible City official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 3.D(3)(a) are not exceeded, that the project meets the concurrency and intersection standards of Subsection 3.D(3)(b), and that the project has mitigated impacts consistent with Subsection 3.D (3)(c).

(e) Discretion.

i. The responsible City official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action, provided that the method is compatible with Exhibit D.1.b.

ii. The responsible City official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Lakewood Municipal Code.

iii. Planned Action Project applicants shall pay a proportionate share of the costs of the projects identified in Exhibit D. The responsible City official shall have the discretion to

adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.

- (4) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Planned Action EIS would not qualify as a Planned Action Project.
- (5) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Project Review Criteria.

- (1) The City's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:
 - (a) the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;
 - (b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Subsection 3.D of this Ordinance;
 - (c) the project is within the Planned Action thresholds and other criteria of Subsection 3.D of this Ordinance;
 - (d) the project is consistent with the Lakewood Comprehensive Plan including the policies of the Downtown Plan incorporated into the Comprehensive Plan and the regulations of the Downtown Plan integrated into the Lakewood Municipal Code;
 - (e) the project's significant adverse environmental impacts have been identified in the Planned Action EIS;

- (f) the project's significant impacts have been mitigated by application of the measures identified in Exhibit B of this Ordinance and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
- (g) the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
- (h) the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

(2) The City shall base its decision to qualify a project as a Planned Action Project on review of the SEPA Checklist form in WAC 197-11 and review of the Planned Action Project submittal and supporting documentation, provided on City required forms.

F. Effect of Planned Action Designation.

- (1) Designation as a Planned Action Project by the City's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action EIS.
- (2) Upon determination by the City's SEPA Responsible Official that the project application meets the criteria of Subsection 3.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable City, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Project Permit Process. Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

- (1) Development applications shall meet all applicable requirements of the Lakewood Municipal Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.
- (2) Applications for Planned Action Projects shall:
 - (a) be made on forms provided by the City;
 - (b) include the SEPA checklist in WAC 197-11;
 - (c) meet all applicable requirements of the Lakewood Municipal Code and this Ordinance.
- (3) The City's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
- (4)
 - (a) If the City's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440(3)(b).
 - (b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Chapter 18A.02 LMC, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required.
 - (c) The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.
 - (d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.

- (5) (a) If the City's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to Chapter 1, Laws of 2012 (Engrossed Substitute Senate Bill (ESSB) 6406).
- (b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.
- (c) Upon issuance of the Determination of Inconsistency, the City's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City's SEPA regulations and the requirements of state law.
- (d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The City's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.
- (6) To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.
- (7) A Determination of Consistency or Inconsistency is a Process I land use decision and may be appealed pursuant to the procedures established in Chapter 18A.02 LMC. An appeal of a Determination of Consistency shall be consolidated with any pre-decision or appeal hearing on the underlying project application.

Section 4. Monitoring and Review.

A. The City should monitor the progress of development in the designated Planned Action area biennially to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official every two (2) years from its effective date in conjunction with the City's regular Comprehensive Plan review or docket cycle, as applicable. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) and Public Agency Actions and Commitments (**Exhibit C**). Based upon this review, the City may propose amendments to this Ordinance or may supplement or revise the Planned Action EIS.

Section 5. 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 6. Effective Date. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 1st day of October, 2018.

Attest:

Briana Schumacher

Briana Schumacher, City Clerk

Approved as to Form:

Heidi Ann Wachter

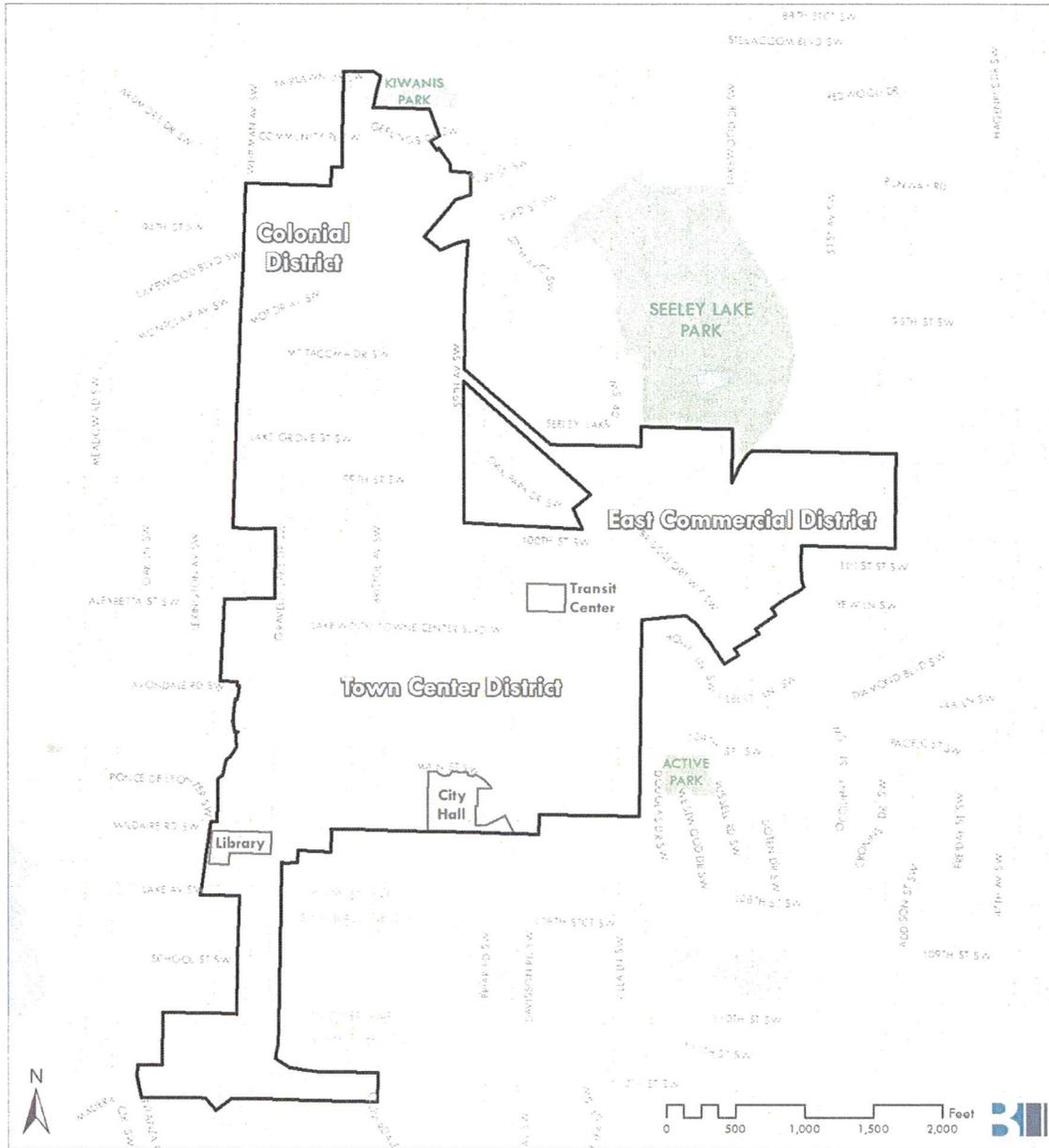
Heidi Ann Wachter, City Attorney

CITY OF LAKEWOOD

Don Anderson

Don Anderson, Mayor

EXHIBIT A. Planned Action Area



Map Note: The right of way for Bridgeport Way between the East Commercial Area and Colonial District is included for consistent landscaping. Abutting land use is not included in that segment.

EXHIBIT B. Mitigation Document

The Planned Action EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final EIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this Exhibit B-1 to establish specific mitigation measures based upon significant adverse impacts identified in the Planned Action EIS. The mitigation measures in this Exhibit B-1 shall apply to Planned Action Project applications that are consistent with the Preferred Alternative range reviewed in the Planned Action EIS and which are located within the Planned Action Area (see Exhibit A).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in Planned Action Project application plans is mandatory in order to qualify as a Planned Action Project. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform to the satisfaction of the City’s SEPA Responsible Official or authorized designee.

Any and all references to decisions to be made or actions to be taken by the City’s SEPA Responsible Official may also be performed by the City’s SEPA Responsible Official’s authorized designee.

Section B-1. Mitigation Required for Development Applications

Natural Environment

1. With major redevelopment that would propose activities that could involve groundwater discharge or potential changes to groundwater flow (such as underground structures), the City shall require site specific evaluation of groundwater protection. The susceptibility and vulnerability of the critical aquifer recharge area shall be evaluated by a licensed hydrogeologist. All stormwater shall be treated appropriately to avoid any potential groundwater contamination. Stormwater improvements should be designed to improve aquifer recharge.
2. The City shall require a conservation easement or other regulatory structure for piped streams to ensure that the possibility of creek daylighting is not precluded by future redevelopment.

Transportation

3. Implementation of transportation improvements identified as mitigation measures shall occur through a SEPA fair share fee program such that new development contributes its share of the cost for these projects. See Exhibit D.

Environmental Health (SEPA Checklist Draft EIS Appendix A)

4. Applicants for development shall conduct a site assessment to determine if contamination is present from past use.

Section B-2. Advisory Notes to Applicants: Applicable Regulations and Commitments

The Planned Action EIS identifies specific regulations that act as mitigation measures. These are summarized in this section by EIS topic. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable including those listed in the Planned Action EIS and those not included in the Planned Action EIS. In addition, this section identifies voluntary water and energy conservation measures that may be implemented by new development.

Natural Environment

Planned Actions shall comply with applicable regulations:

- City of Lakewood Critical Area Regulations (Title 14A), which includes protection of:
 - Aquifer recharge areas;
 - Fish and wildlife habitat areas (including streams) and their buffers;
 - Flood hazard areas;
 - Wetlands and their buffers;
- City of Lakewood Engineering Standards Manual (City of Lakewood, 2016);
- 2012 Stormwater Management Manual for Western Washington (as amended in 2014) (Washington Department of Ecology, 2014);
- Pierce County Stormwater Management and Site Development Manual (Pierce County, 2015) ; and
- WSDOT Highway Runoff Manual (Washington State Department of Transportation, 2014)

Planned Actions shall comply with the Downtown Development Code:

- 18A.35. 540.E: Native and/or drought tolerant landscaping shall be incorporated into required landscape plans.
- 18A.35. 540.F: The City may require educational signage for aboveground stormwater facilities and/or added natural features.

Population, Employment, and Housing

The City allows for tax exemptions for development projects including low and moderate-income housing units in “Tax Incentive Urban Use Centers” in Chapter 3.64 in the Lakewood Municipal Code. As defined in 3.64.010, such a center means “a compact, identifiable district where urban residents may obtain a variety of products and services” and which has businesses, adequate public facilities, and a mix of uses including housing, recreation, and cultural activities. The Downtown Study Area is generally included in this boundary. Planned actions are encouraged to implement this voluntary incentive.

Land Use

- Planned Actions shall comply with the Downtown Development Code: Title 18A.35.

Transportation

- Washington State Commute Trip Reduction (CTR) law focuses on employers with 100 or more employees whose shifts begin during the typical AM commute. This law requires employers to develop commute trip reduction plans and work toward meeting their mode share targets through internal programs and monitoring.

Public Services and Utilities

Planned Actions shall comply with applicable regulations:

- City of Lakewood Comprehensive Plan including the Capital Facilities and Utilities elements, and Legacy Plan for Parks, regarding levels of service.
- Downtown Development Code: 18A.35.530 Common and Open Space Standards.
- Lakewood Municipal Code standards for water, sewer, and stormwater infrastructure for new development. (LMC Title 12A)
- Lakewood Municipal Code requires application of the national energy code (LMC Chapter 15A.25).

Following are voluntary measures that result in water and energy efficiency and are encouraged in new development:

- Developments may reduce water demand by using new technologies that would reduce per-capita water use (and therefore wastewater service demand) by using newer, low- or no-flow plumbing fixtures and equipment.
- Implementation of sustainable requirements including the construction and operation of LEED-compliant (or similar ranking system) buildings could reduce the increase required in power systems.
- Implementation of conservation efforts and renewable energy sources to conserve electricity in new developments, including energy efficient equipment (i.e., light bulbs, appliances, and heating and air conditioning), could reduce energy consumption.

Environmental Health (SEPA Checklist)

The State Model Toxics Control Act (MTCA) sets standards for cleanup of lower levels of contaminants that are incorporated into new development and redevelopment parcels noted to have contamination potential. The City applies relevant standards regarding hazardous materials handling in the International Fire Code and Zoning Codes.

EXHIBIT C. Public Agency Actions and Commitments

Under some elements of the Planned Action EIS, specific City or other agency actions are identified. Generally, incorporation of these actions is intended to provide for consistency within the City's Comprehensive Plan, Downtown Plan, or between the Downtown Plan and implementing regulations; to document pending City actions; to establish a protocol for long-term measures to provide for coordination with other agencies; or to identify optional actions that the City may take to reduce impacts. These actions are listed in Exhibit 1.

Exhibit 1. Public Agency Actions and Commitments

MITIGATION MEASURES	PROPOSED SYNCHRONOUS AMENDMENTS	SHORT TERM	LONG TERM	OTHER AGENCY	RESPONSIBLE DEPARTMENT
Natural Environment					
The ecological benefits of daylighting a portion of Ponce de Leon Creek could be evaluated by the City. An evaluation could include leaving the stream piped but identifying its historic location, as well as considering water quality treatments that benefit the nearby open channel stream, and serve as landscape amenities in the Study Area.			X		Public Works
The Downtown Plan offers support for Pierce County efforts to address potential habitat, stormwater, and recreation improvements to Seeley Lake Park.		X		X	Parks and Community Development
Population, Employment, and Housing					
The City works with the Economic Development Board for Tacoma-Pierce County on business retention, expansion, and recruitment activities, as well as the Lakewood Chamber of Commerce. If small business relocation			X	X	Economic Development

MITIGATION MEASURES	PROPOSED SYNCHRONOUS AMENDMENTS	SHORT TERM	LONG TERM	OTHER AGENCY	RESPONSIBLE DEPARTMENT
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assistance is needed, the City could work with these agencies or others to develop strategies and solutions.

Land Use

Amend the Comprehensive Plan Land Use Designation for the Study Area and create a new implementing “form-based code”. Amend capital facility and transportation elements.	X				Community Development
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In collaboration with Pierce County, the 2014 Buildable Lands Report methods for Lakewood should be updated at the next Buildable Lands Report Update to reflect an alternative method to the jobs per acre approach. The analysis should also reflect a higher density in the Downtown.		X		X	Community Development
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Transportation

The City of Lakewood has policies aimed at managing auto travel demand in its Comprehensive Plan. The policies call for the City to encourage and assist employers who are not affected by the CTR law to offer TDM programs on a voluntary basis, encourage large employers to offer flexible or compressed work schedules to reduce localized congestion, and implement a public awareness and educational program to promote TDM strategies.		X			Public Works
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Public Services

Implement the Legacy Plan and Downtown Plan to promote urban nodal and urban linear parks meeting distance standards.	X		X		Parks
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MITIGATION MEASURES	PROPOSED SYNCHRONOUS AMENDMENTS	SHORT TERM	LONG TERM	OTHER AGENCY	RESPONSIBLE DEPARTMENT
Utilities					
City of Lakewood Comprehensive Plan including the Capital Facilities and Utilities element that set levels of service and coordination policies with service providers.	X		X		Community Development
Ongoing updates to Comprehensive Water System Plan by the Lakewood Water District and the Unified Sewer Plan by Pierce County would address the increases in density in the Study Area and ensure services are in place to meet the growing demand.			X	X	Community Development in association with Lakewood Water District and Pierce County
Power service providers conduct regular electric utility resource planning to address service demand and conservation.			X	X	Community Development in association with Tacoma Public Utilities and Lakewood Light and Power

Exhibit D. Transportation Cost Estimates

1. Improvements and Fair Share: The Planned Action EIS describes potential improvements to the network and impacted study intersections in addition to the City’s 2018-2023 6-Year Transportation Improvement Program. Implementation of improvements identified in Exhibit 2 below shall occur through a SEPA fair share fee program such that new development contributes its share of the cost for these projects.
 - a. The maximum responsibility of cumulative planned action development is 70% under Alternative 2; however, the City Council has set the planned action share at 50%, recognizing its desire to balance public and private investment in the transportation system serving the Planned Action Area and the expected growth and land use. The proportionate share of costs of the Planned Actions shall be determined based on their proportionate share of trips identified in Section 3.D(3) of this ordinance and this section.

Exhibit 2. Transportation Improvements in addition to Six-Year Transportation Improvement Program – Preferred Alternative

PROJECT	TITLE	COST (100% IN 2018\$ ROUNDED)	ALT 2: PLANNED ACTION SHARE 50%
1	Gravelly Lake Dr SW Revised Section: 4-lane section plus median/turn lane shown in the Downtown Plan concept #3A	\$19,410,000	\$9,705,000
2	Conversion of Lakewood Towne Center Blvd as Public Street	\$5,096,000	\$2,548,000
3	Lakewood Towne Center Blvd at 59th Ave SW, Roundabout	\$2,402,000	\$1,201,000
4	Reduce 59th Ave SW to two lanes, allowing for bicycle facilities (sharrows)	\$189,000	\$94,500
5	Gravelly Lake Dr / Avondale Rd SW New Signalized Intersection	\$1,178,000	\$589,000
6	100th St SW / Bridgeport Way SW	\$649,000	\$324,500
7	100th St SW / Lakewood Dr SW	\$8,000	\$4,000
8	Option A: 100th St SW / Lakewood Dr SW: Convert westbound through-left lane to left only to remove split phase	\$13,000	\$6,500
	Option B: 100th St SW / Lakewood Dr SW: Move the pedestrian crossing to the north side of the intersection coincident with the WB phase	\$269,000	\$134,500
Total	with 8A	\$28,944,000	\$14,472,500
	with 8B	\$29,200,000	\$14,600,500

- b. Cost Basis: Unless amended, or replaced with a transportation impact fee, mitigation fees consistent with the proportionate share of costs shall be applied to planned action applications.
 - i. The per trip mitigation fee was determined using the gross number of PM peak hour vehicles trips generated by the proposed land use calculated using unadjusted Institute of Transportation Engineers [ITE] trip generation rates. For consistency, individual development projects should also calculate their total number of trips using the same methodology (raw ITE rates) without any reductions for internal capture, pass-by travel, or transit/walking/biking.

- ii. Though not included in the fee calculation, these types of vehicle trip reductions were included in the Lakewood travel model to produce intersection forecasts, calculate LOS, and determine required mitigations (and by extension the cost of the mitigation that is considered in the mitigation fee). Since these reductions have already been included in the analysis, it would be considered double counting to allow individual development projects to again take credit for them.

Exhibit 3. Cost Basis and Per Trip Fee: Alternative 2 - 50% Planned Action Share

SCENARIO	COST BASIS	FEE PER TRIP: ALT 2
PM Peak Hour Trips		6,658
Study Area Share 50%	\$14,472,500	\$2,174

2. Expenditure of Funds – Account: The City shall earmark mitigation fee receipts and retain them in an interest-bearing account, expending them on projects identified in Exhibit 2.
3. Mitigation Fee Payable at Permit Issuance: The mitigation fee shall be payable at the time of building permit issuance. For projects that require longer-term construction periods prior to occupancy and impacts to the transportation system, the City may allow for the mitigation fee to be paid prior to the issuance of occupancy permits subject to a construction schedule and supporting information provided to the satisfaction of the City.
4. Credit: The City shall provide a credit for the value of dedication or improvement to or new construction of any system improvements provided by the developer per subsection 1 above. The applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula in subsection 1 above.
 - a. The dedication, improvement, or construction shall be conducted at suitable sites and constructed at acceptable quality as determined by the City. Such improvement or construction shall be completed, dedicated, or otherwise transferred to the City prior to the determination and award of a credit.
 - b. The value of a credit for right of way and easements shall be established on a case-by-case basis by an appraiser selected by, or acceptable to the City. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the City. The appraisal and review shall be at the expense of the applicant.
5. Period of Expenditure: The current owner of property on which traffic mitigation fees have been paid may receive a refund of such fees if the mitigation fees have not been expended or encumbered within 10 years of receipt of mitigation fees, unless the City has made a written finding that extraordinary or compelling reasons exist to extend the time for expending or encumbering the mitigation fees.
6. The Planned Action Share Transportation Fees will be incorporated into the City of Lakewood’s master fee schedule. Fees shall be subject to biennial review to affirm the cost basis.