



CITY OF LAKE FOREST PARK CITY COUNCIL COMMITTEE OF THE WHOLE MEETING

Monday, April 22, 2024 at 6:00 PM

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

INSTRUCTIONS FOR PARTICIPATING IN THIS MEETING VIRTUALLY:

**Join Zoom Webinar: <https://us06web.zoom.us/j/81709380902>
Call into Webinar: 253-215-8782 | Webinar ID: 817 0938 0902**

The City Council 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 4:00 p.m. on the day of the meeting to provide Oral Comments during the meeting. You may provide comments or feedback on any item listed on the agenda, or any topic under the purview or control of the City Council.

If you are attending the meeting in person, there is a sign in sheet located near the entrance to the Council Chambers. 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 and would like to address the Committee during the Public Comment section of the agenda, you must sign up on the electronic comment sign-in sheet between 9:00 a.m. and 4:00 p.m. on the day of the meeting. Oral comments are limited to 3:00 minutes per speaker. Individuals wishing to speak to agenda items will be called to speak in the order they have signed up. The City Clerk will call your name and allow you to speak. People who are not signed up to speak will not be allowed to address the Committee at the meeting. 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.cityofflp.gov/615/Hybrid-City-Council-Meetings>

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 Public Comments. The City Clerk will read your name and subject matter into the record during Public 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. PUBLIC 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 might have purview or control over. If the comments are of a nature that the Council does not have influence or control over, then the Deputy Mayor or presiding officer may request the speaker suspend their comments. 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.** Resolution 24-1948 / Creating a Temporary Policy Advisory Task Force for Climate Planning
- B.** Draft Ordinance - Amending Chapter 18.52 of the Lake Forest Park Municipal Code, Signage, to bring the Sign Code into compliance with recent legal decisions
- C.** Ordinance 24-1291/Creating a new chapter in the Lake Forest Park Municipal Code relating to the acceptance of donations
- D.** School zone fees & red light fees

4. ADJOURN

FUTURE SCHEDULE

--Thursday, April 25, 2025 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*

--Thursday, May 9, 2024 City Council Work Session Meeting 6 pm - *hybrid meeting (Zoom and City Hall)*

--Thursday, May 9, 2024 City Council Regular Meeting 7 pm - *hybrid meeting (Zoom and City Hall)*

--Thursday, May 16, 2024 City Council Budget & Finance Committee Meeting 6 pm - *hybrid meeting (Zoom and City Hall)*

--Monday, May 20, 2024 City Council Committee of the Whole Meeting 6 pm - *hybrid meeting (Zoom and City Hall)*

--Thursday, May 23, 2024 City Council Regular Meeting 7 pm - *hybrid meeting (Zoom and City Hall)*

--Monday, May 27, 2024 Memorial Day – City Offices Closed

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.



CITY OF LAKE FOREST PARK CITY COUNCIL AGENDA COVER SHEET

Meeting Date April 22, 2024

Originating Department Community Development Department

Contact Person Mark Hofman, Community Development Director

Title Resolution 24-1948 / Creating a Temporary Policy Advisory Task Force for Climate Planning

Legislative History

- First Presentation March 28, 2024, Regular City Council Meeting
- Second Presentation April 22, 2024, Committee of the Whole
- Third Presentation April 25, 2024, Regular City Council Meeting

Attachments:

1. Resolution 24-1948

Executive Summary

The city has been awarded a grant by the Department of Commerce in an amount not to exceed \$500,000 to assist with the climate planning policies and development regulations work needed to comply with the climate planning requirements of legislation passed in 2023 (HB 1181). The legislation added a climate goal to the Growth Management Act (GMA) and requires local comprehensive plans to have a climate element with resilience and greenhouse gas emissions mitigation sub-elements.

This climate planning work is distinct and separate from the ongoing periodic update of the Comprehensive Plan, due by December 2024. Under GMA, Lake Forest Park is now required to complete the climate planning work by 2029. However, due to grant funding award and opportunity, Lake Forest Park can move forward its obligation and begin the climate planning work at this time, through June 2025, under the scope of work and budget for the Climate Planning Grant.

Through the attached Resolution, there will be created the city's Climate Policy Advisory Team to consist of nine volunteer members, to be filled by (up to) three (3) members of the Planning Commission, three (3) members of the Climate Action Committee, one (1) member of the Tree Board, and two (2) qualified interested residents. The Climate Policy Advisory Team would be supported by a

liaison from the City Council, as well as an alternate. The primary purpose of the task force is to advise the city on policy and regulations resulting in the addition of a climate element to the Comprehensive Plan.

Generally, the Climate Policy Advisory Team would meet once per month (schedule and dates to be determined), with special meetings as may be needed. The Climate Policy Advisory Team will be administered by the Community Development Director, who will have the support of the Community Development and Public Works Departments, as well as a qualified climate planning consulting firm (to be determined subject to an RFQ process) performing the scope of work for the Climate Planning Grant.

The Climate Policy Advisory Team shall be disbanded when their primary purpose of advising on the creation of a climate element to the Comprehensive Plan is completed, likely in Summer or Fall of 2025.

Background

As part of the climate planning policies and development regulations update, several required deliverables were identified that fit within the timeline of the grant. Specifically included as Task 2.1 in the scope of work for the grant is:

- Form a Climate Policy Advisory Team

Section 2.22.020.C of the Lake Forest Park Municipal Code authorizes the creation of “task forces or committees” on a temporary or indefinite basis to deal with a specific policy area or issue. Such task forces may be created jointly by the Mayor and the Council. Scopes of work are subject to Council approval and the committee will be disbanded when its purpose has been achieved or terminated.

The city had not yet begun discussion and advertisement for interest, appointment, or confirmation procedures for the suggested task force prior to introduction at the March 28, 2024 meeting of the City Council. Review and direction from the City Council was first sought at introduction of the Resolution regarding the purpose, formation, make up and temporary basis, etc. as deemed appropriate. Candidates for confirmation by Council will be brought to a future meeting for consideration.

On March 28, 2024 City Council directed staff to discuss the formation of a Climate Policy Advisory Team at the upcoming meetings of the Planning Commission, Climate Action Committee, and Tree Board and return to the Council’s regular meeting of April 11, 2024.

In addition to the primary climate element and planning purpose of the task force, assistance with the following tasks is also anticipated:

- Explore climate impacts, identify community assets, and consider environmental justice;
- Audit existing plans and policies for climate gaps and opportunities;
- Assess vulnerability and risk;
- Pursue pathways to adapt/expand existing goals and identify policy co-benefits;
- Gather local greenhouse gas (GHG) emission and planning data;
- Inventory and estimate GHG emissions;

- Perform a vehicle mile travel (VMT) study;
- Establish emission reduction targets;
- Produce a final review draft of a climate element with resilience and greenhouse gas emissions goals and policies.

Fiscal & Policy Implications

Support of the Climate Policy Advisory Team will have minimal fiscal impact as it can be supported by existing staff and funds from the Climate Planning Grant.

Alternatives

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none">• Authorize the creation of a Climate Policy Advisory Team.	The Climate Element Planning work will be supported by a broad advisory team of qualified members.
<ul style="list-style-type: none">• Do not form a Climate Policy Advisory Team.	The full formation and review of the Climate Element Planning work will be assisted by efforts to coordinate with the Planning Commission and the Climate Action Committee.

Staff Recommendation

As directed, staff will discuss the formation of a Climate Policy Advisory Team at the April 4, 2024 meeting of the Planning Commission, the April 2 meeting of the Climate Action Committee, and the April 3 meeting of the Tree Board, then return to the Council’s Committee of the Whole of April 22, 2024 with feedback. Following a review of the attached Resolution, staff recommends the Council pass resolution 24-1948 at the April 25, 2024 Regular Meeting, creating the Climate Policy Advisory Team.

RESOLUTION NO. 24-1948

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, CREATING A TEMPORARY POLICY ADVISORY TASK FORCE FOR CLIMATE PLANNING

WHEREAS, the Administration and City Council are in agreement that climate change poses real hazards to the City of Lake Forest Park and its citizens; and

WHEREAS, the Administration and City Council recognize that many citizens of Lake Forest Park possess important expertise pertaining to the effects and mitigations of climate change; and

WHEREAS, Chapter 2.22 of the Lake Forest Park Municipal Code (LFPMC), Volunteer Commission System, provides in section 2.22.020.C for the creation of task forces or committees on a temporary or indefinite basis to deal with a specific policy area or issue; and

WHEREAS, under the Growth Management Act (GMA), the City of Lake Forest Park is required to perform a periodic update of its comprehensive plan by the end of 2024; and

WHEREAS, separate but related to the effort for the periodic update of the Comprehensive Plan, the City of Lake Forest Park is required to comply with the additional climate planning requirements of Washington State legislation passed in 2023 (HB 1181). The legislation adds a climate goal to the Growth Management Act (GMA) and requires local comprehensive plans to have a climate element with resilience and greenhouse gas emissions mitigation sub-elements; and

WHEREAS, to assist with the climate planning policies and development regulations work needed to comply with GMA legislation, the State Legislature has provided essential funding available to local jurisdictions to help offset the burden and cost of compliance; and

WHEREAS, the Department of Commerce has awarded the City a grant of \$500,000 to assist with climate planning Comprehensive Plan policies and development regulations as required by the GMA; and

WHEREAS, Task 2.1 of the Scope of Work for the Commerce Climate Planning Grant includes formation of a Climate Policy Advisory Team; and

WHEREAS, the city seeks broad qualified community member advice on policy and regulations resulting in the addition of a climate element to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1 CREATION OF CLIMATE POLICY ADVISORY TEAM. Pursuant to Section 2.22.020.C of the Lake Forest Park Municipal Code (LFPMC), the Mayor and City Council do jointly create a temporary task force, titled the Climate Policy Advisory Team. The function of the Climate

Policy Advisory Team is to act as a temporary task force advising on climate planning resulting in a new climate element added to the city’s Comprehensive Plan.

The Climate Policy Advisory Team will consist of nine volunteer members, nominated by the Mayor and confirmed by the City Council, to be filled by (up to) three (3) members of the Planning Commission, three (3) members of the Climate Action Committee, one (1) member of the Tree Board, and two (2) qualified interested residents. Each member will be appointed to a term consistent with the primary purpose and duration of the Climate Policy Advisory Team, likely through Summer or Fall, 2025.

The Climate Policy Advisory Team will internally select a chair and vice chair, will meet at least monthly, and all public meetings will be held in accord with the Open Public Meetings Act, Chapter 42.30 RCW. The City Council will appoint a Council Liaison and Alternate. The Climate Policy Advisory Team will be administered by the Community Development Director, who will have the support of the Community Development and Public Works Departments, as well as a qualified climate planning consulting firm performing the scope of work for the Climate Planning Grant.

Section 2. PURPOSE. The primary purpose of the task force is to advise the city on policy and regulations resulting in the addition of a climate element to the Comprehensive Plan.

Section 3. DISBANDMENT. The Climate Policy Advisory Team may be disbanded jointly by the Mayor and City Council at any time.

Section 4. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this ____ day of _____, 2024.

APPROVED:

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matt McLean
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:



CITY OF LAKE FOREST PARK CITY COUNCIL AGENDA COVER SHEET

Meeting Date April 22, 2024

Originating Department Community Development Department

Contact Person Mark Hofman, AICP, Community Development Director

Title Draft Ordinance - Amending Chapter 18.52 of the Lake Forest Park Municipal Code, Signage, to bring the Sign Code into compliance with recent legal decisions

Legislative History

- First Presentation December 14, 2023, Regular City Council Meeting
- Reintroduction (New CD Director) April 22, 2024, Committee of the Whole

Attachments:

1. Draft amendments to Chapter 18.52 of the Lake Forest Park Municipal Code

Executive Summary

The Planning Commission completed a review and amendments to the sign code, held a public hearing, and forwarded a recommendation in 2023 to the City Council. Changes include those to definitions, clarification of Illegal signs, exemptions from permitting, new provisions for temporary signs, the addition of exterior signage for businesses located interior to the Town Center, and the addition of signs allowed in Southern Gateway zones.

The draft Amendments were introduced to the City Council at the regular meeting of December 14, 2023. The continuing effort at Council was then temporarily put on hold until a new community development director came on board at the city and had time to familiarize with the background materials and process. With that now completed, the Administration wishes to reintroduce the recommended amendments at Council and continue the review process.

The materials included in the Council meeting packet for December 14, 2023 included several instances where sentences overlapped with each other. Because it was therefore not entirely clear what each/all amendments included, the recommended materials from Planning Commission are corrected and reintroduced as a replacement first step for Council. The Community Development

Director will also respond to several questions and comments from the Council's December 14 discussion and receive any new/additional feedback and questions.

At the point during council review where no additional substantive changes are anticipated, planning staff will begin the SEPA review and submit the proposed code to the Department of Commerce for their required review. Both processes must be completed prior to Council's adoption of the proposed code.

Background

The Planning Commission's review of the sign code was done with the limits imposed by the Courts in mind. The U.S. Supreme Court, in *Reed v. Gilbert*, held that regulating signs based on their content, in most cases, is an unconstitutional violation of the First Amendment right to free speech. The U.S. Ninth Circuit Court of Appeals, of which Washington is a part, held that the Reed decision only applies to non-commercial signs. Non-commercial signs that regulate the content of a sign will be subject to "strict scrutiny" when determining whether they violate the First Amendment right to free speech. When regulating signs that are off-premises (not on the premises they convey information about), the U.S. Supreme Court in *City of Austin v. Reagan National Advertising*, held that a city's regulation of off-premises signs is facially content neutral when the message on the sign is only relevant because it tells the reader about location. Neutral reading of sign for location will pass the Constitutional test.

Fiscal & Policy Implications

Fiscal impacts are minor, related to staff time and the costs of codifying the updated code. By adopting the proposed amendments, the city's sign code will be in compliance with case law.

Staff Recommendation

Review the draft code forwarded by the Planning Commission and provide staff with feedback and direction.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 18.52 OF THE LAKE FOREST PARK MUNICIPAL CODE, SIGNAGE, TO BRING THE SIGN CODE INTO COMPLIANCE WITH RECENT LEGAL DECISIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park (“City”) has enacted sign regulations in order to promote and protect the public health, welfare and safety; to protect and promote property values; to protect and promote an aesthetically pleasing physical appearance of the City; to provide for more open space; to protect and promote an attractive business climate in the City; to provide uniformity of appearance in signage where appropriate; to reduce sign and advertising obstructions and distractions that may contribute to traffic accidents; to reduce visual clutter; and to curb the deterioration of natural beauty and community environment; and

WHEREAS, the U.S. Supreme Court in the 2015 decision *Reed v. Gilbert* held that a local government’s sign code that treats various categories of signs differently based on the information they convey violates the First Amendment of the U.S. Constitution; and

WHEREAS, the Court’s decision in *Reed* as well as subsequent lower courts’ interpretations of the decision have prompted most local governments to review their sign codes and amend content-based regulations in their sign codes; and

WHEREAS, staff and the Planning Commission reviewed the City’s existing sign regulations in Chapter 18.52 of the Lake Forest Park Municipal Code (LFPMC) to identify how best to respond to *Reed* and lower court decisions; and

WHEREAS, the Planning Commission received input from the community and held public meetings to consider possible amendments to Chapter 18.52 LFPMC on _____ and _____ 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 _____, 2024; 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 Chapter 18.52 LFPMC on _____, 2023, and _____, 2024; and

WHEREAS, the City Council held a public hearing on _____, 2024, 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 18.52.020 LFPMC, Definitions, as follows:

18.52.020 Definitions

~~A. “Celebration displays” are temporary signs, banners, posters, fluttering devices, balloons, and pennants used solely for the purpose of announcing the opening of a new business, celebration of business anniversaries or announcing major sales. No balloon may exceed three cubic feet. No celebration shall commence prior to the start of the celebration. The notice shall specify the first and last days of the celebration.~~

B. “Awning or canopy sign” means a nonelectric sign that is printed on, painted on, or attached to the vertical surface or flap of an awning or canopy.

C. “Banner” means a sign composed of flexible material, such as fabric, pliable plastic, or other similar nonrigid material, with no enclosing framework or electrical components and that is supported or anchored on two or more edges or at all four corners, or along either one edge or two corners with weights installed that reduce the reaction of the sign to wind.

~~D. “Changing message signs” are signs in which a change of message is made by means of moving or digitally changing monochromatic letters, or numbers, or a combinations thereof. Moving or digitally changing the letters or numbers does not make the sign an “animated sign.”, such as clocks and electronic signs indicating time, date and temperature. No messages other than date, time and/or temperature are permitted on changing message signs.~~

E. “Copy” means the graphic content of a sign surface, including, but not limited to, graphics, letters, numbers, figures, symbols, and trademarks.

F. "Exterior signs" means a wall sign, an awning sign or marquee sign, all of which have copy showing on only one side of the sign.

G. Electronic video signs. Signs that contain electronic video displays similar to or otherwise depicting a television screen.

~~C. "Construction signs" are nonilluminated signs which identify the architects, engineers, planners, contractors or other professional individuals or firms involved with a construction or remodel project or which announce the character or purpose of a project but which do not advertise any product.~~

I. "Illuminated sign" means a sign with an artificial light source incorporated internally or externally for illuminating the sign.

J. "Lawn sign" means a freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchors.

~~E. "Incidental signs" are signs of a noncommercial nature, without advertising, intended primarily for the convenience of the public, that do not exceed a maximum area of two square feet. Incidental signs include:~~

~~F. "Land use notice action signs" are signs notifying the public of proposed site alterations and which are required to be posted.~~

L. "Monument sign" means a freestanding sign having the appearance of a solid base that is 100 percent or greater of the sign face width, made of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete, which are harmonious with the materials of the primary structure on the subject property.

MH. "Off-premises signs" are any permanent sign, such as a billboard, pedestal, pole, monument, or marquee sign which displays a message which is not incidental to the current use of the property on which it is located.

N. "Pedestal sign" means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases shall be of a width equal to or greater than 50 percent of the sign width.

O. "Pole or pylon signs" means freestanding signs supported permanently upon the ground by one or more solid bases, which base or bases are less than 50 percent of the sign width.

P. "Temporary signs" means a sign that is not permanently affixed and that is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles. Temporary signs include, but are not limited to, sandwich board signs, lawn signs, and similar signs.

~~I. "Open house signs" are signs of an A-frame or sandwich-type construction, which may include a real estate company's name and logo and the words "open house" and having a directional symbol, not exceeding six square feet in size.~~

~~K. "Public right-of-way" means a public highway, whether or not dedicated to public use, which is primarily for the movement of vehicles, wheelchair, and pedestrian traffic, and land privately owned and used primarily for the movement of vehicles, wheelchair, and pedestrian traffic, so long as such privately owned land has been constructed in compliance with all applicable laws and standards for a public right-of-way.~~

~~R.L. "Sandwich board signs" are temporary advertising signs constructed of two boards or other flat-surfaced materials hinged or otherwise connected at one end (i.e., A-frame) which may not exceed six square feet per side and may not exceed four feet in height. Balloons, flags, festoons, pennants, and the like may not be attached to any sandwich board sign. Sandwich board signs must be placed on the ground; they cannot be elevated or suspended above the ground.~~

~~M. "Seasonal signs" means reasonable seasonal decorations of a noncommercial nature within an appropriate holiday season or during a festival as long as such seasonal signs are removed promptly at the end of the holiday season or festival.~~

~~T.O. "Sign height" means the vertical distance, from the average level of the undisturbed soil at the base of the sign, measured to the highest point of the sign.~~

~~U.P. "Signs" are any visible communication device, structure or fixture, stationary or mobile, including supporting and component parts, designed to announce, declare, demonstrate, display, or otherwise identify, advertise, or attract the attention of the public which are visible from any right-of-way, using graphics, letters, figures, symbols, trademarks, pennants, moving or fluttering devices, including balloons, or written copy. Flags, Painted wall designs, or patterns which do not represent a product, commodity, service or registered trademark, and which do not identify the user, are not signs. Official notices and informational materials erected and maintained in the discharge of a governmental function are not considered signs for the purposes of this chapter. When calculating sign square footage, the measurement of a sign's dimension shall be only with respect to its physical dimensions and not include the distance it hangs from the ground or the size of its supports. A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure are not considered signs for the purposes of this chapter.~~

~~U. "Temporary sign" means any sign not permanently affixed or attached to the ground or a structure.~~

V. "Wall sign" means a sign applied with paint or similar substance on the surface of a wall, a sign attached essentially parallel to and extending not more than 12 inches from the wall of a building, or a sign attached to a roof gable of a building.

W. "Window signs" mean all signs located inside and affixed to a window and intended to be viewed from the exterior of the structure.

Q. "Special event signs" are signs advertising the occurrence of a community event such as a parade, festival, or community fair. These signs include portable signs, yard signs and portable signs frame on all four corners which is placed upon or attached to a street light pole or utility pole in a manner that does not create a traffic or other safety hazard.

~~Subject to the provisions of this chapter, the city of Lake Forest Park hereby amends section 18.52.030 LFPMP, Illegal signs and removal, as follows:~~

18.52.030 ~~Prohibited~~ legal signs and removal.

A. General prohibition. Any sign not expressly provided for in this chapter shall be ~~prohibited~~ legal. All ~~prohibited~~ legal signs must be removed by the person or entity placing them or by the person, business or entity benefited by the ~~prohibited~~ legal sign. Said persons or entities are also subject to enforcement proceedings under LFPMP 18.52.100. However, the city of Lake Forest Park may remove any ~~prohibited~~ legal sign within right-of-way its jurisdiction. Signs so removed may be released to the sign owner or other responsible person upon payment of a \$25.00 removal fee. Removed signs which are unclaimed after 30 days may be destroyed by the city. Removal of a ~~prohibited~~ legal sign by the city does not relieve the person responsible for paying accrued fines under LFPMP 18.52.100, therefor.

B. Specific prohibitions. Unless otherwise provided for in this chapter, no person shall erect, alter, maintain, or relocate any of the following signs in the City:

1. Any animated sign as defined in LFPMP 18.52.020.

2. Any electronic video signs as defined in LFPMP 18.52.020.

2. Any signs that emit smoke, visible particles, odors, and/or sound, except that sound from speakers in signs on the premises of a drive-through facility shall be allowed.

3. Any sign that is dangerous or confusing to motorists and pedestrians, including any sign that by its color, wording, design, location, or illumination resembles or conflicts with any official traffic control device or that otherwise impedes the safe and efficient flow of traffic.

4. No sign may impede free ingress and egress from any sidewalk, pedestrian walkway, door, window, or exit way required by building and fire regulations.

5. Portable signs on wheels (trailer signs) and outdoor electric portable signs.

6. Signs within public property, public easements or structures, including, but not limited to, medians, roundabouts, sidewalks, utility poles and cabinets, street light poles, traffic poles and signals, and street trees, except as allowed pursuant to LFPMC 18.52.080.

7. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of serving as a sign not otherwise allowed by this chapter.

8. Signs erected, constructed, or structurally altered that are required to have a permit for such action and that were erected, constructed, or altered without obtaining a permit for such action.

9. Off-premises signs.

Section 3. AMEND. The City Council of the City of Lake Forest Park hereby amends section 18.52.040 LFPMC, Exemptions, as follows:

18.52.040 Exemptions from permitting.

A. The following signs and sign related activities are exempt from obtaining a permit pursuant to 18.52.090 LFPMC, except as set forth in LFPMC -Error! Hyperlink reference not valid., and except for signs in the right-of-way, exempt from regulation:

1. Changes to the copy of changeable message signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

2. The normal repair and maintenance of conforming or legal nonconforming signs.

3. Temporary signs with a sign area no greater than three square feet in area per side and no more than four feet in height that remain on the premises for less than 90 days in a one-year period.

4. Any sign on a vehicle, unless such vehicle sign is prohibited pursuant to LFPMC 18.52.030.

~~A. Incidental signs and noncommercial identity signs; provided, that noncommercial identity signs which identify the city or its public parks may be placed in the public right-of-way.~~

~~D. Construction signs; provided, that there may not be more than one construction sign on each public right-of-way upon which the project fronts and not more than two construction signs in total; and provided further, that no construction sign shall exceed 12 square feet in area per side and not more than six feet in height. All construction signs must be removed within one day of initial occupancy or one day of completion of the project; whichever is the last to occur.~~

~~E. Land use action notice signs.~~

~~F. Exterior and interior signs or displays not intended to be visible from streets or public rights-of-way, signs in the interior of a building not facing a window, window displays, and point of purchase advertising displays such as vending machines.~~

~~G. Sculptures, fountains, benches, lighting, mosaics, landscaping and other street furniture which do not incorporate advertising or identification.~~

~~H. Poles erected for the purpose of displaying patriotic flags and such flags.~~

~~J. Traffic and pedestrian signs and signals, signs required by law, street and governmental directional signs, official public notices and governmental flags. Other than as set forth, signs of governmental agencies and facilities, including the city of Lake Forest Park, shall comply with this chapter.~~

~~K. Service, fraternal, religious and similar organizations located in the city may erect signs at their cost at the entrances to the city as follows: there shall be one standard jointly shared by all such subject organizations no higher than 10 feet that shall carry all the signs for each subject organization at each principal arterial entrance, and each subject organization's sign, emblem or symbol shall be no more than two square feet per side in sign area. Placement of such standards must be approved in advance by the city's engineer and by the planning director.~~

Section 4. ADDITION. The City Council of the City of Lake Forest Park hereby add section 18.52.045 LFPMC, Temporary signs, as follows:

18.52.045 Temporary sign.

The following provisions apply to all temporary signs displayed within the City, unless otherwise provided in this chapter:

A. Temporary signs must be placed totally within the site/property pursuant to the requirements of this chapter, except when allowed to be placed within the right-of-way under LFPMC 18.52.080.

B. Temporary signs may be made of any durable material; provided, that the temporary sign otherwise conforms to the requirements of this chapter. A temporary sign may be of rigid or nonrigid construction.

C. Except as otherwise provided for in this chapter, temporary signs are prohibited from being in the following places:

- 1. on a roof of a building or structure,
- 2. on fences,
- 3. any location so as to physically obstruct any door or exit from a building,

4. any location so as to be hazardous to a motorist's or pedestrian's ingress and egress from buildings or parking areas.

5. in the sight-distance triangle, or in any other area which may obstruct the vision of motorists to create a safety hazard.

D Temporary signs shall not be directly or indirectly illuminated.

E. Temporary signs driven into the ground shall be clear of tree roots, irrigation lines and other underground structures that could be damaged.

F. Signs pertaining to an event, occasion, or similar occurrence with a beginning and/or ending date shall be removed within ten (10) calendar days after the ending date.

In all Residential-multifamily and Residential single-family zones, the following sign regulations apply.

A. All residences shall display the postal address of that property. The display may be lighted but not flashing and shall be clearly visible from the public right-of-way. If the display is to be placed upon the residence, the numbers must be no less than four inches in height and of a contrasting color to the residence.

B. Temporary signs are allowed that meet the following criteria:

1. Signs no greater than three square feet in area per side and no more than four feet in height may remain on the premises indefinitely; there may be no more than five such signs on displayed on the premises at one time.

2. Signs larger than allowed in the preceding paragraph, but no greater than six square feet in area per side and not more than four feet in height may remain displayed on the premises for no more than thirty (30) calendar days in any one-year period; and there may be no more than one sign of this size on the premises at any one time.

~~Yard sale signs on private property; provided, that yard sale signs may only be erected one day prior to the first day of the sale and must be removed within 24 hours of the end of the last day of the sale; and provided further, that yard sale signs to be held on any property may not be posted for more than a total of six days per month.~~

C. No home occupation otherwise permitted by this title may erect or post any sign advertising or promoting that home occupation.

D. The following additional signs are permitted in the RM and RS zoned properties zone for nonresidential uses:

1. One Exterior wall sign, marquee sign, or awning sign, lighted or unlighted, ~~nonflashing, on the outside wall of~~ the main building, which shall ~~be flat against the wall and~~ have an area of not greater than 40 square feet.
2. One monument, pole, or pedestal, detached, sign, lighted or unlighted, ~~nonflashing;~~ having an area not greater than 30 square feet per side and a sign height of not more than six feet on which both faces may be utilized. Such signs must be securely mounted on the ground on which they rest. On corner lots, one such sign may be placed facing each street.
3. One changing message sign that is included within one sign allowed by subsection D.1 or D.2 above.

~~F. Churches are permitted to attach readerboard signs to their outside walls and to place sandwichboard type signs on their property on days of service.~~

~~G. For any zone, the city shall determine the square footage of a sign that is painted on or attached directly to a wall, roof, monument, or support column by its sign area as defined herein. Where a sign is limited to square feet, on one or both sides, square footage shall be determined by sign area.~~

Section 6. AMEND. The City Council of the City of Lake Forest Park hereby amends section 18.52.060 LFPMP, Signs permitted in CC and BN zones, as follows:

18.52.060 Signs permitted in CC and BN zones.

In Neighborhood Business (BN) and Corridor Commercial (CC) zones, the following sign regulations apply.

~~A. In BN zones, two single faced or one double faced wall Exterior signs are, marquee sign, pole sign, or pedestal sign painted on the exterior wall, gable or awning, not to exceed 40 square feet, attached to the building by a bracket, business and other signs, and attached to the building by a bracket, business and other signs, and attached to the building by a bracket, business and other signs.~~

B. In the CC zone, for each street or parking lot on which a business fronts, one Exterior a single faced wall sign on the exterior wall, gable or awning fronting e for that business is permitted (Exterior Sign). If the exterior sign is on the exterior wall, its size must be the lesser of: (1) 150 square feet per side; or (2) the greater of that amount in square footage which is a factor of eight tenths (0.8) of that business' linear street or parking lot frontage or 75 square feet per side; provided, that stand-alone buildings in the CC zone are entitled to signs of not more than 75 square feet per side irrespective of linear

frontage; and provided further, that businesses which occupy in excess of 20,000 square feet of space may have a single exterior sign of not more than 250 square feet per side on each street or parking lot frontage. If the exterior sign is on a gable or awning, its size must be less than 40 square feet. Signage entitlements under the foregoing sentence for any frontage may not be counted for entitlement on any other frontage. Businesses that share space must share signage entitlements under this provision.

C. In both CC and BN zones, one monument sign, pole sign or pedestal sign~~freestanding~~, single-faced or one double-faced sign not exceeding 30 square feet in area per side and a sign height not exceeding 20 feet is permitted~~, securely fastened to the ground~~.

D. In both CC and BN zones, one changing message sign is permitted that is included within one sign allowed by subsections A. – C. above.

E. In both CC and BN zones, one temporary sandwich board sign may be placed on the business' property that meet the following criteria: advertising special sale commodities or services and displayed only when the advertised business is open for business.

1. size shall not exceed six square feet in area per side and not more than four feet in height;

2. signs shall remain displayed on the premises for no more than 60 calendar days in a one-year period; and

3. no more than two such sign shall be displayed on the premises at any one time.

F. In both CC and BN zones, signs of any kind in windows viewable from any public right-of-way may not cover more than 50 percent of the window area ~~except for celebration displays~~.

~~G. For automobile service stations, a single freestanding fuel price and fuel brand sign, with a height of sign, pole or pedestal sign not exceeding 20 feet, shall be permitted, provided that the sign shall not be located within 10 feet of the ground, shall not be located within 10 feet of neighboring residential properties or interfere with traffic, traffic signals or traffic signs.~~

~~I. Fluttering signs, including balloons, festoons, pennants and flags (other than official flags of political entities and a single flag identifying the project or owner) of a permanent nature are prohibited. However, in CC zones, celebration displays are permitted for periods of no more than 14 consecutive days and a total of four times a year. Celebration displays must be used at the site of the business and must be removed at the end of the event or 14-consecutive-day period, whichever is shorter.~~

~~J. Off-premises signs are prohibited.~~

amends section 18.52.070 LFPMC, Signs permitted in TC zones, as follows:

18.52.070 Signs permitted in TC zones.

The ~~planned shopping center in the~~ TC zone is a unique and visible community resource ~~and structure~~. It is the city's desire that signs in the ~~planned shopping center in the~~ TC zone be aesthetically pleasing, architecturally cohesive ~~with the planned shopping center in the TC zone and with signs of other tenants in the planned shopping center in the TC zone~~, of superior construction, safe for both pedestrian and vehicular traffic and commercially reasonable.

A. In the TC zone, for each street or parking lot on which a business fronts, one Exterior a single-faced sign on the exterior wall, gable or awning sign fronting ~~of~~ that business is permitted (~~"Exterior Sign"~~). If the exterior sign is on the exterior wall, its size must be the less of (1) 150 square feet per side or (2) the greater of that amount in square footage which is a factor of eight tenths (0.8) of that business' linear street or parking lot frontage or 75 square feet per side; provided, that stand-alone buildings in the TC are entitled to signs of not more than 75 square feet per side irrespective of linear frontage; and provided further, that businesses which occupy in excess of 20,000 square feet of space may have a single exterior sign or not more than 250 square feet per side on each street or parking lot frontage. If the exterior sign is on a gable or awning, its size must be less than 40 square feet. Signage entitlements under the foregoing sentence for any frontage may not be counted for entitlement on any other frontage. Businesses that share space must share signage entitlements under this provision.

B. For businesses that do not front either a right-of-way or parking lot, one Exterior sign per such business shall be allowed. If the exterior sign is on an exterior wall, its size must be seventy-five (75) square feet or less. If the exterior sign is on a gable or awning, its size must be less than forty (40) square feet.

CB. Each business in the TC zone may have nonilluminated projecting signs hanging from the soffits but each such sign must provide a minimum of seven feet of clearance from the underlying walkway to the bottom of the sign and no such sign may exceed five square feet per side.

DC. Each business in the TC zone may have a nonilluminated awning on which may be placed signs for that business so long as the total area of those signs does not exceed 45 percent of the facing of the awning.

ED. Signs of any kind in windows viewable from any public right-of-way may not cover more than 50 percent of the window area ~~except for celebration displays~~.

FE. A ~~planned~~ shopping center in the TC zone may display up to two freestanding ground signs, not in excess of 25 square feet in area per side, identifying the name of the shopping center but not the businesses located therein at Northeast 175th and Ballinger Way Northeast, plus one nonilluminated freestanding ground sign at or near Northeast 175th and Ballinger Way Northeast, not to exceed a sign height of 10 feet and 60 square feet in area per side identifying the businesses located therein, plus a single illuminated or nonilluminated freestanding sign at the main entrance off Bothell Way Northeast, not to exceed a sign height of 30 feet and not more than 300 square feet in area per side, which may include identities of one or more of the businesses located in the shopping center. Any nonilluminated sign permitted in this subsection may, notwithstanding the foregoing, be illuminated by one or more separate light(s) cast on it from the ground below. The ground signs shall be of a style, material and design as are compatible with the associated buildings. All ground signs and support elements are to be integrated into a single design.

GF. Entrances to buildings in the ~~planned shopping center in the~~ TC zone may have a changing message readerboard signs placed on the walls adjacent to the entrance wall or support columns not to exceed 13.5 square feet identifying only the businesses in that building. Such changing message Readerboard signs shall be limited to two per major public entrance.

H. Temporary signs that meet the following criteria are allowed on the premises:

1. a sign does not exceed six square feet in area per side and is not more than four feet in height;

2. signs remain displayed on the premises for no more than 60 days in any one-year period;

3. signs shall only be displayed during the hours the business is open to the general public, but in any event no earlier than dawn and no later than dusk;

4. one temporary sign is allowed per business at each vehicular entrance to the lot on which it is located, or if located in a shopping center, at each vehicular entrance to the shopping center;

5. one temporary sign is allowed per business at each pedestrian entrance adjacent to right-of-way for the lot on which the business is located; or if located in a shopping center, at each pedestrian entrance adjacent to right-of-way for the shopping center;

6. if the number of signs at a vehicular or pedestrian entrance is impeding free movement or causing a safety issue, the City may remove the problematic sign(s) without prior notice to the business owner.

~~G. Signs that are illuminated by flashing lights, including but not limited to, flashing lights, rotating lights, and other lights, are prohibited.~~

~~H. All signs permitted by this section shall be nonflashing, with no movement or simulated movement, except for changing message signs, and shall be located as not to produce glare on neighboring residential properties or interfere with traffic, traffic signals or traffic signs.~~

~~I. Fluttering signs, including balloons, festoons, pennants and flags (other than official flags of political entities of a permanent nature) are prohibited. However, celebration displays are permitted for periods of no more than 14 consecutive days and a total of four times a year. Celebration displays must be used at the site of the shopping center and must be removed at the end of the event or 14 consecutive-day period, whichever is shorter.~~

~~J. Off-premises signs are prohibited~~

~~K. Temporary sandwich board signs relating to a farmer's market may be permitted for a period not to exceed the operation of the farmer's market, subject to the following requirements:~~

~~4. Signs may not block sidewalks or driveways, impede pedestrian or vehicular traffic, or create a hazard to traffic, such as, but not limited to, impeding visibility of oncoming traffic.~~

~~L. Streetlight banners may be permitted upon the private light poles within the TC town center zone. Such streetlight banners may not be used to advertise individual businesses, but may be used year-round to highlight seasonal events such a farmer's market, holiday seasons or other special events within the town center zone are subject to compliance with the following requirements:~~

1. Banners may be mounted on a total of 25 streetlight poles;

2. Two banners may be mounted on each pole and each banner must not exceed the dimensions of two feet by four feet;

3. All banners must be the same size, thematically consistent, and mounted in identical configurations;

4. Banners shall be installed with the bottom of the banner a minimum of 10 feet above the ground;

5. A banner permit may remain valid as long as the locations and the specifications of the banners and the mounting systems do not change, and so long as the banners are maintained in good condition;

6. Application requirements for a banner permit include:

a. Information on the design and construction of the mounting system including any engineering calculations demonstrating the mounting system will support the banner;

b. Identification of the location of the private light poles on which the banners will be placed; and

~~As the ordinance is being submitted for change, it is proposed to be amended as follows:~~

Section 8. ADDITION. The City Council of the City of Lake Forest Park hereby adds section 18.52.075 LFPMC, Signs in Southern Gateway zones.

18.52.075 Signs in Southern Gateway zones.

A. Signs in the Southern Gateway – Single-family residential zone are governed by this chapter and specifically LFPMC 18.52.050 for RM and RS zones.

B. Signs in the Southern Gateway - Corridor zone and Transition zone are governed by this chapter and specifically LFPMC 18.52.070 for the TC zone, as well as the southern gateway – corridor and transition zones design guidelines. In the event of a conflict, the design guidelines shall govern.

Section 9. AMEND. The City Council of the City of Lake Forest Park hereby amends section 18.52.080 LFPMC, Signs in the public right-of-way, as follows:

18.52.080 Signs in the public right-of-way.

~~A. The following signs are permitted in the public right-of-way, except as prohibited in 18.52.030, in Lake Forest Park upon making application for a permit to the planning director; provided, that no sign in a public right-of-way shall create a traffic or other safety hazard; and temporary signs are permitted upon meeting the following conditions:~~

- ~~1. signs shall not be placed in medians, traffic islands, roundabouts, or other areas within the roadway;~~
- ~~2. signs shall not be placed on a sidewalk or obstruct pedestrian or wheelchair access to the sidewalk;~~
- ~~3. on right-of-way that only have a shoulder and do not have a sidewalk, signs must be placed so that they do not interfere with pedestrian, wheelchair, bicycle access, or in any other manner that is unsafe for all users;~~
- ~~4. signs shall be placed entirely outside of the sight-distance-triangle of a right-of-way corner, curb-cut, or drive entrance and where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway;~~
- ~~5. signs shall remain unanchored in any way to trees or to public property including, but not limited to, utility or light poles, utility boxes, street signs, parking meters, fences, or pavement;~~
- ~~6. no more than six (6) signs may be displayed city-wide in the right-of-way for the same event, occasion, or purpose, or by the same entity, at any one time;~~
- ~~7. A sign exempt from permitting by section 18.040 LFPMC because it is no greater than three square feet in area per side and no more than four feet in~~

height shall be displayed for thirty (30) days or less in any one-year period, unless a permit is obtained.

8. A sign allowed by permit may not exceed six (6) square feet in area per side and not more than four (4) feet in height, and shall be displayed for sixty days (60) days or less in any one-year period.

~~B. The following signs are permitted in the public right-of-way in Lake Forest Park without a permit being required:~~

~~1. Yard Sale Signs. A maximum of two yard sale signs may be posted for a maximum of two days prior to the event's commencement and upon such other conditions as may be imposed by the planning director. Yard sale signs shall be removed within 24 hours of the termination of the yard sale.~~

~~C. Signs shall not be located in the right-of-way or placed upon or in any way attached to any street or traffic control sign or utility pole in such a manner as to create a traffic or other safety hazard.~~

~~B.D. Signs are not permitted on other city-owned property or property leased by the city for public purposes such as public parks, trails, open space, or other public space, except those signs placed by the City, which signs shall only display noncommercial copy, without the permission of the city.~~

Section 10. AMEND. The City Council of the City of Lake Forest Park hereby amends section 18.52.090, Permit application and fee.

18.52.090 Permit application and fees.

A. Except as provided in the chapter, no person shall erect, alter, or relocate any sign without first receiving an approved sign permit from the City pursuant to the requirements herein. All applications for issuance of permits required by this chapter shall be made to the planning director on forms furnished for that purpose and shall be accompanied by the required fee. The applicable fee shall be as provided in the city's fee schedule. ~~The application shall include the applicant's full name, address, signature, location of the signs, types of goods proposed to be sold if applicable, duration of sale if applicable, together with such other information as the planning director deems appropriate.~~

B. The review and approval of sign permits is a ministerial administrative decision pursuant to Chapter 16.26 LFPMC, as amended.

C. Application Form.

1. Owner permission. If the applicant is not the property owner, then the property owner must be identified and the application must include an affidavit from the property owner, verifying that the property owner has given permission to the applicant for the submission of the sign permit application and for the installation/posting of the sign on the property owner's property.

2. Building Elevation/Site Plan. Signs proposed to be mounted on a building require a building elevation drawn to scale that specifies the location of the sign and drawings or photographs that show the scale of the sign in context with the building. Freestanding signs require a site plan indicating the proposed sign location as it relates to property lines, adjacent streets, and adjacent buildings.

3. Scaled Design Drawing. A colored rendering or scaled drawing, including dimensions of all sign faces, and descriptions of materials to be used, including color samples.

4. Scaled Installation Drawing. A scaled drawing that includes the sign description, proposed materials, size, weight, a manner of construction, and method of attachment, including all hardware necessary for proper sign installation.

5. Lighting. A drawing indicating the location and fixture type of all exterior lighting for the proposed sign. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards in this chapter.

6. Expiration of Permit. A permanent sign approved under a permanent sign permit must be installed within 180 days of issuance of the permit or the sign permit will expire. No sign may be erected if a sign permit has expired.

Section 11. AMEND. The City Council of the City of Lake Forest Park hereby amends section 18.52.100, Violations, as follows:

18.52.100 Enforcement Violations.

A violation of LFPMC 18.52.080 shall be an infraction subject to a fine of \$100.00 a day or portion thereof, \$25.00 a day or portion thereof, and subject to code enforcement pursuant to Chapter 1.25 LFPMC.

Section 12. 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 13. 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 14. 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:

DRAFT



CITY OF LAKE FOREST PARK CITY COUNCIL AGENDA COVER SHEET

Meeting Date April 22, 2024

Originating Department Executive

Contact Person Phillip Hill, City Administrator
Kim Adams Pratt, City Attorney

Title Ordinance 24-1291/Creating a new chapter in the Lake Forest Park Municipal Code relating to the acceptance of donations

Legislative History

- First Presentation – April 22, 2024 Committee of the Whole

Attachments:

1. Ordinance 24-1291/Adopting a new chapter in the Lake Forest Park Municipal Code “Acceptance of Donations”

Executive Summary

The mayor and council have expressed interest in adopting policies and procedures to allow for the city to receive donations. Local governments in Washington State are allowed to receive donations per RCW 35.21.100, which states:

Every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose.

Included is a draft ordinance for council discussion.

Background

Currently there is not a mechanism allowing the City of Lake Forest Park to accept donations. Over the past few years members of the public have desired to donate to the police department. To accept these donations, they have been made to an outside non-profit police foundation on behalf of the police department.

Adopting a policy by which the city can accept all forms of donations intended specifically to benefit the city will provide for an easy to understand and accessible process. The draft ordinance sets limitations on donations that may be accepted by the mayor or designee, those to be considered for acceptance by city council, and provides a general structure for assessing whether the proposed donation is consistent with city adopted plans and visions, and assessing costs associated with ownership, prioritization of city resources, and any terms or restrictions on the donation.

Allowed donations, including those to support the city in a declared local emergency, and Prohibited Donations are also outlined in the proposed ordinance.

Fiscal & Policy Implications

Fiscal implications would be considered as part of the proposed donation assessment, such as operations and maintenance associated with real property donations.

Section 2 directs the Finance Director to establish accounting procedures to carry out the terms of the chapter.

Alternatives

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"> Adopt policies and procedures allowing for donations to the city. 	<p>The administration will create the necessary forms and procedures to support donations to the city.</p>
<ul style="list-style-type: none"> Do not adopt policies and procedures allowing for donations to the city. 	<p>Donations to the police department will be allowed through the outside police foundation and all others require separate ordinances for each donation.</p>

Staff Recommendation

Discuss and provide the administration with requested changes/additions for consideration at a future council meeting.

ORDINANCE NO. 24-1291

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, RELATING TO THE ACCEPTANCE OF DONATIONS BY THE CITY OF LAKE FOREST PARK; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park (the "City") is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the City has been and may continue to be approached by private citizens, business groups, or other private organizations desiring to make donations to the City for public purposes; and

WHEREAS, the City Council desires to adopt this ordinance to establish the policies and procedures of the City to accept money or non-monetary donations, devises, or bequests.

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

Section 1. ADOPTION. A new chapter XXXX Lake Forest Park Municipal Code is created "Acceptance of Donations" as follows:

XXXX Purpose.

The purpose of this chapter is to establish policies and procedures for acceptance of donations by the City of Lake Forest Park. The City Council finds it prudent to adopt such policies and procedures to direct the administration in instances where an individual or entity wishes to make a donation to the City for public purposes.

XXXX Definitions.

The following definitions shall apply to this chapter:

“Conflict of Interest” means an action that, if taken by a City officer or employee, would violate a local, state, federal, or professional code of ethics applicable to that City officer or employee

"Donation" refers to any money or property, real or personal, donated, devised, or bequeathed, with or without restriction, to the City of Lake Forest Park. As used in this chapter, the term "donation" does not refer to any money or property, real or personal that may be reasonably classified as a grant.

“Donation Agreement” means the legal instrument, in a form approved by the City Attorney, that sets out the terms and conditions of the donation and is executed by the authorized representatives of the City and of the Donor.

“Financial Asset” means stocks, bonds, and assets readily convertible into Cash, such as a marketable security, a note, an account receivable, and cryptocurrency.

“Monetary Donation” means the official legal tender of a sovereign nation state, checks, and money orders.

“Personal Property” means any movable or intangible thing that is subject to ownership and is not Real Property. For the purposes of this Chapter, “Personal Property” does not include Monetary donation or Financial Assets.

“Real Property” means land, and anything growing on, attached to, or erected on it, excluding anything that may be easily severed without injury to the land.

XXXX Acceptance of Donations

A. Limitation on Acceptance of Donations. The City may accept and use donations only for purposes related to those powers granted to the City by law. All donations to the City that are accompanied by any contingency, term, or condition on the use by the City of such donation that is inconsistent with this chapter, contrary to law, or inconsistent with the policies, plans, goals, or any other ordinance of the City shall be declined by the City. Subject to this limitation, the following apply to the acceptance of donations:

1. Monetary Donations under \$10,000. The Mayor or designee is authorized to accept any monetary donation under \$10,000 to the City, and to abide by any terms or conditions of the donation. If no terms or conditions are attached to the donation the City may expend or use the same for any public purpose consistent with this chapter. Such donations shall be reported to the City Council at the first regular meeting following acceptance.

2. Monetary Donations of \$10,000 or Greater. Any monetary donation of \$10,000 or greater shall be approved by the City Council before acceptance. Upon such approval by the City Council, the Mayor or designee is authorized to accept such monetary donation to the City, and to abide by any terms or conditions of the donation.

If no terms or conditions are attached to the donation the City may expend or use the same for any public purpose consistent with this chapter.

3. Personal Property Donations Directly Supporting City Events or Community Activities. The Mayor or designee is authorized to accept personal property donations that support specific city events and other community activities.

4. Other Personal Property Donations. The Mayor or designee will assess the utility to the City and value of personal property donations offered to the City (other than in subpart 3. Above).

a. If the estimated value of the donation is less than \$10,000, the Mayor or designee is authorized to accept such donations. Such donations shall be reported to the City Council at the first regular meeting following acceptance.

b. If the estimated value of the donation is \$10,000 or greater, the Mayor or designee is authorized to accept such donation upon approval by the City Council.

5. Real Property Donations. The Mayor or designee will evaluate the proposed donation for consistency with City adopted plans and visions, costs associated with ownership, prioritization of City resources, and any terms or restrictions on the donation. The donation shall be presented to the City Council for evaluation and a decision whether to accept the donation. If the donation is accepted by the City Council, the Mayor is authorized to execute all legal instruments necessary to effectuate acceptance of the donation and the transfer of the real property to the City.

A. The City shall not take possession of any Donation until it has been accepted and a Donation Agreement has been fully executed by the Donor and the City officer or employee authorized to accept the Donation.

XXXX Emergencies.

A. Where a proclamation of local emergency has been declared pursuant to Chapter 8.15 LFPMC, the Mayor is authorized to accept any donation that may reasonably aid the City in responding to the emergency.

B. The authority granted to the Mayor under this section shall expire when the proclamation of local emergency is lifted.

XXXX Prohibited Donations.

The City shall not accept Donations from following categories of donors or donations:

A. Candidates, as defined by RCW 42.17A.005;

B. Political Committees, as defined by RCW 42.17A.005;

- C. An individual or entity with a pending application for a permit or approval by the City;
- D. An individual or entity that has submitted a bid, proposal, or quote to the City and no decision to award a contract for the advertised work has been made;
- E. An individual or entity that has a matter pending before the City’s Hearing Examiner; and
- F. An individual or entity that is in active litigation with the City.
- G. Where acceptance of the donation would constitute a conflict of interest.

XXXX Procedure for Acceptance of Donation.

- A. All donations shall be offered in writing to the City and directed to the Mayor or designee. The City shall not take possession of any Donation until it has been accepted and a Donation Agreement has been fully executed by the Donor and the City officer or employee authorized to accept the Donation.
- B. If a donation is not approved or accepted by the City, but the City is in receipt of same, the donation shall be immediately returned to the private citizen, business group, or private organization attempting to make such donation in a manner that properly documents the return of such donation by the City.

Section 2 ACCOUNTING PROCEDURES. The Finance Director is directed to establish accounting procedures as may be necessary to carry out the terms of this chapter, in accordance with all applicable laws of the State of Washington and requirements of the Office of the State Auditor.

Section 3. 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 4. 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 5. 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 XXth day of XXXX, 2024

APPROVED:

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced:
Adopted:
Posted:
Published:
Effective:

DRAFT