



# **CITY OF LAKE FOREST PARK CITY COUNCIL SPECIAL COMMITTEE OF THE WHOLE MEETING**

**Monday, August 14, 2023 at 6:00 PM**

**Meeting Location: In Person and Virtual / Zoom  
17425 Ballinger Way NE Lake Forest Park, WA 98155**

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## **INSTRUCTIONS FOR PARTICIPATING IN THIS MEETING VIRTUALLY:**

**Join Zoom Webinar: <https://us06web.zoom.us/j/84308122892>  
Call into Webinar: 253-215-8782 | Webinar ID: 843 0812 2892**

The Committee of the Whole is providing opportunities for public comment by submitting a written comment or by joining the meeting webinar (via computer or phone) or in person to provide oral public comment.

### **HOW TO PARTICIPATE WITH ORAL COMMENTS:**

Sign up here <https://app.waitwhile.com/welcome/comment-sign-up> between 9:00 a.m. and 5:00 p.m. on the day of the meeting to provide Oral Comments during the meeting.

If you are attending the meeting in person, there is a sign in sheet located near the entrance to the Council Chambers. Simply fill the form out and the Deputy Mayor will call your name at the appropriate time. Oral comments are limited to 3:00 minutes per speaker.

If you are attending the meeting via Zoom, in order to address the Committee during the Public Comment section of the agenda, please use the “raise hand” feature at the bottom of the screen. Oral comments are limited to 3:00 minutes per speaker. Individuals wishing to speak to agenda items will be called to speak first in the order they have signed up. The City Clerk will call your name and allow you to speak. Please state your name and whether you are a resident of Lake Forest Park. The meeting is being recorded.

### **HOW TO SUBMIT WRITTEN COMMENTS:**

<https://www.cityoflfp.gov/615/Hybrid-City-Council-Meetings> (use CTRL+CLICK to open this link)

Written comments for public hearings will be submitted to the Committee if received by 5:00 p.m. on the date of the meeting; otherwise, they will be provided to the Committee the next day. Because the City has implemented oral comments, written comments are no longer being read under Citizen Comments.

Meetings are shown on the city’s website and on Comcast channel 21 for subscribers within the Lake Forest Park city limits.

## **AGENDA**

### **1. CALL TO ORDER**

### **2. CITIZEN COMMENTS**

*This portion of the agenda is set aside for the public to address the Council on agenda items or any other topic. The Council may direct staff to follow up on items brought up by the public. **Comments are limited to a three (3) minute time limit.***

### **3. DISCUSSION ITEMS**

- A.** Possible Amendments for Reasonable Use Exemptions (RUE)
- B.** Continued Discussion on the Capital Improvement Plan Pavement Resurfacing Plan
- C.** Multimodal Healthy Streets Pilot Proposal
- D.** Continued discussion of speed limit reductions.
  - Possible Speed Racing Prohibition Ordinance

### **4. ADJOURN**

### **FUTURE SCHEDULE**

--Thursday, August 17, 2023 City Council Budget and Finance Committee Meeting – *canceled*  
--Monday, August 21, 2023 City Council Committee of the Whole Regular Meeting – *canceled*  
--Thursday, August 24, 2023 City Council Regular Meeting – *canceled*  
--Monday, September 4, 2023 City Offices Closed in Observance of Labor Day  
--Thursday, September 14, 2023 City Council Work Session Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*  
--Thursday, September 14, 2023 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*  
--Thursday, September 21, 2023 City Council Budget and Finance Committee Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*  
--Monday, September 25, 2023 City Council Committee of the Whole Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*  
--Thursday, September 28, 2023 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*

*Any person requiring a disability accommodation should contact city hall at 206-368-5440 by 4:00 p.m. on the day of the meeting for more information.*

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING SECTION 16.16.250 OF THE LAKE FOREST PARK MUNICIPAL CODE, REASONABLE USE EXCEPTION TO ALLOW FOR REASONABLE ECONOMIC USE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, section 16.16.250 of the Lake Forest Park Municipal Code (LFPMC) provides a process by which an applicant may apply for a reasonable use exception from Chapter 16.16 LFPMC, Environmentally Critical Areas, when the application of regulations in the Chapter prevents all reasonable economic use of the property; and

**WHEREAS**, given the importance of critical areas in our community and recent experiences with a lack of compliance with orders granting reasonable use exceptions, the Lake Forest Park Planning Commission (Planning Commission) was tasked with reviewing the relevant provisions in the LFPMC; and

**WHEREAS**, the Planning Commission received input from the community and held public meetings to consider possible amendments to LFPMC 16.16.250 on July 12, August 17, and September 13 of 2022; and

**WHEREAS**, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (“DNS”) was issued on \_\_\_\_\_, 2023; and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City’s intent to adopt the proposed amendments on \_\_\_\_\_, and received notice that the Department had granted expedited review on \_\_\_\_\_; and

**WHEREAS**, the City Council held public meetings to review amendments to LFPMC 16.16.250 on February 23, 2023, and \_\_\_\_\_; and

**WHEREAS**, the City Council held a public hearing on \_\_\_\_\_, 2023, regarding the proposed ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. AMENDMENT. The City Council of the City of Lake Forest Park hereby amends section 16.16.250 LFPMC, Reasonable use exception to allow for reasonable economic use, as follows:

A. Policy. The policy behind this reasonable use exception is to provide a mechanism that protects critical areas and approves the bare minimum amount of use and disturbance when strict application of this chapter would deny all reasonable economic use of a property. This policy recognizes that the city's comprehensive plan and the Washington State Growth Management Act mandate the adoption of policies and development regulations that protect the functions and values of critical areas, and the use of best available science when developing such policies and regulations. These mandates are at times juxtaposed with the obligation to not unconstitutionally take private property. Especially when avoiding conflicts between new development and protecting critical areas is becoming increasingly difficult in urban areas like Lake Forest Park.

The City starts from the premise that alteration or work in, or development of, critical areas and their buffers is prohibited. Critical areas in Lake Forest Park include a variety of environmental features important to the community and beyond. For example, there are approximately 50 acres of wetlands that range from large and complex wetland systems to small pockets of wetlands. Streams range from large, containing a variety of fish species, to small, intermittent creeks. Steep slopes are also prevalent in areas of the City and vary from stable to prone to landslides. The City recognizes that some critical areas may constitute an ecosystem or part of ecosystems that transcend the boundaries of individual lots and the City. The City also respects and recognizes that private property owners should not be required to bear the entire economic burden of the benefits afforded to the community at large by protecting critical areas.

B. Purpose and intent. The purpose and intent of this section is to:

1. Protect critical areas;
2. Preserve the existing functions and values of critical areas;
3. Limit and minimize disturbance to critical areas;
4. Protect public and private property from damage due to landslides, seismic hazards, flooding, sedimentation, or erosion;
5. Safeguard the public from hazards to health and safety;
6. Prevent the unconstitutional taking of private property rights;

7. Require use of innovative construction techniques, products and design that minimize to the greatest extent possible net loss of critical area functions and values while also supporting reasonable economic use of a lot;
8. Require compensatory mitigation for unavoidable harm done to critical areas;
9. Require and implement conditions that ensure, for the life of the project, that the minimal disturbance and mitigation authorized by this section are strictly maintained; and
10. Provide the following guidelines for consideration when applying the criteria in D below, with the understanding that the specific conditions of each lot must be taken into consideration:
  - a. Advances have been made in the design and market acceptance of single-family dwellings with smaller footprints. Single-family dwellings with a footprint greater than 750 square feet may not comply with the intent and criteria of this section.
  - b. To minimize the area of critical area disturbance area consider limiting the maximum amount of disturbance to the dwelling's footprint, minimum walkways and driveways needed to access the lot, associated utilities, and a 10-foot buffer around the dwelling footprint necessary for repair and maintenance.

CA. If the application of this chapter will prevent any reasonable economic use of the owner's property, then the applicant may apply to the planning department for an exception from the requirements of this chapter and the application shall be processed pursuant to the provisions of Chapter 16.26 LFPMC. ~~B.~~ The planning director shall forward the application, along with the record submitted to the city and the director's recommendation, to the hearing examiner for decision.

DC. The hearing examiner shall grant an exception only if:

1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and
2. There is no other reasonable economic use with less impact on the critical area; and
3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter and the comprehensive plan; and

4. Any alteration is the minimum necessary to allow for reasonable economic use of the property; and

5. The inability to derive reasonable use is not the result of an action or actions taken by the applicant's actions or that of a previous property owner, such as by altering lot lines that result in an undevelopable condition.

~~D. The hearing examiner shall grant an exemption from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.~~

Commented [KAP1]: This is a duplicate of D.4.

E. The hearing examiner shall condition any exception from the requirements of this chapter upon conditions ~~recommended by the city~~ and upon compliance with any mitigation plan necessary to satisfy the criteria in this section.~~approved by the city.~~

F. For any in-water or wetland work it is the applicant's responsibility to obtain all state and federal approvals before beginning work.

G. All exceptions shall be conditioned on the property owner providing a financial security guarantee, in a form approved by the City, for the required critical area mitigation performance and maintenance. The amount of the financial guarantee shall be subject to approval of the City and based on a qualified professional's cost estimate of the current market value of labor and materials for the approved mitigation and monitoring plan as well as a thirty percent contingency.

H. The hearing examiner's decision granting an exception and all other mitigation documents shall be recorded against the real property in question with the King County Recorder's Office.

Section 2. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** the Lake Forest Park City Council this XXX day of XXX, 2023.

APPROVED:

\_\_\_\_\_

Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_

Matthew McLean  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Kim Adams Pratt  
City Attorney

Introduced:  
Adopted:  
Posted:  
Published:  
Effective:

# Multimodal Healthy Streets Pilot Proposal


LFP City Council COW

August 14, 2023

Proposal drafted by councilmembers French, Riddle, Goldman



# Motivations and Goals

- We want to encourage more people to get around the city by walking and cycling
  - Some streets are known for “cut-through” traffic which makes them less safe for non-motorized uses
  - Inspiration – Seattle’s “Healthy Street” program
- 
- Before we implement this throughout the city, we want to pilot it on ~3 streets that we selected

# What would go into choosing streets

- Strong neighborhood support
- History of cut-through traffic
- Not feasible for more expensive traffic calming measures
- Distributed throughout the city
- Local and emergency vehicles would continue to have access

# What went into choosing pilot streets

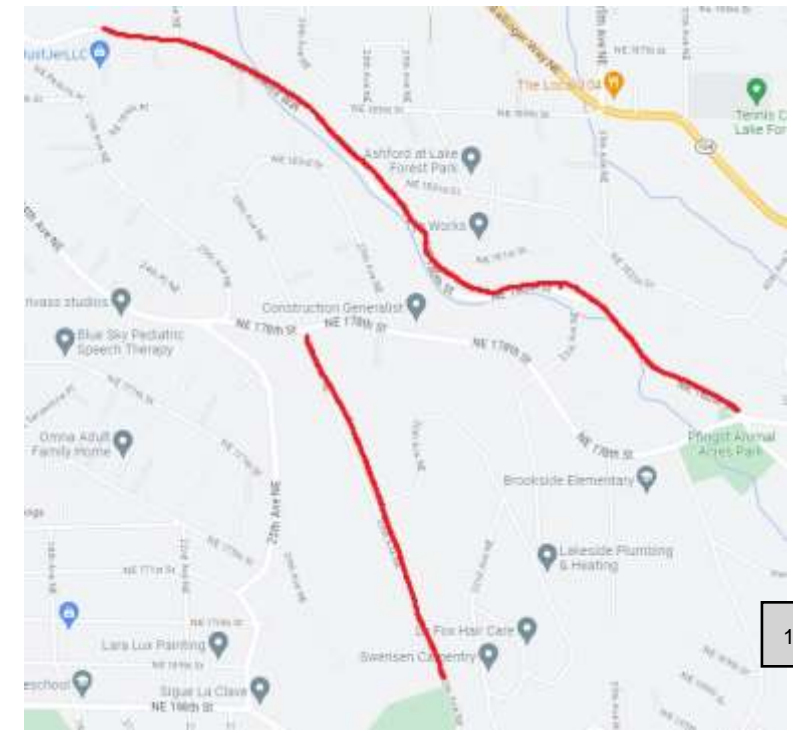
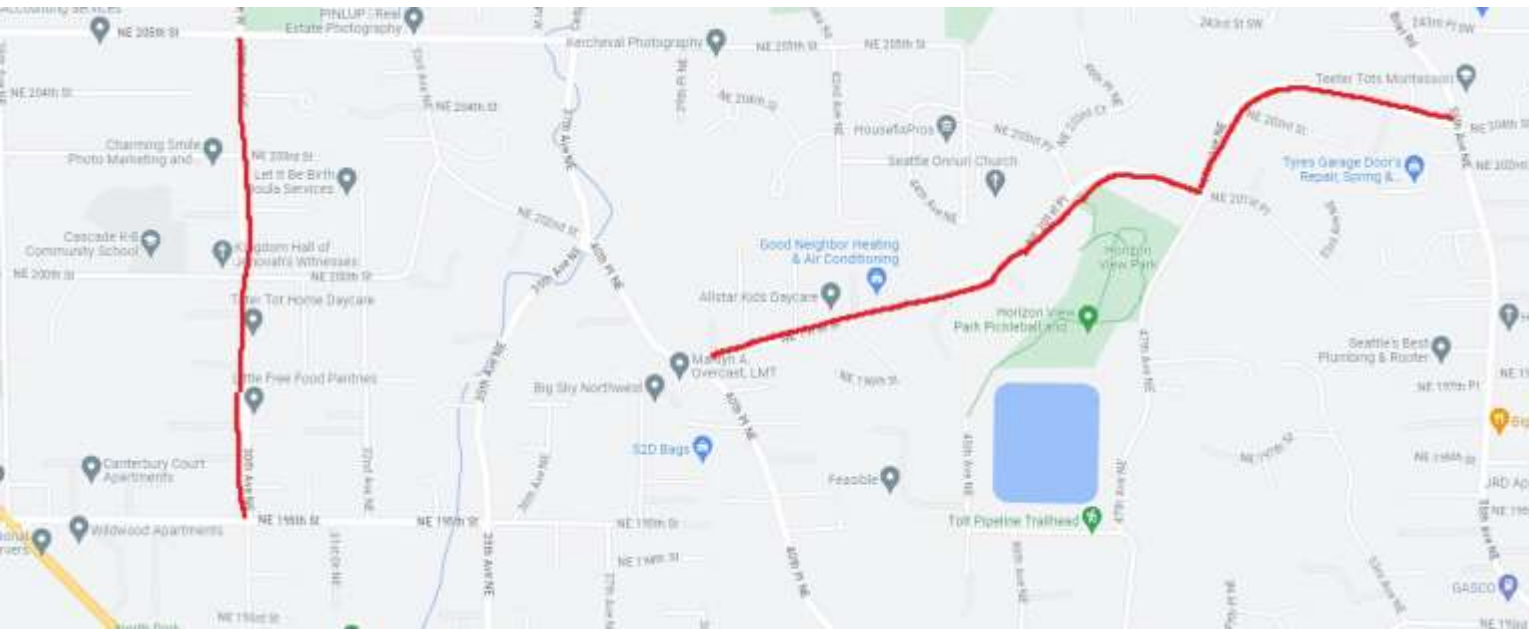
- Reached out to neighbors, city staff
- Anecdotal history of complaints about cut through traffic
- Different parts of city
- Parallel to larger roads (e.g. Bothell Way, Ballinger Way)
- Not too large / too much vehicle volume



# Some roads we considered but ruled out for the p

Section 3, Item C.

- 197<sup>th</sup>/ 201<sup>st</sup>/204<sup>th</sup> St near Horizon View park – not really a more major alternative route
- 30<sup>th</sup> Ave between 195<sup>th</sup>-205<sup>th</sup> St – border with Shoreline, would require collaboration
- Perkins Way / 180<sup>th</sup> St – too large
- 28<sup>th</sup> Ave near Grace Cole park – not really a cut-through area
- If the pilot is successful, some of these could be candidates for a 2<sup>nd</sup> phase



# Evaluating Success

- Collect qualitative feedback from residents
  - Is the road safer for them to walk/bike/play/etc.?
- Collect quantitative data on road use
  - Number of vehicles, vehicle speeds, etc.
  - Ensure this does not have a substantial impact on nearby streets?
- Length of pilot – 6 or 12 months
- If the pilot is successful, we could develop a permanent program
  - Neighborhoods could petition to convert 1 of their streets into a Multimodal Healthy street
  - We discussed a similar approach at a previous COW for parking permits

# Any questions?