

**City of Lake Forest Park - Planning Commission
Draft Special Meeting Minutes: August 17, 2022
In-person/Hybrid Meeting**

Planning Commissioners present: Chair Maddy Larson, Vice Chair Lois Lee, Ashton Alvarez, Melissa Cranmer, Ira Gross, T.J. Fudge

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner; Councilmember and Liaison Lorri Bodi (departed at 8pm)

Members of the Public: none

Planning Commissioners absent: Meredith LaBonte, Walter Hicks, David Kleweno

Call to order: Chair Larson called the meeting to order at 7:06 pm.

Land Acknowledgement: Cmr. Cranmer read the land acknowledgement.

Approval of Agenda

Cmr. Gross made a motion to approve the agenda, Cmr. Alvarez seconded, and the motion to approve the agenda carried unanimously.

Approval of Meeting Minutes

Cmr. Gross made a motion to bring the July 12, 2022, meeting minutes to the table. Cmr. Cranmer seconded.

Cmr. Lee indicated she would send some typo corrections to be edited. Chair Larson said that the Chair of the Climate Action Committee, Sarah Phillips, should be added to the list of attendees. Page 4; line 47 should read "Cmr. Kleweno" instead of "Chair Larson." Cmr. Gross agreed with the proposed amendments.

All voted to approve the minutes as amended and the motion carried unanimously.

Meeting Dates:

Chair Larson noted that the next regular meeting is scheduled for September 13, 2022.

Citizen Comments:

None.

Report from City Council Liaison

Councilmember Bodi said that the Council is ready to review the sign code recommendations that the Commission has made. She said that it will be placed on the Council's agenda soon and expects some presentation from staff and the Commission. She indicated that a public hearing will be held on the sign code amendments. Councilmember Bodi said the Council is working on the budget. She said that she will be presenting a procedure to the Council for people to apply for residential parking zone permits. She indicated that park and ride situations could occur within residential areas, because of the BAT ST3 project. Cmr. Cranmer asked for clarification on the parking program and Councilmember Bodi responded and provided additional details.

Cmr. Cranmer asked about the status of ST3 and Councilmember Bodi responded and provided her perspective about the status. She indicated that there are plans for a large retaining wall on the west side of SR 522 and that Sound Transit is negotiating with property owners individually for the acquisition of property. Cmr. Cranmer asked if there were any pending legal actions against the City from Sound Transit and

1 Councilmember Bodi responded that she was not aware of any. Cmr. Cranmer asked how the town center
2 development is proceeding and Councilmember Bodi responded and indicated that the city had not received
3 any applications for town center development.
4

5 Cmr. Lee asked if there were any grant funds for city projects. Councilmember Bodi responded and said that
6 grant funds are available, and that the city has a grant to start the waterfront park planning process. She went
7 onto explain how the grant funding will be spent.
8

9 Cmr. Alvarez asked about when the budget will be adopted and Councilmember Bodi responded and said
10 that mid-November is the target date and that there will be a public hearing on the budget. She indicated that
11 prices are up for everything at least 10 percent.
12

13 **Old Business**

- 14 • *Sign Code Update*- Review of draft memorandum to Council to accompany recommended code
15 amendments
16

17 Chair Larson introduced the topic and asked if there were any suggested edits to the memorandum that staff
18 had drafted to go to Council. Cmr. Lee suggested correcting a typo (adding “additional” in place of
19 “addition) and all agreed. All other Commissioners did not have comments. Chair Larson asked if it would
20 be helpful to reference the code sections recommended for amendment in the memo and Councilmember
21 Bodi responded and said that the memorandum didn’t need to be changed.
22

23 Cmr. Lee motioned to approve the memorandum to Council, as amended, and Cmr. Alvarez seconded. All
24 voted and the motion passed unanimously.
25

- 26 • *Reasonable Use Exception – Review draft code amendment developed in response*
27 *to Commission discussion at last meeting.*

28 Chair Larson introduced the topic and summarized what the topics that had been discussed at last
29 meeting. She described her understanding of the meeting topics discussed on July 12th as including
30 fines, recording on title, and building footprint size, among other topics and indicated that she
31 wanted to hear from Commissioners as to whether there was a need for any additional amendments
32 related to each topic.

33 Chair Larson asked the Commission if they would like to recommend extending monitoring periods
34 for RUE projects. Cmr. Gross said that sometimes the design doesn’t work out as planned and asked
35 who is responsible. Director Bennett responded and explained how the monitoring program
36 functions. He said that extension of the timeframe on monitoring periods can be accomplished via
37 the current code. Cmr. Gross asked if property restrictions follow the sale of the property and
38 Director Bennett responded that they would and that the bonding provision up for recommendation
39 would financially secure the site’s mitigation work. Cmr. Lee asked for clarification on how a
40 qualified professional is used in the process. Director Bennett responded with an explanation of how
41 qualified professionals are used in the process. Cmr. Fudge asked how the Commission’s
42 recommendations will affect the critical areas code and Director Bennett responded that the
43 recommendations so far only pertain to the RUE section of the code. Chair Larson asked if
44 everyone was comfortable using five years for a monitoring period. Cmr. Fudge clarified that he
45 interpreted the code to require no less than five years of monitoring.

46 Chair Larson asked the Commission if monitoring water quality should be something that the
47 Commission should recommend being included in the RUE code amendments. Director Bennett
48 responded and said that typically water quality is regulated by the drainage code and that some RUEs,
49 such as steep slopes do not involve water quality issues. Chair Larson referenced the project adjacent

1 to Jolene Jang's property where she believed water quality monitoring should be implemented. She
2 said that she wants to include the water quality monitoring provision in the recommendation because
3 she's not confident that all staff would implement the requirement. Director Bennett responded and
4 said that if the provision is contained within the regulations, it would have to be implemented. Cmr.
5 Fudge presented his perspective on the issue and said that it would be difficult to implement and
6 enforce a water quality requirement because it would be hard to determine whether the reductions in
7 water quality were coming from the RUE or from up stream. Cmr Lee said that any project will have
8 to comply with the drainage regulations.

9 Chair Larson introduced the topic of conservation easements and asked if anyone wanted to include
10 it in the recommended regulations. Director Bennett provided some detail on how RUE sites are
11 configured and said that the critical areas and the remaining buffers have to be delineated and labeled
12 as critical area tracts which are recorded. He went on to say that the specific restrictions of critical
13 area tracts could be better defined in the current code. He suggested drafting a recommendation for
14 language to place on the title for critical area tracts. He also noted that subdivision would be
15 prohibited within a restricted tract. He explained his understanding of the difference between a
16 conservation easement and a critical area tract. Councilmember Bodi added her understanding of
17 how conservation easements work and said that she thought they were not necessary in this context.
18 Cmr. Lee said that LFP has some large lots that could be subdivided, but a lot of those areas contain
19 critical areas. Chair Larson summarized her understanding of the issue. Conversation continued
20 about what to include for language on critical area tract recording documents. Chair Larson
21 suggested that staff draft language to be included in critical area tracts.

22 Chair Larson introduced the topic of building footprint and asked if the Commission should
23 recommend a specific footprint size to include in the RUE amendments. Cmr. Gross suggested
24 allowing more than a 1200 square-foot building footprint or a establishing a percentage of the lot size
25 as the maximum. Director Bennett provided some perspective on lots with critical areas and said that
26 there are unique and potentially unknown factors involved in each RUE project, which is the reason
27 a specific footprint isn't codified. He described the approval criteria for RUEs. Cmr. Gross said that
28 a set number would remove an opportunity for judgement where it might be needed. He withdrew
29 his proposal for a codified number for footprint size. Cmr Lee suggested having a maximum
30 footprint reflective of the lot size. Director Bennett responded and indicated that the code already
31 sets constraints on the size of the building using the RUE approval criteria. Cmr. Fudge said that if a
32 percentage of lot size is used to calculate a building's footprint, it would provide an opportunity for
33 an applicant to use the formula to argue for a larger footprint size, instead of what is the best
34 reasonable economic use for a site. Cmr. Gross agreed with Cmr. Fudge on his statement. Cmr Lee
35 agreed that the main concern should be having the least amount of impact.

36 Chair Larson introduced the topic of recording restrictions on a property's title or deed. Director
37 Bennett provided some clarity on how the draft recommendations work to implement this type of
38 requirement. He said that more specific language in the code could assist with informing buyers of
39 a property's restrictions. Cmr. Alvarez described how title searches are conducted when
40 properties are purchased. She said that monitoring information should be included on the title for
41 the property. Cmr. Gross described the experience of an LFP resident and their home's status.
42 Chair Larson asked if there consensus on the draft amendment in section (I), and all agreed with the
43 language as drafted. Chair Larson asked if more specifics should be included and Director Bennett
44 responded and indicated that, as written, it should provide the protections the Commission is trying
45 to establish.

46 Chair Larson introduced section (H) and asked if the draft reflected the previous conversation. She
47 alluded to some comments made by Cmr. LaBonte that could be used because of limited
48 enforcement resources. Cmr. Alvarez asked how much an owner for an RUE incurs for monitoring.
49 Senior Planner Holland responded and said a case he worked on generated a cost of about \$2,000 per
50 year for the monitoring alone.

1 Chair Larson talked about potentially fining violators. Director Bennett responded and explained the
2 regulations that enable the fining code violators. He provided background on how the code
3 enforcement chapter is used and gave reasons on why it was written that way. Discussion occurred
4 on how fines are brought upon violators of the code and Chair Larson asked about people who
5 know they are in violation and still violate the code. Director Bennett responded and indicated that
6 the costs for the city to administer a fine and defend it, often outweigh the benefit of the fine. He
7 explained how the city's code enforcement program works and the types of resources that are
8 dedicated to code enforcement. Cmr. Cranmer asked how the fine amount was established. Director
9 Bennett responded and indicated that the city attorney recommended it based on the fines other
10 cities impose for similar violations.

11 Chair Larson said that the current code needs recommended section (H) and section (I) to improve
12 the RUE process. Director Bennett responded that his understanding of the guidance from the
13 Commission was to look at section 16.16.190 and see if there is a need for some improved language
14 to clarify title restrictions; revised language for the newly drafted section of 16.16.250 (C) (5); and
15 improved language for section 16.16.250 (I).

16 Chair Larson said that she would draft a memorandum to summarize progress on the RUE issue.

17 Director Bennett said that he would like to discuss the scope of work for the comprehensive plan
18 update during new business at the next meeting.

19 **New Business**

20 None.

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22 **Reports and Announcements**

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24 Director Bennett said that Assistant Planner Cameron Tuck had resigned and that the City had started
25 recruitment for a new Assistant Planner.

26
27 **Additional Citizen Comments:**

28 None.

29
30 **Agenda for Next Meeting:**

31 No additional discussion on this topic

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33 **Adjournment:**

34 Cmr. Gross made a motion to adjourn the meeting, Cmr. Cranmer seconded, and the motion carried
35 unanimously. The meeting was adjourned at 8:52 pm.

36
37 APPROVED:

38
39 *Madlyn Larson*

40
41 Maddy Larson, Chair